

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

Helena, Montana  
February 11, 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 Elliott and Toole, excused. Quorum present.

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

**REPORTS OF STANDING COMMITTEES**

**BILL REPORT**

Correctly printed: **SB 363, SB 364, SB 365, SB 366, SB 367, SJR 17.**

Correctly engrossed: **SB 241, SB 268.**

**ENERGY AND TELECOMMUNICATIONS** (Johnson, Chairman): 2/11/2003  
**HB 168**, be concurred in. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Butcher, Chairman): 2/7/2003  
**HB 93**, be concurred in. Report adopted.

**JUDICIARY** (Grimes, Chairman): 2/10/2003  
**SB 281**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** ""AN ACT"

**Strike:** "INCREASING THE FINE FOR"

**Insert:** "CLARIFYING THAT CRIMINAL MISCHIEF INCLUDES"

2. Page 1, line 16.

**Following:** "insurer;"

**Strike:** "or"

3. Page 1, line 18.

**Following:** "towns."

**Insert:** (e) damages, destroys, removes, or moves a survey monument, as defined in 70-22-103, without consent. This subsection (1)(e) does not apply to a licensed professional surveyor retained to perform surveying work."

4. Page 1, line 25.

**Following:** "(3)"

**Strike:** "(a)"

**Following:** "A"

**Strike:** "Except as provided in subsections (3)(b) and (3)(c), a"

**Insert:** "A"

5. Page 1, line 28.

**Strike:** "(b)"

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6. Page 2, line 3 through line 6.

**Strike:** subsection (c) in its entirety

And, as amended, do pass. Report adopted.

**SB 283**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "REVISING"

**Insert:** "CLARIFYING"

2. Title, line 4 through line 5.

**Following:** "TO" on line 4

**Strike:** remainder of line 4 through "SUPPORT" on line 5

**Insert:** "VENUE IN FAMILY LAW CASES"

3. Title, line 6 through line 7.

**Following:** "MARRIAGE;" on line 6

**Strike:** remainder of line 6 through "SESSIONS;" on line 7

4. Title, line 9 through line 10.

**Following:** "PARTIES;" on line 9

**Strike:** remainder of line 9 through "CASES;" on line 10

**Strike:** "40-4-302," on line 10

5. Page 1, line 21.

**Strike:** "to file"

**Insert:** "of trial for"

6. Page 1, line 22.

**Strike:** "commencement"

**Insert:** "filing"

7. Page 2, line 15 through line 28.

**Strike:** section 3 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 208**, be concurred in. Report adopted.

**HB 209**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Tash, Chairman):

2/11/2003

**HB 233**, be concurred in. Report adopted.

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

2/11/2003

**SB 190**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

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**Following:** ";

**Insert:** "REQUIRING THE BOARD OF DENTISTRY TO ADOPT RULES DEFINING THE QUALIFICATIONS NECESSARY TO OBTAIN A LIMITED ACCESS PERMIT; REQUIRING A LICENSED DENTAL HYGIENIST PRACTICING UNDER PUBLIC HEALTH SUPERVISION TO OBTAIN A LIMITED ACCESS PERMIT AND TO FOLLOW CERTAIN GUIDELINES;"

2. Page 1, line 13.

**Following:** "hygienist"

**Strike:** ", " through "dentist,"

3. Page 1, line 14.

**Following:** "(a)"

**Insert:** "with the permission of the supervising dentist,"

**Strike:** ";

4. Page 1, line 16.

**Strike:** "(b) practice"

**Renumber:** subsequent subsection

5. Page 1, line 29.

**Following:** "means"

**Insert:** ": (i)"

**Strike:** "hospitals;"

**Insert:** "federally qualified health centers; federally funded community health centers, migrant health care centers, or programs for health services for the homeless established pursuant to the Public Health Service Act, 42 U.S.C. 254b;"

6. Page 2, line 1.

**Strike:** "detention centers;"

7. Page 2, line 2.

**Strike:** "or" through "corrections"

8. Page 2, line 2 through line 4.

**Following:** "clinics" on line 2

**Strike:** remainder of line 2 through "persons" on line 4

9. Page 2.

**Following:** line 4

**Insert:** "(ii) other public health facilities and programs identified by the board under subsection (6); and"

10. Page 2, line 8.

**Following:** "hygienist"

**Strike:** "subject to"

**Insert:** "practicing under"

11. Page 2, line 10.

**Strike:** "preventative" through "agents"

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**Insert:** "fluoride"

**Strike:** "and smoothing"

12. Page 2, lines 10 and 11.

**Following:** "root" on line 10

**Strike:** remainder of line 10 through "curettage" on line 11

**Insert:** "planing"

13. Page 2, line 12.

**Strike:** "subject to"

**Insert:** "practicing under"

14. Page 2, line 15.

**Strike:** "subject to"

**Insert:** "practicing under"

**Following:** "provide"

**Insert:** ": (i)"

15. Page 2, line 17.

**Following:** "(4)"

**Insert:** "; and

(ii) treatment based upon medical and dental health guidelines adopted by rule by the board.

(5) (a) A dental hygienist practicing under public health supervision shall obtain a limited access permit from the board.

(b) The board shall adopt rules:

(i) defining the qualifications necessary to obtain a limited access permit; and

(ii) providing a process for obtaining a limited access permit.

(c) The provision of services under a limited access permit is limited to patients or residents of facilities or programs who, due to age, infirmity, disability, or financial constraints, are unable to receive regular dental care.

(6) The board may identify, by rule, other public health facilities and programs, in addition to those listed in subsection (3)(c), at which services under a limited access permit may be provided"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

2/10/2003

**HB 17**, introduced by Newman

**HB 55**, introduced by Facey

**HB 101**, introduced by Jent

**HB 152**, introduced by Fisher

**HB 158**, introduced by Haines

**HB 178**, introduced by Fritz

**HB 203**, introduced by A. Olson

**HB 264**, introduced by Gibson

**HB 270**, introduced by Bergren

**HB 284**, introduced by Gillan

**HB 293**, introduced by Smith

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**HB 304**, introduced by A. Olson  
**HB 325**, introduced by Witt  
**HB 326**, introduced by Newman  
**HB 333**, introduced by Waitschies  
**HB 350**, introduced by Cohenour  
**HB 353**, introduced by Laszloffy  
**HB 369**, introduced by Younkin  
**HB 385**, introduced by Fritz  
**HB 414**, introduced by Balyeat

**MOTIONS**

**HB 114** - Senator Thomas moved consideration of **HB 114** be passed for the day. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 368**, introduced by Bohlinger, Forrester, Glaser, Keenan, Laible, Raser, F. Thomas, referred to Local Government.  
**SB 369**, introduced by Story, Brueggeman, Esp, Glaser, Keenan, Laible, McGee, F. Thomas, referred to Education and Cultural Resources.  
**SB 370**, introduced by Gebhardt, referred to Local Government.  
**SB 371**, introduced by Stonington, referred to Taxation.  
**SB 372**, introduced by Laible, referred to Local Government.  
**SB 373**, introduced by Laible, referred to Education and Cultural Resources.  
**SB 374**, introduced by Laible, referred to State Administration.  
**SB 375**, introduced by Elliott, referred to Natural Resources.  
**SB 376**, introduced by Elliott, Cohenour, referred to Taxation.  
**SB 377**, introduced by Mahlum, referred to Business and Labor.  
**SB 378**, introduced by Kitzenberg, referred to Taxation.  
**SB 379**, introduced by Cobb, 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 Ellingson in the chair.

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

**HB 47** - Senator Bales moved **HB 47** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Cobb, Cocchiarella, Cromley, DePratu, Ellingson, Gebhardt, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Mahlum, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Ryan, Schmidt, Shea, Stapleton, Stonington, Tash, Taylor, Thomas, Tropila, Wheat, Zook, Mr. President.  
Total 34

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Nays: Anderson, Bohlinger, Butcher, Curtiss, Esp, Johnson, Laible, Mangan, Roush, Sprague, Squires, Story, Tester.  
Total 13

Absent or not voting: Cooney.  
Total 1

Excused: Elliott, Toole.  
Total 2

**HB 88** - Senator Black moved **HB 88** be concurred in. Motion carried unanimously.

**HB 96** - Senator Harrington moved **HB 96** be concurred in. Motion carried unanimously.

**HB 115** - Senator Cobb moved **HB 115** be concurred in. Motion carried unanimously.

**HB 143** - Senator Cobb moved **HB 143** 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 Ellingson moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**SB 249** passed 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, Tash, Taylor, Thomas, Tropila, Wheat, Zook, Mr. President.  
Total 36

Nays: Bohlinger, Cromley, Ellingson, Elliott, Hansen, Johnson, Mangan, Nelson, O'Neil, Squires, Stonington, Story, Tester.  
Total 13

Paired: Thomas, Aye; Elliott, No.

Absent or not voting: None.  
Total 0

Excused: Toole.  
Total 1

**MOTIONS**

**SB 218** - Senator Grimes moved **SB 218** be taken from the Judiciary Committee and rereferred to the committee on Finance and Claims. Motion carried.

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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., Wednesday, February 12, 2003. Motion carried.

Senate adjourned at 1:34 p.m.

ROSANA SKELTON  
Secretary of the Senate

BOB KEENAN  
President of the Senate