

**SENATE JOURNAL
58TH LEGISLATURE
FIFTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
March 15, 2003

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Cobb and McCarthy, excused. Quorum present.

The presiding officer has authenticated the fifty-fourth legislative day.

REPORTS OF STANDING COMMITTEES

BILL REPORT

Examined by the sponsor and found to be correct: **SB 3, SB 10, SB 14, SB 17, SB 21, SB 27, SB 32, SB 33, SB 38, SB 40, SB 49, SB 51, SB 69.**

NATURAL RESOURCES (Tash, Chairman): 3/15/2003
HB 368, be concurred in. Report adopted.
HB 436, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/14/2003

SB 5, introduced by Tash
SB 16, introduced by Mangan
SB 55, introduced by Keenan
SB 64, introduced by Keenan
SB 71, introduced by Barkus
SB 88, introduced by Bales
SB 94, introduced by Stonington
SB 125, introduced by Tester
SB 144, introduced by Barkus
SB 151, introduced by Mahlum

Senate joint resolution concurred in and returned to the Senate: 3/15/2003

SJR 21, introduced by Cocchiarella

House bill passed and transmitted to the Senate for concurrence: 3/14/2003

HB 698, introduced by Gillan

Senate amendments to House bill concurred in: 3/14/2003

HB 142, introduced by Devlin

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MOTIONS

HB 578 - Senator Grimes moved **HB 578** be taken from the second reading board and rereferred to the committee on Judiciary. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 476, introduced by Stonington, E. Clark (by request of House Joint Appropriations Subcommittee on Health and Human Services), referred to Finance and Claims.

SB 477, introduced by Harrington, referred to Taxation.

SB 478, introduced by Story, Anderson, DePratu, Devlin, Forrester, Fuchs, Glaser, Jackson, Keenan, Lambert, Matthews, McNutt, Mood, A. Olson, Peterson, F. Thomas, Waitschies, referred to Taxation.

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

SR 4, introduced by Cobb (by request of the Senate State Administration Standing Committee), referred to State Administration.

SR 5, introduced by Cobb (by request of the Senate State Administration Standing Committee), referred to State Administration.

The following House bill was introduced, read first time, and referred to committee:

HB 698, introduced by Gillan, Becker, referred to Public Health, Welfare and Safety.

**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 Grimes in the chair.

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

HB 152 - Senator Stonington moved **HB 152** be concurred in. Motion carried unanimously.

HB 171 - Senator Cromley moved **HB 171** be concurred in. Motion carried unanimously.

HB 215 - Senator Harrington moved **HB 215** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Grimes, Hansen, Harrington, Kitzenberg, Mahlum, Mangan, McGee, McNutt, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Toole, Tropila, Wheat, Zook, Mr. President.

Total 34

Nays: Bales, Cocchiarella, Esp, Gebhardt, Laible, Ryan, Story, Taylor.

Total 8

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Absent or not voting: None.
Total 0

Excused: Cobb, Glaser, Johnson, McCarthy, Perry, Schmidt, Squires, Thomas.
Total 8

HB 250 - Senator Roush moved **HB 250** be concurred in. Motion carried unanimously.

HB 280 - Senator DePratu moved **HB 280** be concurred in. Motion carried unanimously.

HB 299 - Senator Bales moved **HB 299** be concurred in. Motion carried unanimously.

HB 311 - Governor's Amendments - Senator Laible moved Governor's amendments to **HB 311** be concurred in. Motion carried unanimously.

HB 333 - Senator Black moved **HB 333** be concurred in. Motion carried unanimously.

HB 455 - Senator Bales moved **HB 455** be concurred in. Motion carried unanimously.

HJR 15 - Senator Pease moved **HJR 15** be concurred in. Motion carried unanimously.

SB 75 - House Amendments - Senator Stapleton moved House amendments to **SB 75** be concurred in. Motion carried unanimously.

HB 32 - Senator Tropila moved **HB 32** be concurred in. Motion carried unanimously.

Senator Shea excused at this time.

HB 55 - Senator McGee moved **HB 55** be concurred in. Motion carried unanimously.

HB 76 - Senator Cocchiarella moved **HB 76** be concurred in. Motion carried unanimously.

HB 97 - Senator Schmidt moved **HB 97** be concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Bohlinger, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Glaser, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, McGee, McNutt, Nelson, Perry, Roush, Ryan, Schmidt, Sprague, Squires, Stonington, Tash, Tester, Toole, Tropila, Wheat, Zook, Mr. President.

Total 34

Nays: Black, Butcher, Curtiss, Esp, Gebhardt, Grimes, O'Neil, Stapleton, Story, Taylor, Thomas.
Total 11

Absent or not voting: Mangan, Pease.
Total 2

Excused: Cobb, McCarthy, Shea.
Total 3

HB 98 - Senator Sprague moved **HB 98** be concurred in. Motion carried unanimously.

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HB 126 - Senator D. Ryan moved **HB 126** be concurred in. After discussion, Senator Ryan made a **substitute motion** that **HB 126** be moved to the bottom of the second reading board. Motion carried unanimously.

HB 164 - Senator Cocchiarella moved **HB 164** be concurred in. Motion carried as follows:

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

Total 44

Nays: Butcher, Johnson, Taylor.

Total 3

Absent or not voting: None.

Total 0

Excused: Cobb, McCarthy, Shea.

Total 3

HB 170 - Senator Cromley moved **HB 170** be concurred in. Motion carried unanimously.

HB 180 - Senator Stonington moved **HB 180** be concurred in. Motion carried unanimously.

HB 240 - Senator Wheat moved **HB 240** be concurred in. Motion carried unanimously.

HB 490 - Senator Elliott moved **HB 490** be concurred in. Motion carried unanimously.

HB 493 - Senator Cromley moved **HB 493** be concurred in. Motion carried unanimously.

HB 552 - Senator Black moved **HB 552** be concurred in. Motion carried unanimously.

HB 562 - Senator Toole moved **HB 562** be concurred in. Motion carried unanimously.

HJR 19 - Senator Bohlinger moved **HJR 19** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Mahlum, Mangan, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Schmidt, Sprague, Squires, Stonington, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 37

Nays: Bales, Butcher, Curtiss, Esp, Laible, McGee, Stapleton, Story.

Total 8

Absent or not voting: None.

Total 0

Excused: Cobb, McCarthy, Perry, Shea, Tash.

Total 5

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HB 126 - Senator D. Ryan moved **HB 126** be concurred in. Motion carried with Senator O'Neil voting nay.

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

HB 134, as amended by the Senate, concurred in 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, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, McCarthy, Shea.

Total 3

ANNOUNCEMENTS

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

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Monday, March 17, 2003. Motion carried.

Senate adjourned at 10:30 a.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate