

**SENATE JOURNAL
57TH LEGISLATURE
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 3, 2001

Senate Chambers
State Capitol

Senate convened at 9:00 a.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Cobb, Ellis, Franklin, Halligan, McCarthy, Miller and Sprague, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the forty-fourth legislative day, find the same to be correct.

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/3/2001
Correctly printed: SB 411, SJR 6, HB 74, HB 78, HB 83, HB 130, HB 152, HB 204, HB 221, HB 295, HB 300, HB 308, HB 417, HJR 30.
Correctly engrossed: HB 21, HB 71, HB 141, HB 148, HB 154, HB 172, HB 174, HB 223, HB 231, HB 256, HB 258, HB 325, HJR 3, HJR 4, HJR 7.
Correctly enrolled: SB 54, SB 93, SB 214, SJR 5, SR 18.
Examined by the sponsor and found to be correct: SB 54, SB 214, SJR 5.

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman): 3/3/2001
HB 103, be concurred in. Report adopted.
HB 272, be concurred in. Report adopted.

NATURAL RESOURCES (Crismore, Chairman): 3/3/2001
HB 129, be amended as follows:

1. Page 5, line 9.

Following: "for"

Insert: ": (A)"

2. Page 5, line 10.

Following: "i"

Insert: "or

(B) ground water inside the boundaries of a controlled ground water area and if the provisions of the order declaring the controlled ground water area do not restrict such a change;"

3. Page 5, line 19.

Strike: "Within 60 days of"

Insert: "After"

4. Page 10, line 7.

Following: "for"

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Insert: ": (A)"

5. Page 10, line 8.

Following: "¿"

Insert: "or

(B) ground water inside the boundaries of a controlled ground water area and if the provisions of the order declaring the controlled ground water area do not restrict such a change;"

6. Page 10, line 17.

Strike: "Within 60 days of"

Insert: "After"

7. Page 15, line 4.

Following: "for"

Insert: ": (A)"

8. Page 15, line 5.

Following: "¿"

Insert: "or

(B) ground water inside the boundaries of a controlled ground water area and if the provisions of the order declaring the controlled ground water area do not restrict such a change;"

9. Page 15, line 14.

Strike: "Within 60 days of"

Insert: "After"

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman):

3/2/2001

HB 309, be concurred in. Report adopted.

HB 354, be concurred in. Report adopted.

HB 411, be concurred in. Report adopted.

MOTIONS

HB 293 - Senator Thomas moved **HB 293** be taken from second reading and rereferred to the committee on State Administration. Motion carried.

HB 300 - Senator Thomas moved that consideration of **HB 300** on second reading this legislative day, be passed for the day. Motion carried.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/2/2001

HB 214, introduced by Shockley

HB 554, introduced by Sliter

Senate bills concurred in and returned to the Senate:

3/2/2001

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SB 11, introduced by Shea
SB 30, introduced by Mahlum
SB 61, introduced by R. Johnson
SB 112, introduced by Nelson
SB 120, introduced by Tester
SB 133, introduced by Jergeson
SB 156, introduced by Cocchiarella
SB 172, introduced by R. Johnson
SB 189, introduced by McNutt
SB 192, introduced by DePratu
SB 235, introduced by Cocchiarella

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/2/2001

SB 180, introduced by Beck

FIRST READING AND COMMITMENT OF BILLS

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

HB 214, introduced by Shockley, referred to Judiciary.
HB 554, introduced by Sliter, F. Thomas, referred to Fish and Game.

**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 Ekegren in the chair.

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

HB 21 - Senator Bohlinger moved **HB 21** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Ekegren, Ellingson, Elliott, Glaser, Grimes, Grosfield, Hargrove, Harrington, Jergeson, Kitzenberg, Mahlum, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 37

Nays: Crismore, Holden, Johnson, Keenan, Mohl, Wells.

Total 6

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Franklin, Halligan, McCarthy, Miller, Sprague.

Total 7

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HB 71 - Senator Cocchiarella moved **HB 71** be concurred in. Motion carried unanimously.

HB 83 - Senator Christiaens moved **HB 83** be concurred in. Motion carried unanimously.

HB 138 - Senator Roush moved **HB 138** be concurred in. Motion carried unanimously.

HB 176 - Senator O'Neil moved **HB 176** be concurred in. Motion carried unanimously.

HB 234 - Senator Taylor moved **HB 234** be concurred in. Motion carried unanimously.

HB 256 - Senator Hargrove moved **HB 256** be concurred in. After discussion, Senator F. Thomas made a **substitute motion** that consideration of **HB 256** be passed for the day. Motion carried.

HB 271 - Senator Elliott moved **HB 271** be concurred in. Motion carried unanimously.

HB 308 - Senator Mahlum moved **HB 308** be concurred in. Motion carried unanimously.

HB 369 - Senator Berry moved **HB 369** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Glaser, Harrington, Holden, Jergeson, Kitzenberg, Mahlum, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tash, Taylor, Tester, Toole, Waterman, Wells, Mr. President.

Total 34

Nays: Grimes, Grosfield, Hargrove, Johnson, Keenan, O'Neil, Stapleton, Thomas, Zook.

Total 9

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Franklin, Halligan, McCarthy, Miller, Sprague.

Total 7

HJR 30 - Senator Harrington moved **HJR 30** be concurred in. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Ekegren 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 411 passed as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Glaser, Grimes, Grosfield, Hargrove, Harrington, Holden, Jergeson, Johnson, Kitzenberg, Mahlum, McNutt,

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Nelson, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 39

Nays: Bishop, Keenan, Mohl, O'Neil.
Total 4

Absent or not voting: None.
Total 0

Excused: Cobb, Ellis, Franklin, Halligan, McCarthy, Miller, Sprague.
Total 7

SJR 6 adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Glaser, Grimes, Grosfield, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 43

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Ellis, Franklin, Halligan, McCarthy, Miller, Sprague.
Total 7

SR 18 adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Glaser, Grimes, Grosfield, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 43

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Ellis, Franklin, Halligan, McCarthy, Miller, Sprague.
Total 7

HB 141 concurred in as follows:

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

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Franklin, Halligan, McCarthy, Miller, Sprague.

Total 7

HB 154, as amended by the Senate, concurred in as follows:

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

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Franklin, Halligan, McCarthy, Miller, Sprague.

Total 7

HB 223, as amended by the Senate, concurred in as follows:

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

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Franklin, Halligan, McCarthy, Miller, Sprague.

Total 7

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HB 231 concurred in as follows:

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

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Franklin, Halligan, McCarthy, Miller, Sprague.

Total 7

HB 258 concurred in as follows:

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

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Franklin, Halligan, McCarthy, Miller, Sprague.

Total 7

HB 325 concurred in as follows:

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

Total 39

Nays: Ryan, Stonington, Taylor, Tester.

Total 4

Absent or not voting: None.

Total 0

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Excused: Cobb, Ellis, Franklin, Halligan, McCarthy, Miller, Sprague.
Total 7

HJR 3 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Glaser, Grimes, Grosfield, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Mohl, Nelson, O'Neil, Pease, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 41

Nays: Roush, Ryan.
Total 2

Absent or not voting: None.
Total 0

Excused: Cobb, Ellis, Franklin, Halligan, McCarthy, Miller, Sprague.
Total 7

HJR 4 concurred in as follows:

Yeas: Bishop, Bohlinger, Butcher, DePratu, Ekegren, Ellingson, Elliott, Ellis, Glaser, Grimes, Hargrove, Harrington, Holden, Kitzenberg, Mahlum, McNutt, Pease, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Toole, Waterman, Mr. President.
Total 26

Nays: Berry, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Grosfield, Jergeson, Johnson, Keenan, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Stonington, Tester, Wells, Zook.
Total 20

Paired: Bohlinger, Ellis, Sprague, Ayes; Cole, Crismore, Miller, Noes.

Absent or not voting: None.
Total 0

Excused: Cobb, Franklin, Halligan, McCarthy.
Total 4

HJR 7 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Glaser, Grimes, Grosfield, Hargrove, Harrington, Holden, Jergeson, Keenan, Kitzenberg, Mahlum, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 42

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Nays: Johnson.
Total 1

Absent or not voting: None.
Total 0

Excused: Cobb, Ellis, Franklin, Halligan, McCarthy, Miller, Sprague.
Total 7

MOTIONS

HB 256 - Senator Grosfield moved that **HB 256** be taken from second reading and rereferred to the committee on Judiciary. Motion carried.

ANNOUNCEMENTS

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

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Monday, March 5, 2001. Motion carried.

Senate adjourned at 10:58 a.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate