

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

Helena, Montana
August 10, 2002

Senate Chambers
State Capitol

Senate convened at 8:30 a.m. President Beck presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

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

MOTIONS

SB 23 - Senator Elliott moved that **SB 23** be placed on second reading this legislative day. Motion carried.

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:

Senator Grimes present at this time.

SB 12 - Senator Bohlinger moved **SB 12**, second reading copy, be amended as follows :

1. Page 10, line 18.

Strike: "in the possession of"

Insert: "purchased by"

2. Page 10, line 19.

Following: "on"

Insert: "or after"

Amendment **adopted** unanimously.

SB 12 - Senator Bohlinger moved **SB 12**, as amended, do pass. Motion **failed** as follows:

Yeas: Berry, Bohlinger, Cobb, Cole, Doherty, Ellingson, Glaser, Harrington, Kitzenberg, McCarthy, Shea, Toole, Waterman.

Total 13

Nays: Bishop, Butcher, Christiaens, Cocchiarella, Crismore, DePratu, Ekegren, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Mahlum, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.

Total 36

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

SB 12 - Senator F. Thomas moved **SB 12 do not pass**. Motion carried as follows:

Yeas: Berry, Bishop, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Franklin, Grimes, Grosfield, Hargrove, Holden, Jergeson, Keenan, Mahlum, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.
Total 36

Nays: Bohlinger, Cobb, Doherty, Ellingson, Glaser, Halligan, Harrington, Johnson, Kitzenberg, McCarthy, Shea, Toole, Waterman.
Total 13

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HJR 1 - Senator Glaser moved **HJR 1** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Ryan, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 29

Nays: Bohlinger, Christiaens, Cobb, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Shea, Tester, Toole, Waterman.
Total 19

Absent or not voting: None.
Total 0

Excused: Cocchiarella, Miller.
Total 2

HB 8 - Senator R. Johnson moved **HB 8** be concurred in. Motion carried unanimously.

Senator Wells assumed the chair.

SB 15 - Senator Cobb moved **SB 15** do pass. After discussion, Senator Beck moved consideration of **SB 15** be placed at the bottom of the second reading board for purpose of amendment by Senator Butcher. Motion carried.

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

HB 18 - Senator Grosfield moved **HB 18**, second reading copy, be amended as follows :

1. Title, line 9.

Following: "GOVERNMENTS;"

Insert: "PROVIDING FOR AN ADJUSTMENT IN THE CALCULATION OF EACH LOCAL GOVERNMENT'S BASE ENTITLEMENT SHARE TO REFLECT A LOCAL GOVERNMENT'S ACTIONS THAT REDUCE REVENUE TO THE STATE INCLUDED IN THE CALCULATION OF THE ENTITLEMENT SHARE;"

2. Page 9, line 24.

Strike: "The"

Insert: "Subject to subsection (10), the"

3. Page 15, line 27.

Following: line 26

Insert: "(10) If an ordinance or resolution enacted in a local government has the effect of reducing the amount of revenue from a source enumerated in subsection (1) below the amount of revenue received by that local government during the fiscal year ending June 30, 2001, then in the succeeding year, the department shall reduce that local government's base entitlement share by the amount of the reduction in revenue."

Renumber: subsequent subsections

Amendment **not** adopted as follows:

Yeas: Bishop, Butcher, Cocchiarella, Crismore, DePratu, Glaser, Grimes, Grosfield, Keenan, Mahlum, McNutt, Mohl, Ryan, Shea, Sprague, Stapleton, Tash, Thomas, Zook, Mr. President.
Total 20

Nays: Berry, Bohlinger, Christiaens, Cobb, Cole, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Kitzenberg, McCarthy, Nelson, O'Neil, Pease, Roush, Stonington, Tester, Toole, Waterman, Wells.
Total 28

Absent or not voting: None.
Total 0

Excused: Miller, Taylor.
Total 2

Senator Grosfield reassumed the chair.

HB 18 - Senator Ellis moved **HB 18** be concurred in. Motion carried unanimously.

SB 15 - Senator Thomas moved **SB 15** be placed at the top of the second reading board. Motion carried.

SB 15 - Senator Butcher moved **SB 15**, second reading copy, be amended as follows :

1. Title, line 10.

Following: "EFFECTIVE DATE"

Strike: "AND"

Insert: ",,"

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

Following: "APPLICABILITY DATE"

Insert: ", AND A TERMINATION DATE"

2. Page 3.

Following: line 9

Insert: "NEW SECTION. Section 7. Termination. [This act] terminates December 31, 2004."

Amendment **adopted** as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Ellis, Franklin, Grosfield, Halligan, Hargrove, Holden, Mahlum, McNutt, Mohl, O'Neil, Ryan, Shea, Sprague, Stonington, Tash, Thomas, Wells, Zook, Mr. President.

Total 30

Nays: Christiaens, Doherty, Elliott, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, McCarthy, Nelson, Pease, Roush, Stapleton, Tester, Toole, Waterman.

Total 16

Absent or not voting: None.

Total 0

Excused: Glaser, Grimes, Miller, Taylor.

Total 4

SB 15 - Senator Cobb moved **SB 15**, as amended, do pass. Motion carried as follows:

Yeas: Bishop, Butcher, Christiaens, Cobb, Cole, Crismore, DePratu, Doherty, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Harrington, Holden, Keenan, Mahlum, McNutt, Ryan, Sprague, Tash, Thomas, Wells, Zook, Mr. President.

Total 25

Nays: Berry, Bohlinger, Cocchiarella, Ellingson, Elliott, Franklin, Halligan, Jergeson, Johnson, Kitzenberg, McCarthy, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Stapleton, Stonington, Tester, Toole, Waterman.

Total 22

Absent or not voting: None.

Total 0

Excused: Glaser, Miller, Taylor.

Total 3

Senator Thomas moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Grosfield 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:

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

HJR 1 concurred in as follows:

Yeas: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Stonington, Tash, 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, Tester, Toole, Waterman.

Total 20

Absent or not voting: None.

Total 0

Excused: Glaser, Miller, Taylor.

Total 3

HB 8 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Glaser, Miller, Taylor.

Total 3

HB 18 concurred in as follows:

Yeas: Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Johnson, Keenan, Mahlum, McCarthy, McNutt, Mohl, O'Neil, Pease, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 40

Nays: Berry, Ellingson, Elliott, Jergeson, Kitzenberg, Nelson, Roush.

Total 7

Absent or not voting: None.

Total 0

Excused: Glaser, Miller, Taylor.

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

Total 3

SB 15 passed as follows:

Yeas: Bishop, Butcher, Christiaens, Cobb, Cole, Crismore, DePratu, Doherty, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Holden, Keenan, Mahlum, McNutt, Mohl, Ryan, Sprague, Tash, Thomas, Wells, Zook, Mr. President.

Total 25

Nays: Berry, Bohlinger, Cocchiarella, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Johnson, Kitzenberg, McCarthy, Nelson, O'Neil, Pease, Roush, Shea, Stapleton, Stonington, Tester, Toole, Waterman.

Total 22

Absent or not voting: None.

Total 0

Excused: Glaser, Miller, Taylor.

Total 3

MESSAGES FROM THE OTHER HOUSE

HB 9 - The House failed to concur in Senate amendments to **HB 9**, authorized the Speaker to appoint the following **conference committee**, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 9**:

8/10/2002

Representative Fisher, Chairman

Representative Matthews

Representative Witt

MOTIONS

HB 9 - Majority Leader Thomas moved that the President be authorized to appoint a **conference committee** on **HB 9** to meet with a like committee from the House to confer on Senate Amendments to **HB 9**. Motion carried. The President appointed the following members:

Senator Tash, Chairman

Senator Crismore

Senator Pease

SB 29 - Senator Cocchiarella moved that **SB 29** be taken from the table in the committee on Taxation and placed on second reading this day. Motion **failed** as follows:

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

Total 22

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

Total 25

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

Absent or not voting: None.
Total 0

Excused: Glaser, Miller, Taylor.
Total 3

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate stand in recess until the hour of 2:30 p.m. this legislative day. Motion carried.

Senate recessed at 12:28 p.m.

Senate reconvened at 2:30 p.m.

Roll Call. All members present except Senators Cobb, Harrington, Miller and Taylor, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Ekegren, Vice Chairman): 8/10/2002
Correctly engrossed: SB 15.
Correctly enrolled: SB 17.
Signed by the Secretary of Senate at 5:50 p.m., August 8, 2002: SB 1.
Signed by the President at 5:55 p.m., August 8, 2002: SB 1.
Signed by the Secretary of Senate at 3:25 p.m., August 10, 2002: SB 6, SB 17.
Signed by the President at 3:30 p.m., August 10, 2002: SB 6, SB 17.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 8/10/2002
SB 26, introduced by Christiaens
SB 27, introduced by Stapleton

**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 23 - Senator Elliott moved **SB 23**, second reading copy, be amended as follows :

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

1. Title, page 1, line 7.

Strike: "FUNDS"

Insert: "UNRESTRICTED FUND BALANCE"

2. Title, page 1, line 8.

Following: "FUND"

Strike: "TO RESTORE"

Insert: ", REQUIRING TRANSFER OF 30 PERCENT OF THE UNRESTRICTED FUND BALANCE TO A STATE SPECIAL REVENUE ACCOUNT TO THE CREDIT OF THE DEPARTMENT OF ADMINISTRATION TO PAY THE COSTS OF ANY FEDERAL LIABILITY FOR PREMIUM REBATES, AND RESTORING"

3. Title, page 1, line 10 through line 12.

Strike: "; REQUIRING" on line 10 through "EDUCATION" on line 12

4. Page 2, line 12.

Following: "tax"

Insert: "(a)"

5. Page 2, line 16.

Following: "million"

Insert: "(b)"

Following: "transfer"

Insert: "required under subsection (5)(a)"

Strike: "funds"

Insert: "the unrestricted fund balance"

6. Page 2, line 18 through line 19.

Following: "allocated" on line 18

Strike: remainder of line 18 through "follows:" on line 19

Insert: "as provided in subsection (5)(c)."

7. Page 2, line 20 through line 22.

Strike: "(a)" on line 20

Insert: "(c)"

Following: "2003," on line 20

Strike: remainder of line 20 through "rule," on line 21

Insert: "30% of the total amount of the unrestricted fund balance must be transferred to a state special review account to the credit of the department of administration to pay the costs of any federal liability for premium rebates"

Strike: "transferred" on line 21

Insert: "allocated to the department of public health and human services"

Following: line 21

Insert: "(i) \$350,000 to be used to offset a portion of the medicaid coinsurance reduction imposed by department rule;"

Renumber: subsequent subsections

8. Page 3, line 14 through line 16.

Strike: subsection (b) in its entirety

9. Page 3, lines 28 and 29.

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

Following: "to" on line 28

Strike: remainder of line 28 through the second "transferred" on line 29

Insert: "the unrestricted fund balance in the account established in 39-71-2321 for claims occurring on or after July 1, 1990,"

Amendment **adopted** unanimously.

Senator Cobb present at this time.

SB 23 - Senator Elliott moved **SB 23**, as amended, do pass. After discussion, Senator Elliott moved to further amend **SB 23**, second reading copy as follows:

1. Title, line 6 through line 7.

Strike: "TO" on line 6 through "1990," on line 7

2. Title, line 8.

Strike: "TO RESTORE"

Insert: ", REQUIRING TRANSFER OF 30 PERCENT OF THE UNRESTRICTED FUND BALANCE TO A STATE SPECIAL REVENUE ACCOUNT TO THE CREDIT OF THE DEPARTMENT OF ADMINISTRATION TO PAY THE COSTS OF ANY FEDERAL LIABILITY FOR PREMIUM REBATES, AND RESTORING"

3. Page 2, line 14 through page 2, line 18.

Strike: "must" on line 14 through "1990,"

4. Page 2, line 18 through line 19.

Strike: "to the department of public health and human services"

5. Page 2, line 20 through line 21.

Following: "2003" on line 20

Strike: remainder of line 20 through "rule" on line 21

Insert: "30% of the total amount of the unrestricted fund balance must be transferred to a state special review account to the credit of the department of administration to pay the costs of any federal liability for premium rebates"

Strike: "transferred" on line 21

Insert: "allocated to the department of public health and human services"

Amendment **not** adopted as follows:

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

Total 22

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

Total 24

Absent or not voting: None.

Total 0

Excused: Harrington, Miller, Shea, Taylor.

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

Total 4

SB 23 - Senator Elliott's motion that **SB 23**, as amended, do pass **failed** as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, DePratu, Doherty, Ellingson, Elliott, Franklin, Glaser, Halligan, Jergeson, McCarthy, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 21

Nays: Berry, Bishop, Butcher, Cole, Crismore, Ekegren, Ellis, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Mohl, Nelson, O'Neil, Sprague, Stapleton, Tash, Thomas, Wells, Zook, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Grimes, Harrington, Miller, Taylor.

Total 4

SB 23 - Majority Leader Thomas moved that **SB 23 do not pass**. Senator Halligan stated his opposition to the motion. Motion carried as follows:

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

Total 27

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

Total 20

Absent or not voting: None.

Total 0

Excused: Harrington, Miller, Taylor.

Total 3

Senator Thomas moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Grosfield moved the Committee of the Whole report be adopted. Report adopted unanimously.

Majority Leader Thomas moved that the Senate stand in recess until the hour of 4:00 p.m. this day. Motion carried.

Senate recessed at 3:13 p.m.

Senate reconvened at 4:00 p.m.

Roll Call. All members present except Senators Harrington, Miller, Stonington and Taylor, excused. Quorum present.

Majority Leader Thomas moved that the Senate stand in recess at the call of the President. Motion carried.

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

Senate recessed at 4:05 p.m.

Senate reconvened at 5:50 p.m.

Roll Call. All members present except Senators Ellis, Harrington, Kitzenberg, Miller and Taylor, excused. Quorum present.

Senator Ellis present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 8/10/2002
Correctly enrolled: SB 26, SB 27.

MESSAGES FROM THE OTHER HOUSE

Senate bill passed and transmitted to the Senate for concurrence: 8/10/2002

SB 30, introduced by Glaser

House bill passed and transmitted to the Senate for concurrence: 8/10/2002

HB 30, introduced by Harris

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 9**
Report No. 1, August 10, 2002

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 9** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 9** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

Strike: "ELIMINATING"

Insert: "REDUCING"

2. Title, line 7.

Following: "~~\$300,000~~"

Insert: "TO \$300,000"

3. Page 16, line 7.

Following: "~~(1)~~"

Insert: "(1)"

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

4. Page 16, line 16.

Following: line 15

Insert: "(2) There is a one-time transfer in fiscal year 2003 of up to \$300,000 from the resource indemnity trust fund, as provided in 15-38-202, from the first money paid into the resource indemnity trust fund that exceeds \$100 million for the purposes provided in 80-7-705."

For the House:

Fisher, Chairman
Matthews
Witt

For the Senate:

Tash, Chairman
Crismore
Pease

MOTIONS

SB 19 - Majority Leader Thomas moved that **SB 19** be taken from the table in the committee on Finance and Claims and placed on second reading this day for purpose of amendment. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate stand in recess until the hour of 7:30 p.m.

Senate recessed at 5:59 p.m.

Senate reconvened at 7:38 p.m. President Pro Tempore McNutt presiding.

Roll Call. All members present except Senators Beck, Harrington, Kitzenberg, Miller and Taylor, excused. Motion carried.

MOTIONS

Majority Leader Thomas moved that the Senate stand in recess until the hour of 8:00 p.m. this day, for party caucuses. Motion carried.

Senate recessed at 7:39 p.m.

Senate reconvened at 8:00 p.m. President Beck presiding.

Roll Call. All members present except Senators Harrington, Kitzenberg, Miller and Taylor. Quorum present.

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

Session 3

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.

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

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

SB 19 - Senator F. Thomas moved **SB 19**, second reading copy, be amended as follows :

1. Title, lines 5 through 9.

Following: "TRANSFERRING" on line 5

Insert: "\$4 MILLION OF"

Following: "1990," on line 5

Strike: remainder of line 5 through "TRANSFERRED" on line 7

Following: "FUND" on line 7

Insert: "FOR FISCAL YEAR 2003"

Following: "TO" on line 7

Strike: remainder of line 7 through "REVENUE FUND," on line 9

Insert: "BE APPROPRIATED TO THE UNIVERSITY SYSTEM AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND TO BE TRANSFERRED TO THE STATE LIBRARY EQUIPMENT ACCOUNT"

2. Title, lines 10 through 14.

Following: line 9

Strike: line 10 through "TRANSFER;" on line 14

Insert: "PROVIDING FOR A STUDY OF THE STRUCTURE OF THE STATE FUND TO BE FUNDED BY THE STATE FUND;"

3. Page 2, lines 17 through 24.

Following: "2003" on line 17

Strike: " "

Insert: ": (i)"

Strike: "\$56,995" on line 17

Insert: "\$1.9 million"

Following: "fund to" on line 17

Strike: remainder of line 17 through "reductions" on line 24

Insert: "be transferred to the state library equipment account and appropriated to the university system and the department of public health and human services"

4. Page 2, lines 25 and 26.

Strike: "(iii) any remainder" on line 25

Insert: "(ii) the amount of \$2.1 million must be transferred"

Following: "20-9-543" on line 25

Strike: remainder of line 25 through "reductions; and" on line 26

Insert: "."

5. Page 2, line 27.

Following: "In"

Insert: "the fiscal year ending June 30, 2003, the remaining amount, and in"

Strike: "the entire"

Insert: "an"

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

6. Page 2, lines 28 and 29.

Following: "must be" on line 28

Strike: remainder of line 28 through "schools" on line 29

Insert: "transferred to the account established in 39-71-2321 to pay claims for injuries resulting from accidents that occurred on or after July 1, 1990. The total amount of funds transferred under this subsection may not exceed \$63.8 million"

7. Page 3, line 9.

Insert: "NEW SECTION. Section 2. Study of state fund structure. (1) There is a committee to study the structure of the state fund. The members of the committee consists of:

(a) three members of the house of representatives appointed by the speaker of the house;

(b) three members of the senate appointed by the president of the senate;

(c) a representative of employee groups appointed by the governor;

(d) a representative of the office of the state auditor appointed by the state auditor;

(e) a representative of plan 1 insurers appointed by the governor; and

(f) a representative of plan 2 insurers appointed by the governor.

(2) The committee is attached to the state fund for funding and administrative purposes. The legislative members of the committee are entitled to a salary as provided in 5-2-302(3). The other members of the committee serve for no salary. All members of the committee are entitled to reimbursement for travel, meals, and lodging as provided in Title 2, chapter 18, part 5. The payment of members' claims for salary, travel, meals, and lodging are the responsibility of the state fund.

(3) The state fund shall present the recommendations of the committee to the 58th legislature."

Renumber: subsequent section

8. Page 3, line 11.

Following: "approval"

Insert: ", "

Following: "and"

Insert: "[section 1]"

Amendment **adopted** unanimously.

SB 19 - Senator Doherty moved **SB 19**, second reading copy, be further amended as follows :

1. Title, lines 5 through 9.

Following: "TRANSFERRING" on line 5

Insert: "\$5 MILLION OF"

Following: "1990," on line 5

Strike: remainder of line 5 through "TRANSFERRED" on line 7

Following: "FUND" on line 7

Insert: "FOR FISCAL YEAR 2003"

Following: "TO" on line 7

Strike: remainder of line 7 through "REVENUE FUND," on line 9

Insert: "BE APPROPRIATED TO THE UNIVERSITY SYSTEM AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND TO BE TRANSFERRED TO THE STATE LIBRARY EQUIPMENT ACCOUNT"

2. Title, lines 10 through 14.

Following: line 9

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

Strike: line 10 through "TRANSFER;" on line 14

Insert: "PROVIDING FOR A STUDY OF THE STRUCTURE OF THE STATE FUND TO BE FUNDED BY THE STATE FUND;"

3. Page 2, lines 17 through 24.

Following: "2003" on line 17

Strike: " "

Insert: ": (i)"

Strike: "\$56,995" on line 17

Insert: "\$2.57 million"

Following: "fund to" on line 17

Strike: remainder of line 17 through "reductions; and" on line 24

Insert: "be transferred to the state library equipment account and appropriated to the university system and the department of public health and human services. The appropriations to the university system and the department of public health and human services may not be less than \$1.245 million each."

4. Page 2, lines 25 and 26.

Strike: "(iii) any remainder" on line 25

Insert: "(ii) the amount of \$2.43 million must be transferred"

Following: "20-9-543" on line 25

Strike: remainder of line 25 through "reductions; and" on line 26

Insert: "."

5. Page 2, line 27.

Following: "In"

Insert: "the fiscal year ending June 30, 2003, the remaining amount, and in"

Strike: "the entire"

Insert: "an"

6. Page 2, lines 28 and 29.

Following: "must be" on line 28

Strike: remainder of line 28 through "schools" on line 29

Insert: "transferred to the account established in 39-71-2321 to pay claims for injuries resulting from accidents that occurred on or after July 1, 1990. The total amount of funds transferred under this subsection may not exceed \$63.8 million"

7. Page 3, line 9.

Insert: "NEW SECTION. Section 2. Study of state fund structure. (1) There is a committee to study the structure of the state fund. The members of the committee consists of:

- (a) three members of the house of representatives appointed by the speaker of the house;
- (b) three members of the senate appointed by the president of the senate;
- (c) a representative of employee groups appointed by the governor;
- (d) a representative of the office of the state auditor appointed by the state auditor;
- (e) a representative of plan 1 insurers appointed by the governor; and
- (f) a representative of plan 2 insurers appointed by the governor.

(2) The committee is attached to the state fund for funding and administrative purposes. The legislative members of the committee are entitled to a salary as provided in 5-2-302(3). The other members of the committee serve for no salary. All members of the committee are entitled to reimbursement for travel, meals, and lodging as provided in Title 2, chapter 18, part 5. The payment of members' claims for salary, travel, meals, and lodging are the responsibility

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

of the state fund.

(3) The state fund shall present the recommendations of the committee to the 58th legislature."

Renumber: subsequent section

8. Page 3, line 11.

Following: "approval"

Insert: ", "

Following: "and"

Insert: "[section 1]"

Amendment **not** adopted as follows:

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

Total 22

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

Total 24

Absent or not voting: None.

Total 0

Excused: Harrington, Kitzenberg, Miller, Taylor.

Total 4

SB 19 - Senator Doherty moved **SB 19**, as amended, do pass. Motion carried unanimously.

HB 9 - Conference Committee Report No. 1 - Senator Tash moved the Conference Committee report to **HB 9** be adopted. Motion carried unanimously.

SB 15 - House Amendments - Senator Cobb moved House amendments to **SB 15** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Keenan, Mahlum, McNutt, Mohl, Nelson, O'Neil, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Wells, Zook, Mr. President.

Total 33

Nays: Bohlinger, Christiaens, Ellingson, Elliott, Ellis, Franklin, Jergeson, Johnson, McCarthy, Pease, Roush, Toole, Waterman.

Total 13

Absent or not voting: None.

Total 0

Excused: Harrington, Kitzenberg, Miller, Taylor.

Total 4

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

Senator Thomas moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Grosfield 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 19 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 44

Nays: Ellis, Wells.
Total 2

Absent or not voting: None.
Total 0

Excused: Harrington, Kitzenberg, Miller, Taylor.
Total 4

HB 9, Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harrington, Kitzenberg, Miller, Taylor.
Total 4

SB 15, House Amendments, adopted as follows:

Yeas: Berry, Bishop, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Glaser, Grimes, Grosfield, Hargrove, Holden, Keenan, Mahlum, McNutt, Mohl, Nelson, O'Neil, Ryan, Shea, Sprague, Stapleton, Tash, Tester, Thomas, Wells, Zook, Mr. President.
Total 31

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

Nays: Bohlinger, Christiaens, Ellingson, Elliott, Ellis, Franklin, Halligan, Jergeson, Johnson, McCarthy, Pease, Roush, Stonington, Toole, Waterman.

Total 15

Absent or not voting: None.

Total 0

Excused: Harrington, Kitzenberg, Miller, Taylor.

Total 4

MOTIONS

SB 19 - Senator Halligan moved that he be allowed to change his vote on **SB 19** from nay to aye. Motion carried.

Majority Leader Thomas moved that the Senate stand in recess until the call of the chair. Motion carried.

Senate recessed at 8:42 p.m.

Senate reconvened at 12:34 a.m., August 11, 2001.

Roll Call: All members present except Senators Harrington, Kitzenberg, Miller and Taylor, excused. Quorum present.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate:

8/10/2002

SB 19, introduced by Doherty

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **House Bill 2**

Report No. 1, August 11, 2002

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 2** (reference copy -- salmon) be amended as follows:

1. Page B-2, line 3.

Strike: "3,464,561" [Federal Funds FY02]

Insert: "700,000" [Federal Funds FY02]

2. Page B-8, line 1.

Following: "through"

Insert: "1k, items 1m through"

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

Following: "1t"

Insert: ", "

3. Page B-11.

Following: line 10

Insert: "Item 7 includes a reduction of \$2 million of general fund money in fiscal year 2003. This reduction is the equivalent of a 0.73% reduction in the fiscal year 2003 general fund appropriation for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans."

For the House:

Lewis, Chairman
McCann
Story

For the Senate:

Keenan, Chairman
Nelson
Zook

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

Session 3

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 2 - Free Conference Committee Report No. 1 - Senator Keenan moved the **Free** Conference Committee report to **HB 2** be adopted. Motion carried with Senator Waterman voting nay.

Senator Thomas moved the committee rise, report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Grosfield 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 2, Free Conference Committee Report No. 1 concurred in as follows:

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

Total 30

Nays: Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Jergeson, McCarthy, Pease, Ryan, Stonington, Tester, Toole, Waterman.

Total 16

SENATE JOURNAL
SIXTH LEGISLATIVE DAY - AUGUST 10, 2002

Absent or not voting: None.
Total 0

Excused: Harrington, Kitzenberg, Miller, Taylor.
Total 4

MOTIONS

Majority Leader Thomas moved that the President appoint a committee of three to notify the Governor that the Special Session of the fifty-seventh Legislature is ready to adjourn sine die. Motion carried unanimously.

The President appointed Senator Crismore, Chairman, Senator Mohl and Senator Waterman.

Majority Leader Thomas moved that the President appoint a committee of three to notify the House of Representatives that the Special Session of the 57th Legislature is ready to adjourn sine die. Motion carried unanimously.

The President appointed Senator Hargrove, Chairman, Senator Cole and Senator Christiaens.

Majority Leader Thomas moved that the President appoint a committee of three to notify the Chief Justice and Justices of the Montana Supreme Court that the Special Session of the 57th Legislature is ready to adjourn sine die. Motion carried unanimously.

The President appointed Senator Grosfield, Chairman, Senator Ellis and Senator Halligan.

The President dismissed the committees to perform their assigned duties.

Sergeant-at-Arms Cramer announced that a committee from the House of Representatives awaited entrance to the Senate Chamber. Representatives were admitted and reported that the House of Representatives had completed its business and was ready to adjourn sine die.

The committee appointed to notify the Chief Justice and Justices of the Supreme Court reported that the Justices had been notified. The President discharged the committee.

The committee appointed to notify the House of Representatives reported that the House had been notified. The President discharged the committee.

The committee appointed to notify the Governor reported that the Governor had been notified and that she expressed her thanks to the Senate and appreciated all their time and hard work. The President discharged the committee.

Majority Leader Thomas moved that the Senate adjourn sine die. Motion carried unanimously.

The Special Session of the 57th Legislature adjourned sine die at 1:29 a.m., Sunday, August 11, 2002.

SUSAN ANDERSEN
Secretary of Senate

WALT MCNUTT
President Pro Tempore of the Senate