

**SENATE JOURNAL
57TH LEGISLATURE
TWELFTH LEGISLATIVE DAY**

Helena, Montana
January 16, 2001

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senators Christiaens and McCarthy, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 1/16/2001
Correctly printed: SB 6, SB 7, SB 53, SB 59, SB 75, SB 106, SB 147, SB 254, SB 255.
Correctly engrossed: SB 122, SB 148, SB 157, SB 159.
Delivered to the Secretary of State at 9:25 a.m., January 16, 2001: SJR 1.

FINANCE (Keenan, Chairman): 1/16/2001
SB 103, do pass. Report adopted.
SB 120, do pass. Report adopted.
HB 17, be concurred in. Report adopted.

JUDICIARY (Grosfield, Chairman): 1/16/2001
SB 1, introduced bill, be amended as follows:

1. Page 2, line 29.

Following: "means"

Strike: "to prepare"

Insert: "the communication by an employer or former employer to a prospective employer of"

2. Page 2, line 30 through page 3, line 1.

Following: "of" on line 30

Strike: remainder of line 30 through "circulate" on page 3, line 1

Insert: "the employer, former employer, or prospective employer"

3. Page 3, line 2.

Following: "(b)"

Strike: "individual employment references"

Insert: "the following"

Following: "blacklisting"

Insert: ":

(i) individual employment references; or

(ii) truthful statements concerning job performance or the ability or the lack of ability to perform a job"

And, as amended, do pass. Report adopted.

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SB 12, introduced bill, be amended as follows:

1. Title, lines 4 through 6.

Following: second "AN ACT" on line 4

Strike: remainder of line 4 through "ENTITY;" on line 6

2. Title, line 6.

Following: "GOOD FAITH"

Insert: "WHEN A PERSON REPORTS OR PROVIDES TO THE DEPARTMENT OF LABOR AND INDUSTRY INFORMATION RELATING TO SUSPECTED FRAUDULENT OR CRIMINAL ACTIVITY"

3. Page 1, lines 11 through 16.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 1, line 22.

Following: "(2)"

Strike: "A report"

Insert: "The reporting or providing"

Following: "information"

Insert: "under subsection (1)"

5. Page 1, lines 22 through 24.

Following: "good faith" on line 22

Strike: remainder of line 22 through "report" on line 24

Insert: ". The presumption may be overcome by a showing that the person reporting or providing the information was grossly negligent or provided information, knowing the information to be false"

6. Page 1, lines 26 through 28.

Strike: section 3 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 40, do pass. Report adopted.

TAXATION (DePratu, Chairman):

1/16/2001

SB 44, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

SB 256, introduced by Hargrove, referred to State Administration.

SB 257, introduced by Bohlinger, Schrupf, referred to Public Health, Welfare and Safety.

SB 258, introduced by Bohlinger, referred to Taxation.

SB 259, introduced by Tester, Jergeson, McCann, Musgrove, Wolery, referred to Agriculture, Livestock and Irrigation.

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SB 260, introduced by Mahlum, Cocchiarella, Doherty, Glaser, Grimes, Kitzenberg, Lawson, Lehman, Masolo, Olson, A. Peterson, Ripley, Ryan, Shea, Smith, Tash, Tester, Toole, referred to Education and Cultural Resources.

SB 261, introduced by Christiaens, E. Clark, Eggers, Ekegren, G. Forrester, Glaser, Hargrove, Harrington, Jacobson, Jergeson, Mangan, Masolo, McNutt, Nelson, Ripley, Roush, Schmidt, Tash, Tester, Toole, J. Whitaker, referred to Agriculture, Livestock and Irrigation.

SB 262, introduced by J. Wells, Adams, Berry, Butcher, Davies, Glaser, Hargrove, Keenan, Laszloffy, K. Miller, Sprague, referred to Fish and Game.

SB 263, introduced by Mahlum, referred to Business and Labor.

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

HB 36, introduced by Gallik (by request of the State Tax Appeal Board), referred to Taxation.

HB 51, introduced by Facey, referred to Business and Labor.

HB 87, introduced by Masolo (by request of the Department of Labor and Industry), referred to Business and Labor.

HB 98, introduced by Lewis, referred to Business and Labor.

HB 111, introduced by Lawson, referred to Local Government.

HB 113, introduced by Devlin (by request of the Department of Natural Resources and Conservation), referred to Agriculture, Livestock and Irrigation.

HB 115, introduced by Shockley (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Judiciary.

HB 130, introduced by Lawson (by request of the State Library Commission), referred to Local Government.

**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 Miller in the chair.

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

SR 2 - Senator Butcher moved SR 2 be placed below SB 59 on the second reading board this legislative day. Motion carried.

SB 133 - Senator Jergeson moved SB 133 do pass. Motion carried unanimously.

SB 204 - Senator Cobb moved SB 204 do pass. Motion carried unanimously.

Senator McCarthy present at this time.

SB 165 - Senator Cole moved SB 165 do pass. Motion carried unanimously.

SB 59 - Senator Nelson moved SB 59, second reading copy, be amended as follows :

1. Title, page 1, line 7.

Following: "MCA;"

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Strike: "AND"

2. Title, page 1, line 8.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 17.

Following: line 16

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

Amendment **adopted** unanimously.

SB 59 - Senator Nelson moved SB 59, as amended, do pass. Motion carried unanimously.

SR 2 - Senator Butcher requested SR 2 be placed below SB 148 on the second reading board this legislative day. Request granted.

SB 122 - Senator Shea moved SB 122 do pass. Motion carried unanimously.

SB 148 - Senator Tester moved SB 148 do pass. Senator Bohlinger made a substitute motion that SB 148 be placed at the bottom of the second reading board this day for purpose of amendment. Motion carried unanimously.

SR 2 - Senator Butcher moved SR 2, second reading copy, be amended as follows :

1. **Strip:** Senate Committee of the Whole amendments dated January 15, 2001 in their entirety

2. Page 1, line 7.

Following: "WHEREAS,"

Insert: "surveys indicate that"

3. Page 1, line 21 through line 23.

Strike: line 21 through line 23 in their entirety

4. Page 2, line 2.

Strike: "Legislature"

Insert: "Senate"

Strike: "request"

Insert: "requests"

5. Page 2, line 7.

Strike: "and"

6. Page 2, line 8.

Following: "Bush"

Insert: ", and the members of the Central Montana Resource Advisory Council"

Amendment **adopted** as follows:

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

Total 27

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

Total 22

Absent or not voting: None.

Total 0

Excused: Christiaens.

Total 1

SR 2 - Senator Tester moved SR 2, second reading copy, be further amended as follows :

1. Page 1, line 29.

Following: "inhabitants"

Insert: "; and

WHEREAS, existing and valid grazing rights need to be recognized and enforced; and

WHEREAS, existing and valid oil and gas rights need to be enforced; and

WHEREAS, the Department of Fish, Wildlife, and Parks needs to continue to manage fish and game issues pertaining to the Missouri river"

Amendment **adopted** unanimously.

SR 2 - Senator Butcher moved SR 2, as amended, be adopted. Motion carried as follows:

Yeas: Berry, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.

Total 38

Nays: Bishop, Doherty, Ellingson, Franklin, Halligan, Harrington, Pease, Ryan, Stonington, Toole, Waterman.

Total 11

Absent or not voting: None.

Total 0

Excused: Christiaens.

Total 1

SB 157 - Senator Cocchiarella moved SB 157 do pass. Motion carried unanimously.

SB 159 - Senator Grosfield moved SB 159 do pass. Motion carried with Senator Cobb voting nay.

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SB 148 - Senator Bohlinger moved SB 148, second reading copy, be amended as follows :

1. Page 5, line 7.

Following: "marriage"

Insert: "or death"

Amendment **adopted** unanimously.

SB 148 - Senator Tester moved that consideration of SB 148, as amended, be passed for the day. Motion carried.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Miller 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 6 passed as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Christiaens.

Total 1

SB 7 passed as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

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Total 0

Excused: Christiaens.

Total 1

SB 53 passed as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Christiaens.

Total 1

SB 75 passed as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Christiaens.

Total 1

SB 106 passed as follows:

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

Total 46

Nays: Ellingson, Franklin, O'Neil.

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Total 3

Absent or not voting: None.

Total 0

Excused: Christiaens.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Wednesday, January 17, 2001. Motion carried.

Senate adjourned at 2:45 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate