

**SENATE JOURNAL
57TH LEGISLATURE
SIXTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 24, 2001

Senate Chambers
State Capitol

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

Roll Call. All members present except Senators Cole, Grimes, Kitzenberg and Pease, excused. Quorum present.

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

Miller, Chairman

Senators Cole and Grimes present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/24/2001

Correctly printed: SB 289, SB 339, SB 350, SB 483, SB 516, SB 517, HB 190, HB 195, HB 219, HB 319.

Correctly engrossed: SB 213, SB 322, SB 511, HB 33, HB 41, HB 186, HB 208, HB 254, HB 279, HB 334, HB 377, HB 403, HB 451, HB 461, HB 477, HB 502, HB 533, HB 537, HB 560, HB 563, HB 612, HB 620, HJR 16, HJR 21, HJR 31.

Correctly enrolled: SB 107, SB 146, SR 21.

Examined by sponsor and found to be correct: SB 146, SR 21.

Signed by the President at 8:30 a.m., March 24, 2001: SB 56, SB 65, SB 81, SB 259, SB 285, SB 334, SJR 11.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Holden, Chairman): 3/24/2001

HB 418, be amended as follows:

1. Page 1, line 14.

Following: "81-4-322"

Strike: "or upon"

Insert: ", fences must be constructed by the entities creating the herd district. Upon"

2. Page 1, line 15.

Following: "ENTITIES"

Strike: "CREATING THE HERD DISTRICT OR"

3. Page 1, line 16.

Following: "DISTRICT"

Strike: "AND"

Insert: ". All fences"

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

HJR 25, be concurred in. Report adopted.

HJR 33, be concurred in. Report adopted.

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JUDICIARY (Grosfield, Chairman):
HB 261, be amended as follows:

3/24/2001

1. Page 3, line 4.
Following: "45-9-110;"
Insert: "or"

2. Page 3, line 6 through line 9.
Following: "45-9-110" on line 6
Strike: remainder of line 6 through "45-9-110" on line 9

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

HB 359, be amended as follows:

1. Title, line 4.
Following: "ALL"
Insert: "ADULT"

2. Page 1, line 25.
Following: "offense"
Strike: "has the meaning provided for a felony in 45-2-101"
Insert: "means any offense under Title 45, chapter 5 or chapter 9, for which the maximum potential sentence under statute is death or imprisonment in a state prison for a term exceeding 1 year"

3. Page 2, line 4.
Following: line 3
Insert: "(10) "Sexual offense" means the offenses contained in the definition of that term in 46-23-502.
(11) "Violent offense" has the meaning contained in 46-23-502."

4. Page 2, line 11 through line 12.
Following: "~~violent~~" on line 11
Strike: remainder of line 11 through "felony" on line 12
Insert: "a sexual or violent"

5. Page 3, line 4.
Following: "~~violent~~"
Strike: "an"
Insert: "a sexual or violent"

6. Page 3, line 4 through line 5.
Following: "offense" on line 4
Strike: remainder of line 4 through "offense" on line 5

7. Page 3, line 15.
Following: line 14
Insert: "(3) The offender is responsible, if able to pay, for the cost of the collection of the sample. The fees charged

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for the collection may not exceed the actual costs of collection."

Renumber: subsequent subsections

8. Page 3, line 22.

Following: "for"

Strike: "an offense that would be a felony offense if committed by an adult"

Insert: "a sexual or violent offense"

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

HB 496, be amended as follows:

1. Page 4, line 23 through line 25.

Strike: subsection (4) in its entirety

Insert: "(4) A notice of levy must contain information sufficient to identify the judgment debtor. If the information is not sufficient to identify the judgment debtor, the writ of execution must be returned to the sheriff or levying officer. If the writ of execution is returned to the sheriff or levying officer for lack of sufficient information, the person returning the writ of execution shall indicate the information provided was not sufficient to identify the judgment debtor."

2. Page 4, line 28.

Following: "(1)"

Insert: "(a)"

3. Page 4, line 30.

Strike: "(a)"

Insert: "(i)"

4. Page 5, line 1.

Strike: "(b)"

Insert: "(ii)"

Following: "and"

Insert: "and"

5. Page 5, line 2.

Strike: "(c)"

Insert: "(iii)"

6. Page 5, line 3 through line 8.

Following: "judgment" on line 3

Strike: remainder of line 3 through "SERVED" on line 8

7. Page 5, line 9.

Following: line 8

Insert: "(b)(i) If the third party is a corporation or other legal entity, service must be accomplished by personally serving the writ upon an officer or supervising employee of the entity or other department or person designated by the third party or by mail, as provided in subsection (1)(b)(ii).

(ii) Service by mail upon a corporation or other legal entity must be consented to in writing by the corporation

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or other legal entity and may be made by mailing a copy of the writ to an officer, supervising employee of the third party, or other department or person designated by the third party. If service is by mail, it must be accompanied by a notice that the officer or employee receiving the writ shall forward the writ to the person responsible for processing the levy for the third party if the officer or employee initially receiving the writ is not the proper party to process the levy. The

writ will be considered served on the date and time that the writ is received by the officer, supervising employee, or designee of the third party, but no later than 5 business days after it is mailed.

(c) A levy under subsection (1)(b) is effective when the writ is served by personal service or by mail, as provided in subsection (1)(b)(ii)."

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

HB 521, be amended as follows:

1. Title, line 8 through line 9.

Following: "FACT;" on line 8

Strike: remainder of line 8 through "FACT;" on line 9

2. Page 2, line 3 through line 14.

Following: "offense." on line 3

Strike: remainder of line 3 through "place." on line 14

3. Page 2, line 18 through line 23.

Strike: subsection (5) in its entirety

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

HB 570, be amended as follows:

1. Title, line 7.

Following: "COMPLIANCE;"

Insert: "CHANGING THE ALLOWABLE TIME FOR ATTEMPTING TO OBTAIN VOLUNTARY COMPLIANCE;"

2. Page 2, line 12.

Following: "subsection"

Insert: "must extend over a period of at least 7 days and"

Following: "~~30~~"

Strike: "3"

Insert: "30"

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

TAXATION (DePratu, Chairman):

3/24/2001

SB 495, introduced bill, be amended as follows:

1. Title, line 13.

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Following: "PROCEEDS:"

Insert: "DELETING THE PROHIBITION ON PUBLIC FUND INVESTMENT IN CORPORATE STOCK CONTINGENT ON THE PASSAGE OF THE CONSTITUTIONAL AMENDMENT ALLOWING INVESTMENT IN CORPORATE STOCK;"

Following: "SECTIONS"

Insert: "17-6-201,"

Following: "77-2-303"

Insert: ", "

2. Title, line 14.

Strike: "AN"

Strike: "DATE"

Insert: "DATES"

3. Page 1, line 22.

Strike: the second "unrealized"

4. Page 2, line 4 through line 5.

Strike: "and unrealized"

5. Page 2, line 8.

Strike: "7"

Insert: "8"

6. Page 2, line 20.

Following: line 19

Insert: "**Section 5.** Section 17-6-201, MCA, is amended to read:

"17-6-201. Unified investment program -- general provisions. (1) The unified investment program directed by Article VIII, section 13, of the Montana constitution to be provided for public funds must be administered by the board of investments in accordance with the prudent expert principle, which requires an investment manager to:

(a) discharge the duties with the care, skill, prudence, and diligence, under the circumstances then prevailing, that a prudent person acting in a like capacity with the same resources and familiar with like matters exercises in the conduct of an enterprise of a like character with like aims;

(b) diversify the holdings of each fund within the unified investment program to minimize the risk of loss and to maximize the rate of return unless, under the circumstances, it is clearly prudent not to do so; and

(c) discharge the duties solely in the interest of and for the benefit of the funds forming the unified investment program.

(2) ~~(a)~~ Retirement funds may be invested in common stocks of any corporation.

~~(b) Other public funds may not be invested in private corporate capital stock. "Private corporate capital stock" means only the common stock of a corporation.~~

(3) (a) This section does not prevent investment in any business activity in Montana, including activities that continue existing jobs or create new jobs in Montana.

(b) The board is urged under the prudent expert principle to invest up to 3% of retirement funds in venture capital companies. Whenever possible, preference should be given to investments in those venture capital companies that demonstrate an interest in making investments in Montana.

(c) In discharging its duties, the board shall consider the preservation of purchasing power of capital during periods of high monetary inflation.

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(d) The board may not make a direct loan to an individual borrower. The purchase of a loan or a portion of a loan originated by a financial institution is not considered a direct loan.

(4) The board has the primary authority to invest state funds. Another agency may not invest state funds unless otherwise provided by law. The board shall direct the investment of state funds in accordance with the laws and constitution of this state. The board has the power to veto investments made under its general supervision.

(5) The board shall:

(a) assist agencies with public money to determine if, when, and how much surplus cash is available for investment;

(b) determine the amount of surplus treasury cash to be invested;

(c) determine the type of investment to be made;

(d) prepare the claim to pay for the investment; and

(e) keep an account of the total of each investment fund and of all the investments belonging to the fund and a record of the participation of each treasury fund account in each investment fund.

(6) The board may:

(a) execute deeds of conveyance transferring real property obtained through investments. Prior to the transfer of real property directly purchased and held as an investment, the board shall obtain an appraisal by a qualified appraiser.

(b) direct the withdrawal of funds deposited by or for the state treasurer pursuant to 17-6-101 and 17-6-105;

(c) direct the sale of securities in the program at their full and true value when found necessary to raise money for payments due from the treasury funds for which the securities have been purchased.

(7) The cost of administering and accounting for each investment fund must be deducted from the income from each fund."

Renumber: subsequent sections

7. Page 4, line 3.

Strike: "7"

Insert: "8"

8. Page 4, line 14

Strike: "7"

Insert: "8"

9. Page 4, line 22.

Strike: "date"

Insert: "dates"

Following: "coordination."

Insert: "(1)"

Strike: "This act"

Insert: "Sections 1 through 4 and 6 through 9 and this section"

Strike: "is"

Insert: "are"

10. Page 4, line 23.

Following: line 22

Insert: "(2) [Section 5] is effective January 1, 2003, if Senate Bill No. 493 is approved by the electorate."

And, as amended, do pass. Report adopted.

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MOTIONS

SB 483 - Senator Christiaens moved that consideration of **SB 483** be moved below HB 488 on the second reading board this legislative day. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 518, introduced by Cobb, referred to Energy and Telecommunications.

SB 519, introduced by Roush, Bohlinger, E. Clark, DePratu, Ekegren, Ellingson, L. Holden, Stonington, F. Thomas, Witt, referred to Taxation.

SB 520, introduced by Bohlinger, Doherty, Mohl, Shea, Taylor, F. Thomas, referred to Business and Labor.

**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 Jergeson in the chair.

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

HB 109 - Senator Halligan moved **HB 109** be concurred in. Motion carried unanimously.

HB 306 - Senator J. Wells moved **HB 306** be concurred in. Motion **failed** as follows:

Yeas: Berry, Butcher, Christiaens, Ekegren, Glaser, Hargrove, Keenan, Miller, O'Neil, Taylor, Thomas, Waterman, Wells, Zook.

Total 14

Nays: Bishop, Bohlinger, Cobb, Cocchiarella, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Harrington, Holden, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Mohl, Nelson, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Tester, Toole, Mr. President.

Total 33

Absent or not voting: None.

Total 0

Excused: Cole, Kitzenberg, Pease.

Total 3

HB 306 - President Beck moved that **HB 306** be **indefinitely postponed**. Motion carried as follows:

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

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Total 40

Nays: Berry, Butcher, Glaser, Keenan, Miller, O'Neil, Taylor, Wells.

Total 8

Absent or not voting: None.

Total 0

Excused: Kitzenberg, Pease.

Total 2

Senator Roush excused at this time.

HB 401 - Senator DePratu moved **HB 401** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Franklin, Halligan, Hargrove, Harrington, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.

Total 35

Nays: Cobb, Doherty, Ellingson, Glaser, Grimes, Grosfield, Jergeson, McCarthy, Ryan, Stonington, Toole, Waterman.

Total 12

Absent or not voting: None.

Total 0

Excused: Kitzenberg, Pease, Roush.

Total 3

Senator Roush present at this time.

HB 442 - Senator Harrington moved **HB 442** be concurred in. Motion carried as follows:

Yeas: Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Roush, Ryan, Shea, Stonington, Tester, Thomas, Toole, Waterman.

Total 34

Nays: Berry, Crismore, Ellis, Glaser, Keenan, Miller, Mohl, Sprague, Stapleton, Tash, Taylor, Zook, Mr. President.

Total 13

Absent or not voting: Wells.

Total 1

Excused: Kitzenberg, Pease.

Total 2

HB 488 - Senator Cobb moved **HB 488** be concurred in. Motion carried unanimously.

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SB 483 - Senator Christiaens moved **SB 483**, second reading copy, be amended as follows :

1. Title, line 4.

Following: "TO"

Insert: "A"

2. Title, line 5.

Strike: "TIME"

Insert: "OR SUBSEQUENT OFFENSE OF"

3. Title, line 6 through line 8.

Following: "MUST"

Strike: "BE" on line 6 through "INTERLOCK" on line 8

Insert: "REQUIRE RESIDENTIAL CHEMICAL DEPENDENCY TREATMENT AT A STATE-APPROVED PUBLIC OR PRIVATE TREATMENT FACILITY OR IN A PROGRAM OPERATED BY THE DEPARTMENT OF CORRECTIONS"

4. Title, line 8.

Strike: "AND"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "61-8-731"

Insert: "AND 61-8-732"

Following: "MCA"

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

5. Page 1, line 12 through page 3, line 8.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 61-8-731, MCA, is amended to read:

"61-8-731. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- penalty for fourth or subsequent offense. (1) On the fourth or subsequent conviction under 61-8-714 or 61-8-722 for a violation of 61-8-401 or 61-8-406, the person is guilty of a felony and, subject to the assessment required by 61-8-732, shall be punished by:

(a) imprisonment for a term of not less than 6 months or more than 13 months to be served as follows:

(i) a period of at least 45 days must be served in residential chemical dependency treatment at a state-approved public or private treatment facility, upon acceptance by the facility, or at a correctional facility or program administered by the department of corrections, for which the imposition or execution of the first 6 months period of treatment may not be suspended, and during which the person is not eligible for parole; and

(ii) the remainder of the term of imprisonment may, at the discretion of the court, be:

(A) served in an appropriate correctional institution or program designated by the department of corrections that must include an aftercare component;

(B) suspended to probation with conditions that must include continued outpatient treatment or aftercare, or both, and may include a condition of incarceration served in one of the following facilities:

(I) a regional correctional facility;

(II) a county detention center; or

(III) a prerelease center;

(b) probation for a term of not less than 1 year or more than 4 years to follow the sentence imposed under

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subsection (1)(a); and

(c) a fine of not less than \$1,000 or more than \$10,000; and

~~_____ (2) The court shall, subject to sentencing restrictions:~~

~~_____ (a) specify one of the following facilities as the initial place in which the term of imprisonment must be served:~~

~~_____ (i) a state prison;~~

~~_____ (ii) a regional correctional facility;~~

~~_____ (iii) a county jail;~~

~~_____ (iv) a boot camp, provided the prior approval of the department of corrections has been obtained; or~~

~~_____ (v) a prerelease center or, upon acceptance by the facility, a state-approved public or private treatment facility that provides the appropriate level of chemical dependency treatment, provided the prior approval of the department of corrections has been obtained; or~~

~~_____ (b) sentence the person to the department of corrections for placement in an appropriate correctional institution or program; and~~

~~(c)(d) order for a person who is determined to be financially able, to pay payment of the costs of imprisonment, if any, probation, and chemical dependency treatment under this section.~~

~~(3)(2) The sentencing judge may impose upon the defendant any reasonable restrictions or conditions during the any period of probation under subsection (1)(a)(ii) or (1)(b). Reasonable restrictions or conditions may include:~~

~~(a) payment of a fine as provided in 46-18-231;~~

~~_____ (b)(a) payment of costs as provided in 46-18-232 and 46-18-233;~~

~~(c)(b) payment of costs of court-appointed counsel as provided in 46-8-113;~~

~~(d)(c) community service;~~

~~(e)(d) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of society;~~

~~_____ (f) treatment in a state-approved public or private treatment facility; or~~

~~(g)(e) any combination of the restrictions or conditions listed in subsections (3)(a) (2)(a) through (3)(f) (2)(d).~~

~~(4) (a) Following initial placement of a defendant in a boot camp, prerelease center, or treatment facility under subsection (2)(a), the department of corrections may, at its discretion, place the offender in another facility or program.~~

~~(b)(3) The department of corrections may order all or any portion of the term of probation to be served under intensive supervision. The provisions of Title 46, chapter 23, part 10, relating to probation, apply to the probation.~~

~~(5)(4) If a violation of the restrictions or conditions of the probation a suspended portion of the sentence is established, the court may continue the period of the suspended sentence under probation or may require the defendant to serve the remainder of the probation sentence as provided in 46-18-203 in one of the facilities set forth in subsection (2)(a) or (2)(b) (1)(a). The court may credit the remainder of the probation or the time to be served in a facility set forth in subsection (2)(a) or (2)(b) with all or part of the time already served on probation. The provisions of 46-18-403 allowing credit for incarceration prior to conviction may not be applied to the period that the person is sentenced to serve in a residential treatment facility, but may be applied to the remainder of the initial sentence under subsection (1)(a). The provisions of 46-18-203, 46-18-1001 through 46-23-1005, 46-23-1011 through 46-23-1014, and 46-23-1031 apply to a person sentenced under this section."~~

Insert: "Section 2. Section 61-8-732, MCA, is amended to read:

"61-8-732. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- assessment, education, and treatment required. (1) (a) In addition to the punishments provided in 61-8-714; and 61-8-722, ~~and 61-8-731~~, regardless of disposition, a defendant convicted of a first, second, or third violation of 61-8-401 or 61-8-406 shall complete:

~~(a)(i)~~ (i) a chemical dependency assessment;

~~(b)(ii)~~ (ii) a chemical dependency education course; and

~~(c)(iii)~~ (iii) on a second or ~~subsequent~~ third conviction for a violation of 61-8-401 or 61-8-406 or as required by

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subsection ~~(8)~~ (1)(h) of this section, chemical dependency treatment.

~~(2)(b)~~ The sentencing judge may, in the judge's discretion, require the defendant to complete the chemical dependency assessment prior to sentencing the defendant. If the assessment is not ordered or completed before sentencing, the judge shall order the chemical dependency assessment as part of the sentence.

~~(3)(c)~~ The chemical dependency assessment and the chemical dependency education course must be completed at a treatment program approved by the department of public health and human services and must be conducted by a certified chemical dependency counselor. The defendant may attend a treatment program of the defendant's choice as long as the treatment services are provided by a certified chemical dependency counselor. The defendant shall pay the cost of the assessment, the education course, and chemical dependency treatment.

~~(4)(d)~~ The assessment must describe the defendant's level of addiction, if any, and contain a recommendation as to education, treatment, or both. A defendant who disagrees with the initial assessment may, at the defendant's cost, obtain a second assessment provided by a certified chemical dependency counselor or a program approved by the department of public health and human services.

~~(5)(e)~~ The treatment provided to the defendant at a treatment program must be at a level appropriate to the defendant's alcohol or drug problem, or both, as determined by a certified chemical dependency counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services. Upon determination, the court shall order the defendant's appropriate level of treatment. If more than one counselor makes a determination as provided in this subsection, the court shall order an appropriate level of treatment based upon the determination of one of the counselors.

~~(6)(f)~~ Each counselor providing education or treatment shall, at the commencement of the education or treatment, notify the court that the defendant has been enrolled in a chemical dependency education course or treatment program. If the defendant fails to attend the education course or treatment program, the counselor shall notify the court of the failure.

~~(7)(g)~~ A court or counselor may not require attendance at a self-help program other than at an "open meeting", as that term is defined by the self-help program. A defendant may voluntarily participate in self-help programs.

~~(8)(h)~~ Chemical dependency treatment must be ordered for a first-time offender convicted of a violation of 61-8-401 or 61-8-406 upon a finding of chemical dependency made by a certified chemical dependency counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services.

~~(9)(i)~~ ~~(a)(i)~~ On a second or ~~subsequent~~ third conviction, the treatment program provided for in subsection ~~(5)~~ (1)(e) must be followed by monthly monitoring for a period of at least 1 year from the date of admission to the program.

~~(b)(ii)~~ If a defendant fails to comply with the monitoring program imposed under subsection ~~(9)(a)~~ (1)(i)(i), the court shall revoke the suspended sentence, if any, impose any remaining portion of the suspended sentence, and may include additional monthly monitoring for up to an additional 6 months.

(2) (a) A defendant convicted of a fourth or subsequent violation of 61-8-401 or 61-8-406 must be sentenced as provided in 61-8-731. Prior to sentencing a defendant, the judge shall require the defendant to complete a chemical dependency assessment conducted by a certified chemical dependency counselor as a part of a presentence investigation as provided in 46-18-111. The assessment must describe the defendant's level of chemical dependency and contain a recommendation as to the type and length of treatment and whether the treatment is appropriate in a state-approved public or private residential treatment facility or at a correctional facility or program that has a residential chemical dependency treatment program. If financially able, the defendant shall pay for the cost of the assessment. A defendant may, at the defendant's expense, obtain a second assessment by a certified chemical dependency counselor or a program approved by the department of public health and human services.

(b) The judge shall consider the assessment or assessments in the presentence investigation and sentence the defendant as provided in 61-8-731. In determining a sentence, the judge may consider any state or federal resources available to fund sentencing options."

Insert: "NEW SECTION. Section 3. Effective date -- applicability. [This act] is effective January 1, 2002, and applies to persons sentenced under 61-8-731 on or after January 1, 2002."

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Amendment **adopted** as follows:

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

Total 44

Nays: Holden, Stapleton.

Total 2

Absent or not voting: Cole, Halligan.

Total 2

Excused: Kitzenberg, Pease.

Total 2

SB 483 - Senator Christiaens moved **SB 483**, as amended, 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, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 45

Nays: Miller, Stapleton, Wells.

Total 3

Absent or not voting: None.

Total 0

Excused: Kitzenberg, Pease.

Total 2

HB 504 - Senator F. Thomas moved consideration of **HB 504** be passed for the day. Motion carried unanimously.

Senator Halligan assumed the chair.

HB 529 - Senator Cocchiarella moved **HB 529** be concurred in. Motion carried unanimously.

Senator Jergeson reassumed the chair.

HB 539 - Senator Sprague moved **HB 539** be concurred in. After discussion, Senator Waterman made a **substitute motion** that consideration of **HB 539** be passed for the day. Motion carried as follows:

Yeas: Berry, Bishop, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, McCarthy, Nelson, Roush, Ryan, Shea, Stonington, Tash, Thomas, Toole, Waterman, Mr. President.

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Total 28

Nays: Bohlinger, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Holden, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Taylor, Tester, Wells, Zook.

Total 20

Absent or not voting: None.

Total 0

Excused: Kitzenberg, Pease.

Total 2

HB 554 - Senator F. Thomas moved **HB 554** be concurred in. Motion carried with Senators Cobb, Miller and Wells voting nay.

HB 569 - Senator Butcher moved **HB 569** be concurred in. Motion carried as follows:

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

Total 43

Nays: Cobb, Cocchiarella, Miller.

Total 3

Absent or not voting: Ellis, Shea.

Total 2

Excused: Kitzenberg, Pease.

Total 2

HB 609 - Senator Ellis moved **HB 609** be concurred in. Motion carried unanimously.

HJR 23 - Senator Roush moved **HJR 23** be concurred in. Motion carried with Senators Johnson and O'Neil voting nay.

Senator Cocchiarella excused at this time.

SB 176 - Senator McNutt moved **SB 176**, second reading copy, be amended as follows :

1. Title, line 19.

Following: "OFFICERS;"

Insert: "REQUIRING THE DISTRICT COURT COUNCIL TO PROVIDE A RECOMMENDATION REGARDING ENUMERATING AS DISTRICT COURT EXPENSES SPECIFIC EXPENSES REGARDING PROCEEDINGS FOR INVOLUNTARY COMMITMENTS AND YOUTH COURT;"

2. Title, line 26.

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Strike: "AND"

Insert: ", "

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

3. Page 11, line 20 through line 23.

Strike: line 20 through line 23 in their entirety

Renumber: subsequent subsections

4. Page 12, line 21.

Following: "fund"

Insert: "[:

(a)]"

5. Page 12, line 23.

Following: line 22

Insert: "[(b) district court expenses related to involuntary commitment proceedings and youth court proceedings in an annual amount not to exceed the district court expense for those proceedings averaged between fiscal year 1998 and fiscal year 1999 plus a 3% growth factor. Any amount that exceeds the average district court expense for those proceedings is the responsibility of the county.]"

6. Page 34, line 28.

Strike: "61"

Insert: "62"

Strike: "AND 63"

Insert: "64, and 65"

7. Page 35, line 10.

Following: line 9

Insert: "(3) If House Bill No. 62 and [this act] are both passed and approved, then House Bill No. 62 is void.

(4) If Senate Bill No. 66 and [this act] are both passed and approved, then 3-5-901(2)(a) in [this act] is amended to read:

"(2) For the purposes of subsection (1), district court costs do not include:

(a) the percentage of the salaries of county attorneys payable by counties under 7-4-2503;". "

8. Page 38, line 19.

Following: line 18

Insert: "NEW SECTION. Section 62. Direction to district court council. The district court council provided for in [section 5] shall address any inequities in disbursements of district court expenses for involuntary commitment proceedings and youth court proceedings and shall present to the 58th legislature a proposal to enumerate specific expenses of those proceedings that are recommended to be designated as district court expenses in 3-5-901."

Renumber: subsequent sections

9. Page 38, line 24.

Following: line 23

Insert: "NEW SECTION. Section 65. Termination. [Section 62] and the bracketed language in 3-5-901 terminate June 30, 2003."

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Amendment **adopted** unanimously.

SB 176 - Senator McNutt moved **SB 176**, as amended, do pass. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Crismore, Doherty, Ellis, Grimes, Grosfield, Halligan, Harrington, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Shea, Sprague, Stapleton, Taylor, Tester, Toole, Waterman, Wells, Zook, Mr. President.

Total 28

Nays: Bishop, Butcher, Cobb, Cocchiarella, Cole, DePratu, Ekegren, Ellingson, Elliott, Franklin, Glaser, Hargrove, Holden, Miller, Mohl, Roush, Ryan, Stonington, Tash, Thomas.

Total 20

Absent or not voting: None.

Total 0

Excused: Kitzenberg, Pease.

Total 2

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

Senator Holden excused at this time.

THIRD READING OF BILLS

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

SB 38, as amended by the House, 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, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, 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: Holden, Kitzenberg, Pease.

Total 3

SB 159, as amended by the House, passed as follows:

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

Nays: Miller.
Total 1

Absent or not voting: None.
Total 0

Excused: Holden, Kitzenberg, Pease.
Total 3

SB 184, as amended by the House, 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, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, 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: Holden, Kitzenberg, Pease.
Total 3

SB 289 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, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, 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: Holden, Kitzenberg, Pease.
Total 3

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SB 306, as amended by the House, 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, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, 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: Holden, Kitzenberg, Pease.
Total 3

SB 322 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, Jergeson, Mahlum, McCarthy, McNutt, Miller, Nelson, O'Neil, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 44

Nays: Johnson, Keenan, Mohl.
Total 3

Absent or not voting: None.
Total 0

Excused: Holden, Kitzenberg, Pease.
Total 3

SB 339 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Mohl, O'Neil, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 43

Nays: Butcher, Miller, Nelson, Wells.
Total 4

Absent or not voting: None.
Total 0

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Excused: Holden, Kitzenberg, Pease.
Total 3

SB 350 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Mahlum, McCarthy, McNutt, Miller, Nelson, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 39

Nays: Butcher, Cobb, Crismore, Johnson, Keenan, Mohl, O'Neil, Wells.
Total 8

Absent or not voting: None.
Total 0

Excused: Holden, Kitzenberg, Pease.
Total 3

SJR 4, as amended by the House, 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, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, 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: Holden, Kitzenberg, Pease.
Total 3

HB 33, as amended by the Senate, concurred in as follows:

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

Nays: Bishop.
Total 1

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Absent or not voting: None.
Total 0

Excused: Holden, Kitzenberg, Pease.
Total 3

HB 41, as amended by the Senate, concurred in as follows:

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

Nays: Crismore, Grosfield.
Total 2

Absent or not voting: None.
Total 0

Excused: Holden, Kitzenberg, Pease.
Total 3

HB 186, as amended by the Senate, concurred in as follows:

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

Nays: Stapleton.
Total 1

Absent or not voting: None.
Total 0

Excused: Kitzenberg, Pease.
Total 2

HB 279, as amended by the Senate, concurred in as follows:

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

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Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Kitzenberg, Pease.

Total 3

HB 377, as amended by the Senate, concurred in as follows:

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

Total 43

Nays: Cobb, Doherty, Keenan, Waterman.

Total 4

Absent or not voting: None.

Total 0

Excused: Holden, Kitzenberg, Pease.

Total 3

Senator Holden present at this time.

HB 451 concurred in as follows:

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

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Kitzenberg, Pease.

Total 2

HB 461 concurred in as follows:

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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, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: Stapleton.
Total 1

Absent or not voting: None.
Total 0

Excused: Kitzenberg, Pease.
Total 2

HB 477 concurred in as follows:

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

Nays: Bishop.
Total 1

Absent or not voting: None.
Total 0

Excused: Kitzenberg, Pease.
Total 2

HB 502, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Kitzenberg, Pease.
Total 2

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HB 533 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Kitzenberg, Pease.
Total 2

HB 537 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Kitzenberg, Pease.
Total 2

HB 560, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: Kitzenberg, Pease.
Total 2

HJR 16 concurred in as follows:

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

Nays: DePratu, Grosfield, Mohl, O'Neil.
Total 4

Absent or not voting: None.
Total 0

Excused: Kitzenberg, Pease.
Total 2

HJR 21 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Kitzenberg, Pease.
Total 2

MOTIONS

HB 186 - Senator Holden moved that he be allowed to be shown as voting yea on **HB 186**, third reading this legislative day. Motion carried.

ANNOUNCEMENTS

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

Committee meetings were announced by committee chairmen.

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Majority Leader Thomas moved that the Senate adjourn until 12 noon, Monday, March 26, 2001. Motion carried.

Senate adjourned at 11:35 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate