

**SENATE JOURNAL
58TH LEGISLATURE
FOURTH LEGISLATIVE DAY**

Helena, Montana
January 9, 2003

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

The presiding officer has authenticated the daily journal for the second legislative day.

REPORTS OF STANDING COMMITTEES

BILLS REPORT

Correctly Engrossed: **SB 33.** 1/9/2003

AGRICULTURE, LIVESTOCK AND IRRIGATION (Bales, Chairman): 1/8/2003
SB 23, do pass. Report adopted.
SB 27, do pass. Report adopted.

BUSINESS AND LABOR (Mahlum, Chairman): 1/8/2003
SB 26, introduced bill, be amended as follows:

1. Title, page 1, line 12.

Following: ""LOANS";"

Insert: "REQUIRING A VIOLATION FOR CIVIL REMEDIES TO BE INTENTIONAL;"

2. Title, page 1, line 13.

Following: "31-1-825,"

Insert: "31-1-826,"

3. Page 4, line 22.

Insert: "**Section 6.** Section 31-1-826, MCA, is amended to read:

"31-1-826. Civil remedies. (1) The remedies provided in this section are cumulative and apply to licensees and unlicensed persons to whom this part applies.

(2) Any intentional violation of this part constitutes an unfair or deceptive trade practice.

(3) A person found to have intentionally violated this part is liable to the consumer for actual and consequential damages, plus statutory damages of \$1,000 for each violation, plus costs and attorney fees.

(4) A consumer may sue for injunctive and other appropriate equitable relief to stop a person from violating any provisions of this part.

(5) The consumer may bring a class action suit to enforce this part.

(6) The remedies provided in this section are not intended to be the exclusive remedies available to a consumer for a violation of this part.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman): 1/9/2003
SB 41, do pass. Report adopted.

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SB 42, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "INTERVENTION SERVICES RECEIVED BY"

2. Page 1, line 12.

Strike: "intervention services"

Insert: "sensory impaired children"

3. Page 1, line 23.

Strike: "intervention services received by"

Following: "a"

Insert: "child identified as"

4. Page 1, line 24.

Strike: "child"

And, as amended, do pass. Report adopted.

SB 43, introduced bill, be amended as follows:

1. Page 1, line 22.

Strike: line 22 in its entirety

And, as amended, do pass. Report adopted.

JUDICIARY (Grimes, Chairman):

1/7/2003

SB 3, do pass. Report adopted.

SB 13, do pass. Report adopted.

1/9/2003

SB 19, do pass. Report adopted.

SB 20, do pass. Report adopted.

SB 55, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (O'Neil, Chairman):

1/9/2003

SB 100, do pass. Report adopted.

RULES (Thomas, Chairman):

1/9/2003

SR 1, introduced resolution, be amended as follows:

1. Page 9, line 28.

Strike: "tabling or"

Following: "postponing"

Insert: "or tabling"

2. Page 12, line 29.

Following: "(1)"

Insert: "(a)"

Strike: "At"

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Insert: "Except as provided in subsection (1)(b), at"

3. Page 13, line 2.

Following: line 1

Insert: "(b) The Finance and Claims Committee may request the introduction of legislation by a majority vote of all of the members of the committee."

4. Page 15, line 3.

Strike: "tabling or"

Following: "postponing"

Insert: "or tabling"

5. Page 16, lines 29 and 30.

Following: "again" on line 29

Strike: remainder of line 29 through "biennium" on line 30

6. Page 21, line 7.

Following: "taken." on line 7

Strike: remainder of line 7 in its entirety

And, as amended, be adopted. Report adopted.

STATE ADMINISTRATION (Cobb, Chairman):

1/9/2003

SB 7, do pass. Report adopted.

SB 38, do pass. Report adopted.

SB 136, do pass. Report adopted.

MOTIONS

SB 112 - Senator McCarthy moved that Curtiss, Laslovich and Tash be added as sponsors to **SB 112**. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 174, introduced by Cocchiarella, referred to Education and Cultural Resources.

SB 175, introduced by Toole, referred to Highways and Transportation.

SB 176, introduced by Toole, referred to Taxation.

SB 177, introduced by Toole, referred to Judiciary.

SB 178, introduced by McCarthy, Gillan, referred to State Administration.

SB 179, introduced by McCarthy, Laslovich, referred to Fish and Game.

SB 180, introduced by D. Ryan, Cobb, Schmidt, Shea, referred to Business and Labor.

SB 181, introduced by D. Ryan, referred to Public Health, Welfare and Safety.

SB 182, introduced by Bohlinger, referred to State Administration.

SB 183, introduced by Bohlinger, referred to Education and Cultural Resources.

SB 184, introduced by Butcher, Anderson, Black, Fisher, Gebhardt, Haines, Hedges, Kasten, Keenan, Laible, Lehman, McGee, Pattison, Perry, Ripley, Sinrud, Story, Taylor, B. Thomas, referred to Fish and Game.

SB 185, introduced by DePratu, referred to Business and Labor.

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SB 186, introduced by Butcher, referred to Taxation.

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

SJR 7, introduced by Laible, Bales, Barkus, Black, Bohlinger, Butcher, Curtiss, DePratu, Esp, Fuchs, Roush, Sprague, Story, Tash, Tropila, Zook, referred to Natural Resources.

**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 Nelson in the chair.

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

SB 17 - Senator McGee moved **SB 17** do pass. Motion carried unanimously.

SB 21 - Senator McNutt moved **SB 21** do pass. Motion carried unanimously.

SB 33 - Senator Cobb moved **SB 33** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: Elliott.

Total 1

Excused: None.

Total 0

SB 80 - Senator Laible moved **SB 80** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 48

Nays: Nelson.

Total 1

Absent or not voting: Cobb.

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Total 1

Excused: None.

Total 0

SB 85 - Senator Cocchiarella moved **SB 85** do pass. Motion carried unanimously.

SJR 1 - Senator F. Thomas moved **SJR 1** be adopted. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Nelson 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 10 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 31 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

SB 32 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 75 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Friday, January 10, 2003. Motion carried.

Senate adjourned at 1:54 p.m.

ROSANA SKELTON
Secretary of Senate

BOB KEENAN
President of the Senate