

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

Helena, Montana
February 13, 2001

Senate Chambers
State Capitol

Senate convened at 12 noon. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

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

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

Miller, Chairman

Senators Cobb, Nelson and Tash present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 2/16/2001
Correctly printed: SB 3, SB 167, SB 191, SB 244, SB 261, SB 263, SB 267, SB 380, SB 386, SB 398, SB 419, SB 445, SB 446, SB 447, SB 448, SB 449, SB 450, SB 451, SB 452, SJR 15, HB 113, HB 141, HB 246.
Correctly engrossed: SB 158, SB 198, SB 245, SB 274, SB 313, SB 330, SB 334, SB 382, SB 392, SR 18, HB 155, HB 235.
Examined by the sponsor and found to be correct: SR 11, SR 12.
Delivered to the Secretary of State at 3:15 p.m., February 12, 2001: SR 5, SR 9, SR 13, SR 14, SR 15, SR 17.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Holden, Chairman): 2/13/2001
SB 259, introduced bill, be amended as follows:

1. Page 2, line 13.

Following: "met;"

Insert: "and"

2. Page 2, line 14 through line 15.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsection

3. Page 2, line 28.

Following: "employed;"

Insert: "and"

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

Strike: subsections (f) through (g) in their entirety

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman): 2/13/2001

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SB 65, introduced bill, be amended as follows:

1. Title, line 12 through line 14.

Strike: "ELIMINATING" on line 12 through "FUND;" on line 14

2. Title, line 15 through line 17.

Strike: "ELIMINATING" on line 15 through "PROVISIONS;" on line 17

3. Title, line 17.

Strike: "15-10-420,"

4. Title, line 18.

Strike: "20-3-205,"

Strike: "20-9-333,"

5. Page 1, line 24 through page 5, line 9.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

6. Page 7, line 24.

Following: the first "committee"

Strike: line 24 through "decision"

Insert: "based"

7. Page 7, line 26.

Following: "(A)"

Insert: "the"

Following: "time"

Strike: "for transportation"

Insert: "that is in excess of the 1-hour limit for each bus trip for an elementary child as authorized under 20-10-121"

8. Page 7, line 27.

Following: "(B)"

Insert: "whether"

Following: "traveled"

Insert: "is greater than 40 miles one way from the child's home to school on a dirt road or greater than a total of 60 miles one way from the child's home to school in the district of residence over the shortest passable route"

Following: ";"

Strike: "and"

Insert: "or"

9. Page 7, line 28.

Following: "(C)"

Strike: "safety of the roads"

Insert: "whether the condition of the road or existence of a geographic barrier, such as a river or mountain pass, causes a hazard that prohibits safe travel between the home and school"

10. Page 8, line 1.

Strike: "20-5-324(5)"

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Insert: "20-5-324(6)"

11. Page 8, line 29.

Strike: "trustees of the district of choice"

Insert: "county superintendent"

12. Page 8, line 30 through page 9, line 1.

Strike: "send" on page 8, line 30 through "instruction" on page 9, line 1

Insert: "approve the agreement for payment under 20-5-324(5)"

13. Page 9, line 14.

Strike: "total"

Following: "per-ANB"

Strike: "entitlement defined"

Insert: "maximum rate established"

14. Page 9, lines 22 and 23.

Strike: "the" on line 22

Strike: "state's share"

Insert: "80%"

Strike: "total" line 22

Insert: "maximum"

Following: "per-ANB" on line 22

Strike: "entitlement, as defined in"

Insert: "rate established in"

Strike: "(10)(a)"

Insert: "(10)"

15. Page 10, line 15.

Following: "15"

Insert: "and before July 15"

Following: "county"

Insert: "county"

16. Page 10, line 16.

Strike: "of public instruction"

17. Page 10, line 27.

Following: "resides:"

Insert: "The county superintendent shall send, as soon as practicable, the reported information to the county superintendent of the county in which a reported child resides."

18. Page 10, line 28.

Strike: "Using"

Insert: "(3) Before July 30, the county superintendent shall report"

Renumber: subsequent subsections

19. Page 10, line 29.

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Strike: " "
Following: "to"
Insert: "to"
Following: "who"
Insert: ", who"

20. Page 11, line 2.
Strike: "(4)"
Insert: "(5)(a)"

21. Page 11, line 5.
Following: "(4)"
Insert: "(a)"
Following: "(5)"
Insert: "(b) or (6)"

22. Page 11, line 9.
Following: line 8
Insert: "(b) When a child has approval to attend a school outside the child's district of residence under the provisions of 20-5-321(1)(c), the parent or guardian of the child shall finance the tuition amount."

23. Page 11, line 10.
Following: "transportation"
Insert: "and transportation"

24. Page 11, line 11.
Following: "residence"
Insert: "for an elementary school child attending a school outside of the child's county of residence"

25. Page 11, lines 14 and 15.
Strike: "state" on line 14 through "instruction" on line 15
Insert: "basic county tax for elementary equalization, as provided in 20-9-331, for the child's county of residence or for a high school child attending a school outside the county of residence by the basic county tax for high school equalization, as provided in 20-9-333, for the child's county of residence"

26. Page 11, line 21.
Following: "transportation:"
Insert: "By December 31 of the school fiscal year, the county superintendent or the trustees shall pay at least one-half of any tuition and transportation obligation established under this section out of the money realized to date from the appropriate elementary or high school county equalization fund provided for in 20-9-335 or from the district tuition or transportation fund. The remaining tuition and transportation obligation must be paid by June 15 of the school fiscal year. The payments must be made to the county treasurer in each county with a school district that is entitled to tuition and transportation."

27. Page 11, line 22.
Strike: "(8)"
Insert: "(9)"

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28. Page 11, line 27.

Strike: "(2)"

Insert: "(3)"

29. Page 12.

Following: line 9

Insert: "(c) Any other tuition receipts received for the current school fiscal year that exceed the tuition receipts of the prior year may be deposited in the district miscellaneous programs fund and may be used for that year in the manner provided for in that fund. For the ensuing school fiscal year, the receipts must be credited to the district general fund budget."

30. Page 16, line 3.

Following: "~~20-9-334~~"

Insert: "and excluding any amount required for tuition paid under the provisions of 20-5-324(6) or (7)"

31. Page 16, line 7 through page 17, line 6.

Strike: section 9 in its entirety

Renumber: subsequent sections

32. Page 17, line 19.

Following: "tuition"

Insert: "after the deduction of the county's obligation for tuition paid under the provisions of 20-5-324(6) and (7)"

33. Page 19, line 10.

Following: "paid"

Insert: "for students who enroll out of district"

And, as amended, do pass. Report adopted.

SB 94, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Strike: "200"

Insert: "175"

2. Title, page 1, line 10.

Following: "PERCENT"

Insert: "FOR SCHOOL FISCAL YEAR 2002; AMENDING THE DEFINITION OF "MAXIMUM GENERAL FUND BUDGET" FOR SCHOOL FISCAL YEAR 2003 AND SUCCEEDING YEARS TO INCLUDE THE GREATER OF 175 PERCENT OF THE SPECIAL EDUCATION ALLOWABLE COST PAYMENT OR THE RATIO, NOT TO EXCEED 200 PERCENT, OF THE DISTRICT'S SPECIAL EDUCATION ALLOWABLE COST EXPENDITURES TO THE SPECIAL EDUCATION ALLOWABLE COST PAYMENT FOR THE FISCAL YEAR THAT IS 2 YEARS PREVIOUS"

Following: "PROVIDING"

Strike: "AN"

Strike: "DATE AND AN"

Insert: "DATES,"

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3. Title, page 1, line 11.

Strike: "DATE"

Insert: "DATES, AND A TERMINATION DATE"

4. Page 2, line 20.

Strike: "200%"

Insert: "175%"

5. Page 3, line 11.

Following: line 10

Insert: "Section 2. Section 20-9-306, MCA, is amended to read:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "BASE" means base amount for school equity.
- (2) "BASE aid" means:
 - (a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and
 - (b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.
- (3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.
- (4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.
- (5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.
- (6) "Basic entitlement" means:
 - (a) \$206,000 for each high school district;
 - (b) \$18,540 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and
 - (c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:
 - (i) \$18,540 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus
 - (ii) \$206,000 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.
- (7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.
- (8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and ~~up to 153%~~ the greater of:
 - (a) 175% of special education allowable cost payments; or
 - (b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.
- (9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that

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is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of \$5,015 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of \$3,763 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of \$3,763 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of \$5,015 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

Renumber: subsequent section.

6. Page 3, line 12.

Following: "applicability."

Strike: "[This act]"

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

Strike: "date"

Insert: "dates"

7. Page 3, line 13.

Following: "for"

Insert: "the"

Following: "fiscal"

Strike: "years beginning on or after"

Insert: "year beginning"

8. Page 3, line 14.

Following: line 13

Insert: "(2) [Section 2] is effective July 1, 2002, and applies to school budgets for school fiscal years beginning on or after July 1, 2002.

Insert: "NEW SECTION. **Section 4. Termination.** [Section 1] terminates June 30, 2002."

And, as amended, do pass. Report adopted.

SB 394, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "PROGRAM;"

Strike: "PROVIDING"

Insert: "REQUIRING THAT CLASSES BE APPROVED BY THE SCHOOL DISTRICT AND MEET GRADUATION REQUIREMENTS AND"

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2. Page 1, line 16.

Following: "with"

Strike: "an accredited"

Insert: "a"

Following: "program"

Insert: "accredited by the northwest association of schools and colleges"

3. Page 1, line 18.

Following: "at"

Strike: "an accredited"

Insert: "a"

4. Page 1, line 21.

Following: "must"

Insert: "be approved by the school district and"

5. Page 1, line 22.

Following: "residence"

Insert: ", must be taught by an instructor who has a current and appropriate Montana high school certification,"

6. Page 1, line 27.

Following: "attend"

Strike: "an accredited"

Insert: "a"

Following: "program"

Insert: "accredited as prescribed in subsection (1)"

And, as amended, do pass. Report adopted.

SB 425, do pass. Report adopted.

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

2/12/2001

SB 116, introduced bill, be amended as follows:

1. Title, line 8.

Following: "DEFINITIONS;"

Insert: "ALLOWING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ASSESS REPORTS OF ABUSE OR NEGLECT TO DETERMINE ACTION REQUIRED;"

2. Title, line 12.

Following: "41-3-201,"

Insert: "41-3-202,"

3. Page 3, line 10.

Following: "facility;"

Insert: "(b) a person providing care in a day-care facility;"

Renumber: subsequent subsections

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4. Page 6, line 7 through line 9.

Strike: subsection (24) in its entirety

Renumber: subsequent subsections

5. Page 6, line 29.

Strike: "(27)"

Insert: "(26)"

6. Page 9, line 7.

Following: line 6

Insert: "Section 5. Section 41-3-202, MCA, is amended to read:

"41-3-202. Action on reporting. (1) Upon receipt of a report that a child is or has been abused or neglected, the department shall assess the information contained in the report and make a determination regarding the level of response required and the timeframe within which action must be initiated. If the department determines that an investigation is required, a social worker, the county attorney, or a peace officer shall promptly conduct a thorough investigation into the circumstances surrounding the allegations of abuse or neglect of the child. The investigation may include an investigation at the home of the child involved, the child's school or day-care facility, or any other place where the child is present and into all other nonfinancial matters that in the discretion of the investigator are relevant to the investigation. In conducting an investigation under this section, a social worker may not inquire into the financial status of the child's family or of any other person responsible for the child's care, except as necessary to ascertain eligibility for state or federal assistance programs or to comply with the provisions of 41-3-411.

(2) An initial investigation of alleged abuse or neglect may be conducted when an anonymous report is received. However, the investigation must within 48 hours develop independent, corroborative, and attributable information in order for the investigation to continue. Without the development of independent, corroborative, and attributable information, a child may not be removed from the home.

(3) The social worker is responsible for assessing the family and planning for the child. If the child is treated at a medical facility, the social worker, county attorney, or peace officer, consistent with reasonable medical practice, has the right of access to the child for interviews, photographs, and securing physical evidence and has the right of access to relevant hospital and medical records pertaining to the child. If a child interview is considered necessary, the social worker, county attorney, or peace officer may conduct an interview of the child. The interview may be conducted in the presence of the parent or guardian or an employee of the school or day-care facility attended by the child.

(4) Subject to 41-3-205(3), if the child's interview is audiotaped or videotaped, an unedited audiotape or videotape with audio track must be made available, upon request, for unencumbered review by the family.

(5) (a) If from the investigation the department has reasonable cause to suspect that the child suffered abuse or neglect, the department may provide protective services to the child pursuant to 41-3-301 and may provide protective services to any other child under the same care. The department shall:

(i) after interviewing the parent or guardian, if reasonably available, document its determination regarding abuse or neglect of a child; and

(ii) notify the child's family of its investigation and determination, unless the notification can reasonably be expected to result in harm to the child or other person.

(b) If from the investigation it is determined that the child has not suffered abuse or neglect and the initial report is determined to be unfounded, the department and the social worker, county attorney, or peace officer who conducted the investigation into the circumstances surrounding the allegations of abuse or neglect shall destroy all of their records concerning the report and the investigation. The destruction must be completed within 30 days of the determination that the child has not suffered abuse or neglect.

(6) The investigating social worker, within 60 days of commencing an investigation, shall also furnish a written report to the department and, upon request, to the family. Subject to subsection (5)(b), the department shall maintain a record system documenting investigations and determinations of child abuse and neglect cases.

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(7) Any person reporting abuse or neglect that involves acts or omissions on the part of a public or private residential institution, home, facility, or agency is responsible for ensuring that the report is made to the department through its local office.""

Renumber: subsequent sections

7. Page 9, line 18.

Strike: "of a child"

8. Page 18, lines 21 and 22.

Following: "admissible"

Strike: remainder of line 21 through line 22

Insert: "according to the Montana Rules of Evidence."

9. Page 25, line 5.

Strike: "31]"

Insert: "32]"

10. Page 31, line 13.

Following: "shall"

Strike: remainder of line 13

Insert: "require a criminal background investigation of each applicant by means of a fingerprint check by the Montana department of justice and the federal bureau of investigation."

11. Page 37, line 2.

Following: "41-3-301(1)"

Insert: "and in the absence of a dispute between the parties to the action regarding the appropriate placement"

12. Page 37, line 4.

Following: "care."

Insert: "The court shall settle any dispute between the parties to an action regarding the appropriate placement."

13. Page 37, line 11.

Strike: "(1)"

14. Page 37, line 12.

Following: "stipulate"

Insert: "to any of the following"

15. Page 37, line 13 through line 24.

Strike: line 13 through line 24 in their entirety

Insert: "(1) the child meets the definition of a youth in need of care by the preponderance of the evidence;
(2) a treatment plan, if the child has been adjudicated a youth in need of care; or
(3) the disposition."

16. Page 37, line 29.

Strike: "29 through 31]"

Insert: "30 through 32]"

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17. Page 38, line 2.

Strike: "29 through 31]"

Insert: "30 through 32]"

And, as amended, do pass. Report adopted.

SB 257, introduced bill, be amended as follows:

1. Title, line 10.

Following: "PETITION;"

Insert: "PROVIDING THAT EXTENDED FAMILY MEMBERS HAVE PRIORITY FOR PURPOSES OF TEMPORARY OR PERMANENT LEGAL CUSTODY OR GUARDIANSHIP OF AN ABANDONED CHILD;"

2. Title, line 11.

Strike: the first "AND"

Following: "41-3-404,"

Insert: "41-3-406, AND 41-3-421,"

3. Page 2, line 18.

Strike: "actual"

Strike: "or substantial risk of abandonment"

4. Page 6, line 5.

Following: "caring for or"

Insert: "a relative of the child who"

5. Page 7, line 15.

Strike: "on the petition"

6. Page 8, line 9.

Following: line 8

Insert: "**Section 4.** Section 41-3-406, MCA, is amended to read:

"41-3-406. Dispositional hearing -- temporary legal custody. (1) If a youth is found to be a youth in need of care under 41-3-404, the court may enter its judgment, making any of the following dispositions to protect the welfare of the youth:

(a) permit the youth to remain with the youth's parent or guardian, subject to those conditions and limitations the court may prescribe;

(b) grant an order of limited emancipation to a youth who is 16 years of age or older, as provided in 41-3-408;

(c) transfer temporary legal custody to any of the following:

(i) the department;

(ii) a licensed child-placing agency that is willing and able to assume responsibility for the education, care, and maintenance of the youth and that is licensed or otherwise authorized by law to receive and provide care of the youth; or

(iii) a relative or other individual who is recommended by the department or a licensed child-placing agency designated by the court and who is found by the court to be qualified to receive and care for the youth;

(d) order a party to the action to do what is necessary to give effect to the final disposition, including undertaking medical and psychological evaluations, treatment, and counseling that does not require an expenditure

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of money by the department unless the department is notified and a court hearing is set in a timely manner on the proposed expenditure. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(e) order further care and treatment as the court considers in the best interests of the child that does not require an expenditure of money by the department unless the department is notified and a court hearing is set in a timely manner on the proposed expenditure. The department is the payor of last resort after all family, insurance, and other resources have been examined pursuant to 41-3-411.

(2) To grant temporary legal custody, the court shall make a finding that:

(a) dismissing the petition would create a substantial risk of harm to the child or detriment to the child's physical or psychological well-being; and

(b) unless there is a finding that reasonable efforts are not required pursuant to 41-3-403, reasonable services have been provided to the parent or guardian to prevent the removal of the child from the home or to make it possible for the child to safely return home.

(3) (a) If the court awards temporary legal custody of an abandoned child other than to the department or to a noncustodial parent, the court shall award temporary legal custody of the child to a member of the child's extended family, including adult siblings, grandparents, great-grandparents, aunts, and uncles, if:

(i) placement of the abandoned child with the extended family member is in the best interests of the child;

(ii) the extended family member requests that the child be placed with the family member; and

(iii) the extended family member is found by the court to be qualified to receive and care for the child.

(b) If more than one extended family member satisfies the requirements of subsection (3)(a), the court may award custody to the extended family member who can best meet the child's needs.

~~(3)~~(4) If reasonable efforts have been made to prevent removal of a child from the home or to return a child to the child's home but continuation of the efforts is determined by the court to be inconsistent with permanency for the child, the department shall make reasonable efforts to place the child in a timely manner in accordance with a permanent plan and to complete whatever steps are necessary to finalize the permanent placement of the child.

~~(4)~~(5) If the court finds that reasonable efforts are not necessary pursuant to subsection (2) or ~~(3)~~ (4), a permanency hearing must be held within 30 days of that determination and reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child.

~~(5)~~(6) An order for temporary legal custody may be in effect for no longer than 6 months. Before the expiration of the order for temporary legal custody, the county attorney, the attorney general, or an attorney hired by the county shall petition for one of the following:

(a) an extension of temporary legal custody, not to exceed a total of 6 months, upon a showing that additional time is necessary for the parent or guardian to successfully complete a treatment plan;

(b) termination of the parent-child legal relationship and either:

(i) permanent legal custody with the right of adoption; or

(ii) appointment of a guardian pursuant to 41-3-607;

(c) long-term custody pursuant to 41-3-412;

(d) appointment of a guardian pursuant to 41-3-421; or

(e) dismissal.

~~(6)~~(7) The court may continue an order for temporary legal custody pending a hearing on a petition provided for in subsection ~~(5)~~ (6).

~~(7)~~(8) If an extension of temporary legal custody is granted to the department, the court shall state the reasons why the child was not returned home and the conditions upon which the child may be returned home.

~~(8)~~(9) If the time limitations of this section are not met, the court shall review the reasons for the failure and order an appropriate remedy that considers the best interests of the child.""

Insert: "Section 5. Section 41-3-421, MCA, is amended to read:

"41-3-421. Abuse and neglect proceedings -- appointment of guardian -- financial subsidies. (1) The

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court may, upon the petition of the department or guardian ad litem, enter an order appointing a guardian for a child who has been placed in the temporary or permanent custody of the department pursuant to 41-3-406, 41-3-412, or 41-3-607. The guardianship may be subsidized by the department under subsection ~~(8)~~ (9) if the guardianship meets the department's criteria, or the guardianship may be nonsubsidized.

(2) The court may appoint a guardian for a child pursuant to this section if the following facts are found by the court:

(a) the department has given its written consent to the appointment of the guardian, whether the guardianship is to be subsidized or not;

(b) if the guardianship is to be subsidized, the department has given its written consent after the department has considered initiating or continuing financial subsidies pursuant to subsection ~~(8)~~ (9);

(c) the child has been adjudicated a youth in need of care;

(d) the department has made reasonable efforts to reunite the parent and child, further efforts to reunite the parent and child by the department would likely be unproductive, and reunification of the parent and child would be contrary to the best interests of the child;

(e) the child is at least 12 years ~~old~~ of age or the child is in a group of siblings, at least one of whom is at least 12 years ~~old~~ of age, and the guardianship is in the best interests of the siblings;

(f) the child has lived with the potential guardian in a family setting and the potential guardian is committed to providing a long-term relationship with the child;

(g) it is in the best interests of the child to remain or be placed with the potential guardian;

(h) either termination of parental rights to the child is not in the child's best interests or parental rights to the child have been terminated, but adoption is not in the child's best interests; and

(i) if the child concerning whom the petition for guardianship has been filed is an Indian child, as defined in the Indian Child Welfare Act, 25 U.S.C. 1901, et seq., the child's tribe has received notification from the state of the initiation of the proceedings.

(3) In the case of an abandoned child, the court may give priority to a member of the abandoned child's extended family, including adult siblings, grandparents, great-grandparents, aunts, and uncles, if placement with the extended family member is in the best interests of the child. If more than one extended family member has requested to be appointed as guardian, the court may determine which extended family member to appoint in the same manner provided for in 41-3-406(3).

~~(3)~~(4) The entry of a decree of guardianship pursuant to this section terminates the custody of the department and the involvement of the department with the child and the child's parents except a provision of a financial subsidy, if any, pursuant to subsection ~~(8)~~ (9).

~~(4)~~(5) A guardian appointed under this section may exercise the powers and has the duties provided in 72-5-231.

~~(5)~~(6) The court may revoke a guardianship ordered pursuant to this section if the court finds, after hearing on a petition for removal of the child's guardian, that continuation of the guardianship is not in the best interests of the child. Notice of hearing on the petition must be provided by the moving party to the child's lawful guardian, the department, any court appointed guardian ad litem, the child's parent if the rights of the parent have not been terminated, and other persons directly interested in the welfare of the child.

~~(6)~~(7) A guardian may petition the court for permission to resign the guardianship. A petition may include a request for appointment of a successor guardian.

~~(7)~~(8) After notice and hearing on a petition for removal or permission to resign, the court may appoint a successor guardian or may terminate the guardianship and restore temporary legal custody to the department pursuant to 41-3-406.

~~(8)~~(9) The department may provide a financial subsidy to a guardian appointed pursuant to this section if the guardianship meets the department's criteria and if the department determines that a subsidy is in the best interests of the child. The amount of the subsidy must be determined by the department.

~~(9)~~(10) This section does not apply to guardians appointed pursuant to Title 72, chapter 5."

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Insert: "NEW SECTION. Section 6. Department to give placement priority to extended family member of an abandoned child. (1) If the department has received temporary legal custody of an abandoned child pursuant to 41-3-406 or permanent legal custody pursuant to 41-3-607, the department shall give priority to a member of the child's extended family, including adult siblings, grandparents, great-grandparents, aunts, and uncles, in determining the person or persons with whom the abandoned child should be placed if:

- (a) placement with the extended family member is in the best interests of the abandoned child;
- (b) the extended family member has requested that the abandoned child be placed with the family member;

and

(c) the department has determined that the extended family member is qualified to receive and care for the abandoned child.

(2) If more than one extended family member of the abandoned child has requested that the child be placed with the family member and all are qualified to receive and care for the child, the department may determine which extended family member to place the abandoned child with in the same manner as provided for in 41-3-406(3).

(3) This part does not affect the department's ability to assess the appropriateness of placement of the child with a noncustodial parent when abandonment has been found against only one parent."

Insert: "NEW SECTION. Section 7. Codification instruction. [Section 6] is intended to be codified as an integral part of Title 41, chapter 3, part 4, and the provisions of Title 41, chapter 3, part 4, apply to [section 6]."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 288, introduced bill, be amended as follows:

1. Title, line 6.

Following: line 5

Insert: "PROVISIONAL COMMUNITY"

2. Page 1, line 18.

Strike: "medically needy individuals"

Insert: "qualified patients"

3. Page 1, line 20.

Following: "50-32-101"

Strike: ", "

4. Page 1, line 21.

Following: "50-32-401"

Insert: ", "

Strike: "may"

Insert: "shall"

5. Page 1, line 22.

Following: "to a"

Insert: "provisional community"

6. Page 1, line 23.

Strike: "medically needy"

Insert: "qualified patients"

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Following: "those"
Strike: "medically"

7. Page 1, line 24.
Strike: "needy"

8. Page 1, line 30.
Following: line 29
Insert: "provisional community"
Following: "which pharmacies"
Insert: "may be considered provisional community pharmacies that"

9. Page 2, line 5.
Following: "(b)"
Strike: remainder of line 5
Insert: ""Provisional community pharmacy" means the practice of pharmacy at a site that has been approved by the board, including but not limited to federally qualified health centers as defined in 42 CFR 405.2401, where prescription drugs are dispensed to appropriately screened, qualified patients.
(c) "Qualified patients" mean persons who are uninsured, indigent, or have insufficient funds to obtain needed prescription drugs."

And, as amended, do pass. Report adopted.

SB 329, do pass. Report adopted.

STATE ADMINISTRATION (Hargrove, Chairman):

2/13/2001

SB 356, do pass. Report adopted.

SJR 14, be adopted. Report adopted.

HB 293, be amended as follows:

1. Page 1, line 11.
Following: "vote"
Insert: "following any recount"
Following: "office"
Insert: "or ballot measure"

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

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/12/2001

HB 126, introduced by C. Younkin

HB 281, introduced by Lindeen

HB 294, introduced by Lewis

HB 306, introduced by Balyeat

HB 346, introduced by Schrumpf

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HB 359, introduced by P. Clark
HB 368, introduced by Hedges
HB 393, introduced by Mangan
HB 402, introduced by Mangan
HB 411, introduced by Harris
HB 412, introduced by Wolery
HB 458, introduced by Barrett

FIRST READING AND COMMITMENT OF BILLS

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

SB 453, introduced by Hargrove, Grosfield, referred to Judiciary.
SB 454, introduced by Waterman, referred to Public Health, Welfare and Safety.
SB 455, introduced by Doherty, Juneau, referred to Natural Resources.
SB 456, introduced by Stonington, referred to Highways and Transportation.
SB 457, introduced by Ryan, J. Tropila, referred to Education and Cultural Resources.
SB 458, introduced by Waterman, referred to Public Health, Welfare and Safety.
SB 459, introduced by Franklin, referred to Public Health, Welfare and Safety.
SB 460, introduced by Franklin, referred to Energy and Telecommunications.
SB 461, introduced by Franklin, referred to Public Health, Welfare and Safety.
SB 462, introduced by Ellis, referred to Taxation.
SB 463, introduced by Grosfield, Beck, Berry, Crismore, Grimes, McGee, D. Mood, Olson, Sliter, Tash, F. Thomas, C. Younkin, referred to Natural Resources.
SB 464, introduced by Harrington, Bishop, Christiaens, Franklin, F. Thomas, referred to Public Health, Welfare and Safety.
SB 465, introduced by Franklin (by request of the State Auditor), referred to Business and Labor.
SB 466, introduced by Waterman, referred to Public Health, Welfare and Safety.

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

SJR 16, introduced by R. Holden (by request of the Senate Agriculture, Livestock, and Irrigation Standing Committee), referred to Agriculture, Livestock and Irrigation.

MOTIONS

SB 266 - Senator Ellingson moved that **SB 266** be taken from the table in the committee on Judiciary, printed and placed on second reading. Motion **failed** as follows:

Yeas: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 20

Nays: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 30

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

**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 Grosfield in the chair.

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

SB 66 - Senator Bohlinger moved SB 66 do pass. Motion carried as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, DePratu, Doherty, Ellingson, Elliott, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Taylor, Tester, Toole, Waterman, Mr. President.
Total 32

Nays: Berry, Butcher, Cole, Crismore, Ekegren, Ellis, Grimes, Holden, Keenan, McNutt, Miller, Mohl, Nelson, O'Neil, Tash, Wells, Zook.
Total 17

Absent or not voting: Thomas.
Total 1

Excused: None.
Total 0

SB 144 - Senator Nelson moved SB 144 do pass. Motion carried unanimously.

SB 187 - Senator Cobb moved SB 187 do pass. Motion carried unanimously.

SB 190 - Senator R. Johnson moved SB 190 do pass. Motion carried unanimously.

SB 210 - Senator Waterman moved SB 210 do pass. Motion carried unanimously.

SB 241 - Senator J. Wells moved SB 241 do pass. Motion carried unanimously.

SB 272 - Senator Toole moved SB 272 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Halligan, Hargrove, Harrington, Jergeson, Mahlum, McCarthy, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman.
Total 36

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Nays: Butcher, Crismore, Grimes, Grosfield, Holden, Keenan, Kitzenberg, McNutt, O'Neil, Wells, Zook, Mr. President.
Total 12

Absent or not voting: Cole, Johnson.
Total 2

Excused: None.
Total 0

SB 300 - Senator R. Holden moved SB 300 do pass. Motion carried as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 44

Nays: Bishop, Ellingson, Franklin, Ryan, Stonington.
Total 5

Absent or not voting: Halligan.
Total 1

Excused: None.
Total 0

SB 321 - Senator Mahlum moved SB 321 do pass. Motion carried unanimously.

SB 249 - Senator Toole moved SB 249 do pass. Motion **failed** as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Hargrove, Harrington, Jergeson, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman, Mr. President.
Total 24

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ellis, Grimes, Grosfield, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook.
Total 25

Absent or not voting: Halligan.
Total 1

Excused: None.
Total 0

SB 249 - Senator F. Thomas moved **SB 249** be **indefinitely postponed**. Motion carried as follows:

Yeas: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grosfield, Hargrove, Holden, Johnson,

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Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook.
Total 27

Nays: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Harrington, Jergeson, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman, Mr. President.
Total 21

Absent or not voting: Grimes, Halligan.
Total 2

Excused: None.
Total 0

SB 258 - Senator Bohlinger moved SB 258 do pass. Motion carried unanimously.

SB 261 - Senator Christiaens moved SB 261 do pass. Motion carried as follows:

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

Nays: Bohlinger, Johnson, Miller, Mohl, Stapleton.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 265 - Senator Hargrove moved SB 265 do pass. Motion carried with Senator Grosfield voting nay.

SB 263 - Senator Mahlum moved SB 263 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cocchiarella, Cole, DePratu, Doherty, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Keenan, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 40

Nays: Cobb, Elliott, Ellis, Holden, Johnson, Miller, O'Neil.
Total 7

Absent or not voting: Christiaens, Crismore, Kitzenberg.
Total 3

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Excused: None.
Total 0

SB 268 - Senator Hargrove moved SB 268 do pass. Motion carried unanimously.

SB 298 - Senator Glaser moved consideration of SB 298 be passed for the day. Motion carried.

SB 313 - Senator F. Thomas moved consideration of SB 313 be passed for the day. Motion carried.

SB 318 - Senator Ekegren moved SB 318 do pass. Motion carried unanimously.

SB 320 - Senator Kitzenberg moved SB 320 do pass. Motion carried unanimously.

Senator Miller assumed the chair.

SB 382 - Senator Grosfield moved SB 382 do pass. Motion carried with Senator Waterman voting nay.

Senator Grosfield resumed the chair.

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

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 3 passed as follows:

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

Total 45

Nays: Bishop, Cobb, Holden, Johnson, McNutt.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 167 passed as follows:

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

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Ellingson, Elliott, Ellis, Franklin, Glaser, 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: Grimes.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 191 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 198 passed 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, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 36

Nays: Christiaens, Doherty, Ellingson, Elliott, Franklin, Halligan, Jergeson, Nelson, O'Neil, Pease, Stonington, Tester, Toole, Waterman.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 244 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, 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, Miller.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 267 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 274 passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

SB 380 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 398 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

HB 155 concurred in as follows:

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

Total 50

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 235 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

SB 266 - Senator Keenan moved that **SB 66** be taken from third 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 12:30 p.m., Wednesday, February 14, 2001. Motion carried.

Senate adjourned at 2:30 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate