

**SENATE JOURNAL
57TH LEGISLATURE
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
March 22, 2001

Senate Chambers
State Capitol

SPECIAL ORDERS OF THE DAY

Sergeant-at-arms Chris Ahner escorted the Senate into the House Chamber.

Speaker McGee introduced Senate President Beck, and yielded the chair to him.

Senate Minority Leader Doherty moved that the body resolve itself into a joint session for the purpose of receiving the Thomas Jefferson presentation. Motion carried.

Senate Minority Leader Doherty moved that the president be authorized to appoint a committee of four to notify Thomas Jefferson that we are in joint session and ready to receive the presentation. Motion carried.

The president appointed Senator Bishop, Senator Christiaens, Representative Adams and Representative Erickson, and discharged the committee to escort Thomas Jefferson in to the House Chambers.

President Beck introduced Mr. Clay Jenkinson, portraying Mr. Thomas Jefferson, third president of the United States, and the man responsible for the Lewis and Clark Corp. of Discovery. President Jefferson gave a very historical and informative presentation to the joint session.

President Beck thanked Mr. Jenkinson for his presentation, and directed the escort committee to escort "President Jefferson" from the House Chambers.

Senate Minority Leader Doherty moved that the joint session of the legislature, convened to receive the presentation of President Jefferson, be adjourned. Motion carried.

Joint session adjourned at 1:30 p.m.

Senate convened at 1:35 p.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Grimes, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the sixty-first 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):

3/22/2001

Correctly printed: SB 511, SB 512, HB 109, HB 504, HB 529, HB 609, HJR 23.

Correctly engrossed: HB 63, HB 306, HB 401, HB 442, HB 459, HB 539, HB 554, HB 569.

Correctly engrossed: SB 499, HB 295, HB 454, HB 463, HB 492, HB 596.

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Correctly enrolled: SB 10, SB 90, SB 260, SB 421, SJR 19.

Examined by the sponsor and found to be correct: SB 10, SB 90, SB 168, SB 260, SB 421, SR 19.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Holden, Chairman):
HB 492, be amended as follows:

3/22/2001

1. Title, line 6.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 3, line 7 through line 9.

Strike: "UPON" on line 7 through "MANAGEMENT." on line 9

3. Page 3, lines 10 and 11.

Strike: "IN UNACCEPTABLE LOCATIONS, AS DETERMINED BY THE LANDOWNER,"

4. Page 3, line 22.

Insert: "NEW SECTION. Section 3. Termination. [This act] terminates October 1, 2007."

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

BUSINESS AND LABOR (Taylor, Chairman):
HB 463, be amended as follows:

3/22/2001

1. Title, line 8.

Following: "ACCOUNT"

Insert: "; CAPPING THE BENEFITS AT A MAXIMUM OF 10 WEEKS PER CALENDAR YEAR; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO REPORT TO THE LEGISLATURE ON UNEMPLOYMENT BENEFITS APPLIED FOR AND GRANTED IN RELATION TO DOMESTIC VIOLENCE CLAIMS"

2. Title, line 9.

Strike: "AND"

Insert: ", "

Following: "APPLICABILITY DATE"

Insert: ", AND TERMINATION DATE"

3. Page 1, following line 20.

Insert: "(c) An individual may not receive more than 10 weeks of unemployment benefits during a calendar year under the provisions of this section. The provisions of this section do not affect the rights of an individual to receive unemployment benefits that the individual is entitled to under other provisions of state law."

4. Page 2, following line 2.

Insert: "(4) The department shall provide a report to the legislature, as provided in 5-11-210, regarding the benefits applied for and granted under this section, including a summary of the demographics of applicants for and recipients of the benefits and the average and total cost of benefits provided."

Renumber: subsequent subsection

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5. Page 2, following line 12.

Insert: "NEW SECTION. Section 4. Termination. [This act] terminates July 1, 2003."

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

HB 497, be concurred in. Report adopted.

HB 596, be amended as follows:

1. Title, line 10.

Following: "PREMISES;"

Insert: "ALLOWING CERTAIN GOVERNMENT ENTITIES THAT OWN A GOLF COURSE TO LEASE THE GOLF COURSE BEER AND WINE LICENSE TO INDIVIDUALS OR ENTITIES APPROVED BY THE DEPARTMENT OF REVENUE;"

2. Page 2, line 1.

Strike: "A"

Insert: "Except as provided in subsection (3)(c), a"

3. Page 2, following line 10.

Insert: "(c) If the owner of a golf course is the state, a unit of the university system, or a local government, the owner may lease the beer and wine license for use at the golf course to an individual or entity approved by the department of revenue."

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

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman):

3/22/2001

SB 499, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "LOCAL GOVERNMENTS"

Insert: "EACH COUNTY"

2. Page 1, line 12.

Following: "program"

Insert: "-- definition"

Following: "."

Insert: "(1)"

3. Page 1, line 15.

Strike: "community"

Insert: "county"

Following: line 15

Insert: "(2) As used in [sections 1 through 5], "postsecondary institution" means a unit of the Montana university system, a Montana public community college, or an accredited tribal college located in the state of Montana."

4. Page 1, line 17 through line 23.

Strike: section 2 in its entirety

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Renumber: subsequent sections

5. Page 1, line 30.

Strike: "local communities"

Insert: "counties"

6. Page 2, line 14.

Strike: "community"

Insert: "county"

7. Page 2, line 26.

Strike: "local community"

Insert: "county"

8. Page 3, line 5.

Strike: "local"

Insert: "county"

9. Page 3, line 14.

Strike: "local community"

Insert: "county in which a postsecondary institution is located"

10. Page 3, line 15.

Strike: "local community"

Insert: "county in which a postsecondary institution is located"

11. Page 3, line 18.

Strike: "a local community"

Insert: "the county"

12. Page 3, lines 18 and 19.

Strike: "local community"

Insert: "county"

13. Page 3, line 21.

Strike: "local community"

Insert: "county"

14. Page 3, line 23.

Strike: "local community"

Insert: "county"

15. Page 3, line 26.

Strike: "6"

Insert: "4"

16. Page 4, line 4.

Strike: "local community"

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Insert: "county"

17. Page 4, lines 7 through 9.

Following: "section,"

Strike: the remainder of line 7 through "Local" on line 9

Insert: ""local"

Following: "county" on line 9

Strike: ", an incorporated city or town,"

18. Page 5, line 3.

Strike: "6"

Insert: "4"

19. Page 5, line 4.

Strike: "6"

Insert: "4"

And, as amended, do pass. Report adopted.

HB 42, be concurred in. Report adopted.

HB 488, be concurred in. Report adopted.

FISH AND GAME (Sprague, Chairman):

3/22/2001

HB 454, be amended as follows:

1. Title, line 5.

Following: "EITHER-SEX"

Insert: "OR ANTLERLESS"

Following: "TO"

Insert: "THE PUBLIC AND TO"

2. Title, line 6.

Following: "FREE"

Insert: "PUBLIC ELK"

3. Title, line 8.

Following: "EITHER-SEX"

Insert: "OR ANTLERLESS"

4. Page 1, line 21.

Following: "Either-sex"

Insert: "or antlerless"

Following: "public"

Insert: "elk"

5. Page 1, line 22.

Following: "ANY"

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Strike: "OTHER EITHER-SEX"

6. Page 1, line 23.

Following: "either-sex"

Insert: "or antlerless"

7. Page 1, line 24.

Following: "public"

Insert: "elk"

8. Page 1, line 25.

Following: "section."

Insert: "The department may issue elk permits to the public, at regular cost and in the number authorized in subsection (3), for hunting on the property of a landowner who opens property for public elk hunting for wildlife management purposes pursuant to this section."

9. Page 2, line 1.

Following: "(c)"

Strike: "shall allow"

Following: "reasonable"

Insert: "must have entered into a contractual public elk hunting access agreement with the department that allows"

Following: the second "public"

Insert: "elk"

10. Page 2, line 2.

Following: "season"

Strike: ", which must include"

Insert: "and that includes"

Following: "using"

Strike: "both"

11. Page 2, line 3.

Strike: "either-sex and antlerless licenses"

Insert: "permits that are valid for the hunting district"

Strike: the second "and"

12. Page 2, line 5 through line 6.

Strike: "BE" on line 5 through the second "PROGRAM" on line 6

Insert: "receive cash payments under 87-1-267; and

(e) may not charge a fee or authorize a person to charge a fee for hunting access on the landowner's property"

13. Page 2, line 7.

Following: "ISSUED"

Insert: "at no cost"

14. Page 2, line 9.

Strike: "80%"

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Insert: "permits"

Following: "BASIS"

Insert: "on a first-come, first-serve basis"

15. Page 2, line 12 through line 13.

Following: "conducted on" on line 12

Strike: "the"

Following: "property" on line 12

Strike: remainder of line 12 through "permit" on line 13

Insert: "that is opened to public access pursuant to this section"

16. Page 2, line 25.

Following: "public"

Insert: "elk"

17. Page 2, line 26.

Following: "public" in two places

Insert: "elk"

18. Page 2, line 28.

Strike: "wildlife"

Insert: "elk"

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

JUDICIARY (Grosfield, Chairman):

3/21/2001

HB 295, be amended as follows:

1. Title, line 5.

Following: "DRUGS;"

Insert: "CLARIFYING THE DEFINITION OF "VEHICLE";"

2. Title, line 9.

Following: "45-5-205,"

Insert: "61-1-103,"

3. Page 1, line 28.

Following: line 27

Insert: "**Section 2.** Section 61-1-103, MCA, is amended to read:

"**61-1-103. Vehicle.** (1) "Vehicle" Except as provided in subsection (2), "vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails or tracks.

(2) (a) However, in In chapters 3 and 4, the term vehicle means "motor vehicle" as defined in this part; and in.

(b) (i) In chapter 8, part 4, this term vehicle does not include a bicycle as defined in 61-1-123.

(ii) In chapter 8, part 4, except 61-8-440 through 61-8-442, vehicle includes a snowmobile."

Renumber: subsequent sections

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

LOCAL GOVERNMENT (Mahlum, Chairman):	3/21/2001
HB 408 , be concurred in. Report adopted.	
HJR 24 , be concurred in. Report adopted.	
NATURAL RESOURCES (Crismore, Chairman):	3/22/2001
HJR 29 , be concurred in. Report adopted.	

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:	3/21/2001
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SB 56, introduced by McNutt
SB 65, introduced by Ellis
SB 81, introduced by Hargrove
SB 259, introduced by Tester
SB 285, introduced by McNutt
SB 334, introduced by Grosfield

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:	3/21/2001
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SB 38, introduced by Grimes

Senate joint resolution concurred in and returned to the Senate:	3/21/2001
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SJR 11, introduced by Tester

MOTIONS

SB 500, Senator Ryan moved that **SB 500**, which was indefinitely postponed in the committee on Finance, be printed and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 22

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 73 - Senator Miller moved that consideration of **HB 73** be postponed until the sixty-ninth legislative day, March

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27, 2001. Motion carried.

HB 57 - Senator DePratu moved that **HB 57** be taken from the committee on Taxation and rereferred to the committee on Finance. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 513, introduced by Elliott, Cobb, Tester, referred to Taxation.

SB 514, introduced by Grosfield, referred to Taxation

SB 515, introduced by Taylor, referred to Energy and Telecommunications.

SB 516, introduced by Grosfield, referred to Taxation.

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:

HB 63, as amended by the Senate, concurred in 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

HB 459, as amended by the Senate, concurred in as follows:

Yeas: Berry, Butcher, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 32

Nays: Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Franklin, Halligan, Harrington, Jergeson, McCarthy, Pease, Ryan, Stonington, Tester, Toole, Waterman.
Total 18

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

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FINANCE (Keenan, Chairman):

3/22/2001

SB 176, do pass. Report adopted.

SB 289, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 6.

Strike: "PROVIDING" on line 4 through ";" on line 6

2. Page 3, line 6.

Strike: "(a)"

Following: "2001."

Insert: "or on or after [the effective date of this act], whichever is later,"

3. Page 3, line 8 through line 16.

Strike: line 8 through line 16 in their entirety

4. Page 6, line 2.

Strike: "Effective date -- contingent"

Insert: "Contingent"

5. Page 6, line 2 through line 3.

Strike: "(1)" on line 2 through "[this" on line 3

Insert: "[This"

Strike: "July 1, 2001."

6. Page 6, line 4.

Strike: "(2)" through "effective"

7. Page 6, line 6 through line 8.

Strike: "on" on line 6 through "(2)(c)," on line 8

Insert: "pursuant to [section 2]"

And, as amended, do pass. Report adopted.

SB 338, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "175"

Insert: "150"

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2. Page 2, line 6.

Strike: "175%"

Insert: "150%"

And, as amended, do pass. Report adopted.

JUDICIARY (Grosfield, Chairman):

3/22/2001

SR 21, be adopted. Report adopted.

HB 214, be amended as follows:

1. Title, lines 5 and 6.

Following: the second "DISTRICT" on line 5

Strike: remainder of line 5 through "ELECTION" on line 6

2. Title, lines 6 and 7.

Following: "AN" on line 6

Strike: remainder of line 6 through "DELAYED" on line 7

Insert: "AN"

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

3. Page 1, line 20.

Strike: "JANUARY 1, 2002"

Insert: "July 1, 2001"

4. Page 1, lines 22 through 25.

Strike: section 3 in its entirety

Insert: "NEW SECTION. Section 3. Transition -- applicability. The additional judges for the 8th and 21st judicial districts must be appointed pursuant to the provisions of Title 3, chapter 1, part 10, to take office in January 2002. There must be an election for the offices at the general election to be held in November 2002 for 6-year terms to begin in January 2003."

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

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 12:30 p.m., Friday, March 23, 2001. Motion carried.

Senate adjourned at 2:54 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate