

**SENATE JOURNAL  
56TH LEGISLATURE / SPECIAL SESSION MAY 2000  
THIRD LEGISLATIVE DAY**

Helena, Montana  
May 10, 2000

Senate Chambers  
State Capitol

Senate convened at 9:00 a.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Bohlinger and Hertel, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journals for the first and second legislative days, find the same to be correct.

Miller, Chairman

**REPORTS OF STANDING COMMITTEES**

**SELECT COMMITTEE ON TAXATION** (Devlin, Chairman): 5/10/2000  
**SB 11**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

Senate bills concurred in and returned to the Senate: 5/10/2000

**SB 2**, introduced by Sprague  
**SB 6**, introduced by McNutt

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 5/10/2000

**SB 4**, introduced by M. Taylor

The motion of Representative Soft to call a special session concurrent with this special session for the purpose of drafting a constitutional amendment to be submitted to the electorate that would create a special fund for the deposit of tobacco litigation settlement money to fund the medicaid program, received the following votes:

Ayes	58
No	42

The motion of representative Soft to call a special session concurrent with this special session for the purpose of drafting a constitutional amendment to be submitted to the electorate to create a settlement trust fund from not less than two-fifths of tobacco settlement proceeds, to be used to supplement tobacco disease prevention programs and health care needs of the people of Montana, received the following votes:

Ayes	76
No	21

SENATE JOURNAL  
THIRD LEGISLATIVE DAY - MAY 10, 2000

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

Session 1

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

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

**SB 4 - House Amendments** - Senator Taylor moved that the House Amendments to SB 4 be concurred in. After discussion, Senator Taylor withdrew his motion.

**SB 4 - House Amendments** - Senator Taylor moved that the House Amendments to SB 4 be **not** concurred in. Motion carried unanimously.

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

Senator Harp moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Thomas moved the Committee of the Whole report be adopted. Report adopted unanimously.

**Senator Grosfield excused at this time.**

**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 11** passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Harp, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 47

Nays:

Total 0

Excused: Bohlinger, Grosfield, Hertel.

Total 3

**FIRST READING AND COMMITMENT OF BILLS**

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

SENATE JOURNAL  
THIRD LEGISLATIVE DAY - MAY 10, 2000

**SB 12**, introduced by Keenan, referred to Finance and Claims.

**SB 13**, introduced by Keenan, referred to Finance and Claims.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairman.

Majority Leader Harp moved that the Senate stand in recess until the hour of 1:30 p.m. this legislative day. Motion carried.

**Senate recessed at 9:37 a.m.**

**Senate reconvened at 1:30 p.m.**

Roll Call. All members present except Senators Bohlinger and Wilson, excused.

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Swysgood, Chairman):

5/10/2000

**SB 12**, introduced bill, be amended as follows:

1. Title, line 8 through line 10.

**Following:** "AVAILABLE;" on line 8

**Strike:** remainder of line 8 through "FUND" on line 10

2. Page 1, line 19.

**Following:** "legislature"

**Strike:** ", and" through "fund"

And, as amended, do pass. Report adopted.

**SB 13**, introduced bill, be amended as follows:

1. Page 2, line 7 through line 8.

**Following:** "FOR" on line 7

**Strike:** remainder of line 7 through line 8

**Insert:** "dedicating not less than 40% of the tobacco settlement to a trust fund for health care benefits, services, or coverage and tobacco disease prevention."

2. Page 2, line 9 through line 10.

**Following:** "AGAINST" on line 9

**Strike:** remainder of line 9 through line 10

**Insert:** "dedicating not less than 40% of the tobacco settlement to a trust fund for health care benefits, services, or coverage and tobacco disease prevention."

And, as amended, do pass. Report adopted.

**HB 1**, be amended as follows:

SENATE JOURNAL  
THIRD LEGISLATIVE DAY - MAY 10, 2000

1. Title, line 6 through line 7.

**Strike:** "CURRENT BIENNIUM"

**Insert:** "FISCAL YEARS BEGINNING JULY 1, 2001,"

2. Title, line 9.

**Following:** "~~CENTER,~~"

**Insert:** "FOR THE COOPERATIVE DEVELOPMENT CENTER,"

3. Title, line 13 through line 14.

**Strike:** "COMMUNITY" on line 13 through "WORK" on line 14

**Insert:** "THE CERTIFIED COMMUNITIES PROGRAM"

4. Title, lines 15 and 16.

**Following:** "MONEY" on line 15

**Strike:** "TO" on line 15 through "2001" on line 16

**Insert:** "FOR COMMUNITY WATER AND SEWER PROJECT ENGINEERING WORK FOR EACH BIENNIUM FOR THE PERIOD BEGINNING JULY 1, 2001, AND ENDING JUNE 30, 2005"

5. Title, line 21.

**Following:** "15-35-108"

**Strike:** "AND"

**Insert:** ", "

**Following:** "17-7-502,"

**Insert:** "AND 90-6-710,"

6. Page 3, line 6.

Page 4, line 23.

**Following:** the first "for"

**Insert:** "certified"

**Strike:** "for water and sewer project engineering work"

7. Page 3, line 11.

**Following:** "7-15-4299."

**Insert:** "Reimbursement must be made to qualified districts on a proportional basis to the loss of taxable value as a result of Chapter 285, Laws of 1999, and as documented by the department of revenue. This documentation must be provided to the budget director and to the legislative fiscal analyst."

8. Page 4.

**Following:** line 16

**Insert:** "(i) \$65,000 to the cooperative development center;"

**Renumber:** subsequent subsections

9. Page 4, line 28.

**Following:** "7-15-4299."

**Insert:** "Reimbursement must be made to qualified districts on a proportional basis to the loss of taxable value as  
a  
result of Chapter 285, Laws of 1999, and as documented by the department of revenue. This documentation must

SENATE JOURNAL  
THIRD LEGISLATIVE DAY - MAY 10, 2000

be provided to the budget director and to the legislative fiscal analyst."

10. Page 5, line 22.

**Following:** "90-3-1003;"

**Insert:** "90-6-710;"

11. Page 6, following line 4.

**Insert:** "Section 4. Section 90-6-710, MCA, is amended to read:

**"90-6-710. Priorities for projects -- procedure -- rulemaking.** (1) The amount of \$425,000 is statutorily appropriated, as provided in 17-7-502, to the department of commerce for each biennium for the period beginning July 1, 2001, and ending June 30, 2005, from the treasure state endowment special revenue account for the purpose of providing communities with grants for engineering work for projects provided for in subsection (3).

~~(1)~~(2) The department of commerce must receive proposals for projects from local governments as defined in 90-6-701(3)(b). The department shall work with a local government in preparing cost estimates for a project. In reviewing project proposals, the department may consult with other state agencies with expertise pertinent to the proposal. The department shall prepare and submit a list containing the recommended projects and the recommended form and amount of financial assistance for each project to the governor, prioritized pursuant to subsection ~~(2)~~ (3). The governor shall review the projects recommended by the department and shall submit a list of recommended projects and the recommended financial assistance to the legislature.

~~(2)~~(3) In preparing recommendations under subsection ~~(1)~~ (2), preference must be given to infrastructure projects based on the following order of priority:

(a) projects that solve urgent and serious public health or safety problems or that enable local governments to meet state or federal health or safety standards;

(b) projects that reflect greater need for financial assistance than other projects;

(c) projects that incorporate appropriate, cost-effective technical design and that provide thorough, long-term solutions to community public facility needs;

(d) projects that reflect substantial past efforts to ensure sound, effective, long-term planning and management of public facilities and that attempt to resolve the infrastructure problem with local resources;

(e) projects that enable local governments to obtain funds from sources other than the funds provided under this part;

(f) projects that provide long-term, full-time job opportunities for Montanans, that provide public facilities necessary for the expansion of a business that has a high potential for financial success, or that maintain the tax base or that encourage expansion of the tax base; and

(g) projects that are high local priorities and have strong community support.

~~(3)~~(4) After the review required by subsection ~~(1)~~ (2), the projects must be approved by the legislature.

~~(4)~~(5) The department shall adopt rules necessary to implement the treasure state endowment program. "

**Renumber:** subsequent sections

12. Page 6, line 10.

Page 7, line 30.

Page 8, line 4.

**Strike:** "6"

**Insert:** "7"

13. Page 8, line 17.

**Strike:** "\$6.4"

**Insert:** "\$4.4"

14. Page 8, line 22.

SENATE JOURNAL  
THIRD LEGISLATIVE DAY - MAY 10, 2000

**Strike:** "\$1.5"  
**Insert:** "\$2.35"

15. Page 8, line 27.  
**Strike:** "Section"  
**Insert:** "Sections"  
**Following:** "2"  
**Insert:** "and 4"  
**Strike:** "is"  
**Insert:** "are"

16. Page 8, line 29.  
**Strike:** "5"  
**Insert:** "6"

17. Page 9, line 3.  
**Following:** "2"  
**Strike:** "and 3"  
**Insert:** "through 4"

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

**SELECT COMMITTEE ON TAXATION** (Devlin, Chairman):  
**HJR 1**, be concurred in. Report adopted.

5/10/2000

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

Session II

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

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

**HJR 1** - Senator Ellis moved HJR 1 be adopted. Motion passed as follows:

Yeas: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 30

Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 19

Excused: Bohlinger.

SENATE JOURNAL  
THIRD LEGISLATIVE DAY - MAY 10, 2000

Total 1

Senator Wilson voting in absentia.

**SB 12** - Senator Keenan moved SB 12 do pass. Motion received the following vote:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 50

Nays:

Total 0

Senators Bohlinger and Wilson voting in absentia.

**SB 13** - Senator Keenan moved SB 13 do pass. Motion adopted with Senators Ellis, Devlin, Miller, Swysgood, and Toews voting nay.

Senator Harp moved the committee rise, report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman F. Thomas 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:

**HJR 1** adopted as follows:

Yeas: Beck, Berry, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 31

Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 19

Senators Bohlinger and Wilson voting in absentia.

**SB 12, requiring 2/3 of the entire Legislature** received the following vote:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson,

SENATE JOURNAL  
THIRD LEGISLATIVE DAY - MAY 10, 2000

Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 50

Nays:  
Total 0

Senators Bohlinger and Wilson voting in absentia.

**SB 13, requiring 2/3 of the entire Legislature** received the following vote:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.  
Total 45

Nays: Devlin, Ellis, Miller, Swysgood, Toews.  
Total 5

Senators Bohlinger and Wilson voting in absentia.

**ANNOUNCEMENTS**

Committee meetings were announced.

Majority Leader Harp moved that the Senate stand in recess until the hour of 4:00 p.m. this legislative day. Motion carried.

**Senate recessed at 2:25 p.m.**

**Senate reconvened at 4:00 p.m.**

Roll Call. All members present except Senators Bohlinger, Keenan, Waterman and Wilson, excused.

**MOTIONS**

**SB 4** -Senator Taylor moved that the Senate reconsider it's previous action this legislative day in rejecting the House Amendments to SB 4. Motion carried.

**SB 4** - Senator Taylor moved that the House Amendments to SB 4 be placed on the second reading board this legislative day. Motion carried.

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

Session III



SENATE JOURNAL  
THIRD LEGISLATIVE DAY - MAY 10, 2000

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

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

**SB 4 - House Amendments** - Senator M. Taylor moved the House Amendments to SB 4 be adopted. Motion carried with Senators Cocchiarella, Franklin and Lynch voting nay.

**HB 1** - Senator Mahlum moved HB 1 be concurred in. Motion carried with Senators Miller, Toews and Wells voting nay.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman F. Thomas 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 4, as amended by the House**, passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Mr. President.

Total 47

Nays:

Total 0

Excused: Bohlinger, Keenan, Wilson.

Total 3

**Senator Keenan present at this time.**

**HB 1, as amended**, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 47

Nays: Miller, Toews, Wells.

Total 3

SENATE JOURNAL  
THIRD LEGISLATIVE DAY - MAY 10, 2000

Senators Bohlinger and Wilson voting in absentia.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 9:00 a.m., Thursday, May 11, 2000. Motion carried.

Senate adjourned at 4:37 p.m.

ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate