

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

Helena, Montana
February 16, 2001

Senate Chambers
State Capitol

Senate convened at 12:30 p.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

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

Miller, Chairman

COMMUNICATIONS

February 14, 2001

Senator Tom Beck
President
The Montana Senate
Helena, MT 59601

RE: **Federal Mandates Report Required by 2-1-407, MCA**

Dear President Beck:

In accordance with substantive law, the Office of Budget and Program Planning is providing you with a copy of our report to the Legislature on federal mandates.

We request that an announcement regarding the availability of this report in our office be made at your convenience. The report also will be available on our Web page at WWW2.mt.gov/budget.

Thank you.

Sincerely,

CHUCK SWYSGOOD
Budget Director
Enclosure: report

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

2/16/2001

Correctly printed: SB 94, SB 116, SB 257, SB 259, SB 282, SB 288, SB 306, SB 310, SB 311, SB 315, SB 317, SB 324, SB 329, SB 330, SB 334, SB 356, SB 357, SB 373, SB 383, SB 386, SB 392, SB 394, SB 419, SB 425, SB 476, SB 477, SB 478, SB 479, SB 480, SB 481, SB 482, SB 483, SB 484, SB 485, SJR 3, SJR 11, SJR 14, SJR 17, HB 80, HB 97.

Correctly engrossed: SB 264, SB 346.

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Delivered to the Secretary of State at 11:15 a.m., February 16, 2001: SR 11, SR 12.

MESSAGES FROM THE GOVERNOR

February 14, 2001

The Honorable Tom Beck
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Beck:

Please be informed that I have signed **Senate Bill 40** sponsored by Senator Christiaens on February 14, 2001.

Sincerely,

JUDY MARTZ
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/16/2001

HB 219, introduced by McKenney
HB 265, introduced by Facey
HB 321, introduced by Dee Brown
HB 331, introduced by Eggers
HB 358, introduced by Bales
HB 390, introduced by Shockley
HB 405, introduced by C. Younkin
HB 421, introduced by Shockley
HB 430, introduced by Clancy
HB 443, introduced by Clancy
HB 462, introduced by Witt
HB 463, introduced by Lee
HB 477, introduced by Kasten
HB 493, introduced by Fritz
HB 504, introduced by Gallik

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

2/16/2001

HJR 13, introduced by Wolery
HJR 14, introduced by Curtiss
HJR 15, introduced by Lawson

FIRST READING AND COMMITMENT OF BILLS

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

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

SB 486, introduced by DePratu, Berry, Bohlinger, Ekegren, Mahlum, McNutt, Taylor, referred to Taxation.

SB 487, introduced by Halligan, referred to Judiciary.

SB 488, introduced by Ellingson, referred to Judiciary.

SB 489, introduced by Grosfield, referred to Judiciary.

**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 Grimes in the chair.

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

SB 427 - Senator R. Johnson moved SB 427 do pass. Motion carried unanimously.

SB 429 - Senator Sprague moved SB 429 do pass. Motion carried unanimously.

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

Yeas: Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Keenan, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman, Mr. President.

Total 31

Nays: Berry, Cole, Crismore, DePratu, Ellis, Johnson, McNutt, Miller, Mohl, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook.

Total 16

Absent or not voting: Bishop.

Total 1

Excused: Mahlum, O'Neil.

Total 2

SB 310 - Senator Waterman moved SB 310 do pass. Motion carried unanimously.

SB 311 - Senator Cocchiarella moved SB 311 do pass. Motion carried unanimously.

SB 315 - Senator Franklin moved SB 315 do pass. After discussion, Senator Grimes made a **substitute motion** that SB 315 be passed for the day. Motion carried as follows:

Yeas: Berry, Bohlinger, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Holden, Johnson, Keenan, McNutt, Miller, Mohl, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 27

Nays: Bishop, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Hargrove, Harrington, Jergeson,

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 21

Absent or not voting: None.
Total 0

Excused: Mahlum, O'Neil.
Total 2

SB 324 - Senator Harrington moved SB 324 do pass. Motion carried unanimously.

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

MOTIONS

Majority Leader Thomas moved that the Senate proceed to the House of Representatives for the purpose of receiving the State of Education address, and further moved that the Senate reconvene upon completion of that address. Motion carried.

Senate recessed at 2:03 p.m.

SPECIAL ORDERS OF THE DAY

Sergeant-at-arms Chris Ahner escorted the Senate into the House Chamber.

Speaker McGee introduced President Beck and yielded the chair to him.

Senate Majority Leader Thomas moved that the body resolve itself into a joint session for the purpose of receiving the State of Education Address from the Superintendent of Public Instruction.. Motion carried.

Senate Majority Leader Thomas moved that the President appoint an escort committee of four to notify the Superintendent of Public Instruction that we are in joint session and ready to receive the State of Education Address. Motion carried.

The President appointed Senator Ryan, Senator Glaser, Representative Lawson and Representative Raser and discharged them to escort the Superintendent into the House Chamber.

The committee escorted the Superintendent into the chambers.

Reverend Keith Johnson of the Evangelical Covenant Church in Helena gave the invocation, followed by the pledge of allegiance.

President Beck introduced Linda McCulloch, Superintendent of Public instruction, who then gave the following address:

Thank you very much President Beck, Speaker McGee. I'd also like to recognize Governor Judy Martz, Lt. Governor

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Karl Ohs, Attorney General Mike McGrath, Secretary of State Bob Brown, State Auditor John Morrison, Senator Steve Doherty, and Rep. Kim Gillan. I would like to thank my husband Bill for being here today.

I would like to thank the members of the American Association of University Women and the educators that are in the gallery. And I would just like to ask all of the educators in the audience, both in the gallery and on the floor, to stand up for a moment. These are the people that make education possible. Lets give them a hand.

I had hoped that we would be able to have a presentation for you by some Montana school kids. However, in deference to the workload you are facing leading up to the transmittal deadline, and the very serious issues facing Montana education, we decided to save the children's presentation for another time. I trust that their presence is never far from your minds as you discuss these issues.

I cannot express how proud I am to stand before you for the first time as the representative of Montana's schools. I'm proud because I have the opportunity to address this body in the chamber where I have served as a legislator. In fact, I used to sit right over there in Rep. Callahan's seat and shake my finger at Rep. Dan McGee until he voted for my bills-sometimes it even worked. I would, again, especially like to thank Speaker McGee for his graciousness and his friendship as we both moved into our new positions.

I'm proud because representing Montana's schools means representing the thousands of Montana parents, teachers, school boards, and community members who dedicate themselves everyday to building a brighter future for our children. I can't tell you what an honor that is.

Most of all, I'm proud to be able to stand before you and talk about the future of Montana. Our 160,000 public school children - your children and grandchildren - are that future. It is education, more than any other factor, that will determine how bright that future will be.

And it is just as true that education is the key to making sure they can fulfill that future right here in Montana. Education **IS** the key to economic development. Businesses simply will not locate in Montana unless we provide them with an educated workforce and a place where they will want to move their families and their school-age children. And more often than not, those businesses are being started and grown by Montana graduates who return home to send their own kids to Montana schools.

It is education that will prepare our children and grandchildren for this new century. Education allows them to compete in a world where all sectors of the economy - from microchips to mining - depend on high tech skills and training.

I have spent the past sixteen years in a classroom at Bonner school, teaching kids. It is the greatest job in the whole world. I can tell you, as any teacher can, how it feels to have the opportunity each day to shape the life of a child. What it feels like to see in their eyes and their smiles that you have made a difference. Leaving that classroom and giving up that opportunity was one of the toughest decisions of my life. That was why it meant so much to me to see my Bonner kids travel here to Helena when I was sworn in as superintendent. It was in talking to those kids - my kids - that it hit me just how much this job means. Because I realized that even though I no longer get my daily supply of classroom smiles, my actions as superintendent, yours as legislators, and yours as governor effect every one of those classrooms, and each one of those children.

And if I am ever tempted to get distracted by budgets, or politics, or bureaucracy, all I have to do is look at the apple notes each of my students in Bonner made to line the walls of my office. When I think of them, there is no question where my focus is: improving Montana classrooms, so our children can succeed.

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

With that guiding principle, I would like to take a moment to outline my vision for the future of Montana schools. The vision that I hope you and I can work together to achieve.

The state of Montana education is at a fork in the road. Our children have incredible potential, and through the dedication of parents, teachers, and school trustees our schools are among the best in the country. If we invest in our children's education we can make Montana schools the envy of the country and prepare our students to rebuild Montana's economy in this new century. However, school districts' budgets are being stretched to the breaking point. They simply cannot continue to take cuts because of declining enrollment without any increased support from the state. If we fail to invest in schools, the quality of our children and grandchildren's education **Will** decline. We're running out of duct tape and baling twine.

Today, thanks to the incredible efforts of local communities, Montana students rank among the top in the nation. Montana 8th graders rank 1st in the nation in science achievement, 3rd in reading, 3rd in math, and 11th in writing. I am incredibly proud of those students. And I'm proud of the parents, teachers, and communities that support them. Montana taxpayers invest their money, and, more importantly, their children in our public schools and they deserve to know that our schools are maintaining accountability for preparing our students for the world of the 21st Century. Academic standards provide that accountability.

That is why the Montana Legislature funded the development of new academic standards to "raise the bar" to challenge all students to learn and achieve at higher levels. Hundreds of educators, school board members, parents, and community leaders around the state worked to develop these standards that the Board of Public Education recently approved.

Now, the real work begins. Now, we have to make sure that our classroom teachers are given the support they need to help our students meet these standards. We need to continue to use testing and other forms of assessment to measure our progress, and we need to make sure that our teachers are given the skills and knowledge to help our children succeed. Montana students are our greatest resource; if we invest in them, there is no telling where they can take this state.

I am very excited about the broad bipartisan support at the federal level for exactly the kind of assessment and teacher development programs that Montana has already got a jump-start on. I am eager to work with the Bush administration on programs to improve our schools, while still maintaining local control of curriculum. And I am encouraged by the high priority President Bush has put on education.

One of the most important reasons for the success of our schools is that Montana maintains small class sizes that allow our teachers time to give their kids the attention and help they need. It is one of the many reasons why maintaining school funding is so important. We need to fund education, not because of its political fallout and not because it helps teachers. We need to fund education because your children and grandchildren deserve the chance to learn.

I stand before you as a concerned teacher, not a politician, when I say to you that the proposed budget in House Bill 121 actually reduces current school funding levels by \$18 million. Schools cannot afford it. Children cannot afford it. And, Montana cannot afford it.

You'll have to forgive me for a moment for doing a little teaching - I can't help it, it's who I am. I want to talk a little about what has happened to school funding over the past decade. In 1993, the legislature redesigned the school funding formula to avoid the \$30 million increase that increased enrollment required; then in a special session later that year they cut another 20 million dollars in school funding. The state then made no significant increase in the school funding rates until the last biennium.

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

However, even with the increases in the 1999 session and the 2000 special session, funding levels are barely where they were before the 1993 cuts. Yet, schools fixed costs have risen dramatically over that time, even before schools were faced with the skyrocketing costs of energy, leaving school districts desperate to meet their costs. So far, districts have been able to shield children, as much as possible, from the cuts, but that time has run out. No increase in funding levels, combined with the \$18 million decrease due to declining enrollment, will devastate those budgets.

Let me tell you what these cuts will mean to schools. For several districts, including Missoula, Butte, and Livingston, it may mean shutting down entire schools. For the seven Double A districts around the state it could lead to the layoff of over 200 teachers. Let me repeat that, 200 teachers in 7 communities. I've been told that the number could be as high as 400 to 500 teachers in communities around the state. That means teachers aren't in the classrooms. It also means they won't be in the supermarkets, won't be building homes, won't be paying taxes. That hurts our economy.

Cuts in school budgets **Will** mean larger class sizes. They **Will** mean less personal attention in those early grades that are so crucial when kids are struggling to learn how to read and write. In the upper grades, it **Will** mean cuts in programs to keep at-risk students from dropping out. It **Will** mean the loss of opportunities: from music to math. It **Will** mean cuts in the increasingly important vocational training our young folks need to be prepared for the work force. It **Will** mean out-of-date textbooks. It **Will** mean schools cutting into general fund budgets to pay for the state's failure to fund special education.

These are the very real effects of budget cuts on schools. Now, let me tell you about the effect on our classrooms. Let me give you just one example out of many. I would like to recognize Mona Bidden from Miles City up there in the Gallery today. Mona represents the dedication of Montana teachers. Let me tell you a story; one that is all too common around the state. Mona Bidden was sick and tired of budget cuts hurting the education of her students, so she went out and sacrificed over \$500 of her own money to buy the supplies she needed for her classroom...This situation cannot continue...Teachers like Mona simply will not be able to keep our budget cuts from hurting our kids . . . Our children cannot be charity cases.

I give you these examples because I know that with charts and graphs in the millions of dollars it can be difficult, at times, to see the children through the numbers. However, when I urge you to support House Bill 31, the school funding proposal put forward by the education community, I give you my word that school funding dollars **DO** touch the lives of children. They mean valuable minutes a teacher can spend helping a student struggle over a spelling word or a long division problem. School funding dollars mean technology skills that could make the difference between finding a job in Montana or being forced to pack up and leave. They mean a chemistry or English class that makes someone decide to go to college, or a band or basketball program that keeps forgotten students in school and learning.

Finding the money to fund our schools is never easy. You face incredibly difficult decisions. But, funding schools is a question of priorities and a question of commitment. We are not talking luxuries, we are talking about our children's basic and constitutional right to a quality education.

Because of declining enrollment there will be \$31 million of unspent money in the two years of this biennium. All of that money should go back into school funding. With skyrocketing energy costs are hitting schools as sharply as they are hitting homeowners, and given the rising fixed costs that they face, taking that money away from schools to fund shortfalls really **IS** balancing the budget on the backs of our children. It is unacceptable.

I ask you to stop parents, teachers, and school trustees from having to come to Helena as beggars and have this same fight year after year. We should not have to reinvent the wheel each session. I ask you to work with me to come up with a ten-year plan to return state funding of education to where it needs to be. The interim study committee proposed

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

by my office is the first step in that process, and I look forward to the prospect of finding a long term solution to our school funding problem.

My father always taught me to roll up my sleeves and work until the job is done. When I saw my father roll up his sleeves, I knew that he was serious and committed. It wasn't until later that I realized that my family has short arms, so we pretty much have to roll up our sleeves to do anything.

My sleeves are rolled up, and I am committed to school funding, and to working with all parties to find a solution. I am not interested in playing the blame game. I will work with you as long and as hard as we have to, and I will make sure that my staff does the same. We can, and we must, find a way to properly fund our schools. And I will be here as long as it takes.

I also pledge to work just as hard on the other challenges that face our schools: ending school violence, facing the approaching crisis in teacher shortages, better integrating Montana public schools and institutions of higher education, and fighting the devastatingly high drop out rate among American Indian students. Something must be done to address these issues, and together we must find a solution.

First and foremost, our classrooms must be safe. The devastation of school violence casts a shadow over all our schools, and threats and bullying hurts our children's ability to learn and crushes their self-respect. These are issues that affect all of us. That is why the solution must come from all of us as a community. I will work with students, parents, and educators, joining forces with law enforcement, church, and civic leaders to help local communities prevent violence and promote school safety and Character Education. These programs must teach Montana community values like honesty, respect, and responsibility.

I applaud Governor Racicot's task force for taking the first steps to deal with teacher shortages. I urge the legislature to adopt those programs and I will work with Governor Martz to continue the work that task force began.

I am committed to creating a seamless K through 16 education system. I plan to be fully engaged with higher education, making full use of my Constitutional position on the Board of Public Education, the Board of Regents and the Combined Board of Education to further that goal.

Some of our gravest educational concerns are the challenges faced by our American Indian students. I will spotlight those challenges and continue to work with the tribal governments and colleges, the governor, and local school districts to help our Indian students get the education they need. I am committed to thinking outside the box and working to find new ideas and solutions to address these serious issues. Right now we are losing too many of our Montana Indian students; they cannot be left behind.

I am a teacher and a school librarian. Literacy and reading are my passion. I'm proud that Montana children rank 3rd in the nation for reading, but too many children are still left behind. Of the 60 Montana schools identified as "in need of improvement", the majority of whom are identified because of a failure of children to read at a proficient level. Children who can't read are at higher risk for everything from dropping out of school to being able to hold a decent job. As state superintendent, I will launch a Montana Literacy Initiative, starting with a Literacy Summit later this year, to focus the attention of parents, teachers, community and business leaders on the importance of reading and literacy. There is no issue closer to my heart.

I pledge to you that I will work hard to make your investment in education pay off. I will put my full effort into strengthening that essential bond between education and economic development. I will work with the leaders of business, labor, agriculture, economic development, and higher education to make sure our students are ready to be

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

the future of Montana's workforce.

Next Wednesday, I will join Senator Max Baucus in Bozeman at a summit regarding the role of education in economic development. We will discuss how Montana schools need to adapt to give our students the tools to rebuild Montana's economy and be able to stay here and put their own kids into our public schools.

Montana must increase our investment in vocational and technical education. Half a century ago, only 20 percent of the American workforce was made up of skilled labor; today, that number has risen to 60 percent. Yet, Montana's spending on career and technical education, including agriculture, industrial technology, and business education, is considerably lower than the rest of the states in the region and country. Economic experts ranging from West to the Montana World Trade Center tell us that one of the best ways to create jobs and raise wages in Montana is to make sure our students are trained for the workforce. This is one economic development program that is a concrete problem with a concrete solution. Give our schools the tools they need and we will turn out the best-trained students in the world!

I know that we Montanans can do whatever we put our minds to. I would like to leave you with a story of how far an honest, hard-working Montanan can go with a quality education.

It is the story of an 8th grade drop out, working as a mine mocker in the copper mines of Butte; a young man who made the best decision of his life by falling in love with a schoolteacher. (My husband, I might add, made the same wise choice.) He was a man of amazing potential, but whose life wasn't going anywhere when he met the woman who would become his wife. In his own words, "She put some sense into me, told me to go to school and make something of myself, and I did."

He certainly did. He completed his high school equivalency, and went to The University of Montana. His wife cashed in her life insurance policy to put him through college, where he would go on to teach as a professor. And that story would be success enough, even if she hadn't convinced him to run for, and helped him win, a seat in the United States Congress, where he would serve five terms before moving on to the Senate where he held the position of Majority Leader longer than anyone else in U.S. history. Finally, he completed his career as ambassador to Japan under the Carter and Reagan administrations.

That couple was, of course, Mike and Maureen Mansfield, two of Montana's greatest heroes. They show us what we are capable of. And, if you ask Mike Mansfield the reasons for his success, his answer will always be the same: his wife and his education.

Montanans can do anything. There is simply no doubt of it. But the State of Montana's Education is at a fork in the road. Schools can no longer just cut corners and still preserve student services. This round of cuts will hurt students. The decision whether or not to fund schools is in your hands, and I'm proud to stand here with you and make sure we find a way to do it.

Like Mike Mansfield, Montana's students hold incredible potential to rebuild this state. If we let them, there is no telling how far they can take us.

But we must not waste their potential. Shortchanging our children is shortchanging our future. We must invest in our schools.

To paraphrase the late Maureen Mansfield, "We, as a state, need to go to school and make something of ourselves."

Thank you very much!

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

The escort committee escorted the Superintendent of Public Instruction, Governor Martz, Lt. Governor Ohs, and other dignitaries from the joint session.

Senate Majority Leader Thomas moved that the joint session of the 57th Legislature, convened to receive the State of Education address, be adjourned. Motion carried.

Joint session adjourned at 2:03 p.m.

Senate reconvened at 2:08 p.m.

Roll Call. All members present except Senators Mahlum and O'Neil, excused.

**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 Grimes in the chair.

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

SB 357 - Senator Ryan moved SB 357 do pass. Motion carried unanimously.

SB 373 - Senator Halligan moved SB 373 do pass. Motion carried unanimously.

SB 383 - Senator Glaser moved SB 383 do pass. Motion carried unanimously.

SJR 11 - Senator Tester moved SJR 11 be adopted. Motion carried unanimously.

SJR 17 - Senator Keenan moved SJR 17 be adopted. Motion carried unanimously.

SB 264 - Senator Waterman moved SB 264, second reading copy, be amended as follows :

1. Page 5, line 1 through line 2.

Strike: "AFTER" on line 1 through "SERVICES" on line 2

Insert: "Services"

Amendment **not adopted** as follows:

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

Total 22

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

Total 25

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Absent or not voting: Kitzenberg.
Total 1

Excused: Mahlum, O'Neil.
Total 2

SB 264 - Senator Waterman moved SB 264 do pass. Motion carried unanimously.

SB 346 - Senator Cobb moved SB 346 do pass. Motion carried unanimously.

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

Senator Taylor excused at this time.

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 94 passed as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Kitzenberg, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 41

Nays: Bishop, Glaser, Johnson, Keenan, Miller, Wells.
Total 6

Absent or not voting: None.
Total 0

Excused: Mahlum, O'Neil, Taylor.
Total 3

SB 116 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, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Absent or not voting: None.
Total 0

Excused: Mahlum, O'Neil, Taylor.
Total 3

SB 257 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, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mahlum, O'Neil, Taylor.
Total 3

SB 259 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, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mahlum, O'Neil, Taylor.
Total 3

SB 282 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, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mahlum, O'Neil, Taylor.
Total 3

SB 288 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, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mahlum, O'Neil, Taylor.
Total 3

SB 306 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, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mahlum, O'Neil, Taylor.
Total 3

SB 317 passed as follows:

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

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Johnson, Keenan, Kitzenberg, McCarthy, McNutt, Miller, Mohl, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Wells, Zook, Mr. President.

Total 44

Nays: Jergeson, Nelson, Waterman.

Total 3

Absent or not voting: None.

Total 0

Excused: Mahlum, O'Neil, Taylor.

Total 3

SB 329 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, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mahlum, O'Neil, Taylor.

Total 3

SB 330 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, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mahlum, O'Neil, Taylor.

Total 3

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

SB 334 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, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 46

Nays: Cobb.

Total 1

Absent or not voting: None.

Total 0

Excused: Mahlum, O'Neil, Taylor.

Total 3

SB 356 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, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mahlum, O'Neil, Taylor.

Total 3

SB 386 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, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 44

Nays: Miller, Mohl, Stapleton.

Total 3

Absent or not voting: None.

Total 0

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Excused: Mahlum, O'Neil, Taylor.
Total 3

SB 392 passed as follows:

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

Nays: Grimes, McNutt.
Total 2

Absent or not voting: None.
Total 0

Excused: Mahlum, O'Neil, Taylor.
Total 3

SB 394 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, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mahlum, O'Neil, Taylor.
Total 3

SB 419 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, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Absent or not voting: None.
Total 0

Excused: Mahlum, O'Neil, Taylor.
Total 3

SB 425 passed as follows:

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

Nays: Butcher.
Total 1

Absent or not voting: None.
Total 0

Excused: Mahlum, O'Neil, Taylor.
Total 3

SJR 14 adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Waterman, Wells, Zook.
Total 44

Nays: Cocchiarella, Grimes, Mr. President.
Total 3

Absent or not voting: None.
Total 0

Excused: Mahlum, O'Neil, Taylor.
Total 3

MOTIONS

SB 315 - Senator Grimes moved that **SB 315** be taken from second reading and rereferred to the committee on Public Health, Welfare and Safety. Motion carried.

REPORTS OF STANDING COMMITTEES

TAXATION (DePratu, Chairman):

2/16/2001

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

SB 303, introduced bill, be amended as follows:

1. Title, line 5.

Following: "PROPERTY"

Insert: "AND FOREST LAND"

2. Title, page 1, line 7.

Following: the first "AN"

Insert: "IMMEDIATE"

3. Page 1, line 11 through line 14.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 2, line 16.

Strike: "[section 1]"

Insert: "subsection (3)"

5. Page 2.

Following: line 19

Insert: "(3) Property taxes levied to pay the principal and interest on general obligation bonds issued by a city, town, other municipality, or county pursuant to this chapter may not be levied against the following property:

- (a) agricultural land eligible for valuation, assessment, and taxation as agricultural land under 15-7-202;
- (b) forest land as defined in 15-44-102;
- (c) all improvements on agricultural land referred to in subsection (3)(a);
- (d) all improvements on forest land referred to in subsection (3)(b);
- (e) agricultural implements and equipment described in 15-6-138(1)(a); and
- (f) livestock described in 15-6-136(1)(a)."

6. Page 2, line 21 through line 27.

Strike: section 3 and section 4 in their entirety

Renumber: subsequent section

7. Page 2, line 29.

Strike: "July 1, 2001"

Insert: "on passage and approval"

8. Page 3, line 2.

Strike: "authorized and"

And, as amended, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Saturday, February 17, 2001. Motion carried.

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 16, 2001

Senate adjourned at 2:46 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate