

**SENATE JOURNAL
57TH LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana
April 11, 2001

Senate Chambers
State Capitol

Senate convened at 10:00 a.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

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

Miller, Chairman

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills **not** concurred in: 4/10/2001

HB 632, introduced by D. Mood

HB 646, introduced by Golie

House bill passed and transmitted to the Senate for concurrence: 4/10/2001

HB 14, introduced by McCann

Conference Committee appointed:

HB 119 - The House failed to concur in Senate amendments to **HB 119**, 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 119**:

4/10/2001

Representative Shockley, Vice Chairman

Representative Newman

Representative Noennig

Free Conference Committees appointed:

SB 327 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free Conference Committee** to meet with a like committee from the Senate to confer on **SB 327**:

4/10/2001

Representative Sliter, Vice Chairman

Representative Brueggeman

Representative Lindeen

SB 441 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free Conference Committee** to meet with a like committee from the Senate to confer on **SB 441**:

4/10/2001

Representative Laible, Vice Chairman

Representative Price

Representative Matthews

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SB 390 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free Conference Committee** to meet with a like committee from the Senate to confer on **SB 390**:

4/10/2001

Representative Lawson, Vice Chairman
Representative Somerville
Representative Galvin-Halcro

HB 146 - The House **dissolved** the Conference Committee on Senate amendments to **HB 146**, and authorized the Speaker to appoint the following **Free Conference Committee** to confer on **HB 146**:

4/10/2001

Representative Shockley, Vice Chairman
Representative Wolery
Representative Callahan

MOTIONS

HB 473 - Senator Thomas moved that consideration of **HB 473**, **Free Conference Committee** be taken from second reading and rereferred back to the Free Conference Committee. Motion carried.

SB 176, House Amendments - Senator Thomas moved that consideration of House Amendments to **SB 176** be passed for the day. Motion carried.

HB 572 - Senator Thomas moved that the Conference Committee on HB 572 be **dissolved** and that the President be authorized to appoint a **Free Conference Committee** on **HB 572** to meet with a like committee from the House on HB 572. Motion carried. The President appointed the following members:

Senator Crismore, Chairman
Senator Grosfield
Senator Shea

HB 14 - Senator Thomas moved that the rules of the Senate be suspended to allow late acceptance of **HB 14** from the House. Motion carried as follows:

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

Total 47

Nays: Cobb, Elliott.

Total 2

Absent or not voting: None.

Total 0

Excused: Taylor.

Total 1

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Senator Taylor present at this time.

HB 57 - Senator Johnson moved that **HB 57** be taken from the table in the committee on Finance, printed and placed on second reading. Motion carried as follows:

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

Total 41

Nays: Glaser, Holden, Keenan, McNutt, Miller, Mohl, O'Neil, Stapleton, Wells.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 14, introduced by McCann (by request of the Governor), referred to Finance.

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

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

Total 49

Nays: Johnson.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 135, Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, 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, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 326, as amended by the House, passed as follows:

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

Nays: Ekegren, Grimes, Jergeson, Miller, Roush.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 489, as amended by the House, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, 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, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: Miller.
Total 1

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

SB 495, as amended by the House, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: Johnson, Keenan.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 69, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, 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, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 121, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Toole, Wells, Zook, Mr. President.
Total 33

Nays: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Keenan, Kitzenberg, Miller, Pease, Ryan, Stonington, Tester, Waterman.
Total 17

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

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

Yeas: Berry, Bohlinger, Christiaens, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Zook, Mr. President.
Total 38

Nays: Bishop, Butcher, Cobb, Cocchiarella, Holden, Keenan, Kitzenberg, Miller, Mohl, Stapleton, Waterman, Wells.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 142, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, 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, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: Miller.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 226, as amended by the Senate, concurred in as follows:

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

Nays: Cobb, Keenan, Mohl, Waterman, Mr. President.

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Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 474, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 30

Nays: Bishop, Christiaens, Cobb, Doherty, Ellingson, Elliott, Franklin, Harrington, Holden, Jergeson, Johnson, Miller, O'Neil, Pease, Roush, Ryan, Stonington, Tester, Toole, Waterman.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 625, as amended by the Senate, concurred in as follows:

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

Total 45

Nays: Keenan, Miller, Mohl, Waterman, Wells.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 2, as amended by the Senate, concurred in as follows:

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

Total 31

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Nays: Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, Mohl, Nelson, Pease, Roush, Ryan, Stonington, Tester, Toole, Waterman.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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

Session I

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

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

HB 266 - Conference Committee Report No. 1 - Senator K. Miller moved the Conference Committee report to **HB 266** be adopted. After discussion, Senator Grosfield made a **substitute motion** that the Conference Committee Report No. 1 on **HB 266** be **not** adopted. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Harrington, Holden, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 36

Nays: Bishop, Butcher, Cole, Crismore, DePratu, Glaser, Hargrove, Keenan, Miller, O'Neil, Sprague, Stapleton, Taylor, Wells.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 118 - Conference Committee Report No. 1 - Senator Grosfield moved the Conference Committee report to **HB 118** be adopted. Motion carried with Senator Toole voting nay.

SB 423 - Conference Committee Report No. 1 - Senator J. Wells moved the Conference Committee report to **SB 423** be adopted. Motion carried unanimously.

HB 559 - Conference Committee Report No. 1 - Senator K. Miller moved the Conference Committee report to **HB 559** be adopted. Motion **failed** as follows:

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Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Ekegren, Glaser, Hargrove, Holden, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Waterman, Wells, Zook.

Total 18

Nays: Bishop, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Grosfield, Halligan, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Nelson, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Toole, Mr. President.

Total 28

Absent or not voting: Grimes, McCarthy, Tester, Thomas.

Total 4

Excused: None.

Total 0

HB 559 - Conference Committee Report No. 1 - Senator Doherty moved the Conference Committee report to **HB 559** be **not** adopted. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grosfield, Halligan, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, Mohl, Nelson, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Tester, Toole, Waterman, Mr. President.

Total 36

Nays: Cobb, Ekegren, Hargrove, Holden, Keenan, McNutt, Miller, O'Neil, Sprague, Wells, Zook.

Total 11

Absent or not voting: Grimes, Taylor, Thomas.

Total 3

Excused: None.

Total 0

HB 637 - Senator Cobb moved **HB 637**, second reading copy, be amended as follows :

1. Page 4, line 18.

Strike: "\$100,000"

Insert: "\$400,000"

Amendment **adopted** as follows:

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

Total 31

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Holden, Johnson, Keenan, McNutt, Miller, Mohl, O'Neil, Sprague, Taylor, Wells, Zook.

Total 17

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Absent or not voting: Tester, Thomas.
Total 2

Excused: None.
Total 0

HB 637 - Senator Halligan moved **HB 637**, second reading copy, be further amended as follows :

1. Page 1, line 30.

Following: "community-based"

Insert: ", including faith-based,"

Amendment **adopted** unanimously.

HB 637 - Senator Cobb moved **HB 637**, as amended, be concurred in. After discussion, the committee reverted to the body of the bill for further amendment.

HB 637 - Senator Grosfield moved **HB 637**, second reading copy, be further amended as follows:

1. Page 3, line 2.

Following: "~~FEDERAL~~,"

Insert: "federal,"

2. Page 3, line 2.

Following: "STATE₂"

Insert: ", "

Amendment **adopted** unanimously.

HB 637 - Senator Cobb's motion that **HB 637**, as amended, be concurred in carried as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Tester, Toole, Waterman, Mr. President.

Total 31

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Glaser, Holden, Johnson, Keenan, McNutt, Miller, O'Neil, Stapleton, Taylor, Thomas, Wells, Zook.

Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Thomas moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Stonington moved the Committee of the Whole report

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be adopted. Report adopted unanimously.

MOTIONS

HB 637 - Majority Leader Thomas moved that Senate rule 50-170 be temporarily suspended to allow **HB 637** to be placed on the third reading board this legislative day. Motion carried as follows:

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

Total 42

Nays: Butcher, Holden, Keenan, Miller, Wells.

Total 5

Absent or not voting: Bohlinger, Ekegren, Mr. President.

Total 3

Excused: None.

Total 0

MOTIONS

Majority Leader Thomas moved that the Senate stand in recess until the hour of 3:00 p.m. Motion carried.

Senate recessed at 12:17 p.m.

Senate reconvened at 3:03 p.m.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

4/11/2001

Correctly printed: SJR 21, SJR 22, HB 69, HB 474, HJR 2.

Correctly engrossed: HB 121, HB 124.

Signed by the Speaker at 4:10 p.m., April 10, 2001: SB 288, SB 293, SB 298, SB 304, SB 309, SB 310, SB 311, SB 318, SB 319, SB 328.

Signed by the Speaker at 6:15 p.m., April 10, 2001: SB 169, SB 171, SB 181, SB 218, SB 236, SB 237, SB 253, SB 261, SB 265, SB 286, SJR 6, SJR 8, SJR 10.

Signed by the President at 7:50 p.m., April 10, 2001: SB 333, SB 355, SJR 12.

Signed by the Secretary of Senate at 11:00 a.m., April 11, 2001: SB 330, SB 354, SB 356, SB 359, SB 375, SB 377, SB 378, SB 397.

Signed by the Secretary of Senate at 5:10 p.m., April 11, 2001: SB 169, SB 171, SB 181, SB 218, SB 236, SB 237, SB 253, SB 261, SB 265, SB 286, SJR 6, SJR 8, SJR 10.

Delivered to the Governor for approval at 1:30 p.m., April 11, 2001: SB 31, SB 89, SB 94, SB 108, SB 116, SB 128, SB 145, SB 147, SB 163, SB 182, SB 226, SB 256, SB 262, SB 274, SB 279, SB 282, SB 380, SB 387, SB

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405, SB 420, SB 426, SB 428, SB 431, SB 433, SB 436, SB 438, SB 440, SB 442, SB 443, SB 479.
Delivered to the Secretary of State at 1:55 p.m., April 11, 2001: SJR 9, SR 22.

JUDICIARY (Grosfield, Chairman):
HJR 39, be amended as follows:

4/11/2001

1. Page 2, line 4.

Following: "obsolete"

Strike: " 2 "

Insert: "or"

Following: "INCONSISTENT"

Strike: ", OR UNCONSTITUTIONAL OFFENSES,"

Following: "SENTENCES"

Strike: " 2 "

Following: "RELATED"

Strike: "MATERIAL"

Insert: "procedures"

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

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **Senate Bill 242**

Report No. 1, April 11, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 242** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 242** (reference copy – salmon) be accepted by the Senate.

For the Senate:

Mahlum, Chairman
O'Neil
Toole (Unsigned)

For the House:

Haines, Chairman
Bookout-Reinicke
Tropila (Unsigned)

FREE CONFERENCE COMMITTEE

on **Senate Bill 327**

Report No. 1, April 11, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 327** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

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And, recommend that **Senate Bill 327** (reference copy – salmon) be accepted by the Senate.

For the Senate:

Taylor, Chairman
Stapleton
Doherty

For the House:

Sliter, Vice Chairman
Lindeen
Brueggeman

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 348**
Report No. 1, April 10, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 348** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 348** (reference copy – salmon) be amended further as follows:

1. Page 2, line 23.

Strike: "(3)"

Insert: "(2)"

2. Page 3, line 16 through line 17.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

For the Senate:

Berry, Chairman
Elliott
DePratu

For the House:

Laszloffy, Vice Chairman
Somerville
P. Clark

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 429**
Report No.1, April 11, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 429** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 429** (reference copy – salmon) be accepted by the Senate.

For the Senate:

K. Miller, Chairman

For the House:

Fuchs, Chairman

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Sprague
Tester

Himmelberger
Forrester

MESSAGES FROM THE GOVERNOR

April 11, 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 117** sponsored by Senator Tester on April 11, 2001.

Sincerely,
JUDY MARTZ
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

4/10/2001

SB 46, introduced by Bishop
SB 162, introduced by Grosfield
SB 240, introduced by McNutt
SB 280, introduced by McNutt
SB 317, introduced by Ellis
SB 501, introduced by Grosfield
SB 519, introduced by Roush

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

4/10/2001

SB 129, introduced by Berry
SB 258, introduced by Bohlinger
SB 264, introduced by Waterman
SB 303, introduced by Hargrove
SB 346, introduced by Cobb
SB 350, introduced by Ellingson
SB 483, introduced by Christiaens
SB 506, introduced by Cobb
SB 508, introduced by Cole
SB 510, introduced by Stapleton

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

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SB 19, introduced by Halligan
SB 65, introduced by Ellis
SB 134, introduced by K. Miller
SB 263, introduced by Mahlum
SB 281, introduced by Mahlum
SB 386, introduced by Waterman
SB 393, introduced by F. Thomas
SB 484, introduced by Beck
SB 494, introduced by Cobb
SB 505, introduced by Taylor
SB 512, introduced by Halligan
SB 521, introduced by Doherty

Senate bills concurred in and returned to the Senate: 4/11/2001

SB 344, introduced by Cobb
SB 368, introduced by Shea

Senate amendments to House bills concurred in: 4/11/2001

HB 46, introduced by Dale
HB 125, introduced by C. Younkin
HB 156, introduced by Matthews
HB 166, introduced by Lee
HB 210, introduced by Ripley
HB 317, introduced by K. Peterson
HB 349, introduced by Haines
HB 434, introduced by Schrupf

April 11, 2001

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

Mr. President:

I am directed by the House of Representatives to inform the Senate that the Governor's Amendments to House Bill 399, "Revise deposit of liquor license fees - time for publication of license notice" introduced by Representative McKenney, were concurred in on April 11, 2001.

Sincerely,
MARILYN MILLER
Chief Clerk

April 11, 2001

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

Mr. President:

I am directed by the House of Representatives to inform the Senate that the Governor's Amendments to House Bill 500 "Revise certain provisions of Little Davis-Bacon Act" introduced by Representative Wanzenried were concurred in on April 11, 2001.

Sincerely,
MARILYN MILLER
Chief Clerk

MOTIONS

HB 119 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** on **HB 119** to meet with a like committee from the House to confer on Senate Amendments to **HB 119**. Motion carried. The President appointed the following members:

Senator McNutt, Chairman
Senator Wells
Senator Shea

HB 216 - Majority Leader Thomas moved that the Conference Committee on **HB 216** be **dissolved** and that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House on **HB 216**. Motion carried. The President appointed the following members:

Senator Holden, Chairman
Senator Stapleton
Senator Harrington

FIRST READING AND COMMITMENT OF BILLS

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

SR 23, introduced by Hargrove (by request of the Senate State Administration Standing Committee), referred to State Administration.

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:

HB 637, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ekegren, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Sprague,

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Stonington, Tash, Tester, Toole, Waterman, Zook, Mr. President.
Total 30

Nays: Bishop, Butcher, Cole, Crismore, DePratu, Glaser, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, O'Neil, Stapleton, Taylor, Thomas, Wells.
Total 18

Absent or not voting: None.
Total 0

Excused: Ellingson, Elliott.
Total 2

**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 Stonington in the chair.

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

SB 151 - Free Conference Committee Report No. 1 - Senator Mahlum moved the Free Conference Committee report to **SB 151** be adopted. Motion carried unanimously.

SB 179 - House Amendments - Senator Zook moved House amendments to **SB 179** be concurred in. Motion carried unanimously.

SB 185 - Free Conference Committee Report No. 1 - Senator Cobb moved the Free Conference Committee report to **SB 185** be adopted. Motion carried unanimously.

SB 191 - House Amendments - Senator DePratu moved House amendments to **SB 191** be concurred in. Motion carried unanimously.

SB 196 - Free Conference Committee Report No. 1 - Senator Tester moved the Free Conference Committee report to **SB 196** be **not** adopted. Motion carried unanimously.

SB 283 - Conference Committee Report No. 1 - Senator Waterman moved the Conference Committee report to **SB 283** be adopted. Motion carried unanimously.

SB 315 - House Amendments - Senator Franklin moved House amendments to **SB 315** be concurred in. Motion carried unanimously.

SB 322 - House Amendments - Senator Shea moved House amendments to **SB 322** be **not** concurred in. Motion carried unanimously.

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SB 427 - Conference Committee Report No. 1 - Senator R. Johnson moved the Conference Committee report to **SB 427** be adopted. Motion carried unanimously.

SB 432 - Conference Committee Report No. 1 - Senator Stapleton moved the Conference Committee report to **SB 432** be adopted. After discussion, Senator Jergeson made a **substitute motion** that the Conference Committee Report on SB 432 be **not adopted**. Motion carried as follows:

Yeas: Christiaens, Cobb, Cocchiarella, Cole, Doherty, Ellingson, Elliott, Franklin, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Stonington, Taylor, Tester, Thomas, Toole, Waterman.

Total 30

Nays: Berry, Bishop, Bohlinger, Butcher, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Holden, Kitzenberg, Miller, Sprague, Stapleton, Tash, Wells, Zook, Mr. President.

Total 19

Absent or not voting: Ryan.

Total 1

Excused: None.

Total 0

The Committee stood at ease to honor Senator McCarthy and Senator Bishop for their birthdays occurring this month.
The Senate resumed.

SB 445 - House Amendments - Senator Taylor moved House amendments to **SB 445** be concurred in. Motion carried as follows:

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

Total 27

Nays: Bishop, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Grosfield, Halligan, Harrington, Jergeson, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Roush excused at this time to attend Conference Committee.

SJR 21 - Senator Grosfield moved **SJR 21**, second reading copy, be amended as follows :

1. Page 2, line 13.

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Following: the first "land"
Insert: "and other property"

2. Page 2, line 16.

Following: "land"
Insert: "and whether that may lead to corresponding impacts on traditional local economies"

3. Page 2, line 18.

Strike: "and"

4. Page 2, line 19.

Strike: "evaluate"
Insert: "an evaluation of"

5. Page 2, line 21.

Following: "land"

Insert: "; and

"(9) an evaluation of whether agricultural income thresholds are appropriately used to substantiate agricultural use of rural land and an investigation of alternative methods that may be more appropriate or accurate"

Amendment. **adopted** unanimously

SJR 21 - Senator Grosfield moved **SJR 21**, as amended, be adopted. Motion carried unanimously.

HB 57 - Senator R. Johnson moved **HB 57** be concurred in. Motion carried as follows:

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

Total 42

Nays: Holden, Keenan, Miller, Mohl, O'Neil, Stapleton, Wells.

Total 7

Absent or not voting: None.

Total 0

Excused: Roush.

Total 1

SB 348 - Conference Committee Report No. 1 - Senator Elliott moved the Conference Committee report to **SB 348** be adopted. Motion carried unanimously.

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

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REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on Senate Bill 437

Report No. 1, April 11, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 437** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 437** (reference copy – salmon) be amended as follows:

1. Title, line 11.

Following: "LICENSES;"

Insert: "PROVIDING FOR THE ISSUANCE OF COMPLIMENTARY ELK PERMITS TO CERTAIN LANDOWNERS WHO CONTRACT TO PROVIDE PUBLIC HUNTING ACCESS; SETTING THE TERMS AND CONDITIONS OF THE PERMITS; REQUIRING A REPORT TO THE LEGISLATURE REGARDING USE OF THE LICENSES AND PERMITS;"

2. Page 4.

Following: line 17

Insert: "(7) The department shall report to the 58th legislature the number of hunting days used and licenses issued pursuant to this section in each administrative region."

3. Page 4, line 18.

Insert: "NEW SECTION. Section 2. Complimentary elk permit for landowner contracting to provide hunting access -- terms and conditions. (1) The department, through the commission, may issue for wildlife management purposes one complimentary, nontransferable antlerless or either-sex elk permit to a person who:

(a) owns, is contracting to purchase, or is leasing for agricultural purposes at least 1,800 acres or more of privately owned land, some of which is used by elk, and who claimed at least \$5,000 in gross income for agricultural purposes on an appropriate internal revenue service form for the most recent year; and

(b) enters into a contractual public hunting access agreement with the department.

(2) A permit issued pursuant to subsection (1) is valid only in the hunting districts containing land that qualified the landowner to receive the permit.

(3) A permit issued pursuant to subsection (1) may be issued to:

(a) the qualifying landowner or lessee;

(b) a designated family member; or

(c) a bona fide employee of the qualifying landowner who pays taxes on farm or ranch employment income.

(4) A person who is issued a permit pursuant to subsection (1) is ineligible to participate in any other special drawing for an elk license or permit during that license year.

(5) As used in this section:

(a) "appropriate internal revenue service form" means the internal revenue service form necessary for an individual, partnership, or corporation to claim tax consideration for income that is considered agricultural income for tax purposes; and

(b) "contractual public hunting access agreement" means a signed agreement between the department and a

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landowner

specifying how public hunting access will be administered on property owned by or under the legal control of the landowner.

The agreement may include but is not limited to designation of:

- (i) the number of hunters and hunting days;
- (ii) time periods of allowable public hunting;
- (iii) property on which public hunting will be allowed;
- (iv) the manner in which public hunters will be allowed access to the property; and
- (v) rules explaining how hunting activities will be controlled or regulated on the property, such as travel management, game retrieval, landowner notification, and postseason reporting.

(6) The department shall report to the 58th legislature the number of hunting days used and permits issued pursuant to this section in each administrative region."

Renumber: subsequent sections

4. Page 4, line 19.

Strike: "[SECTION 1] IS"

Insert: "[Sections 1 and 2] are"

5. Page 4, line 21.

Strike: "[SECTION 1]"

Insert: "[sections 1 and 2]"

For the Senate:

Cole, Chairman
Ekegren
Shea

For the House:

Brueggeman, Vice Chairman
Bales
Jent

FREE CONFERENCE COMMITTEE
on **House Bill 459**
Report No. 1, April 11, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 459**, met April 11, 2001, and considered:

1. Senate Committee in Natural Resources amendments to third reading copy, dated March 17, 2001; and
2. Senate Committee of the Whole amendments to second house, second reading copy, dated March 20, 2001.

We recommend that **House Bill 459** (reference copy – salmon) be amended as follows:

1. Page 1, line 18.

Following: "ensure"

Insert: ": (A)"

2. Page 1, line 20 through line 21.

Following: "environment"

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Insert: " ;"

Strike: "THAT WILL ENSURE"

Insert: "(B)"

Strike: "UNDER" on line 20 through "PART" on line 21

Insert: "that is not subject to subsection (1)(b)(iv)"

3. Page 1, line 22.

Strike: "SUBSECTION (1)(B)(IV)(C)"

Insert: "subsections (1)(b)(iv)(C)(I) through (1)(b)(iv)(C)(III) and, if requested by the project sponsor or if determined by the agency to be necessary, subsection (1)(b)(iv)(C)(IV)"

4. Page 4, line 17.

Strike: "A DETAILED STATEMENT"

Insert: "an environmental review"

5. Page 4, line 18.

Strike: "A DETAILED STATEMENT"

Insert: "an environmental review"

For the House:

D. Mood, Vice Chairman
Younkin
Forrester

For the Senate:

Crismore, Chairman
Grimes
Shea

FREE CONFERENCE COMMITTEE
on **House Bill 543**
Report No. 1, April 11, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 543**, met April 11, 2001, and considered:

1. Senate Committee on Natural Resources amendments to third reading copy, dated March 27, 2001.

We recommend that **House Bill 543** (reference copy – salmon) be amended as follows:

1. Title, line 11.

Strike: "CONFORM TO"

Insert: "BE IN ACCORDANCE WITH"

2. Title, line 12 through line 14.

Strike: "REQUIRING" on line 12 through "REGULATIONS;" on line 14

3. Page 2, line 20.

Following: "MADE"

Strike: "to" on line 20 through "of"

Insert: "in accordance with"

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4. Page 5, line 1.

Strike: "establish" through "chapter"

Insert: "be made in accordance with the goals and objectives established in the growth policy that are within the scope of 76-3-501"

5. Page 5, line 2.

Strike: "2 years"

Insert: "1 year"

6. Page 5, line 20.

Strike: "[SECTION 3 OF THIS"

Insert: "[This"

Strike: " " through " "

7. Page 5, line 22 through line 25.

Strike: "2003" on line 22

Insert: "2002"

Following: " " on line 22

Strike: "A" on line 22 through " " on line 25

For the House:

R. Brown, Vice Chairman

Dale (Unsigned)

Forrester

For the Senate:

Crismore, Chairman

Tash

McCarthy

FREE CONFERENCE COMMITTEE

on **House Bill 572**

Report No. 1, April 11, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 572**, met April 11, 2001, and considered:

1. Senate Committee on Natural Resources amendments to third reading copy, dated March 29, 2001.

We recommend that **House Bill 572** (reference copy – salmon) be amended as follows:

1. Page 7, line 18.

Strike: "pre-1985"

Insert: "pre-1999"

2. Page 7, line 19.

Strike: "post-1985"

Insert: "post-1999"

3. Page 12, line 1.

Strike: "THOSE AMENDMENTS IN"

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Insert: "[section 3] of"

4. Page 12, line 2.

Strike: "ARE"

Insert: "is"

For the House:

Story, Vice Chairman
Olson
Matthews

For the Senate:

Crismore, Chairman
Grosfield
Shea

CONFERENCE COMMITTEE
on Senate Amendments to **House Joint Resolution 32**
Report No. 1, April 11, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Joint Resolution 32**, met April 11, 2001, and considered:

1. Senate Committee on State Administration amendments to third reading copy, dated March 15, 2001:

We recommend that **House Joint Resolution 32** (reference copy – salmon) be amended as follows:

1. Page 1, line 24 through line 27.

Strike: line 24 through line 27 in their entirety

2. Page 2, line 5.

Strike: "AND THE RESULTING INADEQUATE RESOURCES"

3. Page 2, line 14 through line 15.

Following: "kin,"

Strike: remainder of line 14 through "RESOURCES."

4. Page 2, line 28 through page 3, line 7.

Strike: page 2, line 28 through page 3, line 7 in its entirety

For the House:

B. Thomas, Vice Chairman
Lawson
Bixby

For the Senate:

Bishop, Chairman
Butcher
Pease

MOTIONS

Majority Leader Thomas moved that the President be authorized to appoint conferees for the Energy and Taxation bills. Motion carried. The President appointed the following members:

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Energy Committee

Senator McNutt, Chairman
Senator Ellis
Senator Ryan

Taxation Committee

Senator Cole, Chairman
Senator DePratu
Senator Halligan

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 10:00 a.m., Thursday, April 12, 2001. Motion carried.

Senate adjourned at 5:37 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate