

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

Helena, Montana
January 23, 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. Quorum present. Senator Mohl was welcomed back after his hospitalization.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 1/23/2001
Correctly printed: SB 60, SB 88, SB 108, SB 123, SB 143, SB 150, SB 153, SB 180, SB 182, SB 236, SB 289, SB 290,
SB 291, SB 292.
Correctly engrossed: SB 34, SB 42, SB 135, SB 194.

BUSINESS AND LABOR (Taylor, Chairman): 1/23/2001
SB 27, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "STATUS"

Insert: "AS LONG AS ANY DISCOUNT OR REDUCTION IS NOT SUBSIDIZED BY ANY OTHER CLASS OF INSUREDS"

2. Page 2, line 22.

Following: "status"

Insert: "as long as any discount or reduction is not subsidized by any other class of insureds"

3. Page 4, line 9.

Following: "status"

Insert: ", as provided in 33-18-210"

And, as amended, do pass. Report adopted.

SB 145, introduced bill, be amended as follows:

1. Page 4, line 7.

Following: " _"

Insert: "As used in this subsection, "part-time or full-time employee of the state compensation insurance fund" means an employee eligible for inclusion in the state employee group benefit plans under the rules of the department of administration."

And, as amended, do pass. Report adopted.

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SB 164, introduced bill, be amended as follows:

1. Page 7, line 23.

Following: "losses,"

Insert: "plus"

Following: "fines"

Strike: " "

2. Page 18, line 27.

Following: "on"

Insert: "premiums paid by"

3. Page 19, line 30.

Following: "the assessment"

Insert: "or assessment"

Following: "surcharge"

Strike: "or assessment"

4. Page 20, line 14.

Strike: "may"

5. Page 20, line 15.

Following: "(a)"

Insert: "may"

6. Page 20, line 17.

Following: "(b)"

Insert: "shall,"

7. Page 20, line 18.

Strike: "recognized agent"

Insert: "agents recognized under subsection (2)(a)"

8. Page 21, line 1.

Strike: "may"

9. Page 21, line 2.

Following: "(a)"

Insert: "may"

10. Page 21, line 4.

Following: "(b)"

Insert: "shall,"

11. Page 21, line 5.

Strike: "recognized agent"

Insert: "agents recognized under subsection (2)(a)"

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12. Page 21, line 17.

Strike: "may"

13. Page 21, line 18.

Following: "(a)"

Insert: "may"

14. Page 21, line 20.

Following: "(b)"

Insert: "shall,"

15. Page 21, line 21.

Strike: "recognized agent"

Insert: "agents recognized under subsection (2)(a)"

16. Page 22, line 7.

Strike: "may"

17. Page 22, line 8.

Following: "(a)"

Insert: "may"

18. Page 22, line 10.

Following: "(b)"

Insert: "shall,"

19. Page 22, line 11.

Strike: "recognized agent"

Insert: "agents recognized under subsection (2)(a)"

20. Page 23, line 9.

Strike: "\$225"

Insert: "\$250"

21. Page 23, line 17.

Strike: "\$225"

Insert: "\$250"

22. Page 23, line 22.

Strike: "\$225"

Insert: "\$250"

23. Page 24, line 1.

Strike: "\$125"

Insert: "\$150"

And, as amended, do pass. Report adopted.

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SB 189, introduced bill, be amended as follows:

1. Page 3, line 23.

Strike: "or"

Insert: "and"

2. Page 3, line 24.

Strike: "if."

Following: "to"

Strike: "the department, the power or activity has been approved"

Insert: "and approval"

3. Page 3, line 29.

Following: "days."

Insert: "If the department fails to act on the application within 15 days of receipt of the application and does not extend the time period for good cause, the bank may engage in the activity requested without the approval of the department."

And, as amended, do pass. Report adopted.

SB 211, do pass. Report adopted.

SB 229, do pass. Report adopted.

HB 98, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman):

1/23/2001

SB 231, introduced bill, be amended as follows:

1. Title, page 1, lines 5 and 6.

Following: "THROUGH" on line 5

Strike: "DISTANCE LEARNING"

Insert: "THE ELECTRONIC DELIVERY OF CURRICULUM"

Following: line 5

Strike: "AND" on line 6

Insert: "REQUIRING A DISTRICT PROVIDING EDUCATION THROUGH ELECTRONIC PROGRAMMING TO COMPLY WITH RULES ADOPTED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION;"

Following: "MCA" on line 6

Insert: "; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE"

2. Page 1, line 10.

Following: line 9

Insert: "NEW SECTION. Section 1. Electronic delivery of district curriculum. (1) Prior to a district offering electronic delivery of its curriculum to a pupil, the superintendent of public instruction shall adopt rules regarding electronic delivery that include but are not limited to ensuring that:

(a) except as provided in subsection (2), delivery occurs within the boundaries of the district and that the pupils receiving the curriculum electronically meet the residency requirements of 1-1-215; and

(b) only one district claims ANB for a pupil.

(2) A district may contract with other districts or other private or public entities to provide for electronic

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delivery of curriculum to pupils meeting the residency requirements of 1-1-215."

Renumber: subsequent section

3. Page 1, line 15.

Following: "means"

Insert: ": (a)"

4. Page 1, line 16.

Following: "district"

Strike: ". The definition includes"

Insert: "; or

(b) subject to the provisions of [section 1],"

Following: "pupils"

Insert: ", physically present or not,"

5. Page 1, lines 18 through 20.

Following: "by the" on line 18

Strike: remainder of line 18 through "district" on line 20

Insert: "superintendent of public instruction"

6. Page 3.

Following: line 17

Insert: "NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 7, part 1, and the provisions of Title 20, chapter 7, part 1, apply to [section 1]."

Insert: "NEW SECTION. Section 4. Effective date -- applicability. [This act] is effective July 1, 2001, and applies to school fiscal years beginning on or after July 1, 2001."

And, as amended, do pass. Report adopted.

JUDICIARY (Grosfield, Chairman):

1/23/2001

SB 29, introduced bill, be amended as follows:

1. Page 8, lines 9 through 12.

Strike: subsection (c) in its entirety

Renumber: subsequent subsection

2. Page 8, line 13.

Strike: "through (1)(c)"

Insert: "and (1)(b)"

3. Page 9, line 4.

Following: "delinquent youth"

Strike: ", "

Insert: "or"

4. Page 9, lines 4 and 5.

Following: "intervention" on line 4

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Strike: remainder of line 4 through "41-3-102" on line 5

And, as amended, do pass. Report adopted.

HB 25, be concurred in. Report adopted.

NATURAL RESOURCES (Crismore, Chairman):
SB 31, introduced bill, be amended as follows:

1/23/2001

1. Title, line 6.

Following: "UTILITIES;"

Insert: "EXTENDING THE DEADLINE FOR FILING AN APPLICATION FOR A HISTORIC RIGHT-OF-WAY DEED;"

2. Page 1, line 24.

Strike: "1977"

Insert: "1997"

3. Page 1, line 25.

Strike: "1977"

Insert: "1997"

And, as amended, do pass. Report adopted.

HB 44, be amended as follows:

1. Page 1, line 14.

Following: "agencies" on line 14

Insert: "recommend legislation to"

And, as amended, be concurred in. Report adopted.

HB 45, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/22/2001

HB 218, introduced by Facey

HB 230, introduced by Price

House joint resolution passed and transmitted to the Senate for concurrence:

1/22/2001

HJR 3, introduced by Lee

FIRST READING AND COMMITMENT OF BILLS

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

- SB 293**, introduced by Doherty, Gallus, Lindeen, Toole (by request of the Attorney General), referred to Highways and Transportation.
- SB 294**, introduced by R. Holden, referred to Education and Cultural Resources.
- SB 295**, introduced by Hargrove, Tash, referred to Fish and Game.
- SB 296**, introduced by Doherty, Noennig, referred to State Administration.
- SB 297**, introduced by Elliott, referred to Business and Labor.
- SB 298**, introduced by Glaser, Forrester, referred to Business and Labor.
- SB 299**, introduced by Glaser, Forrester, referred to Business and Labor.
- SB 300**, introduced by R. Holden, referred to Highways and Transportation.
- SB 301**, introduced by Tash, referred to Fish and Game.

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

- SR 15**, introduced by Ekegren (by request of the Senate State Administration Standing Committee), referred to State Administration.
- SR 16**, introduced by Franklin (by request of the Senate State Administration Standing Committee), referred to State Administration.
- SR 17**, introduced by Elliott (by request of the Senate State Administration Standing Committee), referred to State Administration.

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

- HB 218**, introduced by Facey, referred to Business and Labor.
- HB 230**, introduced by Price, referred to Business and Labor.

The following House joint resolution was introduced, read first time, and referred to committee:

- HJR 3**, introduced by Lee, referred to Highways and Transportation.

**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 Wells in the chair.

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

- SB 199** - Senator Taylor moved SB 199 do pass. Motion carried unanimously.

The Senate stood at ease while an air quality control problem was corrected.

The Senate resumed. Roll Call. All members present. Quorum present.

- SB 214** - Senator Tash moved SB 214 do pass. Motion carried unanimously.

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SB 228 - Senator Ekegren moved SB 228 do pass. Motion carried unanimously.

SB 185 - Senator Cobb moved SB 185 do pass. Motion carried unanimously.

SB 51 - Senator Hargrove moved SB 51 do pass. Motion carried unanimously.

SB 149 - Senator Grosfield moved SB 149 do pass. Motion carried as follows:

Yeas: Berry, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Glaser, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 40

Nays: Bishop, Bohlinger, Johnson, Keenan, Miller, O'Neil, Sprague, Taylor.

Total 8

Absent or not voting: Franklin, Grimes.

Total 2

Excused: None.

Total 0

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Wells 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 60 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Mr. President.

Total 39

Nays: Butcher, Elliott, Hargrove, Holden, Johnson, Keenan, Miller, O'Neil, Sprague, Wells, Zook.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 123, a Constitutional Amendment, requiring 2/3 of the entire legislature, received the following vote:

Yeas: Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Ekegren, Ellingson, Franklin, Glaser, Grimes,

Harrington, Jergeson, Johnson, Keenan, Kitzenberg, McCarthy, McNutt, Miller, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Mr. President.

Total 32

Nays: Berry, Butcher, Cobb, DePratu, Doherty, Elliott, Ellis, Grosfield, Halligan, Hargrove, Holden, Mahlum, Mohl, O'Neil, Stapleton, Tester, Wells, Zook.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 150 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, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 49

Nays: Miller.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 153 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, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 49

Nays: Miller.

Total 1

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

SB 180 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Nelson, O'Neil, Roush, Shea, Sprague, Stapleton, Tash, Thomas, Wells, Zook, Mr. President.

Total 33

Nays: Christiaens, Doherty, Ellingson, Elliott, Harrington, Holden, Jergeson, Johnson, McCarthy, Mohl, Pease, Ryan, Stonington, Taylor, Tester, Toole, Waterman.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 182 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, Jergeson, 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

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Wednesday, January 24, 2001. Motion carried.

Senate adjourned at 2:17 p.m.

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ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate