

**SENATE JOURNAL
57TH LEGISLATURE / SPECIAL SESSION AUGUST 2002
FOURTH LEGISLATIVE DAY**

Helena, Montana
August 8, 2002

Senate Chambers
State Capitol

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

Roll Call. All members present, except Senators Berry, Grimes, Miller, and Stonington, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 8/8/2002
Correctly printed: SB 26, SB 27, SB 28, HB 3, HB 6, HB 12.
Correctly engrossed: SB 9, SB 18, HB 7, HB 9.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 8/7/2002

HB 11, introduced by Haines
HB 13, introduced by Lewis
HB 16, introduced by Dee Brown
HB 18, introduced by Story
HB 21, introduced by Balyeat

Senators Grimes and Stonington present at this time.

FIRST READING AND COMMITMENT OF BILLS

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

HB 11, introduced by Haines (by request of the Office of Budget and Program Planning), referred to Finance.
HB 13, introduced by Lewis, referred to Finance.
HB 16, introduced by Dee Brown, referred to Taxation.
HB 18, introduced by Story (by request of the Office of Budget and Program Planning), referred to Taxation.
HB 21, introduced by Balyeat, referred to Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Session 1

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Grosfield in the chair.

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

HB 3 - Senator Ellis moved consideration of **HB 3** be placed at the bottom of the second reading board for the purpose

SENATE JOURNAL
FOURTH LEGISLATIVE DAY - AUGUST 8, 2002

of amendment. Motion carried.

HB 6 - Senator Keenan moved **HB 6** be concurred in. Motion carried unanimously.

HB 12 - Senator Keenan moved **HB 12** be concurred in. Motion carried as follows:

Yeas: Bishop, Bohlinger, Butcher, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, Nelson, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 29

Nays: Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 19

Absent or not voting: None.

Total 0

Excused: Berry, Miller.

Total 2

HB 3 - Senator Cobb moved **HB 3**, second reading copy, be amended as follows :

1. Page 2, line 8.

Strike: "1,100,000"

Insert: "300,000"

Amendment **adopted** unanimously.

HB 3 - Senator Ellis moved **HB 3**, as amended, be concurred in. Motion carried as follows:

Yeas: Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Keenan, Mahlum, McNutt, Mohl, O'Neil, Roush, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 26

Nays: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Johnson, Kitzenberg, McCarthy, Nelson, Pease, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 22

Absent or not voting: None.

Total 0

Excused: Berry, Miller.

Total 2

Senator Thomas moved the committee rise, report progress, and beg leave to sit again. Motion carried. Chairman Grosfield moved the Committee of the Whole report be adopted. Report adopted unanimously.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate stand in recess until the hour of 2:00 p.m., and that the Senate proceed to the House of Representatives at 10:15 a.m. for the purpose of receiving addresses from The Honorable Dennis Rehberg, Montana's U. S. Congressman and The Honorable J. Dennis Hastert, Speaker of the U. S. House of Representatives. Motion carried.

Senate recessed at 9:05 a.m.

10:50 a.m. Joint Session in the House Chambers.

Sergeant-at-Arms Ahner escorted the Senate into the House Chamber.

Speaker McGee introduced President Pro Tempore Walt McNutt and yielded the chair to him.

Senate Majority Leader Thomas moved that the body resolve itself into a joint session for the purpose of receiving addresses from The Honorable Dennis Rehberg, Montana U. S. Congressman, and The Honorable J. Dennis Hastert, Speaker of the U. S. House of Representatives. Motion carried.

Senate Majority Leader Thomas moved that the President Pro Tempore be authorized to appoint two committees to notify U. S. Congressman Rehberg and The Honorable Speaker of the U. S. House, J. Dennis Hastert that we are in joint session and ready to receive them. Motion carried.

President Pro Tempore McNutt appointed Senator Crismore, Chairman, Senator Nelson, Representative Tropila and Representative Brown. He also appointed Senator Taylor, Chairman, Senator Halligan, Representative Gillan and Representative Mood.

Sergeant-at-Arms Ahner escorted Governor Martz, U. S. Senator Burns, and other dignitaries into the chamber.

The committee escorted Congressman Rehberg into the chambers. Congressman Rehberg addressed the joint session.

The committee escorted the Honorable J. Dennis Hastert into the chambers. Congressman Hastert addressed the joint session as follows:

Good morning Governor Martz, Senator Burns, ladies and gentlemen. Thank you, Denny, for that generous introduction.

I'm delighted to see so many colleagues here today. I even have a former student in the audience. I taught Marc Pierce civics and history. It was so inspirational that he's built a very successful business out of carving duck decoys. Marc now lives in Manhattan – that's Manhattan, Montana for all you New Yorkers in the audience.

It is a pleasure seeing so many colleagues ... and I use the term "colleagues" intentionally. For all of us who served in state legislatures, the experiences that we have in common are greater than the differences that set us apart.

In fact, my six years in the Illinois legislature gave me the insights and skills I've relied on to be effective in Congress. In those six years I think I forgot more than most political scientists ever learned about government. Those years meant a great deal to me.

The legitimacy of political power that is derived directly from the people is surely among the most compelling attributes of any democracy. And it's in the state legislatures of our country that this legitimacy is probably most apparent and most keenly felt.

In a great legislative hall like this one, the solemn responsibility we have to represent the people is most evident. We exercise power only because the people have given us that right, not because we have taken it from them. And the people can take away that power whenever we have not done their bidding. That keeps the party in power honest, and gives the party out of power, hope.

Ultimately, the people are sovereign – and every couple of years we have the opportunity to see them exercise their sovereignty.

This Democratic form of government isn't always pretty ... it's seldom efficient ... there's no one to provide binding arbitration on a contentious issue. We're left to fight it out ... in state legislatures, in the halls of Congress and in the media. It's a stressful, contentious and emotional process. It's not for the thin skinned or faint of heart. It takes a toll. All that being said, ours is also the best system in the world today. And yet we can't have democracy without politics. For that reason, it is noble, honorable and essential for our country and our way of life.

We who serve in state legislatures also share a bond whatever our party differences may be. You can take the person out of the state house, but you can't take the state house out of the person. At least that has been my experience, so I feel especially privileged to be here with you today.

Standing here brings back a lot of memories. In Illinois, 2/3rds of our state budget consisted of mandatory spending programs. We threw nickels around like manhole covers. I remember we once debated for 45 minutes over a \$15,000 expenditure. That was bad enough, but the \$15,000 was to fix a rabbit hutch at the state fairgrounds.

I thought the partisanship from the Chicago machine in the Springfield legislature was formidable. But believe me, partisanship in the U.S. Congress is far tougher – it's the gold standard of partisanship. It's made no easier when you have a governing margin of 5 votes out of 435, as I have. Try enforcing your will holding those cards and see how many battles you win.

As most of you probably know, I was once a high-school wrestling coach. What is less well known is that I'm still a wrestling coach. The kids are a little older, but never a day goes by that I'm not coaching my team – sometimes coaching the entire House – to try to work together for the American people.

The skills I learned as a coach are as valuable today as they were in rural Illinois – stressing the value of teamwork ... respecting the contributions of everyone on the team ... making sure everyone is playing their part ... keeping their chins up when we're losing – and their egos in check when we're winning.

The job of Speaker was not one I sought. It was thrust upon me fairly suddenly. And I certainly didn't have time to prepare for the great responsibility that was suddenly mine. But there's a saying in Texas about bull riding. They say: "You don't get ready. You just get on." I'm not sure if my friend from Texas, Tom DeLay, told me that. If he didn't, he should have. Because sometimes in this business of legislating, you don't have all the answers. You don't have all the time you need. You don't get ready, you just get on.

And that's what I did, taking the skills I learned as a coach and the patience that I learned as a kid in rural Illinois. I found they worked quite well. I realized I don't have to be the world's best orator to become an effective speaker.

Ironically, the Speaker of the House is well advised to become the listener of the House. I've found you can earn the trust and even the cooperation of more people if you do less talking and more listening.

Of course, as you all recall, we've recently had a President who was a great talker. And we've recently had a Speaker who was a great talker, too. These two men were able to talk forward and backward -- simultaneously. Both of them were capable of selling a bald headed man a hairnet. And they could really talk about a subject they actually knew something about. Of course, much is different between the Congress and state legislatures. We're dealing with global terrorism, saving Social Security, and keeping the economy from the abyss. You all have your own priorities.

For example, I hear Wyoming is close to invading Montana over your use of a postal stamp symbol. They say the cowboy on the bucking horse is their symbol, not yours. They want it on their stamp, instead of the elk they're now stuck with. I hope you can settle this crisis in a neighborly way, without the six gun -- before Wyoming calls up the National Guard or mobilizes the state police.

Seriously, these are not good times for the states or for the federal government. The problems at home and abroad threaten our economic and national security. The public is in no mood for partisan squabbles -- they want solutions. That's true in Congress -- and I suspect that's true in Montana.

We must find common ground and get the job done. Today, holding up solutions in the interest of ideological perfection is counterproductive. This kind of perfection is the enemy of the good. I admit this is easier for me to say than to do. I am the head of my party in the House.

I have a partisan role to play and I spend days and weeks on the road doing it. I do so because I believe so deeply in what I and my party stand for. Many here today do the same and I applaud you. Finding common ground doesn't mean giving up your principles. It means moving on when you can get a better -- maybe not the best -- deal done for your constituents.

In addition to being my party's leader, I am also the Speaker ... and that's Speaker of the entire House -- not just for one political party. I really believe that the reason we are able to get meaningful legislation passed in the House is because I and others in our leadership -- joined by many on the other side of the aisle -- believe that compromise is essential. It's a part of the process and necessary to fix many of the problems we face.

One of the biggest problems we face is the economy ... and because of that, our ability to fund the government. Unfortunately, you in Montana share this same problem.

I commend Governor Martz and those of you who realize that simply raising taxes on families and businesses will not solve the problem. It will only prolong it by stifling economic growth on which revenues depend. So I salute the Governor for drawing the line on government's growth and cutting spending where necessary.

Of course, Montana is not facing this problem alone. From Sacramento to Augusta, state legislatures are wrestling with the same budget shortfalls -- many far greater than your own as a percentage of state revenue. Local governments are feeling the pressure, too. If it's any consolation to you, New York City alone has an estimated \$6 billion shortfall.

We're all reeling from a combination of events that could not have been foreseen.

- ? The shocking tragedies of 9/11 paralyzed an economy that was already showing signs of weakness.
- ? The very strong dollar had harmed our manufacturing industries and their ability to export.
- ? And of course the stock market's sharp decline added further stress.

Investors quickly reacted to this weakening economy – but also to the string of boardroom scandals that have prompted concerns about the financial health of companies. These scandals stemmed from long-standing abuses that we're now finally correcting ... and from loopholes that we're finally closing.

To complicate matters further, our country is not getting help from abroad. We don't have a powerful Japanese economy to pull us out of the ditch -- nor a strong European economy to stimulate demand for our exports.

But consumer spending has stayed strong. Business investment is beginning to rebound. The dollar is moderating against other currencies. And investor confidence is gradually being restored. As one wag said, the lemmings are returning to the cliff.

The comprehensive tax cut we passed earlier this year – the largest in history – was part of a stimulus package that helped to keep families and businesses afloat. They said we couldn't do it, but it passed the House with 400 votes. We added additional stimulus by easing the death tax and eliminating the marriage tax penalty. Keep this in mind the next time the critics tell you what you can't do.

Last month both parties overwhelmingly passed legislation that adds muscle to our laws overseeing corporate behavior. We increased the independence of accounting oversight and curbed the ability of accounting firms to audit the very companies in which they're owners and partners. In doing this, we help to protect the pension funds workers have invested through their companies. We should also provide the same protection to union pensions that we provide for corporate pensions.

We've increased funding for the Securities and Exchange Commission – which has simply not had the teeth to be an effective watchdog. The SEC has been so short-handed that in 2000 its staff read only one annual report for every 15 it got. Not surprising when you consider that it had only 100 lawyers to review financial disclosure statements from 1700 public companies.

Lately, the private sector has become part of the solution as well. Many of our best-run companies have voluntarily adopted more stringent accounting and oversight measures. Let's remember that not even the most controlling, totalitarian governments are able to stop corruption if fundamental honesty and integrity are absent.

Beyond a tax cut and strengthening corporate accountability, we've taken other steps to get the economy back on track.

Last month Congress passed, and the President signed, Trade Promotion Authority legislation. With this authority, President Bush is now empowered to conclude bi-lateral trade treaties quickly.

He can open foreign markets to our goods, reduce tariffs on our exports, and help stimulate business and create jobs right here in Montana. This legislation includes important new protections – extended financial and health care assistance – to help workers affected by global competition.

Congress is also considering comprehensive energy legislation. If passed this year, the energy bill will help to increase our domestic energy supply and modernize the infrastructure for moving energy efficiently to markets where it is needed.

This important legislation will reassure businesses that energy rationing and supply issues won't disrupt the economy. As you are painfully aware, it was about this same time last year that the California energy crisis bid up the cost of power in the West. States like Montana were hard hit with shortages - even though Montana has 75 billion tons of recoverable coal.

For a country as rich in energy as we are, this condition is not just unnecessary – it's inexcusable. We can boost our own energy supplies and lessen our dependence on foreign energy – giving a further boost to our national security. And we can do it without harming the environment.

And finally, on the economic front, we passed a new farm bill that will provide more funding and more stability to Montana's #1 industry, agriculture.

So I think it's fair to say that Congress has been responsive to economic conditions.

Ultimately, of course, an economy is no better than the skills and talents of its workers. As a former high school teacher, allow me a minute to plug the President's new education initiative – the "No Child Left Behind Act."

This law acknowledges an unarguable fact that we've too long ignored. We have got to raise the standards in our schools ... we have got to attract better quality teachers ... and above all we've got to improve actual student achievement in the classroom.

Just as we can't continually borrow other countries' money to pay our bills, we can't continually borrow their educated people to run our plants, staff our hospitals and design our software. This is not a formula for a dynamic economy.

So help is on the way. The new education law, passed with strong bi-partisan support, mandates that a highly qualified teacher must be in every class room by the 2005-06 school year. It will help schools meet this goal by:

- ? providing them with rigorous accreditation tests and standards so local school administrators can recruit teachers with greater confidence.
- ? It will make aid available to schools that volunteer for accelerated learning and testing programs.

If we're to leave no child behind, then we need more assistance for special education programs. And I salute Congressman Rehberg for his leadership in promoting special education.

With his help, the \$1 billion boost we gave to special education this year will ease Montana's burden from this unfunded mandate. This appropriation alone will save the state about \$4 million in the next fiscal year.

Other reforms will increase Federal dollars to more fully reflect our obligation to special education, and this could save Montana an additional \$33 million per year.

No one who is entrusted with state budgets these days can ignore the impact from rising medical costs. The House recently passed the Medicare Modernization and Prescription Drug Act. This measure would help 135,000 of Montana's seniors with the cost of drugs. Some 42,000 of them would pay no deductible or monthly premium – a savings to your state's Medicaid program of \$71 million over 8 years. While this bill passed the House, it has not passed the Senate. We need a bill to move there if we are to make progress this year.

Meanwhile, on another issue close to you, we in Washington finally got our heads out of the clouds and are starting to smell the smoke. We're recognizing the growing threat that Western states face from wildfires. Not far from here, the vast expanse of lodgepole pine on the Bitterroot National Forest constitutes a tinder box.

A multi-year drought – combined with the poor conditions on our neglected forest land – endanger not only our environment but the lives of many home owners as well. Help is coming from a couple of sources. First, we've approved increased funding to help Montana fight wildfires.

And you'll need it, because I understand that the U.S. Forest Service is spending \$1,000 a day monitoring the environmental protestors who're perched in the top of pine trees on the Bitterroot. I suspect for a thousand bucks a day you can outfit a firefighter for a whole day.

Anyway, you have additional help from a second, unexpected source. I'm of course referring to Senator Daschle, my counterpart in the Senate. He recently exempted his state's forests from the welter of environmental red tape that hampers fire prevention efforts. We should congratulate him on his foresight and call on him today to provide the same exemption for all other states. These fires have destroyed more than 655,000 acres here in Montana. I salute the Senator for his belated recognition of this problem. I'm sure he approves of Congressman Rehberg's efforts to extend the same protection to Montana and the rest of the West that the Senator has so thoughtfully provided to South Dakota.

I'm kidding the Senator. He and I obviously disagree on which approach is sometimes best. But from where I stand, it seems to me that our differences – not only his and mine, but Republican and Democrat generally – are shrinking in the face of urgent problems ... problems that place a premium on cooperation and new thinking.

For example, when the Cold War ended some dozen years ago, we no longer felt threatened by an implacable foe. The Soviet Union disintegrated – and with it our fears about nuclear war. Today however we face a new foe – not from any one nation but from a movement that is equally implacable, equally sinister. It is global terrorism. The armies of terrorism don't wear uniforms ... they don't have warships or armored divisions ... and don't target soldiers. They dress as we do. Their weapons are concealed, and they target unarmed women and children. As we know, they are bold, unreasoning and ruthless. They don't care about how many they kill ... they care about how many they frighten.

President Bush has called them out. He has put our allies on notice that codling those who support terrorism won't be tolerated. And he has put all states on notice that helping terrorists is no different in our eyes than committing acts of terror.

Congress has tried to help the President in this fight. Both Houses, supported by both parties, have increased our military preparedness.

We've learned that after our military actions in Haiti, in Bosnia, in Kosovo and in Somalia, our armed services have been hollowed out. We've got to replenish what we've spent – provide better health care, training, pay and accommodations for our fighting men and women. When they go into harm's way, they must be the best equipped and the best defended force on the battlefield.

And here at home we've started a massive coordination effort at the Federal level to improve homeland security. With a bill to create a new Homeland Security Department, we've set the stage for the largest governmental reorganization since the Truman presidency.

If we pass this legislation in the fall, no longer will we have a half dozen different agencies, walled off in silos, each with its own data base – trying to interdict illegal immigrants, fight a drug war, patrol our coasts, and fight one another for turf and funding.

I think the changing needs of our economy also blur the lines of ordinary partisanship. It used to be that we had two economies: one for investors – for those who owned stocks in companies – and another for employees – for those who worked in the companies.

In those days it was easy to play investors off against workers. As we know, that is no longer a true picture of our society. Virtually half of all Americans own stock today. That means more of us have a stake in how these companies perform.

More of us have a stake in improving our ability to compete against foreign rivals.

And more Americans have an incentive to demand accountability and financial transparency.

Let me stop here in closing.

First, as you work to mend the state's budget, keep in mind that you won't get everything you want – and you probably shouldn't. I know that sounds uncharacteristically non-partisan for me. It's meant to be. Some of you may think I came here loaded for partisan bear, but I hope I've disappointed that expectation.

Fact is, we shouldn't let partisan disputes obscure the larger task that all of us are called on to address the task of building a stronger economy and a stronger, more secure America. We have higher stakes to fight over.

Thank you, and good luck to you all.

The committees escorted Congressman Rehberg, U. S. Speaker Hastert and other dignitaries from the joint session.

Majority Leader Thomas moved that the joint session be adjourned. Motion carried.

Senate reconvened at 2:00 p.m. President Pro Tempore McNutt presiding.

Roll Call. All members present except Senators Berry and Miller, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

FINANCE (Keenan, Chairman):

8/8/2002

SB 26, introduced bill, be amended as follows:

1. Title, line 5.

Following: "TRANSFERRING"

Insert: "PORTIONS OF"

2. Title, line 6.

Following: "FUND"

Insert: "AND TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

3. Page 2, line 4.

Following: "transferred"

Insert: "as follows:

(1) 90% to the state special revenue fund to the credit of the department of public health and human services for the use of the department in providing social services; and

(2) 10%"

And, as amended, do pass. Report adopted.

SB 27, introduced bill, be amended as follows:

1. Page 2, line 9.

Strike: "\$125,000"

Insert: "\$56,995"

and, as amended, do pass. Report adopted.

TAXATION (DePratu, Chairman):

8/8/2002

SB 12, do pass. Report adopted.

HB 4, be concurred in. Report adopted.

MOTIONS

SB 19 - Senator Doherty moved that **SB 19** be taken from the table in the committee on Finance and Claims, printed and placed on second reading this legislative day. Motion **failed** as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ekegren, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 23

Nays: Bishop, Butcher, Cole, Crismore, DePratu, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Berry, Miller.

Total 2

HB 3 - Senator Cobb moved that the Senate reconsider its action in concurring with **HB 3**, as amended, and that it be taken from third reading and placed on second reading this legislative day. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 29, introduced by Cocchiarella, Shea, referred to Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Session 2

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Grosfield in the chair.

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

SB 9 - Senator R. Johnson moved **SB 9**, second reading copy, be amended as follows :

1. Title, line 5.

Following: "~~MILLION~~"

Insert: "\$10 MILLION"

2. Title, line 6.

Strike: "\$2,078,000"

Strike: "AND \$7,922,000 TO THE SCHOOL FLEXIBILITY ACCOUNT"

3. Page 1, line 12.

Following: "million"

Insert: "to the general fund \$10 million"

4. Page 1, line 13 through line 15.

Strike: "¿" on line 13 through "20-9-542"

Amendment **adopted** as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cole, Crismore, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Jergeson, Johnson, Kitzenberg, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Sprague, Stonington, Tash, Tester, Toole, Waterman.

Total 27

Nays: Butcher, Cobb, Cocchiarella, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Holden, Keenan, Mahlum, McNutt, Miller, Mohl, Shea, Stapleton, Taylor, Thomas, Wells, Zook, Mr. President.

Total 22

Paired: Tester, Aye; Miller, No.

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

SB 9 - Senator Cobb moved **SB 9**, as amended, do pass. Motion carried as follows:

Yeas: Bohlinger, Cobb, Cocchiarella, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Mohl, Ryan, Shea, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 26

Nays: Bishop, Butcher, Christiaens, Cole, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Holden, Jergeson, McCarthy, Nelson, O'Neil, Pease, Roush, Sprague, Stonington, Tester, Toole, Waterman.

Total 22

Absent or not voting: None.

Total 0

Excused: Berry, Miller.

Total 2

HB 3 - Senator Cobb moved to strip the amendment to **HB 3** adopted on second reading during the first committee of the whole session this legislative day, as it was in error. Motion carried unanimously.

HB 3 - Senator Cobb moved **HB 3**, second reading copy, be amended as follows :

1. Page 2, line 8.

Strike: "1,100,000"

Insert: "800,000"

Amendment **adopted** unanimously.

HB 3 - Senator Cobb moved **HB 3**, as amended, be concurred in. Motion carried as follows:

Yeas: Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 27

Nays: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 21

Absent or not voting: None.

Total 0

Excused: Berry, Miller.

Total 2

Senator Thomas moved the committee rise and report progress. Motion carried. Committee arose. Senate resumed. President Pro Tempore McNutt in the chair. Chairman Grosfield moved the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

HB 3 - Senator Elliott moved that he be allowed to change his vote on **HB 3** from aye to nay. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate stand in recess until the hour of 6:00 p.m. this legislative day. Motion carried.

Senate recessed at 3:44 p.m.

Senate reconvened at 6:16 p.m. President Pro Tempore McNutt presiding.

Roll Call. All members present except Senators Berry and Miller, excused. Quorum present.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

8/8/2002

HB 14, introduced by Bookout-Reinicke

MOTIONS

Majority Whip Stapleton moved that the Fifty-seventh Legislature convene itself in a special session, to run concurrently with the special session beginning August 5, 2002, called by the Governor. The special session hereby convened shall consider legislation to: (1) amend the Montana Constitution to provide that one-half of the money currently dedicated to the coal severance tax trust fund be dedicated to fund public elementary and secondary schools; and (2) revise election laws to allow the constitutional amendment to appear on the ballot in November 2002. After discussion, Senator Beck called for the question. Motion carried.

Senator Stapleton's motion received the following vote:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Harrington, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 28

Nays: Christiaens, Cocchiarella, Cole, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Holden, Jergeson, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 22

Paired: Berry, Miller, Ayes; Doherty, Tester, Noes.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

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

SB 30, introduced by Glaser, referred to Taxation.

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

HB 14, introduced by Bookout-Reinicke, referred to Finance.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Friday, August 9, 2002. Motion carried.

Senate adjourned at 6:36 p.m.

SUSAN ANDERSEN
Assistant Secretary of Senate

WALT MCNUTT
President Pro Tempore of the Senate