

**SENATE JOURNAL
57TH LEGISLATURE
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
April 17, 2001

Senate Chambers
State Capitol

Senate convened at 11:00 a.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Grimes and Stonington, excused. Quorum present.

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

Senator Grimes present at this time.

Miller, Chairman

SPECIAL ORDERS OF THE DAY

Senator O'Neil introduced the Flathead Valley Home School Choir, who performed for the Senate.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 4/17/2001
Correctly printed: SR 24, HJR 37.
Correctly enrolled: SB 65, SB 129, SB 445, SB 483, SB 510.
Examined by the sponsor and found to be correct: SB 65, SB 129, SB 445, SB 483, SB 510.
Signed by the Speaker at 8:15 a.m., April 17, 2001: SB 494.
Signed by the Secretary of Senate at 9:40 a.m., April 17, 2001: SB 494.
Signed by the President at 2:30 p.m., April 17, 2001: SB 80, SB 134, SB 168, SB 179, SB 191, SB 258, SB 263, SB 264, SB 281, SB 303, SB 315, SB 346, SB 350, SB 376, SB 393, SB 484.
Delivered to the Governor for approval at 9:45 a.m., April 17, 2001: SB 494.
Delivered to the Secretary of State at 1:10 p.m., April 17, 2001: SJR 2.

FINANCE (Keenan, Chairman): 4/17/2001
HB 14, be concurred in. Report adopted.

STATE ADMINISTRATION (Hargrove, Chairman): 4/17/2001
PRELIMINARY REPORT
SR 24, be adopted. Report adopted.

MESSAGES FROM THE GOVERNOR

April 16, 2001

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

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Dear Senator Beck:

Please be informed that I have signed **Senate Bill 144** sponsored by Senator Nelson et al., **Senate Bill 290** sponsored by Senator Franklin et al., and **Senate Bill 354** sponsored by Senator Crismore et al on April 16, 2001.

Sincerely,

JUDY MARTZ
Governor

MESSAGES FROM THE OTHER HOUSE

HB 600 - The House **dissolved** the Conference Committee on Senate amendments to HB 600, and authorized the Speaker to appoint the following **Free** Conference Committee and requests the Senate to appoint a like committee to confer on **HB 600**. The Speaker appointed the following members:

4/16/2001

Representative Story, Vice Chairman
Representative Devlin
Representative Forrester

MOTIONS

SB 242 - Majority Leader Thomas moved that the **Free** Conference Committee on SB 242 **be dissolved** and that the President be authorized to appoint a new **Free** Conference Committee to meet with a like committee from the House to confer on **SB 242**. Motion carried. The President appointed the following members:

Senator Miller, Chairman
Senator O'Neil
Senator Toole

SB 386 - Majority Leader Thomas moved that the President be authorized to appoint a **Free** Conference Committee to SB 386 and requested that the House appoint a like committee to confer on **SB 386**. Motion carried. The President appointed the following members:

Senator Grimes, Chairman
Senator Bishop
Senator Waterman

HB 226 - Majority Leader Thomas moved that the president be authorized to appoint a **Conference Committee** to meet with a like committee from the House to confer on Senate amendments to **HB 226**. Motion carried. The President appointed the following members:

Senator Holden, Chairman
Senator Zook
Senator Jergeson

HB 625 - Majority Leader Thomas moved that the president be authorized to appoint a **Conference Committee** to meet with a like committee from the House to confer on Senate amendments to **HB 625**. Motion carried. The President appointed the following members:

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Senator Glaser, Chairman
Senator Cobb
Senator Ellingson

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

Session I

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

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

SB 92 - House Amendments - Senator Halligan moved House amendments to **SB 92** be concurred in. Motion carried unanimously.

SB 394 - House Amendments - Senator Shea moved House amendments to **SB 394** be concurred in. Motion carried unanimously.

SB 398 - House Amendments - Senator K. Miller moved House amendments to **SB 398** be **not** concurred in. Motion carried unanimously.

SJR 22 - Senator Grimes moved **SJR 22**, second reading copy, be amended as follows :

1. Page 2, line 11.

Strike: "and"

2. Page 2.

Following: line 11

Insert: "(6) the feasibility of recreating the Health Care Advisory Council; and"

Renumber: subsequent subsection

Amendment **adopted** unanimously.

SJR 22 - Senator Christiaens moved **SJR 22**, as amended, be adopted. Motion carried unanimously.

HB 214 - Conference Committee Report No. 1 - Senator Berry moved the Conference Committee report to **HB 214** be adopted. Motion carried unanimously.

HB 216 - Free Conference Committee Report No. 1 - Senator R. Holden moved the Free Conference Committee report to **HB 216** be adopted. Motion carried unanimously.

HB 266 - Conference Committee Report No. 1 - Senator K. Miller moved the Conference Committee report to **HB 266** be adopted. Motion carried unanimously.

HB 324 - Conference Committee Report No. 1 - Senator Grimes moved the Conference Committee report to **HB 324** be adopted. Motion carried unanimously.

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HB 603 - Conference Committee Report No. 1 - Senator Grimes moved the Conference Committee report to **HB 603** be adopted. Motion carried unanimously.

Senator Stonington present at this time.

HJR 35 - Senator Bohlinger moved **HJR 35** be concurred in. Motion carried unanimously.

HJR 37 - Senator Berry moved **HJR 37** be concurred in. Motion carried unanimously.

HJR 40 - Senator Butcher moved **HJR 40** be concurred in. Motion **failed** as follows:

Yeas: Bohlinger, Butcher, Christiaens, Cobb, Doherty, Ellingson, Elliott, Franklin, Glaser, Halligan, Hargrove, Jergeson, Miller, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stonington, Tester, Toole, Waterman, Wells.
Total 24

Nays: Berry, Bishop, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Grimes, Grosfield, Harrington, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Ryan, Stapleton, Tash, Taylor, Thomas, Zook, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 40 - President Beck moved that **HJR 40** be **indefinitely postponed**. Motion carried as follows:

Yeas: Berry, Bishop, Cole, Crismore, DePratu, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Harrington, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Ryan, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Zook, Mr. President.
Total 28

Nays: Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Glaser, Halligan, Jergeson, Miller, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Toole, Waterman, Wells.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 41 - Senator Ellis moved **HJR 41** be concurred in. Motion carried unanimously.

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

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adopted. Report adopted unanimously.

SPECIAL ORDERS OF THE DAY

SR 23 - Senator Hargrove moved that **SR 23**, concurring in, confirming, and consenting to the nominations and appointments made by the Governor and submitted to the Senate, be adopted and that the yeas and nays be spread upon the journal. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

HJR 40 - Senator Shea moved that she be allowed to change her vote on HJR 40, second reading this day, from nay to yea. Motion carried.

HJR 40 - Senator Toole moved that he be allowed to change his vote on HJR 40, second reading this day, from nay to yea. Motion carried.

SB 398 - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee**, and request the House to appoint a like committee to confer on **SB 398**. Motion carried. The President appointed the following members:

Senator McNutt, Chairman
Senator Ellis
Senator Ryan

SB 432 - Majority Leader Thomas moved that the **Conference Committee** on SB 432 be **dissolved** and that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House to confer on **SB 432**. Motion carried. The President appointed the following members:

Senator Bohlinger, Chairman
Senator Taylor
Senator Harrington

REPORTS OF SELECT COMMITTEES

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CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 457**
Report No. 1, April 17, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 457** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 457** (reference copy – salmon) be amended as follows:

1. Title, line 5.

Strike: "20"

Insert: "25"

2. Page 1, line 16.

Strike: "20%"

Insert: "25%"

For the Senate:

Glaser, Chairman
Ryan
Stapleton

For the House:

Olson, Vice Chairman
Walters
Branæ

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 119**
Report No. 1, April 17, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 119**, met April 17, 2001, and considered:

1. Senate Committee on Judiciary amendments to third reading copy, dated March 7, 2001.

We recommend that Senate amendments to **House Bill 119** (reference copy – salmon) be accepted by the House.

For the House:

Shockley, Vice Chairman
Noennig
Newman

For the Senate:

J. Wells, Chairman
Beck
Shea

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 612**
Report No. 1, April 17, 2001

Mr. Speaker and Mr. President:

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We, your Conference Committee on **House Bill 612**, met April 17, 2001, and considered:

1. Senate Committee on State Administration amendments to third reading copy, dated March 23, 2001; and
2. Senate Committee of the Whole amendments to second house, second reading copy, dated March 27, 2001.

We recommend that **House Bill 612** (reference copy – salmon) be amended as follows:

1. Title, line 18 through line 23.

Strike: "PROVIDING" on line 18 through "ELECTION;" on line 23

Insert: "AND"

2. Title, line 25 through line 26.

Strike: "; AND PROVIDING EFFECTIVE DATES;"

3. Page 8, line 2.

Strike: "OR BUSINESS"

4. Page 9, line 2.

Strike: "OR BUSINESS"

5. Page 10, line 5.

Strike: "OR BUSINESS"

6. Page 11, line 8.

Strike: "OR BUSINESS"

7. Page 13, line 26 through page 22, line 6.

Strike: section 15 through section 35 in their entirety

For the House

R. Brown, Vice Chairman
Barrett
Dell

For the Senate:

Ellis, Chairman
Glaser
Shea

ANNOUNCEMENTS

Committee meetings were announced by chairmen.

MOTIONS

Majority Leader Thomas moved that the Senate stand in recess until the hour of 4:00 p.m. this legislative day. Motion carried.

The Senate recessed at 12:18 p.m.

The Senate reconvened at 4:05 p.m.

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Roll Call. All members present. Quorum present.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 441**
Report No. 1, April 17, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 441** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 441** (reference copy – salmon) be amended as follows:

1. Page 1, line 12 through line 26.

Strike: "WHEREAS" on line 12 through "MCHA." on line 26

2. Page 2, line 3.

Following: "directors"

Insert: "and the entities listed in subsection (2)"

3. Page 2.

Following: line 5

Insert: "(a) the need for alternative funding options;"

Renumber: subsequent subsections

4. Page 2, line 6.

Following: the first "the"

Insert: "adequacy of the"

5. Page 2, line 8.

Following: "association"

Insert: "and the individuals covered by the program"

6. Page 2.

Following: line 13

Insert: "(a) the association board of directors;"

Renumber: subsequent subsections

7. Page 2, line 14.

Following: "(a)"

Insert: "health-related"

8. Page 2, line 17.

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Strike: line 17 in its entirety
Renumber: subsequent subsections

9. Page 2, line 21.
Strike: "and"

10. Page 2, line 22.
Following: "community"
Insert: "; (j) a representative from a multiple employer welfare arrangement; and
(k) a member of the legislature"

11. Page 2, line 23.
Following: "association"
Insert: "and the entities listed in subsection (2)"
Strike: "a proposal"
Insert: "alternative proposals and associated justification"

For the Senate:

Grimes, Chairman
Christiaens
Mohl (Unsigned)

For the House:

Laible, Vice Chairman
Matthews
Price

MESSAGES FROM THE GOVERNOR

April 17, 2001

The Honorable Tom Beck
President of the Senate
State Capitol
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 82**, "AN ACT REVISING THE LAWS RELATING TO THE PUBLIC MENTAL HEALTH SYSTEM AND MANAGED CARE; CONSOLIDATING MANAGED HEALTH CARE ENTITY FINANCIAL SOLVENCY PROVISIONS UNDER THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REDEFINING "MANAGED CARE COMMUNITY NETWORK"; REORGANIZING CERTAIN MENTAL HEALTH MANAGED CARE LAWS AND PUBLIC MENTAL HEALTH SYSTEM LAWS; PROVIDING A REQUIREMENT FOR A SYSTEM OF TRACKING CHILDREN WHO NEED MENTAL HEALTH SERVICES; REORGANIZING ELIGIBILITY FOR PUBLIC MENTAL HEALTH SERVICES; AMENDING sections 33-31-115,

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53-6-116, 53-6-131, 53-6-701, 53-6-702, 53-6-703, 53-21-701 and 53-21-702, MCA; AND REPEALING SECTION 53-21-704, MCA", for the following reasons.

I have no concerns with the objectives of SB 82, nor with its specific measures. I recommend, however, that two of the sections relating to eligibility be modified from 150% to 160% of the federal poverty threshold to coordinate with my intentions with respect to eligibility for the CHIP program. I have enclosed my amendment to that effect.

As you know, SB 82 originally proposed a maximum eligibility threshold of 200%, which was subsequently amended to 150%. It is my intention, however, to seek additional funding in HB 2 for an adjustment of the CHIP eligibility measure from 150% to 160% of the poverty threshold. Accordingly, my proposed amendment to SB 82 is simply intended to coordinate that gesture with the eligibility requirements for managed and public mental health care. To the extent that the eligibility requirements must ultimately be established by the department to correspond with available funding, any adjustment of the eligibility "ceiling" by 10% will have no effect unless additional funding is secured in HB 2. If that additional funding is not secured, the department will still have to establish eligibility at or below 150% to conform to the funding level.

Accordingly, my recommendation is intended to simply provide the flexibility to address the possible increase in the CHIP eligibility standard. Senator Keenan, the sponsor of the bill, has been advised of my recommendation and has no objections.

Sincerely,
JUDY MARTZ
Governor

c: Legislative Services Division
Office of Budget Program and Planning
Department of Public Health and Human Services

GOVERNOR'S AMENDMENTS TO **SENATE BILL NO. 82**
(Reference Bill --2nd Reading/2nd House [Tan])
Drafted by the Office of the Governor
April 17, 2001

1. Page 8, line 1
Strike: "150%"
Insert: "160%"

2. Page 11, line 10
Strike: "150%"
Insert: "160%"

April 17, 2001

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

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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 274**, "AN ACT REQUIRING AN INSURANCE INSTITUTION, ~~INSURANCE PRODUCER~~, OR INSURANCE-SUPPORT ORGANIZATION TO DISCLOSE SPECIFIC UNDERWRITING INFORMATION TO CERTAIN ENTITIES THAT HAVE OBTAINED OR THAT ADMINISTER GROUP HEALTH PLANS PROVIDED BY THEM; ~~AND PROVIDING THAT THE INFORMATION DISCLOSED MAY NOT INCLUDE ANY PERSONAL INFORMATION PERTAINING TO AN INDIVIDUAL COVERED BY AN ENTITY'S GROUP PLAN; AND PROVIDING THAT THE INFORMATION MAY BE REQUESTED ONCE PER YEAR~~", for the following reasons.

I have no concerns with the objectives of SB 274, or with its specific measures. I have, however, been asked by its sponsor, Senator Bob Keenan, to recommend an amendment to the bill that will conform it to what he understood was the intention of an amendment made to the bill in the House. I have enclosed my amendment to that effect.

As you know, SB 274 requires insurance institutions and insurance-support organizations to provide certain underwriting information to entities (i.e., associations sponsoring group health programs for members, self-insured groups, MEWA's, etc.) that secure coverage from the institutions/support-organizations. Senator Keenan has advised me that, when he agreed to the insertion of the language currently found in Section 1, ¶ 4 of the bill, he was under the impression that it would simply be added to the existing language in that provision. It was instead substituted for the existing language. Accordingly, I am recommending an amendment that will insert the original ¶ 4 language, with slight modification (substitution of the word "reasonable" for "enough"), as a new ¶ 5 in Section 1.

As noted above, the sponsor of this bill, Senator Keenan, has requested this amendatory recommendation. He has reviewed my proposal and agrees that it should be adopted by the Legislature.

Sincerely,
JUDY MARTZ
Governor

c: Legislative Services Division
Office of Budget Program and Planning
Department of Public Health and Human Services

GOVERNOR'S AMENDMENTS TO **SENATE BILL NO. 274**
(Reference Bill as Amended)
Drafted by the Office of the Governor
April 17, 2001

1. Page 2, line 9

Insert: "(5) An association provided for in subsection (2)(a) must be provided with reasonable information by its insurance institution or insurance support organization to enable the association to receive a bid or quote for coverage from other insurance entities."

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April 17, 2001

The Honorable Tom Beck
President of the Senate
State Capitol
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 338**, "AN ACT REVISING THE ELIGIBILITY CAP FOR THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM TO 150 PERCENT OF THE FEDERAL POVERTY LEVEL; PROVIDING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES WITH THE ABILITY TO LIMIT THE AMOUNT, SCOPE, OR DURATION OF SERVICES; ALLOWING THE DEPARTMENT TO MAKE DIRECT PAYMENTS TO HEALTH CARE PROVIDERS AND CONTRACT ON A FEE-FOR-SERVICES BASIS; AMENDING SECTIONS 53-4-1002, 53-4-1004, 53-4-1005, 53-4-1007, AND 53-4-1009, MCA; AND PROVIDING AN EFFECTIVE DATE", for the following reasons.

I have no concerns with the objectives of SB 338, nor with its specific measures. I recommend, however, that the eligibility figure be modified from 150% to 160% of the federal poverty threshold to coordinate with my intentions with respect to securing additional funding for the CHIP program. I have enclosed my amendment to that effect.

As you know, SB 338 originally proposed a maximum eligibility threshold for the CHIP program of 200%, which was subsequently amended to 150%. It is my intention, however, to seek additional funding in HB 2 for an adjustment of the CHIP eligibility measure from 150% to 160% of the poverty threshold. Accordingly, my proposed amendment to SB 338 is simply intended to coordinate the eligibility requirements in the statutory provisions specifically dealing with CHIP. To the extent that the eligibility requirements must ultimately be established by the department to correspond with available funding, any adjustment of the eligibility "ceiling" by 10% will have no effect unless additional funding is secured in HB 2. If that additional funding is not secured, the department will still have to establish eligibility at or below 150% to conform to the funding level.

Accordingly, my recommendation is intended to simply provide the flexibility to address the possible increase in the CHIP eligibility standard. Senator Berry, the sponsor of the bill, has been advised of my recommendation and has no objections.

Sincerely,
JUDY MARTZ
Governor

c: Legislative Services Division
Office of Budget Program and Planning
Department of Public Health and Human Services

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GOVERNOR'S AMENDMENTS TO **SENATE BILL NO. 338**

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

Drafted by the Office of the Governor

April 17, 2001

1. Title, line 5

Strike: "150"

Insert: "160"

2. Page 2, line 6

Strike: "150%"

Insert: "160%"

MOTIONS

HJR 40 - Senator Cocchiarella moved that the Senate reconsider its action in failing to adopt **HJR 40** on second reading this legislative day. Motion carried as follows:

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

Total 43

Nays: Crismore, Ekegren, Holden, Mohl, Stapleton, Tash, Zook.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

Session II

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

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

SB 457 - Conference Committee Report No. 1 - Senator Ryan moved the Conference Committee report to **SB 457** be adopted. Motion carried unanimously.

SB 514 - Conference Committee Report No. 1 - Senator Grosfield moved the Conference Committee report to **SB 514** be adopted. Motion carried unanimously.

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HB 119 - Conference Committee Report No. 1 - Senator J. Wells moved the Conference Committee report to **HB 119** be adopted. Motion carried unanimously.

HB 559 - Conference Committee Report No. 1 - Senator K. Miller moved the Conference Committee report to **HB 559** be adopted. After discussion, Senator Franklin made a **substitute motion** that the Conference Committee Report No. 1 on **HB 559** be **not** adopted. Motion **failed** as follows:

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

Total 22

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

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 559 - Conference Committee Report No. 1 - Thereupon, the Senate reverted to the original motion of Senator Miller, which carried as follows:

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

Total 32

Nays: Bishop, Bohlinger, Doherty, Ellingson, Elliott, Franklin, Grosfield, Halligan, Harrington, Jergeson, McCarthy, Pease, Roush, Ryan, Stonington, Tester, Toole, Waterman.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 605 - Free Conference Committee Report No. 1 - Senator Crismore moved the Free Conference Committee report to **HB 605** be adopted. Motion carried unanimously.

HB 612 - Conference Committee Report No. 1 - Senator Glaser moved the Conference Committee report to **HB 612** be adopted. Motion carried unanimously.

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

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unanimously.

MOTIONS

HB 5 - Majority Leader Thomas moved that the Conference Committee be **dissolved** and the President be authorized to appoint a **Free** Conference Committee to meet with a like committee from the House to confer on **HB 5**. Motion carried. The President appointed the following members:

Senator Tash, Chairman
Senator Stapleton
Senator Tester

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 11:00 a.m., Wednesday, April 18, 2001. Motion carried.

Senate adjourned at 5:16 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate