

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

Helena, Montana
January 13, 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 except Senators Johnson, Squires and Stonington, excused . Quorum present.

The presiding officer has authenticated the daily journals for the fourth and fifth legislative days.

REPORTS OF STANDING COMMITTEES

BILL REPORT

Correctly engrossed: **SR 1.** 1/10/2003
Correctly engrossed: **SB 7, SB 136.** 1/13/2003
Correctly printed: **SB 187, SB 188, SB 189, SB 190, SB 191, SB 192, SB 193, SB 194, SB 195, SB 196, SB 197, SB 198, SB 199, SB 200.**

AGRICULTURE, LIVESTOCK AND IRRIGATION (Bales, Chairman): 1/13/2003
SB 22, do pass. Report adopted.

BUSINESS AND LABOR (Mahlum, Chairman): 1/10/2003
SB 125, introduced bill, be amended as follows:

1. Page 3, line 8.

Following: "is"

Strike: "using or has used"

Insert: "used in conjunction with"

And, as amended, do pass. Report adopted.

JUDICIARY (Grimes, Chairman): 1/13/2003
SB 49, introduced bill, be amended as follows:

1. Page 1, line 29.

Following: "(2)"

Insert: "Military discharge certificates are confidential and are exempt from the provisions of Title 2, chapter 6."

Following: "may"

Strike: "not"

Following: "disclosed"

Insert: "only"

Following: "to"

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

Insert: ":

(a) the service member who filed the certificate;

(b) if the service member is deceased, the next of kin of the service member or a mortuary, as defined in 10-2-111, for the purposes of securing the burial benefits to which the service member is entitled;

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - JANUARY 13, 2003

- (c) a veterans' service officer or a veterans' service organization, as defined in 10-2-111;
- (d) the veterans' affairs division of the Montana department of military affairs; or
- (e) any person with written authorization from the service member or from the next of kin of the service member, if the service member is deceased"

2. Page 2, line 1 through line 2.

Strike: subsection (3) in its entirety

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Grimes, Chairman):

1/13/2003

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Friday, January 10, 2003:

<u>TITLE</u>	<u>NAME</u>
Pages:	Krista Kochler, East Helena
	Brittney Kitto, Toston
	Paul Nistler, Helena
	Bethany Foran, Helena

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 13, 2003:

<u>TITLE</u>	<u>NAME</u>
Pages:	Tess Ritter, Rudyard, MT
	Vanessa Jones, Conrad, MT
	Rebecca Wahl, Cut Bank, MT
	Robert Price, Buffalo, MT
	Larisa Springer, Missoula, MT
	Abigail Redfern, Missoula, MT
	Danielle Josephsen, Conrad, MT

Report Adopted.

NATURAL RESOURCES (Tash, Chairman):

1/13/2003

SB 69, do pass. Report adopted.

STATE ADMINISTRATION (Cobb, Chairman):

1/13/2003

SB 1, do pass. Report adopted.

SB 54, introduced bill, be amended as follows:

1. Page 2, line 18.

Following: "(2)"

Insert: "The prohibition against appointing an immediate family member pursuant to subsection (1)(d) does not constitute marital status discrimination under Title 49.

(3)"

And, as amended, do pass. Report adopted.

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - JANUARY 13, 2003

TAXATION (DePratu, Chairman):

1/13/2003

SB 126, introduced bill, be amended as follows:

1. Page 4.

Following: line 25

Insert: "(iii) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and similar equipment that is skidable, portable, or movable, tools, and supplies except those included in class five;"

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

Senator Squires present at this time.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

1/13/2003

HB 49, introduced by Haines

FIRST READING AND COMMITMENT OF BILLS

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

SB 201, introduced by Nelson, Ballantyne, Bergren, Bixby, Carney, Cohenour, Gallik, Hedges, Kitzenberg, Lawson, Lehman, Lenhart, Lindeen, Mangan, Olson, Ripley, Shea, Tester, Younkin, referred to Energy and Telecommunications.

SB 202, introduced by Johnson, McCarthy, referred to Education and Cultural Resources.

SB 203, introduced by Taylor, referred to State Administration.

SB 204, introduced by Taylor, referred to State Administration.

SB 205, introduced by Cobb, referred to Education and Cultural Resources.

SB 206, introduced by Anderson, Gebhardt, referred to Natural Resources.

SB 207, introduced by Kitzenberg, referred to Highways and Transportation.

SB 208, introduced by Kitzenberg, referred to Fish and Game.

SB 209, introduced by Tester, Pattison, Balyeat, Barrett, D. Brown, Brueggeman, Devlin, Ellingson, Esp, Everett, Facey, Fisher, Harrington, Hedges, Jackson, Jacobson, Kasten, Malcolm, Musgrove, Nelson, Ripley, Ross, Sales, Stapleton, Steinbeisser, Stoker, Wanzenried, Witt, referred to Fish and Game.

SB 210, introduced by Elliott, Jent, Bohlinger, Callahan, Roush, Tester, Tropila, Wheat, referred to Education and Cultural Resources.

SB 211, introduced by Hansen, referred to Local Government.

**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 Cocchiarella in the chair.

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

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - JANUARY 13, 2003

SB 26 - Senator Mangan moved **SB 26** do pass. Motion carried unanimously.

Senator Stonington present at this time.

SB 42 - Senator Tropila moved **SB 42** do pass. Motion carried unanimously.

SB 43 - Senator Tropila moved **SB 43** do pass. Motion carried unanimously.

SR 1 - Senator F. Thomas moved **SR 1** be moved to the bottom of the second reading board. Motion carried.

SB 102 - Senator McNutt moved **SB 102** do pass. Motion carried unanimously.

SB 107 - Senator Roush moved **SB 107** do pass. Motion carried unanimously.

Senator Johnson present at this time.

SR 1 - Senator F. Thomas moved **SR 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 Cocchiarella 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 3 passed as follows:

Yeas: Barkus, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Thomas, Toole, Tropila, Wheat, Mr. President.

Total 35

Nays: Anderson, Bales, Black, Butcher, Curtiss, DePratu, Esp, Laible, McGee, Sprague, Stapleton, Story, Tash, Taylor, Zook.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 13 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, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton,

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - JANUARY 13, 2003

Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: O'Neil.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 19 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 20 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 23 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu,

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - JANUARY 13, 2003

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 27 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 41 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

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - JANUARY 13, 2003

SB 55 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 100 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 136 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, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 48

Nays: O'Neil, Taylor.
Total 2

Absent or not voting: None.
Total 0

Excused: None.

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - JANUARY 13, 2003

Total 0

SB 38 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, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: Story.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

SB 136 - Senator Taylor moved that he be allowed to change his vote on **SB 136** from yea to nay. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Tuesday, January 14, 2003. Motion carried.

Senate adjourned at 2:51 a.m.

ROSANA SKELTON
Secretary of Senate

BOB KEENAN
President of the Senate