

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

Helena, Montana
February 7, 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 twenty-sixth legislative day.

REPORTS OF STANDING COMMITTEES

BILL REPORT

Correctly printed: **SB 338, SB 339, SB 340, SB 341, SB 342, SB 343, SB 344, SB 345, SB 346, SB 347, SB 348, SJR 14.**

Correctly engrossed: **SB 249, SB 262, SJR 4.**

FINANCE AND CLAIMS (Zook, Chairman):
SB 128, do pass. Report adopted.
HB 136, be concurred in. Report adopted.

2/6/2003

HIGHWAYS AND TRANSPORTATION (Butcher, Chairman):
SB 217, introduced bill, be amended as follows:

2/7/2003

1. Title, line 5.

Strike: "40"

Insert: "60"

2. Title, page 1, line 6 through line 9.

Strike: "REQUIRING" on line 6 through "SEAT;" on line 9

3. Page 1, line 16.

Strike: "40"

Insert: "60"

4. Page 1, line 18 through line 21.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

5. Page 1, lines 26 and 27.

Strike: "subsections (1) and (2)"

Insert: "subsection (1)"

6. Page 1, line 28.

Strike: "system or" through "seat"

And, as amended, do pass. Report adopted.

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NATURAL RESOURCES (Tash, Chairman): 2/6/2003
HB 175, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/6/2003

HB 218, introduced by Bookout-Reinicke
HB 321, introduced by Younkin
HB 403, introduced by Keane
HB 406, introduced by Waitschies

House joint resolutions passed and transmitted to the Senate for concurrence: 2/6/2003

HJR 1, introduced by Harris
HJR 5, introduced by Lewis
HJR 6, introduced by D. Brown

MOTIONS

SB 130 - Senator McGee moved consideration of **SB 130** be passed for the day. Motion carried.

SB 286 - Senator Sprague moved **SB 286** be taken from the table in the committee on Highways and Transportation, printed and placed on second reading. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, Nelson, Ryan, Shea, Sprague, Squires, Tester, Wheat, Zook.
Total 29

Nays: Bales, Cooney, Esp, Grimes, Hansen, Harrington, McNutt, O'Neil, Pease, Perry, Roush, Schmidt, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Toole, Tropila, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 130 - Senator McGee made a substitute motion to **SB 130** to move it to the bottom of the second reading board this legislative day. Motion carried.

SB 62 - Senator Ryan moved **SB 62** be taken from the committee on Energy and Telecommunications, printed and placed on second reading the twenty-eighth legislative day. Motion **failed** as follows:

Yeas: Cobb, Cocchiarella, Cooney, Ellingson, Elliott, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Tester, Toole, Tropila, Wheat.
Total 23

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Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

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

SB 349, introduced by Anderson, referred to Business and Labor.
SB 350, introduced by Grimes, Peterson, Bales, Matthews, Mood, Ripley, Tash, F. Thomas, referred to Natural Resources.
SB 351, introduced by Cobb, referred to Taxation.
SB 352, introduced by Bohlinger, referred to Highways and Transportation.
SB 353, introduced by Bohlinger, referred to Taxation.
SB 354, introduced by Bohlinger, referred to Business and Labor.
SB 355, introduced by McGee, referred to State Administration.
SB 356, introduced by Grimes, referred to Judiciary.

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

SJR 15, introduced by Nelson, referred to Fish and Game.

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

SR 3, introduced by Wheat, referred to Taxation.

**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 Hansen in the chair.

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

HB 128 - Senator Nelson moved **HB 128** be concurred in. After discussion, Senator Stonington made a **substitute motion** that **HB 128**, second reading copy, be amended as follows :

1. Page 1, line 20.
Following: "principal"
Strike: "of"
Insert: "generated from"

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Amendment **adopted** unanimously.

Senator Elliott excused at this time.

HB 128, requiring 2/3 of entire Legislature - Senator Nelson moved **HB 128**, as amended, be concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, 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 46

Nays: Esp, McGee, Story.
Total 3

Absent or not voting: None.
Total 0

Excused: Elliott.
Total 1

HB 43 - Senator Perry moved **HB 43** be concurred in. Motion carried unanimously.

Senator Elliott present at this time.

HB 232 - Senator Gebhardt moved **HB 232** be concurred in. Motion carried unanimously.

HB 102 - Senator Perry moved **HB 102** be concurred in. Motion carried unanimously.

SB 122 - Senator Tash moved **SB 122** do pass. Motion carried with Senators Gebhardt and O'Neil voting nay.

SB 166 - Senator Bales moved **SB 166** do pass. Motion carried unanimously.

SB 220 - Senator F. Thomas moved **SB 220** do pass. Motion carried with Senator Toole voting nay.

SB 232 - Senator Mahlum moved **SB 232** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Kitzenberg, Mahlum, McCarthy, McGee, McNutt, O'Neil, Perry, Roush, Ryan, Shea, Squires, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Zook, Mr. President.
Total 36

Nays: Cooney, Ellingson, Elliott, Harrington, Laible, Mangan, Nelson, Pease, Schmidt, Sprague, Story, Toole, Tropila, Wheat.
Total 14

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

Senator Cobb excused at this time.

SB 244 - Senator Story moved **SB 244** 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, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.
Total 46

Nays: Nelson, Schmidt, Toole.
Total 3

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

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

Senator Cobb present at this time.

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 54 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, 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: McGee.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SB 120 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 26

Nays: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Tester, Toole, Tropila, Wheat.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 23 concurred in 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

HB 35 concurred in 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.

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Total 0

HB 44 concurred in 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

HB 167 concurred in 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 9:00 a.m., Saturday, February 8, 2003. Motion carried.

Senate adjourned at 2:50 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate