

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

Helena, Montana
February 8, 2003

Senate Chambers
State Capitol

Senate convened at 9:00 a.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Taylor, excused. Quorum present.

The presiding officer has authenticated the daily journal for the twenty-seventh legislative day.

REPORTS OF STANDING COMMITTEES

BILL REPORT

Correctly printed: **SB 349, SB 350, SB 351, SB 352, SB 353, SB 354, SB 355, SB 356, SJR 15, SR 3.**

Correctly engrossed: **SB 128.**

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/7/2003

HB 142, introduced by Devlin

HB 150, introduced by Lawson

HB 151, introduced by B. Olson

HB 180, introduced by E. Clark

HB 404, introduced by D. Brown

FIRST READING AND COMMITMENT OF BILLS

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

SB 357, introduced by Story, referred to Local Government.

SB 358, introduced by Elliott, Barkus, Bohlinger, Gillan, Lewis, referred to Public Health, Welfare and Safety.

SB 359, introduced by Cromley, Becker, referred to Highways and Transportation.

SB 360, introduced by F. Thomas, referred to Business and Labor.

SB 361, introduced by Cobb, referred to Energy and Telecommunications.

SB 362, introduced by Grimes, referred to Judiciary.

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

SJR 16, introduced by Sprague (by request of the Senate Fish and Game Standing Committee), referred to Fish and Game.

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

HB 99, introduced by Golie (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

HB 142, introduced by Devlin, referred to Local Government.

HB 150, introduced by Lawson (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.

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HB 151, introduced by B. Olson (by request of the Secretary of State), referred to State Administration.
HB 180, introduced by E. Clark (by request of the Legislative Finance Committee), referred to Finance and Claims.
HB 218, introduced by Bookout-Reinicke (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
HB 223, introduced by Lawson, Cooney (by request of the Board of Land Commissioners and the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 246, introduced by Harris, referred to Judiciary.
HB 321, introduced by Younkin, Hurwitz, Ross, Schrupf, B. Thomas, referred to Public Health, Welfare and Safety.
HB 340, introduced by Andersen, referred to Judiciary.
HB 354, introduced by Newman, referred to Business and Labor.
HB 366, introduced by P. Clark, Anderson, Bales, Black, Branae, Cyr, Facey, Glaser, Hedges, Jacobson, Kitzenberg, Laslovich, Lehman, Olson, Ripley, D. Ryan, Shea, Wagman, referred to Education and Cultural Resources.
HB 389, introduced by Gibson, referred to Judiciary.
HB 403, introduced by Keane, referred to Business and Labor.
HB 404, introduced by D. Brown, referred to Judiciary.
HB 406, introduced by Waitschies, referred to Taxation.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 1, introduced by Harris, referred to Judiciary.
HJR 5, introduced by Lewis, Cohenour, Gallik, Jacobson, referred to Education and Cultural Resources.
HJR 6, introduced by D. Brown, referred to Education and Cultural 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 Elliott in the chair.

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

SB 130 - Senator McGee moved **SB 130** do pass. Motion carried unanimously.

SB 263 - Senator Grimes moved **SB 263** do pass. Motion carried unanimously.

SB 284 - Senator Wheat moved **SB 284** do pass. Motion carried with Senators Cocchiarella, Cromley and Squires voting nay.

HB 207 - Senator Black moved **HB 207** be concurred in. Motion carried unanimously.

SB 128 - Senator Mahlum moved **SB 128** do pass. Motion carried unanimously.

SB 249 - Senator Thomas moved consideration of **SB 249** be passed for the day. Motion carried.

HB 136 - Senator Stonington moved **HB 136** be concurred in. Motion carried unanimously.

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HB 175 - Senator McCarthy moved **HB 175** be concurred in. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Elliott 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 122 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, 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 47

Nays: Gebhardt, O'Neil.
Total 2

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 166 passed 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, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 48

Nays: Elliott.
Total 1

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 220 passed as follows:

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

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McGee, McNutt, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.
Total 45

Nays: Cooney, Nelson, Schmidt, Toole.
Total 4

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 232 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Kitzenberg, Mahlum, Mangan, McCarthy, McGee, McNutt, O'Neil, Perry, Roush, Ryan, Shea, Squires, Stapleton, Tash, Thomas, Wheat, Zook, Mr. President.
Total 35

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

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 244 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, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.
Total 46

Nays: Nelson, Schmidt, Toole.
Total 3

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

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SB 262 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, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SJR 4 adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 48

Nays: Harrington.
Total 1

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

HB 43 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, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: Taylor.
Total 1

HB 102 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, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

HB 232 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, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

MOTIONS

SB 232 - Senator Sprague moved he be allowed to change his vote on **SB 232**, third reading this legislative day, from yea to nay. Motion carried.

SPECIAL ORDERS OF THE DAY

Senator Stapleton introduced the Senate pages, gave a brief overview of their activities and future plans and thanked them for their work through the week.

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ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

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

Senate adjourned at 10:09 a.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate