

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

Helena, Montana
February 6, 2001

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Cobb, excused. Quorum present.

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

Miller, Chairman

Senator Cobb present at this time.

SPECIAL ORDERS OF THE DAY

Senators Bishop, Thomas, Doherty and Shea honored former President Ronald Reagan on his ninetieth birthday by reading a proclamation proclaiming February 6, 2001 as Ronald Reagan Day. The Proclamation reads as follows:

**Resolution to recognize February 6, 2001 as "Ronald Reagan Day"
in the State of Montana**

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California and President of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America; the second of which he was victorious in 49 of the 50 states in the general election, earning the confidence of 3/5 of the electorate - a record unsurpassed in the history of American presidential elections; and

WHEREAS, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, during Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world and prepared America's armed forces to win the Gulf War; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

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WHEREAS, on February 6, 2001, Ronald Reagan will have reached the age of ninety years, thus becoming both the oldest active and oldest former President in the history of our nation,

BE IT THEREFORE RESOLVED, that the 57th Legislative Assembly of the State of Montana hereby recognizes February 6, 2001 A.D. as "Ronald Reagan Day".

REPRESENTATIVE DAN MCGEE
Speaker of the House

SENATOR TOM BECK
President of the Senate

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 2/6/2001
Correctly printed: SB 17, SB 81, SB 248, SB 285, SB 290, SB 395, SB 396, SB 397, HB 22, HB 50, HB 93, HB 180, HB 195, HJR 8.
Correctly engrossed: SB 197, HB 40, HB 184.
Signed by the President at 2:00 p.m., February 5, 2001: SR 6, SR 8, SR 10.
Signed by the President at 2:30 a.m., February 5, 2001: SB 40.
Signed by the Secretary of Senate at 2:30 p.m., February 6, 2001: SB 40.

BUSINESS AND LABOR (Taylor, Chairman): 2/6/2001
SB 80, do pass. Report adopted.
SB 141, introduced bill, be amended as follows:

1. Page 1, line 14.
Following: "file"
Insert: "of the individual"

And, as amended, do pass. Report adopted.

SB 299, do pass. Report adopted.
HB 155, be concurred in. Report adopted.
HB 220, be concurred in. Report adopted.
HB 235, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman): 2/6/2001

SB 111, introduced bill, be amended as follows:
1. Title, page 1, line 5.
Following: "TO"
Strike: "REQUIRE"
Insert: "RESTORE CONSTITUTIONALITY TO THE TERRITORY TRANSFER STATUTES BY PROVIDING AN OBJECTIVE PROCESS FOR EFFECTUATING A TRANSFER OF TERRITORY; REQUIRING, IN CERTAIN CASES,"

2. Title, page 1, line 6.
Following: "SECTIONS"
Strike: "20-6-213,"
Insert: "20-3-205, 20-6-214,"

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Strike: "20-6-320,"

Insert: "20-6-322,"

Following: "MCA;"

Insert: "REPEALING SECTIONS 20-6-213, 20-6-215, AND 20-6-320, MCA;"

3. Title, page 1, line 7.

Following: "PROVIDING AN"

Insert: "IMMEDIATE"

4. Page 1, line 8.

Insert: "WHEREAS, current state law grants County Superintendents of Schools broad discretion to transfer territory from one district to another and to alter school district boundaries; and

WHEREAS, after introduction of this bill, the Montana Supreme Court, in its decision in the case of In the Petition to Transfer Territory From High School District No. 6, Lame Deer, Rosebud County, Montana, to High School District No. 1, Hardin, Montana, 2000 MT 342, 57 St. Rep. 1464 (2000), held that because the Legislature had not provided County Superintendents with specific criteria to be weighed when deciding to grant or deny a territory transfer petition, the state's statutes constituted an unconstitutional delegation of legislative power."

5. Page 1, line 11 through page 6, line 1.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Transfer of territory from one district to another. (1) A petition to transfer territory from one school district to another may be presented to the county superintendent of schools if:

(a) the petition is signed by two-thirds of the registered electors of the school district who reside or own taxable real property in the territory proposed for transfer;

(b) the territory to be transferred is contiguous to the district to which it is to be attached and includes contiguous taxable property;

(c) the territory to be transferred is not located within 3 miles, over the shortest practical route, of an operating school of the district from which it is to be transferred;

(d) the transfer of territory will not, when combined with the cumulative effect of other transfers of territory out of the district in the previous 3 years, reduce the taxable value of the district from which the territory is to be transferred by 25% or more from the taxable value prior to the transfers unless the board of trustees of that district has approved the proposed transfer by a resolution adopted by a majority of the board members at a meeting for which proper notice was given; and

(e) the board of trustees of the school district that would receive the territory has approved the proposed transfer by a resolution adopted by a majority of the members of the board of trustees at a meeting for which proper notice was given.

(2) On or after [the effective date of this act], once a petition to transfer territory has been filed, an additional petition to transfer that territory may not be filed for 4 years.

(3) The petition for a transfer of territory must be delivered to the county superintendent and must:

(a) provide a legal description of the territory that is requested to be transferred and a description of the district to which the territory is to be transferred;

(b) state the reasons why the transfer is requested; and

(c) state the number of school-age children residing in the territory.

(4) The county superintendent shall grant the requested transfer of territory if the board of trustees of the school district that would receive the territory and the board of trustees of the school district that would transfer the territory have approved the proposed transfer in writing.

(5) For any petition that meets the criteria specified in subsection (1) and contains the information required by subsection (3) but that has not been approved in writing by the board of trustees of the school district that would

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transfer the territory, the county superintendent shall:

(a) set a place, date, and time for a hearing to consider the petition that is not more than 40 days after receipt of the petition; and

(b) give notice of the place, date, and time of the hearing. The notice must be posted in the districts affected by the petition for the transfer of territory in the manner prescribed in this title for notices for school elections, with at least one notice posted in the territory to be transferred. Notice must also be delivered to the board of trustees of the school district from which the territory is to be transferred.

(6) The county superintendent shall conduct the hearing as scheduled, and any resident, taxpayer, or representative of the affected districts must, upon request, be heard.

(7) (a) Within 30 days after the hearing, the county superintendent shall, after considering the testimony and exhibits presented at the hearing, issue findings of fact, conclusions of law, and an order. The county superintendent's findings, conclusions, and order must include a weighing of the beneficial and harmful effects on educational benefits, based on the criteria provided in subsection (7)(b), that the transfer would have for those residing in the territory proposed for transfer and those residing in the remaining territory of the district and must include a determination on whether the educational benefits outweigh the educational harm.

(b) In determining the proposed transfer's beneficial and harmful effects on educational benefits, the county superintendent shall, at a minimum, consider:

- (i) the economic effects on each district;
- (ii) the effect on students; and
- (iii) the social and cultural effects on each district.

(8) The decision of the county superintendent is final 30 days after its date unless it is appealed to the district court by a resident, taxpayer, or representative of either district affected by the petitioned territory transfer. The county superintendent's decision must be upheld unless the court finds that the decision constituted an abuse of discretion.

(9) Whenever a petition to transfer territory from one district to another district creates a joint district or affects the boundary of an existing joint district, the petition to transfer territory must be delivered to the county superintendent of the county in which the territory proposed to be transferred is located. The county superintendent shall notify any other county superintendents of counties with districts affected by the petition, and the duties prescribed in this section for the county superintendent must be performed jointly. If the number of county superintendents involved is an even number, the county superintendents shall jointly appoint an additional county superintendent from an unaffected county to join them in conducting the hearing required in subsection (5) and in issuing the decision required in subsection (7). The decision issued under subsection (7) must be made by a majority of the county superintendents.

(10) A petition seeking to transfer territory out of or into a K-12 district must propose the transfer of territory for both elementary and high school purposes. In the case of a proposed transfer out of or into a K-12 district, a petition that fails to propose the transfer of territory for both elementary and high school purposes is invalid for the purpose of this section."

Insert: "Section 2. Section 20-3-205, MCA, is amended to read:

"20-3-205. Powers and duties. The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts:

(1) determine, establish, and reestablish trustee nominating districts in accordance with the provisions of 20-3-352, 20-3-353, and 20-3-354;

(2) administer and file the oaths of members of the boards of trustees of the districts in the county in accordance with the provisions of 20-3-307;

(3) register the teacher or specialist certificates or emergency authorization of employment of any person employed in the county as a teacher, specialist, principal, or district superintendent in accordance with the provisions of 20-4-202;

(4) act on each tuition and transportation obligation submitted in accordance with the provisions of 20-5-323 and 20-5-324;

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- (5) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;
 - (6) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;
 - (7) keep a transcript ~~and reconcile~~ of the district boundaries of the county ~~in accordance with the provisions of 20-6-103;~~
 - (8) fulfill all responsibilities assigned under the provisions of this title regulating the organization, alteration, or abandonment of districts;
 - (9) act on any unification proposition and, if approved, establish additional trustee nominating districts in accordance with 20-6-312 and 20-6-313;
 - (10) estimate the average number belonging (ANB) of an opening school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;
 - (11) process and, when required, act on school isolation applications in accordance with the provisions of 20-9-302;
 - (12) complete the budgets, compute the budgeted revenue and tax levies, file final budgets and budget amendments, and fulfill other responsibilities assigned under the provisions of this title regulating school budgeting systems;
 - (13) submit an annual financial report to the superintendent of public instruction in accordance with the provisions of 20-9-211;
 - (14) monthly, unless otherwise provided by law, order the county treasurer to apportion state money, county school money, and any other school money subject to apportionment in accordance with the provisions of 20-9-212, 20-9-335, 20-9-347, 20-10-145, or 20-10-146;
 - (15) act on any request to transfer average number belonging (ANB) in accordance with the provisions of 20-9-313(3);
 - (16) calculate the estimated budgeted general fund sources of revenue in accordance with the general fund revenue provisions of the general fund part of this title;
 - (17) compute the revenue and, subject to 15-10-420, compute the district and county levy requirements for each fund included in each district's final budget and report the computations to the board of county commissioners in accordance with the provisions of the general fund, transportation, bonds, and other school funds parts of this title;
 - (18) file and forward bus driver certifications, transportation contracts, and state transportation reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;
 - (19) for districts that do not employ a district superintendent or principal, recommend library book and textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;
 - (20) notify the superintendent of public instruction of a textbook dealer's activities when required under the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;
 - (21) act on district requests to allocate federal money for indigent children for school food services in accordance with the provisions of 20-10-205;
 - (22) perform any other duty prescribed from time to time by this title, any other act of the legislature, the policies of the board of public education, the policies of the board of regents relating to community college districts, or the rules of the superintendent of public instruction;
 - (23) administer the oath of office to trustees without the receipt of pay for administering the oath;
 - (24) keep a record of official acts, preserve all reports submitted to the superintendent under the provisions of this title, preserve all books and instructional equipment or supplies, keep all documents applicable to the administration of the office, and surrender all records, books, supplies, and equipment to the next superintendent;
 - (25) within 90 days after the close of the school fiscal year, publish an annual report in the county newspaper stating the following financial information for the school fiscal year just ended for each district of the county:
 - (a) the total of the cash balances of all funds maintained by the district at the beginning of the year;
 - (b) the total receipts that were realized in each fund maintained by the district;
 - (c) the total expenditures that were made from each fund maintained by the district; and
 - (d) the total of the cash balances of all funds maintained by the district at the end of the school fiscal year;
- and

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(26) hold meetings for the members of the trustees from time to time at which matters for the good of the districts must be discussed."

Insert: "Section 3. Section 20-6-214, MCA, is amended to read:

"20-6-214. Boundary adjustments in elementary school districts. The trustees of an elementary school district may, by resolution, request a change in the boundaries between their district and an adjacent district. The resolution ~~shall~~ **must** be addressed to the county superintendent of schools who, upon receiving ~~such~~ a resolution, shall proceed as set forth in ~~20-6-213~~ [section 1]."

Insert: "Section 4. Section 20-6-308, MCA, is amended to read:

"20-6-308. Limitations for organization of joint high school district. The boundaries of ~~any~~ a high school district ~~which~~ **that** encompass a county's portion of a joint elementary district where an elementary school is operated may be changed to establish a joint high school district. ~~Such~~ **The** high school district boundary change ~~shall~~ **must** be a transfer of all the territory located in another county's portion of the same joint elementary district. ~~No such~~ **A** boundary change ~~shall~~ **may not** be made when:

(1) the territory transfer would reduce the taxable value of the taxable property of another high school district to less than \$1 million; ~~or~~

(2) a portion of the territory to be transferred is less than 3 miles from an operating accredited high school located in another high school district; ~~or~~

(3) ~~the proposed transfer violates the provisions in~~ [section 1]."

Insert: "Section 5. Section 20-6-322, MCA, is amended to read:

"20-6-322. Boundary adjustments in high school districts. The trustees of a high school district may, by resolution, request a change in the boundaries between their district and an adjacent district. The resolution must be addressed to the county superintendent of schools who, upon receiving a resolution, shall proceed as provided in ~~20-6-320~~ [section 1]."

Insert: "NEW SECTION. Section 6. Repealer. Sections 20-6-213, 20-6-215, and 20-6-320, MCA, are repealed."

Insert: "NEW SECTION. Section 7. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 6, part 1, and the provisions of Title 20, chapter 6, part 1, apply to [section 1]."

Insert: "NEW SECTION. Section 8. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Insert: "NEW SECTION. Section 9. Effective date -- applicability. [This act] is effective on passage and approval and applies to school territory transfer proceedings that begin on or after [the effective date of this act]. [This act] does not apply to school territory transfer proceedings that were commenced prior to [the effective date of this act] or that are the subject of pending or current litigation on [the effective date of this act]."

And, as amended, do pass. Report adopted.

SB 260, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: the first "MCA;"

Insert: "REQUIRING A DISTRICT TO COMPLY WITH THE REQUIREMENTS OF TITLE 17, CHAPTER 6, PART 1, FOR DEPOSITS IN EXCESS OF THE AMOUNT INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION OR THE NATIONAL CREDIT UNION ADMINISTRATION; REQUIRING A DISTRICT TO PAY THE AUTOMATED CLEARINGHOUSE SYSTEM CHARGES FOR ALL TRANSFERS MADE BY THE OFFICE OF PUBLIC INSTRUCTION;"

2. Page 2, line 19.

Following: line 18

Insert: "(6) In making deposits to investment accounts under this section, a district shall comply with the

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requirements of Title 17, chapter 6, part 1, with respect to deposits in excess of the amount insured by the federal deposit insurance corporation or the national credit union administration, as applicable.

(7) A district establishing investment accounts under the section shall pay the automated clearinghouse system charges for all automated clearinghouse transfers made by the office of public instruction to the district's accounts."

3. Page 5, line 3.

Following: "~~instruction~~"

Insert: ", according to the apportionments ordered by the county superintendent or the superintendent of public instruction,"

4. Page 5, line 15.

Following: "~~instruction~~"

Insert: ", in accordance with the apportionment ordered by the county superintendent or the superintendent of public instruction,"

And, as amended, do pass. Report adopted.

SJR 10, be adopted. Report adopted.

JUDICIARY (Grosfield, Chairman):

2/6/2001

SB 242, introduced bill, be amended as follows:

1. Title, line 5.

Following: "TOWN;"

Insert: "PROVIDING THAT THE COUNTY JURISDICTIONAL AREA FOR A COUNTY BUILDING CODE MAY BE AN AREA LESS THEN THE ENTIRE COUNTY; PROVIDING FOR A COUNTY APPEAL PROCEDURE;"

2. Title, line 6.

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "50-60-101"

Insert: "AND 50-60-303"

3. Page 1, line 28.

Following: line 27

Insert: "(6) "County jurisdictional area" means the entire county, or an area or areas within the county, which may not include municipalities, designated by the county to be subject to the county building code as provided in 50-60-301 and 50-60-302."

Renumber: subsequent subsections

4. Page 3, line 25.

Following: line 24

Insert: "**Section 2.** Section 50-60-303, MCA, is amended to read:

"**50-60-303. Municipal and county appeal procedure.** (1) If a municipality or county adopts a ~~municipal~~ building code, it shall also establish an appeal procedure by ordinance ~~which~~ that is acceptable to the department.

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(2) If a municipality or county does not adopt a code, appeals on the application of the state building code within the municipal or county jurisdictional area ~~shall~~ must be made to the department.'" "

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 293, introduced bill, be amended as follows:

1. Page 3, line 17.

Following: "functions"

Insert: ", including representatives of the news media for a legitimate law enforcement purpose, as determined by the department"

2. Page 4, line 3.

Following: line 2

Insert: "(2) by a party in interest, or the agent of a party in interest, in a civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, an investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court;

(3) by an insurer or insurance support organization or a self-insured entity or its agents, employees, or contractors, in connection with the following arising under insurance policies:

(a) the investigation of claims;

(b) antifraud activities;

(c) ratemaking; or

(d) underwriting;

(4) by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license required under federal or state law;"

Renumber: subsequent subsections

3. Page 4, line 3.

Following: "reports"

Insert: "and journalistic articles"

And, as amended, do pass. Report adopted.

SB 337, introduced bill, be amended as follows:

1. Title, line 7.

Following: "SECTIONS"

Insert: "3-10-1004,"

Following: "25-35-502,"

Insert: "25-35-505,"

2. Page 1, line 11.

Insert: "Section 1. Section 3-10-1004, MCA, is amended to read:

"3-10-1004. Jurisdiction -- removal from district court. (1) (a) The small claims court has jurisdiction over all actions for the recovery of money or specific personal property when the amount claimed does not exceed \$3,000, exclusive of costs, and the defendant can be served within the county where the action is commenced.

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(b) The small claims court has jurisdiction over an action for possession brought by a landlord or property manager under the provisions of Title 70, chapter 24, part 4, as long as any accompanying claims of the landlord do not exceed the amount established in subsection (1)(a).

(2) A district court judge may require any action filed in district court to be removed to the small claims court if the amount in controversy does not exceed \$3,000. The small claims court shall hear any action so removed from the district court."

Renumber: subsequent sections

3. Page 1, line 15.

Following: "landlord"

Insert: "or property manager"

4. Page 1, line 21.

Following: line 20

Insert: "**Section 3.** Section 25-35-505, MCA, is amended to read:

"25-35-505. Parties -- representation. (1) Parties in the small claims court may be individuals, partnerships, corporations, unions, associations, or any other kind of organization or entity, except the state or any agency of the state.

(2) A party may not be represented by an attorney unless all parties are represented by an attorney in a small claims court.

(3) Individuals may represent themselves in a small claims court. A partnership may be represented by a partner or one of its employees. A union may be represented by a union member or union employee. A corporation may be represented by one of its directors, officers, or employees. An association may be represented by one of its members or by an employee of the association. Any other kind of organization or entity may be represented by one of its members or employees.

(4) Except as provided in subsection (5), only a party, natural or otherwise, who has been a party to the transaction with the defendant for which the claim is brought or a party authorized by statute may file and prosecute a claim in the small claims court.

(5) A party may not file an assigned claim in the small claims court unless it has been assigned pursuant to 27-1-718.

(6) Except for claims under 3-10-1004(1)(b), claims under 25-35-502(1)(b), or claims under 27-1-718, a party may not file more than 10 claims in any calendar year.

(7) Notwithstanding any other provision of this section, a personal representative of a decedent's estate, a guardian, or a conservator may be a party in the small claims court."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 342, introduced bill, be amended as follows:

1. Title, line 5.

Following: "MAY"

Strike: "INITIATE"

Insert: "FILE AND MAINTAIN"

2. Page 1, line 16.

Following: "may"

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Strike: "initiate"
Insert: "file and maintain"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Hargrove, Chairman): 2/6/2001
SB 289, do pass. Report adopted.
SR 5, be adopted. Report adopted.
SR 9, be adopted. Report adopted.
SR 13, be adopted. Report adopted.

TAXATION (DePratu, Chairman): 2/6/2001
SB 281, introduced bill, be amended as follows:

1. Title, line 6 through line 9.
Strike: "PROVIDING" on line 6 through "PUBLISHED;" on line 9

2. Title, line 15.
Strike: "15-16-104, 15-17-122,"

3. Page 2, line 24 through page 4, line 5.
Strike: sections 2 and 3 in their entirety
Renumber: subsequent sections

4. Page 4, line 30.
Following: "assessed."
Insert: "The form of the notice must be adopted by the department by rule."

5. Page 6, line 17.
Following: "assessed."
Insert: "The form of the notice must be adopted by the department by rule."

And, as amended, do pass. Report adopted.

HB 23, be concurred in. Report adopted.
HB 37, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/5/2001

HB 47, introduced by Price
HB 179, introduced by Dell
HB 210, introduced by Ripley
HB 242, introduced by R. Brown
HB 257, introduced by C. Younkin
HB 271, introduced by Jayne
HB 298, introduced by Facey

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HB 375, introduced by Carney

HB 391, introduced by Cyr

MOTIONS

SB 64 - Senator Bohlinger moved that **SB 64** be taken from the table in the committee on Highways and Transportation, printed and placed on the second reading board. Motion **failed** as follows:

Yeas: Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Doherty, Ellingson, Franklin, Halligan, Hargrove, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, Ryan, Shea, Stapleton, Stonington, Taylor, Tester, Toole, Waterman.

Total 24

Nays: Berry, Cobb, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Holden, Keenan, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Sprague, Tash, Thomas, Wells, Zook, Mr. President.

Total 26

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 400, introduced by Jergeson, referred to Taxation.

SB 401, introduced by Stapleton, referred to Business and Labor.

SB 402, introduced by Shea, Cyr, Harrington, referred to Business and Labor.

SB 403, introduced by Beck, referred to Energy and Telecommunications.

SB 404, introduced by Franklin, referred to Education and Cultural Resources.

SB 405, introduced by Jergeson, Brueggeman, Lindeen, Zook, (by request of the Senate Finance Standing Committee), referred to Finance.

SB 406, introduced by Taylor, Berry, Bishop, Bohlinger, DePratu, Grosfield, McNutt, F. Thomas, referred to State Administration.

SB 407, introduced by Berry, referred to Local Government.

SB 408, introduced by McCarthy, Beck, P. Clark, Cole, Crismore, Curtiss, Doherty, Ellis, G. Forrester, Gallus, Gillan, Grimes, Grosfield, Halligan, Keane, Lindeen, McNutt, D. Mood, Shea, F. Thomas, C. Younkin, referred to Natural Resources.

SB 409, introduced by Kitzenberg, referred to Fish and Game.

SB 410, introduced by Kitzenberg, referred to Education and Cultural Resources.

SB 411, introduced by Kitzenberg, referred to Taxation.

SB 412, introduced by Cobb, referred to Public Health, Welfare and Safety.

SB 413, introduced by Cobb, referred to Public Health, Welfare and Safety.

SB 414, introduced by Cobb, referred to Business and Labor.

SB 415, introduced by Cobb, referred to Business and Labor.

SB 416, introduced by Grimes, referred to Judiciary.

SB 417, introduced by Grimes, referred to Judiciary.

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

- HB 47**, introduced by Price (by request of the Department of Commerce), referred to State Administration.
HB 73, introduced by R. Brown (by request of the Business and Labor Interim Committee), referred to Finance.
HB 179, introduced by Dell, referred to Local Government.
HB 210, introduced by Ripley, Cobb, L. Holden, Jackson, Lehman, Pattison, J. Whitaker, referred to Agriculture, Livestock and Irrigation.
HB 242, introduced by R. Brown, referred to Energy and Telecommunications.
HB 257, introduced by C. Younkin, referred to Local Government.
HB 258, introduced by Vick, Cyr, Davies, Fuchs, Golie, J. Wells, Zook, referred to Fish and Game.
HB 266, introduced by Clancy, Adams, Balyeat, Barrett, Brueggeman, Davies, Lewis, Masolo, Sliter, referred to Judiciary.
HB 271, introduced by Jayne, Bixby, Christiaens, Cocchiarella, R. Erickson, G. Forrester, Golie, Halligan, Jacobson, Juneau, Mangan, Pease, Raser, Roush (by request of the Attorney General), referred to State Administration.
HB 272, introduced by Olson, Dale, Davies, Fuchs, Lehman, McGee, K. Miller, Pattison, A. Peterson, K. Peterson, Ripley, Schrupf, Sliter, Walters, referred to Education and Cultural Resources.
HB 286, introduced by B. Thomas, referred to Judiciary.
HB 298, introduced by Facey, referred to Local Government.
HB 326, introduced by Galvin-Halcro, referred to State Administration.
HB 336, introduced by Gutsche, Harris, Newman (by request of the Attorney General), referred to Judiciary.
HB 365, introduced by J. Whitaker, Bitney, Christiaens, DePratu, G. Forrester, Franklin, Fuchs, Gallus, Glaser, Golie, Halligan, Lee, Mangan, Matthews, McKenney, Ripley, Roush, Shea, Taylor, referred to Fish and Game.
HB 369, introduced by Laslovich, Cyr, R. Erickson, Jent, Keane, Waddill (by request of the Attorney General), referred to Taxation.
HB 375, introduced by Carney (by request of the Attorney General), referred to Highways and Transportation.
HB 386, introduced by Fuchs, Haines, J. Whitaker, referred to Local Government.
HB 391, introduced by Cyr, Harrington, Newman (by request of the Attorney General), referred to Highways and Transportation.

**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 Cole in the chair.

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

SB 140 - Senator J. Wells moved SB 140, second reading copy, be amended as follows :

1. Page 1, line 16.

Strike: "18"

Insert: "16"

Amendment **adopted** with Senator R. Johnson voting nay.

SB 140 - Senator J. Wells moved SB 140, as amended, do pass. Motion **failed** as follows:

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Yeas: Berry, Bishop, Butcher, Cole, DePratu, Ekegren, Ellis, Glaser, Grimes, Hargrove, Holden, Keenan, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 23

Nays: Bohlinger, Christiaens, Cobb, Cocchiarella, Crismore, Doherty, Ellingson, Elliott, Franklin, Grosfield, Halligan, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 140 - Senator Halligan moved that SB 140 be indefinitely postponed. Motion carried as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Crismore, Doherty, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tester, Toole, Waterman.

Total 32

Nays: Berry, Bishop, Butcher, Cole, DePratu, Ekegren, Glaser, Holden, Keenan, Miller, O'Neil, Sprague, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 81 - Senator Hargrove moved SB 81 do pass. Motion carried unanimously.

SB 197 - Senator O'Neil moved SB 197, second reading copy, be amended as follows :

1. Page 3, line 6.

Following: "common name"

Strike: "and"

Insert: "or"

Amendment **adopted** unanimously.

SB 197 - Senator Tester moved SB 197, as amended, 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, Holden, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton,

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Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 46

Nays: Keenan, Miller, O'Neil, Wells.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 290 - Senator Franklin moved SB 290 do pass. Motion carried with Senator Stapleton voting nay.

SJR 8 - Senator Christiaens moved SJR 8 be adopted. Motion carried unanimously.

Senator DePratu assumed the chair.

HB 22 - Senator Cole moved HB 22 be concurred in. Motion carried unanimously.

Senator Cole resumed the chair.

HB 40 - Senator Roush moved HB 40 be concurred in. Motion carried unanimously.

HB 50 - Senator Hargrove moved HB 50 be concurred in. Motion carried with Senator O'Neil voting nay.

Senator DePratu assumed the chair.

HB 93 - Senator Cole moved HB 93 be concurred in. Motion carried unanimously.

Senator Cole resumed the chair.

HB 180 - Senator Harrington moved HB 180 be concurred in. Motion carried unanimously.

HB 184 - Senator Grimes moved HB 184 be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Miller, Mohl, Pease, Roush, Stapleton, Stonington, Tash, Taylor, Thomas, Waterman, Wells.
Total 27

Nays: Christiaens, Cobb, Cocchiarella, Cole, Crismore, Doherty, Ellingson, Franklin, Harrington, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Ryan, Shea, Sprague, Tester, Toole, Zook, Mr. President.
Total 23

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

HB 195 - Senator Grimes moved HB 195 be concurred in. After discussion, Senator Thomas made a **substitute motion** that consideration of HB 195 be passed for the day. Motion carried.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Cole moved the Committee of the Whole report be adopted. Senator F. Thomas made a substitute motion that **HB 184** 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 248 passed as follows:

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

Nays: Doherty, Ellingson, O'Neil.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 285 passed as follows:

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

Nays: Bishop, Cobb, Grimes, Miller.
Total 4

Absent or not voting: None.
Total 0

Excused: None.

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Total 0

MOTIONS

HB 184 - Majority Leader Thomas moved that **HB 184** be taken from second reading and rereferred to the committee on Judiciary. Motion carried unanimously.

HB 195 - Majority Leader Thomas moved that **HB 195** be taken from second reading and rereferred to the committee on Judiciary. Motion carried unanimously.

SB 296 - Senator Doherty moved that the Senate reconsider its action in indefinitely postponing **SB 296** on second reading the previous legislative day, and that it be placed back on second reading.

SB 296 - Senator Glaser made a **substitute motion** that Senator Doherty's motion to reconsider **SB 296** be indefinitely postponed. Motion **failed** as follows:

Yeas: Berry, Butcher, Crismore, DePratu, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, O'Neil, Stapleton, Tash, Taylor, Thomas, Wells, Zook.

Total 23

Nays: Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Doherty, Ekegren, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tester, Toole, Waterman, Mr. President.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 296 - Senator Doherty's motion that **SB 296** be placed back on second reading **failed** as follows:

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

Total 24

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

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 391 - Senator Grosfield moved that **SB 391** be taken from the committee on Business and Labor and rereferred to

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the committee on Education and Cultural Resources. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Wednesday, February 7, 2001. Motion carried.

Senate adjourned at 3:02 a.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate