

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

Helena, Montana
February 7, 2001

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Beck presiding. Invocation by Reverend Loren Gustafson of Our Redeemers Church in Helena. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Cobb and Johnson, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

2/7/2001

Correctly printed: SB 80, SB 81, SB 289, SB 290, SB 299, SB 400, SB 401, SB 402, SB 403, SB 404, SB 405, SB 406, SB 407, SB 408, SB 409, SB 410, SB 411, SB 412, SB 413, SB 414, SB 415, SB 416, SB 417, SJR 8, SJR 10, SR 5, SR 9, SR 13, HB 23, HB 37, HB 155, HB 220, HB 235,

Correctly engrossed: SB 111, SB 139, SB 141, SB 197, SB 242, SB 260, SB 281, SB 293, SB 337, SB 342, HB 22, HB 40, HB 50, HB 93, HB 180.

Signed by the Speaker at 4:25 p.m., February 6, 2001: SB 40.

Delivered to the Governor for her approval at 10:46 a.m., February 7, 2001: SB 40.

Delivered to the Secretary of State at 11:35 a.m., February 7, 2001: SR 6, SR 8, SR 10.

FINANCE (Keenan, Chairman):

2/6/2001

SB 191, introduced bill, be amended as follows:

1. Page 14.

Following: line 16

Insert: "NEW SECTION. Section 16. Contingent voidness. If \$26,020 for costs related to [this act] is not appropriated in House Bill No. 2 to the department of justice for the fiscal year ending June 30, 2002, then [this act] is void."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 244, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "NONPROFIT OR"

2. Page 3, line 5.

Strike: "nonprofit or"

3. Page 4, line 4.

Strike: "nonprofit or"

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And, as amended, do pass. Report adopted.

FISH AND GAME (Sprague, Chairman): 2/6/2001
HB 185, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman): 2/7/2001
SB 267, do pass. Report adopted.
SB 380, do pass. Report adopted.
HB 18, be amended as follows:

1. Title, line 6.

Following: "REDUCED"

Insert: "OR INCREASED"

2. Page 2, line 7.

Following: "reduced"

Insert: "or increased"

3. Page 2, line 8.

Following: "reduced"

Insert: "or increased"

4. Page 2, line 9.

Following: "reduced"

Insert: "or increased"

5. Page 2, line 14.

Following: "reduced" in both places

Insert: "or increased" in both places

6. Page 2, line 15.

Following: "reduced"

Insert: "or increased"

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

HJR 3, be concurred in. Report adopted.

JUDICIARY (Grosfield, Chairman): 2/7/2001
HB 191, be concurred in. Report adopted.
HB 223, be amended as follows:

1. Page 1, line 18.

Following: "found"

Strike: "and if an affidavit required by [section 2] is filed"

Insert: "prior to the initial hearings allowed by part 4"

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2. Page 1, line 22.

Following: "PROTECTION"

Strike: "AND EMERGENCY PROTECTIVE SERVICES"

3. Page 2, line 7.

Following: "address"

Strike: "AND BELIEVED"

Insert: "or"

Following: "WHEREABOUTS"

Insert: ", if known,"

4. Page 3, line 7 through line 8.

Following: "and (2)" on line 7

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

Following: "proceed" on line 8

Insert: "if a putative father cannot be identified or found prior to the initial hearings allowed by part 4,"

5. Page 3, line 11.

Following: "PROTECTION"

Strike: "AND EMERGENCY PROTECTIVE SERVICES"

6. Page 8, line 28.

Following: "part 4"

Strike: "1"

Insert: "4"

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

LOCAL GOVERNMENT (Mahlum, Chairman):
SB 73, introduced bill, be amended as follows:

2/7/2001

1. Title, line 8.

Strike: "AND"

Following: "VEHICLES"

Insert: ", AND AIRCRAFT"

2. Title, line 10.

Strike: "AND"

Following: "VEHICLES"

Insert: ", AND AIRCRAFT"

3. Title, lines 12 and 13.

Strike: the second "AND" on line 12

Following: "VEHICLES" on line 13

Insert: ", AND AIRCRAFT"

4. Title, line 16.

Strike: "AND"

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Following: "61-3-537"
Insert: "AND 67-3-205,"

5. Page 10.

Following: line 21

Insert: "**Section 9.** Section 67-3-205, MCA, is amended to read:

"67-3-205. Aircraft registration account -- source of funds -- allocation. (1) There is an account in the state special revenue fund to which must be credited all money received from fees paid in lieu of tax on aircraft, as required in ~~this part and~~ 15-24-304 and this part and all penalties collected for registration violations, as provided in 67-3-202.

(2) Money in the account is allocated as follows:

(a) 90% to the counties in the proportion that each county's collections bear to the total collections statewide;
and

(b) 10% to the department for the purpose of administering and enforcing aircraft registration.

(3) The allocations required in subsection (2)(a) must be made twice annually by the department. The first allocation must be made between March 15 and March 30 and the second allocation must be made between July 1 and July 15.

(4) The allocation required in subsection (2)(b) must be made on July 1 of each year.

(5) (a) On receipt of the money allocated as provided in subsection (2)(a); and before making the distribution under subsection (5)(c), the county treasurer shall distribute the money in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed deduct 10% and remit that amount to the department to be used for the board of aeronautics, established in 2-15-2506.

(b) After deducting the amount specified in subsection (5)(a), the county treasurer shall deduct:

(i) 12.1% of the remaining fees in lieu of tax collected under this section and remit that amount to the state treasurer in the same manner as provided in 61-3-509(2); and

(ii) 9% of the remaining fees in lieu of tax collected under this section and remit that amount as a district court fee to the state treasurer in the same manner as provided in 61-3-509(3).

(c) The county treasurer shall distribute the remaining fees in lieu of tax collected on aircraft in the same manner as the fees are distributed in 61-3-509(1).

(6) The allocations required in subsection (2)(a) are considered statutory appropriations, as ~~described~~ provided in 17-7-502.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 167, introduced bill, be amended as follows:

1. Title, line 17 through line 20.

Strike: "REQUIRING" on line 17 through "REMAINDER;" on line 20

2. Title, line 29.

Strike: "AN"

Strike: "DATE"

Insert: "DATES"

3. Page 2, lines 4 and 5.

Strike: "to grant an easement or enter into" on line 4

Insert: "to obtain or provide an easement or"

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Strike: "in order to" on lines 4 and 5

Insert: "pursuant to rules adopted by the department for the purpose of"

4. Page 2, line 6.

Strike: "ensure"

Insert: "ensuring"

5. Page 2, line 8.

Strike: "protect"

Insert: "protecting"

6. Page 2, line 9.

Strike: "prohibit"

Insert: "prohibiting"

7. Page 2, line 10.

Following: "The easement"

Insert: "or covenant"

8. Page 2, line 11.

Following: "easement"

Insert: "or covenant"

9. Page 2, line 19.

Following: "approval."

Insert: "A written verification of notice that is signed by both the seller and the purchaser and is recorded with the county clerk and recorder constitutes conclusive evidence of compliance with this section for that transaction."

10. Page 2, line 25.

Strike: "a person"

Insert: "the installer or other person"

11. Page 6, line 20.

Following: "subdivision"

Insert: "not later than 50 days from its receipt of the subdivision application"

12. Page 6, line 22.

Following: "authority"

Insert: ", but not later than 60 days after the submission of a complete application, as provided in 76-4-125"

13. Page 13, line 3.

Strike: "Subject to 76-4-104(8)"

Insert: "(1) Except as provided in subsection (2)"

14. Page 13.

Following: line 4

Insert: "(2) [Section 1] applies to subdivision applications submitted to the reviewing authority after the effective date of the rules implementing [section 1]."

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And, as amended, do pass. Report adopted.

SB 198, introduced bill, be amended as follows:

1. Page 5, line 26.

Strike: subsection (iv) in its entirety

Renumber: subsequent subsections

2. Page 5, line 29.

Following: "systems;"

Insert: "or"

3. Page 5, line 30.

Strike: subsection (viii) in its entirety

Renumber: subsequent subsection

4. Page 6, line 21.

Strike: "and business infrastructure projects"

5. Page 6, line 24.

Following: "loans"

Insert: "for infrastructure projects and business infrastructure projects"

6. Page 9, line 30.

Following: "from"

Insert: "the proceeds of bonds, issued pursuant to 17-5-701(2), for"

7. Page 10, line 7.

Following: "."

Insert: "The funding for a business infrastructure project must be in the form of a loan. The interest rate on a loan must be sufficient to pay the debt service if the loan is made from bond proceeds as provided in 90-6-703. A local government shall provide matching funds equal to 25% of the cost of a business infrastructure project."

8. Page 10, line 15.

Following: "(3)"

Insert: "Qualifying business infrastructure projects meeting the requirements of subsections (1) and (2) must be funded in the order in which the applications are received."

And, as amended, do pass. Report adopted.

HB 20, be concurred in. Report adopted.

NATURAL RESOURCES (Crismore, Chairman):

2/6/2001

SB 33, do pass. Report adopted.

HB 94, be amended as follows:

1. Title, line 10.

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Following: "INCURRED"

Insert: "OR ENCUMBERED"

2. Page 1, line 21 through line 22.

Strike: "the appropriate" on line 21 through "is" on line 22

Insert: "none of the persons who are"

3. Page 1, line 23.

Strike: "has"

Insert: "have"

4. Page 1, line 24.

Following: "remedial action"

Insert: "will properly and expeditiously perform the appropriate remedial action"

5. Page 5, line 11.

Following: "incurred"

Insert: "or encumbered"

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

STATE ADMINISTRATION (Hargrove, Chairman):

2/7/2001

SJR 9, introduced joint resolution, be amended as follows:

1. Page 1, line 8.

Following: "Mansfield"

Insert: "and his wife Maureen"

And, as amended, be adopted. Report adopted.

SR 14, be adopted. Report adopted.

SR 15, be adopted. Report adopted.

SR 17, be adopted. Report adopted.

HB 231, be concurred in. Report adopted.

TAXATION (DePratu, Chairman):

2/7/2001

SB 258, introduced bill, be amended as follows:

1. Title, line 11.

Following: "ACCOUNT;"

Insert: "AUTHORIZING THE USE OF MULTIPLE FINANCIAL INSTITUTIONS OR MULTIPLE INVESTMENT INSTRUMENTS;"

Strike: "AND"

Following: "15-62-201,"

Insert: "AND 15-62-603,"

2. Page 1, line 19.

Strike: "15-30-111(7)"

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Insert: "15-30-111(8)"

3. Page 1, line 24.

Strike: "maximum possible rate applicable under"

Insert: "highest rate of tax provided in"

4. Page 1, line 25.

Strike: "15-30-111(7)"

Insert: "15-30-111(8)"

5. Page 11.

Following: line 9

Insert: "**Section 7.** Section 15-62-203, MCA, is amended to read:

"15-62-203. Selection of financial institution as account depository and manager -- contract -- termination. (1) The board shall implement the program through the use of one or more financial institutions to act as the depository and manager. Under the program, a person may establish accounts at the depository.

(2) The committee shall solicit proposals from financial institutions to act as the depositories and managers of the program. Financial institutions that submit proposals shall describe the financial instruments that will be held in accounts.

(3) On the recommendation of the committee, the board shall select as program depositories and managers the financial institution or institutions from among bidding financial institutions that demonstrate the most advantageous combination, both to potential program participants and to this state, of:

(a) financial stability and integrity;

(b) the safety of the investment instruments being offered, taking into account any insurance provided with respect to these instruments;

(c) the ability of the investment instruments to track estimated costs of higher education as calculated by the board and provided by the financial institution to the account holder;

(d) the ability of the financial institutions, directly or through a subcontract, to satisfy recordkeeping and reporting requirements;

(e) the financial institution's plan for promoting the program and the investment that it is willing to make to promote the program;

(f) the fees, if any, proposed to be charged to persons for maintaining accounts;

(g) the minimum initial deposit and minimum contributions that the financial institution will require and the willingness of the financial institution or its subcontractors to accept contributions through payroll deduction plans and other deposit plans; and

(h) any other benefits to this state or its residents contained in the proposal, including an account opening fee payable to the board by the account owner to cover expenses of operation of the program and any additional fee offered by the financial institution for statewide program marketing by the board.

(4) The board shall enter into a contract with a financial institution or, except as provided in subsection (5), into contracts with financial institutions to serve as depositories and program managers.

(5) The committee may select more than one financial institution ~~and investment for the program if:~~

~~_____ (a) the internal revenue service has provided guidance that giving a contributor a choice of two or more investment instruments under a state plan will not cause the plan to fail to qualify for favorable tax treatment under section 529 of the Internal Revenue Code, 26 U.S.C. 529; and~~

~~_____ (b) the committee concludes that the choice of instrument vehicles is in the best interest of program participants and will not interfere with the promotion of the program.~~ to serve as depository and program manager. The committee may select more than one kind of investment instrument to be offered through the program. Any decision on the use of multiple financial institutions or multiple investment instruments must take into account:

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(a) the requirements for qualifying as a qualified state tuition program under section 529 of the Internal Revenue Code (26 U.S.C. 529);

(b) differing needs of contributors regarding risk and potential return of investment instruments; and

(c) administrative costs and burdens that may be imposed as the result of the decision.

(6) A program manager or its subcontractor shall:

(a) take action required to keep the program in compliance with its contract or the requirements of this chapter to manage the program so that it is treated as a qualified state tuition plan under section 529 of the Internal Revenue Code, 26 U.S.C. 529;

(b) keep adequate records of each account, keep each account segregated from each other account, and provide the board with the information necessary to prepare statements required by 15-62-201(12) through (14) or file these statements on behalf of the board;

(c) compile and total information contained in statements required to be prepared under 15-62-201(12) through (14) and provide these compilations to the board;

(d) if there is more than one program manager, provide the board with the information to assist the board in determining compliance with rules adopted by the board pursuant to 20-25-902;

(e) provide representatives of the board, including other contractors or other state agencies, access to the books and records of the program manager to the extent needed to determine compliance with the contract. At least once during the term of any contract, the board, its contractor, or the state agency responsible for examination oversight of the program manager shall conduct an examination to the extent needed to determine compliance with the contract.

(f) hold all accounts in trust for the benefit of this state and the account owner.

(7) A person may not circulate any description of the program, whether in writing or through the use of any media, unless the board or its designee first approves the description.

(8) A contract executed between the board and a financial institution pursuant to this section must be for a term of at least 3 years and not more than 7 years.

(9) If a contract executed between the board and a financial institution pursuant to this section is not renewed, at the end of the term of the nonrenewed contract:

(a) accounts previously established and held in investment instruments at the financial institution may not be terminated;

(b) additional contributions may be made to the accounts in existence at the time of nonrenewal of a contract; and

(c) new accounts may not be placed with that financial institution unless a new contract is executed.

(10) The board may terminate a contract with a financial institution at any time for good cause on the recommendation of the committee. If a contract is terminated pursuant to this subsection, the board shall take custody of accounts held at that financial institution and shall seek to promptly transfer the accounts to another financial institution that is selected as a program manager and into investment instruments as similar as possible to the original investments."''

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

Senator Johnson present at this time.

ADVERSE COMMITTEE REPORT

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman):

2/6/2001

SB 139, We, your committee on **Education and Cultural Resources** report that **Senate Bill 139** (first reading copy white) **do not pass as amended**.

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1. Page 2, line 8.

Strike: "obscene"

Following: "that is"

Insert: "described as obscenity under 45-8-201 or material that is"

Adverse Committee Report **adopted** as follows:

Yeas: Berry, Bishop, Christiaens, Cocchiarella, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stonington, Tash, Tester, Toole, Waterman, Zook, Mr. President.

Total 36

Nays: Bohlinger, Butcher, Cole, DePratu, Grimes, Holden, Keenan, Miller, Sprague, Stapleton, Taylor, Thomas, Wells.

Total 13

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/6/2001

HB 30, introduced by Matthews

HB 118, introduced by Clancy

HB 140, introduced by Masolo

HB 157, introduced by Gallus

HB 190, introduced by Witt

HB 349, introduced by Haines

HB 362, introduced by McKenney

HB 381, introduced by Noennig

MOTIONS

SB 289 - Senator Tester moved that consideration of **SB 289** be passed until the thirty-second legislative day, February 8, 2001. Motion carried.

SB 260 - Senator Mahlum moved that consideration of **SB 260** be passed until the thirty-third legislative day, February 9, 2001. Motion carried.

SB 370 - Senator Halligan moved that McNutt be added as sponsor to **SB 370**. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

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SB 418, introduced by Grimes, referred to Education and Cultural Resources.

SB 419, introduced by Grimes (by request of the Senate Legislative Administration Standing Committee), referred to Legislative Administration.

SB 420, introduced by Waterman, referred to Public Health, Welfare and Safety.

SB 421, introduced by Thomas, Beck, DePratu, Doherty, Ekegren, Gallus, Gillan, Golie, Harrington, Keenan, Lawson, Lewis, Mahlum, Matthews, McNutt, Musgrove, Roush, Sliter, Sprague, Steinbeisser, Tester, referred to Business and Labor.

SB 422, introduced by Grimes, Beck, Hargrove, Price, referred to Public Health, Welfare and Safety.

SB 423, introduced by Ellis, referred to Education and Cultural Resources.

SB 424, introduced by Glaser, referred to Energy and Telecommunications.

SB 425, introduced by Glaser, Waterman (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.

SB 426, introduced by Halligan, referred to Judiciary.

SJR 12, introduced by Beck, B.Thomas, referred to State Administration.

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

HB 30, introduced by Matthews (by request of the Law, Justice, and Indian Affairs Interim Committee), referred to Local Government.

HB 118, introduced by Clancy (by request of the Department of Environmental Quality), referred to Natural Resources.

HB 140, introduced by Masolo, Haines (by request of the Governor), referred to Education and Cultural Resources.

HB 157, introduced by Gallus (by request of the Department of Corrections), referred to Judiciary.

HB 190, introduced by Witt, referred to Local Government.

HB 349, introduced by Haines, referred to Education and Cultural Resources.

HB 362, introduced by McKenney, Callahan, Christiaens, Chris, P.Clark, Cobb, Doherty, Franklin, Galvin-Halcro, Golie, Kitzenberg, Lehman, Mangan, Ripley, Roush, Ryan, Schmidt, Tester, Tramelli, Tropila, Whitaker, referred to Taxation.

HB 381, introduced by Noennig, referred to Taxation.

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

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

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

SB 25 - Senator R. Holden moved SB 25 do pass. Motion **failed** as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cole, Crismore, DePratu, Glaser, Grimes, Hargrove, Holden, Johnson, Kitzenberg, Miller, Pease, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook.

Total 23

Nays: Christiaens, Cobb, Cocchiarella, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grosfield, Halligan, Harrington, Jergeson, Keenan, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Roush, Ryan, Shea, Stonington,

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Toole, Waterman, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 25 - Senator Grosfield moved that SB 25 be **indefinitely postponed**. Motion carried as follows:

Yeas: Christiaens, Cobb, Cocchiarella, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grosfield, Halligan, Harrington, Jergeson, Keenan, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Taylor, Tester, Toole, Waterman, Zook, Mr. President.
Total 33

Nays: Berry, Bishop, Bohlinger, Butcher, Cole, DePratu, Glaser, Grimes, Hargrove, Holden, Johnson, Kitzenberg, Miller, Sprague, Tash, Thomas, Wells.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 80 - Senator Mahlum moved SB 80 do pass. After discussion, Senator Grosfield made a **substitute motion** that consideration of **SB 80** be passed for the day. Motion carried.

Senator Harrington excused at this time.

SB 111 - Senator Ellis moved SB 111 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Roush, Ryan, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook.
Total 42

Nays: Cobb, Elliott, Jergeson, Nelson, Pease, Shea, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

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Senator Harrington present at this time.

SB 141 - Senator Stonington moved SB 141 do pass. Motion carried as follows:

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

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 242 - Senator F. Thomas moved consideration of SB 242 be passed for the day. Motion carried.

SB 281 - Senator Mahlum moved SB 281 do pass. Motion carried unanimously.

Senator Berry moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Roush 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 81 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

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SB 197 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 45

Nays: Crismore, Keenan, Miller, O'Neil, Wells.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 290 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, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: Butcher, Miller.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 8 adopted 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

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Excused: None.
Total 0

HB 22 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, 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 40, as amended by the Senate, 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, 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 50 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, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: O'Neil.
Total 1

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 93 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, 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 180 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, 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 5 - Senator Elliott moved that **SR 5**, concurring in, confirming, and consenting to the nomination and appointment of **Ms. Barbara Ranf** as Director of the Department of Administration be adopted and that the yeas and nays be spread upon the journal. Motion adopted 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,

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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 9 - Senator Hargrove moved that **SR 9**, concurring in, confirming, and consenting to the nomination and appointment of **Mr. Arthur R. "Bud" Clinch** as Director of the Department of Natural Resources and Conservation be adopted and that the yeas and nays be spread upon the journal. Motion adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, 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, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: Franklin, Toole.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SR 13 - Senator Hargrove moved that **SR 13**, concurring in, confirming, and consenting to the nomination and appointment of **Mr. Mark Simonich** as Director of the Department of Commerce be adopted and that the yeas and nays be spread upon the journal. Motion adopted 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.

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Total 0

MOTIONS

SB 414 - Senator Taylor moved **SB 414** be taken from the committee on Business and Labor and rereferred to the committee on Public Health, Welfare and Safety. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 a.m., Thursday, February 8, 2001. Motion carried.

Senate adjourned at 3:04 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate