

**SENATE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
February 15, 2001

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Beck presiding. Invocation by Senator Ric Holden. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Grimes and O'Neil, excused. Quorum present.

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

Miller, Chairman

**Senator Grimes present at this time.**

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 2/15/2001  
Correctly printed: SB 65, SB 158, SB 245, SB 249, SB 282, SB 306, SB 317, SB 323, SB 427, SB 429, SB 467, SB 469, SB 470, SB 471, SB 472, SB 473, SB 474, SB 475, SJR 17.  
Correctly engrossed: HB 246.

**BUSINESS AND LABOR** (Taylor, Chairman): 2/15/2001  
**SB 311**, do pass. Report adopted.  
**SB 357**, do pass. Report adopted.  
**SB 373**, do pass. Report adopted.  
**SB 383**, do pass. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Glaser, Chairman): 2/15/2001  
**SB 390**, introduced bill, be amended as follows:

1. Page 8, line 6.

**Following:** "noticed"

**Strike:** "for which a notice is"

**Following:** "published"

**Insert:** "in the notice"

And, as amended, do pass. Report adopted.

**SB 404**, introduced bill, be amended as follows:

1. Page 1, line 12.

**Following:** "additional"

**Insert:** "or designated"

2. Page 2, line 3.

**Following:** "established"

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**Insert:** "or designated"

3. Page 2, line 5.

**Following:** "~~the~~"

**Strike:** "The"

**Insert:** "Except as provided in subsection (2)(e), the"

4. Page 2, line 13.

**Following:** line 12

**Insert:** "(e) When a voting trustee position is designated pursuant to subsection (2)(c) for a territory without representation on the high school district board of trustees, one of the existing trustees must be designated as the trustee for the unrepresented territory for purposes of establishing trustee nominating districts under 20-3-353."

And, as amended, do pass. Report adopted.

**SB 423**, introduced bill, be amended as follows:

1. Page 3, line 14.

**Following:** "terms"

**Insert:** "of trustees of the single-member district, who must be residents of the proposed district, and provide for the terms"

2. Page 3, line 17.

**Strike:** "called"

**Insert:** "held at the next school election scheduled pursuant to 20-20-105"

**Following:** "and"

**Insert:** "must be"

And, as amended, do pass. Report adopted.

**ENERGY AND TELECOMMUNICATIONS** (Cole, Chairman):

2/15/2001

**SB 360**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "PROGRAM;"

**Insert:** "PROVIDING FOR THE ADOPTION OF A SLIDING FEE SCALE FOR PROVIDING EQUIPMENT TO CERTAIN INDIVIDUALS;"

**Strike:** the first "AND"

**Following:** "53-19-307,"

**Insert:** "AND 53-19-310,"

2. Page 2, line 23.

**Following:** "services."

**Insert:** "(1)"

3. Page 2, line 25.

**Strike:** "(1)"

**Insert:** "(a)"

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**Renumber:** subsequent subsections

4. Page 3, line 19.

**Following:** line 18

**Insert:** "(2) In adopting rules to implement subsections (1)(a) and (1)(d), the committee may, based upon available funds, provide the specialized telecommunications equipment, without charge, to individuals whose family income is less than 250% of the federal poverty level. For individuals whose family income is more than 250% of the federal poverty level but less than 400% of the federal poverty level, the committee shall develop a sliding fee scale. The sliding fee scale must take into account the amount of funds available after providing the equipment to individuals whose family income is less than 250% of the federal poverty level. The fees must increase progressively based upon the increased percentage of family income.

(3) If a fee is required under the program, the rules must provide that the fee must be received by the program and deposited in the account provided for in 53-19-310, prior to providing the equipment to the individual."

5. Page 3, line 19.

**Insert:** "**Section 4.** Section 53-19-310, MCA, is amended to read:

**"53-19-310. Fund for telecommunications services for persons with disabilities.** (1) There is an account for telecommunications services for persons with disabilities in the state special revenue fund in the state treasury. The account consists of:

(a) all monetary contributions, gifts, and grants received by the committee as provided in 53-19-309; ~~and~~

(b) all charges billed and collected pursuant to 53-19-311; and

(c) all fees received pursuant to 53-19-307.

(2) The money in the account is allocated to the committee for purposes of implementing this part.

(3) All expenditures of the committee in administering this part must be paid from money deposited in the account.""

And, as amended, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Mohl, Chairman):  
**SB 358**, introduced bill, be amended as follows:

2/15/2001

1. Page 1, line 21.

**Following:** "information"

**Insert:** ", including witness statements,"

2. Page 2, line 3.

**Following:** "information"

**Insert:** ", including witness statements"

And, as amended, do pass. Report adopted.

**SJR 11**, be adopted. Report adopted.

**LOCAL GOVERNMENT** (Bohlinger, Vice Chairman):  
**SB 181**, introduced bill, be amended as follows:

2/15/2001

1. Page 1, lines 22 and 23.

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**Strike:** "services" on line 22 through "services" on line 23

**Insert:** "human services for children and adults, including but not limited to early care services for children, youth services, health services, social services, habilitative services, rehabilitative services, preventive care, and supportive services and training, educational, and referral activities in support of human services"

And, as amended, do pass. Report adopted.

**HB 111**, be amended as follows:

1. Page 1, line 19.

**Strike:** "reasonably address"

**Insert:** "be commensurate with"

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

**NATURAL RESOURCES** (Crismore, Chairman):  
**SB 378**, introduced bill, be amended as follows:

2/15/2001

1. Title, line 8.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

2. Page 4, line 1 through line 3.

**Strike:** ";" on line 1 through "(b)" on line 3

3. Page 4, line 3.

**Following:** line 4

**Insert:** "(4) If the department provides a notice that the state's remedial action costs are due, the department shall assess and collect interest on the unpaid amount at the rate provided for in 25-9-205:

(a) after 60 days of receipt of the notice if the notice covers costs incurred during a time period that is one-quarter of a year or less;

(b) after 90 days of receipt of the notice if the notice covers costs incurred during a time period that is more than one-quarter of a year and less than or equal to one-half of a year; and

(c) after 120 days of receipt of the notice if the notice covers costs incurred during a time period that is more than one-half of a year."

**Renumber:** subsequent subsections

4. Page 4, line 5.

**Following:** "costs"

**Insert:** "and interest"

5. Page 4, line 6.

**Following:** "costs"

**Insert:** "and interest"

6. Page 4, line 7.

**Following:** "costs"

**Insert:** "and interest"

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7. Page 4, line 8.

**Following:** the first "costs"

**Insert:** "and interest"

8. Page 4, line 9.

**Following:** "part."

**Insert:** "The court may disallow the interest if it determines that the challenge of the costs by the liable person was reasonable."

9. Page 4.

**Following:** line 16

**Insert:** "NEW SECTION. Section 4. Applicability. The requirement to assess and collect interest in [section 2], amending 75-10-722, applies to interest accrued after [the effective date of this act]."

And, as amended, do pass. Report adopted.

**SB 379**, introduced bill, be amended as follows:

1. Title, line 8.

**Strike:** "AN EROSION CONTROL"

**Insert:** "POLLUTION PREVENTION"

2. Page 2, line 1.

**Strike:** "erosion control"

**Insert:** "pollution prevention"

And, as amended, do pass. Report adopted.

**SJR 3**, be adopted. Report adopted.

**SJR 13**, introduced joint resolution, be amended as follows:

1. Page 1, line 15.

**Strike:** "and" on line 15 through "unconstitutional" on line 16

And, as amended, be adopted. Report adopted.

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

2/15/2001

**SB 207**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "FACILITY;"

**Insert:** "CLARIFYING THE PURPOSE FOR WHICH IT MAY BE USED;"

2. Page 2, line 19.

**Following:** line 18

**Insert:** "NEW SECTION. Section 2. Allowed purpose. The former forensic unit at Warm Springs is the property of the department of corrections, and the building may be used only for treatment of inmates with chemical dependency

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or other mental or physical health-related problems."

**Insert:** "NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 53, chapter 1, part 2, and the provisions of Title 53, chapter 1, part 2, apply to [section 2]."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 309**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "LONGER THAN 23 HOURS"

**Insert:** "24 HOURS OR MORE"

2. Page 6, line 12.

**Strike:** "no longer than 23"

**Insert:** "less than 24"

And, as amended, do pass. Report adopted.

**SB 310**, do pass. Report adopted.

**SB 315**, do pass. Report adopted.

**SB 324**, do pass. Report adopted.

**STATE ADMINISTRATION** (Hargrove, Chairman):

2/15/2001

**SJR 17**, be adopted. Report adopted.

**HB 80**, be concurred in. Report adopted.

**HB 97**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence:

2/16/2001

**HB 33**, introduced by Younkin

**HB 125**, introduced by Younkin

**HB 159**, introduced by Vick

**HB 213**, introduced by Newman

**HB 363**, introduced by Wanzenried

**HB 399**, introduced by McKenney

**HB 432**, introduced by Balyeat

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

2/15/2001

**HJR 9**, introduced by Adams

**FIRST READING AND COMMITMENT OF BILLS**

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

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**SB 476**, introduced by Keenan, Bishop, Christiaens, E. Clark, Glaser, Grimes, Lawson, Nelson, Schrumpf, B. Thomas, referred to Judiciary.

**SB 477**, introduced by Jergeson, Bishop, Christiaens, E. Clark, Glaser, Grimes, Lawson, Nelson, Schrumpf, B. Thomas, Waterman, referred to Judiciary.

**SB 478**, introduced by Franklin, referred to Agriculture, Livestock and Irrigation.

**SB 479**, introduced by Hargrove, referred to Local Government.

**SB 480**, introduced by Berry, referred to Local Government.

**SB 481**, introduced by Berry, referred to Local Government.

**SB 482**, introduced by Ekegren, Whitaker, referred to Local Government.

**SB 483**, introduced by Christiaens, Beck, Harrington, Zook,, referred to Finance.

**SB 484**, introduced by Beck, referred to Natural Resources

**SB 485**, introduced by Ellingson, referred to Judiciary..

**MOTIONS**

Majority Leader Thomas moved that the Senate stand in recess until the hour of 1:00 p.m. this legislative day for purpose of party caucuses. Motion carried.

**Senate recessed at 12:43.**

**Senate resumed at 1:12 p.m.** Roll Call. All members present except Senator O'Neil, excused. Quorum present.

**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 Halligan in the chair.

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

**SB 330** - Senator Mahlum moved SB 330 do pass. Motion carried unanimously.

**SB 334** - Senator Grosfield moved SB 334 do pass. Motion carried unanimously.

**SB 386** - Senator Waterman moved SB 386 do pass. Motion carried unanimously.

**SB 392** - Senator Cobb moved SB 392 do pass. Motion carried unanimously.

**SB 419** - Senator Grimes moved SB 419 do pass. Motion carried unanimously.

**SB 94** - Senator Shea moved SB 94 do pass. Motion carried with Senators R. Johnson, K. Miller, Taylor, and J. Wells voting nay.

**SB 116** - Senator Stonington moved SB 116 do pass. Motion carried unanimously.

**SB 257** - Senator Bohlinger moved SB 257 do pass. Motion carried unanimously.

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**SB 259** - Senator Tester moved SB 259 do pass. Motion carried unanimously.

**SB 288** - Senator Christiaens moved SB 288 do pass. Motion carried unanimously.

**SB 329** - Senator Roush moved SB 329 do pass. Motion carried unanimously.

**SB 356** - Senator Hargrove moved SB 356 do pass. Motion carried unanimously.

**SB 394** - Senator Shea moved SB 394 do pass. Motion carried unanimously.

**SB 425** - Senator Glaser moved SB 425 do pass. Motion carried unanimously.

**SJR 14** - Senator Franklin moved SJR 14 be adopted. Motion carried unanimously.

**SB 282** - Senator Crismore moved SB 282 do pass. Motion carried unanimously.

**SB 306** - Senator Cocchiarella moved SB 306 do pass. Motion carried unanimously.

**SB 317** - Senator Ellis moved SB 317 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 Halligan 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:

**Senator Bishop excused at this time.**

**SB 65** passed as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 47

Nays: Harrington.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Bishop, O'Neil.  
Total 2



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**SB 158** passed as follows:

Yeas: Berry, Bohlinger, 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, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 46

Nays: Butcher, Nelson.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Bishop, O'Neil.  
Total 2

**Senator Bishop present at this time.**

**SB 245** passed as follows:

Yeas: Berry, Bohlinger, Butcher, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harrington, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.  
Total 39

Nays: Bishop, Christiaens, Cobb, Doherty, Ellingson, Halligan, Jergeson, Ryan, Toole, Waterman.  
Total 10

Absent or not voting: None.  
Total 0

Excused: O'Neil.  
Total 1

**HB 246** concurred in as follows:

Yeas: Berry, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Wells, Zook, Mr. President.  
Total 43

Nays: Bishop, Bohlinger, Ellingson, Pease, Ryan, Waterman.  
Total 6

Absent or not voting: None.

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Total 0

Excused: O'Neil.

Total 1

**MOTIONS**

Senator Cole moved that the rules of the Senate be suspended to allow the late drafting and introduction of a bill regarding telemarketing and slamming of citizens. 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, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: O'Neil.

Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 12:30 p.m., Friday, February 16, 2001. Motion carried.

Senate adjourned at 2:45 p.m.

ROSANA SKELTON  
Secretary of Senate

TOM BECK  
President of the Senate