

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

Helena, Montana
January 11, 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 except Senators Cobb, Franklin and Tester, excused. Quorum present.

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

Miller, Chairman

Senator Cobb present at this time.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Holden, Chairman): 1/11/2001
SB 91, do pass. Report adopted.
SB 165, do pass. Report adopted.

BUSINESS AND LABOR (Taylor, Chairman): 1/11/2001
SB 32, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "CITATION"

Insert: "SAFETY RECOMMENDATION"

2. Page 1, line 28.

Strike: "citation"

Insert: "safety recommendation"

And, as amended, do pass. Report adopted.

SB 74, do pass. Report adopted.

SB 93, do pass. Report adopted.

SB 106, do pass. Report adopted.

SB 112, do pass. Report adopted.

JUDICIARY (Grosfield, Chairman): 1/11/2001
SB 63, introduced bill, be amended as follows:

1. Title, line 5.

Following: "PROPERTY;"

Strike: "DECREASING"

Insert: "CHANGING"

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2. Title, line 7.

Following: "DUE TO"

Strike: "12"

Insert: "2"

Following: "BUSINESS"

Strike: "HOURS"

Insert: "DAYS"

3. Page 1, line 25.

Following: "lessor"

Strike: "and without good cause"

4. Page 1, line 26.

Following: "48"

Strike: "12"

Insert: "2"

Following: "business"

Strike: "hours"

Insert: "days"

Following: "return"

Insert: "or payment"

5. Page 1, line 28.

Following: "returned"

Insert: "or the amount paid"

6. Page 2, line 3.

Following: "period"

Insert: "or time for payment"

7. Page 2, line 8.

Following: "return"

Strike: "or pay for"

8. Page 2, line 9.

Following: "value"

Insert: "or failure to pay rental or lease fees due in an amount not exceeding \$1,000"

9. Page 2, line 11.

Following: "return"

Strike: "or pay for"

10. Page 2, line 12.

Following: "value"

Insert: "or failure to pay rental or lease fees due in an amount exceeding \$1,000"

And, as amended, do pass. Report adopted.

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

1/11/2001

SB 38, do pass. Report adopted.

SB 41, introduced bill, be amended as follows:

1. Title, line 5.

Following: "OFFICERS"

Insert: "WITHIN 1 YEAR OF DATE OF HIRE"

2. Page 1, line 22.

Following: "academy"

Insert: "within 1 year of date of hire"

3. Page 1, line 25 through line 26.

Strike: "for 5 years" on line 25 through "longer" on line 26

And, as amended, do pass. Report adopted.

SB 52, do pass. Report adopted.

SB 166, do pass. Report adopted.

STATE ADMINISTRATION (Hargrove, Chairman):

1/11/2001

SB 8, do pass. Report adopted.

SB 10, do pass. Report adopted.

SB 37, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS 19-2-706, 19-3-908, AND"

2. Page 1, line 11.

Following: line 10

Insert: "Section 1. Section 19-2-706, MCA, is amended to read:

"**19-2-706. Additional service for member involuntarily terminated from membership service.** (1) An employee of the state or university system is entitled to the involuntary termination provision provided in subsection (3) if:

(a) the employee is a member of the public employees', game wardens' and peace officers', sheriffs', or highway patrol officers' retirement system;

(b) the employee's active service is involuntarily terminated because of elimination of the employee's position as a result of privatization, reorganization of an agency, closure of or a reduction in force at an agency, or other actions by the legislature or, in the case of a legislator, because of term limits terminating the service of the legislator in either one of the houses of the legislature;

(c) the employee is eligible for a normal service retirement or early retirement under the applicable provisions of the retirement system to which the member belongs; and

(d) the employee waives termination benefits for which the employee would otherwise be eligible under the State Employee Protection Act.

(2) The cost of each year of service purchased under this section is the total actuarial cost of purchasing the service based on the most recent actuarial valuation of the retirement system.

(3) The employer of an eligible member under subsection (1) shall pay a portion of the total cost of purchasing

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up to 3 years of additional service that the member was qualified to purchase under 19-3-513, 19-6-804, 19-7-804, or 19-8-904. The employer-paid portion applied toward the service purchase must be calculated using the formula $A \times B \times C$ when:

- (a) A is equal to a maximum of 3 additional years of service that the member is eligible to purchase;
- (b) B is equal to the sum of the employer and employee contribution rates in the member's retirement system;

and

(c) C is equal to the member's gross compensation paid during the immediate preceding 12 months of membership service. The employer may not be charged more than the total actuarial cost of the service purchased by the terminated employee.

(4) The member shall pay the difference, if any, between the full actuarial cost of the service to be purchased and the amount contributed by the employer under subsection (3). A member may elect to purchase less than the full amount of service for which the member is eligible under this section, but the election may not reduce the amount of the employer's contribution as calculated under subsection (3).

(5) The board may allow an employer to pay the contributions required under subsection (3) in installments for up to 10 years and may charge interest at a rate set by the board pursuant to 19-2-403.

(6) A member who has received additional service under this section and who returns to employment for the same jurisdiction for 960 or more hours in a calendar year in a position covered by the public employees' retirement system or for 600 or more hours in a calendar year in a position covered under any other retirement system forfeits the additional service. The employer's contribution to purchase that member's additional service, minus any retirement benefits already paid, must be credited to the employer. As used in this subsection, the same jurisdiction means all agencies of the state, including the university system."

"Section 2. Section 19-3-908, MCA, is amended to read:

"19-3-908. Retirement incentive program -- window of eligibility. (1) Except as provided in subsection (4), a person who is an active member on February 1, 1993, and who voluntarily terminates service or whose service is involuntarily terminated because of a reduction in force on or after June 25, 1993, but before January 1, 1994, and who is eligible for a normal service retirement under 19-3-901 or early retirement under 19-3-902 is entitled to the retirement incentive provided in subsection (2).

(2) (a) The employer of an eligible member under subsection (1) shall pay the total cost of purchasing up to 3 years of additional service that the member is qualified to purchase under 19-3-513.

(b) The department of revenue shall pay the cost of purchasing up to 3 years of additional service for qualifying county assessors and deputy assessors eligible under subsection (1) whose employing county has not elected for participation in the incentive program as provided in subsection (4).

(c) A member is entitled to a refund for that portion of previously purchased additional service that would otherwise cause the member to be unqualified to receive all or part of the additional service provided in this section.

(3) An active member who is involuntarily terminated because of a reduction in force on or after March 1, 1993, but before June 25, 1993, and who, if the member had not been terminated, would have been eligible under subsection (1) for the retirement incentive is entitled to the retirement incentive under subsection (2) if the member was, at the time of termination, eligible for normal service retirement under 19-3-901 or early retirement under 19-3-902 and retires on or after June 25, 1993.

(4) Subject to subsection (2)(b), a contracting employer's participation in the incentive program described in this section is optional. A contracting employer may elect to provide the incentive by filing with the board a written notice of election on or before June 1, 1993, and complying with rules adopted pursuant to subsection (6).

(5) County assessors and deputy assessors are eligible for the incentive program even if the employing county has not elected to participate in the incentive program.

(6) The board may allow an employer to pay the contributions required under subsection (2)(a) in installments for up to 10 years and may charge interest at a rate set by the board pursuant to 19-2-403. The board shall adopt rules to implement the provisions of this section.

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(7) A member who has received additional service under this section and who returns to employment for the same jurisdiction for 960 or more hours in a calendar year in a position covered by the public employees' retirement system or for 600 or more hours in a calendar year in a position covered under any other retirement system shall forfeit the additional service. The employer's contributions to purchase that member's additional service, minus any retirement benefits already paid, must be refunded to the employer. For purposes of this subsection, all agencies of the state, including the university system, are considered the same jurisdiction and other public employers contracting with the retirement system are each considered separate jurisdictions. ""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 75, do pass. Report adopted.

SB 89, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate joint resolution concurred in and returned to the Senate: 1/10/2001

SJR 1, introduced by F. Thomas

House bills passed and transmitted to the Senate for concurrence: 1/10/2001

HB 17, introduced by Haines

HB 52, introduced by Gallik

MOTIONS

SB 79 - Senator Harrington moved that Cocchiarella, Doherty, Ellingson, McCarthy, Pease, Shea, Toole, Bixby, Branae, Callahan, Carney, P. Clark, Cyr, Eggers, R. Erickson, Facey, Fritz, Galvin-Halcro, Gillan, Golie, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Smith, J. Tropila, and Wanzenried be added as sponsors to **SB 79**. Motion carried.

SB 118 - Senator Harrington moved that Cocchiarella, Doherty, Ellingson, McCarthy, Pease, Shea, Toole, Bixby, Branae, Callahan, Carney, P. Clark, Cyr, Eggers, R. Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, J. Tropila, and Wanzenried be added as sponsors to **SB 118**. Motion carried.

SB 64 - Senator Bohlinger moved that Harrington be added as sponsor to **SB 64**. Motion carried.

SB 125 - Senator Bohlinger moved that Ryan be added as sponsor to **SB 125**. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 234, introduced by Tester, Bales, Berry, Christiaens, Cole, Doherty, Ellingson, Esp, Gillan, Grosfield, Gutsche, Halligan, Jergeson, Lee, Lindeen, Mangan, Mohl, Nelson, Price, Roush, Shea, F. Thomas, J. Wells, referred to Energy and Telecommunications.

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SB 235, introduced by Cocchiarella, Beck, Doherty, Gallus, Glaser, Haines, Hargrove, Harrington, Keane, Lewis, Mahlum, D. Mood, B. Thomas, F. Thomas, J. Tropila, referred to State Administration.

SB 236, introduced by Grimes, Christiaens, referred to State Administration.

SB 237, introduced by Cole, Somerville, Wanzenried, referred to Highways and Transportation.

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

HB 17, introduced by Haines (by request of the Office of Budget and Program Planning), referred to Finance.

HB 52, introduced by Gallik (by request of the Department of Military Affairs), 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 Waterman in the chair.

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

SB 61 - Senator R. Johnson moved SB 61 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 Waterman 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 20 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, 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, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Franklin, Tester.

Total 2

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SB 23 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, 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, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Franklin, Tester.
Total 2

SB 45 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, 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, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Franklin, Tester.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Friday, January 12, 2001. Motion carried.

Senate adjourned at 2:10 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate