

**SENATE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 20, 2001

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Cobb, Grimes, Grosfield, and Mohl, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the tenth 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): 1/20/2001

Correctly printed: SB 11, SB 28, SB 30, SB 92, SB 105, SB 146, SB 147, SB 153, SB 156, SB 180, SB 184, SB 199,  
SB 203, SB 209, SB 235, SB 282, SB 283, SB 284, SB 285, SB 286.

Correctly engrossed: SB 114, SB 149, SB 150, SB 152, SB 175.

Signed by the President at 8:00 a.m., January 20, 2001: SR 2.

Signed by the Secretary of Senate at 8:15 a.m., January 20, 2001: SR 2.

**EDUCATION AND CULTURAL RESOURCES** (Glaser, Chairman): 1/20/2001

**SB 60**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "OF"

**Insert:** "ESTABLISHED BY"

2. Page 7, line 14.

**Strike:** "two educators"

**Insert:** "one educator"

3. Page 7, line 15.

**Strike:** "one educator"

**Insert:** "two educators"

And, as amended, do pass. Report adopted.

**SB 182**, do pass. Report adopted.

**SB 214**, do pass. Report adopted.

**STATE ADMINISTRATION** (Hargrove, Chairman): 1/19/2001

**SB 51**, introduced bill, be amended as follows:

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

1. Title, page 1, line 12.

**Strike:** "PRIVATE"

**Strike:** "RULING"

**Insert:** "OF DETERMINATION"

2. Page 3, line 17.

**Following:** "."

**Insert:** "If a statutory provision of [sections 1 through 10] conflicts with a qualification requirement of the Internal Revenue Code and any consequent federal regulations, the provision is either ineffective or must be interpreted to conform with the federal qualification requirements."

3. Page 4, line 11.

**Strike:** "unused"

4. Page 4, line 11 through line 12.

**Strike:** "that accrued" on line 11 through "during the previous 12 months" on line 12

5. Page 4, line 13.

**Strike:** "unused"

6. Page 4, line 14.

**Strike:** "accrued"

**Strike:** "120"

**Insert:** "240"

7. Page 4, line 19 through line 20.

**Strike:** "However" on line 19 through "2-18-618(6)."

8. Page 5, line 1.

**Strike:** "any"

**Insert:** "an"

**Strike:** "for the benefit of an individual"

9. Page 5, line 4.

**Following:** "expenses or"

**Insert:** ", to the extent allowable under applicable Internal Revenue Code sections,"

10. Page 5, line 5 through line 19.

**Following:** "."

**Strike:** remainder of line 5 through "law." on line 19

**Insert:** "The department shall prescribe by rule the disposition of a deceased member's account if the member failed to designate a beneficiary or has no surviving designated beneficiary."

11. Page 10, line 21.

**Strike:** "ruling or opinion"

**Insert:** "determination"

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

12. Page 10, line 23.

**Strike:** "ruling or opinion"

**Insert:** "determination"

13. Page 11.

**Following:** line 2

**Insert:** "NEW SECTION. **Section 15. Implementation.** In implementing and administering the provisions of [sections 1 through 10]:

(1) the department shall provide for the conversion of unused sick leave accrued in excess of the minimum established in [section 8]; or

(2) if conversion of sick leave in accordance with subsection (1) conflicts with applicable federal law, then the department shall provide for contributions to the health care expense accounts in lieu of sick leave accrual in excess of the minimum established in [section 8]."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 123**, introduced bill, be amended as follows:

1. Title, line 9.

**Following:** "LEGISLATURE"

**Insert:** "AND PROVIDING EXCEPTIONS"

2. Page 1, line 16.

**Following:** "days."

**Insert:** "However, the legislature may expand the number of days of the session in an even-numbered year but the length of the session in an even-numbered year, when added to the length of a session in an odd-numbered year within the same biennium, may not exceed 90 days except in the case of an emergency, as determined by a two-thirds vote of the members of each house."

3. Page 1, line 21.

**Following:** "legislature"

**Insert:** ", except as the legislature may provide by a two-thirds vote of the members of each house"

And, as amended, do pass. Report adopted.

**SB 185**, do pass. Report adopted.

**SB 205**, introduced bill, be amended as follows:

1. Page 6, line 2.

**Following:** "2-2-144"

**Insert:** "or filed by a person directly with the commissioner pursuant to 2-2-144(6)"

2. Page 8, line 7.

**Following:** "substantiated."

**Insert:** "If the complaint is against the county attorney, the panel shall refer the matter to the commissioner of political practices and the complaint must then be processed by the commissioner pursuant to 2-2-136."

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

3. Page 8, line 11.

**Following:** "local"

**Insert:** "government"

And, as amended, do pass. Report adopted.

**SB 228**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence:

1/19/2001

**HB 164**, introduced by Olson

**HB 180**, introduced by Callahan

**HB 235**, introduced by R. Brown

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 287**, introduced by Stonington, referred to Local Government.

**SB 288**, introduced by Christiaens, McCarthy, Waterman, referred to Public Health, Welfare and Safety.

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

**SJR 8**, introduced by Christiaens, McCarthy, Waterman, referred to Public Health, Welfare and Safety.

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

**SR 3**, introduced by Bohlinger (by request of the Senate State Administration Standing Committee), referred to State Administration.

**SR 4**, introduced by Hargrove (by request of the Senate State Administration Standing Committee), referred to State Administration.

**SR 5**, introduced by Elliott (by request of the Senate State Administration Standing Committee), referred to State Administration.

**SR 6**, introduced by Butcher (by request of the Senate State Administration Standing Committee), referred to State Administration.

**SR 7**, introduced by Franklin (by request of the Senate State Administration Standing Committee), referred to State Administration.

**SR 8**, introduced by Toole (by request of the Senate State Administration Standing Committee), referred to State Administration.

**SR 9**, introduced by Hargrove (by request of the Senate State Administration Standing Committee), referred to State Administration.

**SR 10**, introduced by Hargrove (by request of the Senate State Administration Standing Committee), referred to State Administration.

**SR 11**, introduced by Hargrove (by request of the Senate State Administration Standing Committee), referred to State Administration.

**SR 12**, introduced by Hargrove (by request of the Senate State Administration Standing Committee), referred to State Administration.

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

Administration.

**SR 13**, introduced by Hargrove (by request of the Senate State Administration Standing Committee), referred to State Administration.

**SR 14**, introduced by Hargrove (by request of the Senate State Administration 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 Ellis in the chair.

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

**SB 11** - Senator Shea moved SB 11 do pass. Motion carried unanimously.

**SB 105** - Senator Mahlum moved SB 105 do pass. Motion carried unanimously.

**SB 203** - Senator Cole moved SB 203 do pass. Motion carried unanimously.

**SB 152** - Senator Mahlum moved SB 152 do pass. Motion carried unanimously.

**SB 175** - Senator Glaser moved SB 175 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 Ellis 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 28** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, 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, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb, Grosfield, Mohl.

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

Total 3

**SB 30** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, 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, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Grosfield, Mohl.

Total 3

**SB 92** passed as follows:

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

Total 41

Nays: Crismore, Ellis, Holden, Keenan, Miller, O'Neil.

Total 6

Absent or not voting: None.

Total 0

Excused: Cobb, Grosfield, Mohl.

Total 3

**SB 114** passed as follows:

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

Total 28

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

Total 19

Absent or not voting: None.

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

Total 0

Excused: Cobb, Grosfield, Mohl.

Total 3

**SB 146** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, 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, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Grosfield, Mohl.

Total 3

**SB 147** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, 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, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Grosfield, Mohl.

Total 3

**SB 156** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, 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, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb, Grosfield, Mohl.  
Total 3

**SB 184** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, 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, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb, Grosfield, Mohl.  
Total 3

**SB 209** passed as follows:

Yeas: Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 43

Nays: Bishop, Butcher, Holden, Miller.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Cobb, Grosfield, Mohl.  
Total 3

**SB 235** passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson,



SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 20, 2001

Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb, Grosfield, Mohl.  
Total 3

**MOTIONS**

**SB 114** - Senator Harrington moved he be allowed to change his vote on **SB 114**, third reading this legislative day, from yea to nay. Motion carried.

**ANNOUNCEMENTS**

Senator Berry acknowledged the Senate pages, gave a brief overview of their future plans, and thanked them for their work for the Senate through the week.

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Monday, January 22, 2001. Motion carried.

Senate adjourned at 8:42 a.m.

ROSANA SKELTON  
Secretary of Senate

TOM BECK  
President of the Senate