

**SENATE JOURNAL
FORTIETH LEGISLATIVE DAY**

Helena, Montana
February 18, 1999

Senate Chambers
State Capitol

Senate convened at 12:45 p.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

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

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

Miller, Chairman

Senator Stang excused 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 153 passed as follows:

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

Total 47

Nays: Devlin.

Total 1

Absent or not voting: None.

Total 0

Excused: Mahlum, Stang.

Total 2

SB 224 passed as follows:

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

Total 39

Nays: Devlin, Holden, Keenan, McNutt, Mesaros, Nelson, Swysgood, Waterman, Wells.

Total 9

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Absent or not voting: None.
Total 0

Excused: Mahlum, Stang.
Total 2

SB 241 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, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, McCarthy, McNutt, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 46

Nays: Mohl, Toews.
Total 2

Absent or not voting: None.
Total 0

Excused: Mahlum, Stang.
Total 2

SB 251 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, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mahlum, Stang.
Total 2

SB 314 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, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 47

Nays: Miller.

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Total 1

Absent or not voting: None.

Total 0

Excused: Mahlum, Stang.

Total 2

SB 362 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, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mahlum, Stang.

Total 2

HB 3 concurred in 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, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 47

Nays: Keenan.

Total 1

Absent or not voting: None.

Total 0

Excused: Mahlum, Stang.

Total 2

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

2/18/1999

Correctly printed: SB 153, SB 224, SB 241, SB 251, SB 314, SB 362, SB 374, SB 415, SB 416, SB 417, SB 423, SB 463, SB 473, SB 509, SB 510, SB 511, SB 512, SJR 13.

Correctly engrossed: SB 271, SB 310, SB 311, SB 320, SB 349, SB 365, SB 404, SB 429, SB 435, SJR 8, HB 3.

Signed by the Speaker at 12:10 p.m., February 17, 1999: SB 9.

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Delivered to the Governor for his approval at 8:20 a.m., February 18, 1999: SB 9.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Jabs, Chairman):
SB 384, introduced bill, be amended as follows:

2/18/1999

1. Title, line 10.

Following: "SECTIONS"

Insert: "87-4-406,"

2. Page 1, line 14.

"Section 1. Section 87-4-406, MCA, is amended to read:

"87-4-406. Definitions. As used in this part, the following definitions apply:

(1) "Cloven-hoofed ungulate" means an animal of the order Artiodactyla, except a member of the families suidae, camelidae, or hippopotamidae. The term does not include domestic pigs, domestic cows, domestic yaks, domestic sheep, domestic goats that are not naturally occurring in the wild in their country of origin, or bison.

(2) "Department" means the department of fish, wildlife, and parks.

(3) "Facilities" means perimeter fences and other enclosures that provide for the confinement, handling, and quarantine of game farm animals.

(4) "Game animals" means game animals as defined in 87-2-101 that are not the lawful property of any private person.

(5) "Game farm" means the enclosed land area upon which game farm animals may be kept for purposes of obtaining, rearing in captivity, keeping, or selling game farm animals or parts of game farm animals, as authorized under this part.

(6) "Game farm animal" means a privately owned caribou, ~~black bear, mountain lion,~~ white-tailed deer, mule deer, elk, moose, antelope, mountain sheep, or mountain goat indigenous to the state of Montana, a privately owned reindeer, or any other cloven-hoofed ungulate as classified by the department.

(7) "Person" means an individual, firm, corporation, association, or partnership."

Renumber: subsequent sections

3. Page 4, line 21.

Following: "Section"

Strike: "6"

Insert: "7"

4. Page 4, line 23.

Following: "Section"

Strike: "6"

Insert: "7"

And, as amended, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hertel, Chairman):
SB 367, introduced bill, be amended as follows:

2/17/1999

1. Page 4, line 9.

Strike: "submission"

Insert: "payment"

And, as amended, do pass. Report adopted.

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EDUCATION AND CULTURAL RESOURCES (Toews, Chairman):
SB 393, introduced bill, be amended as follows:

2/18/1999

1. Title, page 1, line 4.

Following: "OF"

Strike: PUBLIC EDUCATION"

Insert: "REGENTS"

2. Page 1, line 26.

Page 1, line 30.

Page 2, line 4

Following: "board of"

Strike: "public education"

Insert: "regents"

3. Page 2, line 4.

Strike: "shall"

Insert: "may"

Following: "with"

Strike: "the commissioner"

Insert: "other agencies"

And, as amended, do pass. Report adopted.

JUDICIARY (Grosfield, Chairman):
SB 390, introduced bill, be amended as follows:

2/17/1999

1. Page 1, line 15.

Following: "compensation"

Strike: "or medical"

2. Page 1, line 16.

Following: "benefits;"

Strike: "and"

3. Page 1, line 17.

Following: "claim"

Strike: "for denied or terminated compensation, benefits, or medical benefits"

4. Page 1, line 18.

Following: "and"

Insert: "; and"

5. Page 1, line 20.

Following: "unreasonable"

Insert: "(c) in the case of attorney fees, the workers' compensation court determines that the insurer's actions in denying liability or terminating benefits were unreasonable"

6. Page 1, line 21.

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Strike: "An award"

Insert: "A finding of unreasonableness"

7. Page 1, line 24.

Insert: "(3) The insurer shall pay reasonable costs and attorney fees as established by the workers' compensation court if:

(a) the insurer denies liability for a claim for medical benefits or terminates medical benefits and the medical benefits are later adjudged compensable by the workers' compensation court; or

(b) the insurer denies liability for a claim for medical benefits or terminates medical benefits and the medical benefits are later settled less than 30 days prior to the scheduled date of hearing before the workers' compensation court."

8. Page 1, line 26.

Following: "~~may~~"

Strike: "must"

Insert: "may"

9. Page 1, line 29.

Strike: "or medical benefits"

10. Page 2, line 3.

Strike: "or medical benefits"

11. Page 2, line 9 through line 10.

Following: "~~chapter 18~~" on line 9

Strike: remainder of line 9 through "chapter 18" on line 10

Insert: "An award of attorney fees under subsections (1) and (4) may be made only if it is determined that the actions of the insurer were unreasonable. Any written offer of payment made 30 days or more before the date of hearing must be considered a valid offer of payment for the purposes of this section.

(3) A finding of unreasonableness against an insurer made under this section does not constitute a finding that the insurer acted in bad faith or violated the unfair trade practices provisions of Title 33, chapter 18.

(4) The insurer shall pay reasonable costs and attorney fees as established by the workers' compensation court if the insurer pays or submits a written offer of payment of medical benefits under chapter 71 or 72 of this title but controversy relates to the amount of benefits due, the case is brought before the workers' compensation judge for adjudication of the controversy, and the award granted by the judge is greater than the amount paid or offered by the insurer"

And, as amended, do pass. Report adopted.

SB 477, introduced bill, be amended as follows:

1. Page 1, line 9.

Following: "(1)"

Strike: "An"

Insert: "Except as provided in subsection (2), an"

2. Page 1, line 11.

Following: the second "a"

Insert: "voluntary"

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3. Page 1, line 14.

Following: "in"

Insert: "voluntary"

4. Page 1, line 15.

Following: "employer"

Strike: "or"

Insert: ", "

5. Page 1, line 16.

Following: "employment"

Insert: ", or to voluntary ridesharing arrangements subsidized by an employer"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Crismore, Chairman):
SB 265, introduced bill, be amended as follows:

2/18/1999

1. Title lines 5 and 6.

Strike: "LOCATABLE AND LEASABLE"

Insert: "EXPLORATION FOR"

Strike: "ON" on line 5 through "LAND" on line 6

2. Page 1, line 14.

Strike: "9"

Insert: "10"

3. Page 1, line 17.

Strike: "9"

Insert: "10"

4. Page 1, line 20.

Following: "at"

Strike: the first "the" through "activity"

Insert: "a specific exploration site"

5. Page 1, line 29 through line 30.

Strike: "(2)(a)(i) through (2)(a)(vii)"

Insert: "(1)(a)(i) through (1)(a)(vii)"

6. Page 2, line 5.

Strike: "(2)(a)(v)"

Insert: "(1)(a)(v)"

7. Page 2, line 7.

Strike: "locatable and leasable"

8. Page 2, line 8.

Strike: "9"

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Insert: "10"

9. Page 2, line 9.

Following: "data"

Insert: "list"

Following: "applicable"

Insert: ", a summary of work completed during the year that includes but is not limited to"

10. Page 2, line 10.

Following: "(a)"

Strike: lines 10 and 11 in their entirety

Insert: "the number of core or rotary drilling holes completed;"

11. Page 2, line 12.

Following: the first "data"

Strike: "and" through "data"

Insert: "available"

12. Page 2.

Following: line 19

Insert: "(6) "Mineral" means those substances defined as minerals by 82-4-303 and coal as defined by 82-1-111."

Renumber: subsequent subsections

13. Page 2, line 28.

Strike: "an individual"

Insert: "a sole proprietorship"

14. Page 2.

Following: line 29

Insert: "(9) "Tax year" means the calendar year."

15. Page 3, line 3.

Strike: "or for the benefit of"

16. Page 3, line 4 through line 5.

Strike: "locatable or leasable"

Following: "of" on line 5

Strike: "whether the land is state-owned"

Following: "land"

Insert: "ownership"

17. Page 3, line 22.

Strike: ",unrevoked,"

18. Page 4, line 10.

Strike: ",unrevoked,"

19. Page 4, line 15.

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Strike: "taking"
Insert: "certifying"
Strike: "(1)"

20. Page 4, line 16.
Strike: "9"
Insert: "10"

21. Page 4, line 18.
Strike: "(a)"
Insert: "(1)"

22. Page 4, line 20.
Strike: "(b)"
Insert: "(2)"

23. Page 4, line 21.
Strike: "(i)"
Insert: "(a)"

24. Page 4, line 23.
Strike: "(ii)"
Insert: "(b)"

25. Page 4, lines 24 and 25.
Following: "subsection" on line 24
Strike: "(1)(b)(i)"
Insert: "(2)(a)"
Strike: "a list of"
Insert: "an"
Following: "data"
Strike: "that" through "(2)(a)" on line 25
Insert: "list"

26. Page 4, line 26.
Strike: "(c)"
Insert: "(3)"

27. Page 4, line 28.
Strike: "(d)"
Insert: "(4)"

28. Page 5, line 1.
Strike: "(e)"
Insert: "(5)"

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29. Page 5, line 5.

Following: "data"

Insert: "list"

30. Page 5, line 7.

Strike: "(f)"

Insert: "(6)"

31. Page 5, lines 9 through 21.

Strike: subsection (2) in its entirety

32. Page 5, lines 23 and 24.

Following: "(1)"

Strike: "Subject" through ",in" on line 24

Insert: "In"

33. Page 5, line 25.

Following: "exceed"

Strike: "the lesser of:"

34. Page 5, line 26.

Strike: "(a)"

35. Page 5 lines 27 and 28.

Following: "occurred"

Strike: ";" on line 27 through "year" on line 28

36. Page 5, line 29.

Strike: "(a) or (1)(b)"

37. Page 6, line 1.

Following: the second "person's"

Strike: "mining operation"

Insert: "exploration"

38. Page 6, lines 2 and 3.

Following: "of"

Strike: "mining operation"

Insert: "exploration"

39. Page 6, line 16.

Following: "a"

Strike: "mining operation"

Insert: "specific exploration activity"

40. Page 7, line 3.

Strike: "9"

Insert: "10"

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41. Page 7, line 5.

Following: "information."

Insert: "(1)"

42. Page 7, lines 8 through 10.

Following: "deduct" on line 8

Insert: "documented expenses"

Following: "information" on line 8

Strike: the remainder of line 8 through "Montana" on line 10

Insert: "generated as part of the certified expenditures. The information must be donated to the Montana tech foundation to reside as part of the Montana tech research library, and the documented expenses must be based on the cost of recreating the donated information."

(2) The Montana tech foundation has the right to limit information accepted and deductions granted to that exploration activity data that is needed as part of the Montana tech research library.

(3) A deduction under this section may not exceed 20% of the actual value of the data if a tax credit for the same exploration activity data is taken under [sections 1 through 10]"

And, as amended, do pass. Report adopted.

SB 468, introduced bill, be amended as follows:

1. Title, line 6.

Following: "MUNICIPAL,"

Insert: "LIVESTOCK,"

2. Page 1, line 21.

Following: "domestic"

Insert: "use, stock use,"

And, as amended, do pass. Report adopted.

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

2/18/1999

SB 323, introduced bill, be amended as follows:

1. Title, line 8.

Following: "FUND"

Insert: "AND TO ALLOW A PORTION OF THE INTEREST AND INCOME TO BE APPROPRIATED FOR HEALTH CARE PROGRAMS"

2. Page 1, line 15.

Following: "fund."

Insert: "(1)"

3. Page 1, line 16.

Following: "fund"

Strike: ", the"

Insert: "."

(2) (a) The"

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Strike: "which"
Insert: "the trust fund"

4. Page 1, line 17

Following: "care"

Insert: "in the amount of interest and income remaining after the deposit required in subsection (2)(b).

(b) An amount must be redeposited in the trust fund each year based on the percentage of the interest and income earned that equals the preceding calendar year's inflation factor that is used for governmental programs"

5. Page 1, line 18.

Following: "+999."

Insert: "(3)"

6. Page 1, line 19.

Strike: "three-fourths (3/4)"

Insert: "two-thirds (2/3)"

7. Page 1, line 25.

Following: "proceeds"

Insert: "and allowing income and interest to be appropriated for health care programs"

8. Page 1, line 26.

Following: "proceeds"

Insert: "and allowing income and interest to be appropriated for health care programs"

And, as amended, do pass. Report adopted.

SB 353, introduced bill, be amended as follows:

1. Page 1, line 16.

Following: "stamps"

Strike: " "

Insert: "or"

Following: "coverage."

Strike: "or"

Insert: "and"

Following: "benefits"

Insert: "may only be continued for those hours in which the FAIM financial assistance participant is employed"

2. Page 1, line 18.

Strike: "are provided"

Insert: "avail themselves of"

3. Page 1, line 21.

Following: "conduct"

Insert: "and, when appropriate, incorporate into the FAIM project evaluation"

4. Page 2, line 4.

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Strike: "results"
Insert: "progress"

And, as amended, do pass. Report adopted.

SB 388, introduced bill, be amended as follows:

1. Title, line 4 through line 6.

Following: the second "ACT" on line 4

Strike: remainder of line 4 through "MCA" on line 6

Insert: "ADDING NATUROPATHIC PHYSICIANS TO THE HEALTH CARE PROVIDERS FOR WHICH FREEDOM OF CHOICE IN SELECTION MUST BE PROVIDED UNDER DISABILITY INSURANCE POLICIES; REQUIRING HEALTH SERVICES CORPORATIONS TO COVER SERVICES PROVIDED BY A NATUROPATHIC PHYSICIAN; AMENDING SECTION 33-22-111, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 1, line 10.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 33-22-111, MCA, is amended to read:

"33-22-111. Policies to provide for freedom of choice of practitioners -- professional practice not enlarged. (1) All policies of disability insurance, including individual, group, and blanket policies, must provide that the insured has full freedom of choice in the selection of any licensed physician, physician assistant-certified, dentist, osteopath, chiropractor, optometrist, podiatrist, psychologist, licensed social worker, licensed professional counselor, acupuncturist, naturopathic physician, or nurse specialist as specifically listed in 37-8-202 for treatment of any illness or injury within the scope and limitations of the person's practice. Whenever the policies insure against the expense of drugs, the insured has full freedom of choice in the selection of any licensed and registered pharmacist.

(2) This section may not be construed as enlarging the scope and limitations of practice of any of the licensed professions enumerated in subsection (1). This section may not be construed as amending, altering, or repealing any statutes relating to the licensing or use of hospitals."

Insert: "NEW SECTION. Section 2. Coverage required for services provided by naturopathic physicians. A health service corporation shall provide, in group and individual insurance contracts, coverage for health services provided by a naturopathic physician licensed pursuant to Title 37, chapter 26, if the health care services that naturopathic physicians are licensed to perform are covered by the contract."

Insert: "NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 33, chapter 30, part 10, and the provisions of Title 33, chapter 30, part 10, apply to [section 2]."

Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective January 1, 2000."

And, as amended, do pass. Report adopted.

SB 398, do pass. Report adopted.

SB 469, introduced bill, be amended as follows:

1. Page 1, line 14.

Strike: "through the department or"

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2. Page 1, line 25.

Strike: "loan"

Insert: "vehicle purchase agreement with the local nonprofit agency"

3. Page 1, line 28.

Strike: "the department or"

4. Page 1, line 30.

Following: the first "individual"

Insert: "or another working adult within the household"

Following: "driver"

Insert: "and, at the discretion of the local nonprofit agency, shall buy comprehensive vehicle collision coverage that may not exclude or restrict coverage when the individual or another working adult within the household is the driver"

5. Page 2, line 3.

Strike: "department or"

6. Page 2, line 5.

Strike: "department or"

7. Page 2, line 8.

Strike: "The department and each"

Insert: "Each"

8. Page 2, line 10.

Following: "warranty of"

Insert: "safety,"

9. Page 2, line 11.

Following: "merchantability"

Insert: ", or condition"

And, as amended, do pass. Report adopted.

TAXATION (Devlin, Chairman):

2/18/1999

SB 426, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 17, 1999

The Honorable Bruce Crippen
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Crippen:

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Please be informed that I have signed **Senate Bill 11** sponsored by Senator M. Halligan et al, **Senate Bill 55** sponsored by Senator M. Taylor, and **Senate Bill 93** sponsored by Senator D. Hargrove on February 17, 1999.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/17/1999

HB 275, introduced by B. Barnhart
HB 459, introduced by R. Clark
HB 492, introduced by H. Harper
HB 558, introduced by R. Bitney

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 2/18/1999

SB 10, introduced by Mohl

FIRST READING AND COMMITMENT OF BILLS

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

SB 513, introduced by D. Berry, referred to State Administration.

MOTIONS

Majority Leader Harp moved that the Senate proceed to the House of Representatives for the purpose of receiving the address from Montana's senior U.S. Senator, the Honorable Max Baucus, and further that the Senate reconvene upon completion of that address. Motion carried.

Senate recessed at 12:56 p.m.

SPECIAL ORDERS OF THE DAY

Sergeant-at-arms Nancy Meuli escorted the Senate into the House Chamber.

Speaker Mercer introduced President Crippen and yielded the chair to him.

Senate Majority Leader Harp moved that the body resolve itself into a joint session for the purpose of receiving the address from Montana's senior U. S. Senator, The Honorable Max Baucus. Motion carried.

Senate Majority Leader Harp moved that the president be authorized to appoint a committee of six to notify the Honorable U.S.Senator Baucus that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Halligan, Senator Franklin, Senator Mahlum, Senator Taylor, Representative Hibbard and Representative Krenzler and discharged them to escort the Honorable Senator Baucus to the rostrum

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of the House.

The committee escorted the Honorable Max Baucus into the House Chambers.

President Crippen introduced Montana's senior U.S.Senator, the Honorable Max Baucus, who then gave the following address:

Speaker Mercer, President Crippen, Minority Leader Doherty, Minority Leader Swanson and members of the 56th Legislative Assembly, good afternoon. Thank you for once again welcoming me home to this chamber. It is indeed a great privilege to be here today to share with you some of my thoughts about the challenges faced by our state and our nation.

I am blessed to have many friends in this chamber on both sides of the aisle. Some of whom I served with when I was in the legislature, like Red Menahan, Joe Quilici and J.D. Lynch. And many others of you with whom I've worked side-by-side with over the past 20 years. Folks like Dorothy Eck, Chase Hibbard, Carolyn Squires and Tom Zook. For many, due to term limits, this will be your last session in this body.

So let me take this opportunity, on behalf of a grateful state, to thank those of you who will not be returning to the Legislature for your service, for your leadership, and for your friendship.

Even after all these years, I walk up the Capitol steps to work for you in the United States Senate and I am awed by the trust Montanans have bestowed on me. I believe public office is a sacred trust to put partisanship and division aside and work for the good of our state and our nation. I'm sure you feel the same way.

Sure, my job, a lot like yours does, has its difficulties, its frustrations. You might even say its trials and tribulations. But I get my energy for the job from Montana. For every time I get off the plane, I realize I am home. Truly home.

There is a sense of place here in our state -- a sense of belonging -- that is distinct and powerful. It binds us together as a community and gives our lives strength and meaning.

By the time I get back on the plane to head off to Washington, I am re-charged and ready to tackle the challenges that face us as a people. I'm sure you all feel the same way about your transmittal break.

There is much we have accomplished -- and much yet to do. Important things:

Bringing opportunities for prosperity to our rural communities -- so that the economic boom is felt not just on Wall Street, but on Main Street.

Working to simplify the tax code to help small businesses and working families get ahead.

Expanding access to health care, especially for children whose parents work hard but can't afford adequate coverage.

And protecting the natural heritage of hunting, fishing and outdoor recreation that makes Montana, truly, the last best place.

There is much to do on a range of issues. And today I believe there is one challenge that is so important to the future of our state that it calls for us to make a special effort to work with courage, creativity, and cooperation.

This is about making a difference in the lives of our children, about preparing the next generation for the unique

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challenges of a new century, and about leaving a meaningful legacy for future generations.

My friends, the time has come to bring the promise of a world-class education to every Montanan.

Some of my most vivid memories of youth are about my teachers.

I went to kindergarten right here in Helena, in the basement of the First Christian Church. I was lucky enough to be taught by Mrs. Foote – a wonderful, kind woman who got me off to a good start and made sure that I understood the value of hard work.

As a five year old, I wasn't great at keeping in touch with people. I lost track of Mrs. Foote, but never forgot her – or the important lessons she taught me.

Now as most of you know, every month or so I work in a different job right here at home. Some days I stock shelves, other days I work on a construction crew, and just this last Monday I worked at a children's health clinic in Kalispell. I love it.

A couple of years ago, I was working with the meals on wheels program -- serving seniors who have difficulty getting around. It was lunchtime and I carried my tray to a door and knocked confidently. A little voice from inside told me to come in and so I pushed on the door and walked inside.

There, seated at the kitchen table was a woman I knew I recognized. We chatted for a moment and I asked her if she had taught kindergarten. She answered that she had. I then asked her if there was any chance she had taught in the basement of the First Christian Church at the corner of Benton and Power. She replied that she had. It was Mrs. Foote.

Seeing her again, even after so many years, brought back warm memories of my first year in school. We got to visiting a while and she showed me an article about her career that appeared in the Great Falls Tribune that confirmed to me what I guess I had known all along. Mrs. Foote was a special teacher. You see she had not one, but two masters degrees. One in art history and one in English literature. And with that knowledge she chose to teach kindergarten, my kindergarten. I was lucky to have Mrs. Foote in my life. Today, let us commit ourselves to ensuring that every child of Montana has a Mrs. Foote in their lives.

With us here today is another Mrs. Foote, Mrs. Lindberg and her kindergarten class from Jefferson Elementary School. Let's thank them for joining us and reminding us of how truly precious our future is.

These great leaders of tomorrow's Montana are getting an early start because our predecessors in this chamber had the foresight and wisdom to pass a law exactly 100 years ago, in 1899, establishing public kindergartens in Montana. Let's mark this anniversary by rededicating ourselves to Montana's children.

In just a few years, we will commemorate the journey of Meriwether Lewis and William Clark. We will talk of their courage and daring. Of their deeds then and their legacy today.

Thomas Jefferson called them and their men the Corps of Discovery. I believe he chose this name because for Jefferson this was a journey -- certainly to expand the frontiers of America -- but more importantly to expand the frontiers of our knowledge.

Lewis and Clark failed to find the River of the West connecting us to the Pacific. But, though they might not have realized it, they found something much more important – the land under their very feet. For in the generations after

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they passed through here, this land became a home of opportunity.

Wagon train after wagon train they came – looking for a better future. They didn't find an easy life, but they didn't come here for that. All they wanted was a chance to succeed.

Back then that chance to succeed was found in the land itself – in the gold and silver, the "Oro y Plata". But today our world has changed. A strong back is no longer a ticket to success. Today, for Montanans to have a chance to succeed, we need a flexible mind.

As Lewis and Clark set out to map a new territory, we are about to set out to map a new century. A new century of a global marketplace, information technology that connects us to the entire world, and a new economy where innovation is the engine of prosperity.

To find our way in this new century, we need new thinking on how to help Montanans have a chance at success.

That's why today I am announcing the "Corps of Discovery" agenda -- a comprehensive package of education initiatives that will educate our kids for tomorrow's jobs, provide classrooms equipped for the 21st century, and improve access to higher education for every Montanan.

This new "Corps of Discovery" will give our children the core knowledge they need to compete and win in the next century.

Now before I tell you any more about what the "Corps of Discovery" agenda is, let me clearly tell you what it is not. It is not a top-down, Washington-centered, big-government solution to all our problems. Education is a national concern, but that doesn't mean that the federal government has all the answers.

This Congress must re-authorize the single largest piece of education funding legislation in our nation -- The Elementary and Secondary Education Act. And while I am a strong supporter of the bill, I believe that some of the federal mandates in it have become burdensome on local teachers and educators.

That's why I will work hard to build more flexibility into this bill and make sure it provides the kind of support our kids deserve.

Rules that make sense in Manhattan, New York don't necessarily work in Manhattan, Montana – and we shouldn't pretend that they do.

That's why my new "Corps of Discovery" agenda is built on solutions that are truly made in Montana -- solutions that meet the special needs of rural states.

I'm confident we have the tools we need to succeed. Right here at home. But we all know that tools that are rusting in the shed are useless. We need to get the tools out of the shed, shine 'em up and put them to work for our kids.

So what is the "Corps of Discovery?"

It starts with preparing our kids for the jobs of tomorrow. That means connecting them to the endless possibilities technology has to offer.

The Internet holds the promise of giving every child in every small town in Montana the access to the same universe of knowledge. Imagine a young boy in Columbia Falls who can read the great books in the Library of Congress.

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A young girl in Hamilton who can look at every painting in the National Gallery of Art. We can make their horizons so large that the skies of the Great Plains will seem cramped in comparison.

That's why I'm fighting for the "e-rate" - which gives deep discounts on Internet access to Montana's schools.

And that's why I will continue to make sure every school in Montana has computer access for its students. As you know, the federal government provides surplus computers to schools. Through that program alone we've delivered over 300 computers to Montana schools.

Early on in the program I was able to get about 150 computers from the Minerals Management Service. I was thrilled. The problem was, the computers were in Denver, and the kids who needed them were here. That's where Ray Kuntz came in.

Ray offered the services of his company, Watkins-Shepard Trucking, and they shipped every last one of those computers to Montana. Ray is with us today and is an example of the kind of public-private partnership that means so much to our communities. Thank you Ray.

I'm encouraged to hear this legislature is considering a similar program in the state. If Lewis and Clark could cross the Continental Divide, we can conquer the digital divide.

The second part of the "Corps of Discovery" agenda is providing classrooms equipped for the 21st century. Because all the wonderful technology in the world is useless if our classrooms aren't modern enough to support it.

Think of this beautiful and historic capitol building - only a few years away from celebrating its one hundredth birthday. It has grown and expanded over the years, now it is being renovated. I applaud all this. And I'm sure you'll agree that our children's schools deserve the same.

That's why I'm proud to sponsor the Public Schools Excellence Act to provide \$23 billion in bonding authority to help local communities rebuild and modernize our schools.

Unfortunately, this good bill leaves out the 12,000 Montana kids who live on federal lands. So today I'm announcing that I will introduce a bill that includes \$34 million in aid to Montana so that these children don't get left behind.

But even the best classrooms and computers aren't as important as high-quality teachers.

That's why I have co-sponsored legislation to recruit, retain, and train a whole new generation of bright and energetic teachers. A new generation of Mrs. Footes.

Kids can't learn - and parents can't get much work done - when they have to worry about school violence. Sadly, we in Montana are no longer immune from this problem. We must honor those we have lost, like Jeremy Bullock in Butte, by committing to each other that it will never happen again. That's why the "Corps of Discovery" plan calls for 10,000 new, qualified counselors in America's schools to give our kids the guidance they need.

And that's why I am pleased to report to you a \$350,000 grant to the University of Montana to help train teachers to deal with school violence.

The third part of the "Corps of Discovery" agenda is improving access to higher education for all Montanans. Because in an age when technology and innovation leap past science fiction, a high school diploma just isn't enough.

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The great journey of discovery must continue at every tribal college, every college of technology, every community college and on each of our university campuses.

Over the past couple of years the Congress has made meaningful, bi-partisan, changes that help Montana families send their kids to college.

We've adopted the Hope Scholarship, a \$1500 tax credit for post-secondary education. In the very first year of this program 15,000 Montana families were eligible for savings totaling \$22.5 million.

We established the Lifetime Learning which helps put lifetime learning in reach for every Montana family by providing an additional tax credit for students of all ages who go back to school to improve their job skills.

And do you know how many Montana students use Pell Grants and student loans to at least partially fund their education? 80%. Let me repeat that. 80% of Montana students use Pell Grants or student loans to go to college.

Now I believe that there is no such thing as a free lunch. I don't believe in hand-outs or in something for nothing. But when young Montanans have worked hard and stayed straight, they shouldn't be denied a college education just because their parents can't afford it. That's not the America that we believe in.

That's why my "Corps of Discovery" plan includes legislation to increase the amount of the Hope Scholarship, to extend the Lifetime Learning Credit to include employer contributions. And I'll push to fully fund Pell Grant and student loan programs -- to throw open the doors of college to every student who needs our help.

And, after students have walked through those doors and finished college, we should not turn our backs on them. Too often, graduates are saddled with years of student loan debts that keep them from following their dreams.

That's why my "Corps of Discovery" plan makes every cent of interest on student loans tax deductible. Hard working graduates paying off their loans should not have to worry about another bill from the IRS.

Together, these programs have already helped literally tens of thousands of Montanans pursue an advanced degree. The future of this new generation is in our hands. We are the stewards of their future. We can not let them down.

Educating our kids for the jobs of tomorrow. Giving our kids a better learning environment. Improving higher education for Montana families. And maintaining local control over education decisions.

That's my "Corps of Discovery" agenda -- its new, its different, but it will work. The world is changing every day. And yet in other ways, more important ways, it is the same.

We are still Americans. We are still Montanans -- part of a community in which we are responsible for ourselves and each other. A community of people who share rights and freedoms that bind us together and make the value of our whole greater than the sum of our parts.

When Thomas Jefferson sent Lewis and Clark out on their voyage two centuries ago he dreamt of what he called "an Empire of Liberty." Today, let's carry his vision into a new century and give our children the liberty to live out their own dreams and chart their own voyage of discovery.

So as we go from here toward a new millennium, let us remember....each one of us, as Montanans and as Americans....that the future is in our hands....and ours alone. Our actions will determine the course of a new century. That is the beauty of democracy.

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Let us set forth and greet the new century committed as a people, one people, to work together. To create a place where quality educational opportunity for every Montanan is guaranteed; a place where the agricultural economy that is so much a part of our way of life can again thrive; a place where tensions over natural resource issues fade away; and a place where every hard working Montana family can have a piece of the American dream.

God bless you and God bless Montana.

Benediction was given by Reverend Keith Johnson.

The escort committee escorted The Honorable Max Baucus from the House Chambers.

Senate Majority Leader Harp moved that the joint session of the 56th Legislature, convened to receive the address from Montana's senior U. S. Senator, The Honorable Max Baucus, be adjourned. Motion carried.

Joint session adjourned at 1:35 p.m.

The Senate resumed at 1:40 p.m.

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

**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 Grosfield in the chair.

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

SB 364 - Senator D. Eck moved SB 364 do pass. Motion carried unanimously.

SB 371 - Senator K. Mesaros moved SB 371 do pass. Motion carried unanimously.

SB 380 - Senator J. Lynch moved SB 380 do pass. Motion carried with Senator Waterman voting nay.

SB 381 - Senator D. Grimes moved SB 381 do pass. Motion carried with Senator Beck voting nay..

SJR 4 - Senator T. Beck moved SJR 4 be adopted. Motion carried unanimously.

SB 183 - Senator L. Nelson moved SB 183 do pass. Motion carried with Senators Glaser, Taylor and Toews voting nay.

SB 351 - Senator G. Jergeson moved SB 351 do pass. Motion carried unanimously.

SB 386 - Senator F. Thomas moved consideration of SB 386 be passed for the day due to Senator Mahlum's excused absence. Motion carried.

SB 394 - Senator J. Tester moved SB 394 do pass. Motion carried as follows:

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Yeas: Bartlett, Bohlinger, Christiaens, Cocchiarella, DePratu, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Lynch, McCarthy, McNutt, Mesaros, Nelson, Roush, Shea, Sprague, Stang, Tester, Waterman, Mr. President.

Total 31

Nays: Beck, Berry, Cole, Crismore, Devlin, Ellis, Harp, Keating, Keenan, Miller, Mohl, Swysgood, Taylor, Thomas, Wells.

Total 15

Absent or not voting: Bishop, Toews, Wilson.

Total 3

Excused: Mahlum.

Total 1

SB 395 - Senator M. Halligan moved SB 395 do pass. Motion **failed** as follows:

Yeas: Bartlett, Beck, Bishop, Bohlinger, Christiaens, Doherty, Eck, Ellingson, Franklin, Grimes, Halligan, Jergeson, Keenan, Lynch, McCarthy, Nelson, Roush, Stang, Tester, Waterman, Wells, Wilson.

Total 22

Nays: Berry, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, McNutt, Mesaros, Miller, Mohl, Shea, Sprague, Swysgood, Taylor, Thomas, Toews, Mr. President.

Total 27

Absent or not voting: None.

Total 0

Excused: Mahlum.

Total 1

SB 395 - Senator B. Crippen moved that SB 395 be indefinitely postponed. Motion carried as follows:

Yeas: Beck, Berry, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, McNutt, Mesaros, Miller, Mohl, Shea, Sprague, Swysgood, Thomas, Toews, Waterman, Mr. President.

Total 28

Nays: Bartlett, Bohlinger, Christiaens, Doherty, Eck, Ellingson, Franklin, Grimes, Halligan, Jergeson, Keenan, Lynch, McCarthy, Nelson, Roush, Stang, Taylor, Tester, Wells, Wilson.

Total 20

Absent or not voting: Bishop.

Total 1

Excused: Mahlum.

Total 1

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SB 428 - Senator S. Stang moved SB 428 do pass. Senator Jergeson expressed a conflict of interest in SB 428 as he is employed by MSU Northern. Senator Stang's motion carried unanimously.

SB 438 - Senator C. Christiaens moved SB 438 do pass. Motion carried unanimously.

SB 439 - Senator J. Hertel moved SB 439 do pass. Motion carried unanimously.

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

SPECIAL ORDERS OF THE DAY

Senator Berry moved that the Senate adopt the following proclamation:

**A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA**

WHEREAS, Mindi Kimp, an esteemed resident of Corvallis, Montana and a senior at Hamilton High School, has achieved national recognition for exemplary volunteer service by receiving a 1999 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America, who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Mindi Kimp earned this award by coordinating a "senior citizen prom" the night before her high school prom, for seniors living in Missoula and Ravalli counties. Mindi, a 4-H member and junior class president, enjoys a very close relationship with her grandparents. While planning her high school prom, the idea of hosting one for senior citizens struck her as a great way to honor grandparents and help restore their faith in today's younger generation. In addition to convincing the student council that it was a worthwhile cause, Mindi had to work closely with the local Council on Aging for its ideas and assistance. Determined that no senior citizen would be charged to attend, Mindi solicited donations for prizes, decorations and flowers so every woman would receive a rose. She promoted the event through local newspapers and radio stations and hired a local band to play big band music. "It was truly enchanting to see senior citizens dancing with high school students," said Mindi. The event was so successful that Mindi has been asked to speak at the State Student Council Convention to advise others on how to plan a senior citizen prom, an event that will now be held annually at Hamilton High School.

WHEREAS, the success of the State of Montana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Mindi Kimp who use their considerable talents and resources to serve others, the Montana State Legislature is pleased to recognize and honor her talents and generosity.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the congratulations of all Montanans be extended to Mindi Kimp as a recipient of a Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership and community spirit, and extends best wishes for her continued success and happiness.

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SEN. BRUCE CRIPPEN
President of the Senate

REP. JOHN A MERCER
Speaker of the House

SEN. STEVE DOHERTY
Senate Minority Leader

REP. EMILY SWANSON
House Minority Leader

SEN. DALE BERRY, SD 30
SEN. FRED THOMAS, SD 31

REP. ALLAN WALTERS, HD 60
REP. CLIFF TREXLER, HD 59
REP. J. G. SHOCKLEY, HD 61

Motion carried 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, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, 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: Mahlum.
Total 1

MOTIONS

SB 512 - Senator Sprague moved that SB 512 be taken from the committee on Local Government and rereferred to the committee on Taxation. Motion carried.

SB 459 - Senator Hertel moved that SB 459 be taken from the committee on Business and Industry and rereferred to the committee on Finance and Claims. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Friday, February 19, 1999. Motion carried.

Senate adjourned at 3:00 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate