

**SENATE JOURNAL
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana
January 21, 1999

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Crippen presiding. Invocation by Reverend Brenda Satrum. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Harp, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journals for the fourteenth and fifteenth legislative days, find the same to be correct.

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 1/21/1999
Correctly printed: SB 13, SB 116, SB 122, SB 124, SB 167, SB 168, SB 169, SB 187, SB 190, SB 191, SB 196, SB 201.
Correctly engrossed: SB 33, SB 140.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Jabs, Chairman): 1/20/1999
SB 171, introduced bill, be amended as follows:

1. Title, line 5.

Following: "PROPERTY;"

Insert: "REQUIRING THE COOPERATIVE DEVELOPMENT OF LAND OWNERSHIP MAPS TO ASSIST IN BOUNDARY IDENTIFICATION;"

2. Page 1, line 20.

Insert: "NEW SECTION. **Section 2. Development of maps identifying land ownership boundaries.** In recognition of potential problems associated with identifying property boundaries in the field when seeking permission for hunting, the department shall work cooperatively with all state and federal land management agencies, state and local organizations representing hunters, state and local landowner organizations, and other interested persons to develop accurate land ownership maps that identify land ownership boundaries in the state.

NEW SECTION. **Section 3. Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 87, chapter 3, part 3, and the provisions of Title 87, chapter 3, part 3, apply to [section 2]."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 178, introduced bill, be amended as follows:

1. Page 3, line 8.

Following: "plants."

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Insert: "Membership on the task force is voluntary, and members shall serve without compensation."

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Toews, Chairman): 1/21/1999
SB 31, do pass. Report adopted.
SB 69, do pass. Report adopted.
SB 134, do pass. Report adopted.
SB 151, do pass. Report adopted.

LOCAL GOVERNMENT (Sprague, Chairman): 1/20/1999
SB 1, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "a contiguous"

Insert: "another"

2. Page 1, line 17 through line 18.

Strike: "and" on page 1, line 17 through "moved" on page 1, line 18

3. Page 1, line 20 through page 1, line 23.

Strike: "A" on page 1, line 20 through "(2)" on page 1, line 23

4. Page 1, line 24.

Following: "to" on line 24

Insert: "full-time"

5. Page 1, line 29.

Following: "duty"

Insert: "only upon successful completion of training in the laws and procedures governing use of force and upon demonstration of proficiency with that weapon."

(2) A local government may authorize special services officers only on the orders and at the direction of the chief law enforcement administrator of the local government"

6. Page 2, line 17.

Strike: "requiring"

Insert: ", other than general law enforcement duties, that require"

And, as amended, do pass. Report adopted.

SB 95, do pass. Report adopted.

SB 96, introduced bill, be amended as follows:

1. Page 1, line 15 and line 16.

Strike: "all" on line 15

Following: the first "the" on line 16

Insert: "voting"

2. Page 1, line 19 through line 20.

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Following: "~~or~~" on line 19

Insert: "or"

Strike: "immediately" through "extending" on line 20

3. Page 1, line 21 through line 25.

Strike: ";" on line 21 through "lots" on line 25

And, as amended, do pass. Report adopted.

SB 97, introduced bill, be amended as follows:

1. Title, line 17.

Strike: "76-3-511,"

2. Page 18, line 2 through line 17.

Strike: section 22 in its entirety

Insert: "**Section 22.** Section 76-3-505, MCA, is amended to read:

"76-3-505. Provision for summary review of minor subdivisions. (1) Local subdivision regulations must include procedures for the summary review and approval of subdivision plats containing five or fewer parcels when proper access to all lots is provided, when no land in the subdivision will be dedicated to public use for parks or playgrounds, and when the plats have been approved by the department of environmental quality whenever approval is required by part 1 of chapter 4; however, reasonable local regulations may contain additional requirements for summary approval.

(2) (a) Except when required by local subdivision regulations, proposed subdivisions eligible for summary review under this section that are located entirely within the jurisdictional area covered by a growth policy adopted pursuant to chapter 1 and zoning regulations adopted pursuant to chapter 2, part 2 or 3, are exempt from:

(i) the requirement to hold a hearing on the preliminary plat pursuant to 76-3-605; and

(ii) review by the governing body of the criteria in 76-3-608(3)(a).

(b) The governing body shall approve, conditionally approve, or disapprove a proposed subdivision that is eligible for review under this subsection (2) within 35 days of submission of the subdivision application."

3. Page 18, line 19 through page 19, line 22.

Strike: section 23 in its entirety

Renumber: subsequent sections

4. Page 28, line 21 and line 23.

Strike: "2000" on page 28, line 21

Insert: "2001"

Strike: "2000" on page 28, line 23

Insert: "2001"

And, as amended, do pass. Report adopted.

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

1/21/1999

SB 99, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "INDIVIDUAL OR"

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2. Page 1, line 16.
Strike: "individual or"

3. Page 2, line 3.
Strike: "individual or"

And, as amended, do pass. Report adopted.

SB 101, introduced bill, be amended as follows:

1/19/1999

1. Page 3, line 29.

Following: "(2)"

Strike: "The"

Insert: "If it is determined that the infectious disease is airborne or a report of exposure was filed concerning the patient under 50-16-702, the"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Cole, Chairman):

1/20/1999

SB 11, introduced bill, be amended as follows:

1. Title, lines 14 and 15.

Following: "FAMILIES," on line 14

Insert: "AND"

Following: "SYSTEMS" on line 14

Strike: remainder of line 14 through "COMMITTEE" on line 15

2. Title, line 19.

Strike: "69-8-104, 69-8-402, 69-8-501, 69-8-502,"

3. Page 19.

Following: line 5

Insert: "(2) the legislative council established by 5-11-101;"

Renumber: subsequent subsections

4. Page 20, line 21.

Following: "(5)"

Insert: "(a)"

Strike: "The"

Insert: "Subject to subsection (5)(b), the"

5. Page 20, line 22.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsection

6. Page 20, line 24.

Following: line 23

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Insert: "(b) If the committee workload requires, the legislative council may request the appointing authority to appoint one or two additional interim committee members from each political party."

7. Page 20, line 30.

Insert: "(7) An interim committee may, with the approval of the legislative council, create subcommittees. Nonlegislative members may serve on a subcommittee. Unless the person is a full-time salaried officer or employee of the state or a political subdivision of the state, a nonlegislative member appointed to a subcommittee is entitled to salary and expenses to the same extent as a legislative member. If the appointee is a full-time salaried officer or employee of the state or of a political subdivision of the state, the appointee is entitled to reimbursement for travel expenses as provided for in 2-18-501 through 2-18-503."

8. Page 21, line 16.

Strike: "agencies"

Insert: "entities"

9. Page 22, line 19.

Following: "committee."

Insert: "(1)"

10. Page 22, line 22.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

11. Page 22, line 26.

Insert: "(2) The committee shall:

(a) provide information to the board of regents in the following areas:

(i) annual budget allocations;

(ii) annual goal statement development;

(iii) long-range planning;

(iv) outcome assessment programs; and

(v) any other area that the committee considers to have significant educational or fiscal policy impact;

(b) periodically review the success or failure of the university system in meeting its annual goals and long-range plans;

(c) periodically review the results of outcome assessment programs;

(d) develop mechanisms to ensure strict accountability of the revenues and expenditures of the university system;

(e) study and report to the legislature on the advisability of adjustments to the mechanisms used to determine funding for the university system, including criteria for determining appropriate levels of funding;

(f) act as a liaison between both the legislative and executive branches and the board of regents; and

(g) encourage cooperation between the legislative and executive branches and the board of regents."

12. Page 38, line 20 through page 44, line 24.

Strike: sections 44 through 47 in their entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 194, do pass. Report adopted.

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MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/20/1999

HB 170, introduced by Masolo

HB 190, introduced by Soft

HB 215, introduced by Ewer

MOTIONS

SB 133 - Senator Mohl moved that Ekegren, Hertel, Hargrove, McCarthy, Shea, Mesaros, Ellis, Roush, Franklin, Wilson, Crippen, Devlin, Mahlum, F. Thomas, Swysgood, DePratu, Bishop, Jabs, Bohlinger, Harp, Nelson, Berry, Stang, Cole, Keating, Younkin, Hedges, Ahner, Tash, Raney, Rose, Stovall, Dale, Barnett, Noennig and J. Holden be added as sponsors to SB 133. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 247, introduced by B. Glaser, V. Cocchiarella, D. Shea, L. Soft, C. Squires, D. Wyatt, referred to Finance and Claims.

SB 248, introduced by T. Keating, referred to Natural Resources.

SB 249, introduced by T. Keating, R. Brown, R. Dale, P. Ekegren, M. Hanson, D. Hedges, R. Jabs, W. McNutt, L. Nelson, S. Rose, J. Tester, referred to Natural Resources.

SB 250, introduced by S. Bartlett, referred to Judiciary.

SB 251, introduced by M. Halligan, referred to Judiciary.

SB 252, introduced by L. Grosfield, referred to Natural Resources.

SB 253, introduced by L. Grosfield, referred to Natural Resources.

SB 254, introduced by L. Grosfield, referred to Natural Resources.

SB 255, introduced by L. Grosfield, referred to Natural Resources.

SB 256, introduced by L. Grosfield and B. Stang, referred to State Administration.

SB 257, introduced by D. Grimes, S. Bartlett, A. Bishop, D. Eck, E. Franklin, M. Halligan, D. Hargrove, referred to Judiciary.

SB 258, introduced by D. Grimes, S. Bartlett, D. Eck, E. Franklin, M. Halligan, D. Hargrove, referred to Judiciary.

SB 259, introduced by D. Grimes, referred to Judiciary.

**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 Tester in the chair.

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

SB 172 - Senator Waterman moved SB 172 do pass. Motion carried unanimously.

SB 22 - Senator Mohl moved SB 22 do pass. Motion carried unanimously.

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SB 33 - Senator Thomas moved SB 33 do pass. After discussion, Senator Thomas requested that SB 33 be placed at the bottom of the second reading board this legislative day in order to obtain further information. Request granted.

SB 140 - Senator Nelson moved SB 140 do pass. Motion carried unanimously.

Senator Wilson assumed the chair.

SB 187 - Senator Tester moved SB 187 do pass. Motion carried unanimously.

Senator Tester resumed the chair.

Senator Bishop excused at this time.

SB 33 - Senator Thomas moved SB 33 do pass. Motion carried as follows:

Yeas: Bartlett, Berry, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Grimes, Halligan, Hargrove, Hertel, Holden, Jabs, Keating, Keenan, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Stang, Swysgood, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 37

Nays: Beck, Bohlinger, Glaser, Grosfield, Jergeson, Lynch, Mahlum, McCarthy, Shea, Taylor, Toews.

Total 11

Absent or not voting: None.

Total 0

Excused: Bishop, Harp.

Total 2

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Tester moved the Committee of the Whole report be adopted. Report adopted.

Senator Bishop present at this time.

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 13 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 49

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harp.
Total 1

SB 116 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harp.
Total 1

SB 122 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harp.
Total 1

SB 124 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

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Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harp.
Total 1

SB 167 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Mr. President.
Total 44

Nays: Keating, Keenan, Miller, Wells, Wilson.
Total 5

Absent or not voting: None.
Total 0

Excused: Harp.
Total 1

SB 168 passed as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 46

Nays: Beck, Devlin, Swysgood.
Total 3

Absent or not voting: None.
Total 0

Excused: Harp.
Total 1

SB 169 passed as follows:

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Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 47

Nays: Devlin, Swysgood.

Total 2

Absent or not voting: None.

Total 0

Excused: Harp.

Total 1

SB 190 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Harp.

Total 1

SB 191 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Harp.

Total 1

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SB 196 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harp.
Total 1

SB 201 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harp.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Thomas moved that the Senate adjourn until 1:00 p.m., Friday, January 22, 1999. Motion carried.

Senate adjourned at 2:05 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate