

**SENATE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 19, 2001

Senate Chambers  
State Capitol

Senate convened at 12:30 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 thirty-fifth legislative day, find the same to be correct.

Miller, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 2/19/2001  
Correctly printed: SB 19, SB 48, SB 292, SB 313, SB 340, SB 387, SB 431, HB 258, HB 325.  
Correctly engrossed: SB 131, SB 151, SB 181, SB 196, SB 243, SB 298, SB 304, SB 305, SB 327, SB 370, SB 378,  
SB 379, SB 421, SB 424, SJR 13.

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Holden, Chairman): 2/19/2001  
**SB 326**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.

**Following:** "WEEDS;"

**Strike:** "PROVIDING" on line 4 through "FORAGE;" on line 5

2. Title, page 1, line 9 through line 10.

**Following:** "COMMITTEE;"

**Strike:** "PROVIDING" on line 9 through "WEEDS;" on line 10

3. Title, page 1, line 19.

**Following:** "ZONE IF"

**Insert:** "THE TAX IS"

4. Title, page 1, line 24 through page 2, line 1.

**Following:** "INFESTATION;"

**Strike:** "DECREASING" on page 1, line 24 through "PROPERTY;" on page 2, line 1

5. Title, page 2, line 5.

**Strike:** "15-38-202, 17-5-703, 37-51-313,"

6. Page 2, line 10 through line 22.

**Strike:** section 1 through section 2 in their entirety

**Renumber:** subsequent sections

7. Page 2, line 26.

**Following:** "plan"

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**Insert:** ", as provided in 7-22-2121"

8. Page 3, line 6 through page 4, line 26.

**Strike:** section 4 through section 7 in their entirety

**Renumber:** subsequent sections

9. Page 4, line 28.

**Strike:** "\$400,000"

**Insert:** "\$100,000"

10. Page 4, line 30.

**Strike:** "9"

**Insert:** "3"

11. Page 5, line 3.

**Following:** "Montana's"

**Strike:** "56"

**Following:** "counties"

**Insert:** "that have established a noxious weed fund"

12. Page 5, line 5.

**Strike:** "15-38-202, 17-5-703, and"

**Following:** "section"

**Strike:** "8"

**Insert:** "2"

13. Page 5, line 9.

**Strike:** "15-38-202, 17-5-703,"

14. Page 5, line 10.

**Strike:** "and"

**Following:** "section"

**Strike:** "8"

**Insert:** "2"

15. Page 10, line 3.

**Strike:** "shall"

**Insert:** "may"

16. Page 10, line 10.

**Following:** "of not less than"

**Insert:** "the amount received from all county sources in fiscal year 2000 or, for first-class counties, as defined in 7-1-2111, the greater of the amount received from all county sources in fiscal year 2000 or"

17. Page 10, line 10 through line 11.

**Following:** "\$100,000" on line 10

**Strike:** remainder of line 10 through "7-1-2111" on line 11

18. Page 10, line 24.

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**Following:** "7-22-2121(4)."

**Strike:** "The"

**Insert:** "For the purposes of imposing the tax, the"

19. Page 12, line 2 through line 6.

**Strike:** subsection (5) in its entirety

20. Page 12, line 11.

**Following:** "section"

**Strike:** "3"

**Insert:** "1"

21. Page 14, line 4.

**Following:** "agency."

**Insert:** "The plan must be approved, with revisions if necessary, within 10 days of receipt by the board."

22. Page 15, line 4 through page 27, line 6.

**Strike:** section 24 through section 26 in their entirety

**Renumber:** subsequent sections

23. Page 32, line 28.

**Strike:** "\$500,000"

**Insert:** "\$150,000"

24. Page 33, line 8.

**Strike:** "15-38-202, 17-5-703, and"

25. Page 33, line 9.

**Following:** "section"

**Strike:** "8"

**Insert:** "2"

26. Page 33, line 10.

**Strike:** "9"

**Insert:** "3"

27. Page 34, line 10 through line 12.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

28. Page 34, line 13.

**Following:** "Section"

**Strike:** "3"

**Insert:** "1"

29. Page 34, line 14.

**Following:** "section"

**Strike:** "3"

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**Insert:** "1"

30. Page 34, line 15.

**Strike:** "[Sections 4 and 9] are"

**Insert:** "[Section 3] is"

31. Page 34, line 16.

**Strike:** "sections 4 and 9"

**Insert:** "section 3"

32. Page 34, line 17 through line 20.

**Strike:** subsections (4) and (5) in their entirety

**Renumber:** subsequent subsection

33. Page 34, line 21.

**Following:** "Section"

**Strike:** "8"

**Insert:** "2"

34. Page 34, line 22.

**Following:** "section"

**Strike:** "8"

**Insert:** "2"

And, as amended, do pass. Report adopted.

**SB 389**, do pass. Report adopted.

**SB 437**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Following:** "(1)"

**Insert:** "(a)"

2. Page 1, line 16.

**Following:** "who"

**Insert:** ": (i)"

**Following:** "owns"

**Strike:** "or"

**Insert:** ", "

**Following:** "purchase"

**Insert:** ", or is leasing for agricultural purposes"

**Following:** "least"

**Strike:** "1,200"

**Insert:** "160"

3. Page 1, line 18.

**Following:** "least"

**Strike:** "\$2,500"

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**Insert:** "\$10,000"

**Following:** "agricultural"

**Strike:** "income."

**Insert:** "receipts; and

(ii) enters into a contractual public hunting access agreement with the department.

(b)"

4. Page 1, line 23.

**Following:** "landowner"

**Insert:** "or lessee"

5. Page 1, line 30.

**Following:** "section"

**Strike:** ","

**Insert:** ": (a)"

6. Page 2, line 2.

**Following:** "purposes"

**Insert:** "; and

(b) "contractual public hunting access agreement" means a signed agreement between the department and a landowner specifying how public hunting access will be administered on property owned by or under the legal control of the landowner.

The agreement may include but is not limited to designation of:

(i) the number of hunters and hunting days;

(ii) time periods of allowable public hunting;

(iii) property on which public hunting will be allowed;

(iv) the manner in which public hunters will be allowed access to the property; and

(v) rules explaining how hunting activities will be controlled or regulated on the property, such as travel management, game retrieval, landowner notification, and postseason reporting"

7. Page 2, line 7.

**Following:** "owns"

**Strike:** "or"

**Insert:** ","

**Following:** "purchase"

**Insert:** ", or is leasing for agricultural purposes"

8. Page 2, line 9.

**Strike:** "\$2,500"

**Insert:** "\$10,000"

**Following:** "agricultural"

**Strike:** "income"

**Insert:** "receipts"

9. Page 2, line 14.

**Following:** "landowner"

**Insert:** "or lessee"

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10. Page 3, line 6.

**Following:** "landowner"

**Insert:** "or a designated lessee acting as an agent for a landowner"

11. Page 3, line 22.

**Following:** "price"

**Insert:** "or an adjusted price set by the commission"

And, as amended, do pass. Report adopted.

**SJR 16**, be adopted. Report adopted.

**BUSINESS AND LABOR** (Taylor, Chairman):

2/17/2001

**SB 349**, do pass. Report adopted.

**SB 445**, introduced bill, be amended as follows:

1. Title, line 9.

**Following:** "DEVELOPMENT;"

**Insert:** "TRANSFERRING FUNDING FROM THE DEPARTMENT OF COMMERCE TO THE GOVERNOR'S OFFICE TO REFLECT THE FUNCTION TRANSFER;"

2. Title, line 12.

**Strike:** "TO THE DEPARTMENT OF REVENUE; ASSIGNING THE"

**Insert:** ", "

**Following:** "INSTITUTIONS"

**Insert:** ", "

3. Title, line 19.

**Strike:** "7-1-4121,"

4. Title, line 21.

**Strike:** "7-6-1501,"

5. Title, line 22.

**Strike:** "15-70-101, 16-4-420,"

6. Title, page 2, line 13.

**Following:** line 12

**Insert:** "AND"

**Strike:** "90-8-313, AND 90-8-321,"

7. Page 13, line 8 through page 15, line 2.

**Strike:** section 19 in its entirety

**Renumber:** subsequent sections

8. Page 20, line 19 through page 21, line 15.

**Strike:** section 34 in its entirety

**Renumber:** subsequent sections

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9. Page 30, line 15.

**Strike:** "\$4.85"

**Insert:** "\$4"

10. Page 30, line 16.

**Following:** "90-3-1002"

**Insert:** "and \$850,000 to the office of the governor"

11. Page 31, line 15 through page 39, line 3.

**Strike:** sections 46 and 47 in their entirety

**Renumber:** subsequent sections

12. Page 47, line 19.

**Strike:** "revenue"

**Insert:** "administration"

13. Page 47, line 28.

**Strike:** "revenue"

**Insert:** "administration"

14. Page 49, line 2.

**Strike:** "revenue"

**Insert:** "administration"

15. Page 60, line 22.

**Strike:** "administration"

**Insert:** "justice"

16. Page 60, line 26.

**Strike:** "administration"

**Insert:** "justice"

17. Page 61, line 14.

**Strike:** "administration"

**Insert:** "justice"

18. Page 63, lines 29 and 30.

**Strike:** "labor and industry"

**Insert:** "administration"

19. Page 163, line 21.

**Following:** "parks,"

**Strike:** "the department of"

**Strike:** "administration,"

20. Page 164, line 19.

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**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsections

21. Page 171, line 10 through page 172, line 28.

**Strike:** sections 222 and 223 in their entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 469**, do pass. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Glaser, Chairman):

2/17/2001

**SB 117**, introduced bill, be amended as follows:

1. Title, page 1, lines 4 and 5.

**Following:** "EXEMPTING" on line 4

**Strike:** remainder of line 4 through the "third" fund on line 5

**Insert:** "ALL SCHOOL DISTRICT LEVIES"

2. Title, page 1, line 6.

**Following:** "LIMITATIONS;"

**Insert:** "INCREASING THE MILL LEVY LIMIT FOR ADULT EDUCATION;"

3. Page 1, line 30 through page 2, line 1.

**Following:** "20"

**Strike:** remainder of line 30 through the third "fund" on page 2, line 1

4. Page 5, line 8.

**Following:** "than"

**Strike:** "1 mill"

**Insert:** "1.1 mills"

5. Page 5, line 10.

**Following:** "than"

**Strike:** "2"

**Insert:** "2.2"

6. Page 5, line 11.

**Following:** "than"

**Strike:** "3"

**Insert:** "3.3"

And, as amended, do pass. Report adopted.

**SB 218**, do pass. Report adopted.

**SB 273**, introduced bill, be amended as follows:



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1. Title, page 1, lines 6 and 7.

**Following:** "A"

**Strike:** "\$500"

**Insert:** "\$1,000"

**Following:** "PAYMENT" on line 6

**Strike:** remainder of line 6 through "\$1,000" on line 7

2. Title, page 1, line 8.

**Following:** "TO"

**Strike:** "ONE 6-MONTH AND"

3. Title, page 1, line 9.

**Strike:** "\$500"

**Insert:** "A \$1,000 "

4. Title, page 1, lines 10 and 11.

**Strike:** "CREDITS" on line 10

**Insert:** "CREDIT"

**Following:** "FOR"

**Strike:** remainder of line 10 through "FOR" on line 11

5. Title, page 1, line 12.

**Strike:** "GRADUATES"

**Insert:** "GRADUATE"

6. Page 1, line 30.

**Following:** "Montana"

**Insert:** "and"

**Strike:** "of"

**Insert:** "after"

**Following:** the first "the"

**Insert:** "graduation"

**Following:** "date"

**Insert:** "was"

**Strike:** "qualified"

**Insert:** "Montana"

**Strike:** ", with the"

**Insert:** ". The"

7. Page 2, line 1.

**Strike:** "that"

**Insert:** "the"

**Strike:** "having"

**Insert:** "must have"

8. Page 2, lines 5 through 7.

**Following:** the first "of" on line 5

**Strike:** remainder of line 5 through "of" on line 6

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**Following:** "uninterrupted" on line 7

**Insert:** "full-time"

**Strike:** "qualified"

9. Page 2, line 13.

**Following:** "taxpayer"

**Insert:** "who is a qualified employer"

10. Page 2, lines 14 through 18.

**Following:** "to" on line 14

**Strike:** ":" on line 14 through "(b)" on line 17

**Following:** "who" on line 17

**Strike:** the remainder of line 17 through "who" on line 18

And, as amended, do pass. Report adopted.

**SB 344**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "CONTRACT"

**Insert:** "AND FOR ROOM AND BOARD"

**Strike:** "\$10"

**Insert:** "\$9.25"

2. Title, page 1, line 7.

**Strike:** "\$7"

**Insert:** "\$6"

3. Page 4, line 9.

**Strike:** "\$10"

**Insert:** "\$9.25"

**Strike:** "\$7"

**Insert:** "\$6"

4. Page 4, line 15.

**Strike:** "\$8"

**Insert:** "\$9.25"

**Strike:** "\$5"

**Insert:** "\$6"

And, as amended, do pass. Report adopted.

**SB 430**, do pass. Report adopted.

**SB 436**, introduced bill, be amended as follows:

1. Page 2, line 14.

**Following:** the second "fund"

**Insert:** "or between funds that contain voted and nonvoted levies"

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**Following:** "prohibited"

**Insert:** ", except for transfers to the compensated absence liability fund provided for in 20-9-512"

2. Page 2, line 15.

**Strike:** "budgeted"

**Insert:** "nonbudgeted"

And, as amended, do pass. Report adopted.

**FISH AND GAME** (Sprague, Chairman):  
**SB 286**, introduced bill, be amended as follows:

2/17/2001

1. Title, line 4.

**Strike:** "AT THE ENTRANCE"

2. Page 1, line 18.

**Following:** "some"

**Insert:** "limited"

**Strike:** "entrance"

3. Page 1, line 26.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(3)"

**Insert:** "and (4)"

4. Page 2, line 12.

**Strike:** "the main park entrance to"

5. Page 2.

**Following:** line 19

**Insert:** "(4) The existing parking area at the confluence of the Madison and Jefferson Rivers in the Headwaters state park may be improved, but not enlarged, using parking features that can be removed. Low-profile interpretive signs may be installed in place of existing signage."

And, as amended, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Mohl, Chairman):  
**SB 348**, introduced bill, be amended as follows:

2/19/2001

1. Title, line 4 through line 12.

**Strike:** "ALLOWING" on line 4 through "ZONE" on line 12

**Insert:** "CLARIFYING THE REQUIREMENT THAT LOCOMOTIVES SOUND THEIR HORNS AT PUBLIC ROAD AND HIGHWAY CROSSINGS"

2. Title, line 13.

**Following:** ";

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**Insert:** "AND"

3. Title, lines 14 and 15.

**Strike:** "SECTIONS 61-8-347," on line 14

**Insert:** "SECTION"

**Strike:** "AND 69-14-610," on line 14

**Strike:** "; AND" on line 14 through "DATE" on line 15

4. Page 1, line 19 through page 2, line 14.

**Strike:** sections 1 and 2 in their entirety

**Renumber:** subsequent sections

5. Page 3, line 6.

**Strike:** "except as provided in [section 1],"

6. Page 3, line 9.

**Strike:** "; or"

**Insert:** ". If the owner or permitholder of a private crossing makes a written request to the railroad corporation to have the locomotive horn and bell sounded at the private crossing, the railroad shall comply with the request."

7. Page 3, line 19 through line 28.

**Strike:** sections 4 and 5 in their entirety

And, as amended, do pass. Report adopted.

**SB 451**, do pass. Report adopted.

**JUDICIARY** (Grosfield, Chairman):

2/17/2001

**SB 176**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "ATTORNEYS"

**Insert:** ", PUBLIC DEFENDERS,"

2. Title, line 8 through line 9.

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

**Strike:** remainder of line 8 through "COMMISSION;" on line 9

**Insert:** "ELIMINATING THE PROVISION ALLOWING THE DISTRICT COURT TO DIRECT THE COUNTY SHERIFF TO PROVIDE COURT FACILITIES AT COUNTY EXPENSE;"

3. Title, line 19.

**Following:** "3-15-205,"

**Insert:** "7-6-2324,"

4. Title, line 22.

**Following:** "SECTIONS"

**Insert:** "3-5-404,"

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5. Page 1, line 30.

**Following:** "administrator,"

**Insert:** "the librarian of the state law library,"

6. Page 2, line 1.

**Following:** "attorneys,"

**Strike:** "and"

**Insert:** "salaried public defenders, assistant public defenders, employees of the offices of public defenders,"

**Following:** "court"

**Insert:** ", "

**Strike:** "office"

**Insert:** "offices"

7. Page 4, line 11 through page 5, line 10.

**Strike:** section 9 in its entirety

**Renumber:** subsequent sections

8. Page 10, line 18.

**Following:** "fees,"

**Strike:** "expenses for indigent defense provided by nonstate employees,"

9. Page 11, line 6.

**Following:** "youth;"

**Insert:** "and"

10. Page 11, line 7 through line 9.

**Strike:** subsections (v) and (vi) in their entirety

**Renumber:** subsequent subsection

11. Page 11, line 15.

**Strike:** "and"

12. Page 11, line 16.

**Following:** line 15

**Insert:** "(h) all district court expenses in a proceeding for involuntary commitment if those expenses were paid out of the district court budget in fiscal year 1998 or fiscal year 1999;

(i) all district court expenses in all juvenile proceedings if those expenses were paid out of the district court budget in fiscal year 1998 or fiscal year 1999;

(j) all district court expenses associated with civil jury trials if those expenses were paid out of the district court budget in fiscal year 1998 or fiscal year 1999; and"

**Renumber:** subsequent subsection

13. Page 12, line 11 through line 12.

**Following:** "program" on line 11

**Strike:** remainder of line 11 through "program" on line 12

14. Page 12, line 13.

**Following:** line 12

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**Insert:** "(4) (a) In addition to the costs assumed under the state-funded district court program, as provided in subsection (1), and to the extent that funds are available, the state shall reimburse counties:  
(i) in district court criminal cases only, expenses for indigent defense; and  
(ii) in proceedings under subsection (1)(e):  
(A) expenses for appointed counsel for the youth; and  
(B) expenses for appointed counsel for the parent, guardian, or other person having physical or legal custody of the youth.  
(b) If money appropriated for the expenses listed in subsection (4)(a) is insufficient to fully fund those expenses, the county is responsible for payment of the balance."

15. Page 13, line 25.

**Following:** line 24

**Insert:** "**Section 21.** Section 7-6-2324, MCA, is amended to read:

**"7-6-2324. Limitations on appropriations after budget adopted -- exception.** (1) The estimates of expenditures, itemized and classified as required in 7-6-2313 and 7-6-2314 and as finally fixed and adopted and as may be amended as provided in 7-6-2320 by the board of county commissioners, constitutes the appropriations for the county for the fiscal year intended to be covered by the estimates.

(2) Except as provided in ~~3-5-404~~, 7-6-2325, and 7-31-2101, the county commissioners and every other county official, including judges of the district court, ~~is~~ are limited in the making of expenditures or incurring of liabilities to the amount of the detailed appropriations and classifications, respectively.

(3) This section does not apply to a county that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

**Renumber:** subsequent sections

16. Page 16, line 10.

**Strike:** "librarian and"

**Insert:** "library"

17. Page 16, line 13.

**Following:** "The"

**Strike:** "librarian and other"

**Insert:** "members of the"

**Following:** "library"

**Insert:** ", except the librarian,"

18. Page 26, line 5 through line 16.

**Strike:** section 41 in its entirety

**Insert:** "**Section 41.** Section 46-8-202, MCA, is amended to read:

**"46-8-202. Public defender's office.** Any county through its board of county commissioners may provide for the creation of a public defender's office and the appointment of a salaried public defender and ~~such~~ assistant public defenders ~~as~~ that may be necessary to satisfy the legal requirements in providing counsel for defendants unable to employ counsel. The costs of ~~such~~ the office ~~shall~~ must be at state expense payable according to procedures established under ~~3-5-902(1)~~ 3-5-901(4) and, to the extent those costs are not paid by the state, at county expense in accordance with ~~3-5-901(3)(4)~~ and 3-5-902(1)."

19. Page 33, line 6.

**Following:** "Sections"

**Insert:** "3-5-404,"

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20. Page 33, line 14 through line 15.

**Strike:** subsection (3) in its entirety

21. Page 33, line 17.

**Following:** line 16

**Insert:** "NEW SECTION. Section 54. Coordination instruction. If Senate Bill No. 144 and [this act] are both passed and approved, then 61-3-509(3) in [this act] is amended to read:

"(3) The county treasurer shall deduct as a district court fee 10% of the amount of the registration fee collected on light vehicles under 61-3-560 through 61-3-562. The county treasurer shall credit the fee for district courts to a separate suspense account and shall forward the amount in the account to the ~~state treasurer~~ department of revenue at the time that the county treasurer distributes money from the motor vehicle suspense fund. The ~~state treasurer~~ department of revenue shall credit amounts received under this subsection to the state ~~special revenue~~ general fund to be used for purposes of state funding of district court ~~expenses~~ costs as provided in 3-5-901."

**Renumber:** subsequent sections

22. Page 34, line 6.

**Strike:** "62"

**Insert:** "63"

23. Page 34, line 7.

**Following:** "The"

**Strike:** "rights"

**Insert:** "compensation"

24. Page 34, line 11.

**Following:** line 10

**Insert:** "(3) An employee who is transferred from county employment to state employment under [this act] may elect to become a member of the state employee benefit plan on July 1, 2001, or remain on the employee's county benefit plan through the remainder of the plan year in effect on June 30, 2001. For an employee who elects to remain on a county benefit plan, the monthly state contribution toward insurance benefits must be transferred to the county benefit plan. Any benefit costs in excess of the state contribution must be paid by the employee."

**Renumber:** subsequent subsections

25. Page 34, line 11.

**Following:** "sick"

**Strike:** ", "

**Insert:** "and"

**Following:** "vacation"

**Strike:** ", or other"

26. Page 34, line 12.

**Following:** "time."

**Insert:** "Any liability for accumulated compensatory time of employees who are transferred from county employment to state employment under [this act] is not transferred to the state and remains an obligation of the county that employed the employee prior to the transfer, subject to federal law and the county's personnel policies."

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27. Page 34, line 13 through line 17.

**Strike:** subsections (4) and (5) in their entirety

**Insert:** "(5) The state becomes a successor employer with regard to any collective bargaining agreement existing on July 1, 2001, that prior to July 1, 2001, covered any employee transferred from county employment to state employment by [this act]. The responsibilities and obligations of the parties to an agreement to which the state becomes a successor employer must, as applied to a transferred employee, continue until the expiration date of the agreement.

(6) In the development of a plan of personnel administration for employees of the judicial branch, the supreme court may recognize an appropriate bargaining unit."

28. Page 35, line 6.

**Strike:** "statewide"

**Following:** "pay increase"

**Insert:** "for judicial branch employees if any pay increase is granted"

29. Page 35, line 6 through line 7.

**Following:** "2002" on line 6

**Strike:** remainder of line 6 through "2001" on line 7

30. Page 35, line 8 through line 9.

**Following:** "to the" on line 8

**Strike:** remainder of line 8 through "plan or the" on line 9

31. Page 35, line 9.

**Following:** "application of"

**Strike:** "a state pay"

**Insert:** "the judicial branch personnel"

And, as amended, do pass. Report adopted.

**SB 384**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

**Following:** the second "AN ACT" on line 4

**Strike:** remainder of line 4 through "PROPERTY" on line 5

**Insert:** "SETTING A MAXIMUM PENALTY FOR NEGLIGENTLY STRAYING ONTO PRIVATE PROPERTY WITHOUT PERMISSION WHILE HUNTING ON PUBLIC LAND"

2. Title, line 5.

**Following:** "SECTION"

**Strike:** "45-6-203"

**Insert:** "87-3-304"

3. Page 1, line 9 through line 21.

**Strike:** section 1 in its entirety

**Insert:** "Section 1. Section 87-3-304, MCA, is amended to read:

**"87-3-304. Landowner's permission required for hunting -- negligent straying onto private property -- penalty.** (1) Every resident and nonresident must have obtained permission of the landowner, the lessee, or their agents



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before taking or attempting to take nongame wildlife or predatory animals or hunting on private property.

(2) Except for hunting big game animals on private property and as provided in subsection (3), a person who violates this section shall, upon conviction for a first offense, be fined an amount not to exceed \$25.

(3) A person who negligently enters private real property in violation of this section by leaving public land and entering onto private real property in an area that is not posted and who does not have other knowledge that a boundary between public land and private real property has been crossed without permission commits negligent straying onto private property. A person convicted of negligent straying onto private property shall be fined an amount not to exceed \$100.""

And, as amended, do pass. Report adopted.

**SB 467**, do pass. Report adopted.

**SB 476**, do pass. Report adopted.

**SB 477**, do pass. Report adopted.

**LEGISLATIVE ADMINISTRATION** (Grimes, Chairman):

2/19/2001

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 3:00 p.m., Saturday, February 17, 2001:

TITLE

NAME

Pages:

Patrick McNulty, Stevensville, MT  
William Holmes, Bozeman, MT  
Molly Casey, East Helena, MT  
Dorthyann Isackson, Lewistown, MT  
Cassie Jergeson, Chinook, MT  
Jacob Smith, Glen, MT  
Marcus Sprattler, Billings, MT  
Brad Cederberg, Missoula, MT

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 19, 2001:

TITLE

NAME

Pages:

Shon Tester, Big Sandy, MT  
Jenna Berkram, Frenchtown, MT  
Dan Villa, Anaconda, MT  
Tara Petersen, Billings, MT  
Amanda LeCoure, Stevensville, MT  
Tyler Thomas, Stevensville, MT  
Bethany Doherty, Issaquah, WA

Report Adopted.

**LOCAL GOVERNMENT** (Mahlum, Chairman):

2/16/2001

**SB 138**, introduced bill, be amended as follows:

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1. Title, line 7.

**Strike:** "2-7-503,"

**Following:** "2-9-316,"

**Insert:** "2-9-804,"

**Following:** "3-5-901,"

**Insert:** "7-1-114,"

**Strike:** "7-6-602,"

2. Page 2, line 2.

**Following:** "governments."

**Insert:** "(1)"

3. Page 2.

**Following:** line 3

**Insert:** "(2) Local government entities that do not operate under the fiscal year provided in subsection (1) shall adopt the fiscal year provided in subsection (1) by July 1, 2003."

4. Page 2.

**Following:** line 16

**Insert:** "(3) The governing body of each county or municipality shall notify the department of commerce in writing, on a form prescribed by the department of commerce, of the creation, dissolution, combination, or other legal alteration of any special purpose district within the county or municipality.

(4) Each special purpose district shall obtain a permanent mailing address and notify the department of commerce of the address and of any subsequent changes of the district's address."

5. Page 2, line 24.

**Following:** "reassignment"

**Insert:** ", but does not prohibit delegation by mutual agreement,"

6. Page 3.

**Following:** line 13

**Insert:** "(5) The provisions of subsections (3) and (4) apply to local governments that are not subject to an independent audit pursuant to 2-7-503 and are in addition to laws specifically applying to those local governments."

**Renumber:** subsequent subsection

7. Page 6.

**Following:** line 3

**Insert:** "(e) the proceeds from the sale of land;"

**Renumber:** subsequent subsections

8. Page 6.

**Following:** line 5

**Insert:** "(4) The governing body may amend the budget during the fiscal year by conducting public hearings at regularly scheduled meetings. Budget amendments providing for additional appropriations must identify the fund reserves, unanticipated revenue, or previously unbudgeted revenue that will fund the appropriations."

9. Page 7, line 25.

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**Following:** "reassignment"

**Insert:** ", but do not prohibit delegation by mutual agreement,"

10. Page 8, line 7.

**Strike:** the first "and"

**Insert:** "or"

11. Page 9, line 9.

**Following:** "preliminary"

**Insert:** "or amended"

12. Page 9, line 10.

**Following:** "preliminary"

**Insert:** "or amended"

13. Page 9, line 12.

**Following:** "year"

**Insert:** "or intends to amend its annual budget"

14. Page 9, line 13.

**Following:** "budget"

**Insert:** "or budget amendment"

15. Page 9, line 16.

**Following:** "budget"

**Insert:** "or amended budget"

16. Page 9, line 18.

**Following:** "budget"

**Insert:** "or budget amendment"

17. Page 12, line 12.

**Following:** "levy."

**Insert:** "(1)"

18. Page 12, line 15.

**Strike:** "(1)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

19. Page 12, lines 16 and 17.

**Strike:** "a" on line 16 through "fund" on line 17

**Insert:** "an additional amount, subject to the provisions of subsection (2), as a reserve to meet expenditures made from the fund during the months of July to November of the next fiscal year"

20. Page 12.

**Following:** line 19

**Insert:** "(2) After deducting from the amount of the appropriations and authorized expenditures the total amount

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appropriated and authorized to be spent for election expenses and payment of emergency warrants, the amount that may be added as a reserve, as provided in subsection (1)(b), to:

(a) a county's fund may not exceed one-third of the total amount appropriated and authorized to be spent from the fund during the current fiscal year; and

(b) a city's or town's fund may not exceed one-half of the total amount appropriated and authorized to be spent from the fund during the current fiscal year."

21. Page 14, line 5.

**Following:** "raise"

**Insert:** "revenue or receive, disburse, or expend local, state, or federal government"

22. Page 15, line 4.

**Strike:** subsection (xxv) in its entirety

**Renumber:** subsequent subsections

23. Page 15, line 10 through page 16, line 23.

**Strike:** section 34 in its entirety

**Renumber:** subsequent sections

24. Page 18.

**Following:** line 14

**Insert:** "**Section 38.** Section 2-9-804, MCA, is amended to read:

**"2-9-804. Purchase -- responsible surety.** (1) The city or town council or commissioners shall purchase all surety bonds for city officers and employees.

(2) ~~The city or town council or commission shall actively solicit offers on a competitive bases from available qualified insurance or surety companies before purchasing the bonds.~~

(3) Bonds purchased by the city or town council or commission ~~shall~~ must be executed by responsible insurance or surety companies authorized and admitted to execute surety bonds in this state.""

**Renumber:** subsequent sections

25. Page 20.

**Following:** line 23

**Insert:** "**Section 41.** Section 7-1-114, MCA, is amended to read:

**"7-1-114. Mandatory provisions.** (1) A local government with self-government powers is subject to the following provisions:

(a) all state laws providing for the incorporation or disincorporation of cities and towns<sub>2</sub>; for the annexation, disannexation, or exclusion of territory from a city or town<sub>2</sub>; for the creation, abandonment, or boundary alteration of counties<sub>2</sub>; and for city-county consolidation;

(b) Title 7, chapter 3, part 1;

(c) all laws establishing legislative procedures or requirements for units of local government;

(d) all laws regulating the election of local officials;

(e) all laws that require or regulate planning or zoning;

(f) any law directing or requiring a local government or any officer or employee of a local government to carry out any function or provide any service;

(g) ~~except as provided in subsection (3), any law regulating the budget, finance, or borrowing procedures and powers of local governments, except that the mill levy limits established by 15-10-420 apply;~~

(h) Title 70, chapters 30 and 31.

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(2) These provisions are a prohibition on the self-government unit acting other than as provided.

(3) (a) Notwithstanding the provisions of subsection (1)(g) and except as provided in subsection (3)(b), self-governing local government units are not subject to the mill levy limits established by state law.

(b) The provisions of 15-10-420 apply to self-governing local government units."

26. Page 21, line 16 through page 22, line 25.

**Strike:** section 43 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 215**, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

**Strike:** "THAT" on line 6 through "COSTS" on line 8

**Insert:** "FOR COMPLIANCE AUDITS"

2. Page 1, line 14 through line 24.

**Following:** "Compliance audit"

**Strike:** remainder of line 14 through line 24

**Insert:** ". (1) The rates and ratemaking process established by the governing body must be included in the financial reports and audits as required under 2-7-503."

**Renumber:** subsequent subsections

3. Page 2, line 3.

**Following:** "using"

**Insert:** "but not limited to"

4. Page 2, line 7.

**Strike:** "apply only to the property of recipients of"

**Insert:** "may not be assessed on property for which an owner or occupant has elected to receive"

5. Page 2, line 8.

**Following:** "services"

**Insert:** "from a motor carrier authorized to provide solid waste services within the county and who possesses a valid Class D motor carrier certificate of public convenience and necessity issued by the public service commission"

6. Page 2, line 11.

**Following:** "~~but not limited to~~"

**Insert:** "but not limited to"

7. Page 2, line 12 through line 18.

**Strike:** line 12 through line 18

**Insert:** "(i) all direct costs and indirect costs as provided for in the Office of Management and Budget Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, and that are incurred by or that exclusively serve the solid waste management program;"

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8. Page 2, line 19.

**Strike:** "(G)"

**Insert:** "(ii) costs for"

9. Page 2, line 21.

**Strike:** "(H)"

**Insert:** "(iii) costs for"

10. Page 2, line 22 through line 23.

**Strike:** line 22 through line 23

11. Page 2, line 24.

**Strike:** "(K)"

**Insert:** "(iv)"

**Following:** "service;"

**Insert:** "and"

12. Page 2, line 25.

**Strike:** line 25

13. Page 2, line 26.

**Strike:** "(iii)"

**Insert:** "(v)"

14. Page 3, line 15 through page 4, line 11.

**Strike:** subsection (8) in its entirety

And, as amended, do pass. Report adopted.

**SB 216**, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

**Strike:** "THAT" on line 6 through "COSTS" on line 8

**Insert:** "FOR COMPLIANCE AUDITS"

2. Page 1, line 15.

**Following:** "using"

**Insert:** "but not limited to"

3. Page 1, line 18.

**Strike:** "apply only to the property of recipients of"

**Insert:** "may not be assessed on property for which an owner or occupant has elected to receive"

4. Page 1, line 19.

**Following:** "services"

**Insert:** "from a motor carrier authorized to provide services within the city and who possesses a valid Class D motor carrier certificate of public convenience and necessity issued by the public service commission"

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5. Page 1, line 22.

**Following:** "including"

**Insert:** "but not limited to"

6. Page 1, line 23 through line 29.

**Strike:** line 23 through line 29

**Insert:** "(i) all direct costs and indirect costs, as defined in the Office of Management and Budget Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, that are incurred by or that exclusively serve the solid waste management program;"

7. Page 1, line 30.

**Strike:** "(G)"

**Insert:** "(ii) costs for"

8. Page 2, line 2.

**Strike:** "(H)"

**Insert:** "(iii) costs for"

9. Page 2, line 3 through line 4.

**Strike:** subsections (I) and (J) in the entirety

**Renumber:** subsequent subsections

10. Page 2, line 5.

**Strike:** "(K)"

**Insert:** "(iv)"

**Following:** "service;"

**Insert:** "and"

11. Page 2, line 6.

**Strike:** subsection (ii) in its entirety

**Renumber:** subsequent subsection

12. Page 2, line 7.

**Strike:** "(iii)"

**Insert:** "(v)"

13. Page 2, line 11 through page 3, line 7.

**Strike:** subsection (4) in its entirety

14. Page 3, line 9 through line 20.

**Following:** "**Compliance audit**" on line 9

**Strike:** --"liability" through "inspection"

**Strike:** "(1)" on line 9 through line 20 in its entirety

**Insert:** "(1) The rates and ratemaking process established by the incorporated or unincorporated city or town must be included in the financial reports and audits as required under 2-7-503."

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

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**SB 226**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "ELIMINATING"

**Insert:** "REVISING"

2. Title, lines 5 and 6.

**Following:** "LISTS;" on line 5

**Insert:** "ALLOWING A PUBLIC SCHOOL TO PROVIDE LISTS OF STUDENTS TO ARMED FORCES RECRUITERS; AND"

**Strike:** "19-2-403" on line 5

**Insert:** "2-6-109"

**Strike:** "; AND REPEALING SECTION 2-6-109, MCA"

3. Page 1, line 10 through page 3, line 25.

**Strike:** everything after the enacting clause

**Insert:** "**Section 1.** Section 2-6-109, MCA, is amended to read:

**"2-6-109. Prohibition on distribution or sale of mailing lists -- exceptions -- penalty.** (1) Except as provided in subsections (3) through ~~(8)~~ (9), in order to protect the privacy of those who deal with state and local government:

(a) an agency may not distribute or sell for use as a mailing list any list of persons without first securing the permission of those on the list; and

(b) a list of persons prepared by the agency may not be used as a mailing list except by the agency or another agency without first securing the permission of those on the list.

(2) As used in this section, "agency" means any board, bureau, commission, department, division, authority, or officer of the state or a local government.

(3) [Except as provided in 30-9-403, this] This section does not prevent an individual from compiling a mailing list by examination of original documents or applications that are otherwise open to public inspection.

(4) This section does not apply to the lists of registered electors and the new voter lists provided for in 13-2-115 and 13-38-103, to lists of the names of employees governed by Title 39, chapter 31, or to lists of persons holding driver's licenses provided for under 61-5-126.

(5) This section does not prevent an agency from providing a list to persons providing prelicensing or continuing educational courses subject to state law or subject to Title 33, chapter 17.

(6) This section does not apply to the right of access either by Montana law enforcement agencies or, by purchase or otherwise, of public records dealing with motor vehicle registration.

(7) This section does not apply to a corporate information list developed by the secretary of state containing the name, address, registered agent, officers, and directors of business, nonprofit, religious, professional, and close corporations authorized to do business in this state.

(8) This section does not apply to the use by the public employees' retirement board of a mailing list of board-administered retirement system participants to send materials on behalf of a retiree organization formed for board-administered retirement system participants and with tax-exempt status under section 501(c)(4) of the Internal Revenue Code, as amended, for a fee determined by rules of the board, provided that the mailing list is not released to the organization.

(9) This section does not apply to a public school providing lists of graduating students to representatives of the armed forces of the United States or to the national guard for the purposes of recruitment.

~~(9)~~(10) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor. (Bracketed language deleted July 1, 2001.)"



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And, as amended, do pass. Report adopted.

**SB 278**, introduced bill, be amended as follows:

1. Page 2, line 17.

**Following:** "area"

**Insert:** "and may not assess garbage and solid waste disposal service charges on property for which an owner or occupant has elected to receive garbage and solid waste disposal services from a motor carrier authorized to provide garbage and solid waste disposal services within the city or county and who possesses a valid Class D motor carrier certificate of public convenience and necessity issued by the public service commission"

2. Page 3, line 4.

**Following:** "town"

**Insert:** "and may not assess garbage and solid waste service charges on property for which an owner or occupant has elected to receive garbage and solid waste services from a motor carrier authorized to provide garbage and solid waste services within the city or town and who possesses a valid Class D motor carrier certificate of public convenience and necessity issued by the public service commission"

And, as amended, do pass. Report adopted.

**SB 287**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "FAMILY;"

**Insert:** "INCLUDING CHILDREN BY MARRIAGE IN THE DEFINITION OF "IMMEDIATE FAMILY";"

**Strike:** "SECTION"

**Insert:** "SECTIONS 76-3-103 AND"

**Following:** "AN"

**Insert:** "IMMEDIATE"

2. Page 1.

**Following:** line 8

**Insert:** "**Section 1.** Section 76-3-103, MCA, is amended to read:

**"76-3-103. Definitions.** As used in this chapter, unless the context or subject matter clearly requires otherwise, the following definitions apply:

(1) "Certificate of survey" means a drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

(2) "Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

(3) "Division of land" means the segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to this chapter. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land.

(4) "Examining land surveyor" means a registered land surveyor appointed by the governing body to review surveys and plats submitted for filing.

(5) "Final plat" means the final drawing of the subdivision and dedication required by this chapter to be

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prepared for filing for record with the county clerk and recorder and containing all elements and requirements set forth in this chapter and in regulations adopted pursuant to this chapter.

(6) "Governing body" means a board of county commissioners or the governing authority of a city or town organized pursuant to law.

(7) "Immediate family" means a spouse, children by marriage, blood, or adoption, and parents.

(8) "Irregularly shaped tract of land" means a parcel of land other than an aliquot part of the United States government survey section or a United States government lot, the boundaries or areas of which cannot be determined without a survey or trigonometric calculation.

(9) "Planned unit development" means a land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.

(10) "Plat" means a graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications.

(11) "Preliminary plat" means a neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a governing body.

(12) "Registered land surveyor" means a person licensed in conformance with Title 37, chapter 67, to practice surveying in the state of Montana.

(13) "Registered professional engineer" means a person licensed in conformance with Title 37, chapter 67, to practice engineering in the state of Montana.

(14) "Subdivider" means a person who causes land to be subdivided or who proposes a subdivision of land.

(15) "Subdivision" means a division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any resubdivision and further includes a condominium or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles or mobile homes.

(16) (a) "Tract of record" means an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

(b) Each individual tract of record continues to be an individual parcel of land unless the owner of the parcel has joined it with other contiguous parcels by filing with the county clerk and recorder:

(i) an instrument of conveyance in which the aggregated parcels have been assigned a legal description that describes the resulting single parcel and in which the owner expressly declares the owner's intention that the tracts be merged; or

(ii) a certificate of survey or subdivision plat that shows that the boundaries of the original parcels have been expunged and depicts the boundaries of the larger aggregate parcel.

(c) An instrument of conveyance does not merge parcels of land under subsection (16)(b)(i) unless the instrument states, "This instrument is intended to merge individual parcels of land to form the aggregate parcel(s) described in this instrument" or a similar statement, in addition to the legal description of the aggregate parcels, clearly expressing the owner's intent to effect a merger of parcels.""

**Renumber:** subsequent sections

3. Page 1, line 17.

**Strike:** "that do not create parcels of less"

**Insert:** "when:

(i) the remaining parcel that is not transferred is more"

**Following:** "acres"

**Insert:** ";

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4. Page 1, line 18.

**Strike:** "when"

**Insert:** "(ii)"

**Strike:** "divisions are"

**Insert:** "division is"

5. Page 1, line 19.

**Following:** " ;"

**Insert:** " and

(iii) the parties to the transaction enter into a covenant running with the land for 5 years that prohibits the division of land from being transferred again within 5 years and that is revocable only by subjecting the division of land to the provisions of this chapter;"

6. Page 2, line 10.

**Strike:** "July 1, 2001"

**Insert:** "on passage and approval"

And, as amended, do pass. Report adopted.

**SB 333**, do pass. Report adopted.

**SB 368**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

**Strike:** "PROVIDING" on line 4 through "CLERKS;" on line 5

2. Page 1, line 15.

**Strike:** "subsections"

**Insert:** "subsection"

**Strike:** "and (1)(a)(iii)"

3. Page 1, lines 24 through 26.

**Strike:** subsection (iii) in its entirety

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Crismore, Chairman):

2/19/2001

**SB 354**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "OR TO ANY"

**Strike:** "TRUST"

**Insert:** "FOREST"

2. Page 1, line 26.

**Strike:** "Deferral"

**Insert:** "State forest lands -- deferral"

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3. Page 1, line 27.

**Strike:** "or to"

**Strike:** "trust"

**Insert:** "forest"

4. Page 1, line 28.

**Strike:** "state trust"

**Insert:** "these"

**Strike:** ", in cash, "

5. Page 2, line 1 through line 2.

**Following:** "interest in"

**Strike:** "or" on line 1 through "to" on line 2

**Strike:** "trust" on line 2

**Insert:** "forest"

6. Page 2, line 5.

**Following:** ";

**Insert:** "and"

7. Page 2, line 6.

**Strike:** ";

**Insert:** "."

8. Page 2, line 7 through line 10.

**Strike:** subsections (5) and (6)

9. Page 2, line 13.

**Following:** "chapter"

**Strike:** "1" in two places

**Insert:** "5" in two places

And, as amended, do pass. Report adopted.

**SB 375**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Following:** "part"

**Insert:** ": (1)"

2. Page 1, line 14.

**Following:** the first "resources"

**Strike:** ";

**Insert:** "; (2)"

**Following:** the second "resources"

**Strike:** ";

**Insert:** "; (3)"

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3. Page 1, line 16.  
**Following:** "mining"  
**Insert:** "; (4)"

4. Page 1, line 17.  
**Following:** "reclamation"  
**Strike:** ", "  
**Insert:** "; (5)"  
**Following:** "areas"  
**Strike:** ", "  
**Insert:** "; "  
**Following:** "and"  
**Insert:** "(6)"

5. Page 4, line 4.  
**Following:** "writing"  
**Insert:** ", "  
**Following:** "by"  
**Strike:** "₁"

6. Page 6, line 15.  
**Following:** "standard"  
**Strike:** "of"  
**Insert:** "or"

7. Page 6, line 16.  
**Strike:** "endanger" through "state"  
**Insert:** "violate a purpose of this part"

And, as amended, do pass. Report adopted.

**SB 376**, introduced bill, be amended as follows:

1. Page 1, line 24.  
**Following:** "relation to"  
**Insert:** "and in compliance with"

And, as amended, do pass. Report adopted.

**SB 408**, introduced bill, be amended as follows:

1. Title, line 5.  
**Following:** "SIGNIFICANCE"  
**Insert:** "OR RECOMMENDATION THAT A DETERMINATION OF SIGNIFICANCE BE MADE"

2. Title, line 6.  
**Following:** "DIRECTOR;"  
**Insert:** "AUTHORIZING THE PROJECT SPONSOR TO REQUEST A REVIEW OF THE SIGNIFICANCE

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DETERMINATION OR RECOMMENDATION BY THE APPROPRIATE BOARD;"

3. Page 3, line 20.

**Strike:** "For" through the first "the"

**Insert:** "The"

4. Page 3, line 21.

**Strike:** "significance"

**Following:** the first "determination"

**Insert:** "or recommendation"

**Following:** "writing"

**Strike:** "the"

**Insert:** "any"

5. Page 3, line 22.

**Following:** "significance"

**Insert:** "made under subsection (1)(b)(iv) or any recommendation that a determination of significance be made"

6. Page 3, line 23.

**Following:** "determination"

**Insert:** "or recommendation"

7. Page 3, line 24.

**Strike:** "to"

**Insert:** "by"

8. Page 3, line 25.

**Following:** "issue."

**Insert:** "[The period of time between the request for a review and completion of a review under this subsection may not be included for the purposes of determining compliance with the time limits established for environmental review in [section 1 of Senate Bill No. 377]]."

9. Page 4.

**Following:** line 12

**Insert:** "NEW SECTION. Section 4. Coordination instruction. (1) If Senate Bill No. 377 is not passed and approved, then the bracketed language in [section 1(5) of this act] that amends 75-1-201 is void.

(2) If Senate Bill No. 377 is passed and approved and if it does not establish time limits for environmental review, then the bracketed language in [section 1(5) of this act] that amends 75-1-201 is void."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Bishop, Chairman):

2/17/2001

**SB 221**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "REPEALING THE STATUTES REQUIRING"

**Insert:** "ELIMINATING THE REQUIREMENT FOR"

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2. Title, page 1, line 5 through line 8.

**Following:** "AMENDING"

**Strike:** remainder of line 5 through "50-5-310," on line 8

**Insert:** "SECTION 50-5-301,"

3. Title, line 8 through line 9.

**Strike:** the third "AND" on line 8 through "DATE" on line 9

4. Page 1, line 13 through page 13, line 22.

**Strike:** everything after the enacting clause

**Insert:** "**Section 1.** Section 50-5-301, MCA, is amended to read:

**"50-5-301. When certificate of need is required -- definitions.** (1) Unless a person has submitted an application for and is the holder of a certificate of need granted by the department, the person may not initiate any of the following:

(a) the incurring of an obligation by or on behalf of a health care facility for any capital expenditure that exceeds \$1.5 million, other than to acquire an existing health care facility. The costs of any studies, surveys, designs, plans, working drawings, specifications, and other activities (including staff effort, consulting, and other services) essential to the acquisition, improvement, expansion, or replacement of any plant with respect to which an expenditure is made must be included in determining if the expenditure exceeds \$1.5 million.

(b) a change in the bed capacity of a health care facility through an increase in the number of beds or a relocation of beds from one health care facility or site to another, unless:

(i) the number of beds involved is 10 or less or 10% or less of the licensed beds, if fractional, rounded down to the nearest whole number, whichever figure is smaller, and no beds have been added or relocated during the 2 years prior to the date on which the letter of intent for the proposal is received;

(ii) a letter of intent is submitted to the department; and

(iii) the department determines that the proposal will not significantly increase the cost of care provided or exceed the bed need projected in the state health care facilities plan;

(c) the addition of a health service that is offered by or on behalf of a health care facility that was not offered by or on behalf of the facility within the 12-month period before the month in which the service would be offered and that will result in additional annual operating and amortization expenses of \$150,000 or more;

(d) the incurring of an obligation for a capital expenditure by any person or persons to acquire 50% or more of an existing health care facility unless:

(i) the person submits the letter of intent required by 50-5-302(2); and

(ii) the department finds that the acquisition will not significantly increase the cost of care provided or increase bed capacity;

(e) the construction, development, or other establishment of a health care facility that is being replaced or that did not previously exist, by any person, including another type of health care facility;

~~(f) the expansion of the geographical service area of a home health agency;~~

~~(g)(f) the use of hospital beds in excess of five to provide services to patients or residents needing only skilled nursing care, intermediate nursing care, or intermediate developmental disability care, as those levels of care are defined in 50-5-101; or~~

~~(h)(g) the provision by a hospital of services for ambulatory surgical care through an outpatient center for surgical services, as defined in subsection (2)(a), home health care, long-term care, or inpatient chemical dependency treatment, or inpatient rehabilitation.~~

(2) For purposes of this part, the following definitions apply:

(a) "Health care facility" or "facility" means a ~~nonfederal home health agency, long-term care facility, or an inpatient chemical dependency facility, rehabilitation facility with inpatient services, or outpatient center for surgical services that has or is intended to qualify for medicare certification as an ambulatory surgical center pursuant to 42~~

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~~CFR, part 416.~~ The term does not include:

(i) a hospital, except to the extent that a hospital is subject to certificate of need requirements pursuant to subsection ~~(1)(h)~~ (1)(g); or

(ii) an office of a private physician, dentist, or other physical or mental health care professionals, including chemical dependency counselors; or

(iii) a nonfederal home health agency, a rehabilitation facility with inpatient services, or an outpatient center for surgical services that has or is intended to qualify for medicare certification as an ambulatory surgical center pursuant to 42 CFR, part 416.

(b) (i) "Long-term care facility" means an entity that provides skilled nursing care, intermediate nursing care, or intermediate developmental disability care, as defined in 50-5-101, to a total of two or more individuals.

(ii) The term does not include residential care facilities, as defined in 50-5-101; community homes for persons with developmental disabilities, licensed under 53-20-305; community homes for persons with severe disabilities, licensed under 52-4-203; boarding or foster homes for children, licensed under 41-3-1142; hotels, motels, boardinghouses, roominghouses, or similar accommodations providing for transients, students, or individuals not requiring institutional health care; or juvenile and adult correctional facilities operating under the authority of the department of corrections.

(3) This section may not be construed to require a health care facility to obtain a certificate of need for a nonreviewable service that would not be subject to a certificate of need if undertaken by a person other than a health care facility.""

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**SB 459**, do pass. Report adopted.

**STATE ADMINISTRATION** (Hargrove, Chairman):

2/17/2001

**SB 362**, do pass. Report adopted.

**SB 443**, introduced bill, be amended as follows:

2/19/2001

1. Title, line 6.

**Following:** "DESTROYED"

**Insert:** "; EXEMPTING PUBLIC DOCUMENTS AND RECORDS CONTAINING PERSONAL INFORMATION SUBJECT TO A RIGHT OF PRIVACY; AUTHORIZING THE SECRETARY OF STATE TO ADOPT RULES"

2. Page 1, line 10.

**Following:** "definition"

**Insert:** "-- exemption -- rulemaking"

3. Page 1.

**Following:** line 22

**Insert:** "(5) A public document containing writing or other information subject to a right of privacy granted by Article II, section 10, of the Montana constitution or by a statute is not subject to this section until the document is 50 years old.

(6) The secretary of state may adopt rules to implement this section. The rules must consider the public or private nature of an entity seeking ownership of a document, the purpose for which ownership is sought, and the need for continued access by the public to a document disposed of in accordance with the provisions of this section."



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4. Page 1, line 25.

**Following:** "offering"

**Insert:** "-- exemption -- rulemaking"

5. Page 2.

**Following:** line 6

**Insert:** "(4) A public record containing writing or other information subject to a right of privacy granted by Article II, section 10, of the Montana constitution or by a statute is not subject to this section until the record is 50 years old.

(5) The secretary of state may adopt rules to implement this section. The rules must consider the public or private nature of an entity seeking ownership of a record, the purpose for which ownership is sought, and the need for continued access by the public to a record disposed of in accordance with the provisions of this section."

And, as amended, do pass. Report adopted.

**HJR 4**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence:

2/16/2001

**HB 167**, introduced by Hedges

**HB 247**, introduced by Lewis

**HB 387**, introduced by Hedges

**HB 392**, introduced by Masolo

**HB 408**, introduced by Schmidt

**MOTIONS**

Majority Leader Thomas moved that the Senate stand in recess for the purpose of party caucuses. Motion carried.

**Senate recessed at 12:45 p.m.**

**Senate reconvened at 1:08 p.m.** Roll Call. All members present. Quorum present.

**MOTIONS**

**SB 276** - Senator Toole moved that **SB 276** be taken from the table in the committee on Energy and Telecommunications, printed and placed on second reading. Motion **failed** as follows:

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

Total 20

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

Total 30

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 490**, introduced by Taylor, referred to Business and Labor.

**SB 491**, introduced by Taylor (by request of the Senate Energy and Telecommunications Standing Committee), 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 48** 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, 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 48

Nays: Jergeson, O'Neil.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 292** 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.

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Total 0

Excused: None.

Total 0

**SB 298** 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, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 49

Nays: O'Neil.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 313** 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 340** 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.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-arms Cramer escorted President Abe Lincoln ( Professor Harry Fritz) in to the Senate Chambers. He then made a speech to the Senate in honor of Presidents Day, February 19, 2001.

**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 Nelson in the chair.

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

**SB 243** - Senator R. Johnson moved SB 243 do pass. After discussion, Senator Halligan made a **substitute motion** that SB 243, second reading copy, be amended as follows :

1. Page 18, line 3.

**Strike:** "APPROVED"

**Insert:** "just and reasonable"

Amendment **adopted** as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Toole, Waterman, Mr. President.  
Total 37

Nays: Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, McNutt, Ryan, Shea, Thomas, Wells, Zook.  
Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 243** - Senator Doherty moved SB 243, second reading copy, be further amended as follows :

1. Page 11, line 23.

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**Strike:** "AS A PART OF THE COSTS OF THE DEFAULT SUPPLIER"

**Insert:** "from the customer whose chosen electricity supplier has failed to meet its obligation,"

2. Page 11, line 24.

**Strike:** "AN" through "OBLIGATION"

**Insert:** "the default supplier"

3. Page 16, line 2.

**Strike:** "MARKET-BASED"

**Insert:** "cost-based"

4. Page 17, line 10.

**Strike:** "BASE LOAD"

**Strike:** "MINIMAL"

5. Page 17, line 12.

**Following:** "requirements."

**Insert:** "These contracts may be for varying lengths of time."

6. Page 17, line 27.

**Strike:** "WITHIN" through "PROPOSALS"

**Insert:** "in an expeditious manner"

7. Page 18, line 8.

**Strike:** "AND" through "TIME"

8. Page 19, line 4 through line 5.

**Strike:** "CAN" on line 4 through "SUPPLY" on line 5

**Insert:** "the commission considers relevant"

**SB 243** - Senator R. Johnson made a **substitute motion** that the amendment be divided. Thereupon, amendments 4, 5 and 6 were segregated. Motion carried with Senators Doherty, Elliott and Toole voting nay.

The Committee of the Whole then **adopted amendments 1, 2, 3, 7 and 8** as follows:

Yeas: Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Pease, Roush, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman.

Total 35

Nays: Berry, Cobb, Cole, Crismore, Ellis, Grosfield, Holden, Miller, Mohl, Ryan, Shea, Stapleton, Wells, Zook, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

The Committee of the Whole then **rejected amendments 4, 5 and 6** as follows:

Yeas: Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Nelson, Pease, Roush, Ryan, Stonington, Tester, Toole, Waterman.

Total 18

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

Total 32

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 243** - Senator R. Johnson moved SB 243, as amended, do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Johnson, Keenan, Mahlum, McCarthy, McNutt, Mohl, O'Neil, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 33

Nays: Christiaens, Cobb, Doherty, Ellingson, Elliott, Franklin, Harrington, Jergeson, Kitzenberg, Miller, Nelson, Pease, Roush, Stonington, Tester, Toole, Waterman.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 181** - Senator Cobb moved SB 181, second reading copy, be amended as follows :

1. Title, line 8.

**Strike:** "LEASED OR OWNED BY A NONPROFIT CORPORATION"

2. Page 2, line 19.

**Strike:** " "

**Insert:** "or"

3. Page 2, line 20.

**Strike:** ", or family services provider facility"

**Following:** "corporation "

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**Insert:** "or against a family services provider facility"

4. Page 2, lines 21 and 22.

**Strike:** " " on line 21

**Insert:** "or"

**Strike:** ", or family services provider facility"

**Following:** "corporation" on line 22

**Insert:** "or a family services provider facility"

Amendment **adopted** unanimously.

**SB 181** - Senator Cobb moved SB 181, as amended, do pass. Motion carried unanimously.

**SB 207** - Senator Keenan moved SB 207 do pass. Motion carried unanimously.

**SB 303** - Senator Hargrove moved SB 303 do pass. Motion carried unanimously.

**SB 305** - Senator Cocchiarella moved SB 305 do pass. Motion carried unanimously.

**SB 309** - Senator Halligan moved SB 309 do pass. Motion carried with Senators Hargrove and O'Neil voting nay.

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

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Grosfield, Chairman):

2/28/2001

**SB 17**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "PROVIDING"

**Insert:** "REVISING THE FACTORS"

**Following:** "COURT"

**Insert:** "SHALL CONSIDER WHEN"

2. Title, line 5 through line 7.

**Following:** "MARRIAGE" on line 5

**Strike:** remainder of line 5 through "CHILD" on line 7

3. Page 1, line 24 through line 25.

**Following:** "care" on line 24

**Strike:** remainder of line 24 through "home" on line 25

4. Page 1, line 29 through page 2, line 3.

**Strike:** subsection (k) in its entirety

**Insert:** "(k) whether a parent has knowingly failed to financially support a child that the parent is able to support,

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which is considered not to be in the child's best interest;"

5. Page 2, line 11.

**Strike:** "."

**Insert:** ";"

6. Page 2, line 12.

**Following:** line 11

**Insert:** "(n) the love, affection, and other emotional ties existing between the child and the parent;

(o) the parent's capacity to give the child love, affection, guidance, shelter, and permanent care;

(p) the parent's capacity and disposition to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in place of medical care, and other material needs;

(q) the permanence, as a family unit, of the existing or proposed custodial home;

(r) the parent's moral fitness;

(s) the parent's mental and physical health;

(t) whether the parent has a history of domestic violence;

(u) if the parent is not the parent who had custody of the child, the opportunity that the parent had to provide appropriate care of the child before the hearing determining custody;

(v) any other factor considered by the court to be relevant to the determination of the child's best interest."

And, as amended, do pass. Report adopted.

**SB 487**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Following:** "hearsay"

**Strike:** "is"

**Insert:** "may be"

**Following:** "proceeding"

**Insert:** ", as provided in subsection (2),"

2. Page 3, line 22.

**Following:** "direct"

**Strike:** ", "

**Following:** "physical evidence"

**Strike:** ", "

**Insert:** "or"

3. Page 3, line 23.

**Following:** "evidence"

**Strike:** ", "

**Insert:** "of"

**Following:** "motive"

**Strike:** ", "

And, as amended, do pass. Report adopted.



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**SB 489**, do pass. Report adopted.

**NATURAL RESOURCES** (Crismore, Chairman):

2/19/2001

**SB 322**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Following:** "PROVIDING"

**Strike:** "AN"

**Strike:** "DATE"

**Insert:** "DATES"

2. Title, page 1, line 10.

**Strike:** "A"

**Strike:** "DATE"

**Insert:** "DATES"

3. Page 2, line 14.

**Following:** line 13

**Insert:** "(2) "Full-time, permanent employee" means a person who worked at least an average of 32 hours each week during the traditional work season."

**Renumber:** subsequent subsections

4. Page 2, line 22.

**Following:** "adopt"

**Strike:** "procedures"

**Insert:** "rules"

5. Page 2, line 27.

**Strike:** "annual"

6. Page 3, line 13 through line 14.

**Following:** "status"

**Strike:** ", " on line 13 through "term" on line 14

7. Page 3, line 27.

**Following:** "diploma"

**Insert:** "through a program approved for funding by the superintendent of public instruction"

**Following:** "at"

**Insert:** "a community college or tribal college located in Montana or"

8. Page 3, line 30.

**Strike:** "state job service division"

**Following:** "records"

**Insert:** "of the department of labor and industry"

9. Page 4, line 3.

**Following:** "unemployed"

**Insert:** "by a natural resource employer"

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**Following:** "industry"

**Strike:** "since"

**Insert:** "located in Montana on or after"

10. Page 4, line 5.

**Following:** "program"

**Insert:** "that has been"

**Following:** "approved"

**Insert:** "for funding"

11. Page 4, line 14.

**Following:** "the"

**Strike:** "residency requirement provided in"

**Insert:** "requirements of"

12. Page 4, line 25.

**Following:** "the"

**Strike:** "residency requirement provided in"

**Insert:** "requirements of"

13. Page 5, line 4.

**Following:** "the"

**Strike:** "residency requirement provided in"

**Insert:** "requirements of"

14. Page 5, line 30 through page 6, line 1.

**Following:** "year"

**Strike:** remainder of line 30 through "15-38-201," on page 6, line 1

**Insert:** "of the resource indemnity ground water assessment taxes allocated under 15-38-106"

15. Page 6, line 2.

**Following:** "5]"

**Insert:** "and to pay costs associated with administering the scholarship program"

16. Page 6, line 3.

**Following:** the first "the"

**Strike:** "adult education account in the"

17. Page 6, line 3.

**Following:** "instruction"

**Insert:** ", to the appropriate fund in a community college or tribal college located in Montana,"

**Following:** "or"

**Insert:** "to"

**Following:** "appropriate"

**Strike:** "tuition"

18. Page 8, line 1.

**Strike:** "date"

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**Insert:** "dates"

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

19. Page 8, line 5.

**Following:** line 4

**Insert:** "(2) [Section 4(1) and this section]are effective on passage and approval."

20. Page 8, line 6.

**Following:** "Termination."

**Strike:** "[This act] terminates"

**Insert:** "(1) [Sections 6(2) and 7] terminate"

21. Page 8, line 7.

**Following:** "date"

**Strike:** "of this act"

**Insert:** "provided in section 9(1)"

22. Page 8, line 8.

**Following:** line 7

**Insert:** "(2) [Sections 1 through 5, 6(1), 6(3), and 6(4) terminate on June 30, 6 years after [the effective date provided in section 9(1)]."

And, as amended, do pass. Report adopted.

**SB 377**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "LIMITS"

**Insert:** "AND PROCEDURES"

2. Title, line 7.

**Strike:** "AND"

3. Title, line 8.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN APPLICABILITY DATE"

4. Page 1, line 12.

**Following:** "(1)"

**Insert:** "(a)"

**Strike:** "An"

**Insert:** "Except as provided in subsection (1)(b), an"

5. Page 1.

**Following:** line 13

**Insert:** " (b) To the extent that the requirements of this section are inconsistent with federal requirements, the requirements of this section do not apply to an environmental review that is being prepared jointly by a state

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agency pursuant to this part and a federal agency pursuant to the National Environmental Policy Act or to an environmental review that must comply with the requirements of the National Environmental Policy Act."

6. Page 1, line 27.

**Strike:** "shorter"

**Insert:** "other"

**Strike:** "otherwise"

7. Page 1, line 29.

**Strike:** "30"

**Insert:** "60"

8. Page 2, line 11.

**Following:** "any"

**Insert:** "portion of a"

9. Page 2, line 13.

**Following:** "(8)"

**Insert:** "(a)"

**Strike:** "If"

**Insert:** "Except as provided in subsection (8)(b), if"

10. Page 2, line 15.

**Strike:** "clear" through "any,"

**Insert:** "written finding"

11. Page 2, line 16 through line 19.

**Strike:** "If" on line 19 through "any." on line 19

12. Page 2.

**Following:** line 19

**Insert:** "(b) Subsection (8)(a) does not apply to a permit granted under Title 75, chapter 2, or under Title 82, chapter 4, parts 1 and 2."

13. Page 2, line 20.

**Strike:** "An"

**Insert:** "Under this part, an"

14. Page 2, line 21.

**Following:** "review"

**Insert:** "required"

**Strike:** "the provisions of"

15. Page 2, line 29.

**Following:** "issue."

**Insert:** "The period of time between the request for a review by a board and completion of a review by a board under this subsection may not be included for the purposes of determining compliance with the time limits

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established for environmental review in this section."

16. Page 2, line 30.

**Strike:** "may"

**Insert:** "shall"

17. Page 3, line 18.

**Following:** "means"

**Insert:** ", unless otherwise provided by law,"

18. Page 3, line 22.

**Following:** "past"

**Insert:** ", "

**Strike:** "and"

**Following:** "present"

**Insert:** ", and future"

19. Page 3, line 30.

**Following:** "each"

**Insert:** "institutional"

**Following:** "trust"

**Insert:** "as described in The Enabling Act of congress (approved February 22, 1899, 25 Stat. 676), as amended, the Morrill Act of 1862 (7 U.S.C. 301 through 308), and the Morrill Act of 1890 (7 U.S.C. 321 through 328)"

20. Page 4, line 2.

**Strike:** "or" through "review"

21. Page 4, line 9.

**Following:** "(b)"

**Insert:** "under this part,"

22. Page 6, line 13.

**Following:** "(a)"

**Insert:** "A challenge to an agency action under this part may only be brought against a final agency action."

**Strike:** "an"

**Insert:** "a final"

23. Page 6.

**Following:** line 24

**Insert:** "NEW SECTION. Section 5. Applicability. [This act] applies to environmental reviews that are begun after [the effective date of this act]."

And, as amended, do pass. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

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Majority Leader Thomas moved that the Senate stand in recess until the hour of 5:00 p.m. this legislative day. Motion carried.

**Senate recessed at 2:55 p.m.**

**Senate reconvened at 5:00 p.m.**

Roll Call. All members present. Quorum present.

**Senators Beck, Keenan and Tester excused at this time.**

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

Session 2

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

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

**SB 323** - Senator Ryan moved SB 323, second reading copy, be amended as follows :

1. Page 2, line 8.

**Following:** "acts"

**Insert:** "or omissions"

2. Page 2, line 9.

**Following:** "act"

**Insert:** "or omission"

3. Page 2, line 10.

**Following:** "act"

**Insert:** "or omission"

4. Page 2, line 15.

**Following:** "act"

**Insert:** "or omission"

5. Page 2, lines 17 and 18.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

6. Page 2, line 20.

**Following:** "act"

**Insert:** "or omission"

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Amendment **not adopted** as follows:

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

Total 19

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

Total 28

Absent or not voting: None.

Total 0

Excused: Keenan, Tester, Mr. President.

Total 3

**Senators Beck, Keenan and Tester present at this time.**

**SB 323** - Senator McNutt moved SB 323 do pass. Motion carried 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, Nelson, O'Neil, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.

Total 33

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

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 358** - Senator DePratu moved SB 358 do pass. Motion carried unanimously.

**SB 360** - Senator Waterman moved SB 360 do pass. Motion carried unanimously.

**SB 370** - Senator Halligan moved SB 370, second reading copy, be amended as follows :

1. Page 1, lines 19 and 20.

**Strike:** subsection (3) in its entirety

Amendment **adopted** unanimously.

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**SB 370** - Senator Halligan moved SB 370, as amended, do pass. Motion carried unanimously.

**SB 378** - Senator Tash moved SB 378 do pass. Motion carried unanimously.

**SB 379** - Senator Tash moved SB 379 do pass. Motion carried unanimously.

**SB 390** - Senator Cobb moved SB 390 do pass. Motion carried unanimously.

**SB 404** - Senator Franklin moved SB 404 do pass. Motion carried unanimously.

**SB 423** - Senator Ellis moved SB 423 do pass. Motion carried with Senator Ryan voting nay.

**SJR 13** - Senator Crismore moved that SJR 13 be adopted. Motion carried unanimously.

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

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Taylor, Chairman):

2/19/2001

**SB 367**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

**Strike:** "FINANCIAL" on line 4 through "TO" on line 5

**Insert:** "WHEN A CONSUMER USES A CREDIT CARD TO PURCHASE FUEL, A FEE MAY NOT BE CHARGED TO OR ASSESSED ON"

2. Title, line 8.

**Strike:** "AN IMMEDIATE"

**Insert:** "A DELAYED"

3. Page 1, line 23.

**Strike:** "the financial institution or company issuing the credit card may not charge or assess"

4. Page 1, line 24.

**Following:** "fee"

**Strike:** "to"

**Insert:** "may not be charged to or assessed on"

5. Page 2, line 9.

**Strike:** "the financial institution or company issuing the credit card may not charge or assess"

6. Page 2, line 10.

**Following:** "fee"

**Strike:** "to"

**Insert:** "may not be charged to or assessed on"



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7. Page 3, line 4.

**Strike:** "the financial institution or company issuing the credit card may not charge or assess"

**Following:** "fee"

**Strike:** "to"

**Insert:** "may not be charged to or assessed on"

8. Page 3, lines 14 and 15.

**Strike:** "the financial institution or company issuing the credit card may not charge or assess"

**Strike:** "to" on line 15

**Insert:** "may not be charged to or assessed on"

9. Page 4, lines 19 and 20.

**Strike:** the first "the" on line 19 through "assess" on line 20

10. Page 4, line 20.

**Following:** the first "fee"

**Strike:** "to"

**Insert:** "may not be charged to or assessed on"

11. Page 4, line 27.

**Strike:** "on passage and approval"

**Insert:** "January 1, 2002"

And, as amended, do pass. Report adopted.

**SB 450**, do pass. Report adopted.

**SB 474**, introduced bill, be amended as follows:

1. Title, lines 4 through 12.

**Strike:** "PROHIBITING" on line 4 through "PROCEDURE" on line 12

**Insert:** "GENERALLY REVISING THE INSURANCE UNFAIR TRADE PRACTICES LAW WITH RESPECT TO AUTOMOBILE GLASS REPLACEMENT, AUTOMOBILE GLASS REPAIR, AUTOMOBILE GLASS PRODUCTS, AND AUTOMOBILE BODY REPAIR"

2. Title, line 13.

**Strike:** "AND 33-18-222, MCA; REPEALING SECTIONS 33-18-221, 33-18-223, 33-18-224"

**Insert:** "33-18-221, 33-18-222, 33-18-223, 33-18-224,"

3. Page 1, line 19 through page 5, line 6.

**Strike:** sections 1 through 5 in their entirety

**Insert:** "**Section 1.** Section 30-14-225, MCA, is amended to read:

"**30-14-225. Prohibited practices -- advertising allowed -- violations.** (1) A person engaged in ~~automobile repair~~ or the sale, repair, or replacement of automobile glass ~~or in the business of automobile repair~~ may not:

(a) advertise, promise to provide, or offer any coupon, credit, or rebate to pay all or part of an insurance deductible under a casualty or property insurance policy, including any incentive to purchase automobile glass ~~or automobile repairs~~ offered to the customer in which the customer, in conjunction with the purchase of automobile glass ~~or automobile repairs~~, receives cash or other valuable consideration; or

(b) pay a sum or incentive to an individual or entity for directing ~~automobile repair services~~ or glass

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replacement or repair or the purchase of a glass product.

(2) A person or association of persons engaged in ~~automobile repair services~~ or the sale, repair, or replacement of automobile glass may advertise services as to quality, service, and safety.

(3) A glass broker, as defined in 33-18-223, ~~or an automobile repair business~~ may not manage, handle, or arrange automobile glass replacement or glass repair work ~~or automobile repair services~~ for which the glass broker ~~or the automobile repair business~~ retains a percentage of the claim.

~~(4) Except as provided in 33-18-224, in a communication between an insurer and an insured regarding an insurance claim, the insurer may not:~~

~~\_\_\_\_\_ (a) require, suggest, or encourage the use of the name of a particular automobile repair business or location; or~~

~~\_\_\_\_\_ (b) mention or provide the name of a particular automobile repair business or location.~~

~~(5)~~(4) (a) A violation of subsection (1)(a) is an unfair and deceptive act under 30-14-103.

(b) A person engaged in the sale, repair, or replacement of automobile glass ~~or in the business of automobile repair~~ who violates subsection (1)(a) is also subject to the insurance fraud protection provisions of Title 33, chapter 1, part 12."

**Insert:** "Section 2. Section 33-18-221, MCA, is amended to read:

**"33-18-221. Designation of specific repair shops and discrimination against insured customers prohibited -- lists allowed.** (1) An insurance company, including its producers and adjusters, that issues or renews a policy of insurance in this state covering, in whole or part, a motor vehicle may not:

(a) require that a person insured under the policy use a particular company or location for providing automobile glass replacement, glass repair services, or glass products insured in whole or part by the policy; or

(b) engage in any act or practice of intimidation, coercion, or threat for or against an insured person to use a particular company or location to provide automobile glass replacement, glass repair services, or glass products insured, in whole or in part, under the terms of an insurance policy.

(2) (a) An insurance company may provide an insured with a list that includes the names of particular companies or locations providing automobile glass replacement, glass repair services, or glass products if some of the listed companies or locations are reasonably close and convenient to the insured. The insurance company may restrict the list to those companies or locations that meet reasonable standards of quality, service, and safety.

(b) The insured may use a nonlisted company or location at the insured's sole discretion, and subject to the provisions of subsections (2)(c) and (3), the insurance company will fully and promptly pay for the cost of automobile glass replacement, glass repair services, or glass products provided, less any deductible under the terms of the policy.

(c) If the insured does not use a list as provided in subsection (2)(a), the insurer may require the insured to obtain not more than three competitive bids to establish the cost of automobile glass replacement, glass repair services, or glass products provided.

(3) This section does not require an insurer to pay more for automobile glass replacement, glass repair services, or glass products than the lowest prevailing market price as defined in 33-18-222.

(4) Notwithstanding the provisions of subsections (1) through (3), an insurance company may agree to pay the full cost of glass replacement or repair.

~~(5) It is unlawful for a company or location that provides automobile glass replacement services to charge or agree to charge an insured customer more than an uninsured customer for any automobile glass replacement service."~~

**Insert:** "Section 3. Section 33-18-222, MCA, is amended to read:

**"33-18-222. Prevailing Lowest prevailing market price.** For purposes of 33-18-221, and 33-18-223, and 33-18-224, "prevailing market price" "lowest prevailing market price" means the lowest competitive and generally accepted market price in a local area. The prevailing market price may not be less than cost as provided in 30-14-209."

**Insert:** "Section 4. Section 33-18-223, MCA, is amended to read:

**"33-18-223. Prohibited activities -- glass broker defined.** (1) It is unlawful for an insurance company, individually or with others, to directly or indirectly:

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(a) establish an agreement with any person to act as a glass broker for the insurance company under which the glass broker sets a price that must be met by a glass repair shop as a condition for doing glass replacement or glass repair work for the insurance company;

(b) establish an agreement with a glass broker that requires a glass repair shop to bill through that glass broker as a condition of doing glass replacement or glass repair work; ~~or~~

(c) establish a price that must be met by a glass repair shop as a condition for doing glass replacement or glass repair work that is below the prevailing market price as provided in 33-18-222;

~~(d) establish an agreement for the processing of claims or bills with a glass broker or with an entity that has a financial interest in an entity in this state that installs or provides glass for installation; or~~

~~(e) share information obtained through the processing of glass replacement or glass repair bills with an entity that is involved directly or indirectly in any aspect of the glass manufacturing, replacement, or repair business.~~

(2) As used in this section, "glass broker" means an automobile glass company that acts as a third-party agent for the insurer whenever the glass broker enters into agreements with other automobile glass dealers to perform glass replacement or glass repair work ~~or that installs or manufactures glass or provides glass for installation.~~""

**Insert: "Section 5.** Section 33-18-224, MCA, is amended to read:

**"33-18-224. Designation of specific automobile body repair shops prohibited ~~---certain requirements~~ ~~---allowances.~~** (1) An insurance company, including its ~~employees~~ producers and adjusters, that issues or renews a policy of insurance in this state covering, in whole or in part, a motor vehicle may not:

(a) ~~require or encourage that~~ a person insured ~~or a claimant~~ under the policy ~~to~~ use a particular automobile body repair business or location; ~~or~~

(b) engage in any act or practice that intimidates, coerces, or threatens an insured person ~~or a claimant~~ or that provides an incentive or inducement for an insured person ~~or a claimant~~ to use a particular automobile body repair business or location;

~~(c) except as provided in subsection (2):~~

~~(i) suggest the use of a particular automobile repair business or location;~~

~~(ii) mention or provide the name of a particular automobile repair business or location;~~

~~(iii) direct an insured or claimant to an automobile repair business or location or entity in Montana that engages in or has a financial interest in the processing of a claim or bill unless the business or location has been selected by the insured or claimant; or~~

~~(iv) share information obtained through the processing of an automobile repair bill with an entity that is involved directly or indirectly in any aspect of the automobile repair business; or~~

~~(d) suggest or direct its appointed producers to suggest, mention, provide the name of, or encourage the use of a particular automobile repair business or location to an insured person or a claimant.~~

~~(2) (a) Subsections (1)(a), (1)(b), and (1)(c)(iii) apply to all insurance producers; and~~

~~(b) subsections (1)(c)(i) and (1)(c)(ii) apply only to insurance producers that:~~

~~(i) write automobile insurance for primarily one insurer; or~~

~~(ii) are contractually obligated to use one automobile insurer before using other insurers.~~

~~(3)(2) An insurer may~~ For the purposes of this section, an incentive or inducement does not include:

(a) ~~provide~~ providing an insured person or a claimant customer with a list of all established automobile body repair businesses or locations reasonably close to the insured person or claimant customer that offer a warranty for the automobile body repair services provided by the businesses or locations; ~~or~~

(b) ~~provide~~ providing an insured person or a claimant customer with a list of particular automobile repair businesses or locations that are reasonably close to the insured person or claimant that meet body repair shops meeting reasonable standards of quality, service, and safety when the list is requested by the insured person or customer; or

(c) referring to a warranty issued by an automobile body repair business or location.

~~(4) If an insurer elects to provide an insured person or a claimant with the list described in subsection (3)(b), the insurer shall:~~

~~(a) upon the request of any automobile repair business or location, make available the reasonable standards~~

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of quality, service, and safety that are to be met by automobile repair businesses or locations in order to be placed on the list. The standards may not exclude a business or location from being on the list solely on the basis of the size or location of the automobile repair business, the number of persons employed in the business, or pricing other than what is fair or reasonable in the market area of the automobile repair business or location.

~~\_\_\_\_\_ (b) include on the list any automobile repair business or location that meets the standards and indicates in writing to the insurer that the business or location desires to be placed on the list.~~

~~\_\_\_\_\_ (5) In the event of any dispute, the business or location may submit a complaint to the commissioner for a determination in accordance with the provisions of Title 33, chapter 1, part 7.~~

~~\_\_\_\_\_ (6) In distributing the list provided for in subsection (3) to an insured or a claimant or in any discussion of the list with an insured or a claimant, an insurer may not express a preference or mention an advantage or inducement for the insured or the claimant to use a particular automobile repair facility or location on the list.~~

~~(7)(3) The insured may use a business or location at the insured's or claimant's sole discretion. The, and the insurance company shall pay for the reasonable and necessary cost of the automobile body repair services for covered damages, less any deductible under the terms of the policy. This section does not require an insurer to pay more for automobile body repair services than the lowest prevailing market price, as defined in 33-18-222. An insurer shall inform the insured person or claimant of the insured person's or claimant's rights under this subsection.~~

~~(8)(4) If the insured person or claimant uses an automobile body repair business or location not on a list provided under subsection (3)(a) or (3)(b) (2)(a) or (2)(b), the insurance company may not be held liable for any repair work performed by the automobile body repair business or location that the insured person chooses to use.~~

~~(9)(5) It is unlawful for an automobile body repair business or location to charge or agree to charge an insured customer more than an uninsured customer for any automobile body repair service.~~

~~(10)(6) An insurance company that contracts with an independent adjuster may not be held liable for the independent adjuster's failure to comply with the terms of this section unless the independent adjuster is clearly acting at the direction of the insurance company.~~

~~(11)(7) For purposes of this section, "automobile body repair business or location" does not include a business or location that exclusively provides automobile glass replacement, glass repair services, or glass products."~~

**Insert:** "Section 6. Section 33-18-1006, MCA, is amended to read:

**"33-18-1006. Desist orders for prohibited practices -- court injunctions.** (1) Violations of 33-18-221 through 33-18-224 33-18-223 are subject to cease and desist orders of the commissioner issued under 33-18-1004.

~~(2) The commissioner, the attorney general, or a county attorney of the county where a violation of 33-18-221 through 33-18-224 is alleged may bring an action to enjoin any further violation of 33-18-221 through 33-18-224 in the first judicial district or in the county where the violation is alleged to have occurred."~~

**Renumber:** subsequent sections

4. Page 5, line 16.

**Strike:** "January 1, 2000"

**Insert:** "October 1, 1999"

And, as amended, do pass. Report adopted.

**SB 480**, do pass. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Glaser, Chairman):

2/19/2001

**SB 457**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Mahlum, Chairman):

2/19/2001

**SB 359**, introduced bill, be amended as follows:

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1. Page 1, line 15.

**Following:** "district."

**Insert:** "The agreement may specify the duration of the district, which may not exceed 10 years."

2. Page 1, line 19.

**Strike:** "The"

**Insert:** "By the end of the period specified in the agreement, the"

3. Page 1, line 20.

**Strike:** "fifth"

**Strike:** "of the district"

**Insert:** "that the property is annexed"

4. Page 1, lines 20 and 21.

**Strike:** "fifth year of the district's existence"

**Insert:** "period specified in the agreement"

And, as amended, do pass. Report adopted.

**SB 407**, do pass. Report adopted.

**SB 433**, introduced bill, be amended as follows:

1. Title, line 9.

**Strike:** "SECTION"

**Insert:** "SECTIONS 17-3-212 AND"

2. Page 1, line 12.

**Insert:** "**Section 1.** Section 17-3-212, MCA, is amended to read:

**"17-3-212. Apportionment of forest reserve funds among counties.** (1) The forest reserve funds and earned interest are statutorily appropriated, as provided in 17-7-502, from the federal special revenue fund to the state auditor. The state auditor shall apportion all forest reserve funds and earned interest for allocation among the counties in which the forest reserve is situated ~~in proportion to the acreage of the forest reserve in each county~~ based upon federal law.

(2) The state treasurer shall pay the apportioned amounts plus interest, as provided in 17-3-211, to the respective counties.""

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 470**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "76-2-112,"

2. Page 4, line 8.

**Strike:** "76-2-112,"

And, as amended, do pass. Report adopted.

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**SB 479**, introduced bill, be amended as follows:

1. Page 7, lines 24 and 25.

**Strike:** ":" on line 24 through "(i)" on line 25

2. Page 7, lines 26 and 27.

**Strike:** "; or" on line 26 through "parcel" on line 27

3. Page 12, line 23.

**Following:** ","

**Insert:** "by January 1, 2003,"

**Strike:** "develop"

**Insert:** "have developed"

**Strike:** "publish"

**Insert:** "published"

And, as amended, do pass. Report adopted.

**SB 482**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence:

2/17/2001

**HB 442**, introduced by Jayne

**HB 469**, introduced by Rice

**HB 489**, introduced by Price

**HB 490**, introduced by Price

**HB 505**, introduced by Dell

House bills passed and transmitted to the Senate for concurrence:

2/19/2001

**HB 332**, introduced by Dale

**HB 334**, introduced by Lenhart

**HB 548**, introduced by Jayne

House joint resolutions passed and transmitted to the Senate for concurrence:

2/19/2001

**HJR 6**, introduced by Waddill

**HJR 16**, introduced by Haines

**HJR 17**, introduced by Newman

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 8:30 a.m., Tuesday 20, 2001. Motion carried.

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Senate adjourned at 6:53 p.m.

ROSANA SKELTON  
Secretary of the Senate

TOM BECK  
President of the Senate