

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

Helena, Montana
January 19, 2001

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Beck presiding. Invocation by Father Kevin O'Neil from the Cathedral of St. Helena. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Franklin, Grosfield, Mohl and Tester, excused. Quorum present.

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

Miller, Chairman

Senator Franklin present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 1/19/2001
Correctly printed: SB 28, SB 30, SB 58, SB 92, SB 104, SB 142, SB 184, SB 209, SB 217, SB 235, SB 269, SB 270,
SB 271, SB 272, SB 273, SB 274, SB 275, SB 276, SB 277, SB 278, SB 279, SB 280, SB 281.
Correctly engrossed: SB 146, SB 148, SB 156.
Correctly enrolled: SR 2.
Examined by the sponsor and found to be correct: SR 2.

ENERGY AND TELECOMMUNICATIONS (Cole, Chairman): 1/19/2001
SB 56, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.

Following: "INCLUDE"

Insert: "AMORTIZED OR NONAMORTIZED"

Strike: "AMORTIZED" on line 7 through "NONAMORTIZED" on line 8

2. Title, page 1, line 9.

Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 1, line 28 and line 29.

Following: "those"

Insert: "amortized or nonamortized"

Strike: "amortized or" on line 28 through "nonamortized" on line 29

4. Page 4.

Following: line 15

Insert: "NEW SECTION. Section 3. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to those amortized or nonamortized portions of a utility's expenditures claimed in a universal system benefits programs reporting period, for the purchase of power that is for the acquisition or support of internal programs

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that qualify as universal system benefits programs, made either prior to or after January 1, 1999, for which payments continue beyond January 1, 1999."

And, as amended, do pass. Report adopted.

FISH AND GAME (Sprague, Chairman): 1/19/2001
SB 105, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Holden, Vice Chairman): 1/18/2001
SB 150, introduced bill, be amended as follows:

1. Page 1, line 17.

Strike: "the first"

Insert: "each"

2. Page 1, lines 17 and 18.

Strike: ", and" on line 17 through "pump" on line 18

And, as amended, do pass. Report adopted.

SB 152, introduced bill, be amended as follows:

1. Title, line 8.

Following: "IT;"

Insert: "REQUIRING THE DEPARTMENT TO OFFER TO SELL TO ADJACENT LANDOWNERS LAND PROPOSED FOR EXCHANGE;"

2. Page 1, line 17.

Following: "~~(t)~~"

Insert: "(1)"

3. Page 1.

Following: line 26

Insert: "(2) Prior to making the exchange, the department shall notify all landowners whose property is adjacent to the land proposed for exchange. If any of the landowners are interested in buying the land proposed for exchange, the landowners shall notify the department of their interest by registered letter within 30 days of the receipt of the notice of exchange from the department. Upon receipt of a notice of interest, the department shall offer the land proposed for exchange for sale as provided in 60-4-202 and 60-4-203."

4. Page 2.

Following: line 9

Insert: "(3) Before the department sells an interest in real property as provided in subsection (2), the department shall notify all landowners whose property is adjacent to the land proposed for sale. If any of the landowners are interested in buying the land proposed for sale, the landowners shall notify the department of their interest by registered letter within 30 days of the receipt of the notice of sale from the department. Upon receipt of a notice of interest, the department shall offer the land for sale as provided in 60-4-203 and this section."

And, as amended, do pass. Report adopted.

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SB 153, do pass. Report adopted.

SB 203, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Grimes, Chairman):

1/19/2001

SB 11, do pass. Report adopted.

SB 180, do pass. Report adopted.

LOCAL GOVERNMENT (Mahlum, Chairman):

1/19/2001

SB 149, introduced bill, be amended as follows:

1. Page 2, line 4.

Following: "levy"

Strike: ", not to exceed 20 mills,"

2. Page 2, line 27.

Following: "levy"

Strike: ", not to exceed 20 mills,"

And, as amended, do pass. Report adopted.

SB 175, introduced bill, be amended as follows:

1. Page 4, line 1.

Strike: "taxes and"

2. Page 21, lines 2, 10, 12, 14, 17.

Following: "option"

Insert: "vehicle"

3. Page 22, line 23.

Following: "(2)"

Insert: "(a)"

Strike: "All"

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

4. Page 22, lines 23 and 24.

Strike: "for" on line 23 through "registration" on line 24

5. Page 22, line 27.

Strike: "a license"

Insert: "registration"

Following: "and"

Insert: "that is accompanied by"

6. Page 22, line 28.

Strike: "is made"

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7. Page 22.

Following: line 29

Insert: "(b) Subsection (2)(a) does not apply to registration fees collected for the second 12-month period from a vehicle that is registered for a 24-month period."

And, as amended, do pass. Report adopted.

SB 199, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/18/2001

HB 132, introduced by Brueggeman

HB 155, introduced by Noennig

HB 194, introduced by Bookout-Reinicke

MOTIONS

SB 132 - Senator Halligan moved that Christiaens, Cocchiarella, Franklin, McCarthy, Lewis, Vick, Dell and Harris be added as sponsors to **SB 132**. Motion carried.

SB 56 - Senator McNutt moved that **SB 56** be taken from the second reading board and referred to the Committee on Energy and Telecommunications. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 282, introduced by Crismore, Beck, Berry, R. Brown, Carney, Cole, Curtiss, Ekegren, Keenan, McCarthy, McGee, McNutt, K. Miller, D. Mood, Sliter, F. Thomas, C. Younkin, Zook, referred to Judiciary.

SB 283, introduced by Waterman, referred to Judiciary.

SB 284, introduced by Beck, Waterman, referred to State Administration.

SB 285, introduced by McNutt, P. Clark, referred to Fish and Game.

SB 286, introduced by Stonington, referred to Fish and Game.

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

HB 132, introduced by Brueggeman (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

HB 155, introduced by Noennig, referred to Business and Labor.

HB 194, introduced by Bookout-Reinicke, referred to Business and Labor.

**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 Jergeson in the chair.

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

SB 114 - Senator Taylor moved SB 114, second reading copy, be amended as follows :

1. Title, line 5.

Strike: "A STATE"

Insert: "AN ELECTED EXECUTIVE BRANCH"

2. Title, line 6.

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

3. Title, line 10.

Strike: "24"

Insert: "12"

4. Page 1, line 29.

Strike: "A state"

Insert: "An elected executive branch"

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

5. Page 2, line 19.

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

6. Page 2, line 27.

Strike: "24"

Insert: "12"

Amendment **adopted** with Senators Christiaens, Franklin, and Waterman voting nay.

SB 114 - Senator Taylor moved SB 114, as amended, do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellingson, Elliott, Glaser, Halligan, Hargrove, Holden, Johnson, Kitzenberg, Mahlum, McNutt, Miller, Stapleton, Stonington, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 28

Nays: Christiaens, Cocchiarella, Doherty, Ellis, Franklin, Grimes, Harrington, Jergeson, Keenan, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Toole, Waterman.

Total 19

Absent or not voting: None.

Total 0

Excused: Grosfield, Mohl, Tester.

Total 3

SB 28 - Senator Halligan moved SB 28 do pass. Motion carried unanimously.

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SB 30 - Senator Mahlum moved SB 30 do pass. Motion carried unanimously.

SB 92 - Senator Halligan moved SB 92 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Grimes, Halligan, Hargrove, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Wells, Zook.

Total 40

Nays: Ellis, Glaser, Holden, Keenan, O'Neil, Stapleton, Mr. President.

Total 7

Absent or not voting: None.

Total 0

Excused: Grosfield, Mohl, Tester.

Total 3

SB 146 - Senator Keenan moved SB 146 do pass. Motion carried unanimously.

SB 147 - Senator Keenan moved SB 147 do pass. Motion carried unanimously.

SB 156 - Senator Cocchiarella moved SB 156 do pass. Motion carried unanimously.

SB 184 - Senator Cobb moved SB 184 do pass. Motion carried unanimously.

SB 209 - Senator Waterman moved SB 209 do pass. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Cobb, Cocchiarella, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Thomas, Toole, Waterman, Zook, Mr. President.

Total 38

Nays: Bishop, Butcher, Cole, DePratu, Holden, Miller, O'Neil, Taylor, Wells.

Total 9

Absent or not voting: None.

Total 0

Excused: Grosfield, Mohl, Tester.

Total 3

SB 235 - Senator Cocchiarella moved SB 235 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 Jergeson moved the Committee of the Whole report be adopted. Report adopted.

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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 58 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Grosfield, Mohl, Tester.

Total 3

SB 104 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Toole, Wells, Zook, Mr. President.

Total 43

Nays: Cobb, Ellis, Ryan, Waterman.

Total 4

Absent or not voting: None.

Total 0

Excused: Grosfield, Mohl, Tester.

Total 3

SB 142 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Grosfield, Mohl, Tester.

Total 3

SB 148 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Grosfield, Mohl, Tester.

Total 3

SB 217 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Grosfield, Mohl, Tester.

Total 3

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Saturday, January 20, 2001. Motion carried.

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Senate adjourned at 2:30 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate