

**SENATE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 10, 2001

Senate Chambers  
State Capitol

Senate convened at 1:30 p.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

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

Miller, Chairman

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 219**, introduced by Waterman, referred to Business and Labor.

**SB 220**, introduced by Bohlinger, referred to Taxation.

**SB 221**, introduced by R. Johnson, referred to Public Health, Welfare and Safety.

**SB 222**, introduced by O'Neil, Butcher, referred to Judiciary.

**SB 223**, introduced by Ekegren, referred to Taxation.

**SB 224**, introduced by Toole, referred to Taxation.

**SB 225**, introduced by J. Wells, Butcher, O'Neil, Vick, referred to Highways and Transportation.

**SB 226**, introduced by J. Wells, referred to Local Government.

**SB 227**, introduced by J. Wells, referred to State Administration.

**SB 228**, introduced by Ekegren, D. Mood, referred to State Administration.

**SB 229**, introduced by Cocchiarella, Buzzas, Ellingson, Haines, Halligan, Harris, Mahlum, Shea, Stonington, F. Thomas, Toole, referred to Business and Labor.

**SB 230**, introduced by Toole, Doherty, Ellingson, Facey, Gallus, Harrington, Kaufmann, Roush, Shea, referred to Business and Labor.

**SB 231**, introduced by Grimes, Beck, Cole, Doherty, Ekegren, Facey, Glaser, Kitzenberg, Lawson, Mahlum, McNutt, Nelson, Olson, Ryan, Shea, Stonington, F. Thomas, referred to Education and Cultural Resources.

**SB 232**, introduced by Mahlum, referred to Taxation.

**SB 233**, introduced by Mahlum, Andersen, Christiaens, DePratu, Ellis, Facey, Gillan, Grimes, Laslovich, Lawson, Noennig, Olson, Ryan, Somerville, Sprague, Tester, F. Thomas, referred to Education and Cultural Resources.

**MOTIONS**

Majority Leader Thomas moved that the Senate proceed to the House of Representatives for the purpose of receiving the address from Montana's U.S. Senator, The Honorable Conrad Burns, and that upon adjournment of the joint session, the Senate will reconvene in the Senate chambers. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-arms Chris Ahner escorted the Senate into the House Chamber.

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Speaker McGee introduced President Beck and yielded the chair to him.

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

The President appointed Senator Walt McNutt, Senator Debbie Shea, Senator Mike Sprague, Representative Roy Brown, Representative Joe Tropila and Representative Cindy Younkin and discharged them to escort the Honorable Senator Burns to the rostrum of the House.

The committee escorted The Honorable Conrad Burns into the House Chambers.

Reverend Keith Johnson gave the invocation, followed by the members of the joint session joining in the Pledge of Allegiance.

President Beck introduced Montana U. S. Senator Burns, who then gave the following speech:

Congratulations on your election to the Montana House and the Senate. Thank you for serving our state in these halls. You are the latest edition of those who have gone before us. To those who are here for the first time, welcome and good luck to you. Your learning curve will turn up sharply—but knowing a little bit about the folks who seek public office and are successful, you will be up to it.

I can recall the Wednesday after the first Tuesday after the first Monday in November 1988. In the first place, my wife would not believe that we had won until she read it in the newspaper that morning. Can you imagine that! It did not take long for reality to set in. I had 2 years of experience as a county commissioner in Yellowstone County, and I was in deep trouble. I called on a friend - one who was serving in this body - Jack Ramirez. From that point on, through the 101<sup>st</sup> Congress, it was like trying to drink from a fire hydrant.

Harry Truman had a quote that after being elected to the U. S. Senate, he spent the first months trying to find out how he got there. Then he said, "I spent the next 6 months trying to figure out how everybody else got there..."

Again, I welcome you to the legislative process. Again I thank you for caring about our state enough to place your name and ego on a ballot. There are those who will not - they are just like old hounds that set on a burr and would rather growl about it than get up and move.

There are generations of young folks who are yet to come, that will be affected by what we do here today. After all, isn't that the reason we are all here. We have always been a society who have worked for the next generation, and we still are. We have seen 8 years of unprecedented economic growth in America. It is true that rural states like our own have not enjoyed the degree of growth that other areas of the country have. We were light years away from being in any kind of position to take advantage of the new economy. Today, we have made great strides and we have just seen the tip of the iceberg in our transition to that new economy.

How we learn and how we manage health care in rural areas are changing and will continue to change. But, we are reminded everyday of the importance of our traditional resource based economy, which has sustained us throughout the years. The old and the new can co-exist, and we cannot transition without our traditional industries.

We have a crisis that is of historic proportions. No one here today has ever experienced anything like it - it is energy—it is electricity—it is natural gas—it is oil—it is coal. It is how we irrigate our crops, deliver our state's great agriculture production, how we receive the goods and services. In other words, our surface and air transportation. It is how we

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make our living. It is a challenge that must be met, as affordable energy has more to do with economic growth than any other factor of our every day life.

At this very moment, there is one law in this country that is working. It is the law of supply and demand. I have always believed that Montana will remain an energy producing state. Clearly we have the resources to help power America's economy and capture the financial advantage of doing so while investing in our local communities.

We must do more with electricity in our homes. I just returned from attending the consumer electronics association and believe me, the direction we are demanding our appliances to do for us, what we expect our computers to do and what we are demanding on how we entertain ourselves - is it any wonder we have outstripped our ability to generate enough power to satisfy the demand.

It is in times like these we call for conservation, but conservation alone cannot head off this crisis. We can, and will, get serious about conservation. We did it when our gas supplies were threatened some 25 years ago. We conserved. We also accelerated our exploration and lifting capabilities. We were way too successful in our capabilities to explore, find, and produce.

We simply have outgrown our supply and delivery system. The American economy is slowing and it is clear to me the high cost of energy is the determining factor. No segment of the American economy has so much effect on all other segments like affordable energy.

Are there immediate solutions to this crisis? No, there is not, but the American people are not convinced that we are in a true shortage of electrical power. They are not convinced that we cannot generate enough to satisfy the demand. I am convinced when I look at our present day generation capabilities—also our ability to distribute and deliver. We must meet the challenge. We have no other choice.

If we are serious about the working families in Montana who look to us for policies that provide the jobs and economic opportunities, then we need to look at the real world. If we are serious about protecting the most vulnerable among us, our working poor and our elderly, then we need to look at the real world. First of all, Montana has always been an energy producing state. We must assume that leadership once again. We can supply what it takes to power America's economy.

While doing so, we are taking advantage of the financial resources it takes to pay for our schools, our demand for government services, in public safety, in the transportation infrastructure, and the building of a new infrastructure for a new economy and a new brighter future.

The investment costs of siting have sky rocketed. Those costs can be the difference between a new generation or a crisis. The environment is important and no one here would advocate doing anything in a irresponsible manner. Oil and gas development have seen technological advances that greatly reduce the surface impact associated with production - clean coal advances have greatly reduced emissions and are on the verge of being feasible allowing us to utilize Montana's great reserves.

Looking to the future, fuel cell development is coming closer to reality and the money I have earmarked for fuel cell development here in Montana, places the state in a great position to lead the revolution, or as some would put it, this evolution of energy development. Ethanol development has been slow, but we know it will be part of the energy mix of the future. Solar and wind power will also be part of that, and who better to lead the way than Montana.

The latest actions taken by the federal government on forest lands is just one example of how wrong thinking has dealt a fatal blow to us here in Montana on forest health and the forest products industry. It goes way beyond just the forest

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products industry. It goes to the siting of communications towers necessary for wireless broadband services - and crossing those lands with fiber to serve rural and remote areas.

These actions destroy any opportunity to bring new services and new opportunities to remote areas of Montana.

We have just passed legislation that will enable low power television spectrum to be used to deploy wireless broadband services to rural areas where we have a lot of dirt between light bulbs.

Just because you are a kid, born in one of our many small communities in Montana, does not mean that where you live should determine the quality of education and medical care received.

The escort committee escorted The Honorable Conrad Burns from the House Chambers.

Majority Leader Thomas moved that the joint session of the 57<sup>th</sup> Legislature, convened to receive the address from Montana's U. S. Senator, the Honorable Conrad Burns, be adjourned. Motion carried.

**Senate reconvened** at 2:15, President Beck presiding. Roll Call: All members present except Senator Taylor, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Grosfield, Chairman):

1/10/2001

**SB 85**, introduced bill, be amended as follows:

1. Title, line 10.

**Strike:** first "AND"

**Following:** "3-15-402, MCA"

**Insert:** "; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE"

2. Page 3, line 25.

**Strike:** "3-15-405(4)"

**Insert:** "3-15-404 and 46-17-202"

3. Page 4, line 16.

**Strike:** "3-15-405(4)"

**Insert:** "[section 1]"

4. Page 4, line 18.

**Strike:** "3-15-405(4)"

**Insert:** "[section 1]"

5. Page 4, line 21.

**Following:** line 20

**Insert:** "(6) The clerk of court shall prepare a jury list for the district court or each division of the district court and each justice's, municipal, and city court within the county."

6. Page 4, line 24.

**Following:** "list"

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**Strike:** "filed"  
**Insert:** "compiled"  
**Following:** "under"  
**Strike:** "3-15-403(1)"  
**Insert:** "3-15-404(6)"

7. Page 5, line 17.  
**Following:** "under"  
**Strike:** "3-15-405(4)"  
**Insert:** "3-15-404(6)"

8. Page 6, line 3.  
**Insert:** "NEW SECTION. Section 11. Effective date. [This act] is effective October 1, 2002."  
**Insert:** "NEW SECTION. Section 12. Applicability. [This act] applies to lists submitted by the department of justice to the clerk of the district court on and after the second Monday of June 2003."

And, as amended, do pass. Report adopted.

**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 Bohlinger in the chair.

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

**SB 20** - Senator Halligan moved SB 20 do pass. Motion carried unanimously.

**Senator Taylor present at this time.**

**SB 45** - Senator Ellis moved SB 45 do pass. Motion carried unanimously.

**SB 23** - Senator Halligan moved SB 23 do pass. Motion carried unanimously.

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

**THIRD READING OF BILLS**

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**SJR 2** adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson,

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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 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**STATE ADMINISTRATION** (Hargrove, Chairman): 1/10/2001  
**SB 61**, introduced bill, be amended as follows:

1. Page 2, line 3.

**Following:** "established"

**Insert:** "to provide student loan capital to the student loan program established by the board of regents of higher education"

And, as amended, do pass. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:30 p.m., Thursday, January 11, 2001. Motion carried.

Senate adjourned at 2:36 p.m.

ROSANA SKELTON  
Secretary of Senate

TOM BECK  
President of the Senate