

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

Helena, Montana
March 26, 2001

Senate Chambers
State Capitol

Senate convened at 12 noon. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Berry, Butcher, Holden, McCarthy, McNutt, Miller, Nelson, Sprague and Waterman, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

Correctly printed: SB 518, SB 519, HJR 25, HJR 33.

Correctly engrossed: SB 176, SB 483, SB 495, HB 109, HB 261, HB 359, HB 401, HB 418, HB 442, HB 488, HB 496, HB 521, HB 529, HB 554, HB 569, HB 570, HB 609, HJR 23.

Correctly enrolled: SB 38, SB 159, SB 184, SB 306, SJR 4.

Signed by the Speaker at 1:10 p.m., March 26, 2001: SB 56, SB 65, SB 81, SB 259, SB 285, SB 334, SJR 11.

Signed by the Speaker at 1:15 p.m., March 26, 2001: SB 10, SB 90, SB 168, SB 260, SB 421.

Examined by sponsor and found to be correct: SB 107.

LEGISLATIVE ADMINISTRATION (Grimes, Chairman):

3/26/2001

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12 noon., Saturday, March 24, 2001:

TITLE

NAME

Pages:

Lacie Shackelford, Plentywood, MT
Tom Coleman, Belgrade, MT
Seth Broesder, Conrad, MT
Catie Priddy, Missoula, MT
Salina Mogen, Rosebud, MT
Jennifer Vincent, Roberts, MT
Jeffrey Maahs, Libby, MT
Heidi Wiedenheft, Fort Peck, MT

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 26, 2001:

TITLE

NAME

Pages:

Stephanie Jergeson, Chinook, MT
Rachel Davis, Billings, MT
Sarah Stoner, Outlook, MT

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Becky Sather, Larslan, MT
Courtney Carroll, Great Falls, MT
Wesley Stepler, Brockton, MT
Loni Stepler, Brockton, MT
Jessica Millam, Helena, MT

Report Adopted.

Senator Waterman present at this time.

MESSAGES FROM THE GOVERNOR

March 26, 2001

The Honorable Tom Beck
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Beck:

Please be informed that I have signed **Senate Bill 7** sponsored by Senator Cole, **Senate Bill 105** sponsored by Senator Mahlum, **Senate Bill 115** sponsored by Senator R. Holden, **Senate Bill 211** sponsored by Senator Shea, **Senate Bill 238** sponsored by Senator Tester et al, and **Senate Bill 425** sponsored by Senator Glaser et al. On March 26, 2001.

Sincerely,

JUDY MARTZ
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/24/2001

HB 5, introduced by McCann
HB 6, introduced by McCann
HB 8, introduced by McCann
HB 13, introduced by Lewis
HB 38, introduced by Schmidt
HB 105, introduced by Haines
HB 124, introduced by Story
HB 144, introduced by Noennig
HB 226, introduced by Bales
HB 318, introduced by Facey
HB 397, introduced by Jackson
HB 447, introduced by Lewis
HB 468, introduced by Galvin-Halcro
HB 516, introduced by Jent

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HB 526, introduced by Branae
HB 625, introduced by Musgrove
HB 626, introduced by McCann
HB 627, introduced by Juneau
HB 628, introduced by Wolery
HB 637, introduced by Kaufmann

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

3/24/2001

HJR 34, introduced by Haines

MOTIONS

Senator Thomas moved that consideration of the following bills be passed for the day: **SB 213, HB 195, HB 214, HB 504, HB 539 and HB 612**. Motion carried.

Senator Butcher present at this time.

Senators Doherty, Elliott, and Tester excused at this time.

SB 497 - Senator Kitzenberg moved that **SB 497** be taken from the table in the committee on Finance, printed and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Cocchiarella, Ellingson, Franklin, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, Pease, Ryan, Shea, Stonington, Taylor, Toole, Waterman.

Total 15

Nays: Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Johnson, Keenan, Mahlum, Mohl, O'Neil, Roush, Stapleton, Tash, Thomas, Wells, Zook, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Berry, Doherty, Elliott, Holden, McCarthy, McNutt, Miller, Nelson, Sprague, Tester.

Total 10

SB 338 - Senator Thomas moved that consideration of **SB 338** be placed below HB 190 on the second reading board this legislative day. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

HB 5, introduced by McCann (by request of the Governor), referred to Finance.

HB 6, introduced by McCann (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance.

HB 8, introduced by McCann (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance.

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HB 13, introduced by Lewis (by request of the Department of Administration and the Office of Budget and Program Planning), referred to Finance.

HB 38, introduced by Schmidt (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.

HB 105, introduced by Haines (by request of the Department of Administration, the Department of Fish, Wildlife, and Parks, the Department of Revenue, the Department of Transportation, the State Library Commission), referred to Finance.

HB 124, introduced by Story (by request of the Local Government Funding and Structure Committee), referred to Taxation.

HB 144, introduced by Noennig (by request of the Legislative Council), referred to Legislative Administration.

HB 226, introduced by Bales, R. Holden, Cole, Devlin, Hedges, Kitzenberg, Lenhart, Matthews, McNutt, referred to Finance.

HB 318, introduced by Facey, Golie, Kitzenberg, Laslovich, Lawson, Newman, Raser, referred to Finance.

HB 397, introduced by Jackson, referred to Agriculture, Livestock and Irrigation.

HB 447, introduced by Lewis, referred to Finance.

HB 468, introduced by Galvin-Halcro, referred to Public Health, Welfare and Safety.

HB 516, introduced by Jent, referred to Finance.

HB 526, introduced by Branae, Berry, Bohlinger, Christiaens, Cocchiarella, Dell, G. Forrester, Harrington, Jacobson, Juneau, Kaufmann, Keane, Lawson, Lindeen, Mangan, Matthews, McCarthy, Newman, Shea, F. Thomas, Toole, J. Tropila, Wanzenried, Witt, referred to Finance.

HB 625, introduced by Musgrove, Fritz, Galvin-Halcro, Masolo, Olson, Ripley, Wolery, referred to Education and Cultural Resources.

HB 626, introduced by McCann, Beck, Grosfield, Jergeson, Kitzenberg, McGee, Musgrove, Pattison, Tester, Wolery, referred to Natural Resources.

HB 627, introduced by Juneau, referred to Finance.

HB 628, introduced by Wolery, Nelson, referred to Agriculture, Livestock and Irrigation.

HB 637, introduced by Kaufmann, Callahan, referred to Judiciary.

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

HJR 34, introduced by Haines (by request of the House Appropriations Standing Committee), referred to State Administration.

**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 Keenan in the chair.

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

Senators Berry, Elliott and McCarthy present at this time.

HB 42 - Senator Beck moved **HB 42** be concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Cole, Ellingson, Elliott, Franklin, Glaser, Grosfield, Halligan, Jergeson, Kitzenberg, Mahlum, McCarthy, Pease, Roush, Ryan, Stapleton, Stonington, Tash, Taylor, Thomas, Toole, Waterman,

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Mr. President.
Total 25

Nays: Bishop, Butcher, Cobb, Cocchiarella, Crismore, DePratu, Ekegren, Ellis, Grimes, Hargrove, Harrington, Johnson, Keenan, Mohl, O'Neil, Shea, Wells, Zook.
Total 18

Absent or not voting: None.
Total 0

Excused: Doherty, Holden, McNutt, Miller, Nelson, Sprague, Tester.
Total 7

HB 295 - Senator Grimes moved consideration of **HB 295** be passed for the day.. Motion carried unanimously.

HB 408 - Senator Mahlum moved **HB 408** be concurred in. Motion carried with Senators Cobb and Johnson voting nay.

Senators Doherty and Tester present at this time.

HB 454 - Senator Bishop moved **HB 454** be concurred in. Motion carried unanimously.

HB 463 - Senator Taylor moved **HB 463**, second reading copy, be amended as follows :

1. Page 1, line 24 through line 25.

Following: "BENEFITS"

Strike: "DURING A CALENDAR YEAR"

Insert: "for the 12-month period after the filing of a claim"

Amendment **adopted** unanimously.

HB 463 - Senator Ryan moved **HB 463**, as amended, be concurred in. Motion carried with Senators Cobb, Mohl, and O'Neil voting nay.

HB 492 - Senator Jergeson moved **HB 492** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, Ellingson, Elliott, Ellis, Grimes, Grosfield, Halligan, Harrington, Jergeson, Johnson, Mahlum, McCarthy, O'Neil, Pease, Roush, Shea, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 32

Nays: Cobb, Doherty, Franklin, Hargrove, Keenan, Kitzenberg, Mohl, Ryan, Stapleton, Tester.
Total 10

Absent or not voting: DePratu, Ekegren, Glaser.
Total 3

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Excused: Holden, McNutt, Miller, Nelson, Sprague.
Total 5

Senator Thomas moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Keenan 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 176 passed as follows:

Yeas: Berry, Bohlinger, Christiaens, Cocchiarella, Doherty, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, Pease, Ryan, Shea, Stapleton, Taylor, Tester, Toole, Waterman, Zook, Mr. President.
Total 27

Nays: Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellingson, Elliott, Glaser, Holden, Keenan, Mohl, O'Neil, Roush, Stonington, Tash, Thomas, Wells.
Total 19

Paired: Stapleton, Aye; Holden, No.

Absent or not voting: None.
Total 0

Excused: McNutt, Miller, Nelson, Sprague.
Total 4

SB 483 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, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 43

Nays: Stapleton, Wells.
Total 2

Absent or not voting: None.
Total 0

Excused: Holden, McNutt, Miller, Nelson, Sprague.
Total 5

HB 109 concurred in as follows:

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Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Holden, McNutt, Miller, Nelson, Sprague.
Total 5

HB 401, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, Mohl, O'Neil, Pease, Roush, Shea, Stonington, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.
Total 37

Nays: Cobb, Doherty, Ellingson, Franklin, Grimes, Ryan, Stapleton, Toole.
Total 8

Absent or not voting: None.
Total 0

Excused: Holden, McNutt, Miller, Nelson, Sprague.
Total 5

HB 442, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Mahlum, McCarthy, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Taylor, Tester, Thomas, Toole, Waterman, Wells, Mr. President.
Total 40

Nays: Ellis, Kitzenberg, Mohl, Tash, Zook.
Total 5

Absent or not voting: None.
Total 0

Excused: Holden, McNutt, Miller, Nelson, Sprague.
Total 5

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HB 488 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, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, McNutt, Miller, Nelson, Sprague.

Total 5

HB 529 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, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, McNutt, Miller, Nelson, Sprague.

Total 5

HB 554, as amended by the Senate, concurred in as follows:

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

Total 43

Nays: Cobb, Nelson, Taylor.

Total 3

Paired: Tester, Aye; Nelson, No.

Absent or not voting: None.

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Total 0

Excused: Holden, McNutt, Miller, Sprague.

Total 4

HB 569, as amended by the Senate, concurred in as follows:

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

Total 44

Nays: Cocchiarella.

Total 1

Absent or not voting: None.

Total 0

Excused: Holden, McNutt, Miller, Nelson, Sprague.

Total 5

HB 609 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, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, McNutt, Miller, Nelson, Sprague.

Total 5

HJR 23 concurred in as follows:

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

Total 41

Nays: Crismore, Johnson, O'Neil, Stapleton.

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Total 4

Absent or not voting: None.

Total 0

Excused: Holden, McNutt, Miller, Nelson, Sprague.

Total 5

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Session 2

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

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

HB 596 - Senator Tester moved **HB 596**, second reading copy, be amended as follows :

1. Page 1, line 23.

Following: "YARDS"

Insert: "or 80 contiguous acres upon which 75% of those acres are maintained as a golf course"

Amendment **adopted** as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cole, Crismore, Doherty, Ekegren, Elliott, Franklin, Grimes, Grosfield, Halligan, Harrington, Jergeson, Johnson, McCarthy, O'Neil, Pease, Tash, Tester, Thomas, Toole, Waterman, Mr. President.

Total 26

Nays: Cocchiarella, DePratu, Ellingson, Ellis, Glaser, Hargrove, Keenan, Kitzenberg, Mahlum, Mohl, Roush, Ryan, Shea, Stapleton, Stonington, Wells, Zook.

Total 17

Absent or not voting: None.

Total 0

Excused: Cobb, Holden, McNutt, Miller, Nelson, Sprague, Taylor.

Total 7

HB 596 - Senator Ryan moved **HB 596**, as amended, be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cole, Crismore, DePratu, Doherty, Ekegren, Franklin, Grosfield, Halligan, Harrington, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, Mohl, O'Neil, Pease, Ryan, Shea,

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Stonington, Tash, Tester, Waterman, Wells, Zook, Mr. President.
Total 31

Nays: Cocchiarella, Ellingson, Elliott, Ellis, Glaser, Grimes, Hargrove, Johnson, Roush, Stapleton, Toole.
Total 11

Absent or not voting: None.
Total 0

Excused: Cobb, Holden, McNutt, Miller, Nelson, Sprague, Taylor, Thomas.
Total 8

HJR 24 - Senator Bohlinger moved **HJR 24** be concurred in. Motion carried with Senator Ellis voting nay.

Senators Beck, Cobb, Taylor and Thomas excused at this time.

HJR 29 - Senator Elliott moved **HJR 29** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, Mohl, O'Neil, Pease, Ryan, Shea, Stapleton, Stonington, Tash, Tester, Toole, Waterman, Wells, Zook.
Total 37

Nays: Butcher.
Total 1

Absent or not voting: Harrington, Johnson, Roush.
Total 3

Excused: Cobb, Holden, McNutt, Miller, Nelson, Sprague, Taylor, Thomas, Mr. President.
Total 9

HB 190 - Senator Glaser moved **HB 190** be concurred in. Motion carried unanimously.

SB 338 - Senator Berry moved **SB 338** do pass. Motion carried with Senator O'Neil voting nay.

HB 208 - Senator Grosfield moved consideration of **HB 208** be passed for the day. Motion carried.

HB 219 - Senator Grimes moved consideration of **HB 219** be passed for the day. Motion carried.

HB 254 - Senator J. Wells moved **HB 254** be concurred in. Motion carried unanimously.

HB 319 - Senator Harrington moved consideration of **HB 319** be passed for the day. Motion carried.

HB 334 - Senator Keenan moved consideration of **HB 334** be passed for the day. Motion carried.

HB 563 - Senator Pease moved **HB 563** be concurred in. Motion carried unanimously.

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HJR 31 - Senator Hargrove moved **HJR 31** be concurred in. Motion carried unanimously.

HB 620 - Senator Roush moved **HB 620**, second reading copy, be amended as follows :

1. Title, line 5.

Strike: "LIGHT"

2. Title, line 7.

Strike: "LIGHT"

3. Title, line 12.

Following: "HEART;"

Insert: "ALLOWING A VETERAN WHO HAS BEEN AWARDED THE PURPLE HEART AND HAS A DEGREE OF DISABILITY TO REGISTER FOR A FEE OF \$5 ONE MOTOR VEHICLE THAT IS NOT USED FOR COMMERCIAL PURPOSES;"

4. Page 6, line 26.

Strike: "light vehicle"

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

5. Page 6, line 28.

Strike: "light vehicle"

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

6. Page 9, line 25.

Strike: "to one automobile or truck"

7. Page 9, line 26.

Strike: "not"

8. Page 9, line 27.

Strike: "more than"

Insert: "only"

9. Page 9, line 28.

Strike: "light vehicle"

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

Amendment **adopted** unanimously.

HB 620 - Senator Roush moved **HB 620**, as amended, be concurred in. Motion carried unanimously.

Senator Berry moved the committee rise and report. Motion carried. Committee arose. Senate resumed. Senator Grosfield in the chair. Chairman Keenan moved the Committee of the Whole report be adopted. Report adopted unanimously.

REPORTS OF STANDING COMMITTEES

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3/26/2001

JUDICIARY (Grosfield, Chairman):

HB 151, be concurred in. Report adopted.

HB 213, be concurred in. Report adopted.

HB 256, be amended as follows:

1. Title, line 4.

Following: the second "AN ACT"

Strike: "CREATING A"

Insert: "INCREASING THE"

2. Title, line 4 through line 5.

Following: "PENALTY" on line 4

Strike: remainder of line 4 through "BOTH," on line 5

3. Page 3, line 2.

Strike: "\$10,000"

Insert: "\$5,000"

4. Page 3, line 3.

Strike: "1 YEAR"

Insert: "6 months"

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

HB 290, be amended as follows:

1. Title, line 4.

Following: "OR"

Strike: "DECEPTION,"

Following: "COERCION"

Strike: " "

2. Page 1, line 16.

Following: "BY"

Strike: "DECEPTION,"

Following: "COERCION"

Strike: " "

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

HB 360, be amended as follows:

1. Title, line 5.

Following: "INCLUDE"

Strike: "CERTAIN TYPES OF"

Insert: "ANY FELONY"

Following: "SEXUAL"

Insert: "OFFENSE"

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2. Title, line 6 through line 8.

Strike: "ASSAULT" on line 6 through "CHILDREN" on line 8

3. Page 1, line 22.

Following: "(c)"

Strike: "(I)"

4. Page 1, line 22 through line 28.

Following: "offense" on line 22

Strike: remainder of line 22 through "45-5-625" on line 28

Insert: "for which the maximum potential sentence under statute is death or imprisonment in a state prison for a term exceeding 1 year"

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

HB 419, be concurred in. Report adopted.

HB 434, be amended as follows:

1. Title, line 4.

Following: "THAT A"

Insert: "COURT MAY, AS A CONDITION OF SENTENCE, IMPOSE RESIDENCY RESTRICTIONS ON A"

2. Title, line 5 through line 10.

Following: "OFFENDER" on line 5

Strike: remainder of line 5 through "RESTRICTIONS" on line 10

3. Title, line 10.

Following: "SECTION"

Strike: "46-23-507"

Insert: "46-18-255"

Following: "AN"

Insert: "IMMEDIATE EFFECTIVE DATE AND AN"

4. Page 1, line 15 through page 2, line 1.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 46-18-255, MCA, is amended to read:

"46-18-255. Sentence upon conviction -- restriction on employment and residency. (1) A judge sentencing a person upon conviction of a sexual or violent offense shall, as a condition to probation, parole, or deferment or suspension of sentence, impose upon the defendant reasonable employment or occupational prohibitions and restrictions designed to protect the class or classes of persons containing the likely victims of further offenses by the defendant.

(2) In addition to any restriction on employment imposed under subsection (1), a judge sentencing a person convicted of a sexual offense involving a minor and designated as a level 3 offender under 46-23-509 shall, as a condition to probation, parole, or deferment or suspension of sentence, impose upon the defendant restrictions on the defendant's residency in the proximity of a private or public elementary or high school, preschool as defined in 20-5-402, licensed day-care center, church, or park maintained by a city, town, or county."

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

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Insert: "NEW SECTION. Section 3. Applicability. [This act] applies to persons sentenced after [the effective date of this act]."

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

NATURAL RESOURCES (Crismore, Chairman): 3/26/2001
HB 159, be concurred in. Report adopted.
HB 332, be concurred in. Report adopted.
HB 444, be concurred in. Report adopted.

STATE ADMINISTRATION (Hargrove, Chairman): 3/26/2001
HB 452, be amended as follows:

1. Page 1.

Following: line 18

Insert: "(2) "DROP benefit" means the lump-sum benefit calculated and distributed as provided in [sections 1 through 8].

(3) "DROP period" means the period of time that a member irrevocably elects to participate in the DROP pursuant to [section 4]."

Renumber: subsequent subsection

2. Page 1, line 25.

Following: "with"

Insert: "the internal revenue code and the"

3. Page 2, line 6.

Strike: "participation in the"

Following: "DROP"

Insert: "period"

4. Page 2, line 9.

Strike: "minimum" through "section"

Insert: "DROP period"

5. Page 2, line 15.

Following: "participant,"

Insert: "the board shall calculate a DROP benefit equal to"

6. Page 2, line 16 through line 17.

Strike: "must" on line 16 through "account" on line 17

Insert: "multiplied by each month of the DROP period that the participant completes"

7. Page 2, line 21 through line 25.

Strike: line 21 through line 25 in their entirety

8. Page 2, line 27.

Following: "dies"

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Insert: "prior to the receipt of the DROP benefit pursuant to [section 8]"

9. Page 2, line 29.

Strike: "account balance, plus any accrued interest"

Insert: "benefit"

10. Page 3, line 5.

Strike: "THE"

Insert: "a"

Strike: "DISTRIBUTION"

Insert: "payment equal to the participant's DROP benefit"

11. Page 3.

Following: line 5

Insert: "(3) The benefit paid pursuant to this section must include interest reflecting the retirement system's annual investment earnings from the date the member's DROP period commenced."

12. Page 3, line 7.

Strike: "PARTICIPATION"

Insert: "period"

13. Page 3, line 9.

Strike: "TERMINATING PARTICIPATION IN"

Following: "DROP"

Insert: "period ends"

14. Page 3, line 10.

Strike: "MEMBER'S"

Strike: "PARTICIPATION TERMINATED"

Insert: "period ended"

15. Page 3.

Following: line 10

Insert: "(2) When a member, after the end of the DROP period, continues employment in a covered position, state contributions under 19-9-702, employer contributions under 19-9-703, and member contributions under 19-9-710 must continue to be made to the retirement system."

Renumber: subsequent subsections

16. Page 3, line 11.

Strike: "TERMINATING"

Insert: "the end of the"

Strike: "PARTICIPATION"

Insert: "period"

17. Page 3, line 13.

Strike: "TERMINATING"

Insert: "the end of the"

Strike: "PARTICIPATION"

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Insert: "period"

18. Page 3, line 14 through line 19.

Strike: line 14 through line 19 in their entirety

Insert: "(b) is, upon terminating covered employment, entitled to:

(i) the member's service retirement benefit earned prior to the DROP period, including any postretirement benefit adjustment for which the member is eligible under this chapter;

(ii) a service retirement benefit based on the member's service and final average compensation during membership subsequent to the end of the DROP period, including any postretirement benefit adjustment for which the member is eligible under this chapter; and

(iii) the member's DROP benefit."

19. Page 3, line 21.

Strike: "Distributions"

Insert: "Distribution of DROP benefit"

20. Page 3, line 21.

Strike: "service"

Insert: "covered employment"

21. Page 3, line 23 through line 24.

Strike: "account" on line 23 through "interest" on line 24

Insert: "benefit"

22. Page 3, line 25.

Strike: "account balance, plus any accrued interest,"

Insert: "benefit"

23. Page 3, line 27.

Following: "payment"

Insert: "of the DROP benefit"

24. Page 3.

Following: line 29

Insert: "(3) The amount of a distribution, rollover, transfer, or other payment of a DROP benefit pursuant to this section must include interest reflecting the retirement system's annual investment earnings from the date the member's DROP period commenced."

25. Page 4, line 1.

Strike: "OR OPINION"

26. Page 4, line 2.

Strike: "OR OPINION"

27. Page 4, line 15.

Following: "3"

Insert: ", 9,"

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

FIRST READING AND COMMITMENT OF BILLS

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

SB 521, introduced by Doherty, F. Thomas, referred to Energy and Telecommunications.

MOTIONS

HB 42 - Senator Johnson moved that **HB 42** be taken from the third reading board and placed on second reading the next legislative day for purpose of amendment. Motion carried.

HB 190 - Senator Roush moved that he be shown as voting aye on **HB 190**, second reading this legislative day. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Berry moved that the Senate adjourn until 11:00 a.m., Tuesday, March 27, 2001. Motion carried.

Senate adjourned at 2:30 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate