

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

Helena, Montana
January 12, 2001

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Berry, Halligan, Holden, Jergeson, Miller and Sprague, excused. Quorum present.

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

Miller, Chairman

Senators Halligan and Holden present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 1/12/2001
Correctly printed: SB 8, SB 10, SB 20, SB 38, SB 45, SB 52, SB 55, SB 61, SB 74, SB 75, SB 89, SB 91, SB 93, SB 106, SB 112, SB 165, SB 166, SB 190, SB 191, SB 192, SB 193, SB 194, SB 195, SB 196, SB 197, SB 198, SB 199, SB 200, SB 201, SB 202, SB 203, SB 204, SB 205, SB 206, SB 207, SB 208, SB 209, SB 210, SB 211, SB 212, SB 213, SB 214, SB 215, SB 216, SB 217, SB 218, SB 219, SB 220, SB 221, SB 222, SB 223, SB 224, SB 225, SB 226, SB 227, SB 228, SB 229, SB 230, SB 231, SB 232, SB 233, 234, 235, 236, 237, SJR 2.

Correctly engrossed: SB 23, SB 32, SB 37, SB 41, SB 63, SJR 2.

Correctly enrolled: SJR 1.

Signed by the Secretary of Senate at 1:20 p.m., January 12, 2001: SJR 1.

FINANCE (Keenan, Chairman): 1/12/2001
SB 113, do pass. Report adopted.
SB 133, introduced bill, be amended as follows:

1. Page 29, line 9.

Strike: "state special revenue"

Insert: "private purpose trust"

2. Page 29, line 10 through line 11.

Strike: "state special revenue"

Insert: "private purpose trust"

And, as amended, do pass. Report adopted.

SB 172, introduced bill, be amended as follows:

1. Page 5, line 28.

Strike: "book value of the"

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Following: "fund"

Insert: "balance, excluding unrealized gains and losses,"

2. Page 5, line 30.

Strike: "book value of the"

Following: "fund"

Insert: "balance, excluding unrealized gains and losses,"

3. Page 7, line 13.

Strike: "book value of the"

Following: "fund"

Insert: "balance, excluding unrealized gains and losses,"

4. Page 7, line 15.

Strike: "book value of the"

Following: "fund"

Insert: "balance, excluding unrealized gains and losses,"

5. Page 9, line 2.

Strike: "book value of the"

Following: "fund"

Insert: "balance, excluding unrealized gains and losses,"

6. Page 9, line 4.

Strike: "book value of the"

Following: "fund"

Insert: "balance, excluding unrealized gains and losses,"

7. Page 10, line 17.

Strike: "book value of the"

Following: "fund"

Insert: "balance, excluding unrealized gains and losses,"

8. Page 10, line 19.

Strike: "book value of the"

Following: "fund"

Insert: "balance, excluding unrealized gains and losses,"

9. Page 12, line 24.

Strike: "realized"

Following: "earnings"

Insert: ", excluding unrealized gains and losses,"

10. Page 12, line 30.

Strike: "realized"

Following: "earnings"

Insert: ", excluding unrealized gains and losses,"

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11. Page 14, line 5.

Strike: "realized"

Following: "earnings"

Insert: ", excluding unrealized gains and losses,"

And, as amended, do pass. Report adopted.

HB 1, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman):

1/12/2001

SB 53, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

Strike: "INCLUDING" on line 6 through "THAT" on line 7

Insert: "ALLOWING"

2. Title, line 7.

Strike: "MAY"

Insert: "TO"

3. Title, line 8.

Following: "\$5"

Insert: "ONE MOTOR VEHICLE THAT IS NOT USED FOR COMMERCIAL PURPOSES"

Strike: "61-1-130, 61-1-131,"

Following: "61-3-332"

Strike: ", "

4. Page 1, line 13 through page 2, line 2.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

5. Page 5, line 29 through line 30.

Strike: "passenger" on line 29 through "less" on line 30

Insert: "motor vehicle, as defined in 61-1-102, that is not used for commercial purposes"

6. Page 8, line 14 through line 15.

Strike: "passenger" on line 14 through "less" on line 15

Insert: "motor vehicle, as defined in 61-1-102, as long as that vehicle is not used for commercial purposes"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Mahlum, Chairman):

1/12/2001

SB 102, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/11/2001

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HB 19, introduced by Lenhart
HB 20, introduced by Shockley
HB 26, introduced by E. Clark
HB 34, introduced by Gallik
HB 56, introduced by Lawson

MOTIONS

SB 106 - Senator Thomas moved that consideration of SB 106 on second reading this legislative day, be passed until the eleventh legislative day, Monday, January 15, 2001. Motion carried.

**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 DePratu in the chair.

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

Senator Berry present at this time.

SB 8 - Senator Waterman moved SB 8 do pass. Motion carried unanimously.

SB 10 - Senator Stonington moved SB 10 do pass. Motion carried 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, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jergeson, Miller, Sprague.

Total 3

SB 32 - Senator Shea moved SB 32 do pass. Motion carried unanimously.

Senator Wells excused at this time.

SB 37 - Senator Mahlum moved SB 37 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Glaser,

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Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 39

Nays: Butcher, Doherty, Elliott, Ellis, Franklin, Johnson, O'Neil.
Total 7

Absent or not voting: None.
Total 0

Excused: Jergeson, Miller, Sprague, Wells.
Total 4

SB 38 - Senator Grimes moved SB 38 do pass. Motion carried unanimously.

SB 41 - Senator Roush moved SB 41 do pass. Motion carried unanimously.

SB 63 - Senator Tester moved SB 63 do pass. Motion carried with Senator O'Neil voting nay.

SB 74 - Senator McNutt moved SB 74 do pass. Motion carried unanimously.

SB 89 - Senator Waterman moved SB 89 do pass. Motion carried with Senator Cobb voting nay.

SB 91 - Senator Tash moved SB 91 do pass. Motion carried unanimously.

SB 93 - Senator Halligan moved SB 93 do pass. Motion carried unanimously.

SB 112 - Senator Nelson moved SB 112 do pass. Motion carried unanimously.

SB 166 - Senator Stonington moved SB 166 do pass. Motion carried unanimously.

Senator Taylor excused at this time.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman DePratu 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:

SB 61 passed 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, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stapleton,

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Stonington, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jergeson, Miller, Sprague, Taylor, Wells.
Total 5

REPORTS OF STANDING COMMITTEES

JUDICIARY (Grosfield, Chairman): 1/12/2001
SB 4, introduced bill, be amended as follows:

1. Title, line 7.

Following: "PARTY;"

Insert: "CREATING A PRESUMPTIVE PROBATIONARY PERIOD; SPECIFYING THE STATUS OF TEMPORARY EMPLOYEES;"

2. Page 1, line 26.

Following: "discharge"

Insert: "-- presumptive probationary period -- temporary employment"

3. Page 2, line 2.

Following: "(2)"

Insert: "(a)"

Following: "employment"

Strike: "established by the employer"

4. Page 2, line 5.

Insert: "(b) Except as provided in subsection (2)(c), if an employer does not establish a specific probationary period prior to or at the time of hire, a probationary period must be the longer of 12 months or 2,080 hours worked from the date of hire.

(c) An employee who is hired on a temporary basis for a specific assignment or project is presumed to be a probationary employee for the entire period of the temporary assignment or project. This presumption may be overcome by evidence of a contract or employer policy applicable to the employee that indicates a different status."

And, as amended, do pass. Report adopted.

SB 6, introduced bill, be amended as follows:

1. Page 1, line 13.

Following: "limitation --"

Insert: "several liability --"

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2. Page 1, line 16.

Following: "interest"

Insert: "unless the negligence or intentional conduct of the condemnee or the condemnee's successor in interest is a cause of the damages"

3. Page 1, line 17.

Following: "interest"

Insert: "who"

Following: "for"

Strike: "the portion of"

4. Page 1, line 17 through line 20.

Following: "damages" on line 17

Strike: remainder of line 17 through "damages" on line 20

Insert: " under subsection (1) is severally liable only and is responsible only for the percentage of negligence attributable to the condemnee or the condemnee's successor in interest"

5. Page 1, line 25.

Following: "under"

Strike: "subsection"

Insert: "subsections (1) and "

And, as amended, do pass. Report adopted.

SB 7, do pass. Report adopted.

SB 26, introduced bill, be amended as follows:

1. Title, line 6.

Following: "ANY"

Insert: "NONECONOMIC"

2. Page 2, line 27.

Following: "recover"

Insert: "noneconomic"

3. Page 2, line 28.

Following: "felony"

Insert: "committed or attempted to be committed by that person"

And, as amended, do pass. Report adopted.

SB 204, do pass. Report adopted.

STATE ADMINISTRATION (Hargrove, Chairman):

1/12/2001

SB 114, introduced bill, be amended as follows:

1. Title, line 6.

Following: "LOBBYIST"

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Insert: "FOR A FOR-PROFIT PRIVATE BUSINESS ENTITY"

2. Page 1, line 29.

Following: "lobbyist"

Insert: "for a for-profit private business entity"

3. Page 2, line 19.

Following: "lobbyist"

Insert: "for a for-profit private business entity"

And, as amended, do pass. Report adopted.

SJR 5, be adopted. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Saturday, January 13, 2001. Motion carried.

Senate adjourned at 2:35 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate