

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

Helena, Montana
January 14, 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 sixth legislative day.

REPORTS OF STANDING COMMITTEES

BILL REPORT

Correctly printed: **SB 201, SB 202, SB 203, SB 204, SB 205, SB 206, SB 207, SB 208, SB 209, SB 210, SB 211.**

Correctly engrossed: **SB 49, SB 54, SB 125, SB 126.**

AGRICULTURE, LIVESTOCK AND IRRIGATION (Bales, Chairman): 1/13/2003
SB 87, do pass. Report adopted.

BUSINESS AND LABOR (Mahlum, Chairman): 1/13/2003
SB 51, do pass. Report adopted.
SB 152, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: ""SPECIAL EVENT";"

Strike: "AND"

2. Title, page 1, line 7.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 3, line 21.

Following: "organization"

Insert: " or institution"

4. Page 3, lines 22 and 23.

Following: "amended," on line 22

Strike: "or"

Following: "person" on line 23

Insert: ", or that is an accredited Montana postsecondary school"

5. Page 3, line 29.

Following: "amended,"

Insert: "or an organization authorized by an accredited Montana postsecondary school to engage in fundraising activities for intercollegiate athletics that has a tax-exempt designation under the provisions of section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), as amended,"

Following: "receive"

Strike: "the number of"

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Insert: "up to 12"
Following: "permits"
Insert: "a year"

6. Page 3, line 30.

Following: "wine"
Strike: "reasonably" through "activities"
Following: "."

Insert: "For purposes of fundraising activities for intercollegiate athletics, only one organization for each Montana postsecondary school may be authorized to apply for and receive special permits under this section."

7. Page 6, line 5.

Following: "(b)"
Strike: "\$200"
Insert: "\$1,000"

8. Page 7, line 26.

Following: line 25
Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2003."

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman): 1/14/2003
SJR 2, be adopted. Report adopted.

JUDICIARY (Grimes, Chairman): 1/14/2003
SB 68, introduced bill, be amended as follows:

1. Page 2, line 3.

Following: "offense."
Strike: "The"
Insert: "Except for an aggravating circumstance described in subsection (4), the"

2. Page 2, line 5.

Following: "~~(4)~~"
Insert: "(4)"

3. Page 2, line 6.

Following: "not"
Insert: "not"

And, as amended, do pass. Report adopted.

SB 133, do pass. Report adopted.

NATURAL RESOURCES (Tash, Chairman): 1/13/2003
SB 14, do pass. Report adopted.
SB 71, introduced bill, be amended as follows:

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1. Page 2, line 15.

Following: "fuel"

Strike: "and" through "2001"

And, as amended, do pass. Report adopted.

SB 84, do pass. Report adopted.

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

1/13/2003

SB 104, do pass. Report adopted.

SB 113, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/13/2003

HB 16, introduced by Haines

HB 21, introduced by Smith

HB 36, introduced by Lawson

HB 50, introduced by Haines

HB 117, introduced by Kaufmann

FIRST READING AND COMMITMENT OF BILLS

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

SB 212, introduced by Kitzenberg, referred to Education and Cultural Resources.

SB 213, introduced by Nelson, Lambert, Ballantyne, Black, Golie, Hedges, Kitzenberg, Lenhart, Roush, Tester, Tropila, Witt, referred to Agriculture, Livestock and Irrigation.

SB 214, introduced by Stonington, referred to Legislative Administration.

SB 215, introduced by Toole, referred to Energy and Telecommunications.

SB 216, introduced by Cocchiarella, Bergren, Elliott, Facey, Galvin-Halcro, Glaser, Keane, Keenan, Kitzenberg, Laible, Mahlum, Matthews, McNutt, Shea, Tash, F. Thomas, Wanzenried, referred to Business and Labor.

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

SJR 8, introduced by Tester, referred to Agriculture, Livestock and Irrigation.

**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 McGee in the chair.

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

SB 22 - Senator Nelson moved **SB 22** do pass. Motion carried unanimously.

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SB 69 - Senator Nelson moved **SB 69** do pass. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman McGee 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 26 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 42 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

SB 43 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,

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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 102 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 107 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

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SR 1 adopted 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, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: Ryan.
Total 1

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., Wednesday, January 15, 2003. Motion carried.

Senate adjourned at 1:22 p.m.

ROSANA SKELTON
Secretary of Senate

BOB KEENAN
President of the Senate