

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

Helena, Montana
February 10, 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 Mangan and Toole, excused. Quorum present.

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

REPORTS OF STANDING COMMITTEES

BILL REPORT

Correctly printed: **SB 357, SB 358, SB 359, SB 360, SB 361, SB 362, SJR 16.**

AGRICULTURE, LIVESTOCK AND IRRIGATION (Bales, Chairman):
HB 47, be concurred in. Report adopted.

2/7/2003

BUSINESS AND LABOR (Mahlum, Chairman):
SB 241, introduced bill, be amended as follows:

2/10/2003

1. Title, line 4.

Strike: ""DEALERSHIP", "

2. Title, line 8.

Strike: "VEHICLE FRANCHISES"

Insert: "VEHICLES"

3. Title, line 11.

Strike: "VEHICLE FRANCHISES"

Insert: "VEHICLES"

4. Page 1, line 19.

Strike: "franchisee"

Insert: "new motor vehicle dealer"

5. Page 1, line 20 through line 21.

Strike: strike subsection (2) in its entirety

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 268, introduced bill, be amended as follows:

1. Title, page 1, lines 6 and 7.

Following: "THEMSELVES;"

Strike: remainder of line 6 through "REQUIRED;" on line 7

SENATE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 10, 2003

2. Page 1, line 15.

Strike: "(a)"

3. Page 1, line 16.

Following: "owner"

Insert: "in new construction or a major remodeling"

4. Page 1, line 17.

Following: "residence"

Insert: "in which the plumbing or piping may be covered by walls, floors, or ceilings "

5. Page 1, line 18 through line 22.

Strike: subsection (b) in its entirety

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Cobb, Chairman):

2/7/2003

HB 114, be concurred in. Report adopted.

HB 115, be concurred in. Report adopted.

HB 143, be concurred in. Report adopted.

TAXATION (DePratu, Chairman):

2/10/2003

HB 88, be concurred in. Report adopted.

HB 96, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Grimes, Chairman):

2/10/2003

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 noon, Saturday, February 8, 2003:

TITLE

NAME

Pages:

Derek Duncan, Deer Lodge, MT
Kyle Grimes, Clancy, MT
Jane Purdy, Missoula, MT
Holly Husted, Jackson, MT
Tyson Lies, Gt. Falls, MT
David Payne, Lewistown, MT
Peter Green, Bozeman, MT

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 10, 2003:

TITLE

NAME

SPONSOR

Pages:

Sarah Smith, Glen, MT	Senator Tash
Emily Tutvedt, Kalispell, MT	Senator Barkus
Andrew Yager, Edgar, MT	Senator Story
Maggie Scott, Whitehall, MT	Senator Grimes
Taylor Clayton, Bigfork, MT	Senator Keenan

SENATE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 10, 2003

Britt Kindelman, Billings, MT	Senator Bohlinger
Robert Paskey, Frenchtown, MT	Senator Mahlum
Kate Kaercher, Havre, MT	Senator Nelson

Report Adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/8/2003

HB 198, introduced by Lambert
HB 211, introduced by Newman
HB 247, introduced by Harris
HB 252, introduced by Hedges
HB 253, introduced by Hedges
HB 272, introduced by Gillan
HB 292, introduced by Younkin
HB 308, introduced by Musgrove
HB 364, introduced by Bergren
HB 392, introduced by Weiss
HB 410, introduced by Younkin

House joint resolutions passed and transmitted to the Senate for concurrence: 2/10/2003

HJR 9, introduced by Smith
HJR 13, introduced by Hurwitz

MOTIONS

SB 217 - Senator Mahlum moved **SB 217** be taken from the second reading board this legislative day and rereferred to the committee on Highways and Transportation. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 363, introduced by McNutt, Mendenhall, A. Olson, referred to Judiciary.
SB 364, introduced by Cooney, Keenan, referred to Public Health, Welfare and Safety.
SB 365, introduced by Stonington, referred to Energy and Telecommunications.
SB 366, introduced by Grimes, Mendenhall, referred to Natural Resources.
SB 367, introduced by McNutt, Brueggeman, referred to Judiciary.

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

SJR 17, introduced by Tester, referred to Business and Labor.

SENATE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 10, 2003

**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 Anderson in the chair.

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

Senator Mangan present at this time.

SB 249 - Senator Taylor moved **SB 249** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cobb, Cocchiarella, Cooney, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Harrington, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Tropila, Wheat, Zook, Mr. President.

Total 37

Nays: Bohlinger, Cromley, Ellingson, Elliott, Hansen, Johnson, Mangan, Nelson, O'Neil, Squires, Stonington, Tester.

Total 12

Absent or not voting: None.

Total 0

Excused: Toole.

Total 1

SB 286 - Senator Sprague moved **SB 286**, second reading copy, be amended as follows :

1. Title, page 1, line 5.

Strike: "87.5"

Insert: "87"

2. Page 1, line 19.

Strike: "87.5"

Insert: "87"

3. Page 2, line 11.

Strike: "87.5"

Insert: "87"

Amendment **adopted** unanimously.

SB 286 - Senator Sprague moved **SB 286**, as amended, do pass. Motion **failed** as follows:

Yeas: Anderson, Barkus, Bohlinger, Butcher, DePratu, Ellingson, Elliott, Glaser, Johnson, Kitzenberg, Mahlum, McNutt, Sprague, Squires, Stapleton, Tash, Wheat, Zook, Mr. President.

Total 19

SENATE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 10, 2003

Nays: Bales, Black, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Esp, Gebhardt, Grimes, Hansen, Harrington, Laible, Mangan, McCarthy, McGee, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Stonington, Story, Taylor, Tester, Thomas, Tropila.

Total 30

Absent or not voting: None.

Total 0

Excused: Toole.

Total 1

SB 286 - Senator Thomas moved **SB 286** be **indefinitely postponed**. Motion **carried** as follows:

Yeas: Bales, Barkus, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Elliott, Esp, Gebhardt, Grimes, Hansen, Harrington, Laible, Mangan, McCarthy, McGee, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Tropila.

Total 34

Nays: Anderson, Black, Bohlinger, Butcher, Ellingson, Glaser, Johnson, Kitzenberg, Mahlum, McNutt, Sprague, Squires, Wheat, Zook, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: Toole.

Total 1

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Anderson 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 128 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, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

SENATE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 10, 2003

Total 0

Excused: Toole.

Total 1

SB 130 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, Tropila, Wheat, Zook, Mr. President.

Total 48

Nays: Story.

Total 1

Absent or not voting: None.

Total 0

Excused: Toole.

Total 1

SB 263 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, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Toole.

Total 1

SB 284 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, 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, Tropila, Wheat, Zook, Mr. President.

Total 48

Nays: Cromley.

Total 1

SENATE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 10, 2003

Absent or not voting: None.
Total 0

Excused: Toole.
Total 1

HB 128, as amended by the Senate, requiring 2/3 of entire Legislature 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, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.
Total 47

Nays: Mangan, Story.
Total 2

Absent or not voting: None.
Total 0

Excused: Toole.
Total 1

HB 136 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, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Story, Tash, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.
Total 46

Nays: Mangan, Stapleton, Taylor.
Total 3

Absent or not voting: None.
Total 0

Excused: Toole.
Total 1

HB 175 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, Tropila, Wheat, Zook, Mr. President.
Total 49

SENATE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 10, 2003

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Toole.
Total 1

HB 207 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, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Toole.
Total 1

MOTIONS

SB 358 - Senator Elliott moved **SB 358** be taken from the committee on Public Health, Welfare and Safety and rereferred to the committee on Business and Labor. Motion **failed** as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Laible, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Tester, Tropila, Wheat, Mr. President.
Total 23

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Mahlum, McGee, McNutt, O'Neil, Perry, Stapleton, Story, Tash, Taylor, Thomas, Zook.
Total 26

Absent or not voting: None.
Total 0

Excused: Toole.
Total 1

SB 358 - Senator Elliott moved to convene a meeting of the Rules Committee regarding **SB 358**. The Senate stood at ease. After discussion, Senator Elliott **withdrew** his motion at this time and reserved his right to call a meeting at a later time.

SENATE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 10, 2003

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Tuesday, February 11, 2003. Motion carried.

Senate adjourned at 2:33 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate