

**SENATE JOURNAL
57TH LEGISLATURE
ELEVENTH LEGISLATIVE DAY**

Helena, Montana
January 15, 2001

Senate Chambers
State Capitol

Senate convened at 1:30 p.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

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

Miller, Chairman

SPECIAL ORDERS OF THE DAY

Senators Grosfield, Toole, Stapleton, and Stonington honored The Reverend Martin Luther King , Jr. by reading passages from Rev. King's "I Have a Dream" address of August 28, 1963 on the steps of the Lincoln Memorial in Washington, D. C.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 1/15/2001
Signed by the Speaker at 10:35 a.m., January 15, 2001: SJR 1.

BUSINESS AND LABOR (Taylor, Chairman): 1/15/2001
SB 59, do pass. Report adopted.
SB 122, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "ELIMINATING"
Insert: "CHANGING"

2. Page 2, line 4.
Strike: "a person"
Insert: "two"
Following: "or"
Insert: "more"

3. Page 2, line 7.
Strike: "person or"

4. Page 2, line 20.
Strike: "person or"

5. Page 2, line 22.
Strike: "person or"

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

And, as amended, do pass. Report adopted.

SB 157, introduced bill, be amended as follows:

1. Page 1, line 29.

Following: "incarceration"

Insert: "as provided for in 39-71-744"

Strike: "retirement,"

2. Page 1, line 30.

Following: "reasons"

Insert: "caused by a violation of the employer's policies that provide for termination of employment"

3. Page 3, line 4.

Following: "incarceration"

Insert: "as provided for in 39-71-744"

Strike: "retirement,"

4. Page 3, line 5.

Following: "reasons"

Insert: "caused by a violation of the employer's policies that provide for termination of employment"

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Grimes, Chairman):

1/15/2001

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 13, 2001:

TITLE

NAME

Pages:

Cryssy Small, Belgrade, MT
Dayla Lemire, Missoula, MT
Thomas Pembroke, Helena, MT
Erin Withrow, Helena, MT
Rebecca Moody, Polson, MT
Adam Moody, Polson, MT
Paul Blom, Clancy, MT

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 15, 2001:

TITLE

NAME

Pages:

Heather Ainslie, Lavina, MT
Jacquie Colwell, Joliet, MT
Adrean Dills, Billings, MT
Bryan Knudsvig, Helena, MT

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Richard Miltenberger, Clancy, MT

Sally Page, Glasgow, MT
Jericho Peterson, Harlem, MT
Talitha Seymour, Joliet, MT

Report Adopted.

NATURAL RESOURCES (Crismore, Chairman): 1/15/2001

SB 147, do pass. Report adopted.

SB 159, introduced bill, be amended as follows:

1. Page 1, line 13.

Following: "purposes"

Insert: "to the department of fish, wildlife, and parks on parcels that are surrounded by or adjacent to land owned by the department of fish, wildlife, and parks as of January 1, 2001"

2. Page 1, line 14.

Strike: "environmental control purposes,"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Hargrove, Chairman): 1/15/2001

SB 148, introduced bill, be amended as follows:

1. Title, lines 5 through 7

Strike: "ALLOWING" on line 5 through "DOCUMENTS;" on line 7

2. Page 1, line 24, through page 2, line 2.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 2, line 12.

Following: "party;"

Insert: "and"

4. Page 2, line 13.

Strike: "; and"

Insert: "."

5. Page 2, line 14 through line 16.

Strike: subsection (e) in its entirety

6. Page 5, lines 6 and 7.

Following: "birth" on line 6

Strike: remainder of line 6 through "marriage" on line 7

7. Page 5, line 11.

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Strike: "department"

Insert: "clerk of the district court"

8. Page 5.

Following: line 20

Insert: "(d) Notwithstanding the restrictions provided in 50-15-121 and this section, the information contained in a marriage license and marriage certificate may be released to the public 30 years after the date of the marriage.

(e) Upon the filing of a record of a dissolution of marriage with the clerk of the district court, that record may be released to the public without restriction unless designated confidential by the court."

9. Page 6, line 14 through line 16.

Strike: section 5 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

January 12, 2001

The Honorable Tom Beck
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Beck:

Please be informed that I have appointed the following individuals as Directors of state agencies in accordance with Montana Codes Annotated 2-15-111:

PLEASE SEE ATTACHED LIST

I have also made the following appointments as members of the Northwest Power Planning Council in accordance with Montana Codes Annotated 2-15-111:

Mr. Stan Grace
3365 Tizer Road
Helena, MT 59601

Mr. Leo Giacometto
P. O. Box 200805
Helena, MT 59620

If you have any questions regarding these appointments, please do not hesitate to contact me.

Sincerely,

JUDY MARTZ

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Governor

STATE OF MONTANA DEPARTMENT DIRECTORS

January 2, 2001

BARBARA RANF, DIRECTOR
Department of Administration
State of Montana
Helena, MT 59620
Department of Administration

MAJOR GEN. JOHN PRENDERGAST, DIRECTOR
Department of Military Affairs
State of Montana
Helena, MT 59620
Department of Military Affairs

RALPH PECK, DIRECTOR
Department of Agriculture
State of Montana
Helena, MT 59602
Department of Agriculture

ARTHUR R. "BUD" CLINCH, DIRECTOR
Department of Natural Resources & Conservation
State of Montana
Helena, MT 59620
Department of Natural Resources & Conservation

MARK SIMONICH, DIRECTOR
Department of Commerce
State of Montana
Helena, MT 59620
Department of Commerce

GAIL GRAY, DIRECTOR
Department of Public Health & Human Services
State of Montana
Helena, MT 59620
Department of Public Health & Human Services

BILL SLAUGHTER, DIRECTOR
Department of Corrections
State of Montana
Helena, MT 59620

KURT ALME, DIRECTOR
Department of Revenue
State of Montana
Helena, MT 59620

JAN SENSIBAUGH, DIRECTOR
Department of Environmental Quality
State of Montana
Helena, MT 59620
Department of Environmental Quality

DAVID GALT, DIRECTOR
Department of Transportation
State of Montana
Helena, MT 59620
Department of Revenue

M. JEFF HAGENER, DIRECTOR
Department of Fish, Wildlife & Parks
State of Montana
Helena, MT 59620
Department of Fish, Wildlife & Parks

MIKE FOSTER, COMMISSIONER
Department of Labor and Industry
State of Montana
Helena, MT 59620
Department of Labor and Industry

REPORT TO THE SENATE

January 12, 2001

Re: Appointment of Department Directors

According to MCA 2-15-108, Gender and Racial Balance, the following appointments apply:

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Men: 9
Women: 3
Minorities: 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/15/2001

HB 36, introduced by Gallik
HB 51, introduced by Facey
HB 87, introduced by Masolo
HB 98, introduced by Lewis
HB 111, introduced by Lawson
HB 113, introduced by Devlin
HB 115, introduced by Shockley
HB 130, introduced by Lawson

MOTIONS

SB 114 - Senator Taylor moved consideration of SB 114, on second reading this legislative day, be postponed until the fourteenth legislative day, January 18, 2001. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 254, introduced by Halligan, referred to Judiciary.
SB 255, introduced by Ryan, Cocchiarella, Ellingson, Facey, Franklin, Shea, Stonington, referred to Education and Cultural Resources.

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

HB 25, introduced by Sliter (by request of the Code Commissioner), referred to Judiciary.
HB 29, introduced by Noennig (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Judiciary.
HB 39, introduced by Fuchs (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
HB 84, introduced by Schmidt, referred to Energy and Telecommunications.
HB 104, introduced by P. Clark (by request of the Department of Corrections), referred to Judiciary.
HB 112, introduced by Brueggeman (by request of the Department of Administration), referred to State Administration.
HB 117, introduced by Andersen, referred to Judiciary.
HB 141, introduced by Somerville, referred to Agriculture, Livestock and Irrigation.

**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 Harrington in the chair.

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

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

SR 2 - Senator Butcher moved SR 2 be adopted. The Senate then reverted to the body of the bill for purpose of amendment.

SR 2 - Senator Jergeson moved SR 2, second reading copy, be amended as follows :

1. Page 1, line 7.

Following: "WHEREAS,"

Insert: "some surveys indicate that"

2. Page 1, line 11.

Following: "WHEREAS,"

Insert: "many Montanans believe that"

3. Page 1, line 15.

Following: "WHEREAS,"

Insert: "many Montanans believe that"

4. Page 1, line 21 through line 23.

Strike: line 21 through line 23 in their entirety

Insert: "WHEREAS, the Central Montana Resource Advisory Council represents a broad cross-section of interested Montanans; and

WHEREAS, the Central Montana Resource Advisory Council, while not reaching a consensus on designation, did document the impressive record of resource stewardship practiced by area farmers and ranchers and other resource managers; and

WHEREAS, the Central Montana Resource Advisory Council developed a comprehensive set of recommendations for future management of the area based on public comments and testimony at numerous meetings throughout central and north central Montana; and"

5. Page 1, line 24.

Following: "WHEREAS,"

Insert: "many Montanans believe that"

6. Page 1, line 27.

Following: "WHEREAS,"

Insert: "many Montanans believe that"

7. Page 2, line 2.

Strike: "Legislature"

Insert: "Senate"

Strike: "request"

Insert: "requests"

8. Page 2.

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Following: line 5

Insert: "BE IT FURTHER RESOLVED, that the Senate of the State of Montana wishes to express its appreciation for the work of the Central Montana Resource Advisory Council and urge that the recommendations of the Council be considered for incorporation into future management plans prepared for the area by Congress and the U.S. Department of the Interior."

9. Page 2, line 7.

Strike: "and"

10. Page 2, line 8.

Following: "Bush"

Insert: ", and the members of the Central Montana Resource Advisory Council"

Amendment **adopted** as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Ellis, Franklin, Grosfield, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tester, Toole, Waterman.

Total 26

Nays: Berry, Butcher, Cole, Crismore, DePratu, Ekegren, Glaser, Grimes, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SR 2 - Senator Butcher moved that consideration of SR 2, as amended, be passed for the day. Division roll call requested. Motion to pass for the day received the following vote:

Yeas: Berry, Bohlinger, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, O'Neil, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.

Total 31

Nays: Bishop, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Mohl, Nelson, Pease, Roush, Ryan, Stonington, Toole, Waterman.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

SB 6 - Senator Cole moved SB 6 do pass. Motion carried unanimously.

SB 7 - Senator Cole moved SB 7 do pass. Motion carried unanimously.

SB 53 - Senator Roush moved SB 53 do pass. Motion carried unanimously.

SB 75 - Senator Jergeson moved SB 75 do pass. Motion carried unanimously.

SB 106 - Senator Sprague moved SB 106 do pass. Motion carried with Senators Ellingson and Franklin voting nay.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Harrington 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 passed as follows:

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

Total 43

Nays: Cocchiarella, Ellingson, Franklin, McCarthy, Ryan, Toole, Waterman.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 26 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Roush, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.

Total 33

Nays: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Nelson, Pease, Ryan, Shea, Stonington, Toole, Waterman.

Total 17

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 52 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

SB 85 passed as follows:

Yeas: Berry, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 39

Nays: Bishop, Butcher, DePratu, Glaser, Grimes, Holden, Johnson, Keenan, Miller, O'Neil, Taylor.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 102 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.

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 113 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

SB 172 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

SJR 5 adopted as follows:

SENATE JOURNAL
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2001

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

HB 1 concurred in 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, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: Mohl.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Tuesday, January 16, 2001. Motion carried.

Senate adjourned at 2:57 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate