

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

Helena, Montana
March 7, 2001

Senate Chambers
State Capitol

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

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

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

Miller, Chairman

Senator Franklin present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/7/2001

Correctly printed: SB 462, HB 47, HB 103, HB 108, HB 110, HB 114, HB 126, HB 129, HB 147, HB 175, HB 210, HB 238, HB 241, HB 268, HB 272, HB 281, HB 286, HB 309, HB 336, HB 358, HB 411, HB 458, HB 462, HJR 8, HJR 9, HJR 11.

Correctly engrossed: SB 134, HB 118, HB 166, HB 216.

Correctly enrolled: SB 37, SB 44, SB 148, SB 157.

Signed by the President at 2:10 p.m., March 6, 2001: SR 18.

Signed by the President at 2:15 p.m., March 6, 2001: SB 214, SJR 5.

Signed by the President at 2:30 p.m., March 6, 2001: SB 11, SB 30, SB 54, SB 61, SB 93, SB 112, SB 120, SB 133, SB 156, SB 172, SB 189, SB 192, SB 235.

Signed by the Secretary of Senate at 4:10 p.m., March 6, 2001: SR 18.

Delivered to the Secretary of State at 9:58 a.m., March 7, 2001: SR 18.

Signed by the Speaker at 11:02 a.m., March 7, 2001: SB 54, SB 214, SJR 5.

Signed by the Secretary of Senate at 3:00 p.m., March 7, 2001: SB 11, SB 30, SB 54, SB 61, SB 93, SB 112, SB 120, SB 133, SB 156, SB 172, SB 189, SB 192, SB 214, SB 235, SJR 5.

BUSINESS AND LABOR (Taylor, Chairman): 3/7/2001

HB 120, be amended as follows:

1. Title, page 1, line 8.

Following: ";

Insert: "REQUIRING SCREENING PANELS TO PUT CERTAIN FINDINGS IN WRITING; REQUIRING COMPLAINTS OF UNPROFESSIONAL CONDUCT TO BE MADE IN GOOD FAITH AND WITH A REASONABLE BASIS FOR ANY ALLEGATIONS IN THE COMPLAINTS; PROHIBITING BOARD MEMBERS FROM FILING COMPLAINTS WITH THEIR BOARD; REQUIRING THAT NOTICES FOR HEARINGS BE BASED ON WRITTEN FINDINGS OF POSSIBLE VIOLATIONS;"

2. Title, page 1, line 9.

Following: "APPRAISERS"

Insert: "AND CLARIFYING REQUIREMENTS FOR SCREENING PANELS"

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3. Title, page 2, line 1.

Following: "37-1-131,"

Insert: "37-1-307, 37-1-308, 37-1-309,"

4. Page 3, following line 20.

Insert: "(4) A screening panel of the board, established pursuant to 37-1-307, must be composed of at least three members and shall include one member of the board who represents the public and is not engaged in the occupation of real estate appraisal. Any determination that a licensee has violated a statute or rule in a manner that justifies disciplinary proceedings must be concurred in by a majority of the members of the screening panel."

Renumber: subsequent subsections

5. Page 6, following line 4.

Insert: "**Section 8.** Section 37-1-307, MCA, is amended to read:

"37-1-307. Board authority. (1) A board may:

(a) hold hearings as provided in this part;

(b) issue subpoenas and administer oaths in connection with investigations and disciplinary proceedings under this part. Subpoenas must be relevant to the complaint, issued by a majority vote of board members not serving on the screening panel described in subsection (1)(e), and signed by the presiding officer of the board. Subpoenas may be enforced as provided in 2-4-104.

(c) authorize depositions and other discovery procedures under the Montana Rules of Civil Procedure in connection with an investigation, hearing, or proceeding held under this part;

(d) compel attendance of witnesses and the production of documents. Subpoenas may be enforced as provided in 2-4-104.

(e) establish a screening panel that determines whether there is reasonable cause to believe that a licensee has violated a particular statute, or rule, or standard justifying disciplinary proceedings. A screening panel shall specify in writing the particular statute, rule, or standard that the panel believes may have been violated. The screening panel shall also state in writing the reasonable grounds that support the panel's finding that a violation may have occurred. The assigned board members may not subsequently participate in a hearing of the case. The final decision on the case must be made by a majority of the board members who did not serve on the screening panel for the case.

(f) grant or deny a license and, upon a finding of unprofessional conduct by an applicant or license holder, impose a sanction provided by this chapter.

(2) Each board is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose of obtaining confidential criminal justice information regarding its licensees and license applicants and regarding possible unlicensed practice.

[(3) Each board shall require a license applicant to provide the applicant's social security number as a part of the application. Each board shall keep the social security number from this source confidential, except that a board may provide the number to the department of public health and human services for use in administering Title IV-D of the Social Security Act.](Bracketed language terminates on occurrence of contingency--sec. 1, Ch. 27, L. 1999.)"

Insert: "**Section 9.** Section 37-1-308, MCA, is amended to read:

"37-1-308. Unprofessional conduct -- complaint -- investigation -- immunity -- exceptions. (1) Except as provided in ~~subsection (3)~~ subsections (4) and (5), a person, government, or private entity may submit a written complaint to the department charging a licensee or license applicant with a violation of this part and specifying the grounds for the complaint.

(2) If the department receives a written complaint or otherwise obtains information that a licensee or license applicant may have committed a violation of this part, the department may, with the concurrence of a member of the screening panel established in 37-1-307, investigate to determine whether there is reasonable cause to believe that the

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licensee or license applicant has committed the violation.

(3) A person or private entity, but not a government entity, filing a complaint under this section in good faith and with a reasonable basis for each allegation contained in the complaint is immune from suit in a civil action related to the filing or contents of the complaint.

~~(3)~~(4) A person under legal custody of a county detention center or incarcerated under legal custody of the department of corrections may not file a complaint under subsection (1) against a licensed or certified provider of health care or rehabilitative services for services that were provided to the person while detained or confined in a county detention center or incarcerated under legal custody of the department of corrections unless the complaint is first reviewed by a correctional health care review team provided for in 37-1-331.

(5) A board member, unless specifically authorized by law, may not file a complaint with the board on which the member serves or otherwise act in concert with a complainant in developing, authoring, or initiating a complaint to be filed with the board.""

Insert: "Section 10. Section 37-1-309, MCA, is amended to read:

"37-1-309. Notice -- request for hearing. (1) If a reasonable cause determination is made pursuant to 37-1-307 that a violation of this part has occurred, a notice must be prepared by department legal staff and served on the alleged violator. The notice may be served by certified mail to the current address on file with the board or by other means authorized by the Montana Rules of Civil Procedure. The notice may not allege a violation of a particular statute, rule, or standard unless the board or the board's screening panel, if one has been established, has made a written determination that there are reasonable grounds to believe that the particular statute, rule, or standard has been violated.

(2) A licensee or license applicant shall give the board the licensee's or applicant's current address and any change of address within 30 days of the change.

(3) The notice must state that the licensee or license applicant may request a hearing to contest the charge or charges. A request for a hearing must be in writing and received in the offices of the department within 20 days after the licensee's receipt of the notice. Failure to request a hearing constitutes a default on the charge or charges, and the board may enter a decision on the basis of the facts available to it.""

Renumber: subsequent sections

6. Page 16, lines 5 and 6.

Strike: the first "and" on line 5 through "membership" on line 6

7. Page 44, line 30.

Strike: "36"

Insert: "39"

8. Page 45, line 1.

Strike: "36"

Insert: "39"

9. Page 45, line 2.

Strike: "42"

Insert: "45"

10. Page 45, line 3.

Strike: "42"

Insert: "45"

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11. Page 45, line 5.

Strike: "8"

Insert: "11"

Strike: "72"

Insert: "75"

Strike: "73"

Insert: "76"

12. Page 45, line 7.

Strike: "9"

Insert: "12"

Strike: "44"

Insert: "47"

Strike: "46"

Insert: "49"

Strike: "71"

Insert: "74"

13. Page 45, line 9.

Strike: "45"

Insert: "48"

14. Page 45, line 11.

Strike: "44"

Insert: "47"

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

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman):

3/6/2001

HB 127, be concurred in. Report adopted.

HB 375, be amended as follows:

1. Page 1, line 16.

Strike: "that"

Insert: "is exempt from the registration fees imposed in 15-24-301 if the motor vehicle"

2. Page 1, line 19.

Following: "area"

Insert: "is located in an area that"

Following: "been"

Insert: ": (1)"

3. Page 1, lines 20 and 21.

Following: "42 U.S.C. 254(e)"

Strike: " " on line 20 through "15-24-301" on line 21

Insert: "; or (2) determined to have a critical shortage of nurses, as provided in 42 U.S.C. 297n(a)(3)"

4. Page 2, line 9.

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Following: "that"

Insert: "is located in an area that"

Following: "been"

Insert: ": (i)"

5. Page 2, line 11.

Following: "42 U.S.C. 254(e)"

Insert: "; or (ii) determined to have a critical shortage of nurses, as provided in 42 U.S.C. 297n(a)(3)"

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

HB 391, be concurred in. Report adopted.

JUDICIARY (Grosfield, Chairman):

3/7/2001

HB 157, be concurred in. Report adopted.

HB 263, be concurred in. Report adopted.

HB 329, be concurred in. Report adopted.

STATE ADMINISTRATION (Hargrove, Chairman):

3/7/2001

HB 443, be concurred in. Report adopted.

HJR 15, be concurred in. Report adopted.

TAXATION (DePratu, Chairman):

3/6/2001

SB 220, introduced bill, be amended as follows:

1. Page 1, line 16.

Following: "a"

Insert: "qualified"

2. Page 1, line 18.

Following: "(2)"

Insert: "(a)"

3. Page 1, line 20.

Strike: "(a)"

Insert: "(i)"

Strike: "10%"

Insert: "the percent"

Renumber: subsequent subsections

4. Page 1, line 22.

Following: "32)"

Insert: "computed by the department pursuant to subsection (2)(b)"

5. Page 1.

Following: line 28

Insert: "(b) The department shall establish the rate for the credit authorized in subsection (2)(a) each year by rule. The rate, determined in cooperation with the department of public health and human services, will set a credit

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percentage rate that, when taken by taxpayers, will result in a dollar amount of credit that will equal, as closely as possible, the amount that the state is expected to receive from the temporary assistance to needy families block grant."

6. Page 2.

Following: line 22

Insert: "NEW SECTION. Section 4. Fund transfer. Each year, the department of public health and human services shall transfer, to the extent permitted under federal law, from the temporary assistance to needy families block grant received as federal special revenue to the general fund the amount necessary to pay the refundable portion of the earned income credit allowed in [section 1]."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 486, introduced bill, be amended as follows:

1. Page 2, line 5.

Strike: "150%"

Insert: "175%"

2. Page 2, line 21.

Strike: "continues to meet"

Insert: "has met"

Following: "(3)(a)"

Insert: "during the entire 5 years"

And, as amended, do pass. Report adopted.

HB 143, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 6, 2001

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

Dear Senator Beck:

Attached is our second list of board appointments not yet confirmed by the Montana Legislature. We have supplied the following information for each member:

Board Name
Member Name
Member Address and Phone Numbers
Brief Member Biography

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Position Requirement

If I or my staff can be of any further assistance to you, please do not hesitate to contact us.

Sincerely,
JUDY MARTZ
Governor

**SENATE CONFIRMATION REPORT - TWO
2001**

Aeronautics Board

MCA 2-15-2506

Kenneth Tolliver
P.O. Box 1977
Billings, MT 59103
HPH: 245-3071
BPH: 245-3071

Appt: 01/31/01
Term: 01/01/05
Qual: MT. Chamber rep. and an attorney

Ken has been a licensed pilot and practicing attorney since 1971. His interest in aviation has been evidenced by membership on the Big Sky International Air Show Board, involvement with Big Sky Airlines, and being active as a pilot. He is also a member of the Montana Chamber of Commerce.

William Metz
303 E 13th Street
Laurel, MT 59044
HPH: 628-6173
BPH: 698-1366

Appt: 01/31/01
Term: 01/01/05
Qual: MT. Aerial Applicators member

Will is a long-time member of the Association of Montana Aerial Applicators and his aerial applicators business currently serves the Billings area. Will has been a pilot for over twenty years, holding a commercial license, single and multi-engine. He is the president of Top Hand Aviation, Inc. in Laurel, a business handling commercial aerial application, aircraft maintenance, hangar rentals, and all phases of operation.

George Warner
125 N. Idaho
Dillon, MT 59725
HPH: 683-6405
BPH: 683-4245

Appt: 01/31/01
Term: 01/01/05
Qual: MT. League of Cities & Towns rep.

George has been a pilot for twenty-three years. As the Mayor of Dillon he has been involved at Beaverhead County airport board meetings. He is a member of the Montana Pilots Assoc. and was elected President of the Dillon Hanger, giving him experience as a director at the state level.

Lanny Hanson
740 2nd Ave. South
Glasgow, MT 59230
HPH: 228-4848
BPH: 228-4848

Appt: 01/31/01
Term: 01/01/05
Qual: MT. Airport Management rep.

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Lanny owns and operates his own business in Glasgow and also has farming and ranching interests in Valley and McCone counties. He is a long time active member of the Montana Pilots Assoc. and has been involved in aviation for over twenty years. The Glasgow Airport Board is a member of the Montana Airport Managers Assoc. Lanny has served on this board for many years and is currently the chairman. He is also the airport manager of the Fort Peck Airport.

Frank Bass	Appt: 01/31/01
Star Route	Term: 01/01/05
Moore, MT 59464	Qual: MT. Pilots Assn. rep.
HPH: 538-7616	
BPH: 538-7616	

Frank has been in aviation for fifty-four years. He has been a member of the Montana Pilots Assoc. since 1958 – the same year that he started Bass Auction Company. Frank’s business motto is "Montana’s Flying Auctioneer." He has worked with the Montana Pilots Assoc. on aviation gas tax legislation for the past fifteen years and is the founder of the Montana Antique Airplane Assoc.

Board of Chiropractors **MCA 2-15-1847**

Gregory Hoell	Appt: 01/12/01
100 Billion Place	Term: 01/01/04
Bozeman, MT 59715	Qual: Chiropractor
HPH: 388-0663	
BPH: 586-0275	

Dr. Hoell has been a licensed chiropractor in Montana since 1992. He owns the Manhattan Back and Neck Clinic and is also a chiropractic physician at the Bozeman Back and Neck Clinic. He is a member of the Montana and Texas Chiropractic Assoc., the American Chiropractic Assoc. and the National Assoc. of Accident and Injury Victims.

Fish, Wildlife and Parks Commission **MCA 2-15-3402**

Rich Lane	Appt: 02/27/01
1730 Frey Lane	Term: 01/01/05
Missoula, MT 59808	Qual: District 1 Rep./Chairman
HPH: 721-2573	
BPH: 626-5294	

Rich earned a Bachelor of Science degree in Forest Science from Pennsylvania State University in 1976 and his Master of Science in Industrial Forestry Operations from Virginia Tech in 1981. He is the Region Manager of Smurfit-Stone Container Corporation in Missoula.

John Lane	Appt: 02/27/01
Box 9	Term: 01/01/05
Cascade, MT 59421	Qual: District 3 Representative
HPH: 468-2717	
BPH: 799-2717	

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John received a Bachelor of Science degree in Agricultural Business from Montana State University in 1986. He has ranched in the Cascade area since 1989 and is a member of the Devil's Kitchen Management Team, a local wildlife management group.

Dan Walker	Appt: 02/27/01
3031 Forsythia Blvd	Term: 01/01/05
Billings, MT 59102	Qual: District 5 Representative
HPH: 656-5959	
BPH: 656-5959	

Dan graduated from Montana State University in Bozeman in 1967 with a Bachelor of Science degree in Accounting. He operates a farm in Wheatland County and is retired from US West, where he was employed for 26 years as Director of Public Affairs for Montana.

Board of Horseracing

MCA 2-15-1881

Jay C. Clark	Appt: 02/08/01
P.O. Box 34	Term: 01/20/04
Sweetgrass, MT 59484	Qual: Representative of the industry
HPH: 937-6905	
BPH: 937-6905	

Jay was born and raised in Montana and has been engaged in agriculture, primarily ranching since 1961. He has been a school board member and community 4-H leader. Jay is the Director of horse racing for the Marias Fair, a Deputy State Brand Inspector and Montana Simulcast Partner Director.

Charles Carruthers	Appt: 02/08/01
127 Low View	Term: 01/20/04
Butte, MT 59701	Qual: Representative of the industry
HPH: 494-5216	
BPH: 723-9086	

Al has been the National Director of the American Quarter Horse Association for the past fifteen years. In this capacity, he has represented quarter horse racing for the state of Montana. Al has over twenty-five years experience as owner, trainer and breeder of quarter horses.

Brenda Koch	Appt: 02/08/01
HC 85, P. O. Box 4302	Term: 01/20/04
Lewistown, MT 59457	Qual: Representative of District 2
HPH: 538-9749	
BPH: 538-5419	

Brenda holds a Masters of Education in Technology degree from Cambridge, MA. She has been involved in education since 1994 and is currently teaching eighth grade English at the Lewistown Junior High School. Brenda comes from a ranching background and she and her husband own and operate a 300+ cow/calf ranching operation.

Susan Austin	Appt: 02/08/01
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52 W. Evergreen Dr
Kalispell, MT 59901
HPH: 752-5547
BPH: 752-5547

Term: 01/20/04
Qual: Representative of District 5

Susan has been involved in the horseracing industry in one form or another for over thirty years. She held licenses as a groom, pony person, and owner in Montana and Washington. She is an MSU graduate and taught school in Bozeman and Kalispell at the secondary level for over 20 years. She and her husband currently own a small construction business.

Board of Housing

MCA 2-15-1814

Thomas Welch
P.O. Box 1103
Dillon, MT 59725
HPH: 683-4811
BPH: 683-5191

Appt: 02/08/01
Term: 01/01/05
Qual: Public Member

Tom has been the president and CEO of Pioneer Federal Savings & Loan in Dillon since 1986. He has a BS degree in General Business from the University of Montana and has served on various community boards. He has served as Chairman of the Beaverhead County Affordable Housing task force and is a board member and officer within the Montana Independent Bankers Assoc.

Robert Savage
P. O. Box 1105
Sidney, MT 59270
HPH: 488-7152
BPH: 482-9770

Appt: 02/08/01
Term: 01/01/05
Qual: Public Member

Bob is a practicing attorney from Sidney who is presently representing Montana as a member of the Board of Directors of the National Conference of State Housing Boards. He was elected to a 2-year term representing Region 1, which includes Montana, Washington, Oregon, Idaho, California, Alaska, Nevada, and Hawaii.

William Oser
2703 Woody Drive
Billings, MT 59102
HPH: 656-5426
BPH: 656-5426

Appt: 02/08/01
Term: 01/01/05
Qual: Public Member

Bill is retired after serving as a managing stockholder and President for The Company Stores, Inc. in Billings. This is a collection of three retail stores located in the Rimrock Mall. He developed all areas of these businesses and played an active role in the day-to-day operations.

Stephen Redinger
P.O. Box 20339
Billings, MT 59104
HPH: 252-2600

Appt: 02/08/01
Term: 01/01/05
Qual: Public Member

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BPH: 252-2600

Stephen is a founder and the President and C.E.O. of Intermountain Mortgage Company that is headquartered in Billings. His firm is one of the largest independent mortgage banking firms in the state and one of the largest originators of mortgages to first time homebuyers in Montana. Stephen has a complete understanding of the securitization and bonding processes in the lending industry.

Board of Investments

MCA 2-15-1808

Joel Long
41 Heatherwood
Billings, MT 59102
HPH: 245-5164
BPH: 655-2000

Appt: 02/20/01
Term: 01/01/05
Qual: Public Member

Joel has a Master of Science degree in Civil Engineering from Montana State University. During his tenure with the Montana Contractors Assoc, he was a founding member primarily responsible for the inception, implementation, and continued success of the Montana Contractors' Assoc. Health Care and Retirement Trust. Joel is President of United Industry, Inc. and President and past owner of JTL Group, Inc. in Billings.

Dennis Beams
126 Ridgeview Dr.
Kalispell, MT 59901
HPH: 257-8920
BPH: 756-4256

Appt: 02/20/01
Term: 01/01/05
Qual: Rep. of Financial Industry

Dennis holds a Master of Business Administration from the University of Montana. He has been affiliated with Glacier Bank in Kalispell since 1991. Dennis began his banking career as Vice President/Commercial Loan Manager with the responsibility to establish a commercial loan department. He is now Senior Vice President with management responsibility for a million dollar commercial loan portfolio.

Jay Klawon
222 W. Main
Hamilton, MT 59840
HPH: 363-4652
BPH: 363-1140

Appt: 02/20/01
Term: 01/01/05
Qual: Rep. of Public Employees Retirement Board

Jay is a graduate of Bismarck State College. He has been an investment representative with Edward Jones Investments for the last thirteen years.

Dick Anderson
1800 Lodgepole
Helena, MT 59601
HPH: 443-3542
BPH: 443-1537

Appt: 02/20/01
Term: 01/01/05
Qual: Public Representative

Dick is the owner and president of Dick Anderson Construction, a multi-million dollar contracting firm. He is a third-generation Montanan who received a B.S. in Business Management in 1974 from the University of Montana.

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He is a director for the Montana Contractors Assn., Chairman of the Board for Mountain West Bank of Helena and on the Carroll College Presidents Council.

Tim Ryan	Appt: 02/20/01
417 Riverview Court	Term: 01/01/05
Great Falls, MT 59404	Qual: Rep. of Teachers' Retirement Board
HPH: 761-2875	
BPH: 454-1934	

Tim is the Executive Director at High Plains Development Authority in Great Falls. This is an economic development operation in Cascade County. Tim is a current member of the Teachers Retirement Board.

Board of Labor Appeals

MCA 2-15-1704

Carol Vega	Appt: 01/25/01
P.O. Box 4078	Term: 01/01/05
Butte, MT 59702	Qual: Public Member
HPH: 494-3784	
BPH: 494-7100	

Carol is a senior engineer for MSE Technology Applications, Inc. in Butte. She oversees health and safety program development, surveys and inspections and programmatic and facility audits for the corporation.

Mr. Joseph Thares	Appt: 01/25/01
624 Sanders	Term: 01/01/05
Helena, MT 59601	Qual: Public Member
HPH: 442-9950	
BPH: 449-3811	

Joe has been the Executive Director of the Montana Independent Bankers Assn. for over ten years. He received a B.S. degree in Economics from the University of Oklahoma. Joe is a member of the Board of Directors for the Montana Health Education Center MSU and the Community Banking Network-Washington, D.C. He's also a member of the Main Street Assn. of Financial Institutions, the National Assn. of Unemployment Insurance Appellate Boards, the American Assn. of Former Intelligence Officers and the Presidents Focus Group, Federated Investors.

Board of Medical Examiners

MCA 2-15-1841

Susan McRae	Appt: 02/14/01
P.O. Box 1314	Term: 09/01/01
Dillon, MT 59725	Qual: Public Member
HPH: 683-2766	
BPH: 683-9020	

Susan holds a Bachelor of Science degree in Accounting from Montana State University. In 1966 she started her own accounting firm, McRae and Associates in Dillon. Susan is a member of the American Institute of Certified Public Accountants and the Montana Society of Certified Public Accountants.

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Board of Milk Control

MCA 2-15-3105

Jesse Russell Gleason
RR1 Box 205
Fairfield, MT 59436
HPH: 467-2657
BPH: 467-2657

Appt: 02/15/01
Term: 01/01/05
Qual: Public Member and a Republican

Russell is a retired farmer/rancher and dairyman from Teton County. He is a lifelong Republican.

Dixie Hertel
Route 1 Box 30
Moore, MT 59464
HPH: 374-2281
BPH: 374-2281

Appt: 02/15/01
Term: 01/01/05
Qual: Public Member and a Republican

Dixie has served on the board for the past twelve years. She and her husband have owned and operated a farm/ranch operation in Fergus County for over 25 years. She is the state president-elect of the General Federation of Women's Clubs and Treasurer for the Fergus County Republican Central Committee.

Milton Olson
P.O. Box 102
Whitewater, MT 59544
HPH: 674-5216
BPH: 674-5216

Appt: 02/15/01
Term: 01/01/05
Qual: Public Member and a Republican

Swede is the chairman of this board and is a lifelong Republican. He has farmed and ranched all of his life and has a partnership with his son and nephew in U2 Ranches in Whitewater. He served as chairman for the Production Credit Assn. Board, served on the advisory board of the 12th District of Farm Credit Services, and is on the board of directors for the First Security Bank in Malta.

Board of Occupational Therapy Practice MCA 2-15-1859

Shelbi Berg
P.O. Box 1222
Marion, MT 59925
HPH: 854-2374
BPH: 756-6940

Appt: 01/15/01
Term: 12/31/04
Qual: Occupational Therapist

Shelbi received her B.S. degree in Occupational Therapy from the University of North Dakota in December 1977. She has worked in Montana as an Occupational Therapist for over twenty years. Currently Shelbi is the Rehabilitation Services Manager for two skilled nursing facilities in Kalispell and Bigfork.

Board of Pardons and Parole

MCA 2-15-2302

Michael McKee
217 W. Main #6
Hamilton, MT 59840
HPH: 363-4647

Appt: 02/08/01
Term: 01/01/03
Qual: Auxiliary Member

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BPH: 363-8454

Michael received his degree in Sociology from the University of Montana, with a minor in Criminology and Psychology. In 1972 he started his career in banking and retired as President/CEO of Big Sky Bancorp Inc. and subsidiary, First Federal Savings and Loan Association of Montana. Michael is currently President of McKee Consulting and Investments.

Roxanne Wilson	Appt: 02/08/01
Box 10	Term: 01/01/05
Busby, MT 59016	Qual: Auxiliary Member/Native American
HPH: 592-3582	
BPH: 748-4150 x 1426	

Roxanne is a Northern Cheyenne and is a teacher at Colstrip.

Mark Fournier	Appt: 02/08/01
483 Dutch Hill Road	Term: 01/01/05
Hamilton, MT 59840	Qual: Public Member
HPH: 961-4755	
BPH: Same	

Mark was previously the auxiliary member of the board and has been appointed as a full member. He holds a B.S. in Business Administration with emphasis in finance. Mark has served as the hearing officer covering the Great Falls Regional Prison, Great Falls Pre-release and CCA Prison in Shelby every month since the programs began. He is also an F-16 pilot for the Montana Air National Guard and has participated in anti-drug intercept missions for the southwest and South America.

Board of Plumbers

MCA 2-15-1875

Terry Tatchell	Appt: 02/05/01
2515 Gold Rush	Term: 05/04/02
Helena, MT 59601	Qual: Journeyman plumber
HPH: 443-1742	
BPH: 443-8900	

Terry has held his Journeyman plumbers license since 1981. For the past eighteen years he has worked for the Montana Power Company in the gas distribution area of the company. Terry currently is the gas service foreman for the company. He spends a good share of his time working with the public and local plumbing and heating shops to insure that water heaters, boilers and other gas appliances are installed in a safe manner.

Board of Public Assistance

MCA 2-15-2203

Mary Belcher	Appt: 02/06/01
49 Pine Ridge Circle	Term: 01/01/05
Clancy, MT 59634	Qual: Attorney
HPH: 933-5412	
BPH: 444-8420	

Mary earned her Juris Doctor degree in 1988 from William Mitchell College of Law in St. Paul, MN. She has

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extensive experience as a contracts negotiator, and upon completion of law school Mary worked for a firm in New Jersey as a contract attorney. She is presently employed with Blue Cross and Blue Shield of Montana as associate general counsel. In this capacity she works on a variety of health care and insurance issues.

Julie Ann Millam	Appt: 02/06/01
4327 Jimtown Rd.	Term: 01/01/05
Helena, MT 59601	Qual: Public Member
HPH: 442-6290	
BPH: 442-6290	

Julie is currently the Executive Director of the Christian Coalition of Montana. She acknowledges that her strengths lie with children and family matters. She has been actively involved in political volunteerism and various community organizations.

Board of Respiratory Care Practitioners **MCA 2-15-1860**

Shirley Pollard	Appt: 01/17/01
4091 Eastside Hwy.	Term: 01/01/05
Stevensville, MT 59870	Qual: Respiratory Care Practitioner
HPH: 777-5113	
BPH: 728-4100	

Shirley received her Respiratory Care Practitioner degree from the Missoula Vocational Technical Center. She has worked as a Respiratory Care Practitioner at Community Medical Center in Missoula since graduating in 1991.

Gregory Paulauskis	Appt: 01/17/01
5060 Lower River Rd.	Term: 01/01/05
Great Falls, MT 59405	Qual: Respiratory Care Practitioner
HPH: 452-9456	
BPH: 771-4361	

Greg is the Clinical Director for Respiratory Care at MSU College of Technology in Great Falls. He received is B.S. in Respiratory Therapy in 1980 with a minor in Business Management and a Ph.D. in Higher Education in 1998. He is a member of the American Assn. for Respiratory Care and the Montana Society for Respiratory Care.

Linda Davis	Appt: 01/17/01
8517 Hwy 287	Term: 01/01/05
Townsend, MT 59644	Qual: Public Member
HPH: 266-3786	
BPH: Same	

Linda and her husband have owned and operated a ranch south of Townsend for over 30 years. She is active in the Cattlewomens organization on a local, state, and national level.

Board of Social Work Examiners **MCA 2-15-1854**
And Professional Counselors

Rashell Jeffrey	Appt: 02/15/01
131 Beverly	Term: 01/01/05

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Missouri, MT 59801
HPH: 543-7941
BPH: 721-6050

Qual: Social Worker

Rashell has a Master of Social Work degree from the University of Michigan. She has been in private social work practice since 1986. Rashell is contracted with the Department of Family Services of Montana to make investigations and reports to the court for independent adoption placements. She is very involved in various community wellness programs in Missoula.

Ervin Booth
619 3rd Street E
Roundup, MT 59072
HPH: 323-2226
BPH: 323-1512

Appt: 02/15/01
Term: 01/01/05
Qual: Professional Counselor

Ervin is a licensed professional counselor and director of special education for the Roundup school system. He was appointed by the American Assn. of State Counseling Boards as National Chairman of the Committee on Post Graduate Clinical Supervision.

Mary Meis
P.O. Box 573
Shelby, MT 59474
HPH: 434-2714
BPH: 434-5276

Appt: 02/15/01
Term: 01/01/05
Qual: Social Worker

Mary is a licensed clinical social worker for Anew Counseling in Shelby. Through this board appointment, she has become involved with the American Assn. of State Social Work Boards Exam Committee.

Patrick Wolberd
P.O. Box 657
Livingston, MT 59047
HPH:333-4722
BPH: 656-2224

Appt: 02/15/01
Term: 01/01/05
Qual: Social Worker

Patrick is a licensed self-employed social worker who has been in the profession for over 25 years both in the public and private sectors. He represents Montana at the American Assn. of State Social Work Boards, the organization that produces the social work licensing examination nationwide. He chairs their task force on examination issues.

State Tax Appeal Board

MCA 15-2-101

Larry Brown
8101 Continental Dr.
Butte, MT 59701
HPH: 494-6079
BPH: 494-6079

Appt: 01/31/01
Term: 01/01/07
Qual: Public Member

Larry holds a Bachelor of Science degree in biology, with graduate studies in water resources, zoology, and

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specialized training in hydrology, mining agricultural and civil engineering. He has over twenty-five years of environmental technology application, political, regulatory and business development experience.

Transportation Commission

MCA 2-15-2502

Shiell Anderson
738 Hwy. 89 N
Livingston, MT 59047
HPH: 222-1164
BPH: Same

Appt: 01/09/01
Term: 01/01/05
Qual: Rep. of Dist. 2, Republican

Shiell has a Juris Doctorate degree from the University of Montana Law School. He served three terms as a member of the Montana House of Representatives. During his tenure as a state legislator he was the chairman of the House Highways and Transportation committee and is well-versed on highway issues.

Daniel Rice
511 Central Ave. W., Suite 2
Great Falls, MT 59404
HPH: 452-5150
BPH: 727-7500

Appt: 01/25/01
Term: 01/01/05
Qual: Rep. of Dist. 3, Independent

Dan received his B.S. degree in Architectural Engineering from Montana State University. He has been employed since 1990 by Transystems LLC., in Great Falls. The company employs more than 800 people and specializes in transportation of bulk materials in large volumes over short distances. Transystems operates in six western states and Canada.

MOTIONS

HB 342 - Senator Keenan moved **HB 342** be taken from second reading this legislative day and rereferred to the committee on Finance. Motion carried.

HB 175 - Senator Franklin moved consideration of **HB 175** on second reading this legislative day, be postponed until the fifty-third legislative day, March 8, 2001. Motion carried.

SB 220 - Senator Bohlinger moved that Ellingson be added as sponsor to **SB 220**. Motion carried.

Majority Leader Thomas moved that the Senate stand in recess until the hour of 1:30 p.m. for purpose of party caucuses. Motion carried.

Senate recessed at 1:12 p.m.

Senate reconvened at 1:35 p.m.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Sprague, Chairman):

3/7/2001

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HB 365, be concurred in. Report adopted.

LOCAL GOVERNMENT (Mahlum, Chairman):

3/7/2001

HB 179, be amended as follows:

1. Title, line 7.

Strike: "A HOME"

Insert: "HOMES"

Following: "\$100,000"

Insert: "AND \$200,000"

2. Title, line 8.

Strike: "A RESIDENCE"

Insert: "RESIDENCES"

3. Title, line 9.

Strike: "THAT VALUE"

Insert: "THOSE VALUES"

4. Page 2, line 2.

Following: "\$100,000"

Insert: "and a home valued at \$200,000"

5. Page 2, line 3.

Strike: "a residence"

Insert: "residences"

Strike: "THAT"

Insert: "those"

6. Page 2, line 4.

Strike: "value"

Insert: "values"

Following: "pass."

Insert: "The ballot may also include a statement of the impact of the election on homes of any other value in the district, if appropriate."

7. Page 4, line 16.

Following: "\$100,000"

Insert: "and a home valued at \$200,000"

8. Page 4, line 17.

Strike: "a residence"

Insert: "residences"

Strike: "THAT value"

Insert: "those values"

Following: "."

Insert: "The resolution may also include a statement of the impact of the election on homes of any other value in

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the district, if appropriate."

9. Page 20, line 11.

Following: "\$100,000"

Insert: "and a home valued at \$200,000"

10. Page 20, line 12.

Strike: "a residence"

Insert: "residences"

Strike: "THAT value"

Insert: "those values"

Following: "."

Insert: "The plan may also include a statement of the impact of the election on homes of any other value in the district, if appropriate."

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

HB 298, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

SB 496, introduced by Glaser, Berry, R. Brown, DePratu, Ellis, G. Forrester, Mahlum, Matthews, McNutt, Shea, Sprague, Steinbeisser, Taylor, referred to Taxation.

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

SR 20, introduced by F. Thomas, Beck, Grosfield, Halligan, referred to Judiciary.

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

HB 213, introduced by Newman, Gutsche, Harris (by request of the Attorney General), referred to Judiciary.
(This bill passed 3rd reading in the House on February 14, 2001 and was to be transmitted to the Senate. However, the bill was inadvertently dropped during a computer crash that day.)

**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 Christiaens in the chair.

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

HB 118 - Senator Cole moved **HB 118** as amended, be concurred in. Motion carried unanimously.

HB 311 - Senator Hargrove moved **HB 311**, second reading copy, be amended as follows :

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1. Title, page 1, line 6.

Strike: "PLAN"

Insert: "PROCEDURE"

Amendment **adopted** unanimously.

HB 311 - Senator Cobb moved **HB 311**, second reading copy, be **further** amended as follows :

1. Page 3, line 26 through line 28.

Strike: "A MINOR CHILD" through "PROPERTY."

Amendment **adopted** as follows:

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

Total 35

Nays: Christiaens, Doherty, Ekegren, Ellingson, Franklin, Halligan, Hargrove, Harrington, Jergeson, Pease, Shea, Stonington, Tester, Toole, Waterman.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senators Butcher, Grosfield and Taylor excused at this time.

HB 311 - Senator Grimes moved **HB 311**, as amended, be concurred in. Motion **failed** as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Doherty, Ekegren, Franklin, Grimes, Hargrove, Harrington, Jergeson, Johnson, McCarthy, Shea, Stapleton, Tester, Waterman.

Total 20

Nays: Crismore, DePratu, Ellingson, Elliott, Ellis, Glaser, Halligan, Holden, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Sprague, Stonington, Tash, Thomas, Toole, Wells, Zook, Mr. President.

Total 27

Absent or not voting: None.

Total 0

Excused: Butcher, Grosfield, Taylor.

Total 3

HB 311 - Senator Beck moved that **HB 311** be **indefinitely postponed**. Motion carried as follows:

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Yeas: Berry, Cole, Crismore, DePratu, Ellingson, Elliott, Ellis, Glaser, Halligan, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Wells, Zook, Mr. President.

Total 33

Nays: Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ekegren, Franklin, Grimes, Hargrove, Harrington, Jergeson, Shea, Waterman.

Total 14

Absent or not voting: None.

Total 0

Excused: Butcher, Grosfield, Taylor.

Total 3

Senator Grimes excused at this time.

SB 462 - Senator Ellis moved **SB 462** do pass. Motion carried unanimously.

HB 47 - Senator R. Johnson moved **HB 47** be concurred in. Motion carried unanimously.

HB 108 - Senator Elliott moved **HB 108** be concurred in. Motion carried unanimously.

HB 110 - Senator Ryan moved **HB 110** be concurred in. Motion carried unanimously.

HB 114 - Senator R. Holden moved **HB 114** be concurred in. Motion carried unanimously.

HB 126 - Senator Taylor moved **HB 126** be concurred in. Motion carried unanimously.

HB 147 - Senator Crismore moved **HB 147** be concurred in. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Christiaens moved the Committee of the Whole report be adopted. Senator Keenan made a **substitute motion** that **HB 47 be segregated** from the Committee of the Whole report and the remainder of the report be adopted. Motion carried.

THIRD READING OF BILLS

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

SB 59, as amended by the House, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, 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 47

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cole, Glaser, Grimes.
Total 3

HB 103 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, 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 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cole, Glaser, Grimes.
Total 3

HB 129, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, 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 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cole, Glaser, Grimes.
Total 3

HB 241, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague,

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

Nays: Bishop.
Total 1

Absent or not voting: None.
Total 0

Excused: Cole, Glaser, Grimes.
Total 3

HB 272 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, DePratu, Elliott, Ellis, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 27

Nays: Christiaens, Cocchiarella, Crismore, Doherty, Ekegren, Ellingson, Franklin, Halligan, Harrington, Jergeson, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 20

Absent or not voting: None.
Total 0

Excused: Cole, Glaser, Grimes.
Total 3

HB 309 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, 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 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cole, Glaser, Grimes.
Total 3

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HB 411 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, 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 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cole, Glaser, Grimes.

Total 3

HJR 8 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, 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 46

Nays: Keenan.

Total 1

Absent or not voting: None.

Total 0

Excused: Cole, Glaser, Grimes.

Total 3

MOTIONS

HB 241 - Senator Christiaens moved that he be allowed to change his vote on **HB 241**, third reading this legislative day, from nay to yea. Motion carried.

HB 47 - Senator Keenan moved that **HB 47** be taken from second reading and rereferred to the committee on Finance. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Thursday, March 8, 2001. Motion carried.

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Senate adjourned at 3:06 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate