

**SENATE JOURNAL
57TH LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
January 26, 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 except Senators Grimes, Holden, Ryan and Waterman, excused. Quorum present.

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

Miller, Chairman

Senators Grimes and Waterman present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 1/26/2001
Correctly printed: SB 2, SB 31, SB 54, SB 115, SB 145, SB 252, SR 4.
Correctly engrossed: SB 130, SB 162, SB 192, SB 279, SJR 4.

BUSINESS AND LABOR (Taylor, Chairman): 1/26/2001
HB 56, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Cole, Chairman): 1/26/2001
SB 56, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "UTILITIES"

Insert: "AND LARGE CUSTOMERS"

2. Page 3, line 10.

Following: "those"

Insert: "amortized or nonamortized"

And, as amended, do pass. Report adopted.

SB 57, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "2"

Insert: "½"

2. Page 1, line 22.

Strike: "July 1"

Insert: "December 31"

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And, as amended, do pass. Report adopted.
SB 269, do pass. Report adopted.

FISH AND GAME (Sprague, Chairman): 1/26/2001
SB 262, introduced bill, be amended as follows:

1. Page 4.

Following: line 18

Insert: "NEW SECTION. Section 4. Occurrence of multiple contingencies -- directions to code commissioner. Whenever the secretary of state notifies the code commissioner of the occurrence of more than one of the contingencies described in [section 3], the code commissioner is directed to change the bracketed language in 87-2-106(1) and 87-2-202(1) to give effect to each exemption."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

JUDICIARY (Grosfield, Chairman): 1/26/2001
HB 29, be concurred in. Report adopted.

LOCAL GOVERNMENT (Mahlum, Chairman): 1/26/2001
SB 50, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "SMOKE FREE"

Insert: "SMOKE-FREE"

2. Title, line 7.

Strike: "JULY 1, 2002"

Insert: "CERTAIN DATES"

Following: "STATE,"

Insert: "AGENCY HEADS MAKE THE PORTIONS OCCUPIED BY THE STATE SMOKE-FREE BY A CERTAIN DATE; ENCOURAGING THAT"

3. Title, line 8.

Strike: "ALL OR MAJOR PORTIONS OF"

Strike: "SMOKE FREE"

Insert: "SMOKE-FREE"

4. Title, lines 8 and 9.

Strike: "BY" on line 8 through "2002" on line 9

5. Title, line 10.

Strike: the second "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

6. Page 1, line 19.

Strike: "date"

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Insert: "dates"

7. Page 2, lines 4 and 5.

Strike: "and buildings leased and occupied only by the state"

Strike: "as soon" on line 4 through "2002" on line 5

Insert: "on [the effective date of this act]. Buildings leased and occupied only by the state must be smoke-free as soon as practicable but no later than July 1, 2001"

8. Page 2, line 6.

Following: "heads"

Insert: "shall make the portions of the buildings occupied by the state smoke-free as soon as practicable but no later than July 1, 2001, and"

Strike: "all or major portions of"

9. Page 2, line 7.

Strike: "by July 1, 2002"

10. Page 2.

Following: line 10

Insert: "NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 161, introduced bill, be amended as follows:

1. Page 2, line 15.

Following: "determining the"

Insert: "tonnage or"

2. Page 2, line 21.

Following: "the"

Insert: "tonnage or"

3. Page 4, line 6.

Following: "and"

Insert: "tonnage or"

4. Page 4, line 12.

Following: "~~disposal~~"

Insert: "at facilities subject to regulation pursuant to part 2 of this chapter"

5. Page 4, line 27.

Following: "a"

Insert: "tonnage or"

6. Page 7, line 20.

Following: "consider the"

Insert: "tonnage or"

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7. Page 7, line 22.

Following: "in the"

Insert: "tonnage or"

And, as amended, do pass. Report adopted.

SB 168, do pass. Report adopted.

STATE ADMINISTRATION (Hargrove, Chairman):

1/26/2001

SB 90, introduced bill, be amended as follows:

1. Page 20, line 16.

Following: "foreign country"

Insert: ", or province or other political subdivision of that country,"

2. Page 20, line 18.

Following: "foreign country"

Insert: ", or province or other political subdivision of that country"

3. Page 20, line 19.

Following: "with"

Insert: "or has exchanged letters of understanding with"

Following: "foreign country"

Insert: ", or province or other political subdivision of that country,"

4. Page 20, line 21.

Following: "foreign country"

Insert: ", or province or other political subdivision of that country"

5. Page 20, line 22.

Following: "foreign country"

Insert: ", or province or other political subdivision of that country,"

6. Page 20, line 24.

Following: "foreign country"

Insert: ", or province or other political subdivision of that country,"

7. Page 20, line 27.

Following: "foreign country"

Insert: ", or province or other political subdivision of that country,"

8. Page 20, line 28.

Following: "foreign country"

Insert: ", or province or other political subdivision of that country"

And, as amended, do pass. Report adopted.

TAXATION (DePratu, Chairman):

1/26/2001

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SB 223, do pass. Report adopted.

SB 240, introduced bill, be amended as follows:

1. Page 3, lines 9.

Following: "~~1998~~,"

Insert: "drilled after December 31, 1998,"

2. Page 3, line 10.

Following: "~~1998~~,"

Insert: "drilled after December 31, 1998,"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/25/2001

HB 80, introduced by Smith

HB 300, introduced by Wanzenried

MOTIONS

SB 129 - Senator Keenan moved that **SB 129** be taken from the committee on Finance and rereferred to the committee on Taxation. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 314, introduced by Doherty, referred to Public Health, Welfare and Safety.

SB 315, introduced by Franklin, Beck, Bishop, DePratu, Hargrove, Laslovich, Schmidt, B. Thomas (by request of the State Auditor), referred to Public Health, Welfare and Safety.

SB 316, introduced by Stonington, Wanzenried (by request of the State Auditor), referred to Taxation.

SB 317, introduced by Ellis, referred to Taxation.

SB 318, introduced by Ekegren, referred to Highways and Transportation.

SB 319, introduced by Cole, Beck, Crismore, Curtiss, Davies, Ekegren, Ellis, G. Forrester, Fuchs, Grosfield, Hargrove, Hedges, L. Holden, Kasten, Kitzenberg, Lenhart, Lewis, Masolo, Matthews, McNutt, K. Miller, Mohl, Olson, Sliter, Sprague, Steinbeisser, Story, Tash, Taylor, B. Thomas, J. Wells, Zook, referred to Energy and Telecommunications.

SB 320, introduced by Kitzenberg, referred to Highways and Transportation.

SB 321, introduced by Mahlum, Bohlinger, R. Brown, Christiaens, Cocchiarella, Doherty, Halligan, Hargrove, Harrington, Kitzenberg, Ryan, Wanzenried, referred to Public Health, Welfare and Safety.

SB 322, introduced by Shea, Beck, Christiaens, Cocchiarella, Cole, Crismore, Dale, Doherty, Ellingson, R. Erickson, Facey, Gallus, Golie, Grimes, Halligan, Harrington, Laslovich, Lawson, Mahlum, Masolo, Matthews, McCarthy, McKenney, McNutt, D. Mood, Roush, Sprague, Tash, Tester, B. Thomas, Waterman, referred to Natural Resources.

SB 323, introduced by McNutt, Beck, Bitney, R. Brown, DePratu, Ekegren, Ellis, G. Forrester, Mahlum, D. Mood, Sliter, Somerville, Sprague, F. Thomas, referred to Business and Labor.

SB 324, introduced by Harrington, Cobb, Grimes, Jent, Lehman, McCarthy, Olson, Ripley, Ryan, referred to Public

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Health, Welfare and Safety.

SB 325, introduced by Mahlum, Sliter, Bales, Barrett, Berry, Bohlinger, Butcher, Buzzas, Christiaens, E. Clark, Cocchiarella, Cole, Crismore, Dale, Dell, DePratu, Doherty, Ekegren, Ellis, Esp, Facey, Forrester, Franklin, Gallus, Galvin-Halcro, Gillan, Golie, Grosfield, Halligan, Harrington, Jent, Jergeson, Kaufmann, Keane, Kitzenberg, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, McNutt, Nelson, Olson, Pattison, Price, Raser, Ripley, Rome, Roush, Ryan, Schmidt, Schrupf, Shea, Somerville, Story, Tash, Tester, B. Thomas, Walters, Wanzenried, referred to Taxation.

SB 326, introduced by Taylor, Beck, Berry, Bookout-Reinicke, Brueggeman, Butcher, Cole, Devlin, Esp, R. Holden, Kitzenberg, Lawson, Lewis, Mahlum, McNutt, D. Mood, Olson, Rome, Roush, Somerville, Steinbeisser, Tester, B. Thomas, referred to Agriculture, Livestock and Irrigation.

SB 327, introduced by Doherty, Lindeen, B. Thomas, referred to Energy and Telecommunications.

SB 328, introduced by J. Wells (by request of the Attorney General), referred to Judiciary.

SB 329, introduced by Roush, E. Clark, Cocchiarella, Crismore, DePratu, Doherty, Ekegren, Franklin, L. Holden, Jergeson, Juneau, Kitzenberg, McNutt, Nelson, Ryan, Schmidt, Shea, Tester, referred to Public Health, Welfare and Safety.

SB 330, introduced by Mahlum, Christiaens, Halligan, Juneau, Matthews (by request of the State Auditor), referred to Business and Labor.

SB 331, introduced by DePratu, referred to Finance.

SB 332, introduced by Waterman, referred to Public Health, Welfare and Safety.

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

SJR 9, introduced by Cocchiarella, Bales, Barrett, Beck, Berry, Bishop, Bixby, Bohlinger, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Christiaens, Clancy, E. Clark, P. Clark, Cobb, Cole, Crismore, Curtiss, Cyr, Davies, Dell, DePratu, Devlin, Doherty, Eggers, Ekegren, Ellingson, Elliott, Ellis, R. Erickson, Fisher, G. Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Glaser, Grimes, Grosfield, Gutsche, Haines, Halligan, Hargrove, Harrington, Hedges, Himmelberger, L. Holden, Jackson, Jacobson, Jayne, Jergeson, Juneau, Kasten, Kaufmann, Keane, Kitzenberg, Laslovich, Lee, Lehman, Lindeen, Mahlum, Masolo, Matthews, McCann, McCarthy, McGee, McNutt, Musgrove, Nelson, Newman, Noennig, O'Neil, Olson, Pattison, Pease, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Roush, Ryan, Schmidt, Shea, Shockley, Somerville, Sprague, Stapleton, Story, Tash, Tester, B. Thomas, F. Thomas, Toole, Tramelli, J. Tropila, Waddill, Waitschies, Walters, Waterman, J. Whitaker, Wolery, C. Younkin, Zook, referred to State Administration.

SJR 10, introduced by Kitzenberg, referred to Education and Cultural Resources.

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

SR 18, introduced by K. Miller, Beck, Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Halligan, Jergeson, Keenan, Mahlum, McNutt, O'Neil, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, B. Thomas, J. Wells, (by request of the Senate Bills and Journal Standing Committee) referred to Legislative Administration.

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

HB 80, introduced by Smith, referred to State Administration.

HB 204, introduced by Bitney, referred to State Administration.

HB 241, introduced by B. Thomas, referred to State Administration.

HB 279, introduced by McKenney, E. Clark, Cocchiarella, Doherty, R. Erickson, Gallus, Gillan, Haines, Halligan, Harrington, Hedges, Jent, Lenhart, Mahlum, Mangan, Nelson, Shea, Tash, Thomas, Waterman, referred to Public

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Health, Welfare and Safety.

HB 293, introduced by Harris, Branae, Clancy, Gutsche, Hedges, Hurdle, Jent, Laszloffy, Waddill, Wanzenried, Wolery, referred to State Administration.

HB 300, introduced by Wanzenried, referred to Business and Labor.

HB 309, introduced by C. Younkin, Franklin, Jacobson, Kaufmann, Lee, Lenhart, Stonington, referred to Public Health, Welfare and Safety.

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

HJR 7, introduced by McGee, 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 Jergeson in the chair.

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

Senator Ryan present at this time.

SB 164 - Senator McNutt moved SB 164 do pass. Motion carried unanimously.

SB 170 - Senator Halligan moved SB 170 do pass. Motion carried unanimously.

SB 189 - Senator McNutt moved SB 189 do pass. Motion carried unanimously.

SB 231 - Senator Grimes moved SB 231 do pass. Motion carried unanimously.

SB 234 - Senator Tester moved SB 234 do pass. Motion carried unanimously.

SB 238 - Senator Tester moved SB 238 do pass. Motion carried with Senators Cobb and Miller voting nay.

SB 254 - Senator Halligan moved SB 254 do pass. Motion carried unanimously.

HB 39 - Senator Sprague moved HB 39 be concurred in. Motion carried unanimously.

Senator Christiaens excused at this time.

HB 52 - Senator Doherty moved HB 52 be concurred in. Motion carried unanimously.

HB 112 - Senator Taylor moved HB 112 be concurred in. Motion carried unanimously.

SB 2 - Senator Stonington moved SB 2 do pass. Motion carried with Senators Cole, Elliott and Toole voting nay..

SB 115 - Senator F. Thomas moved consideration of SB 115 be passed for the day. Motion carried.

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Senator Christiaens present at this time.

SB 132 - Senator Halligan moved SB 132 do pass. Motion carried unanimously.

SB 252 - Senator Cocchiarella moved SB 252 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 Jergeson 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 31 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, McNutt, Miller, Mohl, Nelson, O'Neil, 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: Holden.

Total 1

SB 54 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, McNutt, Miller, Mohl, Nelson, O'Neil, 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: Holden.

Total 1

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SB 145 passed as follows:

Yeas: Berry, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Harrington, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Zook, Mr. President.

Total 30

Nays: Bishop, Bohlinger, Christiaens, Doherty, Ellingson, Elliott, Franklin, Hargrove, Holden, Jergeson, Johnson, Miller, Nelson, O'Neil, Pease, Ryan, Tester, Toole, Waterman, Wells.

Total 20

Paired: Stapleton, Aye; Holden, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Kitzenberg excused at this time.

SPECIAL ORDERS OF THE DAY

SR 4 - Senator Hargrove moved that SR 4, concurring in, confirming, and consenting to the nomination and appointment of David Galt as Director of the Department of Transportation be adopted and that the yeas and nays be spread upon the journal. 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, Jergeson, Johnson, Keenan, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Kitzenberg.

Total 2

MOTIONS

SB 272 - Senator Thomas moved that **SB 272** be taken from the committee on Business and Labor and rereferred to the committee on Energy and Telecommunications. Motion carried.

SB 115 - Senator Thomas moved consideration of **SB 115**, on second reading this legislative day, be postponed until

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the twenty-third legislative day, January 29, 2001. Motion carried.

SB 293 - Senator Grosfield moved that **SB 293** be taken from the committee on Highways and Transportation and rereferred to the committee on Judiciary. Motion carried.

SB 231 - Senator Keenan moved that **SB 231** be taken from the third reading board and rereferred to the committee on Finance. Motion carried.

SR 4 - Senator Keenan moved he be allowed to change his vote on **SR 4** this legislative day, from nay to yea. Motion carried.

SR 4 - Senator Miller moved he be allowed to change his vote on **SR 4** this legislative day, from nay to yea. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Saturday, January 27, 2001. Motion carried.

Senate adjourned at 3:05 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate