

**SENATE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTIETH LEGISLATIVE DAY**

Helena, Montana  
February 17, 2001

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

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

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

Miller, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 2/17/2001  
Correctly printed: SB 249, SB 264, SB 310, SB 311, SB 324, SB 346, SB 355, SB 357, SB 373, SB 383, SB 427, SB 429, SB 486, SB 487, SB 488, SB 489, SJR 6, SJR 11, SJR 17.  
Correctly engrossed: SB 48, SB 207, SB 292, SB 303, SB 309, SB 340, SB 358, SB 360, SB 390, SB 393, SB 404, SB 423.

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Holden, Chairman): 2/12/2001  
**SB 196**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "ORIGIN"

**Strike:** "LABEL"

**Insert:** "PLACARD"

**Strike:** "BEING IMPORTED INTO"

**Insert:** "OFFERED FOR SALE IN"

2. Title, line 6.

**Following:** "FOR"

**Strike:** "IMPORTING INTO MONTANA"

**Insert:** "OFFERING FOR SALE"

3. Title, line 7.

**Following:** "WITHOUT"

**Strike:** "LABELS"

**Insert:** "INDICATING THE COUNTRY OF ORIGIN"

4. Page 1, line 24.

**Insert:** "(7) "Placard" has the meaning provided in 50-31-103."

5. Page 2, line 3 through line 4.

**Following:** "labeled" on line 3

**Strike:** remainder of line 3 through "permit,"

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**Insert:** "with a placard"

6. Page 2, line 5.

**Strike:** "Labeling must be done prior to delivery into Montana."

7. Page 2, line 11.

**Following:** "person"

**Strike:** "importing"

**Insert:** "engaged in the business of retail vending of"

8. Page 2, line 12 through line 13.

**Following:** "lamb" on line 12

**Strike:** remainder of line 12 through "not" on line 13

**Insert:** "who offers those products for sale without ensuring that the products are"

9. Page 2, line 14.

**Following:** "origin"

**Insert:** ", as provided in [section 3(2)], is subject to the following penalties:

(a) For a first offense, a vendor shall be fined an amount not to exceed \$100.

(b) For a second offense, a vendor shall be fined an amount not to exceed \$250.

(c) For a third offense, a vendor shall be fined an amount not to exceed \$500.

(d) For a fourth and subsequent offense, a vendor"

10. Page 2, line 15.

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

**Strike:** "or be imprisoned in the county jail for a term not to exceed 1 year, or both"

11. Page 3, line 5.

**Insert:** "NEW SECTION. Section 7. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And, as amended, do pass. Report adopted.

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

2/16/2001

**SB 305**, introduced bill, be amended as follows:

1. Page 2, line 23.

**Following:** "injury"

**Strike:** "and"

**Insert:** ", "

**Following:** "employer"

**Insert:** ", and the injured worker"

2. Page 2, line 24.

**Following:** "conditions"

**Insert:** ", including payment of benefits,"

And, as amended, do pass. Report adopted.

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**SB 369**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "HAVE A"

**Insert:** "FINANCIAL"

2. Page 1, line 18.

**Following:** "(3) a"

**Insert:** "financial"

And, as amended, do pass. Report adopted.

**SB 421**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "SIGNS,"

**Insert:** "SPECIAL"

2. Title, line 7.

**Strike:** "FURNISHINGS,"

3. Title, line 12.

**Strike:** "AND"

4. Title, line 14.

**Following:** "REQUEST"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1, line 18.

**Following:** "signs,"

**Insert:** "special"

**Strike:** "furnishings,"

6. Page 1, line 25.

**Following:** "all"

**Insert:** "special"

**Strike:** ", furnishings,"

7. Page 1, line 26.

**Strike:** "owned"

**Insert:** "purchased"

8. Page 1, line 29.

**Following:** "if the"

**Insert:** "special"

**Following:** "equipment"

**Insert:** "has a service agreement"

**Strike:** ", furnishings,"

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**Following:** "or"

**Insert:** "the"

9. Page 1, line 30.

**Strike:** "by the lessor"

**Following:** "terminate"

**Insert:** "the service agreement or"

**Following:** "of the"

**Insert:** "service or"

10. Page 2, line 1.

**Following:** "signs,"

**Insert:** "special"

**Strike:** "furnishings,"

11. Page 2, line 18.

**Following:** "15"

**Insert:** "business"

12. Page 3, line following 1.

**Insert:** "NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**ENERGY AND TELECOMMUNICATIONS** (Cole, Chairman):

2/17/2001

**SB 19**, do pass. Report adopted.

**SB 131**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

**Strike:** "CREATING A DEPARTMENT OF INFORMATION TECHNOLOGY;" on line 6

**Following:** "PROVIDING" on line 6

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

**Insert:** "FOR A"

2. Title, line 8.

**Strike:** "TRANSFERRING"

**Insert:** "ESTABLISHING"

3. Title, line 9.

**Strike:** "TO THE DEPARTMENT OF INFORMATION TECHNOLOGY"

4. Title, line 10.

**Strike:** "2-15-104,"

**Strike:** "2-15-1013,"

5. Title, line 11.

**Strike:** "2-17-311, 2-17-312, 2-17-313,"

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6. Title, line 12.

**Following:** "2-17-503,"

**Insert:** "2-18-103,"

**Strike:** "10-4-101,"

7. Title, line 13.

**Strike:** "20-32-102, 20-32-103, 20-32-104,"

**Following:** "61-3-345,"

**Insert:** "AND"

**Strike:** "AND 61-3-347,"

8. Page 1, line 26 through line 28.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

9. Page 2, line 1.

**Strike:** "17"

**Insert:** "19"

10. Page 2, line 3.

**Strike:** "chief information officer, provided for in [section 1]"

**Insert:** "director of the department of administration"

11. Page 2, line 5.

**Following:** line 4

**Insert:** "(b) the chief information officer provided for in [section 5];

(c) the director of the office of budget and program planning;"

**Renumber:** subsequent subsections

12. Page 2, line 5.

**Strike:** "or the directors' designees"

13. Page 2, line 21 through line 23.

**Following:** "state." on line 21

**Strike:** remainder of line 21 through line 23 in their entirety

14. Page 3, line 1.

**Strike:** "3"

**Insert:** "2"

15. Page 3, line 9.

**Strike:** "concepts"

**Insert:** "principles"

16. Page 3, line 10.

**Strike:** "be used in"

**Insert:** "guide"

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17. Page 3, line 13.

**Strike:** "Common"

**Insert:** "Whenever feasible and cost-effective, common"

18. Page 3, lines 18 and 19.

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

**Renumber:** subsequent subsections

19. Page 4, line 2.

**Strike:** "3"

**Insert:** "2"

20. Page 4, line 4.

**Strike:** "2"

**Insert:** "1"

21. Page 4, line 7.

**Strike:** "the department head provided for in [section 1]"

**Insert:** "a person appointed by the director of the department to carry out the duties and responsibilities of the department relating to information technology"

22. Page 4, line 9.

**Strike:** "information technology"

**Insert:** "administration"

**Strike:** "[section 1]"

**Insert:** "2-15-1001"

23. Page 4, line 22.

**Strike:** "established in [section 7]"

**Insert:** "assigned by the director of the department"

24. Page 4, line 23 through line 27.

**Strike:** subsections (2) through (4) in their entirety

**Insert:** "(2) serving as the chief policy advisor to the director of the department on statewide information technology issues; and

(3) assisting and advising the director of the department on the enforcement responsibilities provided in [section 8]."

25. Page 4, line 29.

**Following:** the second "department"

**Insert:** "is responsible for carrying out the planning and program responsibilities for information technology for state government. The department"

26. Page 4, line 30.

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

**Renumber:** subsequent subsections

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27. Page 5, line 1.

**Following:** "shall"

**Insert:** "encourage and"

**Following:** "within"

**Strike:** "the"

**Following:** "state"

**Insert:** "government"

28. Page 5, line 5.

**Strike:** ", in cooperation"

**Insert:** "cooperate"

**Following:** "commerce"

**Strike:** ", "

**Insert:** "to"

29. Page 5, line 7.

**Following:** "establish"

**Insert:** "and enforce"

30. Page 5, line 8.

**Following:** "establish"

**Insert:** "and enforce"

31. Page 5, line 16.

**Strike:** "2"

**Insert:** "1"

32. Page 5, line 18.

**Strike:** "2"

**Insert:** "1"

33. Page 5, line 19.

**Strike:** "and approve"

34. Page 5, line 23.

**Strike:** "services"

**Insert:** "resources"

35. Page 5, line 25.

**Following:** "entities"

**Insert:** "under terms and conditions established by the department"

36. Page 5, line 27.

**Following:** "entities"

**Insert:** "under terms and conditions established by the department"

37. Page 6, line 6.

**Following:** "legislature,"

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**Insert:** "the judiciary,"

38. Page 6, lines 9 and 10.

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

**Renumber:** subsequent subsections

39. Page 6, line 15.

**Strike:** "and"

40. Page 6, line 16.

**Strike:** "enforce"

**Insert:** "implement"

**Strike:** "3"

**Insert:** "2"

41. Page 6, line 17.

**Following:** "government"

**Insert:** ";

(x) shall report to the appropriate interim committee on a regular basis and to the legislature as provided in 5-11-210 on the information technology activities of the department; and

(y) shall represent the state with public and private entities on matters of information technology"

42. Page 6, line 20.

**Insert:** "(3) The director of the department shall appoint the chief information officer to assist in carrying out the department's information technology duties."

43. Page 6, line 29.

**Strike:** "chief information officer"

**Insert:** "department"

44. Page 7, line 3.

**Following:** line 2

**Insert:** "(d) rates and other charges for services established by the department as provided in [section 6(1)(t)];"

**Renumber:** subsequent subsections

45. Page 7, line 6.

**Following:** line 5

**Insert:** "(g) action taken by the department as provided in [section 8(1)] for any activity that is not in compliance with [sections 2 through 18];"

**Renumber:** subsequent subsections

46. Page 7, lines 10 and 11.

**Following:** "the" on line 10

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

**Insert:** "department"

47. Page 7, line 14.

**Insert:** "NEW SECTION. Section 8. Department -- enforcement responsibilities. (1) If the department determines



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that an agency is not in compliance with the state strategic information technology plan provided for in [section 13], the agency information technology plan provided for in [section 15], or the statewide information technology policies and standards provided for in [section 6], the department may cancel or modify any contract, project, or activity that is not in compliance.

(2) Prior to taking action provided for in subsection (1), the department shall review with the board any activities that are not in compliance.

(3) Any contract entered into by an agency that includes information technology resources must include language developed by the department that references the department's enforcement responsibilities provided for in subsection (1). A contract that does not contain the required language is considered to be in violation of state law and is voidable pursuant to subsection (1). The language developed by the department may not be varied pursuant to 18-4-224."

**Renumber:** subsequent sections

48. Page 7, line 16.

**Strike:** "3"

**Insert:** "2"

49. Page 7, line 17.

**Strike:** "chief information officer"

**Insert:** "department"

50. Page 7, line 20.

**Strike:** "exemption"

**Insert:** "exception"

51. Page 7, line 21.

**Strike:** "exemption"

**Insert:** "exception"

52. Page 7, line 24.

**Strike:** "7(1)(l)"

**Insert:** "6(1)(k)"

**Strike:** "(1)(m)"

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

53. Page 8, line 13.

**Strike:** "3"

**Insert:** "2"

54. Page 8, line 25.

**Strike:** "3"

**Insert:** "2"

55. Page 8, line 27.

**Strike:** "exemption"

**Insert:** "exception"

56. Page 9, line 14.

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**Strike:** "4"  
**Insert:** "3"

57. Page 11, line 9.  
**Following:** "costs"  
**Insert:** ", and must fulfill or support an agency's business requirements"

58. Page 11, line 11.  
**Strike:** "chief information officer"  
**Insert:** "department"

59. Page 11, line 28.  
**Strike:** "chief information officer"  
**Insert:** "department"

60. Page 12, line 18.  
**Strike:** "and"

61. Page 12, line 19.  
**Following:** "request"  
**Insert:** "; and  
(iv) the proposed cost of operating new information technology systems"

62. Page 12, line 25.  
**Strike:** "chief information officer"  
**Insert:** "department"

63. Page 13, line 12.  
**Strike:** "information technology"  
**Insert:** "administration"

64. Page 13, line 26.  
**Strike:** "information technology"  
**Insert:** "administration"

65. Page 13, line 28.  
**Strike:** "information technology"  
**Insert:** "administration"

66. Page 14, line 2.  
**Strike:** "information technology"  
**Insert:** "administration"

67. Page 14, line 6.  
**Strike:** "information technology"  
**Insert:** "administration"

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68. Page 14, line 7.

**Following:** "computer"

**Insert:** "center"

69. Page 14, line 8.

**Following:** "and"

**Insert:** "statewide"

**Strike:** "systems"

**Insert:** "system"

70. Page 15, line 27 through page 16, line 22.

**Strike:** section 22 in its entirety

**Renumber:** subsequent sections

71. Page 17, line 14.

**Strike:** "department's"

**Insert:** "agency"

72. Page 18, line 9.

**Strike:** "information technology"

**Insert:** "administration"

73. Page 18, line 10.

**Strike:** "7"

**Insert:** "6"

74. Page 18, line 18 through page 19, line 3.

**Strike:** section 25 in its entirety

**Renumber:** subsequent sections

75. Page 19, line 11.

**Strike:** "information technology"

**Insert:** "administration"

76. Page 20, line 2.

**Strike:** "information technology"

**Insert:** "administration"

77. Page 20, line 23.

**Strike:** "a centralized, economical, efficient, and effective maintenance program for all"

78. Page 20, line 24.

**Strike:** "statewide" through "facilities"

**Insert:** "the cost-effective use of information technology resources"

79. Page 20, line 30.

**Strike:** "maintenance and repair"

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**Insert:** "associated charges from the department"

80. Page 21, line 1.

**Strike:** "7"

**Insert:** "6"

81. Page 21, line 14 through page 22, line 6.

**Strike:** section 31 through 33 in their entirety

**Renumber:** subsequent sections

82. Page 23, line 21.

**Following:** "security of"

**Insert:** "the"

83. Page 24, line 5.

**Insert:** "**Section 32.** Section 2-18-103, MCA, is amended to read:

**"2-18-103. Officers and employees excepted.** Parts 1 through 3 and 10 do not apply to the following officers and employees in state government:

- (1) elected officials;
- (2) county assessors and their chief deputies;
- (3) employees of the office of consumer counsel;
- (4) judges and employees of the judicial branch;
- (5) members of boards and commissions appointed by the governor, the legislature, or other elected state officials;
- (6) officers or members of the militia;
- (7) agency heads appointed by the governor;
- (8) academic and professional administrative personnel with individual contracts under the authority of the board of regents of higher education;
- (9) academic and professional administrative personnel and live-in houseparents who have entered into individual contracts with the state school for the deaf and blind under the authority of the state board of public education;
- (10) investment officer, assistant investment officer, executive director, and five professional staff positions of the board of investments;
- (11) four professional staff positions under the board of oil and gas conservation;
- (12) assistant director for security of the Montana state lottery;
- (13) executive director and employees of the state compensation insurance fund;
- (14) state racing stewards employed by the executive secretary of the Montana board of horseracing;
- (15) executive director of the Montana wheat and barley committee;
- (16) commissioner of banking and financial institutions;
- (17) training coordinator for county attorneys;
- (18) employees of an entity of the legislative branch consolidated, as provided in 5-2-504;
- (19) chief information officer in the department of administration."

**Renumber:** subsequent sections

84. Page 24, line 18.

**Strike:** "chief information officer"

**Insert:** "director"

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85. Page 24, line 19.

**Strike:** "information technology"

**Insert:** "administration"

86. Page 25, lines 26 and 27.

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

**Renumber:** subsequent subsections

87. Page 25, line 28.

**Strike:** "operation"

**Insert:** "information technology policies"

**Strike:** "information technology"

**Insert:** "administration"

88. Page 25, line 30.

**Following:** "of"

**Insert:** "information technology"

89. Page 26, line 2.

**Strike:** "information technology"

**Insert:** "administration"

90. Page 26, line 20.

**Strike:** "information technology"

**Insert:** "administration"

91. Page 26, line 24.

**Strike:** "information technology"

**Insert:** "administration"

92. Page 26, line 29 through page 28, line 26.

**Strike:** section 41 in its entirety

**Renumber:** subsequent sections

93. Page 34, line 19.

**Strike:** "of information technology"

94. Page 35, line 6 through page 37, line 25.

**Strike:** sections 46 through 48 in its entirety

**Renumber:** subsequent sections

95. Page 38, lines 4 and 5.

**Strike:** "information" on line 4 through "technology" on line 5

**Insert:** "administration"

**Strike:** "chief information officer"

**Insert:** "director of the department of administration"

96. Page 39, lines 6 and 7.

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**Strike:** "information" on line 6 through "technology" on line 7

**Insert:** "administration"

**Strike:** "chief information officer"

**Insert:** "director of the department"

97. Page 39, line 11 through line 24.

**Strike:** section 51 in its entirety

**Renumber:** subsequent sections

98. Page 39, lines 29 and 30.

**Strike:** section 53 in its entirety

**Renumber:** subsequent sections

99. Page 40, line 3.

**Strike:** "Sections"

**Insert:** "Section"

**Strike:** "and 2"

**Strike:** "are"

**Insert:** "is"

**Following:** "15,"

**Insert:** "part 10,"

100. Page 40, line 4.

**Following:** "15,"

**Insert:** "part 10,"

**Strike:** "sections"

**Insert:** "section"

**Strike:** "and 2"

101. Page 40, line 5.

**Strike:** "3"

**Insert:** "2"

102. Page 40, line 6.

**Strike:** "3"

**Insert:** "2"

103. Page 40, line 8.

**Strike:** "3"

**Insert:** "2"

And, as amended, do pass. Report adopted.

**SB 243**, introduced bill, be amended as follows:

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

**Strike:** "ALLOWING" on line 4 through "WHILE" on line 5

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2. Title, page 1, line 10.

**Strike:** ""RATE TRANSITION""

**Insert:** ""ENERGY RISK MANAGEMENT PROCESS""

3. Title, page 1, lines 12 and 13.

**Strike:** "ALLOWING" on line 12 through "PERIOD;" on line 13

4. Title, page 1, lines 20 and 21.

**Strike:** "AUTHORIZING" on line 20 through "TRANSITION;" on line 21

5. Page 3.

**Following:** line 3

**Insert:** "(12) "Energy risk management process" means policies and procedures regarding appropriate risk levels and use of certain energy market financial instruments, including but not limited to hedging contracts to manage variations in either energy market prices or customer loads."

**Renumber:** subsequent subsections

6. Page 4, line 27 through line 28.

**Strike:** subsection (25) in its entirety

7. Page 5, lines 29 and 30.

**Following:** "2007" on line 29

**Strike:** ", unless" on line 29 through "supplier" on line 30

8. Page 7, line 1.

**Strike:** "(1)(c)"

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

9. Page 7, line 4.

**Following:** "supplier"

**Insert:** "other than the default supplier"

10. Page 7, line 5 through line 30.

**Strike:** subsections (b), (c), (d), (e), and (f) in their entirety

**Insert:** "(b) (i) A customer under subsection (1)(a) may elect to receive default supply service, but that election must be for the entire transition period.

(ii) The public utility shall notify all customers under subsection (1)(a) that they may elect to receive default supply service within 30 days after [the effective date of this act].

(iii) A customer under subsection (1)(a) may choose to purchase electricity from the default supplier for the period of July 1, 2002, through June 30, 2007, by notifying the commission and the default supplier within 60 days after [the effective date of this act].

(iv) A customer under subsection (1)(a) who chooses to purchase electricity from the default supplier shall provide the default supplier with its specific monthly load requirements for the entire transition period. The customer shall annually notify the default supplier of its load requirements and shall notify the default supplier at least 6 months in advance of any 10% increase or decrease in its load requirements.

(v) A customer under subsection (1)(a) who chooses to purchase electricity from the default supplier shall post a bond with a reputable surety company payable to the default supplier for an amount starting at a level equivalent to the estimated market value of the customer's specific pro rata load requirements for the transition period adjusted

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annually.

(vi) If a customer under subsection (1)(a) chooses to purchase electricity from the default supplier during the transition period and then subsequently fails to purchase all or part of the load that the customer committed to, the customer becomes immediately liable and is required to make an exit payment to the default supplier equal to the customer's pro rata share of the costs associated with the default supplier's remaining contracted electricity supply load, plus or minus any deferred balance being held by the default supplier. If the customer defaults on the exit payment, the surety company must be billed and becomes responsible for the amount.

(c) On or after July 1, 2007, all other public utility customers must have the opportunity to choose an electricity supplier.

(d) Except as provided in subsection (1)(e), those customers subject to subsection (1)(a) who choose an alternative supplier may not purchase electricity from the default supplier throughout the remainder of the transition period."

11. Page 8, line 1.

**Strike:** "(g)"

**Insert:** "(e)"

**Strike:** "in the category of subsection (1)(b)"

**Insert:** "who is not subject to subsection (1)(a)"

12. Page 8, line 6.

**Strike:** "rates"

**Insert:** "rate"

13. Page 8.

**Following:** line 7

**Insert:** "(iii) For purposes of this subsection (1)(e), "new customer" means an entity or person that initiates or renews operations following [the effective date of this act], regardless of whether that entity or person formerly received services from the default supplier."

14. Page 9, line 21.

**Strike:** "A"

**Insert:** "Before July 1, 2007, a"

15. Page 9, line 30.

**Following:** "(iv) the"

**Insert:** "general pricing and the"

16. Page 10, line 1.

**Following:** "supplier"

**Insert:** "while maintaining the confidentiality of the details of these contracts in a competitive marketplace"

17. Page 10.

**Following:** line 2

**Insert:** "(c) The increased costs of customer education during the transition period are recoverable by the distribution services provider from all of its customers."

18. Page 10, line 11.



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**Strike:** "be" through "supplier"

**Insert:** "as default supplier, provide for an emergency supply"

**Following:** "for"

**Insert:** "its default supply and for"

19. Page 10, line 12.

**Following:** "." on line 12

**Insert:** "This service may be provided through an affiliated transmission services provider. These costs must be included and recovered as part of the costs of the default supplier only if the costs are unrecovered from an electricity supplier who has failed to meet its obligation. An emergency exists only when a customer cannot

obtain an adequate supply of electricity from any other source. The provision of the emergency supply is limited to a maximum period of 60 days from the commencement of the delivery of the supply to the customer."

20. Page 10, line 13 through line 18.

**Strike:** "When" on line 13 through "supply." on line 18

21. Page 10, line 19.

**Following:** "this"

**Insert:** "default supply"

22. Page 10, line 25 through line 26.

**Strike:** "During" on line 25 through "[section 9]" on line 26

**Insert:** "From July 1, 2002, through June 30, 2007:

- (a) the distribution services provider shall purchase electricity from the market pursuant to [section 9]; and
- (b) prices"

23. Page 10, line 27.

**Following:** "supplier"

**Insert:** "must be established pursuant to [section 9]"

24. Page 14, line 14.

**Following:** "supplier"

**Insert:** "pursuant to [section 9]"

**Strike:** "cost-based"

**Insert:** "market-based"

25. Page 15, line 8 through line 12.

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

**Renumber:** subsequent subsections

26. Page 15, line 20.

**Strike:** "July 1, 2002, contract"

**Insert:** "September 1, 2001, commence a competitive bid process"

**Following:** "a"

**Insert:** "base load"

**Strike:** "for all"

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**Insert:** "to meet the reasonably expected minimal needs"

27. Page 15, line 23.

**Strike:** "69-8-403(8)"

**Insert:** "subsection (4)"

28. Page 15, line 25 through page 16, line 4.

**Strike:** "and" on page 15, line 25 through "commission" on page 16, line 4

**Following:** "." on line 4

**Insert:** "The commission shall, except as provided in subsection (7), approve or reject the contracts using the factors in subsection (8). The commission shall approve or reject these contracts within the minimum average time stated in the request for proposals. A bidder for electricity supply or services shall keep its bid prices available during that time period stated in the request for proposals. If the commission rejects the contracts, it shall inform the default supplier as to how to correct the deficiency. A contract may not be entered into that has not been approved by the commission. Because bids are likely to contain confidential, competitively sensitive, and trade secret information, the default supplier shall provide summaries of the results of the bids for public disclosure."

29. Page 16, line 5.

**Strike:** "just and reasonable"

**Insert:** "approved"

30. Page 16, line 7.

**Following:** "electricity."

**Insert:** "Rates must be adjusted at least annually by using the mechanism that recovers electricity supply costs in rates to ensure that those costs are fully recovered. This mechanism must adjust for any costs or load differences and must include recognition of the value of money over time. The mechanism must adjust rates for any undercollection or overcollection for the previous recovery period and add this amount to or subtract this amount from the forecasted energy costs for the next recovery period. The default supplier shall submit to the commission and the commission shall approve a mechanism to accomplish this purpose before March 30, 2002.

(5) The default supplier may contract with electricity suppliers to meet its default supply load requirements by establishing a portfolio of contracts of varying load sizes and contract terms. The default supplier shall submit contracts for at least 400 megawatts of power to the commission for the commission's approval by March 1, 2002.

(6) The competitive bid process must be designed to allow all suppliers interested in supplying energy or services to the default supplier to submit bids for any and all of the energy products and associated services described in the default supplier's procurement process. The default supplier shall keep the commission and the consumer counsel informed as the competitive bid process is planned and implemented and shall weigh the input of these agencies' designated representatives, both in the design of the process and in the evaluation of bids.

(7) The default supplier may contract without using the competitive bid process that requires commission approval described in subsection (2) in certain circumstances for peaking or load-following purposes.

(8) In considering whether to enter a supply contract, the default supplier shall consider the following factors only:

- (a) the price of the energy supply or service as determined by the bid process;
- (b) firmness of the energy supply;
- (c) reliability of the energy supply;
- (d) delivery costs of the energy supply, including but not limited to delivery point, transmission, and congestion costs;

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(e) the supplier's credit capability; and  
(f) any other factor that can be objectively shown to materially affect the price of the default supplier's energy supply or the reliability of that supply.

(9) The default supplier shall offer its customers an opportunity to purchase a separately marketed product composed of power from renewable resources. This product may be priced differently from the standard electricity product authorized in this section. For the purposes of this section, "renewable resources" means wind, solar, or geothermal resources.

(10) The administration and general costs and the costs of any energy risk management process activities of the default supplier must be included in the default supply rate.

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**SB 319**, introduced bill, be amended as follows:

1. Title, page 1, line 15.

**Strike:** "75-20-201,"

2. Page 5, line 1.

**Following:** "crops"

**Insert:** "or for drinking water"

3. Page 5, line 5.

**Strike:** "or"

4. Page 5, line 9.

**Following:** "plant"

**Insert:** "; or

(d) for the purposes of 75-20-204 only, a plant, unit, or other facility capable of generating 50 megawatts of hydroelectric power or more or any addition thereto."

5. Page 5, line 22 through page 6, line 10.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

6. Page 6, line 17.

**Strike:** "180"

**Insert:** "60"

7. Page 11, line 6.

**Strike:** "or renewal"

8. Page 13, line 29.

**Strike:** "or" through "(8)(b)"

9. Page 13, line 30.

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**Following:** "length"

**Insert:** "and for a facility defined in 75-20-104(8)(b)"

10. Page 14, line 1.

**Strike:** "or" through "(8)(b)"

11. Page 14, line 5.

**Insert:** "(iii) For a facility as defined in 75-20-104(8)(c), construction must begin within 6 years and continue with due diligence in accordance with preliminary construction plans established in the certificate."

12. Page 14, line 6.

**Strike:** "or renewed"

13. Page 16, line 22.

**Following:** "facility"

**Insert:** "or associated facility"

14. Page 16, line 23.

**Following:** "(8)(b),"

**Insert:** "(8)(d),"

**Following:** "on"

**Insert:** "the day before"

And, as amended, do pass. Report adopted.

**SB 327**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "FOR-PROFIT"

**Insert:** "PRIVATE"

2. Title, line 6.

**Strike:** "FOR-PROFIT"

**Insert:** "PRIVATE"

3. Title, line 7.

**Following:** "AVAILABLE"

**Insert:** "OR THE AGENCY OR POLITICAL SUBDIVISION OFFERS ADVANCED SERVICES THAT ARE UNAVAILABLE FROM A PRIVATE PROVIDER"

**Strike:** "FOR-PROFIT"

**Insert:** "PRIVATE"

4. Page 1, line 29.

**Following:** "service"

**Insert:** ", available to the public,"

5. Page 1, line 30.

**Strike:** "users to access the internet"

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**Insert:** "the person's or entity's customers to access the internet, purchase internet server or file-hosting services, collocate internet equipment, or use data transmission over the internet for a fee"

6. Page 2, line 3.

**Strike:** "for-profit"

**Insert:** "private"

7. Page 2, line 4.

**Following:** "(2)(a)"

**Insert:** "or (2)(b)"

8. Page 2, line 5 through line 7.

**Strike:** "engage" on line 5 through "for-profit" on line 7

**Insert:** "be an"

9. Page 2, line 8.

**Strike:** "for-profit"

**Insert:** "private"

10. Page 2.

**Following:** line 9

**Insert:** "(b) An agency or political subdivision may act as an internet services provider when providing advanced services that are not otherwise available from a private internet services provider within the jurisdiction served by the agency or political subdivision."

**Renumber:** subsequent subsection

11. Page 2, line 10.

**Strike:** "for-profit"

**Insert:** "private"

12. Page 2, line 11.

**Strike:** "for-profit"

**Insert:** "private"

13. Page 2.

**Following:** line 13

**Insert:** "(3) Upon receiving notice pursuant to subsection (2)(c), the agency or political subdivision shall notify its subscribers within 30 days of the intent of the private internet services provider to begin providing internet services and may choose to discontinue providing internet services within 180 days of the notice.

(4) Nothing in this section may be construed to prohibit an agency or political subdivision from:

(a) offering electronic government services to the general public; or

(b) acquiring access to the internet from a private internet services provider in order to offer electronic government services to the general public."

14. Page 2, line 17.

**Strike:** "for-profit"

**Insert:** "private"

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And, as amended, do pass. Report adopted.

**SB 387**, do pass. Report adopted.

**SB 424**, introduced bill, be amended as follows:

1. Page 1, line 28.

**Following:** "costs:"

**Insert:** "and"

2. Page 1, line 29.

**Strike:** "; and"

**Insert:** "."

3. Page 1, line 30.

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

4. Page 2, line 22.

**Following:** "costs:"

**Insert:** "and"

5. Page 2, line 23.

**Strike:** "; and"

**Insert:** "."

6. Page 2, line 24.

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

And, as amended, do pass. Report adopted.

**FISH AND GAME** (Sprague, Chairman):

2/16/2001

**SB 304**, introduced bill, be amended as follows:

1. Title, line 9.

**Strike:** "IMMEDIATE"

2. Page 1, line 14.

**Strike:** "10%"

**Insert:** "15%"

3. Page 1, line 29 through line 30.

**Strike:** "committed" on line 29 through "enhancement" on line 30

**Insert:** "spent each year"

4. Page 2, line 6.

**Following:** "provide for"

**Insert:** "establishment of"

5. Page 2, line 16.

**Strike:** "A"

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**Insert:** "Except when a greater amount, up to \$200,000, is authorized by the commission, a"

6. Page 2, line 17.

**Strike:** "Aggregate capital"

**Insert:** "Total"

**Following:** "purchases"

**Insert:** "of equipment, land, and buildings"

7. Page 2, line 20.

**Strike:** "prohibited"

**Insert:** "only allowed on a cost-share basis, when the applicant pays at least 50% of the funded costs"

8. Page 2, line 23.

**Strike:** "500"

**Insert:** "400"

**Strike:** "enclosure"

**Insert:** "building"

9. Page 3, line 3.

**Strike:** "incorporates"

**Insert:** "incorporate"

10. Page 4, line 1.

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

**Insert:** "July 1, 2001"

And, as amended, do pass. Report adopted.

**SB 431**, do pass. Report adopted.

**HB 258**, be concurred in. Report adopted.

**HB 325**, be concurred in. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Mohl, Chairman):

2/16/2001

**SB 355**, do pass. Report adopted.

**SB 393**, introduced bill, be amended as follows:

1. Page 1, lines 16 and 17.

**Strike:** "(1)" on line 16

**Strike:** "(a)" on line 17

**Insert:** "(1)"

**Renumber:** subsequent subsections

2. Page 1, line 26 through line 27.

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

And, as amended, do pass. Report adopted.

**SJR 6**, be adopted. Report adopted.

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**MOTIONS**

**SB 480** - Senator Berry moved that the line, "by request of the Senate Business and Labor Standing Committee" be added to SB 480, as it was inadvertently left off. Motion carried.

**SB 323** - Senator Thomas moved that consideration of SB 323 on the second reading this legislative day, be passed for the day. Motion carried.

**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 Hargrove in the chair.

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

**SB 298** - Senator Glaser moved SB 298, second reading copy, be amended as follows :

1. Title, line 8.

**Following:** "CONTRACTOR"

**Insert:** "EXCEPT"

2. Page 2, line 3.

**Strike:** "FOR RESIDENTIAL PROJECTS WITH A TOTAL COST OF LESS THAN \$200,000"

3. Page 2, following line 7.

**Insert:** "(3) This section does not apply to residential projects with a total cost of less than \$200,000."

Amendment **adopted** unanimously.

**SB 298** - Senator Glaser moved SB 298, as amended, do pass. Motion carried unanimously.

**SB 313** - Senator F. Thomas moved SB 313 do pass. Motion carried unanimously.

**SB 48** - Senator Sprague moved SB 48 do pass. Motion carried unanimously.

**SB 340** - Senator Berry moved SB 340 do pass. Motion carried unanimously.

**SB 292** - Senator Sprague moved SB 292 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 Hargrove 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



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manner:

**SB 249** passed as follows:

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

Total 34

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

Total 14

Absent or not voting: None.

Total 0

Excused: Mahlum, O'Neil.

Total 2

**SB 264** 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, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 46

Nays: Miller, Stapleton.

Total 2

Absent or not voting: None.

Total 0

Excused: Mahlum, O'Neil.

Total 2

**SB 310** 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, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

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Total 0

Excused: Mahlum, O'Neil.

Total 2

**SB 311** 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, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mahlum, O'Neil.

Total 2

**SB 324** 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, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mahlum, O'Neil.

Total 2

**SB 346** passed as follows:

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

Total 45

Nays: Elliott, Kitzenberg, Nelson.

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Total 3

Absent or not voting: None.

Total 0

Excused: Mahlum, O'Neil.

Total 2

**SB 357** 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, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mahlum, O'Neil.

Total 2

**SB 373** 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, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mahlum, O'Neil.

Total 2

**SB 383** 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,

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Johnson, Keenan, Kitzenberg, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mahlum, O'Neil.  
Total 2

**SB 427** 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, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mahlum, O'Neil.  
Total 2

**SB 429** 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, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.  
Total 47

Nays: Toole.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Mahlum, O'Neil.  
Total 2

**SJR 11** adopted as follows:

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Yeas: Berry, Bishop, Bohlinger, Butcher, 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, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 47

Nays: Christiaens.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Mahlum, O'Neil.  
Total 2

**SJR 17** adopted 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, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mahlum, O'Neil.  
Total 2

**ANNOUNCEMENTS**

Senator Berry acknowledged the Senate pages, gave a brief overview of their future plans, and thanked them for their work for the Senate through the week.

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 12:30 p.m., Monday, February 19, 2001. Motion carried.

Senate adjourned at 8:46 a.m.

ROSANA SKELTON  
Secretary of Senate

TOM BECK  
President of the Senate

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