

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

Helena, Montana
March 30, 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 Doherty and Butcher, excused. Quorum present.

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

Miller, Chairman

Senator Doherty present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

3/31/2001

Correctly printed: SB 504, SB 509, SB 514, SB 520, SB 521, HB 9, HB 12, HB 626.

Correctly engrossed: HB 313, HB 340, HB 495, HB 572, HB 573, HB 605.

Correctly engrossed: HB 2, HB 30, HB 38, HB 144, HB 146, HB 165, HB 195, HB 214, HB 256, HB 290, HB 320, HB 324, HB 346, HB 348, HB 360, HB 397, HB 434, HB 452, HB 456, HB 531, HB 543, HB 559, HB 564, HB 583, HB 599, HB 603, HJR 10.

Examined by the sponsor and found to be correct: SB 117, SB 144, SB 290, SB 321, SB 361, SB 482.

MESSAGES FROM THE GOVERNOR

March 29, 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 207** sponsored by Senator Waterman on March 29, 2001.

Sincerely,
JUDY MARTZ
Governor

March 29, 2001

The Honorable Tom Beck
President of the Senate
State Capitol

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Helena, MT 59620
The Honorable Dan McGee
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Beck and Speaker McGee:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments **Senate Bill 168**, "AN ACT INCREASING THE JUNK VEHICLE DISPOSAL FEES ON PASSENGER CARS AND TRUCKS UNDER 8,001 POUNDS; INCREASING THE ANNUAL LICENSE FEE FOR MOTOR VEHICLE WRECKING FACILITIES; PROVIDING SUPPLEMENTAL REVENUE TO THE STATE MOTOR VEHICLE RECYCLING AND DISPOSAL PROGRAM TO OFFSET REVENUE LOSSES; AMENDING SECTIONS 61-3-508 AND 75-10-511, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.", for the following reasons.

I have no concerns with the objectives of SB 168, nor with its specific measures. As outlined in my separate letter concerning my veto of HB 524, however, I recommend adding a provision to SB 168 that specifically earmarks \$.15 of the special junk vehicle disposal fee for the reimbursement of hired removal of abandoned vehicles. I have enclosed my amendment to that effect.

As indicated in my separate letter, I have vetoed HB 524 in light of its coordinative effect on SB 168, which would have added \$.15 cents to the fee increases already contemplated by SB 168. After meeting with the proponents of HB 524, however, I have also decided to recommend an amendment to SB 168 that embodies the "earmarking" component of HB 524, but within the parameters of the fee increase already contemplated in SB 168.

Senator Stonington, the sponsor of SB 168, has been advised of my amendatory recommendation and has no objections.

Sincerely,
JUDY MARTZ
Governor

c: Legislative Services Division
Office of Budget Program and Planning

GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 168

(Reference Bill -- as Amended)

Drafted by the Office of the Governor

March 29, 2001

1. Title, line 9.

Following: "61-3-508"

Strike: "AND "

Insert: " , "

Following: "75-10-511,"

Insert: "AND 75-10-532,"

2. Page 2, line 1.

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Following:"licensing."

Insert:"Fifteen cents of the \$1 special junk vehicle disposal fee must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532."

3. Page 2, following line 23.

Insert:"Section 3. Section 75-10-532, MCA, is amended to read:

75-10-532. Disposition of money collected. All money received from the sale of junk vehicles or from recycling of the material and all motor vehicle wrecking facility license fees and fees collected as motor vehicle disposal fees must be deposited with the state treasurer to be used for the control, collection, recycling, and disposal of junk vehicles and component parts and, ~~to the extent the legislature appropriates funds expressly and solely for this purpose,~~ for the removal of abandoned vehicles."

4. Page 2, line 24.

Following:"Section"

Strike:"3"

Insert:"4"

March 28, 2001

The Honorable Dan McGee
Speaker of the House
State Capitol
Helena, MT 59620

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

Dear Speaker McGee and President Beck:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments **House Bill 399**, "AN ACT GENERALLY REVISING LIQUOR LICENSING LAWS; PROVIDING FOR THE DEPOSIT OF LIQUOR LICENSE FEES AND PERMIT FEES INTO THE DEPARTMENT OF REVENUE'S ~~INTERNAL SERVICE~~ LIQUOR ENTERPRISE FUND; CHANGING THE METHOD FOR DETERMINING WHEN THE DEPARTMENT OF REVENUE SHALL PUBLISH NOTICE OF APPLICATION FOR LIQUOR LICENSE TO WHEN THE APPLICATION IS COMPLETE RATHER THAN 30 DAYS AFTER AN INVESTIGATION IS REQUESTED; AMENDING SECTIONS 15-1-501; 16-2-108, ~~AND~~ 16-4-207, AND 16-4-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.", for the following reasons.

I have no concerns with the objectives of HB 399, nor with its specific measures. I do, however, have a technical concern regarding the effective date provided for in the legislation. I recommend that an applicability date section be added to the bill to clarify that Sections 1 and 2 apply to fees collected after June 30, 2001. I have attached my amendment to that effect.

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Sections 1 and 2 of the bill alter the manner in which revenues from liquor license and permit fees are currently deposited and expended. Both the appropriations and the revenue estimates for the current year are, however, structured on existing law (i.e., HB 2 and the revenue estimates for the 2001 biennium). Consequently, any alteration of that revenue flow prior to the end of the 2001 biennium will be in conflict with that existing law. Adding a section establishing an applicability date for Sections 1 and 2 at the beginning of the 2003 biennium will avoid that conflict.

Senator McKenney, the sponsor of the bill, is aware of and agrees with this recommended amendment.

Sincerely,
JUDY MARTZ
Governor

c: Legislative Services Division
Office of Budget Program and Planning
Department of Revenue

GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 399
(Reference Bill --2nd Reading, 2nd House [Tan])
Drafted by the Office of the Governor
March 28, 2001

1. Title, line 10
Following: "MCA"
Strike: "AND"

2. Title, line 10
Following: "DATE"
Strike: " . "
Insert: "; AND PROVIDING AN APPLICABILITY DATE."

3. Page 8, line 18
Insert: "NEW SECTION. Section 6. Applicability date. [Sections 1 and 2] apply to fees collected after June 30, 2001"

March 29, 2001

The Honorable Dan McGee
Speaker of the House
State Capitol
Helena, MT 59620

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

Dear Speaker McGee and President Beck:

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In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments **House Bill 500**, "AN ACT REVISING CERTAIN PROVISIONS OF THE LITTLE DAVIS-BACON LAWS; CHANGING THE PREVAILING WAGE FROM ONE COMPUTED BASED ON A WEIGHTED AVERAGE TO ONE COMPUTED BASED ON WORK PERFORMED; REQUIRING POSTING OF PREVAILING WAGE AND FRINGE BENEFITS RATES; REQUIRING A CONTRACTING AGENCY TO NOTIFY A PUBLIC WORKS CONTRACTOR OR EMPLOYER OF THE REQUIREMENT TO KEEP CERTIFIED PAYROLL RECORDS FOR 3 YEARS AFTER COMPLETION OF WORK ON A PROJECT; REQUIRING SURVEYS OF CONTRACTORS AND EMPLOYERS; AMENDING SECTIONS 18-2-401, 18-2-406, AND 18-2-422, MCA AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.", for the following reasons.

I do not have significant concerns with Section 1 of HB 500, which revises the method by which the Department of Labor and Industry computes the standard prevailing rate of wages. I do, however, have concerns with portions of Sections 2 and 3 of the bill, which modify existing law regarding the posting of wage and fringe benefit information on job sites and the provisions required in public works contracts and bid specifications under Title 18, Chapter 2, MCA. I recommend deleting the current language in Section 2 that requires the contracting agency to be "responsible for ensuring" the posting and maintenance of the required wage scale. I also recommend that Section 3 be amended to reflect a requirement that contracts and bid specifications contain (1) express notice of the posting requirement and (2) express notice of the requirement that contractors and employers maintain necessary payroll records. I have attached my amendments to that effect.

Section 2 of the bill modifies existing law [§ 18-2-406, MCA], which already requires that a statement of all prevailing wages be posted on the job site. Under the bill, § 18-2-406, MCA would now require a "contracting agency" to be "responsible for ensuring" that the required statement:

- * be posted in a prominent and accessible site on the project or staging area; and
- * that such statement be posted not later than the first day of work and continuing for the entire duration of the project.

I believe that such a requirement reflects unsound public policy and creates, at best, a vague enforcement standard in terms of what it means for a "contracting agency" to be "responsible for ensuring" that a particular document is appropriately posted.

Under present law, contractors are already responsible for complying with the posting requirements under § 18-2-406, MCA. Under present law, contractors already face penalties if they do not "ensure" their own compliance with that posting requirement. *See* § 18-2-432, MCA. With that in mind, I do not believe that imposing a vague enforcement standard on state and local governmental entities will accomplish any meaningful objective. Rather, it will simply raise potential issues as to when an agency, a county or a school district fails to fulfill its "responsibility" for "ensuring" that a certain document be posted in a certain place and for a certain duration of time.

A better policy is to expressly place all contractors and employers on notice of the posting requirements at the outset of the public contracting process, i.e., in the contract documents and bid specifications. If they fail to comply with those requirements after being expressly placed on notice of them, they will face penalties under existing law. Accordingly, I recommend that a new provision be inserted in Section 3, which would require such notice.

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I also recommend that the provision in Section 3 concerning the requirement for a contract provision requiring the agency to notify each contractor and employer of the requirement to maintain certified payroll records be modified. In its current form, the bill would require the contracting agency to place a provision in its own contract requiring itself to notify the contractor of the payroll record retention requirement. If the objective here is to ensure that contractors are placed on notice of the record retention requirement, that objective can be accomplished by simply requiring such notice in the contract documents and bid specifications. It is redundant to require an agency to insert a contract provision requiring itself to give the notice. Accordingly, I recommend that this provision be modified to simply require notice to the contractor of this requirement in the contract documents and the bid specifications.

Finally, I also recommend a slight amendment to the language concerning "certified" payroll records. I do not believe that it is necessary to require all public contractors to maintain "certified" payroll records at all times. Rather, the law simply requires that, in the event a dispute arises, a contractor be in a position to submit "certified" copies to the Department of Labor and Industry. *See* § 18-2-423, MCA. In the many instances where no disputes ever arise, there is simply no need for government to impose a requirement that payroll records in the possession of a contractor actually be "certified". By requiring that contractors be in a position to produce "certified" records if and when necessary, the objectives of our existing law will still be appropriately met.

Sincerely,
JUDY MARTZ
Governor

c: Legislative Services Division
Office of Budget and Program Planning
Department of Labor and Industry
Department of Administration

GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 500

(Reference Bill --2nd Reading, 2nd House [Tan])

Drafted by the Office of the Governor

March 29, 2001

1. Title, line 8

Following: "REQUIRING"

Strike: "A CONTRACTING AGENCY TO NOTIFY"

Insert: "NOTICE TO"

2. Title, line 9

Following: "OF"

Insert: "THE REQUIREMENT TO POST PREVAILING WAGE AND BENEFIT RATES AND"

3. Title, line 9

Following: "KEEP"

Strike: "CERTIFIED"

4. Page 5, line 1

Following: "area"

Strike: remainder of lines 1 and 2

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5. Page 5, line 11

Following: "requiring"

Strike: "the contracting agency to notify"

6. Page 5, line 11

Following: "employer"

Strike: "of the requirement"

7. Page 5, line 12

Following: "maintain"

Strike: "certified"

8. Page 5, line 12

Following: "records"

Insert: ", in a manner readily capable of being certified for submission under 18-2-423,"

9. Page 5, line 14

Insert: "(3) a provision requiring each contractor to post a statement of all wages and fringe benefits in compliance with 18-2-406."

March 29, 2001

The Honorable Dan McGee
Speaker of the House
State Capitol
Helena, MT 59620

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

Dear Speaker McGee and President Beck:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto **House Bill 524**, "AN ACT INCREASING THE SPECIAL JUNK VEHICLE DISPOSAL FEE FROM 50 CENTS TO 65 CENTS; PROVIDING THAT 15 CENTS OF THE SPECIAL JUNK VEHICLE DISPOSAL FEE BE USED FOR THE EXCLUSIVE PURPOSE OF REIMBURSING THE HIRED REMOVAL OF ABANDONED VEHICLES; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 61-3-508 AND 75-10-532, MCA; AND PROVIDING AN EFFECTIVE DATE", for the following reasons.

House Bill 524 provides for a \$.15 increase in the current additional junk vehicle disposal fee under § 61-3-508, MCA. Under HB 524, that increase is earmarked exclusively for the purpose of reimbursing the hired removal of abandoned vehicles. I have also received Senate Bill 168, however, which involves an increase in the same junk vehicle fee. Senate Bill 168 was requested by the Department of Environmental Quality and contemplates a broader increase in the special junk vehicle disposal fee and additional junk vehicle disposal fee under § 61-3-508, MCA, as well as the licensing fee for vehicle wrecking facilities/graveyards under § 75-10-511, MCA.

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The fee increases contemplated by SB 168 are intended to address the need to adequately support the Department's junk vehicle program budget, which has been adversely affected by a declining international market for scrap steel. Under the coordination language in HB 524, however, its \$.15 increase would be added to the increases already contemplated by SB 168. While I do not agree with the need to add the fee increase contemplated in HB 524 to the fee increases contemplated by SB 168, I have met with the proponents of HB 524 to discuss the coordination of these two pieces of legislation. In light of that meeting, I am separately submitting to you an amendatory recommendation on SB 168 that includes the specific earmarking component of HB 524, without the additional \$.15 fee increase.

Accordingly, I hereby veto HB 524.

Sincerely,
JUDY MARTZ
Governor

c: Legislative Services Division
Office of Budget Program and Planning

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 3/29/2001

HB 69, introduced by McCann
HB 121, introduced by D. Mood
HB 474, introduced by Sliter
HB 577, introduced by McCann
HB 600, introduced by Bookout-Reinicke
HB 617, introduced by Balyeat
HB 623, introduced by Mangan
HB 632, introduced by D. Mood
HB 636, introduced by Fuchs
HB 639, introduced by Barrett
HB 640, introduced by McGee
HB 644, introduced by Pattison
HB 645, introduced by Mangan
HB 646, introduced by Golie
HB 647, introduced by Gillan
HB 650, introduced by D. Mood

Senate bills **not** concurred in and returned to the Senate: 3/29/2001

SB 123, introduced by Bohlinger
SB 141, introduced by Stonington

MOTIONS

Senator Berry moved that consideration of **HB 360, HB 583, HB 603, HB30, and HB 313** be placed below HB 589 on the second reading board this day. Motion carried.

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HB 437 - Senator Keenan moved that **HB 437** be taken from the committee on Finance, printed and placed on second reading this day. Motion carried.

HB 421 - Senator Grosfield moved that HB 421 be taken from the table in the committee on Natural Resources, and be placed on second reading this day. Motion **failed** as follows:

Yeas: Berry, Cobb, Doherty, Ellingson, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Keenan, Kitzenberg, Miller, Nelson, O'Neil, Ryan, Sprague, Taylor, Tester, Toole.
Total 22

Nays: Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Grimes, Harrington, Holden, Mahlum, McCarthy, McNutt, Mohl, Pease, Roush, Shea, Stapleton, Tash, Thomas, Waterman, Wells, Zook, Mr. President.
Total 25

Absent or not voting: Elliott, Stonington.
Total 2

Excused: Butcher.
Total 1

Senator Elliott excused at this time.

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

Session 1

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

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

HB 195 - Senator R. Holden moved **HB 195** be concurred in. Motion carried unanimously.

Senator Elliott present at this time.

HB 214 - Senator R. Holden moved **HB 214** be concurred in. Motion carried unanimously.

HB 564 - Senator Cole moved **HB 564** be concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Grimes, Grosfield, Harrington, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, Pease, Roush, Ryan, Shea, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.
Total 31

Nays: Bishop, Christiaens, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Holden, Johnson, Mohl, O'Neil,

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Sprague, Stonington, Toole, Waterman.
Total 16

Absent or not voting: Glaser, Stapleton.
Total 2

Excused: Butcher.
Total 1

HB 146 - Senator Halligan moved **HB 146** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Cocchiarella, DePratu, Doherty, Ellingson, Elliott, Ellis, Glaser, Grosfield, Halligan, Hargrove, Harrington, Kitzenberg, Mahlum, McCarthy, McNutt, Pease, Roush, Ryan, Shea, Sprague, Tash, Thomas, Toole, Wells, Mr. President.
Total 28

Nays: Christiaens, Crismore, Ekegren, Franklin, Grimes, Holden, Jergeson, Johnson, Keenan, Miller, Mohl, Nelson, O'Neil, Stapleton, Stonington, Taylor, Tester, Waterman, Zook.
Total 19

Absent or not voting: Cobb, Cole.
Total 2

Excused: Butcher.
Total 1

HB 256 - Senator Doherty moved **HB 256** be concurred in. Motion carried unanimously.

HB 290 - Senator Grosfield moved **HB 290** be concurred in. Motion carried with Senator O'Neil voting nay.

HB 346 - Senator Jergeson moved **HB 346** be concurred in. Motion carried unanimously.

HB 348 - Senator Mahlum moved **HB 348** be concurred in. Motion carried unanimously.

HB 397 - Senator Taylor moved **HB 397**, second reading copy, be amended as follows :

1. Page 3, line 6.

Following: "15"

Insert: ", 2004"

2. Page 3, line 7.

Strike: subsection (6) in its entirety

Amendment **adopted** unanimously.

HB 397 - Senator Taylor moved **HB 397**, as amended, be concurred in. Motion carried unanimously.

HB 434 - Senator Doherty moved **HB 434** be concurred in. Motion carried unanimously.

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HB 452 - Senator Bohlinger moved **HB 452** be concurred in. Motion carried unanimously.

Senators Cobb, Tash and Zook excused at this time.

HB 456 - Senator Franklin moved **HB 456** be concurred in. Motion carried unanimously.

HB 531 - Senator McNutt moved **HB 531** be concurred in. Motion carried unanimously.

HB 543 - Senator Christiaens moved consideration of **HB 543** be moved below HB 66 on the second reading board. Motion carried unanimously.

HB 559 - Senator McNutt moved **HB 559** be concurred in. Motion carried unanimously.

HB 599 - Senator Mahlum moved **HB 599** be concurred in. Motion carried unanimously.

Senator Berry moved consideration of **HB 360, HB 583 and HB 603** be placed below HJR 34 on the second reading board this day. Motion carried.

HB 628 - Senator Nelson moved consideration of **HB 628** be placed at the bottom of the board this day. Motion carried.

Senator Stapleton assumed the chair.

HJR 10 - Senator Hargrove moved **HJR 10** be concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, McCarthy, McNutt, Miller, Mohl, O'Neil, Shea, Stapleton, Taylor, Tester, Thomas, Wells, Mr. President.

Total 28

Nays: Bishop, Christiaens, Doherty, Ellingson, Franklin, Harrington, Jergeson, Nelson, Pease, Ryan, Stonington, Waterman.

Total 12

Absent or not voting: Halligan, Kitzenberg, Mahlum, Roush, Sprague, Toole.

Total 6

Excused: Butcher, Cobb, Tash, Zook.

Total 4

HJR 34 - Senator Keenan moved consideration of **HJR 34** be placed at the bottom of the second reading board. Motion carried.

HB 30 - Senator Grimes moved **HB 30** be concurred in. Motion carried unanimously.

HB 360 - Senator Grimes moved **HB 360** be concurred in. Motion carried unanimously.

Senators Cobb and Zook present at this time.

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HB 583 - Senator Grimes moved **HB 583** be concurred in. Motion carried with Senator Johnson voting nay.

HB 603 - Senator Grimes moved **HB 603** be concurred in. Motion carried unanimously.

HB 38 - Senator DePratu moved **HB 38** be concurred in. Motion carried unanimously.

HB 66 - Senator Halligan moved **HB 66** be concurred in. Motion **failed** as follows:

Yeas: Bishop, Bohlinger, Cobb, DePratu, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, O'Neil, Pease, Sprague, Stonington, Tester, Toole, Waterman.

Total 22

Nays: Berry, Cocchiarella, Cole, Crismore, Ekegren, Ellis, Glaser, Grimes, Grosfield, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, Roush, Shea, Stapleton, Taylor, Thomas, Wells, Zook, Mr. President.

Total 24

Absent or not voting: Christiaens, Ryan.

Total 2

Excused: Butcher, Tash.

Total 2

HB 66 - Senator Beck moved **HB 66** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Cocchiarella, Cole, Crismore, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, Roush, Stapleton, Taylor, Thomas, Wells, Zook, Mr. President.

Total 23

Nays: Bishop, Bohlinger, Christiaens, Cobb, DePratu, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, O'Neil, Pease, Ryan, Shea, Sprague, Stonington, Tester, Toole, Waterman.

Total 24

Absent or not voting: Berry.

Total 1

Excused: Butcher, Tash.

Total 2

HB 543 - Senator Cocchiarella moved **HB 543** be concurred in. Motion carried with Senator Johnson voting nay.

Senator Grimes reassumed the chair.

HB 144 - Senator Cole moved **HB 144** be concurred in. Motion carried as follows:

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

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Total 40

Nays: Bishop, DePratu, Johnson, Mohl, Wells, Zook.

Total 6

Absent or not voting: Glaser, Stapleton, Thomas.

Total 3

Excused: Butcher.

Total 1

HB 165 - Senator Grosfield moved **HB 165** be concurred in. Motion carried 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, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: Holden, Sprague.

Total 2

Absent or not voting: None.

Total 0

Excused: Butcher.

Total 1

HB 320 - Senator K. Miller moved **HB 320** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, O'Neil, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Waterman, Wells.

Total 37

Nays: Christiaens, Doherty, Ellingson, Franklin, Jergeson, Nelson, Ryan, Tester, Toole.

Total 9

Absent or not voting: Pease, Zook, Mr. President.

Total 3

Excused: Butcher.

Total 1

Senator Butcher present at this time.

HB 324 - Senator Christiaens moved **HB 324** be concurred in. Motion carried as follows:

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Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Harrington, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, O'Neil, Roush, Ryan, Shea, Stonington, Tash, Tester, Toole, Waterman.

Total 31

Nays: Butcher, Cole, Ekegren, Glaser, Hargrove, Holden, Jergeson, Keenan, Miller, Mohl, Nelson, Sprague, Stapleton, Taylor, Thomas, Wells, Zook, Mr. President.

Total 18

Absent or not voting: Pease.

Total 1

Excused: None.

Total 0

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 Grimes moved the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

Senator Keenan moved that **HB 491, HB 505 and HB 627** be taken from the committee on Finance and placed on second reading this legislative day. Motion carried.

Senator Thomas moved that the Senate stand in recess until the hour of 1:00 p.m. this legislative day. Motion carried.

Senate recessed at 11:35 a.m.

Senate reconvened at 1:03 p.m.

Roll Call. All members present. Quorum present.

MOTIONS

HB 627 - Senator Keenan moved that **HB 627** be taken from the second reading board this day, and rereferred to the committee on Finance. Motion carried.

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

Session 2 - 1:00 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 Grimes in the chair.

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

HB 340 - Senator Grosfield moved **HB 340**, second reading copy, be amended as follows :

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1. Page 2, line 19.

Following: "water"

Insert: "and reserve and sever any remaining surface water rights from the land"

2. Page 2, line 24 through line 25.

Strike: "ANY REMAINING" on line 24

Insert: "ALL"

Strike: "THAT" on line 24 through "(9)(A)" on line 25

Amendment **adopted** unanimously.

HB 340 - Senator Grosfield moved **HB 340**, as amended, be concurred in. Motion carried unanimously.

HB 345 - Senator Hargrove moved **HB 345** be concurred in. Motion carried unanimously.

The Senate stood at ease to allow the Custer County Choral Group from Miles City to perform for the Senate. The Senate resumed Committee of the Whole action.

HB 409 - Senator K. Miller moved **HB 409** be concurred in. Motion carried with Senator O'Neil voting nay.

HB 468 - Senator Franklin moved **HB 468** be concurred in. Motion carried unanimously.

HB 382 - Senator K. Miller moved **HB 382** be concurred in. Motion carried unanimously.

HB 495 - Senator Cole moved **HB 495** be concurred in. Motion carried unanimously.

HB 572 - Senator Cole moved **HB 572** be concurred in. Motion carried unanimously.

Senator Stapleton assumed the chair.

HB 573 - Senator Cobb moved **HB 573**, second reading copy, be amended as follows :

1. Page 2, line 18 through line 19.

Strike: "GROUND" on line 18 through "." on line 19

Amendment **adopted** unanimously.

HB 573 - Senator Cole moved **HB 573**, as amended, be concurred in. Motion carried as follows:

Yeas: Berry, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ellis, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, O'Neil, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.

Total 30

Nays: Bishop, Bohlinger, Christiaens, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Halligan, Harrington, Jergeson, Kitzenberg, Nelson, Pease, Ryan, Stonington, Toole, Waterman.

Total 19

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Absent or not voting: Mohl.
Total 1

Excused: None.
Total 0

HB 313 - Senator Grimes moved **HB 313**, second reading copy, be amended as follows :

1. Title, page 1, line 11.

Following: "~~MINOR~~:"

Insert: "CREATING ENHANCED PENALTIES FOR AN ASSAULT ON A PARTNER OR FAMILY MEMBER THAT IS COMMITTED WITHIN THE VISION OR HEARING OF A MINOR;"

2. Page 10, line 28.

Following: line 27

Insert: "(v) If the offense was committed within the vision or hearing of a minor, the judge shall consider the minor's presence as a factor at the time of sentencing."

3. Page 11, line 19.

Strike: "25"

Insert: "40"

4. Page 12, line 1.

Strike: "25"

Insert: "40"

After discussion, Senator O'Neil requested **amendments 1 and 2 be segregated** from amendments 3 and 4.

Amendments 1 and 2 were **adopted** with Senator Holden voting nay..

Amendments 3 and 4 **adopted** as follows:

Yeas: Bohlinger, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Franklin, Glaser, Grimes, Grosfield, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Miller, Nelson, Pease, Roush, Shea, Tash, Tester, Thomas, Toole.
Total 25

Nays: Berry, Bishop, Butcher, Christiaens, Cobb, Cocchiarella, Ellis, Halligan, Hargrove, Holden, Mahlum, McNutt, Mohl, O'Neil, Ryan, Sprague, Stapleton, Stonington, Taylor, Waterman, Wells, Zook, Mr. President.
Total 23

Absent or not voting: Ekegren.
Total 1

Excused: McCarthy.
Total 1

HB 313 - Senator Grimes moved **HB 313**, second reading copy, be further amended as follows :

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1. Title, page 6.

Following: "FACILITATORS;"

Insert: "PROVIDING FOR THE QUALIFICATIONS AND CERTIFICATION OF DOMESTIC VIOLENCE COUNSELORS AND FACILITATORS;"

2. Page 1, line 30.

Insert: "NEW SECTION. Section 1. Purpose. The profession of providing assessments, referrals, and counseling for offenders who have committed an assault on a partner or family member and the profession of facilitating psychoeducational groups for offenders who have committed an assault on a partner or family member profoundly affect the lives of all Montanans. It is the purpose of [sections 1 through 15] to provide for the common good by ensuring the ethical, qualified, and professional practice of assessment, counseling, referrals, and facilitation of psychoeducational groups for offenders. [Sections 1 through 15] and the rules adopted by the board establish standards of education, training, and experience for those who seek to engage in the practice of counseling offenders who have committed an assault on a partner or family member and the practice of facilitation of psychoeducational groups for offenders who have committed an assault on a partner or family member."

Renumber: subsequent sections

3. Page 2, line 1.

Following: "~~15~~"

Strike: "4"

Insert: "15"

4. Page 2, line 14.

Following: line 13

Insert: "(2) "Board" means the board of social work examiners and professional counselors established under 2-15-1854.

(3) "Certified domestic violence counselor" means a counselor who is in compliance with the requirements of [sections 1 through 15] and the board's rules. Certified domestic violence counselors may provide preliminary assessments for counseling, referrals, and counseling and may facilitate psychoeducational groups for domestic violence offenders.

(4) "Certified facilitator" means a facilitator who is in compliance with the requirements of [section 4] and the board's rules and who conducts psychoeducational groups under the supervision of a certified domestic violence counselor."

Renumber: subsequent subsections

5. Page 2, line 17.

Following: "~~15~~"

Strike: "4"

Insert: "15"

6. Page 2, line 19.

Following: line 18

Insert: "(7) "Department" means the department of commerce provided for in 2-15-1801."

Renumber: subsequent subsections

7. Page 2, line 24.

Following: "facilitator"

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Strike: "OTHER"
Insert: "facilitator"

8. Page 2, line 26.

Following: "services,"
Insert: ", certified domestic violence counselor services,"
Following: "facilitator"
Strike: "OTHER"
Insert: "certified facilitator"

9. Page 2, line 30.

Following: line 29
Insert: "(11) 'Offender's residence' means the offender's home address at the time of the assault on a partner or family member."
Renumber: subsequent subsections

10. Page 3, line 1.

Following: "violence"
Insert: "certified domestic violence"

11. Page 3, line 12.

Following: line 11
Insert: "(15) 'Supervision' means the ability to have timely and direct access to a supervisor on a daily basis."
Renumber: subsequent subsection

12. Page 4, line 30.

Following: line 29
Insert: "NEW SECTION. Section 3. Board powers and duties. (1) The board shall:
(a) certify domestic violence counselors and facilitators who provide offender intervention programs for compliance with state law and the rules of the board;
(b) adopt rules:
(i) for certification requirements for facilitators for psychoeducational groups;
(ii) for certification requirements for domestic violence counselors;
(iii) for application forms, for establishing fees for certification and renewal of certification, and for establishing renewal dates;
(iv) for training programs and continuing education requirements to promote the quality of offender intervention counseling;
(v) necessary to implement the provisions of [sections 1 through 15];
(vi) specifying the scope of assessments;
(vii) specifying the scope of offender intervention counseling and psychoeducational group counseling;
(viii) concerning notification of victims;
(ix) concerning victim and offender confidentiality; and
(x) for complaints against and discipline of certified domestic violence counselors and certified facilitators;
and
(c) compile a list of certified offender intervention programs by March 1, 2004, and provide the list upon request either electronically or by mail.
(2) Fees established by the board must be commensurate with the costs of the function for which the fee is

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charged."

Insert: "NEW SECTION. Section 4. Domestic violence counselor and facilitator certification. (1) In order to be a certified domestic violence counselor, an individual must:

(a) have a master's degree or a doctoral degree and be licensed in psychiatry, psychology, social work, or professional counseling or have a master's degree in one of those fields;

(b) be active in the supervision stage of the licensed field; and

(c) have completed training and experience as required by the rules of the board.

(2) In order to be a certified facilitator, an individual must have a bachelor's degree in human services or the equivalent experience and training as determined by the board and have completed training and experience as required by the rules of the board. "

Insert: "NEW SECTION. Section 5. Qualifications required -- exceptions. (1) (a) Except as otherwise provided in [sections 1 through 15], a person may not practice as a certified domestic violence counselor or as a certified facilitator for psychoeducational groups or represent to the public that the person is certified to provide the specified counseling unless the person is in compliance with the provisions of [sections 1 through 15] or the person is subject to an exception created by [sections 1 through 15] or by a rule adopted by the board.

(b) Persons providing domestic violence counseling or facilitation services must be certified by January 1, 2004.

(2) If a certified domestic violence counselor or certified facilitator who provides offender intervention counseling was convicted of an assault on a partner or family member, at least 3 violence-free years must have passed after the conviction before the certified domestic violence counselor or certified facilitator may provide services in an offender intervention program."

Renumber: subsequent sections

13. Page 5, line 6.

Following: "violence"

Insert: "certified domestic violence"

14. Page 5, line 7.

Following: "facilitators"

Insert: "and certified facilitators"

15. Page 6, line 14.

Following: line 13

Insert: "NEW SECTION. Section 7. Preliminary offender intervention assessment. (1) Offenders shall complete a preliminary assessment for counseling and psychoeducational groups. The assessment must include a review of the offender's need for counseling, referrals, attendance at psychoeducational groups, and other treatment, including chemical dependency treatment.

(2) Issues reviewed in the preliminary assessment must include:

(a) the offender's history of violence, including prior arrests;

(b) power and control issues;

(c) mental health issues;

(d) gender bias;

(e) a risk assessment;

(f) chemical dependency issues; and

(g) any other characteristic that would make the offender unable to participate meaningfully in group sessions.

(3) The certified domestic violence counselor must have access to a copy of the investigative criminal justice report to assist with the counseling assessment. At the conclusion of the preliminary assessment, the certified domestic violence counselor shall recommend that the offender complete the appropriate referrals for counseling and treatment,

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including chemical dependency treatment, and the appropriate number of counseling sessions and psychoeducational group meetings based on the assessment. The recommended referral may not be less than 25 hours."

Insert: "NEW SECTION. Section 8. Offender intervention program content. (1) The offender intervention program must focus on the offender's actions. The program must emphasize the victim's right to safety and control over the victim's own life. The program must explore power, control, and attachment issues, the impact of domestic violence on the victim and children, and gender in relationships. Topics covered by psychoeducational groups must include society's myths and attitudes about gender and domestic violence.

(2) An offender intervention program may charge fees on a sliding scale to assist the program in providing services to offenders from all economic backgrounds."

Renumber: subsequent sections

16. Page 7, line 2.

Following: line 1

Insert: "NEW SECTION. Section 10. Offender intervention counseling groups. Offender intervention counseling sessions and psychoeducational groups must be conducted in a group format with one male and one female certified domestic violence counselor or certified facilitator if staffing is available. Groups must be limited to 15 offenders in a group."

Renumber: subsequent sections

17. Page 7, line 6.

Following: "violence"

Insert: "certified domestic violence"

Following: "facilitator"

Insert: "or certified facilitator"

18. Page 7, line 7.

Following: "violence"

Insert: "certified domestic violence"

Following: "facilitator"

Insert: "or certified facilitator"

19. Page 7, line 13.

Following: "violence"

Insert: "certified domestic violence"

Following: "facilitator"

Insert: "or certified facilitator"

20. Page 7, line 15.

Following: "violence"

Insert: "certified domestic violence"

Following: "facilitator"

Insert: "or certified facilitator"

21. Page 8, line 18.

Following: line 17

Insert: "NEW SECTION. Section 12. Offender intervention counseling exception. If an offender's residence is greater than 75 miles from a certified domestic violence counselor, a certified facilitator, or an offender intervention

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program that provides offender intervention counseling, the offender may complete the required counseling with an available counseling provider who most closely matches the requirements in [sections 1 through 15]."

Insert: "NEW SECTION. Section 13. Unprofessional conduct complaint -- sanctions. (1) A formal complaint alleging unprofessional conduct by a certified domestic violence counselor or certified facilitator may be directed to the board. The allegations must be made by an affidavit, subscribed and sworn to by the person making it, and filed with the board.

(2) The complaint may allege any unprofessional conduct as defined by board rule that constitutes a threat to the public health, safety, or welfare and that is inappropriate to the practice of a certified domestic violence counselor or certified facilitator.

(3) The board shall refer complaints of unprofessional conduct directly to the department.

(4) The board shall recommend to the department either that the person be cleared of any charges or that a sanction or combination of sanctions be imposed.

(5) The procedures in 37-1-307 through 37-1-318, regarding unprofessional conduct, apply to any proceeding under this section."

Insert: "NEW SECTION. Section 14. Deposit of fees. All fees received by the board must be deposited in the state treasury to the credit of a state special revenue fund for use by the board in its performance of its duties under [sections 1 through 15]."

Insert: "NEW SECTION. Section 15. Violation -- penalty. (1) A violation of any provision of [sections 1 through 15] is a misdemeanor.

(2) A person convicted of a violation of [sections 1 through 15] shall be imprisoned in the county jail for a period not to exceed 6 months, fined not more than \$500, or both. A person convicted of a second offense shall be punished by both a fine and imprisonment."

Renumber: subsequent sections

22. Page 10, line 4.

Following: "~~15~~"

Strike: "4"

Insert: "15"

23. Page 11, line 9.

Following: "~~21~~"

Strike: "1"

Insert: "2"

24. Page 11, line 10.

Following: "~~21~~"

Strike: "1"

Insert: "2"

25. Page 11, line 18.

Following: "~~21~~"

Strike: "1"

Insert: "2"

26. Page 11, line 20.

Following: "~~21~~"

Strike: "1"

Insert: "2"

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27. Page 12, line 10.

Following: line 9

Insert: "(d) An individual who administers a preliminary assessment for counseling, provides counseling, or facilitates psychoeducational groups under this section must be certified by the board of social work examiners and professional counselors as provided in [sections 1 through 15]."

28. Page 12, line 29.

Following: line 28

Insert: "NEW SECTION. Section 18. Grandfather clause -- transition. A person providing domestic violence counseling services or facilitator services to an offender convicted of an assault on a partner or family member on [the effective date of this section] may continue to provide those services without being certified, as provided in [sections 1 through 15], until January 1, 2004. After January 1, 2004, domestic violence counseling and facilitator services for offenders convicted of an assault on a partner or family member must be provided by certified individuals."

Renumber: subsequent sections

29. Page 12, line 29.

Following: "~~+5~~"

Strike: "4"

Insert: "15"

30. Page 13, line 1 through line 2.

Following: "~~+5~~."

Strike: remainder of line 1 through "4" on line 12

Insert: " Title 37, chapter 23, and the provisions of Title 37, chapter 23, apply to [sections 1 through 15]"

Amendment **not** adopted as follows:

Yeas: Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Ellingson, Elliott, Grimes, Grosfield, Hargrove, Harrington, Jergeson, Johnson, Kitzenberg, Miller, Pease, Roush, Stapleton, Tash, Thomas, Wells, Zook, Mr. President.
Total 23

Nays: Berry, Bishop, Butcher, Christiaens, Cobb, Doherty, Ekegren, Franklin, Glaser, Halligan, Holden, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Ryan, Shea, Sprague, Stonington, Taylor, Tester, Toole, Waterman.
Total 25

Absent or not voting: Ellis, Keenan.

Total 2

Excused: None.

Total 0

HB 313 - Senator Grimes moved **HB 313**, as amended, be concurred in. Motion carried as follows:

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

Total 40

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Nays: Butcher, Ekegren, Glaser, Holden, Mahlum, McNutt, Mohl, Sprague.
Total 8

Absent or not voting: Elliott, Shea.
Total 2

Excused: None.
Total 0

HB 589 - Senator Grimes moved **HB 589** be concurred in. Motion carried with Senator R. Johnson voting nay.

HB 596 - Senator Mahlum moved **HB 596** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cole, Crismore, DePratu, Ekegren, Glaser, Hargrove, Harrington, Holden, Keenan, Kitzenberg, Mahlum, McNutt, Mohl, O'Neil, Roush, Shea, Sprague, Tash, Taylor, Thomas, Zook, Mr. President.
Total 26

Nays: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Grimes, Grosfield, Halligan, Jergeson, Johnson, McCarthy, Miller, Nelson, Ryan, Stapleton, Stonington, Tester, Toole, Waterman, Wells.
Total 21

Absent or not voting: Cobb, Ellis, Pease.
Total 3

Excused: None.
Total 0

HB 605 - Senator Crismore moved **HB 605** be concurred in. Motion carried as follows:

Yeas: Berry, Cocchiarella, Cole, Crismore, DePratu, Elliott, Ellis, Glaser, Grimes, Grosfield, Hargrove, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Thomas, Wells, Mr. President.
Total 25

Nays: Bishop, Bohlinger, Butcher, Christiaens, Doherty, Ellingson, Franklin, Halligan, Harrington, Holden, Jergeson, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Taylor, Tester, Toole, Waterman.
Total 22

Absent or not voting: Cobb, Ekegren, Zook.
Total 3

Excused: None.
Total 0

Senator Grimes reassumed the chair.

HB 626 - Senator Jergeson moved **HB 626** be concurred in. Motion carried as follows:

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Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 41

Nays: Doherty, Elliott, Holden, Mohl, O'Neil, Pease, Roush.
Total 7

Absent or not voting: Ellis, Sprague.
Total 2

Excused: None.
Total 0

HB 637 - Senator Halligan moved **HB 637**, second reading copy, be amended as follows :

1. Page 1, line 30.

Following: "community-based"

Insert: ", including faith-based,"

Amendment **adopted** unanimously.

HB 637 - Senator Halligan moved **HB 637**, as amended, be concurred in. Motion carried unanimously.

HJR 19 - Senator Grosfield moved **HJR 19** be concurred in. Motion carried as follows:

Yeas: Berry, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Holden, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Sprague, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 28

Nays: Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Johnson, McCarthy, Pease, Ryan, Shea, Stapleton, Stonington, Toole, Waterman.
Total 20

Absent or not voting: Glaser, Tester.
Total 2

Excused: None.
Total 0

HJR 27 - Senator Cole moved **HJR 27** be concurred in. Motion carried unanimously.

HB 437 - Senator Keenan moved **HB 437** be concurred in. Motion carried as follows:

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Yeas: Bishop, Christiaens, Cobb, Cocchiarella, Doherty, Elliott, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Tester, Thomas, Toole, Waterman, Zook.

Total 29

Nays: Berry, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Holden, Keenan, McNutt, Miller, Mohl, O'Neil, Stapleton, Taylor, Wells, Mr. President.

Total 18

Absent or not voting: Bohlinger, Ellingson, Johnson.

Total 3

Excused: None.

Total 0

HB 628 - Senator Nelson moved **HB 628**, second reading copy, be amended as follows :

1. Title, line 4.

Strike: "MEDIATION"

Insert: "ALTERNATIVE DISPUTE RESOLUTION"

2. Title, line 5.

Strike: "MEDIATION"

Insert: "ALTERNATIVE DISPUTE RESOLUTION"

3. Title, lines 6 and 7.

Strike: "MEDIATION" on line 6

Insert: "ALTERNATIVE DISPUTE RESOLUTION"

Following: the second "FOR" on line 6

Strike: remainder of line 6 through the first "MEDIATION" on line 7

Insert: "AN ALTERNATIVE DISPUTE RESOLUTION"

Strike: the second "MEDIATION" on line 7

Insert: "ALTERNATIVE DISPUTE RESOLUTION"

4. Title, line 8.

Strike: "MEDIATION"

Insert: "ALTERNATIVE DISPUTE RESOLUTION"

5. Title, line 9.

Strike: "MEDIATION"

Insert: "ALTERNATIVE DISPUTE RESOLUTION"

6. Title, line 10.

Strike: "MEDIATION"

Insert: "ALTERNATIVE DISPUTE RESOLUTION"

7. Title, line 11.

Strike: "MEDIATION"

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Insert: "ALTERNATIVE DISPUTE RESOLUTION"

8. Page 1, line 16.

Strike: "mediation"

Insert: "alternative dispute resolution"

9. Page 1, line 18.

Strike: "mediation"

Insert: "alternative dispute resolution"

10. Page 1, line 27.

Strike: "mediation"

Insert: "alternative dispute resolution"

11. Page 1, line 29.

Strike: "mediation"

Insert: "alternative dispute resolution"

12. Page 2, line 2.

Strike: "mediation"

Insert: "alternative dispute resolution"

13. Page 2, line 5.

Strike: "mediation"

Insert: "alternative dispute resolution"

14. Page 2, line 6.

Strike: "mediation"

Insert: "alternative dispute resolution"

15. Page 2, line 10.

Strike: "mediation"

Insert: "alternative dispute resolution"

16. Page 2, line 11.

Strike: "mediation"

Insert: "alternative dispute resolution"

17. Page 2, line 12.

Strike: "Mediation"

Insert: "Alternative dispute resolution"

18. Page 2, line 15.

Strike: "MEDIATION"

Insert: "ALTERNATIVE DISPUTE RESOLUTION"

19. Page 2, line 16.

Strike: "mediation"

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Insert: "alternative dispute resolution"

20. Page 2, line 25.

Strike: "mediation"

Insert: "alternative dispute resolution"

21. Page 2, line 27.

Strike: "mediation"

Insert: "alternative dispute resolution"

22. Page 2, line 28.

Strike: "mediation"

Insert: "alternative dispute resolution"

23. Page 2, line 29.

Strike: "mediation"

Insert: "alternative dispute resolution"

24. Page 3, line 1.

Strike: "mediation"

Insert: "alternative dispute resolution"

25. Page 3, line 2.

Strike: "mediation"

Insert: "alternative dispute resolution"

26. Page 3, line 5.

Strike: "Mediation"

Insert: "Alternative dispute resolution"

Strike: "mediation"

Insert: "alternative dispute resolution"

27. Page 3, line 6.

Strike: "mediation"

Insert: "alternative dispute resolution"

Strike: "A MEDIATION"

Insert: "an alternative dispute resolution"

28. Page 3, line 9.

Strike: "a mediation"

Insert: "an alternative dispute resolution"

Strike: "A MEDIATION"

Insert: "an alternative dispute resolution"

29. Page 3, line 10.

Strike: "MEDIATION"

Insert: "alternative dispute resolution"

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30. Page 3, line 25.

Following: "of"

Strike: "mediation"

Insert: "alternative dispute resolution"

Following: "The"

Strike: "mediation"

Insert: "alternative dispute resolution"

31. Page 4, line 6.

Strike: "Mediation"

Insert: "Alternative dispute resolution"

Strike: "mediation"

Insert: "alternative dispute resolution"

32. Page 4, line 16.

Strike: "mediation"

Insert: "alternative dispute resolution"

33. Page 4, line 21.

Strike: "mediation"

Insert: "alternative dispute resolution"

34. Page 4, line 23.

Strike: "mediation"

Insert: "alternative dispute resolution"

35. Page 4, line 29.

Strike: the first "mediation"

Insert: "alternative dispute resolution"

Strike: the second "mediation"

Insert: "alternative dispute resolution"

36. Page 5, line 4.

Strike: "mediation"

Insert: "alternative dispute resolution"

37. Page 5, line 7.

Strike: "mediation"

Insert: "alternative dispute resolution"

38. Page 5, line 9.

Strike: "mediation"

Insert: "alternative dispute resolution"

39. Page 5, line 14.

Strike: "mediation"

Insert: "alternative dispute resolution"

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40. Page 5, line 15.

Strike: "mediation"

Insert: "alternative dispute resolution"

41. Page 7, line 2.

Strike: "mediation"

Insert: "alternative dispute resolution"

Amendment **adopted** unanimously.

HB 628 - Senator Nelson moved **HB 628**, as amended, be concurred in. Motion carried unanimously.

HJR 34 - Senator Hargrove moved **HJR 34** be concurred in. Motion carried unanimously.

HB 66 - Senator Keenan moved consideration of **HB 66** be placed at the bottom of the second reading board. Motion carried unanimously.

HB 491 - Senator Elliott moved consideration of **HB 491** be placed below HB 505 on the second reading board. Motion carried.

HB 505 - Senator Berry moved **HB 505** be concurred in. Motion carried unanimously.

HB 491 - Senator Elliott moved **HB 491** be concurred in. Motion carried unanimously.

HB 66 - Senator Halligan moved **HB 66** be concurred in.

HB 66 - Senator Beck made a **substitute motion** that **HB 66** be **indefinitely postponed**. Motion carried as follows:

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

Total 29

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

Total 19

Absent or not voting: Bohlinger, Johnson.

Total 2

Excused: None.

Total 0

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Grimes moved the Committee of the Whole report be adopted. Senator Keenan made a substitute motion that **HB 637** be **segregated** from the Committee of the Whole Report and the remainder of the report be adopted. Report adopted unanimously.

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MOTIONS

HB 637 - Senator Keenan moved that **HB 637** be rereferred to the committee on Finance. Motion carried.

MESSAGES FROM THE GOVERNOR

March 30, 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 53** sponsored by Senator Roush, **Senate Bill 55** sponsored by Senator Cole, **Senate Bill 91** sponsored by Senator Tash, **Senate Bill 161** sponsored by Senator Hargrove, **Senate Bill 165** sponsored by Senator Cole et al., **Senate Bill 209** sponsored by Senator Waterman, **Senate Bill 234** sponsored by Senator Tester et al., **Senate Bill 252** sponsored by Senator Cocchiarella, **Senate Bill 269** sponsored by Senator McNutt et al., **Senate Bill 370** sponsored by Senator Halligan, and **Senate Bill 421** sponsored by Senator F. Thomas et al. On March 30, 2001.

Sincerely,
JUDY MARTZ
Governor

FIRST READING AND COMMITMENT OF BILLS

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

SR 22, introduced by Hargrove (by request of the Senate State Administration Standing Committee), referred to State Administration.

The following House bills were introduced, read first time, and referred to committee:

HB 69, introduced by McCann (by request of the Legislative Finance Committee), referred to Natural Resources.

HB 121, introduced by D. Mood (by request of the Governor), referred to Taxation.

HB 248, introduced by J. Tropila, E. Clark, Galvin-Halcro, Gillan, Lenhart, Shea, Story, Witt, referred to Taxation.

HB 357, introduced by Fuchs, referred to Business and Labor.

HB 420, introduced by Shockley, referred to Natural Resources.

HB 474, introduced by Sliter, referred to Energy and Telecommunications.

HB 577, introduced by McCann (by request of the House Joint Appropriations Subcommittee on Long Range Planning), referred to Finance.

HB 598, introduced by Brueggeman, Beck, Clancy, DePratu, Fisher, Glaser, Kasten, Keenan, McGee, McNutt, D. Mood, Sliter, Taylor, F. Thomas, Vick, J. Wells, Witt, Zook, referred to Finance.

HB 600, introduced by Bookout-Reinicke, referred to Taxation.

HB 617, introduced by Balyeat, Adams, Beck, Bohlinger, R. Brown, Brueggeman, Butcher, Clancy, E. Clark, Crismore, Curtiss, Dale, Davies, DePratu, Fisher, G. Forrester, Fuchs, Grimes, Haines, Kasten, Keenan, Laible, Lewis,

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Matthews, McGee, K. Miller, D. Mood, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Sliter, Sprague, Steinbeisser, Taylor, B. Thomas, F. Thomas, Vick, Waddill, Waitschies, Walters, J. Wells, J. Whitaker, Witt, Wolery, referred to Taxation.

HB 619, introduced by Harris, Branae, Callahan, Carney, Cyr, Fritz, Gillan, Golie, Gutsche, Hurdle, Jacobson, Laslovich, Lee, Lindeen, Mangan, Newman, Raser, referred to Taxation.

HB 623, introduced by Mangan, Fritz, Golie, Lenhart, Matthews, Schmidt, referred to Taxation.

HB 632, introduced by D. Mood, Beck, Cocchiarella, Doherty, Gillan, McGee, Sliter, referred to Energy and Telecommunications.

HB 636, introduced by Fuchs, referred to Taxation.

HB 639, introduced by Barrett, Masolo (by request of the Secretary of State), referred to Taxation.

HB 640, introduced by McGee, referred to Taxation.

HB 642, introduced by Story, DePratu (by request of the House Taxation Standing Committee), referred to Taxation.

HB 643, introduced by Juneau, Smith, referred to Energy and Telecommunications.

HB 644, introduced by Pattison, Cole, referred to Taxation.

HB 645, introduced by Mangan, F. Thomas, referred to Energy and Telecommunications.

HB 646, introduced by Golie, Bixby, Bohlinger, Branae, Callahan, Carney, Christiaens, Cyr, Dell, Facey, Fritz, Galvin-Halcro, Gillan, Gutsche, Hedges, Keane, Laslovich, Lee, Lenhart, Lindeen, Matthews, Nelson, Ryan, Schmidt, Smith, Tash, Tester, Tramelli, referred to Energy and Telecommunications.

HB 647, introduced by Gillan, Dell, G. Forrester, Gallus, Mangan, referred to Energy and Telecommunications.

HB 650, introduced by D. Mood, Taylor, referred to Business and Labor.

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

HJR 38, introduced by Waddill, Andersen, Bales, Balyeat, Berry, Bishop, Bitney, Bixby, Bohlinger, Dee Brown, R. Brown, Brueggeman, Buzzas, Carney, Christiaens, Clancy, E. Clark, P. Clark, Cocchiarella, Curtiss, Cyr, Dale, Dell, DePratu, Devlin, Doherty, Ellingson, Ellis, Esp, Fisher, G. Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Glaser, Golie, Grimes, Grosfield, Haines, Halligan, Hargrove, Harrington, Harris, Himmelberger, Jackson, Jacobson, Jayne, Jent, Jergeson, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, McGee, McNutt, Nelson, Noennig, O'Neil, Olson, Pattison, Pease, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Roush, Ryan, Schmidt, Schrumpf, Shea, Sliter, Somerville, Sprague, Steinbeisser, Stonington, Tash, Taylor, Tester, B. Thomas, F. Thomas, Toole, Tramelli, J. Tropila, Wanzenried, Waterman, J. Wells, J. Whitaker, Witt, Wolery, C. Younkin, Zook, referred to State Administration.

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:

HB 2, as amended by the Senate, concurred in as follows:

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

Total 42

Nays: Cobb, Elliott, Harrington, Kitzenberg, Mohl, Pease, Wells.

Total 7

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Absent or not voting: None.
Total 0

Excused: Bohlinger.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 9:00 a.m., Saturday, March 31, 2001. Motion carried.

Senate adjourned at 5:18 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate