

**SENATE JOURNAL
57TH LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana
February 21, 2001

Senate Chambers
State Capitol

Senate convened at 8:30 a.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Kitzenberg, Stonington and Taylor, excused. Quorum present.

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

Miller, Chairman

Senator Taylor present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 2/21/2001
Correctly printed: SB 110, SB 151, SB 218, SB 319, SB 327, SB 333, SB 354, SB 355, SB 362, SB 369, SB 376, SB 387, SB 393, SB 396, SB 405, SB 420, SB 421, SB 424, SB 426, SB 431, SB 442, SB 449, SB 450, SB 454, SB 457, SB 473, SB 480, SB 491, SB 492, SJR 12, SJR 18.
Correctly engrossed: SB 176, SB 286, SB 322, SB 326, SB 377, SB 381, SB 402, SB 430, SB 437, SB 448, SB 465.

BUSINESS AND LABOR (Taylor, Chairman): 2/20/2001
SB 402, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "DEFINING A "RESPONSIBLE BIDDER""

Insert: "REQUIRING THAT CERTAIN CONTRACTORS AND SUBCONTRACTORS"

2. Title, line 6.

Strike: "AS A BIDDING ENTITY THAT HAS"

Insert: "HAVE"

3. Title, lines 7 and 8.

Strike: "BIDDER" on line 7

Insert: "CONTRACTOR"

Following: "AMENDING" on line 7

Strike: remainder of line 7 through "18-1-101, AND" on line 8

Insert: "SECTION"

4. Page 1, line 12 through page 3, line 23.

Strike: sections 1 through 4 in their entirety

Renumber: subsequent sections

5. Page 3, line 26.

Following: "rate"

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Insert: "and health care provisions"

Following: "."

Insert: "(1)"

6. Page 3, line 28.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsection

7. Page 3, line 29.

Strike: "and"

8. Page 3, line 30 through page 4, line 1.

Strike: "the" on page 3, line 30 through "employees" on page 4, line 1

Insert: "that a general contractor providing construction services and having more than three employees at the time that the general contractor submits a bid on the public works project, as evidenced by the most recent department of revenue quarterly tax reports pertaining to the general contractor, shall provide health insurance or contributions toward health insurance for employees of the general contractor working on the public works project; and

(c) requiring that a subcontractor, employed by the general contractor described in subsection (1)(b), providing construction services and having more than three employees at the time that the general contractor submits a bid on the public works project, as evidenced by the most recent department of revenue quarterly tax reports pertaining to the subcontractor, shall provide health insurance or contributions toward health insurance for employees of the subcontractor working on the public works project.

(2) (a) A general contractor described in subsection (1)(b) shall ensure compliance by any subcontractors of the general contractor that are subject to the provisions of subsection (1)(c).

(b) A general contractor may withhold payment to a subcontractor that is violating the provisions of subsection (1)(c) for as long as the subcontractor violates the provisions of subsection (1)(c).

(3) An employee's sole cause of action for a violation of subsection (1)(b) or (1)(c) is against the general contractor or subcontractor who employs the employee, and a violation of subsection (1)(b) or (1)(c) does not create a right to delay the public works project on which the employee is working"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/20/2001

HB 66, introduced by Harris

HB 143, introduced by Somerville

HB 239, introduced by B. Thomas

HB 254, introduced by Davies

HB 290, introduced by Waddill

HB 315, introduced by Gallik

HB 424, introduced by K. Peterson

HB 434, introduced by Schrupf

MOTIONS

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

SB 118 - Senator Harrington moved that **SB 118** be taken from the table in the committee on Business and Labor, printed and placed on second reading the next legislative day. Motion **failed** as follows:

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

Total 23

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

Total 25

Absent or not voting: None.

Total 0

Excused: Kitzenberg, Stonington.

Total 2

SB 86 - Senator Holden moved that **SB 86** be taken from the table in the committee on Business and Labor, printed and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Berry, Bohlinger, Butcher, Cobb, Cocchiarella, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Grimes, Halligan, Hargrove, Holden, Jergeson, Miller, Mohl, Nelson, Stapleton, Tester, Toole, Wells, Zook.

Total 24

Nays: Bishop, Christiaens, Cole, Crismore, Franklin, Glaser, Grosfield, Harrington, Johnson, Keenan, Mahlum, McCarthy, McNutt, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Tash, Taylor, Thomas, Waterman, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: Kitzenberg, Stonington.

Total 2

SB 332 - Senator Waterman moved that **SB 332** be taken from the table in the committee on Finance, printed and placed on second reading the next legislative day. Motion **failed** as follows:

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

Total 20

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

Total 28

Absent or not voting: None.

Total 0

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Excused: Kitzenberg, Stonington.
Total 2

SB 73 - Senator DePratu moved that **SB 73** be taken from the table in the committee on Taxation, printed and placed on third reading the next legislative day. Motion **passed** as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Wells, Zook, Mr. President.
Total 43

Nays: Doherty, Jergeson, Nelson, O'Neil, Waterman.
Total 5

Absent or not voting: None.
Total 0

Excused: Kitzenberg, Stonington.
Total 2

SB 475 - Senator Doherty moved that **SB 475** be taken from the table in the committee on Energy and Telecommunications, printed and placed on second reading the next legislative day. Motion **passed** as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Keenan, Mahlum, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stapleton, Tash, Tester, Thomas, Toole, Waterman, Mr. President.
Total 34

Nays: Cobb, Crismore, Ellis, Glaser, Grimes, Johnson, McNutt, Mohl, O'Neil, Taylor, Wells, Zook.
Total 12

Absent or not voting: Miller, Sprague.
Total 2

Excused: Kitzenberg, Stonington.
Total 2

SB 491 - Senator Thomas moved that the rules of the Senate be suspended to allow the late introduction of additional sponsors to **SB 491**. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Total 0

Absent or not voting: Keenan.

Total 1

Excused: Kitzenberg, Stonington.

Total 2

SB 491 - Senator Thomas moved that Senators Beck, Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Glaser, Grosfield, Halligan, Hargrove, Johnson, Mahlum, McNutt, O'Neil, Ryan, Sprague, Tash, Tester, F. Thomas, Toole, Wells, Representatives Branae, Buzzas, Carney, Clancy, Dell, Eggers, Fisher, Fritz-Rice, Fuchs, Gallik, Haines, Gallus, Galvin-Halcro, Gillan, Harris, Hurdle, Jent, Keane, Laslovich, Lee, Lenhart, Matthews, McCann, Mood, Musgrove, A. Peterson, K. Peterson, Ripley, Rome, Schmidt, Smith, Steinbeisser, B. Thomas and Wanzenried be added as sponsors to **SB 491**. Motion carried .

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

Session 1

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

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

SB 176 - Senator Grosfield moved SB 176, second reading copy, be amended as follows :

1. Page 34, line 27.

Following: "INSTRUCTION."

Insert: "(1) If House Bill No. 124 is not passed and approved, then [sections 1 through 51, 53, 55 through 61, and 63 of this act] are void and [section 52 of this act] is amended to read:

"NEW SECTION. Section 52. Repealer. Section 3-5-404, MCA, is repealed."(2)"

Amendment **adopted** unanimously.

SB 176 - Senator McNutt moved SB 176, as amended, do pass. Motion carried as follows:

Yeas: Berry, Christiaens, Crismore, DePratu, Doherty, Ekegren, Ellingson, Ellis, Franklin, Grosfield, Halligan, Harrington, Jergeson, Mahlum, McCarthy, McNutt, Nelson, Pease, Ryan, Shea, Sprague, Tash, Toole, Waterman.

Total 24

Nays: Bishop, Bohlinger, Cobb, Cocchiarella, Cole, Elliott, Glaser, Hargrove, Holden, Johnson, Keenan, Miller, Mohl, O'Neil, Roush, Stapleton, Thomas, Wells, Zook, Mr. President.

Total 20

Absent or not voting: None.

Total 0

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Excused: Butcher, Grimes, Kitzenberg, Stonington, Taylor, Tester.
Total 6

SB 17 - Senator O'Neil moved SB 17 do pass. Motion **failed** as follows:

Yeas: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Glaser, Holden, Johnson, Keenan, Miller, Mohl, O'Neil, Stapleton, Taylor, Wells.
Total 16

Nays: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Ellis, Franklin, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Mahlum, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: Ekegren, Grimes, Kitzenberg, Stonington.
Total 4

SB 17 - Senator Halligan moved that SB 17 be **indefinitely postponed**. Motion carried as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, Doherty, Ellingson, Elliott, Ellis, Franklin, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Tester, Thomas, Toole, Waterman.
Total 32

Nays: Berry, Bishop, Butcher, DePratu, Glaser, Holden, Keenan, Miller, Mohl, O'Neil, Taylor, Wells, Zook, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Ekegren, Grimes, Kitzenberg, Stonington.
Total 4

SB 110 - Senator Ellis moved consideration of SB 110 be placed below SB 338 on the second reading board. Motion carried.

SB 226 - Senator J. Wells moved SB 226 do pass. Motion carried unanimously.

SB 273 - Senator Stapleton moved SB 273 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Elliott, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Miller, Mohl, Pease, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Toole, Wells, Mr. President.
Total 37

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Nays: Christiaens, Ellingson, Keenan, Nelson, O'Neil, Roush, Stonington, Tester, Waterman.
Total 9

Absent or not voting: None.
Total 0

Excused: Ekegren, Grimes, Kitzenberg, Zook.
Total 4

SB 278 - Senator Berry moved SB 278 do pass. Motion **failed** as follows:

Yeas: Berry, Cobb, Cocchiarella, Crismore, DePratu, Ellis, Glaser, Grimes, Grosfield, Keenan, Mahlum, Miller, Mohl, O'Neil, Stapleton, Tash, Taylor, Thomas, Wells, Zook.
Total 20

Nays: Bishop, Bohlinger, Butcher, Christiaens, Cole, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tester, Toole, Waterman, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: Ekegren, Kitzenberg.
Total 2

SB 278 - Senator Thomas moved that SB 278 be **indefinitely postponed**. Motion carried as follows:

Yeas: Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Ellingson, Elliott, Grimes, Grosfield, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Taylor, Tester, Toole, Waterman, Zook, Mr. President.
Total 35

Nays: Berry, Cobb, DePratu, Ellis, Glaser, Mahlum, Miller, O'Neil, Tash, Thomas, Wells.
Total 11

Absent or not voting: Franklin, Halligan.
Total 2

Excused: Ekegren, Kitzenberg.
Total 2

SB 322 - Senator Shea moved SB 322, second reading copy, be amended as follows :

1. Title, line 9.
Strike: "SINCE"
Insert: "ON OR AFTER"

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Amendment **adopted** unanimously.

SB 322 - Senator Shea moved SB 322, as amended, do pass. Motion carried with Senators Cobb and K. Miller voting nay.

SB 326 - Senator Taylor moved SB 326, second reading copy, be amended as follows :

1. Title, page 2, line 3.

Following: "PROPERTY;"

Insert: "REQUIRING A SELLER AGENT TO DISCLOSE TO THE BUYER OR BUYER AGENT AND A SELLER TO DISCLOSE TO THE SELLER AGENT THE PRESENCE OF NOXIOUS WEEDS ON PARCELS OF LAND 1 ACRE OR LARGER IN SIZE;"

2. Title, page 2, line 7.

Following: "37-51-313;"

Insert: "37-51-313,"

3. Page 27, line 13.

Insert: "**Section 18.** Section 37-51-313, MCA, is amended to read:

"37-51-313. Duties, duration, and termination of relationship between broker or salesperson and buyer or seller. (1) The provisions of this chapter and the duties described in this section govern the relationships between brokers or salespersons and buyers or sellers and are intended to replace the duties of agents as provided elsewhere in state law and replace the common law as applied to these relationships. The terms "buyer agent", "dual agent" and "seller agent", as used in this chapter, are defined in 37-51-102 and are not related to the term "agent" as used elsewhere in state law. The duties of a broker or salesperson vary depending upon the relationship with a party to a real estate transaction and are as provided in this section.

(2) A seller agent is obligated to the seller to:

(a) act solely in the best interests of the seller;
(b) obey promptly and efficiently all lawful instructions of the seller;
(c) disclose all relevant and material information that concerns the real estate transaction and that is known to the seller agent and not known or discoverable by the seller, unless the information is subject to confidentiality arising from a prior or existing agency relationship on the part of the seller agent;

(d) safeguard the seller's confidences;

(e) exercise reasonable care, skill, and diligence in pursuing the seller's objectives and in complying with the terms established in the listing agreement;

(f) fully account to the seller for any funds or property of the seller that comes into the seller agent's possession; and

(g) comply with all applicable federal and state laws, rules, and regulations.

(3) A seller agent is obligated to the buyer to:

(a) disclose to a buyer or the buyer agent any adverse material facts that concern the property and that are known to the seller agent, including on parcels of land 1 acre or larger in size the presence of plant species that are designated as noxious weeds, as defined in 7-22-2101(8)(a), except that the seller agent is not required to inspect the property or verify any statements made by the seller;

(b) disclose to a buyer or the buyer agent when the seller agent has no personal knowledge of the veracity of information regarding adverse material facts that concern the property;

(c) act in good faith with a buyer and a buyer agent; and

(d) comply with all applicable federal and state laws, rules, and regulations.

(4) A buyer agent is obligated to the buyer to:

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

- (a) act solely in the best interests of the buyer;
- (b) obey promptly and efficiently all lawful instructions of the buyer;
- (c) disclose all relevant and material information that concerns the real estate transaction and that is known to the buyer agent and not known or discoverable by the buyer, unless the information is subject to confidentiality arising from a prior or existing agency relationship on the part of the buyer agent;
- (d) safeguard the buyer's confidences;
- (e) exercise reasonable care, skill, and diligence in pursuing the buyer's objectives and in complying with the terms established in the buyer broker agreement;
- (f) fully account to the buyer for any funds or property of the buyer that comes into the buyer agent's possession; and
- (g) comply with all applicable federal and state laws, rules, and regulations.

(5) A buyer agent is obligated to the seller to:

- (a) disclose any adverse material facts that are known to the buyer agent and that concern the ability of the buyer to perform on any purchase offer;
- (b) disclose to the seller or the seller agent when the buyer agent has no personal knowledge of the veracity of information regarding adverse material facts that concern the property;
- (c) act in good faith with a seller and a seller agent; and
- (d) comply with all applicable federal and state laws, rules, and regulations.

(6) A seller is obligated to the seller agent to disclose the presence of plant species that are designated as noxious weeds, as defined in 7-22-2101(8)(a), on parcels of land 1 acre or larger in size if the presence of noxious weeds on the property is known to the seller.

~~(6)~~(7) A statutory broker is not the agent of the buyer or seller but nevertheless is obligated to them to:

- (a) disclose to:
 - (i) a buyer or a buyer agent any adverse material facts that concern the property and that are known to the statutory broker, except that the statutory broker is not required to inspect the property or verify any statements made by the seller;
 - (ii) a seller or a seller agent any adverse material facts that are known to the statutory broker and that concern the ability of the buyer to perform on any purchase offer;
- (b) exercise reasonable care, skill, and diligence in putting together a real estate transaction; and
- (c) comply with all applicable federal and state laws, rules, and regulations.

~~(7)~~(8) A dual agent is obligated to a seller in the same manner as a seller agent and is obligated to a buyer in the same manner as a buyer agent under this section, except as follows:

- (a) a dual agent has a duty to disclose to a buyer or seller any adverse material facts that are known to the dual agent, regardless of any confidentiality considerations; and
- (b) a dual agent may not disclose the following information without the written consent of the person to whom the information is confidential:
 - (i) the fact that the buyer is willing to pay more than the offered purchase price;
 - (ii) the fact that the seller is willing to accept less than the purchase price that the seller is asking for the property;
 - (iii) factors motivating either party to buy or sell; and
 - (iv) any information that a party indicates in writing to the dual agent is to be kept confidential.

~~(8)~~(9) (a) The agency relationship of a buyer agent, seller agent, or dual agent continues until the earliest of the following dates:

- (i) completion of performance by the agent;
 - (ii) the expiration date agreed to in the listing agreement or buyer broker agreement; or
 - (iii) the occurrence of any authorized termination of the listing agreement or buyer broker agreement.
- (b) A statutory broker's relationship continues until the completion, termination, or abandonment of the real estate transaction giving rise to the relationship.

~~(9)~~(10) Upon termination of an agency relationship, a broker or salesperson does not have any further duties

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

to the principal, except as follows:

- (a) to account for all money and property of the principal;
- (b) to keep confidential all information received during the course of the agency relationship that was made confidential at the principal's direction, except for:
 - (i) subsequent conduct by the principal that authorizes disclosure;
 - (ii) disclosure required by law or to prevent the commission of a crime;
 - (iii) the information being disclosed by someone other than the broker or salesperson; and
 - (iv) the disclosure of the information being reasonably necessary to defend the conduct of the broker or salesperson, including employees, independent contractors, and subagents.

~~(10)~~(11) Consistent with the licensee's duties as a buyer agent, a seller agent, a dual agent, or a statutory broker, a licensee shall endeavor to ascertain all pertinent facts concerning each property in any transaction in which the licensee acts so that the licensee may fulfill the obligation to avoid error, exaggeration, misrepresentation, or concealment of pertinent facts.""

Renumber: subsequent sections

Amendment **adopted** unanimously.

Senator Christiaens assumed the chair.

SB 326 - Senator Taylor moved SB 326, as amended, do pass. Motion carried unanimously.

Senator Jergeson reassumed the chair.

SB 338 - Senator Berry moved SB 338 do pass. Motion carried as follows:

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

Total 36

Nays: Butcher, Cobb, DePratu, Glaser, Holden, Johnson, Keenan, Miller, O'Neil, Taylor, Tester, Thomas, Wells.

Total 13

Absent or not voting: None.

Total 0

Excused: Kitzenberg.

Total 1

SB 110 - Senator Ellis moved SB 110, second reading copy, be amended as follows :

1. Title, page 1, line 5.

Following: "ELECTION"

Strike: ", "

Insert: "AND"

2. Title, page 1, line 6.

Following: "ELECTION"

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Strike: ", AND"

Insert: "DATE IN YEARS IN WHICH A STATE PRIMARY ELECTION IS HELD; ESTABLISHING THE TUESDAY BEFORE MEMORIAL DAY IN MAY AS THE"

3. Title, page 1, line 7.

Following: "OF"

Insert: "CERTAIN"

4. Title, page 1, lines 11 and 12.

Strike: "20-6-203," on line 11 through "20-9-422," on line 12

5. Title, page 1, lines 13 through 16.

Following: "MCA;"

Strike: remainder of line 13 through "MCA;" on line 16

6. Title, page 1, line 16.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

7. Page 11, line 10.

Following: "day"

Strike: remainder of line 10 through "May"

Following: " ."

Insert: "In years in which a state primary is not held, the regular school election day is the first Tuesday after the first Monday in May. In years in which a state primary is held, the regular school election day is the first Tuesday before Memorial day in May."

8. Page 11, line 17.

Following: "(2)"

Insert: "(a)"

9. Page 11, line 19.

Following: "election."

Strike: "The"

Insert: "(b) In years in which a state primary election is not held, the"

10. Page 11, line 20.

Strike: "75"

Insert: "40"

11. Page 11.

Following: line 22

Insert: "(c) In years in which a state primary election is held, the name of each person nominated for candidacy must be submitted to the clerk of the district not less than 75 days before the regular school election day at which the person is to be a candidate. If there are different terms to be filled, the term for which each candidate is nominated must also be indicated."

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

12. Page 11, line 27.

Following: "~~20-20-201~~"

Insert: "20-20-201 in years in which a state primary election is not held and under the provisions of"

Following: "13"

Insert: "in years in which a state primary election is held"

13. Page 12, line 18.

Following: "13"

Strike: "or"

Insert: ", "

Following: "~~20-20-416~~"

Insert: ", or 20-20-416"

14. Page 12, line 30 through page 13, line 1.

Following: "~~given~~" on page 12, line 30

Strike: line 30 through "13-1-304" on page 13, line 1

Insert: "election may be canceled by the appropriate election administrator. The election administrator"

15. Page 13, line 2.

Following: "election"

Insert: "in years in which a state primary election is held and no later than 25 days before the election in years in which a state primary election is not held"

16. Page 13, line 10.

Following: "than"

Strike: "the" through "June"

Insert: "14 days after the election is held"

17. Page 14, line 4.

Following: "(4)"

Insert: "(a)"

Following: "the"

Insert: "general fund levy and trustee"

18. Page 14, line 5.

Following: "title"

Insert: "in years in which a state primary is held;"

(b) call, conduct, and certify all elections other than the elections prescribed in subsection (4)(a) pursuant to the provisions of this title"

19. Page 16, line 2 through page 24, line 30.

Strike: section 18 through 24 in their entirety

Renumber: subsequent sections

20. Page 29, line 5.

Following: "~~district~~"

Insert: "district or"

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

21. Page 29, line 12.

Following: "The first"

Insert: "first"

Strike: "before Memorial day in"

Insert: "after the first Monday of"

22. Page 29, line 13.

Following: "day"

Insert: "in years in which a state primary election is not held"

Following: "."

Insert: "The first Tuesday before Memorial Day in May is the regular school election day in years in which a state primary election is held."

23. Page 29, line 24.

Strike: "any school election"

Insert: "the general fund levy and trustee elections in years in which a state primary election is held and at least 40 days before all other elections"

24. Page 30, line 10.

Following: "election"

Insert: "for the general fund levy and trustee elections in years in which a state primary election is held and no later than 35 days before the election in all other cases"

25. Page 30, line 17.

Following: "(1)"

Insert: "The trustees are the general supervisors of school elections except for the general fund levy and trustee elections in years in which a state primary election is held.

(2)"

Renumber: subsequent subsection

26. Page 30, line 28 through line 30.

Strike: section 35 in its entirety

27. Page 31, lines 2 and 3.

Following: "effective"

Strike: remainder of line 2 through "approval" on line 3

Insert: "July 1, 2003,"

Strike: "2001" on line 3

Insert: "2003"

Amendment **adopted** unanimously.

Senator Kitzenberg present at this time.

SB 110 - Senator Ellis moved SB 110, as amended, do pass. Motion **failed** as follows:

Yeas: Bishop, Bohlinger, Butcher, Ellis, Grimes, Grosfield, Holden, Johnson, Kitzenberg, Mahlum, Miller, Mohl, O'Neil, Stapleton, Taylor, Thomas, Toole, Waterman, Wells, Mr. President.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Total 20

Nays: Berry, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Halligan, Hargrove, Harrington, Jergeson, Keenan, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Tester.

Total 29

Absent or not voting: Zook.

Total 1

Excused: None.

Total 0

SB 110 - Senator Thomas moved that SB 110 be **indefinitely postponed**. Motion carried as follows:

Yeas: Berry, Christiaens, Cobb, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Franklin, Glaser, Halligan, Hargrove, Harrington, Jergeson, Keenan, Kitzenberg, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Mr. President.

Total 31

Nays: Bishop, Bohlinger, Butcher, Ekegren, Ellis, Grimes, Grosfield, Holden, Johnson, Mahlum, Miller, O'Neil, Taylor, Thomas, Toole, Waterman, Wells.

Total 17

Absent or not voting: Cocchiarella, Zook.

Total 2

Excused: None.

Total 0

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 Jergeson moved the Committee of the Whole report be adopted. Report adopted with Senator Cobb voting nay.

REPORTS OF STANDING COMMITTEES

FINANCE (Keenan, Chairman):

2/21/2001

SB 96, do pass. Report adopted.

SB 231, do pass. Report adopted.

SB 293, do pass. Report adopted.

SB 381, introduced bill, be amended as follows:

1. Page 1, line 20.

Strike: "5-year"

Following: "document"

Insert: ", covering up to 5 years,"

2. Page 2, line 27.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Strike: "shall determine"

Insert: "may provide input on"

And, as amended, do pass. Report adopted with Senators Cocchiarella, Franklin, Shea and Waterman voting nay.

STATE ADMINISTRATION (Hargrove, Chairman):

2/21/2001

SJR 18, be adopted. Report adopted with Senator Cobb voting nay.

FIRST READING AND COMMITMENT OF BILLS

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

SB 493, introduced by F. Thomas, Beck, Berry, Bitney, Bookout-Reinicke, R. Brown, Cocchiarella, Dell, DePratu, Ellis, Facey, G. Forrester, Gillan, Golie, Grosfield, Halligan, Harris, Jacobson, Jent, Jergeson, R. Johnson, Kasten, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Masolo, McCarthy, McGee, McKenney, McNutt, D. Mood, Roush, Ryan, Shea, Sliter, Stapleton, Stonington, Story, Taylor, Wanzenried, Witt, C. Younkin, referred to Taxation.

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

HB 27, introduced by Musgrove, referred to Local Government.

HB 33, introduced by C. Younkin (by request of the Department of Natural Resources and Conservation), referred to Agriculture, Livestock and Irrigation.

HB 125, introduced by C. Younkin (by request of the Department of Environmental Quality), referred to Natural Resources.

HB 126, introduced by C. Younkin (by request of the Department of Environmental Quality), referred to Natural Resources.

HB 156, introduced by Matthews (by request of the Attorney General), referred to Business and Labor.

HB 159, introduced by Vick (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HB 167, introduced by Hedges, referred to Energy and Telecommunications.

HB 186, introduced by L. Holden, R. Holden, referred to Finance.

HB 201, introduced by Davies, Adams, Balyeat, Fuchs, Olson, Rice, Ripley, Waitschies, Walters, referred to Judiciary.

HB 219, introduced by McKenney, R. Brown, Sprague, C. Younkin, referred to Highways and Transportation.

HB 247, introduced by Lewis, Cocchiarella, Cole, Crismore, Ekegren, G. Forrester, Fuchs, Kitzenberg, Lindeen, Matthews, McNutt, D. Mood, Shea, Steinbeisser, Wanzenried, referred to Taxation.

HB 265, introduced by Facey, Mahlum, K. Peterson, referred to Education and Cultural Resources.

HB 281, introduced by Lindeen, Brueggeman, Cyr, Dell, Mangan, Ryan, Shockley, Stonington, referred to State Administration.

HB 292, introduced by Fuchs, referred to Fish and Game.

HB 294, introduced by Lewis, Beck, R. Brown, Callahan, Clancy, P. Clark, Cocchiarella, R. Erickson, Esp, Facey, G. Forrester, Gallik, Gallus, Galvin-Halcro, Gillan, Grimes, Halligan, Hargrove, Harrington, Jacobson, Jent, Keane, Keenan, Laslovich, Lenhart, Lindeen, Masolo, Matthews, McCarthy, McGee, McKenney, D. Mood, Newman, Raser, Ryan, Shea, Sliter, Stonington, B. Thomas, Toole, J. Tropila, Wanzenried, Waterman, C. Younkin, referred to State Administration.

HB 306, introduced by Balyeat, Adams, R. Brown, Brueggeman, Clancy, Facey, G. Forrester, Fuchs, Gallus, Golie, Jent, Keenan, Laszloffy, Lewis, Rome, Vick, Waitschies, Walters, J. Whitaker, referred to Fish and Game.

HB 320, introduced by Laible, referred to Natural Resources.

HB 321, introduced by Dee Brown, referred to Education and Cultural Resources.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

- HB 331**, introduced by Eggers, Callahan, Curtiss, Galvin-Halcro, Hurdle, Laszloffy, Lee, Newman, Schmidt, Smith, Stonington (by request of the Attorney General), referred to Judiciary.
- HB 346**, introduced by Schruppf, Barrett, R. Brown, E. Clark, Devlin, G. Forrester, Jacobson, Kasten, Kitzenberg, Laszloffy, Masolo, D. Mood, Pattison, referred to Agriculture, Livestock and Irrigation.
- HB 351**, introduced by Olson, Bales, Barrett, Bookout-Reinicke, E. Clark, Cole, Devlin, G. Forrester, Price, Ripley, Tropila referred to Taxation.
- HB 358**, introduced by Bales, Barrett, Devlin, Hedges, R. Holden, Lenhart, Matthews, Olson, Steinbeisser, Zook, referred to Education and Cultural Resources.
- HB 359**, introduced by P. Clark, Eggers, Newman, referred to Judiciary.
- HB 363**, introduced by Wanzenried, DePratu, Doherty, Gallus, Matthews, McNutt, Roush, Waterman (by request of the Attorney General), referred to Highways and Transportation.
- HB 368**, introduced by Hedges, referred to Agriculture, Livestock and Irrigation.
- HB 379**, introduced by Galvin-Halcro, Bookout-Reinicke, Keane, Lawson, referred to Business and Labor.
- HB 387**, introduced by Hedges, referred to Agriculture, Livestock and Irrigation.
- HB 390**, introduced by Shockley, referred to Judiciary.
- HB 392**, introduced by Masolo, Barrett, Bookout-Reinicke, Gallus, Stonington, Toole, C. Younkin, referred to Highways and Transportation.
- HB 393**, introduced by Mangan, Bookout-Reinicke, Callahan, Christiaens, Newman, referred to Judiciary.
- HB 399**, introduced by McKenney, referred to Business and Labor.
- HB 402**, introduced by Mangan, Bohlinger, R. Johnson, referred to Judiciary.
- HB 405**, introduced by C. Younkin, Bishop, Christiaens, Crismore, Doherty, G. Forrester, Halligan, Hargrove, Harrington, Lenhart, Mahlum, Raser, Roush, Ryan, Stonington, Tash, referred to Judiciary.
- HB 408**, introduced by Schmidt, referred to Local Government.
- HB 411**, introduced by Harris, Carney, Dell, Eggers, Gutsche, Hurdle, Jacobson, Jayne, Keane, Laslovich, Lee, Lenhart, Raser, Schmidt, Wolery, referred to Public Health, Welfare and Safety.
- HB 412**, introduced by Wolery, Harris, referred to Taxation.
- HB 421**, introduced by Shockley, referred to Natural Resources.
- HB 430**, introduced by Clancy, referred to Highways and Transportation.
- HB 432**, introduced by Balyeat, Adams, Bales, Beck, Bohlinger, Bookout-Reinicke, Dee Brown, R. Brown, Brueggeman, Butcher, Carney, Clancy, P. Clark, Cobb, Curtiss, Dale, Davies, DePratu, Esp, Facey, G. Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Hedges, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Keenan, Laible, Laslovich, Lenhart, Lewis, Lindeen, Mahlum, Mangan, McKenney, McNutt, K. Miller, D. Mood, Newman, Olson, Pattison, K. Peterson, Price, Rice, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Stonington, F. Thomas, Toole, Vick, Waitschies, Walters, Wanzenried, J. Wells, J. Whitaker, Witt, Wolery, C. Younkin, referred to Highways and Transportation.
- HB 437**, introduced by Jacobson, Nelson, referred to Business and Labor.
- HB 443**, introduced by Clancy (by request of the Secretary of State), referred to State Administration.
- HB 444**, introduced by Somerville, Gallus, Halligan, Mahlum (by request of the Attorney General and the Governor), referred to Natural Resources.
- HB 458**, introduced by Barrett, Bales, Devlin, K. Peterson, referred to Public Health, Welfare and Safety.
- HB 462**, introduced by Witt, referred to Natural Resources.
- HB 463**, introduced by Lee, Buzzas, Callahan, Clancy, Cocchiarella, Doherty, Gallus, Grimes, Halligan, Kitzenberg, Laslovich, Mangan, Roush, Toole, referred to Business and Labor.
- HB 477**, introduced by Kasten, Beck, Cole, Crismore, G. Forrester, McGee, Sliter, Tash, Tester, F. Thomas, referred to Natural Resources.
- HB 493**, introduced by Fritz, referred to Business and Labor.
- HB 504**, introduced by Gallik, Price (by request of the State Auditor), referred to Business and Labor.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

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

HJR 9, introduced by Lindeen, referred to Public Health, Welfare and Safety.

HJR 13, introduced by Wolery, E. Clark, Devlin, Somerville, Witt, referred to Energy and Telecommunications.

HJR 14, introduced by Curtiss, Beck, DePratu, Doherty, Gallus, McCarthy, McGee, Tash, referred to Energy and Telecommunications.

HJR 15, introduced by Lawson, Lenhart, Matthews, referred to State Administration.

MOTIONS

Senator Thomas moved that the Senate stand in recess until the hour of 1:10 p.m. Motion carried.

Senate recessed at 12:10 p.m.

Senate reconvened at 1:13 p.m.

Roll Call. All members present. Quorum present.

**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 Jergeson in the chair.

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

SB 344 - Senator Cobb moved SB 344 do pass. Motion carried unanimously.

SB 348 - Senator Elliott moved SB 348 do pass. Motion carried unanimously.

SB 359 - Senator Halligan moved SB 359 do pass. Motion carried as follows:

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

Total 45

Nays: Holden, Mahlum, Mohl, O'Neil, Thomas.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Total 0

Senator Halligan excused at this time.

SB 367 - Senator DePratu moved SB 367 do pass. Motion carried as follows:

Yeas: Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harrington, Keenan, Mohl, Roush, Shea, Sprague, Stapleton, Taylor, Tester, Thomas, Zook, Mr. President.

Total 26

Nays: Berry, Bishop, Bohlinger, Christiaens, Ekegren, Franklin, Holden, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Ryan, Stonington, Tash, Toole, Waterman, Wells.

Total 23

Absent or not voting: None.

Total 0

Excused: Halligan.

Total 1

Senator Halligan present at this time.

SB 368 - Senator Shea moved SB 368 do pass. Motion carried unanimously.

SB 377 - Senator Grimes moved SB 377, second reading copy, be amended as follows :

1. Title, line 9.

Strike: "30"

Insert: "60"

Strike: "DECISION"

Insert: "FINAL AGENCY ACTION"

2. Page 2, line 24.

Strike: "substantial"

3. Page 7, line 2.

Strike: "30"

Insert: "60"

Amendment **adopted** unanimously.

SB 377 - Senator Cobb moved SB 377, second reading copy, be further amended as follows :

1. Page 2, line 13.

Strike: "only"

2. Page 2, line 14.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Following: "subsection (4)."

Insert: "After one extension, the agency may not extend the time limit unless the agency and the project sponsor mutually agree to the extension."

Amendment **adopted** with Senators Crismore and Grimes voting nay.

SB 377 - Senator Cobb moved SB 377, second reading copy, be further amended as follows :

1. Page 2, line 19 through line 20.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

2. Page 2, line 21.

Strike: "~~(8)(B)~~"

Insert: "(7)(b)"

3. Page 2, line 29.

Strike: "~~(8)(A)~~"

Insert: "(7)(a)"

Amendment **adopted** as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Glaser, Halligan, Harrington, Jergeson, Johnson, Keenan, Mahlum, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tester, Toole, Waterman.

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 377 - Senator Grimes moved SB 377, as amended, do pass. Motion carried as follows:

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

Total 30

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

Total 20

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senators Bohlinger and Ekegren excused at this time.

SB 384 - Senator Ryan moved SB 384 do pass. Motion carried as follows:

Yeas: Bishop, Christiaens, Cobb, Cocchiarella, Cole, Crismore, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 38

Nays: Berry, Butcher, DePratu, Johnson, Miller, Mohl, O'Neil, Sprague, Taylor, Wells.
Total 10

Absent or not voting: None.
Total 0

Excused: Bohlinger, Ekegren.
Total 2

SB 396 - Senator Grosfield moved consideration of SB 396 be placed below SB 432 on the second reading board. Motion carried.

Senator Doherty assumed the chair.

SB 400 - Senator Jergeson moved SB 400 do pass. Motion carried with Senators Johnson and Thomas voting nay.

SB 407 - Senator Berry moved SB 407 do pass. Motion carried unanimously.

SB 408 - Senator McCarthy moved SB 408 do pass. Motion carried unanimously.

Senator Jergeson reassumed the chair.

SB 420 - Senator Waterman moved SB 420 do pass. Motion carried unanimously.

SB 432 - Senator Taylor moved SB 432 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harrington, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Pease, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 36

Nays: Christiaens, Doherty, Ellingson, Elliott, Franklin, Halligan, Jergeson, Nelson, O'Neil, Ryan, Stonington, Tester,

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Toole, Waterman.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 396 - Senator Grosfield moved SB 396 do pass. Motion carried as follows:

Yeas: Berry, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Harrington, Holden, Johnson, Kitzenberg, Mahlum, McNutt, Mohl, Nelson, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.
Total 34

Nays: Bishop, Bohlinger, Christiaens, Doherty, Ellingson, Elliott, Franklin, Glaser, Halligan, Jergeson, Keenan, McCarthy, O'Neil, Pease, Toole.
Total 15

Absent or not voting: Miller.
Total 1

Excused: None.
Total 0

SB 433 - Senator Elliott moved SB 433 do pass. Motion carried unanimously.

SB 436 - Senator Ellis moved SB 436 do pass. Motion carried unanimously.

SB 437 - Senator Cole moved SB 437, second reading copy, be amended as follows :

1. Page 1, line 21.
Strike: "\$10,000"
Insert: "\$5,000"

2. Page 2, line 23.
Strike: "3,600"
Insert: "1,800"

3. Page 2, line 25.
Strike: "\$10,000"
Insert: "\$5,000"

Amendment **adopted** unanimously.

SB 437 - Senator Cole moved SB 437, as amended, do pass. Motion carried as follows:

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Yeas: Berry, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Jergeson, Keenan, Kitzenberg, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.

Total 37

Nays: Bishop, Christiaens, Doherty, Ellingson, Franklin, Halligan, Harrington, Johnson, Mahlum, Pease, Ryan, Shea, Toole.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Doherty assumed the chair.

SB 440 - Senator Christiaens moved SB 440 do pass. Motion carried unanimously.

SB 448 - Senator Christiaens moved SB 448, second reading copy, be amended as follows :

1. Title, line 16.

Following: "PROVIDING AN"

Insert: "IMMEDIATE"

2. Page 10, line 23.

Strike: "July 1, 2001"

Insert: "on passage and approval"

Amendment **adopted** unanimously.

Senator Jergeson reassumed the chair.

SB 448 - Senator Christiaens moved SB 448, as amended, do pass. Motion carried as follows:

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

Total 44

Nays: Franklin, Glaser, Holden, Miller, Stapleton, Wells.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Total 0

SB 450 - Senator Grimes moved SB 450 do pass. Motion carried unanimously.

SB 457 - Senator Ryan moved SB 457 do pass. Motion carried unanimously.

Senators Beck and Thomas excused at this time.

SB 467 - Senator Grimes moved SB 467 do pass. Motion carried as follows:

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

Total 30

Nays: Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Shea, Stonington, Tester, Toole.

Total 18

Absent or not voting: None.

Total 0

Excused: Thomas, Mr. President.

Total 2

Senators Beck and Thomas present at this time.

SB 470 - Senator Stonington moved SB 470, second reading copy, be amended as follows :

1. Title, line 4.

Strike: "ELIMINATING"

Insert: "REVISING"

2. Title, line 7.

Strike: "REPEALING SECTIONS"

Strike: "76-2-310" through the second "MCA;"

3. Page 4, lines 8 and 9.

Strike: section 5 in its entirety

Renumber: subsequent section

Amendment **not adopted** as follows:

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

Total 23

Nays: Berry, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Holden, Keenan,

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 26

Absent or not voting: Stapleton.
Total 1

Excused: None.
Total 0

SB 470 - Senator O'Neil moved SB 470 do pass. Motion carried as follows:

Yeas: Berry, Butcher, Cobb, Cole, Crismore, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Roush, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 27

Nays: Bishop, Bohlinger, Christiaens, Cocchiarella, DePratu, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Johnson, McCarthy, Nelson, Pease, Ryan, Shea, Sprague, Stonington, Tester, Toole, Waterman.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 474 - Senator J. Wells moved SB 474, second reading copy, be amended as follows :

1. Page 6, line 21.

Strike: "subsections (2)(c) and"

Insert: "subsection"

2. Page 6, line 24 through line 26.

Strike: subsection (c) in its entirety

3. Page 6, line 28.

Strike: "lowest"

4. Page 7, line 6.

Following: "**Prevailing**"

Strike: "**Lowest prevailing**"

Insert: "Prevailing"

5. Page 7, line 7.

Strike: "lowest"

Following: "means the"

Strike: "lowest"

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

6. Page 7, line 8.

Following: "accepted"

Strike: "market"

Following: "price"

Insert: "charged by a majority of vendors"

Amendment **not adopted** as follows:

Yeas: Butcher, Cobb, DePratu, Ekegren, Glaser, Keenan, Miller, Mohl, Taylor, Tester, Wells, Zook.

Total 12

Nays: Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Thomas, Toole, Waterman, Mr. President.

Total 38

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Doherty assumed the chair

SB 474 - Senator Grimes moved SB 474 do pass. Motion carried unanimously.

SB 479 - Senator Hargrove moved SB 479 do pass. Motion carried unanimously.

SB 480 - Senator Berry moved SB 480 do pass. Motion carried unanimously.

Senator Jergeson reassumed the chair.

SB 482 - Senator Ekegren moved SB 482, second reading copy, be amended as follows :

1. Page 4, line 29.

Following: "(7)(a)"

Insert: "and when injured in the course and scope of employment as a volunteer firefighter"

2. Page 4, line 30.

Strike: "\$5.15 an hour"

Insert: "the minimum wage established under Title 39, chapter 3, part 4,"

3. Page 5, line 1.

Strike: "In order to qualify under this subsection (7)(c), the"

Insert: "The"

4. Page 5, line 3.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Strike: "shall"

Insert: "may"

Following: "election"

Insert: "for benefits"

Strike: "Payrolls"

Insert: "If an election is made, payrolls"

Amendment **adopted** unanimously.

SB 482 - Senator Ekegren moved SB 482, as amended, do pass. Motion carried unanimously.

SB 487 - Senator Halligan moved SB 487 do pass. Motion carried unanimously.

SB 489 - Senator Grosfield moved SB 489 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, 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, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: Doherty, Ryan, Stapleton.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Jergeson moved the Committee of the Whole report be adopted. Senator Keenan made a **substitute motion** that **SB 176, SB 273, SB 322 and SB 338** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried.

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 19 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

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 117 passed as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, 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, Zook, Mr. President.
Total 47

Nays: Bishop, Cobb, Wells.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 131 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 138 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,

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

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 151 passed as follows:

Yeas: Berry, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellis, Glaser, Grimes, Grosfield, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Roush, Ryan, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 30

Nays: Bishop, Christiaens, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, McCarthy, Mohl, Nelson, O'Neil, Pease, Shea, Stonington, Tester, Toole, Waterman.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 196 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, 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 49

Nays: Keenan.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 218 passed as follows:

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 221 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harrington, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Toole, Wells, Zook, Mr. President.
Total 37

Nays: Christiaens, Cobb, Doherty, Ellingson, Elliott, Franklin, Halligan, Jergeson, Mohl, Ryan, Stonington, Tester, Waterman.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 286 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

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

SB 304 passed as follows:

Yeas: Berry, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, 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 47

Nays: Bishop, Butcher, Ellingson.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 319 passed as follows:

Yeas: Berry, Bohlinger, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 33

Nays: Bishop, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Mahlum, Pease, Ryan, Stonington, Tester, Toole, Waterman.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325 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, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: Toole.
Total 1

Absent or not voting: None.
Total 0

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Excused: None.
Total 0

SB 327 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 333 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 354 passed as follows:

Yeas: Berry, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 34

Nays: Bishop, Christiaens, Doherty, Ellingson, Franklin, Halligan, Harrington, Jergeson, Keenan, McCarthy, Pease, Ryan, Stonington, Tester, Toole, Waterman.
Total 16

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 355 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 362 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, 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, Zook, Mr. President.
Total 47

Nays: Crismore, Holden, Wells.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 369 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Toole, Wells, Zook, Mr. President.
Total 46

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Nays: Hargrove, Mohl, Tester, Waterman.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 375 passed as follows:

Yeas: Berry, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.
Total 39

Nays: Bishop, Bohlinger, Christiaens, Doherty, Ellingson, Franklin, McCarthy, Ryan, Stonington, Toole, Waterman.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 376 passed as follows:

Yeas: Berry, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.
Total 40

Nays: Bishop, Bohlinger, Christiaens, Doherty, Ellingson, Franklin, Halligan, Harrington, Jergeson, Toole.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 387 passed as follows:

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

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 389 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 393 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 421 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren,

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Ellingson, Elliott, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 49

Nays: Franklin.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 424 passed as follows:

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

Total 30

Nays: Bishop, Christiaens, Cobb, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Johnson, McCarthy, Nelson, Pease, Ryan, Stonington, Tester, Thomas, Toole, Waterman.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 430 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cole, Crismore, DePratu, Ellis, Glaser, Grimes, Grosfield, Johnson, Keenan, Miller, O'Neil, Pease, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook.

Total 27

Nays: Christiaens, Cocchiarella, Doherty, Ekegren, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Holden, Jergeson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Roush, Ryan, Stonington, Toole, Mr. President.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

SB 431 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, 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 48

Nays: Cobb, Crismore.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 443 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, 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, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: Cobb, Ryan.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 451 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

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Excused: None.
Total 0

SB 459 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 469 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, 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 49

Nays: Cobb.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 476 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

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 477 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 16 adopted as follows:

Yeas: Berry, 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 49

Nays: Bishop.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/21/2001

HB 261, introduced by Jent
HB 282, introduced by Laszloffy
HB 340, introduced by C. Younkin

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

HB 353, introduced by Fritz
HB 360, introduced by P. Clark
HB 374, introduced by Eggers
HB 377, introduced by Somerville
HB 378, introduced by Lee
HB 401, introduced by Lee
HB 403, introduced by Gillan
HB 409, introduced by A. Peterson
HB 419, introduced by Shockley
HB 439, introduced by Jacobson
HB 440, introduced by Jacobson
HB 451, introduced by Golie
HB 457, introduced by Haines
HB 461, introduced by Shockley
HB 472, introduced by Rome
HB 488, introduced by Wolery
HB 496, introduced by Jent
HB 498, introduced by Branae
HB 500, introduced by Wanzenried
HB 515, introduced by Lehman
HB 517, introduced by Mangan
HB 519, introduced by G. Forrester
HB 521, introduced by Newman
HB 523, introduced by J. Whitaker
HB 531, introduced by Waitschies
HB 542, introduced by Musgrove
HB 551, introduced by G. Forrester
HB 552, introduced by Shockley
HB 559, introduced by Noennig
HB 560, introduced by Noennig
HB 569, introduced by Esp
HB 599, introduced by Haines
HB 603, introduced by Shockley

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

2/21/2001

HJR 18, introduced by Lewis
HJR 21, introduced by Laible
HJR 24, introduced by Wanzenried
HJR 25, introduced by Haines
HJR 29, introduced by Carney
HJR 31, introduced by Schmidt

MOTIONS

SB 221 - Senator Tester moved that he be allowed to change his vote on **SB 221**, third reading this day, from yea to nay. Motion carried.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

SB 397 - Senator Grosfield moved that **SB 397** be taken from the committee on State Administration, printed and placed on second reading the forty-fourth legislative day, February 22, 2001. Motion carried as follows:

Yeas: Berry, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Harrington, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Waterman, Wells, Zook, Mr. President.

Total 35

Nays: Bishop, Bohlinger, Christiaens, Doherty, Ellingson, Elliott, Franklin, Glaser, Halligan, Jergeson, Pease, Ryan, Stonington, Tester, Toole.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 468 - Senator Doherty moved that **SB 468** be taken from the committee on Taxation and rereferred to the committee on State Administration. Motion **failed** as follows:

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

Total 22

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

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 354 - Senator Ellis moved that he be allowed to change his vote on **SB 354**, third reading this day, from nay to yea. Motion carried.

SB 176, SB 273, SB 322, SB 338 - Senator Keenan moved that **SB 176, SB 273, SB 322 and SB 338** be taken from second reading and rereferred to the committee on Finance. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 8:30 a.m., Thursday, February 22, 2001. Motion carried.

SENATE JOURNAL
FORTY-THIRD LEGISLATIVE DAY - FEBRUARY 21, 2001

Senate adjourned at 7:00 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate