

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

Helena, Montana
February 20, 2001

Senate Chambers
State Capitol

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

Roll Call. All members present except Senators Butcher, Cocchiarella, Roush, Ryan, Sprague and Taylor, excused. Quorum present.

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

Miller, Chairman

Senators Butcher, Cocchiarella, Roush, Ryan, Sprague and Taylor present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 2/20/2001
Correctly printed: SB 207, SB 218, SB 303, SB 305, SB 309, SB 323, SB 333, SB 349, SB 358, SB 360, SB 362, SB 378, SB 379, SB 389, SB 390, SB 404, SB 407, SB 423 SB 430, SB 451, SB 459, SB 467, SB 469, SB 476, SB 477, SB 489, SB 490, SB 491, SJR 13, SJR 16, HJR 4.
Correctly engrossed: SB 326, SB 354, SB 377, SB 408, SB 487.

BUSINESS AND LABOR (Taylor, Chairman): 2/19/2001
SB 428, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "66"

Insert: "63"

2. Page 2, line 1.

Strike: "66%"

Insert: "63%"

And, as amended, do pass. Report adopted.

SB 432, introduced bill, be amended as follows:

1. Page 3, line 3.

Strike: "infrastructure"

2. Page 3, line 13.

Strike: "infrastructure"

3. Page 3, line 14.

Following: "project"

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Insert: "over the term of the bonds"

Following: "on"

Insert: "and interest on"

And, as amended, do pass. Report adopted.

SB 438, introduced bill, be amended as follows:

1. Title, line 7.

Following: ";"

Insert: "AND"

2. Title, lines 8 and 9.

Strike: ";" on line 8 through "PRACTICES" on line 9

3. Page 1, line 16.

Strike: "6"

Insert: "5"

4. Page 1, line 19.

Strike: "6"

Insert: "5"

5. Page 1, line 22.

Strike: "6"

Insert: "5"

6. Page 1, line 25.

Strike: "6"

Insert: "5"

7. Page 1, lines 27 through 29.

Strike: "a" on line 27 through "condition" on line 29

Insert: "the same as provided in 33-32-102(4)"

8. Page 2, line 4.

Following: "."

Insert: "The commissioner shall place a utilization review organization on the register when the utilization review organization provides information that establishes that the utilization review organization meets the standards set forth in this section. The commissioner shall remove from the register a utilization review organization that fails to meet the standards set forth in this section."

9. Page 2, lines 26 through 30.

Strike: section 6 in its entirety

Renumber: subsequent section

10. Page 3, line 2.

Strike: "6"

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Insert: "5"

11. Page 3, line 3.

Strike: "6"

Insert: "5"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman):
SB 361, introduced bill, be amended as follows:

2/19/2001

1. Page 2, line 19.

Insert: "NEW SECTION. Section 2. Coordination instruction. If House Bill No. 309 and [this act] are both passed and approved, then subsection (3) in 71-3-1114 must read as follows:

"(3) ~~The lien is subject to the lien of an attorney provided in 37-61-420.~~ A physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ambulatory surgical facility, psychologist, licensed social worker, or licensed professional counselor claiming a lien under this part is not liable for attorney fees and costs incurred by the injured person, the injured person's estate or successors, or a beneficiary in connection with obtaining payments or benefits subject to a lien under this part. The lien of an attorney provided for in 37-61-420 has priority over a lien created by this part."

And, as amended, do pass. Report adopted.

SB 420, do pass. Report adopted.

SB 442, do pass. Report adopted.

SB 454, do pass. Report adopted.

SB 461, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Strike: "PROVIDING" on line 5 through "SERVICES" on line 6

Insert: "REQUIRING THE BOARD OF MEDICAL EXAMINERS"

Following: "ADOPT" on line 6

Insert: "RULES THAT ESTABLISH"

2. Page 1, line 17 through page 2, line 2.

Strike: subsections (a) through (h) in their entirety

Insert: "(a) a description of the therapeutic modalities, including surgical procedures, and a description of known available nonsurgical alternatives to hysterectomy;

(b) a description of the advantages, disadvantages, and risks of the procedure or treatment and the potential physiological effects, including issues regarding the onset of menopause, infertility, or sterility as appropriate to the clinical condition;

(c) a description of aspects of recovery and potential conditions that may follow recovery.

3. Page 2, line 6 through line 9.

Following: "designee." on line 6

Strike: remainder of line 6 through line 9

4. Page 2, line 14.

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Strike: "may"
Insert: "shall"

5. Page 2, line 17 through line 20.

Strike: subsection (5) in its entirety

Insert: "(5) Failure of a physician or surgeon to obtain written informed consent as provided in subsection (1) constitutes unprofessional conduct. The consent process must be conducted in a manner consistent with layperson language so that an individual who has no medical training is able to understand the information."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Hargrove, Chairman):

2/19/2001

SB 396, do pass. Report adopted.

SB 473, do pass. Report adopted.

SJR 12, be adopted. Report adopted.

TAXATION (DePratu, Chairman):

2/19/2001

SB 46, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "AND IS CONTINUOUS UNTIL FULLY SATISFIED"

Insert: "; PROVIDING THAT A LEVY UPON EARNINGS CONTINUES IN EFFECT FOR 120 DAYS"

2. Page 1, line 19 through line 20.

Strike: "and is" on line 19 through "years" on line 20

Insert: ". A levy upon earnings continues in effect for 120 days or until the judgment is satisfied, whichever occurs first. The levy applies to all pay periods beginning during the 120-day period"

3. Page 2, line 7 through line 8.

Strike: "and is continuous" on line 7 through "years" on line 8

Insert: ". A levy upon earnings continues in effect for 120 days or until the judgment is satisfied, whichever occurs first. The levy applies to all pay periods beginning during the 120-day period"

4. Page 3.

Following: line 1

Insert: "NEW SECTION. Section 3. Coordination instruction. If House Bill No. 254 is not passed and approved, then this bill is void."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 400, introduced bill, be amended as follows:

1. Title, line 5.

Strike: ", REPAIR,"

Strike: "MAINTENANCE"

Insert: "RECONSTRUCTION"

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2. Title, page 1, line 6.

Strike: "FOR"

Insert: "THAT THE LEGISLATURE IS NOT BOUND TO"

Following: "LEVY"

Insert: "OR DISTRIBUTION"

3. Title, line 7.

Strike: "A"

Strike: "TAX"

Insert: "TAXES"

4. Page 1, line 15.

Following: "construction"

Strike: ", "

Insert: "and"

Strike: ", maintenance, or repair"

5. Page 1, line 25.

Following: "government"

Insert: "or the state of Montana"

6. Page 2, line 5.

Following: "government"

Insert: ", if any,"

7. Page 2, line 29.

Strike: "Continued"

Insert: "Legislature not bound to continue"

Strike: "(1)"

Strike: "shall provide for"

Insert: "is not bound to"

8. Page 2, line 30.

Strike: "and" in both places

Insert: "or" in both places

9. Page 3, line 1 through line 7.

Strike: ", subject" on line 1 through "governments," on line 2

Following: the first "as"

Insert: "currently"

Strike: ", as long" on line 2 through "outstanding" on line 7

And, as amended, do pass. Report adopted.

SB 411, introduced bill, be amended as follows:

1. Title, line 4.

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Following: "PROVIDING A"

Insert: "LIMITED"

2. Title, line 5 through line 7.

Strike: "GASOHOL" on line 5 through "PUMPS" on line 7

Insert: "ETHANOL-BLENDED FUEL"

3. Title, line 8 through line 10.

Strike: "DECREASING" on line 8 through "GALLON;"

4. Page 2, line 16.

Strike: "25"

Insert: "30"

5. Page 3, line 21.

Strike: "gasohol"

Insert: "ethanol-blended fuel"

6. Page 3, line 24.

Strike: "equal to 200% of"

Insert: "the lesser of \$500 or"

Strike: "gasohol"

Insert: "ethanol-blended fuel"

7. Page 3, line 26.

Strike: "gasohol"

Insert: "ethanol-blended fuel"

And, as amended, do pass. Report adopted.

SB 446, introduced bill, be amended as follows:

1. Page 1.

Following: line 22

Insert: "(3) The commission may enforce all representations of the parties upon which the commission relied in approving the purchase and may enforce all conditions placed upon the purchase by the commission in its order determining that the purchase is in the public interest."

Renumber: subsequent subsection

2. Page 1, line 24.

Strike: "review of the agreement"

Insert: "as provided"

Strike: "subsection"

Insert: "subsections"

Following: "(1)"

Insert: "and (3)"

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And, as amended, do pass. Report adopted.

MOTIONS

SB 110 - Senator Ellis moved that **SB 110** be taken from the committee on Education and Cultural Resources, printed and placed on second reading the forty-third legislative day, February 21, 2001. Motion carried as follows:

Yeas: Berry, Bishop, Butcher, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Holden, Kitzenberg, McCarthy, Miller, O'Neil, Pease, Ryan, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook.

Total 32

Nays: Bohlinger, Cobb, DePratu, Elliott, Glaser, Hargrove, Harrington, Jergeson, Johnson, Keenan, Mahlum, McNutt, Mohl, Nelson, Roush, Shea, Sprague, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

Session 1

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

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

SB 19 - Senator Halligan moved consideration of SB 19 be placed below 299 on the second reading board. Motion carried.

Senator Doherty excused at this time.

SB 151 - Senator Mahlum moved SB 151 do pass. Motion carried as follows:

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

Total 29

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

Total 20

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Absent or not voting: None.
Total 0

Excused: Doherty.
Total 1

Senator Doherty present at this time.

SB 196 - Senator Tester moved consideration of SB 196 be placed below 325 on the second reading board. Motion carried.

SB 299 - Senator Glaser moved consideration of SB 299 be placed below 327 on the second reading board. Motion carried.

SB 19 - Senator Halligan moved consideration of SB 19 be placed below 304 on the second reading board. Motion carried.

SB 376 - Senator DePratu moved SB 376 do pass. Motion carried as follows:

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

Total 43

Nays: Bishop, Doherty, Ellingson, Franklin, Halligan, Harrington, Toole.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 131 - Senator Taylor moved consideration of SB 131 be placed below 19 on the second reading board. Motion carried.

SB 304 - Senator Nelson moved SB 304, second reading copy, be amended as follows :

1. Title, line 7 through line 8.

Strike: "BEFORE" on line 7 through "PROGRAM" on line 8

Amendment **adopted** unanimously.

SB 304 - Senator Nelson moved SB 304, as amended, do pass. Motion carried with Senator Butcher voting nay.

SB 19 - Senator Halligan moved SB 19, second reading copy, be amended as follows :

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1. Page 10, line 16.

Strike: "6-year"

Insert: "4-year"

Amendment **adopted** unanimously.

SB 19 - Senator Halligan moved SB 19, as amended, do pass. Motion carried unanimously.

SB 131 - Senator Taylor moved SB 131, second reading copy, be amended as follows :

1. Page 9, line 3.

Following: "instruction"

Insert: "-- national guard"

2. Page 9, lines 4 through 6.

Strike: line 4 through line 6 in their entirety

Insert: "Unless the proposed activities would detrimentally affect the operation of the central computer center or the statewide telecommunications network, the office of public instruction is exempt from [section 6(1)(k) and (1)(l)]."

(2) Unless the proposed activities would detrimentally affect the operation of the central computer center or the statewide telecommunications network, the university system is exempt from:

(a) the enforcement provisions of [sections 6(1)(d) and (1)(e) and 8];

(b) the approval provisions of [sections 6(1)(f), 15, and 17];

(c) the budget approval provisions of [section 6(1)(g)];

(d) the provisions of [sections 6(1)(k) and (1)(l)]; and

(e) the transfer provisions of 2-17-303."

Renumber: subsequent subsections

3. Page 9, line 9.

Following: "be"

Insert: "detrimentally"

4. Page 9, line 11.

Following: "it"

Insert: "detrimentally"

5. Page 9, lines 14 through 17.

Strike: subsection (4) in its entirety

Insert: "(5) When reviewing proposed activities of the university system, the department shall consider and make reasonable allowances for the unique educational needs and characteristics and the welfare of the university system as determined by the board of regents.

(6) When reviewing proposed activities of the office of public instruction, the department shall consider and make reasonable allowances for the unique educational needs and characteristics of the office of public instruction to communicate and share data with school districts.

(7) [Section 6(1)(u)] may not be construed to prohibit the university system from accepting federal funds or gifts, grants, or donations related to information technology or telecommunications.

(8) The national guard, as defined in 10-1-101(3), is exempt from [section 6]."

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Amendment **adopted** unanimously.

SB 131 - Senator Taylor moved SB 131, as amended, do pass. Motion passed unanimously.

SB 325 - Senator Ellis moved SB 325, second reading copy, be amended as follows :

1. Page 3, line 28 through line 29.

Strike: "(6)(c) or" on line 28

Strike: "must comply with the provisions of 47 U.S.C. 224" on lines 28 and 29

Insert: "shall use the formulas provided in pole attachment rules of the federal communications commission or successor formulas"

2. Page 3, line 30.

Following: "lessee"

Insert: "made after [the effective date of this act]"

Amendment **adopted** unanimously.

SB 325 - Senator Mahlum moved SB 325, as amended, do pass. Motion carried unanimously.

SB 196 - Senator Tester moved SB 196, second reading copy, be amended as follows :

1. Page 1, line 28.

Following: "shippers of"

Strike: "fresh fruit, fresh vegetables,"

2. Page 1, line 29 and 30.

Following: "package of"

Strike: "fresh" on line 29 through "fruit, fresh vegetables," on line 30

3. Page 2, line 3.

Following: "(2)"

Strike: "Fresh fruit, fresh vegetables, grains"

Insert: "Grains"

4. Page 2, line 15.

Following: "VENDING OF"

Strike: "fresh fruit, fresh vegetables,"

5. Page 2, line 26.

Following: "vending of"

Strike: "fresh fruit, fresh vegetables,"

6. Page 2, line 28.

Following: "from"

Strike: "fresh fruit, fresh vegetables,"

Amendment **adopted** unanimously.

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SB 196 - Senator Tester moved SB 196, as amended, do pass. Motion carried unanimously.

SB 327 - Senator Doherty moved SB 327 do pass. Motion carried unanimously.

SB 299 - Senator Glaser moved SB 299, second reading copy, be amended as follows :

1. Title, page 1, line 4 through line 5.

Strike: "PROVISION" on line 4 through "REQUIRES" on line 5

Insert: "MAY NOT REQUIRE"

2. Title, page 1, line 8 through line 9.

Strike: "IS VOID" on line 8 through "STATE" on line 9

Following: ";" line 9

Insert: "AMENDING SECTION 28-2-2101, MCA;"

3. Page 1, line 13.

Strike: "(1)"

4. Page 1, line 18 through line 21.

Strike: subsection (2) in its entirety

5. Page 1, line 22.

Insert: "**Section 2.** Section 28-2-2101, MCA, is amended to read:

"28-2-2101. Definitions. As used in this part, unless the context requires otherwise, the following terms apply:

(1) "Construction contract" means a written agreement between an owner and a contractor for the contractor to construct or improve or to provide construction management for the construction or improvement of an improvement to real property. The term does not include an agreement to which state government or an agency of state government is a party.

(2) "Contractor" means a person who has signed a construction contract with an owner.

(3) "Government entity" means a city, town, county, consolidated municipal-county government, school district, or other special district.

(4) "Improve" means to build, alter, demolish, repair, construct, expand, cover, excavate, grade, fill, clear, plant, landscape, or furnish material or labor, or both for an improvement.

(5) "Improvement" means all or a part of a residential or commercial building, structure, area of real property, quantity of earth or fill material, tree or shrubbery, driveway, roadway, or parking area.

(6) "Owner" means a governmental entity or private entity that has a legal interest in the real property improved or to be improved by the performance of the construction contract.

(7) "Owner's representative" means an architect, engineer, or other person who represents the owner and is designated in the contract as the person representing the owner for the purposes of the administration or oversight of the performance of the construction contract.

(8) "Receipt" or "receive" means actual receipt.

(9) "Subcontract" means a contract between a contractor and a subcontractor or between a subcontractor and another subcontractor, the purpose of which is the performance of all or a part of the construction contract.

(10) "Subcontractor" means a person who has contracted with a contractor or another subcontractor for the purposes of performance of all or a part of a subcontract.""

Renumber: subsequent sections

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Amendment **adopted** unanimously.

SB 299 - Senator Glaser moved SB 299, as amended, do pass. Motion **failed** as follows:

Yeas: Bishop, Bohlinger, Butcher, Cocchiarella, DePratu, Glaser, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Roush, Ryan, Shea, Sprague, Stapleton, Taylor, Wells, Zook, Mr. President.

Total 22

Nays: Berry, Christiaens, Cobb, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, McCarthy, Mohl, Nelson, O'Neil, Pease, Stonington, Tash, Tester, Thomas, Toole, Waterman.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 299 - Senator Doherty moved that SB 299 be **indefinitely postponed**. Motion carried as follows:

Yeas: Berry, Christiaens, Cobb, Cole, Crismore, Doherty, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Ryan, Stapleton, Stonington, Tash, Tester, Toole, Waterman, Zook, Mr. President.

Total 30

Nays: Bishop, Bohlinger, Butcher, Cocchiarella, DePratu, Ekegren, Glaser, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, Miller, Roush, Shea, Sprague, Taylor, Thomas, Wells.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 355 - Senator Crismore moved SB 355 do pass. Motion carried unanimously.

Senator Johnson excused at this time.

SB 369 - Senator Glaser moved SB 369 do pass. Motion carried as follows:

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

Total 46

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Nays: Hargrove, Tester, Waterman.
Total 3

Absent or not voting: None.
Total 0

Excused: Johnson.
Total 1

SB 354 - Senator Crismore moved consideration of SB 354 be placed below 333 on the second reading board. Motion carried.

SB 387 - Senator Ellingson moved SB 387 do pass. Motion carried unanimously.

SB 393 - Senator F. Thomas moved SB 393 do pass. Motion carried unanimously.

SB 421 - Senator F. Thomas moved SB 421 do pass. Motion carried unanimously.

Senator Ryan excused at this time.

SB 424 - Senator Glaser moved SB 424 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Keenan, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Wells, Zook, Mr. President.
Total 31

Nays: Christiaens, Cobb, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Pease, Roush, Tester, Thomas, Toole, Waterman.
Total 17

Absent or not voting: None.
Total 0

Excused: Johnson, Ryan.
Total 2

SB 431 - Senator Stonington moved SB 431 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 K. Miller moved the Committee of the Whole report be adopted. Report adopted unanimously.

REPORTS OF STANDING COMMITTEES

FINANCE (Keenan, Chairman):
SB 405, do pass. Report adopted.

2/19/2001

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JUDICIARY (Grosfield, Chairman): 2/15/2001
SB 426, do pass. Report adopted.

STATE ADMINISTRATION (Hargrove, Chairman): 2/20/2001
SB 472, introduced bill, be amended as follows:

1. Title, line 14.

Strike: "ALSO"

Following: "REVIEW"

Insert: "THE CORRESPONDENCE BETWEEN THE LEGISLATIVE SERVICES DIVISION AND"

2. Title, line 15.

Strike: "PETITIONS FOR"

Insert: "PETITIONERS TO DETERMINE WHETHER PETITIONS MAY CONTAIN"

3. Title, line 24 through line 25.

Strike: "CHANGING" on line 24 through "COUNTED;" on line 25

4. Title, line 27.

Following: "13-27-403,"

Insert: "AND"

Strike: "AND 13-27-503,"

5. Page 3, line 10.

Following: "with the"

Insert: "original"

6. Page 3, line 19.

Following: "consistency,"

Insert: "constitutionality, conflicts with other statutes,"

7. Page 3, line 22.

Following: "written"

Insert: "comments concerning the constitutionality of the proposed ballot measure and any conflicts with other statutes and written"

8. Page 3, line 29.

Following: "request."

Insert: "A copy of the correspondence between the legislative services division and the petitioner must also be furnished by the legislative services division to the attorney general for the purposes of the preparation of the attorney general's statement pursuant to 13-27-312(2)."

9. Page 4, line 8.

Strike: "as provided in 13-27-312"

10. Page 4, line 27.

Strike: "51"

Insert: "71"

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11. Page 5, line 29.

Strike: "petition for"

Insert: "correspondence between the legislative services division and the petitioner regarding"

12. Page 6, line 28.

Strike: "petition for"

Insert: "correspondence between the legislative services division and the petitioner regarding"

13. Page 7, line 30.

Strike: "petition for"

Insert: "correspondence between the legislative services division and the petitioner regarding"

14. Page 9, line 15 through line 16.

Following: "(b)"

Strike: remainder of line 15 through "petition" on line 16

Insert: "a statement as to whether or not the signature gatherer was paid for the collection of all or some of the signatures"

15. Page 9, line 19.

Following: "½"

Insert: "and"

16. Page 9, line 22.

Strike: "½"

Insert: "."

17. Page 9, line 23 through line 25.

Strike: subsections (e) and (f) in their entirety

18. Page 10, line 23.

Strike: "3"

Insert: "10"

19. Page 12, line 2 through line 8.

Strike: "Upon" on line 2 through "state." on line 8

Insert: "If, on the basis of the correspondence received from the legislative services division pursuant to 13-27-202, the attorney general concludes that the proposal may be unconstitutional or conflict with other statutes, the attorney general shall certify a statement to that effect to the secretary of state."

20. Page 15, line 30.

Following: "completing the"

Insert: "final version of the"

21. Page 16, line 5.

Following: "completing the"

Insert: "final version of the"

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22. Page 18, line 19 through page 19, line 2.

Strike: section 19 in its entirety

Renumber: subsequent sections

23. Page 19, line 17.

Strike: "20, 21"

Insert: "19, 20"

And, as amended, do pass. Report adopted.

MOTIONS

Majority Leader Thomas moved that the Senate stand in recess until the hour of 1:00 p.m. Motion carried.

Senate recessed at 11:56 a.m.

Senate reconvened at 1:05 p.m.

Roll Call. All members present. Quorum present.

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

Session 2

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

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

SB 319 - Senator Cole moved SB 319 do pass. Motion carried as follows:

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

Total 31

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

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 218 - Senator Ryan moved SB 218 do pass. Motion carried unanimously.

SB 333 - Senator Beck moved SB 333 do pass. Motion carried unanimously.

SB 354 - Senator Crismore moved SB 354 do pass.

Senator Doherty rose on a **point of personal privilege** concerning the use of visual aids when presenting a bill, and his concern that it would become a common place occurrence and would detract from the presentation of bills. President Beck answered that visual aids could be used sparingly, but only when the need warranted it.

Senator Kitzenberg excused at this time.

SB 354 - Senator Crismore's motion carried as follows:

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

Total 34

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

Total 15

Absent or not voting: None.

Total 0

Excused: Kitzenberg.

Total 1

Senators Beck, Cobb and Sprague excused at this time.

SB 349 - Senator Tester moved SB 349 do pass. Motion **failed** as follows:

Yeas: Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Mahlum, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole.

Total 19

Nays: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, McNutt, Miller, Mohl, Stapleton, Tash, Taylor, Thomas, Waterman, Wells, Zook.

Total 27

Absent or not voting: None.

Total 0

Excused: Cobb, Kitzenberg, Sprague, Mr. President.

Total 4

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Senators Beck and Sprague present at this time.

SB 349 - Senator Thomas moved that SB 349 be **indefinitely postponed**. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, McCarthy, McNutt, Miller, Mohl, Sprague, Stapleton, Tash, Thomas, Waterman, Wells, Zook, Mr. President.

Total 29

Nays: Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Mahlum, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stonington, Taylor, Tester, Toole.

Total 19

Absent or not voting: None.

Total 0

Excused: Cobb, Kitzenberg.

Total 2

Senators Cobb and Kitzenberg present at this time.

Senator Harrington excused at this time.

SB 362 - Senator Tester moved SB 362 do pass. Motion carried as follows:

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

Total 41

Nays: Cole, Crismore, Glaser, Holden, Keenan, Miller, Mohl, Wells.

Total 8

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

Senator Harrington present at this time.

SB 377 - Senator Grimes moved SB 377 do pass. Motion **failed** as follows:

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

Total 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 377 - Senator Doherty moved that SB 377 be **indefinitely postponed**. Motion **failed** as follows:

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

Total 22

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

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 389 - Senator Cobb moved SB 389 do pass. Motion carried unanimously.

SB 430 - Senator Ellis moved SB 430, second reading copy, be amended as follows :

1. Title, page 1, line 4.

Strike: "4TH-GRADE"

Insert: "3RD-GRADE"

2. Title, page 1, line 5.

Strike: "4TH-GRADE"

Insert: "3RD-GRADE"

3. Title, page 1, lines 9 and 10.

Following: "CHILDREN;"

Strike: remainder of line 9 through "LAWS;" on line 10

Insert: "REQUIRING THE STATE TO PAY \$1 FOR EACH 3RD-GRADE STUDENT ENROLLED IN PUBLIC SCHOOLS TO REIMBURSE DISTRICTS FOR THE PURCHASE OF A CRITERION-REFERENCED TEST FOR READING ASSESSMENT;"

4. Page 1, line 26.

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Strike: "4th-grade"

Insert: "3rd-grade"

5. Page 1, line 27.

Strike: "4th-grade" in two places

Insert: "3rd-grade" in two places

6. Page 1, line 28.

Strike: "4th-grade"

Insert: "3rd-grade"

7. Page 1, line 30.

Strike: "3rd-grade and 4th-grade"

Insert: "2nd-grade and 3rd-grade"

8. Page 2, line 3.

Strike: "4th-grade"

Insert: "3rd-grade"

9. Page 2, line 6.

Following: line 5

Insert: "(5) "Criterion-referenced test" means a test that is designed to measure a student's progress toward understanding and applying specifically taught concepts and for which test scores report the level of skill or learned information compared to a standard for the concepts taught."

Renumber: subsequent subsections

10. Page 2, line 9.

Strike: "4th-grade"

Insert: "3rd-grade"

Following: "the" on line 9

Strike: "reading portion of any standardized"

Following: "achievement" on line 9

Insert: "measured by the criterion-referenced"

11. Page 2, line 10.

Strike: "4th"

Insert: "3rd"

12. Page 2, line 12.

Strike: "4th-grade" in two places

Insert: "3rd-grade" in two places

13. Page 2, line 16.

Strike: "4th-grade"

Insert: "3rd-grade"

14. Page 2, line 17.

Strike: "4th-grade" in two places

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Insert: "3rd-grade" in two places

15. Page 2, line 21.

Strike: "first-" through "third-grade"

Insert: "1st-grade, and 2nd-grade"

16. Page 2, line 23.

Strike: "4th-grade"

Insert: "3rd-grade"

17. Page 2, line 24.

Strike: "4th-grade"

Insert: "3rd-grade"

18. Page 2, line 25.

Strike: "5th"

Insert: "4th"

19. Page 2, line 27.

Strike: "4th-grade" in two places

Insert: "3rd-grade" in two places

20. Page 3, line 10.

Strike: "4th-grade"

Insert: "3rd-grade"

21. Page 3, line 11.

Strike: "4th-grade"

Insert: "3rd-grade"

22. Page 3, line 30.

Strike: "4th-grade"

Insert: "3rd-grade"

23. Page 3, line 30.

Following: annually

Insert: "score the criterion-referenced test and"

24. Page 4, line 2.

Strike: "4th-grade"

Insert: "3rd-grade"

25. Page 4, line 3.

Following: "community"

Insert: "and to each parent in the district"

26. Page 4, line 4.

Strike: "4th-grade" in two places

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Insert: "3rd-grade" in two places

27. Page 4, line 5.

Strike: "4th-grade"

Insert: "3rd-grade"

28. Page 4, line 8.

Following: "instruction"

Insert: "and to each parent in the district"

Strike: "4th-grade"

Insert: "3rd-grade"

29. Page 4, line 9.

Strike: "4th-grade"

Insert: "3rd-grade"

30. Page 4, line 12.

Strike: "4th"

Insert: "3rd"

31. Page 4, lines 14 and 15.

Strike: section 7 in its entirety

Insert: "NEW SECTION. Section 7. State reimbursement for test purchase. The state shall provide \$1 in funding for each child enrolled in a Montana public elementary school for the purpose of reimbursing school districts that purchase the criterion- referenced test required for testing each 3rd-grade student."

Amendment **adopted** unanimously.

SB 430 - Senator Ellis moved SB 430, as amended, do pass. Motion carried as follows:

Yeas: Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cole, Crismore, DePratu, Doherty, Ellis, Glaser, Grimes, Grosfield, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, Miller, O'Neil, Pease, Shea, Sprague, Taylor, Thomas, Waterman, Wells, Zook.

Total 28

Nays: Berry, Cocchiarella, Ekegren, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Holden, Jergeson, McNutt, Mohl, Nelson, Roush, Ryan, Stapleton, Stonington, Tash, Tester, Toole, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 451 - Senator R. Johnson moved SB 451 do pass. Motion carried unanimously.

SB 459 - Senator Franklin moved SB 459 do pass. Motion carried unanimously.

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SB 469 - Senator DePratu moved SB 469 do pass. Motion carried with Senator Cobb voting nay.

SB 476 - Senator Keenan moved SB 476 do pass. Motion carried unanimously.

SB 477 - Senator Jergeson moved SB 477 do pass. Motion carried unanimously.

SJR 16 - Senator R. Holden moved SJR 16 be adopted. Motion carried unanimously.

SB 117 - Senator Tester moved SB 117 do pass. Motion carried with Senators Cobb and Wells voting nay.

SB 138 - Senator Nelson moved SB 138 do pass. Motion carried unanimously.

SB 176 - Senator F. Thomas moved consideration of SB 176 be passed for the day. Motion carried.

Senators DePratu and Jergeson excused at this time.

SB 221 - Senator R. Johnson moved SB 221 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cole, Doherty, Ekegren, Elliott, Ellis, Grimes, Grosfield, Halligan, Harrington, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Taylor, Tester, Wells, Zook.

Total 31

Nays: Christiaens, Cocchiarella, Crismore, Ellingson, Franklin, Glaser, Hargrove, Holden, Keenan, Mohl, Ryan, Stonington, Tash, Thomas, Toole, Waterman, Mr. President.

Total 17

Absent or not voting: None.

Total 0

Excused: DePratu, Jergeson.

Total 2

Senators DePratu and Jergeson present at this time.

SB 286 - Senator J. Wells moved SB 286, second reading copy, be amended as follows :

1. Page 1, line 27 through line 28.

Strike: "AND" on line 27 through "(4)" on line 28

Insert: "through (5)"

2. Page 2.

Following: line 23

Insert: "(5) Interpretive and directional signage may be installed at Headwaters state park to educate visitors about the history and significance of the site and to orient visitors to the features of the park and the surrounding area.

Amendment **adopted** as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 286 - Senator Stonington moved SB 286, as amended, do pass. Motion carried unanimously.

SB 375 - Senator Grimes moved SB 375 do pass. Motion carried as follows:

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

Total 37

Nays: Bishop, Bohlinger, Christiaens, Doherty, Ellingson, Franklin, Grosfield, Halligan, McCarthy, Stonington, Toole, Waterman, Zook.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 443 - Senator Butcher moved SB 443 do pass. Motion carried with Senators Cobb and O'Neil voting nay..

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Miller 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 181 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, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: Grimes, Miller.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 207 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 243 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Harrington, Holden, Johnson, Keenan, Mahlum, McCarthy, McNutt, Mohl, O'Neil, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 31

Nays: Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Glaser, Halligan, Jergeson, Kitzenberg, Miller, Nelson, Pease, Roush, Stonington, Tester, Toole, Waterman.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 303 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 305 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 309 passed as follows:

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

Nays: Bishop, Hargrove, O'Neil.
Total 3

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

SB 323 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.
Total 35

Nays: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Pease, Ryan, Shea, Stonington, Toole.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 358 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 360 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

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 370 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 378 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: Cobb.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 379 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.
Total 49

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Nays: Toole.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 390 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 404 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 423 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, Shea,

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Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: Ryan.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 13 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, 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

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BILLS AND JOURNAL (Miller, Chairman): 2/20/2001
Correctly engrossed: SB 19, SB 46, SB 131, SB 163, SB 196, SB 277, SB 304, SB 314, SB 315, SB 322, SB 325, SB 338, SB 361, SB 367, SB 370, SB 400, SB 411, SB 428, SB 432, SB 438, SB 440, SB 441, SB 446, SB 448, SB 455, SB 461, SB 472, SB 474, SB 484, SB 490.

BUSINESS AND LABOR (Taylor, Chairman): 2/20/2001
SB 277, introduced bill, be amended as follows:

1. Title, line 6.

Following: ";

Insert: "CLARIFYING PLUMBING REPLACEMENT AND REPAIR ACTIVITIES FOR WHICH A PERMIT IS NOT REQUIRED;"

2. Page 1, line 14.

Following: "(2)"

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Insert: "(a)"

3. Page 1, following line 16.

Insert: "(b) A permit is not required by this subsection (2) for plumbing-related replacement and repair work that includes but is not limited to:

- (i) replacement of fixtures, faucets, nonpotable water supplies, and traps;
- (ii) kind-for-kind replacement of plumbing components; and
- (iii) replacement of water heaters."

And, as amended, do pass. Report adopted.

SB 441, introduced bill, be amended as follows:

1. Title, line 10.

Strike: "A DELAYED EFFECTIVE DATE"

Insert: "EFFECTIVE DATES"

2. Page 3, line 21.

Strike: "date"

Insert: "dates"

Strike: "{This act}"

Insert: "(1) [Section 1]"

3. Page 3, following line 21.

Insert: "(2) [Section 3 and this section] are effective on passage and approval."

Insert: "NEW SECTION. Section 3. Contingent voidness. If the 58th legislature does not appropriate funds to pay for the assessment specified in [this act] to be assessed on the state employee health benefit plan and the university employee health benefit plan, then [this act] is void."

And, as amended, do pass. Report adopted.

SB 465, introduced bill, be amended as follows:

1. Page 7, line 16.

Strike: "(1)(a)"

2. Page 7, line 20.

Strike: "provided" through "(1)."

Insert: "follows:"

3. Page 7, line 21.

Following: "in"

Insert: "(1)"

4. Page 7, line 23.

Strike: "(i)"

Insert: "(a)"

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Renumber: subsequent subsection

5. Page 7, line 27.

Strike: "licensee's"

6. Page 7, line 28.

Strike: "(3)(a)"

Insert: "(5)(a)"

7. Page 7, line 30.

Strike: "insurer or"

8. Page 8, line 1.

Strike: "producer"

Insert: "institution"

9. Page 8, line 2.

Strike: "(b)"

Insert: "(2)"

Renumber: subsequent subsection

10. Page 8, line 5.

Strike: "(i)"

Insert: "(a)"

Renumber: subsequent subsection

11. Page 8, line 16.

Strike: "(2)"

Insert: "(4)"

Renumber: subsequent subsections

12. Page 9, line 21.

Strike: "(2)"

Insert: "(4)"

Strike: "an"

Insert: "a written"

13. Page 9, lines 22 and 23.

Strike: "an" on line 22 through "(2)" on line 23

14. Page 9, line 24.

Strike: ".A"

Insert: ", a"

Following: "notice"

Insert: "must be"

15. Page 9, line 25.

Strike: "(3)(b)"

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Insert: "(5)(b)"

16. Page 10, line 3.

Strike: "(2)"

Insert: "(4)"

17. Page 10, line 4.

Strike: "(3)(b)"

Insert: "(5)(b)"

18. Page 10, lines 11 through 13.

Strike: subsection (5) in its entirety

Renumber: subsequent subsection

19. Page 16, line 25.

Following: "."

Insert: "A licensee may use or disclose to another licensee personal information, excluding medical record information, that is reasonably necessary to enable the licensee to market financial products."

20. Page 16, line 27.

Following: "insurance"

Insert: "and financial products"

21. Page 16, line 29.

Following: "insurance"

Strike: "but only"

Insert: ". A licensee may disclose to an affiliate that is not a licensee personal information, excluding medical record information, that is reasonably necessary to enable the licensee to market financial products. Disclosures under this subsection may be made only"

22. Page 16, line 30.

Following: "insurance"

Insert: "or financial products"

23. Page 18, line 16.

Strike: "June"

Insert: "July"

And, as amended, do pass. Report adopted.

SB 490, introduced bill, be amended as follows:

1. Page 1, line 21.

Following: "(2)"

Insert: "(a)"

2. Page 1, line 22.

Following: "."

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Insert: "The criteria used in determining best value must include:

- (i) the financial solvency of the bidder as determined by prudent banking standards;
 - (ii) the amount by which wages paid to the employees of the contractor exceed 125% of the federal poverty level for a family of two; and
 - (iii) the positive impact on the community in which the project will be performed.
- (b)"

3. Page 1, line 24.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 491, do pass. Report adopted.

FISH AND GAME (Sprague, Chairman):
SB 163, introduced bill, be amended as follows:

2/17/2001

1. Title, line 8 through line 11.

Strike: "EXEMPTING" on line 8 through "ANIMALS" on line 11

Insert: "REVISING THE DEFINITION OF "PREDATORY ANIMAL"; ELIMINATING THE AUTHORITY OF THE DEPARTMENT OF LIVESTOCK TO EXTERMINATE PREDATORY ANIMALS"

2. Title, line 16.

Following: "81-7-101,"

Insert: "81-7-102, 81-7-103, 81-7-104,"

3. Page 1, line 25 through line 26.

Following: "coyote"

Insert: ", red fox,"

Following: "other"

Insert: "individual"

Strike: "except" on line 25 through "lynx," on line 26

4. Page 1.

Following: line 26

Insert: "Section 2. Section 81-7-102, MCA, is amended to read:

~~"81-7-102. (Temporary) Department to supervise destruction of predatory animals -- cooperation with other agencies -- administration of moneys.~~ (1) The department of livestock shall conduct the destruction, extermination, and control of wild animals predatory in nature and capable of killing, destroying, maiming, or injuring domestic livestock or domestic poultry, and the protection and safeguarding of livestock and poultry in this state against depredations from these animals. The department shall formulate the practical programs for accomplishing these objectives in this state and for carrying out the programs in an efficient and practical manner responsive to the need for control in each area of this state.

~~(2) The department shall adopt rules applicable to predatory animal control which are necessary and proper for the systematic destruction of the wild animals by hunting, trapping, and poisoning operations and payments of bounties. The department shall make field, area, range, or other orders and instructions, including orders and~~

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instructions to hunter and trapper personnel and others, which are appropriate in the various areas at different seasons of the year, taking into consideration the habits, presence, migrations, or movements of the animals and their attacks on livestock and poultry, either singly or in packs or bands.

~~———— (3) The department shall cooperate with authorized representatives of the federal government, including the biological survey and the fish and wildlife service, the department of fish, wildlife, and parks, boards of county commissioners, voluntary associations of stockgrowers, sheepgrowers, ranchers, farmers, and sportsmen, and corporations and individuals, in the systematic destruction of wild animals by hunting, trapping, and poisoning operations.~~

~~———— (4) This section and 81-7-103 do not interfere with or impair the power and duties of the department of fish, wildlife, and parks in the control of predatory animals by the department of fish, wildlife, and parks as authorized by law, or the obligation of the department of fish, wildlife, and parks to expend its funds in cooperation with the department for predatory animal control as required by law. Funds of the department of fish, wildlife, and parks for the cooperative predatory animal control shall be administered and expended by the department of fish, wildlife, and parks.~~

81-7-102. (Effective on occurrence of contingency) Department to supervise destruction of predatory animals -- cooperation with other agencies -- administration of money. (1) The department of livestock shall conduct the destruction, ~~extermination~~, and control of predatory animals capable of killing, destroying, maiming, or injuring domestic livestock or domestic poultry; and the protection and safeguarding of livestock and poultry in this state against depredations from these animals. The department shall formulate the practical programs for accomplishing these objectives in this state and for carrying out the programs in an efficient and practical manner responsive to the need for control in each area of this state.

(2) The department shall adopt rules applicable to predatory animal control ~~which that~~ are necessary and proper for the systematic destruction of the predatory animals by hunting, trapping, and poisoning operations and payments of bounties. The department shall make field, area, range, or other orders and instructions, including orders and instructions to hunter and trapper personnel and others, ~~which that~~ are appropriate in the various areas at different seasons of the year, taking into consideration the habits, presence, migrations, or movements of the animals and their attacks on livestock and poultry, either singly or in packs or bands.

(3) The department shall cooperate with authorized representatives of the federal government, including the biological survey and the fish and wildlife service, the department of fish, wildlife, and parks, boards of county commissioners, voluntary associations of stockgrowers, sheepgrowers, ranchers, farmers, and sportsmen, and corporations and individuals, in the systematic destruction of predatory animals by hunting, trapping, and poisoning operations.

(4) ~~This section and Section 81-7-103 and this section~~ do not interfere with or impair the power and duties of the department of fish, wildlife, and parks in the control of predatory animals by the department of fish, wildlife, and parks as authorized by law; or the obligation of the department of fish, wildlife, and parks to expend its funds in cooperation with the department for predatory animal control as required by law. Funds of the department of fish, wildlife, and parks for the cooperative predatory animal control must be administered and expended by the department of fish, wildlife, and parks. ""

Insert: "Section 3. Section 81-7-103, MCA, is amended to read:

"81-7-103. Administration of funds by the department. The department shall administer and expend for predatory animal ~~extermination~~ and control all money ~~which that~~ is made available to it, including the money allocated for this purpose under 81-7-104 and all money ~~which that~~ is made available to the department by appropriations made by the legislature for predatory animal control by the department. The department shall expend the funds for predatory animal control by all effective means responsive to the necessities of control in various areas of the state, including employment of hunters, trappers, and other personnel, procurement of traps, poisons, equipment, and supplies, and payment of bounties in the discretion of the department at those times of the year it considers advisable. ""

Insert: "Section 4. Section 81-7-104, MCA, is amended to read:

"81-7-104. (Temporary) Predator control moneys -- use of proceeds. (1) The department of livestock shall

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allocate a portion of the money from the levy under 15-24-921 for the purpose of protecting livestock in the state against destruction, depredation, and injury by wild animals, whether the livestock is on lands in private ownership, in the ownership of the state, or in the ownership of the United States, including open ranges and all lands in or of the public domain. This protection may be by any means of effective predatory animal destruction, extermination, and control, including systematic hunting and trapping and payment of bounties.

~~—————(2) Money shall be paid out only on claims duly and regularly presented to the department of livestock and approved by the department in accordance with the law applicable either to claims for bounties or for other expenditures necessary and proper for predatory animal control by means and methods other than payment of bounties, as determined by the department. Money designated for predator control shall be available for the payment of bounty claims and for expenditures for planned, seasonal, or other campaigns directed or operated by the department in cooperation with other agencies for the systematic destruction, extermination, and control of predatory wild animals, as determined by the department and its advisory committee. No claims may be approved in excess of moneys available for such purposes, and no warrants may be registered against the moneys.~~

81-7-104. (Effective on occurrence of contingency) Predator control money -- use of proceeds. (1) The department of livestock shall allocate a portion of the money from the levy under 15-24-921 for the purpose of protecting livestock in the state against destruction, depredation, and injury by predatory animals, whether the livestock is on lands in private ownership, in the ownership of the state, or in the ownership of the United States, including open ranges and all lands in or of the public domain. This protection may be by any means of effective predatory animal destruction, ~~extermination~~, and control, including systematic hunting and trapping and payment of bounties.

(2) Money ~~must~~ **may** be paid out only on claims duly and regularly presented to the department of livestock and approved by the department in accordance with the law applicable either to claims for bounties or for other expenditures necessary and proper for predatory animal control by means and methods other than payment of bounties, as determined by the department. Money designated for predator control must be available for the payment of bounty claims and for expenditures for planned, seasonal, or other campaigns directed or operated by the department in cooperation with other agencies for the systematic destruction, ~~extermination~~, and control of predatory animals, as determined by the department and its advisory committee. Claims may not be approved in excess of money available for those purposes, and warrants may not be registered against the money.""

Renumber: subsequent sections

5. Page 1, line 29.

Following: "owners"

Insert: ", their agents,"

6. Page 3.

Following: line 13

Insert: " (3) Following state delisting of the wolf, the department, or the department of livestock, pursuant to 81-7-102 and 81-7-103, may control wolves for the protection and safeguarding of livestock if the control action is consistent with a wolf management plan approved by both the department and the department of livestock."

7. Page 3, line 17.

Strike: "5"

Insert: "8"

8. Page 3, line 19.

Strike: "5"

Insert: "8"

And, as amended, do pass. Report adopted.

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HIGHWAYS AND TRANSPORTATION (Mohl, Chairman):
SB 448, introduced bill, be amended as follows:

2/20/2001

1. Title, line 9 through line 12.

Strike: "ALLOCATING" on line 9 through "TAX" on line 12

Insert: "RAISING THE FEE FOR PERSONALIZED LICENSE PLATES; DEPOSITING A PORTION OF THE FEE
IN AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND"

2. Title, line 13.

Strike: "15-70-101" through "15-70-344"

Insert: "61-3-406 AND 61-3-453"

3. Page 1, line 20.

Strike: "15-70-101"

Insert: "61-3-406"

4. Page 2, line 3.

Following: ";

Strike: "and"

5. Page 2, line 5.

Following: "transportation"

Insert: "; and

(iv) the coordination of services as required in subsection (5)"

6. Page 2, lines 9 and 10.

Strike: the second "transportation" on line 9 through "services" on line 10

Insert: "proposals that:

(a) include the establishment of a transit authority to coordinate service area or regional transportation services;

(b) address and document the transportation needs within the community, county, and service area or region;

(c) identify all other transportation providers in the community, county, and service area or region;

(d) explain how services are going to be coordinated with the other transportation providers in the service area or region;

(e) indicate how services are going to be expanded to meet the unmet needs of senior citizens and disabled persons within the community, county, and service area or region who are dependent upon public transit;

(f) include documentation of coordination with other local transportation programs within the community, county, and service area or region, including:

(i) utilization of existing resources and equipment to maximize the delivery of service; and

(ii) the projected increase in ridership and expansion of service;

(g) invite school districts to participate or be included in the transportation coordination efforts within the community, county, and service area or region; and

(h) at a minimum, comply with the provisions in subsections (5)(b) through (5)(f)"

7. Page 2, line 17 through page 8, line 6.

Strike: sections 2, 3, and 4 in their entirety

Insert: "Section 2. Section 61-3-406, MCA, is amended to read:

"61-3-406. Fees for personalized plates -- disposition. (1) In addition to all other fees and taxes imposed

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by law, the applicant for a personalized license plate shall pay a fee of ~~\$25~~ \$28 for the original personalized license plate and a fee of ~~\$10~~ \$13 for each transfer or renewal ~~thereof of a personalized license plate.~~

(2) The revenue derived from the fee as provided ~~herein in this section~~ must be deposited as follows:

(a) \$5 of the application fee and \$5 of the transfer or renewal fee in the county general fund; ~~and~~

(b) \$20 of the application fee and \$5 of the transfer or renewal fee in the state general fund; ~~and~~

(c) \$3 of the application fee and \$3 of the transfer or renewal fee in the senior citizen and persons with disabilities transportation services account provided for in [section 1]."

Insert: "**Section 3.** Section 61-3-453, MCA, is amended to read:

"61-3-453. Disabled veterans' plates limited to one automobile or truck -- personalized plates. (1) A disabled veteran is not entitled to special license plates for disabled veterans under 61-3-332(10)(c)(i)(A) or 61-3-426(2) for more than one passenger automobile or one truck up to and including 1 ton GVW-rated capacity.

(2) Upon submitting the application provided for in 61-3-405 and payment of the ~~\$25~~ \$28 fee provided for in 61-3-406, a disabled veteran must receive personalized disabled veteran license plates."

Renumber: subsequent sections

8. Page 8, line 15 through line 19.

Strike: section 7 in its entirety

Renumber: subsequent sections

9. Page 8.

Following: line 19

NEW SECTION. Section 6. Coordination instruction. If Senate Bill No. 393 and [this act] are both passed and approved, then Senate Bill No. 393, second reading (yellow) copy, is amended as follows:

Title, line 8.

Following: "USE OF"

Insert: "A PORTION OF"

Page 2, line 9.

Strike: "\$25"

Insert: "\$28"

Page 2, line 11.

Strike: "\$25"

Insert: "\$28"

Page 2, line 13.

Strike: "and"

Page 2, line 15.

Following: "commission"

Insert: "; and

(d) remit to the state treasurer \$3 for deposit in the state special revenue account established in [section 1 of Senate Bill No. 448]"

Renumber: subsequent sections

10. Page 8, lines 23 and 24.

Strike: "gasoline" on line 23 through "30" on line 24

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Insert: "registrations of motor vehicles occurring after December 31"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Crismore, Chairman):

2/20/2001

SB 449, do pass. Report adopted.

SB 455, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "INTO"

Insert: "IN"

2. Page 1, line 24.

Strike: "transferred to"

Insert: "in"

3. Page 2, line 19.

Strike: "will be transferred to"

Insert: "is in"

And, as amended, do pass. Report adopted.

SB 484, introduced bill, be amended as follows:

1. Page 1, line 27 through line 28.

Following: "because"

Strike: "of"

Insert: "there is no likelihood of getting additional funds from the"

Strike: "insolvency" on line 27 through "insufficiency of" on line 28

Insert: "and"

Following: "bond" on line 28

Strike: "is insufficient"

2. Page 3, line 5.

Following: "fund"

Insert: ": (1)"

3. Page 3, line 6.

Following: "because"

Strike: "of"

Insert: "there is no likelihood of getting additional funds from the"

Following: "operator"

Strike: "insolvency or the insufficiency of"

Insert: "and"

4. Page 3, line 7.

Following: "bond"

Insert: "is insufficient;"

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Following: "and"

Insert: "(2)"

5. Page 3, line 19 through line 20.

Following: "because"

Strike: "of"

Insert: "there is no likelihood of getting additional funds from the"

Strike: "insolvency" on line 19 through "of" on line 20

Insert: "and"

Following: "bond" on line 20

Insert: "is insufficient"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman):
SB 314, introduced bill, be amended as follows:

2/20/2001

1. Title, line 5.

Strike: "PRACTITIONER"

Insert: "AGENCY"

2. Title, line 6.

Following: "POSSESS"

Strike: ", DISPENSE,"

3. Title, line 8.

Strike: "PRACTITIONER'S"

Insert: "AGENCY'S"

Strike: "PRACTITIONER"

Insert: "AGENCY"

4. Title, line 10.

Strike: "PRACTITIONERS"

Insert: "AGENCIES"

5. Title, line 11.

Strike: "DISPENSING"

Insert: "ADMINISTERING"

6. Title, line 13.

Strike: "PRACTITIONERS"

Insert: "AGENCIES"

7. Page 1, line 19.

Strike: "practitioner"

Insert: "agency"

Strike: "that"

Insert: "who"

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8. Page 1, line 20.

Strike: "direct"

Strike: "that"

Insert: "who"

9. Page 1, line 22.

Strike: "practitioner"

Insert: "agency"

Strike: "person" through "veterinarian,"

Insert: "law enforcement agency, public or private animal control agency, or a humane society organized for the prevention of cruelty to animals"

10. Page 2, line 2.

Strike: "practitioner"

Insert: "certified agency"

11. Page 2, line 6.

Strike: "practitioner"

Insert: "agency"

12. Page 2, line 9.

Strike: "practitioners"

Insert: "agencies or euthanasia technicians"

13. Page 2, line 11.

Strike: "practitioners"

Insert: "agencies"

14. Page 2, line 16.

Strike: "practitioner"

Insert: "agency"

15. Page 2, line 17.

Following: "a"

Insert: "licensed veterinarian or a"

Strike: "practitioner"

Insert: "agency"

16. Page 2, line 19.

Strike: "practitioners may"

Insert: "agencies shall"

17. Page 2, line 20.

Strike: "dispense"

Insert: "administer"

18. Page 2, line 21.

Strike: "practitioners"

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Insert: "agencies"

19. Page 2, line 22.

Strike: "dispensing"

Insert: "administration"

20. Page 2, line 25 and 26.

Strike: subsection (4) in its entirety

21. Page 2, line 29.

Following: "a"

Insert: "licensed veterinarian or a"

22. Page 3, line 30.

Strike: "practitioner"

Insert: "agency"

Following: "possessing"

Strike: ", dispensing."

23. Page 5, line 21.

Strike: "practitioners"

Insert: "agencies"

And, as amended, do pass. Report adopted.

SB 315, introduced bill, be amended as follows:

1. Page 2, line 1.

Following: "level."

Insert: "The association may not adopt a reduced premium rate schedule unless it has secured funding specifically for that purpose and limits participation to the available funding."

2. Page 2, line 8.

Following: "allow"

Insert: "but may not increase overall premium rates to subsidize the reduced premium rate schedule"

And, as amended, do pass. Report adopted.

SB 338, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "200"

Insert: "175"

2. Page 2, line 6.

Strike: "200%"

Insert: "175%"

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3. Page 3, line 11.

Following: "services."

Insert: "(1)"

4. Page 3, line 14.

Following: "department."

Insert: "(2) The department of public health and human services may contract for a health care service based on a fee for service when the department does not contract for a health care service through an insurance plan, a health maintenance organization, or a managed care plan. The department shall first offer the insurer the opportunity to negotiate a contract price prior to purchasing a health care service on a fee-for-service basis."

And, as amended, do pass. Report adopted.

SB 440, introduced bill, be amended as follows:

1. Title, line 9.

Following: " ; "

Strike: "AND"

2. Title, line 10.

Following: "MCA "

Insert: " ; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE"

3. Page 3, line 16.

Following: "(f) a"

Insert: "prominently displayed"

4. Page 4, line 13.

Following: "(f) a"

Insert: "prominently displayed"

5. Page 4, line 25.

Strike: "employer" in two places

Insert: "employee" in two places

6. Page 5, line 28.

Strike: "October 1, 2001"

Insert: "January 1, 2002"

7. Page 5, line 29.

Insert: "NEW SECTION. Section 6. Effective date -- applicability. [This act] is effective January 1, 2002, and applies to all policies, contracts, plans, or certificates issued or renewed on or after that date."

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

SB 492, introduced by Sprague, Bishop, Butcher, Crismore, Ekegren, Ellingson, Franklin, Shea, Tash, Tester, Wells (by request of the Senate Fish and Game Standing Committee), referred to Taxation.

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

SJR 18, introduced by Taylor, Adams, Andersen, Bales, Balyeat, Barrett, Berry, Bohlinger, D. Brown, R. Brown, Brueggeman, Butcher, Clancy, E. Clark, Cole, Crismore, Curtiss, Dale, Davies, DePratu, Devlin, Ekegren, Ellis, Fisher, Fuchs, Grimes, Grosfield, Haines, Hedges, Himmelberger, Jackson, Kasten, Keenan, Laible, Laszloffy, Lehman, Lewis, Mahlum, Masolo, McGee, McNutt, K. Miller, Mohl, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Sliter, Somerville, Sprague, Steinbeisser, Story, Tash, B. Thomas, F. Thomas, Vick, Waddill, Waitschies, Walters, Wells, Whitaker, Witt, Wolery, Younkin, referred to State Administration.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Wednesday, February 21, 2001. Motion carried.

Senate adjourned at 6:40 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate