

**SENATE JOURNAL
57TH LEGISLATURE
SEVENTIETH LEGISLATIVE DAY**

Helena, Montana
March 28, 2001

Senate Chambers
State Capitol

Senate convened at 9:00 a.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Cobb, Holden, McCarthy, Nelson and Stapleton, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/28/2001
Correctly printed: SB 509, SB 521, HB 346, HB 348, HB 397, HB 456, HB 599, HJR 34.
Correctly engrossed: SB 119, SB 213, SB 439, SB 494, SB 501, SB 505, SB 506, SB 507, SB 508, SB 510, SB 511, SB 513, SB 514, SB 515, SB 519, SB 520, SB 521, HB 2, HB 42, HB 146, HB 151, HB 208, HB 213, HB 219, HB 261, HB 295, HB 319, HB 332, HB 334, HB 359, HB 418, HB 419, HB 444, HB 496, HB 521, HB 531, HB 539, HB 543, HB 559, HB 564, HB 570, HB 583, HB 603, HB 612, HB 628, HJR 10, HJR 25, HJR 33.

FINANCE (Keenan, Chairman): 3/28/2001
HB 7, be concurred in. Report adopted.
HB 10, be concurred in. Report adopted.
HB 11, be amended as follows:

1. Title, page 1, line 13.

Following: "i;"

Insert: "AMENDING SECTION 90-6-715, MCA;"

2. Page 7.

Following: line 20

"Section 10. Section 90-6-715, MCA, is amended to read:

"90-6-715. (Temporary) Special revenue account -- use. (1) The treasure state endowment regional water system special revenue account may be used to provide matching funds to plan and construct regional drinking water systems in Montana. Each state dollar must be matched equally by local funds. Federal and state grants may not be used as a local match.

(2) The funds in the account are further restricted to be used to finance regional drinking water systems that supply water to large geographical areas and serve multiple local governments, such as projects in north central Montana, from the waters of the Tiber reservoir, that will provide water for domestic use, industrial use, and stockwater for communities and rural residences that lie south of the Canadian border, west of Havre, north of Dutton, and east of Cut Bank and in northeastern Montana, from the waters of the Missouri River, that will provide water for domestic use, industrial use, and stockwater for communities and rural residences that lie south of the Canadian border, west of the North Dakota border, north of the Missouri River, and east of range 39.

(3) The funds must be administered by the department of commerce for eligible projects. (Terminates June 30, 2013--sec. 6, Ch. 495, L. 1999.)"

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Renumber: subsequent section

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

Senators Cobb, McCarthy and Stapleton present at this time.

MOTIONS

HB 547 - Senator Grimes moved that **HB 547** be taken from the table in the committee on Judiciary, printed and placed on second reading this legislative day. Motion **failed** as follows:

Yeas: Berry, Bohlinger, Butcher, Crismore, DePratu, Ekegren, Grimes, Grosfield, Hargrove, Holden, Kitzenberg, Miller, Mohl, O'Neil, Stapleton, Tash, Taylor, Thomas, Wells, Zook.

Total 20

Nays: Bishop, Christiaens, Cobb, Cocchiarella, Cole, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Halligan, Harrington, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tester, Toole, Waterman, Mr. President.

Total 30

Paired: Berry, Holden, Ayes; Nelson, Tester, Noes.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Cocchiarella rose on a point of personal privilege to apologize for any comments she made that may have offended anyone during the previous debate.

SB 503 - Senator Toole moved that **SB 503** be taken from the table in the committee on Energy and Telecommunications, printed and placed on second reading this legislative day. Motion **failed** as follows:

Yeas: Butcher, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 20

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

Total 28

Paired: Doherty, Aye; Holden, No.

Absent or not voting: McCarthy.

Total 1

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Excused: Nelson.
Total 1

President Pro Tempore McNutt assumed the chair.

SB 512 - Senator Halligan moved that **SB 512** be taken from the committee on Energy and Telecommunications, printed and placed on second reading this legislative day. Motion **carried** as follows:

Yeas: Berry, Christiaens, Cobb, Cocchiarella, Doherty, Ekegren, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Tester, Toole, Waterman, Mr. President.
Total 26

Nays: Bishop, Bohlinger, Butcher, Crismore, DePratu, Ellis, Glaser, Grimes, Grosfield, Hargrove, Johnson, McNutt, Miller, Mohl, O'Neil, Stapleton, Taylor, Thomas, Wells, Zook.
Total 20

Absent or not voting: Cole, Keenan.
Total 2

Excused: Holden, Nelson.
Total 2

President Beck reassumed the chair.

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 213 failed as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cocchiarella, DePratu, Doherty, Ekegren, Franklin, Glaser, Halligan, Harrington, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Ryan, Shea, Stonington, Toole, Waterman.
Total 24

Nays: Berry, Butcher, Cobb, Cole, Crismore, Ellingson, Elliott, Ellis, Grimes, Grosfield, Hargrove, Jergeson, Mohl, O'Neil, Pease, Roush, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Mr. President.
Total 24

Paired: Holden, Aye; Roush, No.

Absent or not voting: None.
Total 0

Excused: Nelson, Zook.
Total 2

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HB 42, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Christiaens, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Johnson, Kitzenberg, McNutt, Pease, Roush, Ryan, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Mr. President.

Total 32

Nays: Bishop, Butcher, Cobb, Cocchiarella, Hargrove, Harrington, Jergeson, Keenan, Mahlum, McCarthy, Miller, Mohl, O'Neil, Shea, Wells.

Total 15

Absent or not voting: None.

Total 0

Excused: Holden, Nelson, Zook.

Total 3

HB 151, as amended by the Senate, concurred in as follows:

Yeas: Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, 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: Berry.

Total 1

Excused: Holden, Nelson.

Total 2

HB 208, 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

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Total 0

Excused: Holden, Nelson.

Total 2

HB 213 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, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 44

Nays: Miller, O'Neil, Stapleton, Wells.

Total 4

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 219 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 261, 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 295, 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 46

Nays: Keenan, Ryan.

Total 2

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 319, 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, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 46

Nays: Miller, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 332 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

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Total 45

Nays: Bishop, Keenan, Mohl.

Total 3

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 334, 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 359, 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 418, as amended by the Senate, concurred in as follows:

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

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Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, 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: Holden, Nelson.

Total 2

HB 419 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, 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: Holden, Nelson.

Total 2

HB 444, requiring 3/4 of each house, received the vote 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

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HB 496, 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 521, 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 539, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Ekegren, Ellis, Glaser, Grimes, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, O'Neil, Pease, Roush, Shea, Sprague, Stonington, Tash, Taylor, Tester, Waterman, Wells, Zook.

Total 34

Nays: Bishop, Cobb, Crismore, Ellingson, Elliott, Franklin, Grosfield, Halligan, Holden, Miller, Ryan, Stapleton, Thomas, Toole, Mr. President.

Total 15

Paired: Stonington, Aye; Holden, No.

Absent or not voting: None.

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Total 0

Excused: Nelson.

Total 1

HB 570, 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 612, as amended by the Senate, concurred in as follows:

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

Total 41

Nays: Elliott, Franklin, Grimes, Pease, Roush, Toole, Waterman.

Total 7

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HJR 25 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HJR 33 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

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

Session 1-- 10 a.m.

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

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

HB 73 - Senator K. Miller moved **HB 73**, second reading copy, be amended as follows :

1. Title, page 1, line 6.

Strike: "DEPARTMENTS"

Insert: "DIVISIONS, BUREAUS, UNITS, AND PROGRAMS"

2. Page 3, line 10.

Strike: "DEPARTMENTS"

Insert: "divisions, bureaus, units, and programs"

3. Page 3, line 11.

Strike: "DEPARTMENT"

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Insert: "division, bureau, unit, or program"

4. Page 3, line 13.

Strike: "(4)"

Insert: "(3)"

5. Page 3, line 14.

Strike: "DEPARTMENTS"

Insert: "divisions, bureaus, units, or programs"

6. Page 3, line 16 through line 17.

Strike: "DEPARTMENT" on line 16 through the second "THE" on line 17

7. Page 3, line 18.

Following: "ADMINISTRATION"

Insert: "within the department of administration"

8. Page 3, line 19.

Following: "WITHIN THE"

Insert: "marketing unit of the travel promotion and development division within the"

9. Page 3, line 20.

Strike: "AND"

10. Page 3, line 22.

Following: "CONSERVATION;"

Insert: "nursery program of the forestry division within the department of natural resources and conservation;
(d) plan and specification review program of the public water supply section within the"

11. Page 3, line 24.

Strike: "._"

Insert: ";

(e) chemical dependency bureau within the department of public health and human services;

(f) motor pool unit within the department of transportation;

(g) state hail program and state grain laboratory bureau within the department of agriculture; and

(h) capitol grounds maintenance program within the department of fish, wildlife, and parks."

12. Page 4, line 7 through line 13.

Strike: line 7 through line 13 in their entirety

ReNUMBER: subsequent subsections

13. Page 4, line 27.

Strike: "DEPARTMENT"

Insert: "division, bureau, unit, or program"

14. Page 5, line 1.

Following: "and"

Insert: "and"

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15. Page 5, line 3 through line 5.

Strike: "; AND" on line 3 through "PART 3" on line 5

After discussion, Senator Miller made a **substitute motion to segregate** amendment **Nos. 14 and 15**. The committee then voted on **amendments 1 - 13**. Amendments 1-13 **adopted** as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Hargrove, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Tash, Taylor, Thomas, Waterman, Wells, Zook, Mr. President.

Total 28

Nays: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Harrington, Jergeson, Pease, Roush, Ryan, Shea, Stonington, Toole.

Total 14

Absent or not voting: Cole, Grosfield, Halligan, McCarthy, Tester.

Total 5

Excused: Holden, Nelson, Stapleton.

Total 3

Senator Miller withdrew amendments No. 14 and No. 15.

HB 73 - Senator K. Miller moved **HB 73**, as amended, be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Hargrove, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 29

Nays: Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Pease, Roush, Ryan, Shea, Stonington, Toole, Waterman.

Total 16

Absent or not voting: Grimes, Grosfield.

Total 2

Excused: Holden, Nelson, Tester.

Total 3

SB 499 - Senator K. Miller moved **SB 499**, second reading copy, be amended as follows :

1. Title, line 5.

Following: "LEVY"

Insert: "FOR 10 YEARS"

2. Title, line 8.

Following: the first "DATE"

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Insert: ", "
Strike: "AND"
Following: the second "DATE"
Insert: ", AND A TERMINATION DATE"

3. Page 3, line 14.
Following: "\$1,000"
Insert: "for each year of eligibility"

4. Page 3, line 21.
Strike: "7"
Insert: "6"

5. Page 3.
Following: line 28

Insert: "(e) If the county does not provide any money for an opportunity scholarship, the opportunity scholarship award is \$500 to be paid by the board of regents."

6. Page 4, line 1.
Following: "Montana"
Insert: "for 10 years, beginning with the year 2003"

7. Page 4, line 3.
Strike: "5"
Insert: "4"

8. Page 5.
Following: line 2
Insert: "NEW SECTION. **Section 11. Termination.** [Section 5] terminates December 31, 2012."
Renumber: subsequent section

Amendment **adopted** unanimously.

SB 499 - Senator K. Miller moved **SB 499**, as amended, do pass. Motion **failed** as follows:

Yeas: Berry, Bohlinger, Butcher, Cobb, Crismore, DePratu, Ekegren, Grosfield, Keenan, Kitzenberg, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Waterman, Wells, Zook, Mr. President.
Total 23

Nays: Bishop, Christiaens, Cocchiarella, Cole, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Jergeson, Johnson, Mahlum, McCarthy, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole.
Total 25

Absent or not voting: None.
Total 0

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Excused: Holden, Nelson.
Total 2

SB 499 - Senator Doherty moved **SB 499** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bishop, Christiaens, Cocchiarella, Cole, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Jergeson, Johnson, McCarthy, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 25

Nays: Berry, Bohlinger, Butcher, Cobb, Crismore, DePratu, Ekegren, Grosfield, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: Holden, Nelson.
Total 2

HB 504 - Senator Cocchiarella moved **HB 504** be concurred in. Motion carried with Senators Grimes, Johnson, and O'Neil voting nay.

HB 403 - Senator Butcher moved **HB 403**, second reading copy, be amended as follows :

1. Page 3, line 14.

Strike: "or"

2. Page 3, line 16.

Following: ";"

Insert: "or"

(e) the person is at least 13 years of age and has, in lieu of taking a driver's education class, passed the knowledge test and has, by 15 years of age, logged 5,000 miles or 100 hours of driving accompanied by a parent or guardian who is a licensed driver;"

Amendment **not** adopted as follows:

Yeas: Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Franklin, Glaser, Grimes, Halligan, Hargrove, Keenan, Miller, Mohl, O'Neil, Roush, Sprague, Stapleton, Tash, Taylor, Tester, Wells.
Total 23

Nays: Berry, Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Ellis, Grosfield, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, McNutt, Pease, Ryan, Shea, Stonington, Thomas, Toole, Waterman, Zook, Mr. President.
Total 24

Absent or not voting: Johnson.
Total 1

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Excused: Holden, Nelson.
Total 2

HB 403 - Senator Butcher moved **HB 403**, second reading copy, be amended as follows :

1. Page 1, line 30.

Following: ";"

Strike: "or"

2. Page 2, line 1.

Following: "minor"

Insert: "; or

(viii) a certification exempting the minor from the restrictions under this section has been applied for in writing by the minor's parent or guardian and has been approved by the appropriate local law enforcement agency specifying the purpose of the exemption, the time covered by the exemption, the origin and destination of the minor's authorized travel under the exemption, and the reference number assigned to the exemption by the local law enforcement agency. The exemption certificate must be in the possession of the occupants covered by the certificate"

Amendment **not** adopted as follows:

Yeas: Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Glaser, Grimes, Hargrove, Keenan, Miller, Mohl, Roush, Shea, Wells, Zook.

Total 16

Nays: Berry, Bohlinger, Cocchiarella, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grosfield, Halligan, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, McNutt, Pease, Ryan, Sprague, Stapleton, Tash, Taylor, Thomas, Waterman, Mr. President.

Total 26

Absent or not voting: Christiaens, O'Neil, Stonington, Tester, Toole.

Total 5

Excused: Holden, Johnson, Nelson.

Total 3

HB 403 - Senator F. Thomas moved **HB 403** be concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Crismore, DePratu, Doherty, Ekegren, Ellingson, Ellis, Franklin, Grosfield, Halligan, Hargrove, Harrington, Johnson, Kitzenberg, Mahlum, McCarthy, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Wells, Zook.

Total 30

Nays: Bishop, Butcher, Cobb, Cocchiarella, Cole, Elliott, Glaser, Grimes, Jergeson, Keenan, McNutt, Miller, Mohl, O'Neil, Stapleton, Mr. President.

Total 16

Absent or not voting: Pease.

Total 1

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Excused: Holden, Nelson, Tester.
Total 3

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

MOTIONS

Senator Thomas moved that the Senate stand in recess until the hour of 1:45 p.m. Motion carried.

Senate recessed at 1:10 p.m.
Senate reconvened at 1:55 p.m.

Roll Call. All members present except Senators Holden, Nelson and Tester, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Grosfield, Chairman):
HB 30, be concurred in. Report adopted.

3/28/2001

MESSAGES FROM THE GOVERNOR

March 28, 2001

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

Dear Senator Beck:

Please be informed that I have signed **Senate Bill 20** sponsored by Senator Halligan, **Senate Bill 34** sponsored by Senator R. Johnson, **Senate Bill 97** sponsored by Senator Mahlum, **Senate Bill 102** sponsored by Senator Cole, **Senate Bill 106** sponsored by Senator Sprague, and **Senate Bill 143** sponsored by Senator Ekegren et al on March 28, 2001.

Sincerely,
JUDY MARTZ
Governor

MOTIONS

HB 497 - Senator Hargrove moved that the Senate reconsider its action in indefinitely postponing **HB 497**, second reading the previous legislative day, and that it be placed on second reading. Motion **failed** as follows:

Yeas: Berry, Butcher, Crismore, DePratu, Ekegren, Ellis, Grimes, Hargrove, Holden, Johnson, Keenan, McNutt,

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Miller, O'Neil, Sprague, Stapleton, Taylor, Tester, Thomas, Wells, Zook, Mr. President.
Total 22

Nays: Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Doherty, Ellingson, Elliott, Franklin, Glaser, Grosfield, Halligan, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, Mohl, Pease, Roush, Ryan, Shea, Stonington, Tash, Toole, Waterman.
Total 27

Paired: Holden, Tester, Ayes; Doherty, Ellingson, Noes.

Absent or not voting: None.
Total 0

Excused: Nelson.
Total 1

SB 507 - Senator Thomas moved that consideration of **SB 507** be placed below HB 159 on the second reading board this day. Motion carried.

SB 213 - Senator DePratu moved that the Senate reconsider its action in failing to adopt **SB 213** on third reading this legislative day, and that it be placed on second reading this legislative day. Motion carried as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cocchiarella, DePratu, Doherty, Ekegren, Franklin, Glaser, Grosfield, Halligan, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Ryan, Shea, Stonington, Toole, Waterman.
Total 24

Nays: Berry, Butcher, Cobb, Cole, Crismore, Ellingson, Elliott, Ellis, Grimes, Hargrove, McCarthy, Mohl, O'Neil, Pease, Roush, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: Holden, Nelson, Tester.
Total 3

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

Session 2 - 2 p.m.

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

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

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HB 159 - Senator Mahlum moved **HB 159** be **indefinitely postponed**. 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, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 46

Nays: Johnson.

Total 1

Absent or not voting: None.

Total 0

Excused: Holden, Nelson, Tester.

Total 3

SB 507 - Senator Elliott moved **SB 507** do pass. Motion **failed** as follows:

Yeas: Bohlinger, Christiaens, Doherty, Ellingson, Elliott, Franklin, Grosfield, Jergeson, Johnson, Keenan, Kitzenberg, McCarthy, Pease, Roush, Ryan, Stonington, Toole, Zook, Mr. President.

Total 19

Nays: Berry, Bishop, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Halligan, Hargrove, Harrington, Mahlum, McNutt, Mohl, O'Neil, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Waterman, Wells.

Total 27

Absent or not voting: Miller.

Total 1

Excused: Holden, Nelson, Tester.

Total 3

SB 507 - Senator Elliott moved that **SB 507** be **indefinitely postponed**. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grosfield, Halligan, Hargrove, Harrington, Johnson, Mahlum, McCarthy, McNutt, Mohl, O'Neil, Pease, Roush, Ryan, Stapleton, Tash, Taylor, Thomas, Toole, Zook, Mr. President.

Total 34

Nays: Doherty, Ellingson, Franklin, Jergeson, Keenan, Kitzenberg, Shea, Sprague, Stonington, Waterman.

Total 10

Absent or not voting: Grimes, Miller, Wells.

Total 3

Excused: Holden, Nelson, Tester.

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Total 3

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

MOTIONS

HB 497 - Senator Doherty moved that Senator Tester be allowed to change his vote on the motion to reconsider action on **HB 497** this day, from nay to yea. Motion carried.

Majority Leader Thomas moved that the Senate stand in recess until the hour of 4:30 this day. Motion carried.

Senate recessed at 3:05 p.m.

Senate reconvened at 4:30 p.m.

Roll Call. All members present except Senators Holden, Nelson, Tester and Waterman, excused. Quorum present.

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

Session 3 -4:30 p.m.

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

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

SB 439 - Senator Grosfield moved **SB 439** do pass. After discussion, the committee reverted to the body of the bill for purpose of amendment.

Senator Waterman present at this time.

SB 439 - Senator Ellis moved **SB 439**, second reading copy, be amended as follows :

1. Page 7, line 20 through line 21.

Strike: "A" on line 20

Insert: "the"

Strike: "ACCOUNT FOR THE SUPPORT OF K-12 EDUCATION" on lines 20 and 21

Insert: "fund for state equalization aid"

Amendment **adopted** unanimously.

SB 439 - Senator Grosfield moved **SB 439**, second reading copy, be further amended as follows :

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1. Title, line 7.

Strike: "A PORTION OF"

Insert: "ALL"

2. Page 3, line 4.

Strike: "56% of"

3. Page 3, line 5.

Strike: "AN AMOUNT EQUAL TO"

4. Page 5, line 28 through line 30.

Following: "Montana-Missoula," on line 28

Strike: remainder of line 28 through "program," on line 30

Insert: "and"

5. Page 6, line 1.

Strike: ", and to local governments,"

Insert: "in the amount actually received in the fiscal year ending June 30, 2001. All remaining funds must be appropriated by the legislature. The proceeds of the tax, including the amounts statutorily appropriated, are allocated"

6. Page 8, lines 22 through 26.

Following: "Montana-Missoula," on line 22

Strike: remainder of line 22 through "program," on line 25

Insert: "and"

Following: "parks" on line 25

Strike: remainder of line 25 through "governments," on line 26

Insert: "in the amount actually received in the fiscal year ending June 30, 2001. All remaining funds must be appropriated by the legislature. The proceeds of the tax, including the amounts statutorily appropriated, are allocated"

After discussion, Senator Jergeson made a **substitute motion** that amendment **Nos. 1, 2 and 3** be **segregated** from amendment Nos. **4, 5 and 6**. Motion carried.

Amendment Nos. **1, 2 and 3 adopted** as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cole, Crismore, DePratu, Doherty, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Kitzenberg, McCarthy, McNutt, Miller, Mohl, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Toole, Wells, Zook, Mr. President.
Total 38

Nays: Ellingson, Elliott, Jergeson, Johnson, Keenan, Mahlum, Waterman.

Total 7

Absent or not voting: Cocchiarella, O'Neil.

Total 2

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Excused: Holden, Nelson, Tester.
Total 3

Amendment Nos. **4, 5 and 6** adopted unanimously.

SB 439 - Senator Elliott moved **SB 439**, second reading copy, be further amended as follows :

1. Title, page 1, line 18.

Following: "THE SECOND "PROGRAM;"

Insert: "CREATING THE MONTANA BUSINESS MARKETING AND RECRUITMENT PROGRAM;"

2. Page 7, line 2.

Strike: "27.83%"

Insert: "29.63%"

3. Page 7, line 4.

Following: "commercials"

Insert: "and for the promotion of a Montana business marketing and recruitment program"

4. Page 7, line 11.

Strike: "11.13%"

Insert: "9.33%"

5. Page 9, line 26.

Strike: "27.83%"

Insert: "29.63%"

6. Page 9, line 28.

Following: "commercials"

Insert: "and for the promotion of a Montana business marketing and recruitment program"

7. Page 10, line 5.

Strike: "11.13%"

Insert: "9.33%"

After discussion, Senator Grosfield made a **substitute motion** that amendment **Nos. 4 and 7** be segregated. Motion carried.

Amendment Nos. **1, 2, 3, 5 and 6** adopted with Senator Johnson voting nay.

Senator Elliott **withdrew** amendment Nos. **4 and 7**.

Senator Holden present at this time.

SB 439 - Senator Grosfield moved **SB 439**, as amended, do pass. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Ellingson, Ellis, Franklin, Grosfield, Halligan, Harrington, Holden, Jergeson, Kitzenberg, McCarthy, McNutt, Pease, Ryan, Shea, Stonington, Tash,

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Thomas, Toole, Waterman, Mr. President.
Total 27

Nays: Bishop, Cobb, DePratu, Ekegren, Elliott, Glaser, Grimes, Hargrove, Johnson, Keenan, Mahlum, Miller, Mohl, O'Neil, Roush, Sprague, Stapleton, Taylor, Wells, Zook.
Total 20

Absent or not voting: None.
Total 0

Excused: Butcher, Nelson, Tester.
Total 3

SB 493 - Senator F. Thomas moved **SB 493** do pass. Motion carried as follows:

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

Nays: None.
Total 0

Absent or not voting: Berry, Stapleton.
Total 2

Excused: Butcher, Nelson, Tester.
Total 3

SB 495 - Senator F. Thomas moved **SB 495** do pass. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 44

Nays: Bishop, Elliott, Johnson.
Total 3

Absent or not voting: None.
Total 0

Excused: Butcher, Nelson, Tester.
Total 3

SB 511 - Senator F. Thomas moved **SB 511**, second reading copy, be amended as follows :

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1. Page 3, line 1.

Following: "proceeds"

Insert: ", other than proceeds from timber from Montana university system lands,"

2. Page 3, line 2.

Following: "fund."

Insert: "Timber proceeds from university system lands must be paid over to the state treasurer, who shall deposit the money to the credit of the proper fund for use as provided in 17-3-1003(1)."

Amendment **adopted** unanimously.

SB 511 - Senator F. Thomas moved **SB 511**, as amended, do pass. Motion carried unanimously.

SB 494 - Senator Cobb moved **SB 494** do pass. Motion carried as follows:

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

Total 45

Nays: Harrington.

Total 1

Absent or not voting: Bishop.

Total 1

Excused: Butcher, Nelson, Tester.

Total 3

SB 501 - Senator Grosfield moved **SB 501** do pass. Motion carried unanimously.

SB 505 - Senator Taylor moved **SB 505** do pass. After discussion, the committee reverted to the body of the bill for purpose of amendment.

Senator Grosfield assumed the chair.

SB 505 - Senator Stonington moved **SB 505**, second reading copy, be amended as follows :

1. Page 2, line 2.

Following: "2002,"

Strike: "offers"

2. Page 2, line 2 through line 3.

Following: "contracts"

Strike: "OF AT LEAST" on line 2 through "to sell" on line 3

Insert: "for"

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3. Page 2, line 4.

Following: "production"

Insert: ", "

Following: "commission"

Insert: ", "

4. Page 2, line 5.

Strike: "10-year"

Insert: "5-year"

5. Page 2, line 10.

Strike: "10-year"

Insert: "5-year"

Senator Stonington made a **substitute motion** to **withdraw amendments 4 and 5**, and to **adopt amendments 1, 2 and 3**. Motion carried.

Amendments 1, 2 and 3 failed as follows:

Yeas: Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Jergeson, Johnson, McCarthy, O'Neil, Pease, Roush, Ryan, Shea, Stonington, Toole.

Total 20

Nays: Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Ellis, Glaser, Grimes, Grosfield, Holden, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Sprague, Stapleton, Tash, Taylor, Thomas, Waterman, Wells, Zook, Mr. President.

Total 26

Absent or not voting: Ekegren.

Total 1

Excused: Butcher, Nelson, Tester.

Total 3

SB 505 - Senator Taylor moved **SB 505** do pass. Motion carried as follows:

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

Total 31

Nays: Bishop, Christiaens, Cocchiarella, Doherty, Ellingson, Franklin, Halligan, Harrington, Jergeson, Johnson, O'Neil, Pease, Ryan, Toole, Waterman.

Total 15

Absent or not voting: Keenan.

Total 1

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Excused: Butcher, Nelson, Tester.
Total 3

SB 506 - Senator Cobb moved **SB 506** do pass. Motion carried unanimously.

SB 508 - Senator Cole moved **SB 508** do pass. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 38

Nays: Bishop, Ellingson, Franklin, Harrington, Johnson, O'Neil, Pease, Toole, Waterman.
Total 9

Absent or not voting: None.
Total 0

Excused: Butcher, Nelson, Tester.
Total 3

SB 509 - Senator Doherty moved **SB 509** do pass. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Toole, Wells, Zook, Mr. President.
Total 39

Nays: Bishop, Elliott, Hargrove, Mohl, O'Neil, Waterman.
Total 6

Absent or not voting: Cobb, Ellis.
Total 2

Excused: Butcher, Nelson, Tester.
Total 3

SB 510 - Senator Ellis moved **SB 510**, second reading copy, be amended as follows :

1. Page 2, lines 10 and 11.

Following: "economy"

Strike: remainder of line 10 through "3" on line 11

Insert: "state special revenue fund for state equalization aid"

Amendment **adopted** unanimously.

SB 510 - Senator Stapleton moved **SB 510**, as amended, do pass. Motion carried as follows:

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

Total 33

Nays: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, McCarthy, Ryan, Stonington, Toole, Waterman.

Total 13

Absent or not voting: Kitzenberg.

Total 1

Excused: Butcher, Nelson, Tester.

Total 3

SB 513 - Senator Elliott moved **SB 513**, second reading copy, be amended as follows :

1. Page 1, line 23.

Strike: "cost-to-revenue"

Insert: "revenue-to-cost"

2. Page 1, line 26.

Strike: "to"

Insert: "of"

3. Page 2.

Following: line 3

Insert: "(a) 0% for a revenue-to-cost percentage less than 125%;"

Renumber: subsequent subsections

4. Page 2, line 4.

Strike: "cost-to-revenue"

Insert: "revenue-to-cost"

5. Page 2, line 5.

Strike: "cost-to-revenue"

Insert: "revenue-to-cost"

6. Page 2, line 6.

Strike: "cost-to-revenue"

Insert: "revenue-to-cost"

7. Page 2, line 7.

Strike: "cost-to-revenue"

Insert: "revenue-to-cost"

Amendment **adopted** unanimously.

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Senator McNutt assumed the chair.

SB 513 - Senator Elliott moved **SB 513**, as amended, do pass. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Pease, Roush, Shea, Sprague, Stonington, Tash, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 38

Nays: Bishop, Glaser, Johnson, Miller, Mohl, O'Neil, Ryan, Stapleton, Taylor.

Total 9

Absent or not voting: None.

Total 0

Excused: Butcher, Nelson, Tester.

Total 3

SB 514 - Senator Grosfield moved **SB 514** do pass. Motion carried unanimously.

SB 515 - Senator Taylor moved **SB 515** do pass. Motion **failed** as follows:

Yeas: Berry, Bishop, Bohlinger, Cobb, Cole, Crismore, DePratu, Ekegren, Glaser, Grosfield, Hargrove, Keenan, Mahlum, McNutt, Miller, Taylor, Thomas, Wells, Zook.

Total 19

Nays: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Ellis, Franklin, Grimes, Halligan, Harrington, Holden, Jergeson, Johnson, Kitzenberg, McCarthy, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Toole, Waterman, Mr. President.

Total 28

Absent or not voting: None.

Total 0

Excused: Butcher, Nelson, Tester.

Total 3

SB 515 - Senator Toole moved **SB 515** be **indefinitely postponed**. Motion carried as follows:

Yeas: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Kitzenberg, McCarthy, McNutt, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Toole, Waterman, Zook.

Total 29

Nays: Berry, Bishop, Bohlinger, Cobb, Cole, Crismore, DePratu, Ekegren, Glaser, Johnson, Keenan, Mahlum, Miller, Sprague, Taylor, Thomas, Wells, Mr. President.

Total 18

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Absent or not voting: None.
Total 0

Excused: Butcher, Nelson, Tester.
Total 3

SB 519 - Senator Roush moved **SB 519**, second reading copy, be amended as follows :

1. Page 8, line 1.

Strike: "taxable"

Insert: "taxed as provided in subsection (5)(c)"

2. Page 8, line 3.

Strike: "greater"

Insert: "less"

Amendment **adopted** unanimously.

SB 519 - Senator Roush moved **SB 519**, as amended, do pass. Motion carried unanimously.

SB 520 - Senator Bohlinger moved **SB 520** do pass. Motion carried as follows:

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

Total 43

Nays: Cobb, Holden, Keenan, Mr. President.

Total 4

Absent or not voting: None.

Total 0

Excused: Butcher, Nelson, Tester.

Total 3

SB 521 - Senator Doherty moved **SB 521** do pass. Motion carried as follows:

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

Total 43

Nays: Halligan, Harrington, Ryan, Toole.

Total 4

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Absent or not voting: None.
Total 0

Excused: Butcher, Nelson, Tester.
Total 3

SB 119 - Senator Berry moved **SB 119**, second reading copy, be amended as follows :

1. Page 2, line 21.

Strike: "6.59%"

Insert: "5%"

2. Page 2, line 24.

Strike: "81.56%"

Insert: "32.87%"

3. Page 2, line 25.

Strike: "SPECIAL REVENUE FUND FOR STATE EQUALIZATION AID"

Insert: "general fund"

4. Page 2, line 26.

Strike: "11.85%"

Insert: "7.13%"

5. Page 2, line 28.

Insert: "(4) The amount of 55% must, in accordance with the provisions of 15-1-501, be deposited in the state special revenue fund for state equalization aid."

Amendment **adopted** with Senator Ellingson voting nay.

SB 119 - Senator Stonington moved **SB 119**, second reading copy, be further amended as follows :

1. Title, line 10 through line 11.

Strike: "PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA AT A SPECIAL ELECTION;"

2. Page 4, line 11.

Strike: "UPON APPROVAL OF THE ELECTORATE, THIS ACT"

Insert: "[This act]"

3. Page 4, line 14.

Strike: "THIS ACT"

Insert: "[This act]"

4. Page 4, line 17 through line 23.

Strike: section 9 in its entirety

Amendment **not** adopted as follows:

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Yeas: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Jergeson, McCarthy, O'Neil, Pease, Roush, Ryan, Shea, Stonington, Toole, Waterman.

Total 19

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

Total 28

Absent or not voting: None.

Total 0

Excused: Butcher, Nelson, Tester.

Total 3

SB 119 - Senator Ellingson moved **SB 119**, second reading copy, be further amended as follows :

1. Page 2, line 25.

Following: "~~fund~~"

Insert: "general fund for allocation to the"

Following: "AID"

Insert: "and to higher education"

Amendment **adopted** unanimously.

SB 119 - Senator Berry moved **SB 119**, as amended, do pass. Motion **failed** as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cole, Crismore, DePratu, Doherty, Ellingson, Franklin, Glaser, Grosfield, Halligan, Jergeson, Kitzenberg, Mahlum, McNutt, Mohl, Tash, Thomas, Zook, Mr. President.

Total 23

Nays: Cocchiarella, Ekegren, Elliott, Ellis, Grimes, Hargrove, Harrington, Holden, Johnson, Keenan, McCarthy, Miller, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Taylor, Toole, Waterman, Wells.

Total 24

Absent or not voting: None.

Total 0

Excused: Butcher, Nelson, Tester.

Total 3

SB 119 - Senator Beck moved **SB 119** be **indefinitely postponed**. Motion carried as follows:

Yeas: Cole, Crismore, Ekegren, Elliott, Ellis, Grimes, Grosfield, Hargrove, Harrington, Holden, Johnson, McCarthy, Miller, Mohl, O'Neil, Pease, Roush, Ryan, Sprague, Stonington, Taylor, Toole, Waterman, Wells, Zook, Mr. President.

Total 26

Nays: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, DePratu, Doherty, Ellingson, Franklin, Glaser,

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Halligan, Jergeson, Keenan, Kitzenberg, Mahlum, McNutt, Shea, Stapleton, Tash, Thomas.
Total 21

Absent or not voting: None.
Total 0

Excused: Butcher, Nelson, Tester.
Total 3

HB 564 - President Beck moved consideration of **HB 564** be passed for the day. Motion carried.

SB 512 - Senator Halligan moved **SB 512**, second reading copy, be amended as follows :

1. Title, page 1, line 9.

Strike: "RECRUIT"

Insert: "ASSIST IN THE RECRUITMENT OF"

Strike: "TO EXPAND"

Insert: "IN THE EXPANSION OF"

2. Page 1, line 21.

Strike: "contract" in both places

Insert: "sales" in both places

3. Page 1, line 23.

Strike: "Contract"

Insert: "Sales"

4. Page 1, line 24.

Strike: "\$35"

Insert: "\$50"

5. Page 1, line 25.

Strike: line 25

6. Page 1, line 26.

Strike: "\$40"

Insert: "\$50"

Strike: "\$45"

Insert: "\$60"

7. Page 1, line 27.

Strike: "\$45"

Insert: "\$60"

Strike: "\$55"

Insert: "\$70"

8. Page 1, line 28.

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Strike: "\$55"

Insert: "\$70"

Strike: "\$75"

Insert: "\$80"

9. Page 1, line 29.

Strike: "\$75"

Insert: "\$80"

Strike: "\$150"

Insert: "\$90"

10. Page 1, line 30.

Strike: "\$150 but less than \$250"

Insert: "\$90 and higher"

11. Page 2, line 1.

Strike: line 1

12. Page 6, line 19.

Strike: "recruiting"

Insert: "assisting in the recruitment of"

Strike: "promoting"

Insert: "in the promotion of"

13. Page 6, line 22.

Strike: "low-income energy assistance"

Insert: "universal system benefits programs"

Strike: "69-8-412"

Insert: "this chapter"

14. Page 7, line 15.

Strike: "be" through "supply"

Insert: "take into account the cost characteristics of different classifications of service as provided in 69-3-306"

Amendment **adopted** unanimously.

SB 512 - Senator Halligan moved **SB 512**, as amended, do pass. Motion carried as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grosfield, Halligan, Harrington, Holden, Jergeson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Pease, Roush, Ryan, Shea, Sprague, Stonington, Toole, Waterman, Wells, Zook, Mr. President.

Total 35

Nays: Berry, DePratu, Grimes, Hargrove, Johnson, Keenan, Miller, O'Neil, Stapleton, Tash, Taylor, Thomas.

Total 12

Absent or not voting: None.

Total 0

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Excused: Butcher, Nelson, Tester.
Total 3

SB 213 - Senator Glaser moved **SB 213**, second reading copy, be amended as follows :

1. Page 2, line 8.

Following: "furnishings,"

Insert: "goods used in agricultural production,"

Amendment **adopted** with Senator Doherty voting nay.

SB 213 - Senator Sprague moved **SB 213**, second reading copy, be further amended as follows :

1. Title, line 11.

Following: " ;"

Insert: "REQUIRING THAT THE LEGISLATURE CONSIDER A STATEWIDE SALES TAX UPON ADOPTION OF A LOCAL OPTION SALES TAX BY 29 COUNTIES;"

2. Page 10, line 4.

Following: line 3

Insert: "NEW SECTION. Section 14. Adoption of local option tax by majority of counties-- statewide sales tax.

(1) It is the intent of the legislature that if a majority of the counties in the state adopt a local option sales tax, then the legislature must enact a general and uniform statewide sales tax.

(2) If a county adopts or repeals a local option sales tax under the provisions of [sections 1 through 9], the governing body of the county must notify the department of revenue of the action. If 29 counties impose the local option sales tax, the department of revenue shall notify the legislative council and the revenue and taxation interim committee that at least 29 counties are imposing the tax. Upon notification, the revenue and taxation committee shall cause to be drafted, for introduction by request of the committee and for consideration at the next regular legislative session, a statewide uniform general sales tax."

Renumber: subsequent sections

3. Page 10, line 5.

Following: "instruction."

Insert: "(1)"

4. Page 10, line 8.

Following: line 7

Insert: "(2) [Section 14] is intended to be codified as an integral part of Title 15, chapter 1, and the provisions of Title 15, chapter 1, apply to [section 14]."

Amendment **not** adopted as follows:

Yeas: Bohlinger, Cobb, Cocchiarella, DePratu, Ekegren, Ellis, Grosfield, Hargrove, Holden, Keenan, Mahlum, Mohl, Ryan, Sprague, Stapleton, Tash, Wells, Zook, Mr. President.

Total 19

Nays: Berry, Bishop, Christiaens, Cole, Crismore, Doherty, Ellingson, Elliott, Franklin, Glaser, Grimes, Halligan,

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Harrington, Jergeson, Johnson, Kitzenberg, McCarthy, McNutt, Miller, O'Neil, Pease, Roush, Shea, Stonington, Taylor, Thomas, Toole, Waterman.
Total 28

Absent or not voting: None.
Total 0

Excused: Butcher, Nelson, Tester.
Total 3

SB 213 - Senator Glaser moved **SB 213**, as amended, do pass. Motion carried as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cocchiarella, DePratu, Doherty, Ekegren, Franklin, Glaser, Halligan, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Ryan, Shea, Stonington, Toole, Waterman, Mr. President.
Total 24

Nays: Berry, Cobb, Cole, Crismore, Ellingson, Elliott, Ellis, Grimes, Grosfield, Hargrove, Holden, Keenan, Mohl, O'Neil, Pease, Roush, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook.
Total 23

Absent or not voting: None.
Total 0

Excused: Butcher, Nelson, Tester.
Total 3

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

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/28/2001
Correctly engrossed: HB 11, HB 73, HB 324, HB 403, HB 504.

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman): 3/29/2001
HB 38, be concurred in. Report adopted.
HB 324, be amended as follows:

1. Page 3, line 23.

Strike: "and"

2. Page 3, line 24.

Following: line 23

Insert: "(g) adopt rules for day-care centers that provide day care only on an irregular basis, providing exceptions

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regarding requirements for immunization records and staffing ratios; and"

Renumber: subsequent subsections

3. Page 4, line 25 through line 27.

Strike: section 4 in its entirety

Renumber: subsequent sections

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

HB 468, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/28/2001

SB 117, introduced by Tester

SB 144, introduced by Nelson

SB 290, introduced by Franklin

SB 321, introduced by Mahlum

SB 361, introduced by McNutt

SB 482, introduced by Ekegren

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/28/2001

SB 128, introduced by Bohlinger

SB 182, introduced by Cobb

SB 207, introduced by Keenan

SB 262, introduced by J. Wells

SB 274, introduced by Keenan

SB 282, introduced by Crismore

SB 357, introduced by Ryan

House bills passed and transmitted to the Senate for concurrence:

3/28/2001

HB 248, introduced by J. Tropila

HB 357, introduced by Fuchs

HB 420, introduced by Shockley

HB 643, introduced by Juneau

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

3/28/2001

HJR 38, introduced by Waddill

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

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Majority Leader Thomas moved that the Senate adjourn until 9:00 a.m., Thursday, March 29, 2001. Motion carried.

Senate adjourned at 10:55 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate