

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

Helena, Montana
January 29, 2001

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Beck presiding. Invocation by Reverend John Morden of the Community Church of God in Big Sandy, MT. Pledge of Allegiance to the Flag.

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

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 1/29/2001
Correctly printed: SB 29, SB 130, SB 192, SB 333, SB 334, SB 335, SB 336, SB 337, SB 338, SB 339, SB 340, SB 341, SB 342, SB 343, SB 344, SB 345, SB 346, SB 347, SB 348, SB 349, SB 350, SB 351, SJR 4.
Correctly engrossed: SB 56.
Correctly enrolled: SR 4.
Examined by the sponsor and found to be correct: SR 4.

BUSINESS AND LABOR (Taylor, Chairman): 1/26/2001
HB 26, be concurred in. Report adopted.
HB 34, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman): 1/29/2001
SB 35, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "REQUIRING"

Insert: "AUTHORIZING"

2. Page 3, lines 16 through 21.

Following: "(26)" on line 16

Insert: "assess the need for a school uniform policy and may"

Following: "uniforms." on line 16

Strike: remainder of line 16 through "pupil." on line 21

And, as amended, do pass. Report adopted.

SB 140, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "PUBLIC"

And, as amended, do pass. Report adopted.

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FINANCE (Keenan, Chairman):

1/25/2001

SB 179, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "THE"

Insert: "GENERAL FUND"

2. Page 3, line 23.

Following: "proposed"

Insert: "general fund"

3. Page 3, line 24.

Following: "current"

Insert: "general fund"

4. Page 7, line 8.

Following: "section"

Strike: remainder of line 8

5. Page 7, line 13.

Strike: "university"

Insert: "higher education"

6. Page 7, line 17.

Strike: "University"

Insert: "The operating budget for higher education"

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Grimes, Chairman):

1/29/2001

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Saturday, January 27, 2001:

TITLE

NAME

Pages:

Mariah Leushcen, Thompson Falls, MT

Nicholas Weisert, Belgrade, MT

Rebecca Conn, Hall, MT

Jill Hanson, Whitehall, MT

Anthony Cox, Missoula, MT

Ross Beausoleil, Warm Springs, MT

Mandy Nemitz, Cascade, MT

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 29, 2001:

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TITLE

NAME

Pages: Chad Ekegren, Chaska, MN
Gavin Holden, Glendive, MT
Megan Marlatt, Yuma, AZ
Alexandra Cannon, Tacna, AZ
David Martin, Helena, MT
Brynn Molloy, Missoula, MT
Alex Redfern, Missoula, MT
Trisha Smith, Cut Bank, MT

Report Adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman):
SB 77, introduced bill, be amended as follows:

1/27/2001

1. Page 23, line 3.

Following: line 2

Insert: "(1) "Assessment" means the process of evaluating a recipient's skills, education, job readiness, and barriers to employment. The term may include further in-depth examination to identify and access services and resources to assist the recipient in eliminating barriers to employment if barriers are identified during the initial assessment."

Renumber: subsequent subsections

2. Page 23, line 8.

Strike: "(2)(a)(i) or (2)(a)(ii)"

Insert: "(3)(a)(i) or (3)(a)(ii)"

And, as amended, do pass. Report adopted.

SB 82, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "COMMISSIONER OF INSURANCE"

Insert: "DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

2. Page 5, line 19.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

3. Page 6, line 26.

Strike: "commissioner"

Insert: "department"

4. Page 6, line 28.

Strike: "commissioner"

Insert: "department"

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5. Page 7, line 1.

Strike: "commissioner"

Insert: "department"

6. Page 7, line 2.

Strike: "commissioner's"

Insert: "department's"

7. Page 7, line 3.

Strike: "commissioner"

Insert: "department"

8. Page 7, line 4.

Following: "rules."

Insert: "The department shall provide for independent review of any contract provisions and contract compliance with the financial solvency rules."

9. Page 7, line 6.

Strike: "commissioner"

Insert: "department"

10. Page 7, line 8.

Strike: "commissioner" in both places

Insert: "department" in both places

11. Page 7, line 9.

Strike: "commissioner's"

Insert: "department's"

12. Page 7, line 10.

Strike: "commissioner" in both places

Insert: "department" in both places

13. Page 7, line 11.

Strike: "commissioner"

Insert: "department"

14. Page 12, line 7 through line 8.

Following: "legislators," on line 7

Insert: "and"

Following: "representatives" on line 7

Strike: remainder of line 7 through "insurance" on line 8

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Hargrove, Chairman):
SB 256, introduced bill, be amended as follows:

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1. Page 2, line 29.
Strike: "scholarship,"
Strike: "fee waiver,"

And, as amended, do pass. Report adopted.

SB 275, introduced bill, be amended as follows:

1. Title, line 8.
Strike: "AND"
2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING EFFECTIVE DATES"
3. Page 3, line 22.
Following: "to"
Insert: "["
4. Page 3, line 23.
Following: "(a)"
Insert: "]"
5. Page 3, line 24.
Following: "amended"
Insert: "["
6. Page 3, line 28.
Following: "amended"
Insert: "]"
7. Page 4, line 2.
Following: "provide"
Insert: "["
8. Page 4, line 4.
Following: "(1)"
Insert: "]"
9. Page 4, line 10.
Before: "(2)"
Insert: "["
10. Page 4, line 11.
Following: "61-5-105(9)(b)."
Insert: "]"
11. Page 4.

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Following: line 11

Insert: "NEW SECTION. Section 4. Effective dates -- contingency. (1) Except as provided in subsections (3) and (4), [this act] is effective October 1, 2001.

(2) The attorney general shall certify to the governor the date on which the department of justice has the capability to electronically furnish to the selective service system the information required by 61-5-105(9)(b).

(3) The bracketed language in [sections 2 and 3] is effective on the date on which the attorney general makes the certification required by subsection (2). The governor shall notify the code commissioner of the certification on the date on which the certification is made.

(4) This section is effective on passage and approval."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/27/2001

HB 40, introduced by Witt

HB 78, introduced by E. Clark

HB 108, introduced by Noennig

HB 110, introduced by Noennig

HB 114, introduced by Story

HB 166, introduced by Lee

MOTIONS

SB 311 - Senator Cocchiarella moved that **SB 311** be taken from the committee on Public Health, Welfare and Safety and rereferred to the committee on Business and Labor. Motion carried.

SB 168 - Senator Stonington moved that **SB 168**, on second reading this legislative day, be postponed until the twenty-fourth legislative day, January 30, 2001. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 333, introduced by Beck, Rome, referred to Local Government.

SB 334, introduced by Grosfield, referred to Judiciary.

SB 335, introduced by F. Thomas, McKenney, Beck, Cocchiarella, Cole, Doherty, Ellis, G. Forrester, Matthews, Shea, referred to Energy and Telecommunications.

SB 336, introduced by Berry, referred to Finance.

SB 337, introduced by Berry, referred to Judiciary.

SB 338, introduced by Berry, referred to Public Health, Welfare and Safety.

SB 339, introduced by Berry, referred to Finance.

SB 340, introduced by Berry, referred to Business and Labor.

SB 341, introduced by Berry, referred to Public Health, Welfare and Safety.

SB 342, introduced by Berry, referred to Judiciary.

SB 343, introduced by Berry, referred to Local Government.

SB 344, introduced by Cobb, referred to Education and Cultural Resources.

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SB 345, introduced by Cobb, referred to Agriculture, Livestock and Irrigation.

SB 346, introduced by Cobb, referred to Taxation.

SB 347, introduced by Cobb, referred to Taxation.

SB 348, introduced by Elliott, P. Clark, DePratu, Mahlum, referred to Highways and Transportation.

SB 349, introduced by Tester, R. Brown, Mahlum, Musgrove, (by request of the State Auditor) referred to Business and Labor.

SB 350, introduced by Ellingson, Bohlinger, R. Erickson, Franklin, Halligan, Pease, Toole, referred to Taxation.

SB 351, introduced by Ellingson, Elliott, R. Erickson, Harrington, Toole, referred to Taxation.

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

HB 21, introduced by Eggers (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to State Administration.

HB 40, introduced by Witt (by request of the Department of Commerce), referred to Natural Resources.

HB 41, introduced by Witt (by request of the Legislative Finance Committee), referred to Finance.

HB 74, introduced by E. Clark, referred to State Administration.

HB 78, introduced by E. Clark (by request of the State Administration, Public Retirement Systems, and Veterans' Affairs Interim Committee), referred to Highways and Transportation.

HB 94, introduced by Gillan, P. Clark, Lindeen, McCarthy, Tash, Tester, C. Younkin (by request of the Environmental Quality Council), referred to Natural Resources.

HB 108, introduced by Noennig, referred to Education and Cultural Resources.

HB 109, introduced by Mangan, referred to Finance.

HB 110, introduced by Noennig, referred to Education and Cultural Resources.

HB 114, introduced by Story (by request of the Department of Natural Resources and Conservation), referred to Agriculture, Livestock and Irrigation.

HB 165, introduced by Gutsche (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Judiciary.

HB 166, introduced by Lee (by request of the Department of Transportation), referred to Natural Resources.

**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 Tester in the chair.

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

SB 162 - Senator Grosfield moved SB 162 do pass. Motion carried unanimously.

SB 279 - Senator McNutt moved SB 279, second reading copy, be amended as follows :

1. Page 2, line 14.

Following: "created"

Insert: "or retained"

2. Page 2, line 15.

Following: "created"

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Insert: "or retained"

3. Page 2, line 19.

Following: "(e)"

Insert: "(i)"

4. Page 2, line 20.

Following: "created"

Insert: "or as provided in subsection (2)(e)(ii)"

5. Page 2, following line 21.

Insert: "(ii) In establishing interest rates under subsections (2)(d)(i) and (2)(d)(ii) for preventing the elimination of jobs, the board shall require the submission of financial data that allows the board to determine if the loan and interest rate will in fact prevent the elimination of jobs."

6. Page 2, line 25.

Following: "creation"

Insert: "or retention"

7. Page 2, line 29.

Following: "created"

Insert: "or retained"

Amendment **adopted** unanimously.

SB 279 - Senator McNutt moved SB 279, as amended, do pass. Motion carried with Senator O'Neil voting nay.

SB 50 - Senator Waterman moved SB 50 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, DePratu, Doherty, Ekegren, Ellingson, Franklin, Glaser, Halligan, Hargrove, Harrington, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, Miller, Nelson, O'Neil, Pease, Roush, Shea, Stapleton, Stonington, Tester, Thomas, Toole, Waterman.

Total 32

Nays: Cole, Crismore, Elliott, Ellis, Grimes, Grosfield, Holden, Jergeson, McNutt, Mohl, Ryan, Sprague, Tash, Taylor, Wells, Zook, Mr. President.

Total 17

Absent or not voting: None.

Total 0

Excused: Butcher.

Total 1

SB 57 - Senator R. Johnson moved SB 57 do pass. Motion carried unanimously.

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SB 90 - Senator Ekegren moved SB 90 do pass. Motion carried unanimously.

Senator Stonington excused at this time.

SB 161 - Senator Hargrove moved SB 161 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Halligan, Hargrove, Harrington, Johnson, Mahlum, McCarthy, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Tester, Thomas, Toole, Waterman, Zook.

Total 34

Nays: Crismore, DePratu, Doherty, Grimes, Grosfield, Holden, Jergeson, Keenan, Kitzenberg, McNutt, Miller, Taylor, Wells, Mr. President.

Total 14

Absent or not voting: None.

Total 0

Excused: Butcher, Stonington.

Total 2

SB 223 - Senator Ekegren moved SB 223 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Elliott, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.

Total 40

Nays: Doherty, Franklin, Jergeson, Johnson, McCarthy, Ryan, Toole, Waterman.

Total 8

Absent or not voting: None.

Total 0

Excused: Butcher, Stonington.

Total 2

SB 240 - Senator McNutt moved SB 240 do pass. Motion carried with Senator Cobb voting nay.

SB 262 - Senator J. Wells moved SB 262 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 Tester moved the Committee of the Whole report be adopted. Report adopted unanimously.

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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 29 passed as follows:

Yeas: Berry, Bishop, 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, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Butcher, Stonington.
Total 2

SB 130 passed as follows:

Yeas: Berry, Bishop, 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, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Butcher, Stonington.
Total 2

SB 192 passed as follows:

Yeas: Berry, Bishop, 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, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Butcher, Stonington.

Total 2

SJR 4 adopted as follows:

Yeas: Berry, Bishop, 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, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: O'Neil.

Total 1

Absent or not voting: None.

Total 0

Excused: Butcher, Stonington.

Total 2

SPECIAL ORDERS OF THE DAY

SR3 - Senator Bohlinger moved that **SR 3**, concurring in, confirming, and consenting to the nominations of Mr. Stan Grace and Mr. Leo Giacometto to the Pacific Northwest Electric Power and Conservation Planning Council be adopted and that the yeas and nays be spread upon the journal. Motion carried as follows:

Yeas: Berry, Bishop, 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, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Butcher, Stonington.

Total 2

MOTIONS

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HB 56 - Senator DePratu moved that consideration of **HB 56** on second reading, be postponed until the twenty-fifth legislative day, January 31, 2001. Motion carried.

SB 223 - Senator Keenan moved that **SB 223** be taken from the third reading board and rereferred to the committee on Finance. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Tuesday, January 30, 2001. Motion carried.

Senate adjourned at 3:00 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate