

**SENATE JOURNAL
57TH LEGISLATURE
THIRTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 8, 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 Senator Taylor, excused. Quorum present.

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

Miller, Chairman

Senator Taylor present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 2/8/2001
Correctly enrolled: SR 5, SR 9, SR 13.
Examined by the sponsor and found to be correct: SR 5, SR 9, SR 13.

BUSINESS AND LABOR (Taylor, Chairman): 2/8/2001
SB 274, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

Strike: ", INSURANCE PRODUCER,"

2. Page 1, line 13.

Strike: ", "

3. Page 1, line 14.

Strike: "insurance producer,"

4. Page 1, line 15.

Strike: "any of"

5. Page 1, line 16.

Following: "requests"

Insert: "about the entity's coverage"

6. Page 1, line 17.

Following: " ; "

Insert: "and"

7. Page 1, line 18.

Strike: " ; "

Insert: " . "

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8. Page 1, lines 19 through 24.

Strike: subsections (c) through (g) in their entirety

9. Page 1, line 25.

Strike: "The"

Insert: "Any of the"

Following: "information"

Insert: "about the entity's coverage"

10. Page 1, line 30.

Following: "business"

Insert: "with between 2 and 50 employees"

Following: "provides"

Insert: "small"

11. Page 2, following line 3.

Insert: "(4) An association provided for in subsection (2)(a) must be provided enough information by its insurance institution or insurance-support organization to enable the association to receive a bid or quote for coverage from other insurance entities.

(5) An insurance institution or insurance-support organization that provides coverage for a business provided for in subsection (2)(e) may provide information to that business based on the entire block of small group health insurance provided by the insurance institution or insurance-support organization."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 7, 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 87** sponsored by Senator Waterman on February 7, 2001.

Sincerely,

JUDY MARTZ
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/7/2001

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HB 119, introduced by Vick
HB 182, introduced by Newman
HB 295, introduced by Jent
HB 383, introduced by C. Younkin
HB 417, introduced by Price

FIRST READING AND COMMITMENT OF BILLS

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

SB 427, introduced by R. Johnson, referred to Local Government.
SB 428, introduced by Harrington, Bohlinger, Buzzas, Carney, Christiaens, Clancy, Cocchiarella, Cyr, Doherty, Ellingson, R. Erickson, Franklin, Fritz, Gallik, Galvin-Halcro, Golie, Jacobson, Jent, Jergeson, Juneau, Kaufmann, Keane, Kitzenberg, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCarthy, Musgrove, Nelson, Newman, Pease, Raser, Roush, Schmidt, Shea, Stonington, Tester, Wanzenried, referred to Business and Labor.

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

SJR 13, introduced by Crismore, referred to Natural Resources.

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

HB 119, introduced by Vick, Haines, Nelson, Taylor, Tester (by request of the Legislative Audit Committee), referred to Judiciary.
HB 182, introduced by Newman, Jent, referred to Judiciary.
HB 295, introduced by Jent, referred to Judiciary.
HB 383, introduced by C. Younkin, referred to Local Government.
HB 417, introduced by Price (by request of the State Auditor), referred to Business and Labor.

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 111 passed as follows:

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

Total 44

Nays: Cobb, Elliott, Jergeson, Keenan, Shea, Tester.

Total 6

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

SB 141 passed as follows:

Yeas: Bishop, Christiaens, Cocchiarella, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Halligan, Hargrove, Harrington, Holden, Jergeson, Kitzenberg, Mahlum, McCarthy, Mohl, Pease, Roush, Ryan, Shea, Stonington, Taylor, Tester, Toole, Waterman.
Total 29

Nays: Berry, Bohlinger, Butcher, Cobb, Cole, Crismore, Grimes, Grosfield, Johnson, Keenan, McNutt, Miller, Nelson, O'Neil, Sprague, Stapleton, Tash, Thomas, Wells, Zook, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 281 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, 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

SPECIAL ORDERS OF THE DAY

SR 14 - Senator Hargrove moved that SR 14, concurring in, confirming, and consenting to the nomination of appointment of Mr. M. Jeff Hagener as Director of the Department of Fish, Wildlife, and Parks 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, 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

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 15 - Senator Ekegren moved that SR 15, concurring in, confirming and consenting to the nomination of appointment of Mr. Mike Foster as Director of the Department of Labor and Industry 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, 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

SR 17 - Senator Elliott moved that SR 17, concurring in, confirming and consenting to the nomination of appointment of Mr. Kurt Alme as Director of the Department of Revenue 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, 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

MOTIONS

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SB 111 - Senator Tester moved that he be allowed to change his vote on **SB 111**, third reading this legislative day, from yea to nay. Motion carried.

SB 111 - Senator Shea moved that she be allowed to change her vote on **SB 111**, third reading this legislative day, from yea to nay. Motion carried.

Majority Leader Thomas moved that the Senate proceed to the House of Representatives for the purpose of receiving the State of Indian Nations Address, and further that the Senate reconvene upon adjournment of the Joint Session. Motion carried.

Senate recessed at 2:20 p.m.

SPECIAL ORDERS OF THE DAY

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

Speaker McGee recognized President Beck and yielded the chair to him.

Majority Leader Thomas moved that the body resolve itself into a joint session for the purpose of receiving the State of Tribal Nations Address from Earl Old Person, Chairman of the Tribal Council of the Blackfeet Nation. Motion carried.

Majority Leader Thomas moved that the President be authorized to appoint a committee of four to notify the Chairman of the Tribal Council of the Blackfeet Nation that we are in joint session and ready to receive the State of Tribal Nations Address. Motion carried.

President Beck appointed Senator Pease, Senator Taylor, Representative Brueggeman and Representative Smith and discharged the committee to escort the Chairman and dignitaries into the House Chambers.

Sergeants-at-arms Cramer and Ahner escorted the Chairman of the Tribal Council of the Blackfeet Nation and dignitaries to the rostrum.

President Beck introduced Charles Gopher, respected elder, cultural and religious leader of the Rocky Boy Tribal Council, who lead the joint session in prayer, accompanied by the Rocky Boy singers.

President Beck then welcomed and introduced the representatives of the Tribal Nations: Ervin Carlson and Leo Kennerly of the Blackfeet Tribe; Joe McConnell and Ben Speakthunder of the Ft. Belknap Tribe; Clifford Birdinground and Larney Little Owl of the Crow Tribe; Geri Small and Hilda Moss of the Northern Cheyenne Tribe; Roxanne Gorneau and Tom Christian of the Ft. Peck Tribe; Tim Zimmerman and Toby Whitacker of the Little Shell Tribe; Fredd Matt and Jamie Hamel of the Salish and Kootenai Tribe and Alvin Windy Boy and Jonathan Windy Boy of the Rocky Boy Tribe.

President Beck introduced The Honorable Earl Old Person, respected cultural leader and Chairman of the Blackfeet Tribe, who gave the State of Tribal Nations Address, after performing a Blackfeet song with the Rawhide Drummers.

President Beck introduced Dr. Henrietta Mann, Chairperson of the Native American Studies Program at MSU, who addressed the joint session.

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Charles Gopher, Rocky Boy Singers and the Rawhide Drummers performed the closing ceremony.

The escort committee escorted Chairman Old Person and other dignitaries from the joint session.

Majority Leader Thomas moved that the joint session of the 57th legislature, convened to receive the State of Tribal Nations Address, be adjourned. Motion carried.

Joint Session adjourned at 2:20 p.m.

Senate reconvened at 2:36 p.m. Roll Call. All members present. Quorum present.

**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 Mahlum in the chair.

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

Senator Miller excused at this time.

SB 242 - Senator O'Neil moved SB 242 do pass. Motion carried as follows:

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

Total 44

Nays: Bishop, Bohlinger, Christiaens, Johnson, Waterman.

Total 5

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Mahlum moved the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

SB 394 - Senator Shea moved that she be allowed to add Cocchiarella, Harrington, McCarthy, Roush, Tester, F. Thomas, Cyr, Forrester, Gillan, Keane, Laible and Laszloffy as sponsors to **SB 394**. Motion carried.

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SB 139 - Senator DePratu moved that the rules of the Senate be suspended to allow him to change his vote on adopting the adverse committee report on **SB 139**, the previous legislative day, from yea to nay. Motion carried.

SB 139 - Senator Glaser moved that **SB 139** be rereferred to the committee on Education and Cultural Resources. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Friday, February 9, 2001. Motion carried.

Senate adjourned at 3:05 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate