

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

Helena, Montana
April 7, 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, Franklin, Kitzenberg, Stapleton and Tester, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 4/7/2001

Correctly printed: HB 615, HB 639, HB 642, SR 22.

Correctly engrossed: SJR 20, HB 3, HB 4, HB 6, HB 8, HB 13, HB 247, HB 447, HB 526, HB 600, HB 608, HB 619, HB 623, HB 643, HB 644, HB 646, HB 650, HJR 38.

Correctly enrolled: SB 169, SB 171, SB 181, SB 218, SB 236, SB 237, SB 245, SB 253, SB 261, SB 265, SB 286, SB 288, SB 293, SB 298, SB 304, SB 309, SB 310, SB 311, SB 318, SB 319, SB 324, SB 328, SB 330, SB 354, SB 356, SB 359, SB 375, SB 377, SB 378, SB 405, SB 420, SB 426, SB 431, SB 433, SB 436, SB 442, SB 443, SB 448, SB 449, SB 450, SB 455, SB 459, SB 465, SB 480, SJR 6, SJR 8, SJR 16.

Signed by the President at 4:50 p.m., April 6, 2001: SB 89, SB 182, SB 256, SB 262, SB 274, SB 282, SB 300, SB 323, SB 357, SB 380, SB 387, SJR 17.

Signed by the President at 5:00 p.m., April 6, 2001: SB 128, SB 147, SB 226, SB 428, SB 479, SJR 18.

Signed by the President at 5:10 p.m., April 6, 2001: SB 31, SB 94, SB 145, SB 163, SB 279, SB 440, SJR 9.

Signed by the President at 6:00 p.m., April 6, 2001: SB 3, SB 50, SB 51, SB 60, SB 77, SB 82, SB 96, SB 104, SB 108, SB 116, SB 130, SB 132, SB 138, SB 152, SB 167, SB 170, SB 197, SB 203, SB 204, SB 210, SB 221, SB 224, SB 241, SB 289, SB 305, SB 313, SB 340, SB 358, SB 360, SB 373, SJR 13.

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman): 4/7/2001

HB 625, be amended as follows:

1. Title, page 1, lines 4 through 6.

Following: the second "ACT"

Strike: "CREATING" on line 4 through "MONTANA;" on line 6

Insert: "REQUIRING THE GOVERNOR AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO CONDUCT A STUDY OF K-12 PUBLIC SCHOOL FUNDING AND RELATED ISSUES, CRITERION-BASED TESTING, AND TERRITORY TRANSFERS BETWEEN DISTRICTS; ESTABLISHING A LEGISLATIVE SELECT COMMITTEE ON PUBLIC SCHOOL FUNDING; REQUIRING THE GOVERNOR TO PREPARE AND SUBMIT A PRELIMINARY AND FINAL STUDY REPORT TO THE SELECT COMMITTEE AND, IF APPROPRIATE, PROPOSE LEGISLATION FOR THE 2003 LEGISLATURE; AUTHORIZING RECEIPT OF DONATIONS;"

Following: "~~APPROPRIATION;~~" on line 6

Insert: "PROVIDING APPROPRIATIONS;"

Following: "AN"

Insert: "IMMEDIATE"

2. Page 1, line 10 through page 3, line 10.

Strike: everything after the enacting clause

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Insert: "NEW SECTION. Section 1. K-12 public school funding study -- district territorial transfers -- criterion-based testing -- duties. (1) The governor and the superintendent of public instruction shall, within the provisions of the Montana constitution as interpreted by the Montana supreme court, conduct a study of funding for K-12 public schools, including but not limited to:

(a) analyzing the factors currently in law that are used to compute budget authority for schools to determine if additional factors or changes in those factors are necessary to equitably provide budget authority to public schools;

(b) determining if a statewide salary schedule for school staff is possible under the constitutional provision for trustee management of school districts;

(c) determining if the current budget computations are prohibiting or discouraging local decisions to consolidate school districts;

(d) determining the adequacy and equity of the current statutory authority for public schools to access the funds necessary to provide facilities for school districts and state support for school facility costs;

(e) determining the adequacy and equity of current funding for pupil transportation;

(f) determining if appropriate disparity exists in the current local tax effort necessary to fund school districts;

(g) analyzing the current allocation of state funds to public schools to determine its equity;

(h) determining if issues not listed in this section are affecting the equity of school funding in Montana and analyzing those issues;

(i) analyzing the school district structure that currently exists and determining if reducing the number of districts could provide efficiency in the operations of the districts and make existing resources available for classroom activities;

(j) determining ways to provide more accountability in Montana's educational system; and

(k) determining ways to accomplish territorial transfers between school districts.

(2) The governor, after consultation with the superintendent of public instruction, shall prepare and submit a preliminary report by April 1, 2002, on the findings and recommendations of the study to the select committee on public school funding established in [section 2].

(3) Upon receipt of the summary and recommendations from the select committee, the governor shall issue a final report and, if appropriate, prepare legislation for consideration by the 2003 legislature.

(4) The governor shall also, after consulting with the superintendent of public instruction, the board of public education, and other sources as the governor may consider appropriate, provide recommendations and, if appropriate, prepare legislation for consideration by the 2003 legislature for the adoption of possible criterion-based testing instruments and procedures to allow school districts and the public to evaluate the knowledge of Montana students in math, science, and reading.

(5) The governor may:

(a) appoint one or more advisory councils pursuant to 2-15-122 to assist in conducting the study;

(b) coordinate with any other legislative interim committee, as appropriate;

(c) request assistance from other legislative and executive branch agencies; and

(d) in addition to any legislative appropriation, accept donations for purposes of the study required in this section."

"NEW SECTION. Section 2. Select committee on public school funding -- duties. (1) There is a select committee on public school funding composed of eight members.

(2) The members must include:

(a) four members from the senate, not more than two of whom may be from one political party, appointed by the committee on committees; and

(b) four members from the house of representatives, not more than two of whom may be from one political party, appointed by the speaker of the house.

(3) The names of the committee members must be certified to the legislative services division by July 1, 2001.

(4) The committee is attached to the legislative services division for administrative and staff purposes.

(5) The committee shall:

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(a) hold hearings on the preliminary report prepared and submitted by the governor. The hearings must be held at various locations around the state to facilitate public comment on the governor's report.

(b) by August 1, 2002, provide a summary of the hearings and recommendations for changes to the report to the governor for the governor's consideration.

(6) Legislators serving on the committee must be reimbursed and compensated, as provided for in 5-2-302, for actual and necessary expenses incurred in attending meetings or conducting committee business.

Insert: "NEW SECTION. Section 3. Appropriations. (1) There is appropriated \$10,000 from the general fund to the governor's office for the biennium beginning July 1, 2001, to conduct the study provided for in [section 1].

(2) There is appropriated \$10,000 from the general fund to the legislative services division for the biennium beginning July 1, 2001, for the expenses of the select committee on public school funding."

Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

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

ENERGY AND TELECOMMUNICATIONS (Cole, Chairman):
HB 645, be amended as follows:

4/7/2001

1. Title, line 5.

Following: "SUPPLIER"

Insert: ", A DISTRIBUTION SERVICES PROVIDER,"

2. Title, line 7.

Following: "SUPPLIER"

Insert: ", THE DISTRIBUTION SERVICES PROVIDER,"

3. Page 1, line 22.

Following: line 21

Insert: "(2) During the transition period, an electrical energy supplier that is providing electrical energy to customers who are being served by a default supplier and who are participating in the electrical energy pool shall allow the electrical energy that is curtailed or conserved by those customers to be assigned to or sold to the electrical energy pool. "

Renumber: subsequent subsections

4. Page 1, line 23.

Following: "."

Insert: "The electrical energy pool must include electrical energy made available by reduced consumption of customers and may include electrical energy from a generator or supplier selling or assigning electrical energy to the electrical energy pool.

(4) If a generator or supplier offers to sell or assign electrical energy to the electrical energy pool for distribution to Montana customers who are paying market rates, the commission shall determine whether to accept the electrical energy into the pool and may place conditions upon the sale or assignment.

(5)"

Strike: "an individual"

Insert: "a"

Renumber: subsequent subsections

5. Page 1, line 24.

Following: "at"

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Insert: "or below"

Strike: "by the amount of 20% or more"

6. Page 1, line 25.

Strike: "may resell"

Insert: "shall assign"

7. Page 1, lines 26 and 27.

Strike: "other" on line 26 through "market rate" on line 27

Insert: "the electrical energy pool, as required by the commission"

8. Page 1, line 28.

Strike: "actual"

Insert: "weather-normalized"

9. Page 1, lines 29 and 30.

Strike: "prior" on line 29

Insert: "base"

Following: "customer" on line 29

Strike: remainder of line 29 through "goal" on line 30

Insert: "reducing electrical energy usage from the base period consumption"

10. Page 2, line 1.

Strike: "public service"

11. Page 2, line 3.

Strike: "a resale"

Insert: "an electrical energy pool"

Strike: "resold"

12. Page 2, line 4.

Following: line 3

Insert: "(7) A default supplier, a distribution services provider, or a public utility that provides services to administer the electrical energy pool must be allowed to recover its costs for providing the services in the manner determined by the commission.

(8) All electrical energy purchased from the electrical energy pool must be used by the customer for its facilities or operations in Montana. Electrical energy purchased from the electrical energy pool may not be resold by a customer for a profit.

(9) Subject to subsections (2) through (8), the commission:

(a) shall determine the rate for electrical energy pool sales and purchases of electrical energy from customer curtailments or conservation, the criteria for participation by buyers and sellers, and the method for allocation of available electrical energy to participating buying customers. The method of allocation must provide a preference for irrigation.

(b) shall adopt guidelines, criteria, methods, rates, and rules that it considers necessary to implement the electrical energy pool on an urgent basis in a manner that will afford relief to customers paying market rates as soon as possible; and

(c) may not discriminate among customers buying from the electrical energy pool by price or customer

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operating cost.

(10) The rules or tariffs to administer the electrical energy pool must be developed before July 1, 2001.

(11) The resale rate from the electrical energy pool to be paid by purchasing customers, as determined by the commission, must be sufficient to cover the full amount of the incentives paid to contracting customers and any other costs of the electrical energy pool."

13. Page 2, line 7.

Insert: "NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent section

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

FINANCE (Keenan, Chairman):

4/7/2001

HB 5, introduced bill, be amended as follows:

1. Page 2, line 20.

Strike: "150,000" [LRBP]

Insert: "100,000" [LRBP]

2. Page 3, following line 1.

Insert: "Develop Classroom/Lab Design, MSU-COT, Billings 50,000"[LRBP]

3. Page 3.

Following: line 5

Insert: "All construction, operation, and maintenance expenses of the Yellow Bay multi media center are to be paid by the center."

4. Page 3, line 10.

Following: "BUILDING"

Strike: "IS"

Insert: "addition are"

5. Page 3.

Following: line 17

Insert: "The university system and the information services division of the department of administration will work together to develop network plans or procedures that provide for the highest degree of bandwidth and cost-sharing capability between the university system and the department that is within technical specifications agreed to by the parties and is mutually beneficial to them. This obligation to cooperate and coordinate for the purpose of seeking mutually beneficial network arrangements applies to the intercity transport services acquired by the university system or the department of administration to meet the needs of the public broadcast system, including the utilization and sharing of excess capacity bandwidth to help meet the telecommunication needs of all state agencies in a manner that is both cost-effective and compatible with the efficient operation of the public broadcast system."

6. Page 4.

Strike: lines 11 and 12 in their entirety

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Renumber: subsequent subsections

7. Page 9, line 6.

Strike: "(a)"

8. Page 9, line 11.

Strike: "\$4,500,000" [LRBP]

Insert: "\$4,500,000"[Other Funding Sources, middle column]

9. Page 9.

Strike: lines 12 through 14 in their entirety

10. Page 11, line 3.

Strike: "Forestry/Journalism Addition"

Insert: "Forestry"

11. Page 12.

Following: line 3

Insert: "NEW SECTION. Section 15. Coordination instruction. If House Bill No. 14 is not passed and approved, projects that are funded by a combination of funding sources in both House Bill No. 5 and House Bill No. 14 will not be authorized by the governor's office of budget and program planning unless an alternative funding source is identified to provide full funding for the project."

Renumber: subsequent sections

And, as amended, be concurred. Report adopted.

HB 273, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "\$3.5 MILLION"

Insert: "\$3,415,928"

2. Page 2, line 3.

Strike: "\$3.5 million"

Insert: "\$3,415,928"

And, as amended, be concurred. Report adopted.

HB 516, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "MONTANA-MISSOULA"

Insert: "MONTANA"

2. Title, page 1, line 7.

Strike: "UNIVERSITY-BOZEMAN"

Insert: "UNIVERSITY"

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3. Page 1, line 14.

Strike: "\$19,331"

Insert: "\$32,331"

4. Page 1, line 15.

Strike: "19,968"

Insert: "32,968"

5. Page 1, line 17.

Strike: "Montana-Missoula"

Insert: "Montana"

Strike: "university-Bozeman"

Insert: "university"

And, as amended, be concurred. Report adopted.

HB 577, be concurred. Report adopted.

HB 610, be concurred. Report adopted.

HB 637, introduced bill, be amended as follows:

1. Page 4, line 13 through line 18.

Following: "**Appropriation.**" on line 13

Strike: "(1)" on line 13 through "(2)" on line 18

And, as amended, be concurred. Report adopted.

MESSAGES FROM THE GOVERNOR

April 6, 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 10** sponsored by Senator Stonington, **Senate Bill 38** sponsored by Senator Grimes, **Senate Bill 107** sponsored by Senator Franklin, **Senate Bill 146** sponsored by Senator Keenan, **Senate Bill 164** sponsored by Senator McNutt, **Senate Bill 184** sponsored by Senator Cobb, **Senate Bill 285** sponsored by Senator McNutt et al., **Senate Bill 306** sponsored by Senator Cocchiarella, and **Senate Bill 334** sponsored by Senator Grosfield on April 6, 2001.

Sincerely,
JUDY MARTZ
Governor

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MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/6/2001

SB 187, introduced by Cobb
SB 190, introduced by R. Johnson
SB 248, introduced by Grimes
SB 329, introduced by Roush
SB 333, introduced by Beck
SB 355, introduced by Crismore
SB 379, introduced by Tash
SB 408, introduced by McCarthy
SB 451, introduced by R. Johnson
SB 454, introduced by Waterman
SB 493, introduced by F. Thomas
SB 511, introduced by F. Thomas

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/6/2001

SB 57, introduced by R. Johnson
SB 514, introduced by Grosfield

Conference Committees appointed 4/6/2001

SB 242 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 242**: 4/6/2001

Representative Haines, Vice Chairman
Representative Bookout-Reinicke
Representative J. Tropila

SB 283 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 283**: 4/6/2001

Representative Noennig, Vice Chairman
Representative Holden
Representative Eggers

SB 320 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 320**: 4/6/2001

Representative Somerville, Vice Chairman
Representative Smith
Representative Devlin

SB 327 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 327**: 4/6/2001

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Representative Sliter, Vice Chairman
Representative Brueggeman
Representative Lindeen

SB 348 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 348**:
4/6/2001

Representative Laszloffy, Vice Chairman
Representative Somerville
Representative P. Clark

SB 390 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 390**:
4/6/2001

Representative Lawson, Vice Chairman
Representative Somerville
Representative Galvin-Halcro

SB 423 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 423**:
4/6/2001

Representative Andersen, Vice Chairman
Representative K. Peterson
Representative Jacobson

SB 427 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 427**:
4/6/2001

Representative Esp, Vice Chairman
Representative Price
Representative Mangan

SB 429 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 429**:
4/6/2001

Representative Fuchs, Vice Chairman
Representative Himmelberger
Representative Forrester

SB 432 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 432**:
4/6/2001

Representative McKenney, Vice Chairman
Representative Whitaker
Representative Mangan

SB 437 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 437**:

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4/6/2001

Representative Brueggeman, Vice Chairman
Representative Bales
Representative Jent

SB 441 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 441**:

4/6/2001

Representative Laible, Vice Chairman
Representative Price
Representative Matthews

SB 457 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 457**:

4/6/2001

Representative Olson, Vice Chairman
Representative Walters
Representative Branae

HB 612 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to **HB 612**:

4/6/2001

Representative R. Brown, Vice Chairman
Representative Barrett
Representative Dell

Free Conference Committees appointed:

4/6/2001

SB 185 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **free conference committee** to meet with a like committee from the Senate to confer on **SB 185**:

4/6/2001

Representative Walters, Vice Chairman
Representative Ripley
Representative Raser

SB 196 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **free conference committee** to meet with a like committee from the Senate to confer on **SB 196**:

4/6/2001

Representative Hedges, Vice Chairman
Representative Waitschies
Representative McCann

HB 573 - The House failed to concur in the Senate amendments to **HB 573**, and authorized the Speaker to appoint the following **free conference committee** and requested the Senate to appoint a like committee to confer on **HB 573**:

4/6/2001

Representative Bales, Vice Chairman
Representative Olson
Representative Matthews

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MOTIONS

HB 600 - Majority Leader Thomas moved that consideration of **HB 600** be placed at the top of the second reading board this day. Motion carried.

HB 639 - Majority Leader Thomas moved that consideration of **HB 639** be passed for the day. Motion carried.

HB 146 - Majority Leader Thomas moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House on Senate amendments to **HB 146**. Motion carried. The President appointed the following members:

Senator Grosfield, Chairman
Senator McNutt
Senator Halligan

HJR 32 - Majority Leader Thomas moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House on Senate amendments to **HJR 32**. Motion carried. The President appointed the following members:

Senator Bishop, Chairman
Senator Butcher
Senator Pease

Senator Franklin present at this time.

FIRST READING AND COMMITMENT OF BILLS

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

SJR 21, introduced by Grosfield, Bohlinger, Cole, DePratu, Ekegren, Ellingson, Harrington, Stonington (by request of the Senate Taxation Standing Committee), referred to Taxation.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJR 35, introduced by Harris, Bixby, Branae, Carney, Cyr, Dell, Eggers, R. Erickson, Facey, Galvin-Halcro, Gillan, Gutsche, Hurdle, Jacobson, Juneau, Kaufmann, Laslovich, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Wanzenried, Wolery, referred to Education and Cultural Resources.

HJR 37, introduced by Pattison, Callahan, Clancy, Gallus, Keane, McCann, Waitschies (by request of the House Transportation Standing Committee), referred to Highways and Transportation.

HJR 40, introduced by Bixby, referred to Education and Cultural Resources.

HJR 41, introduced by Andersen, referred to Education and Cultural Resources.

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

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

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

HB 600 - Senator Ellis moved **HB 600**, second reading copy, be amended as follows :

1. Page 2, line 3.

Strike: "80%"

Insert: "70%"

2. Page 2, line 9.

Strike: "30"

Insert: "80"

Amendment **adopted** unanimously.

HB 600 - Senator Ellis moved **HB 600**, as amended, be concurred in. Motion carried with Senator Toole voting nay..

HB 646 - Senator F. Thomas moved consideration of **HB 646** be placed at the top of the second reading board. Motion carried.

HB 646 - Senator Ryan moved **HB 646** be concurred in. Motion carried with Senators Elliott and Toole voting nay.

Senators Ellis and Ryan excused at this time.

SJR 20 - Senator Ellingson moved **SJR 20** be adopted. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Franklin, Glaser, Grosfield, Halligan, Harrington, Jergeson, Johnson, Mahlum, McCarthy, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Mr. President.

Total 34

Nays: Butcher, Ekegren, Hargrove, Holden, Keenan, McNutt, Miller, Wells, Zook.

Total 9

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Tester.

Total 7

HB 643 - Senator Doherty moved consideration of **HB 643** be placed at the top of the second reading board. Motion carried.

HB 643 - Senator Doherty moved **HB 643** be concurred in. Motion carried unanimously.

HB 357 - Senator Mahlum moved **HB 357** be concurred in. Motion **failed** as follows:

Yeas: Cocchiarella, Cole, Crismore, Doherty, Glaser, Harrington, Mahlum, McNutt, Roush, Sprague, Taylor.

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Total 11

Nays: Berry, Bishop, Bohlinger, Butcher, Christiaens, DePratu, Ekegren, Ellingson, Elliott, Franklin, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, McCarthy, Miller, Mohl, Nelson, O'Neil, Pease, Shea, Stonington, Tash, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 32

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Tester.

Total 7

HB 357 - Senator F. Thomas moved **HB 357** be **indefinitely postponed**. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, McCarthy, McNutt, Miller, Nelson, O'Neil, Pease, Shea, Sprague, Stonington, Tash, Thomas, Toole, Waterman, Zook, Mr. President.

Total 34

Nays: Cocchiarella, Cole, Crismore, Glaser, Mahlum, Mohl, Roush, Taylor, Wells.

Total 9

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Tester.

Total 7

HB 395 - Senator Christiaens moved **HB 395** be concurred in. Motion carried unanimously.

Majority Leader Thomas moved that **HB 293, FC, SB 28 CC, HB 154 FC and HB 172 CC be placed at the bottom of the second reading board.**

SB 48 - Conference Committee Report No. 1 - Senator Sprague moved the Conference Committee report to **SB 48** be adopted. Motion carried with Senator Keenan voting nay.

HB 619 - Senator Stonington moved **HB 619** be concurred in. Motion carried unanimously.

HB 623 - Senator Stonington moved **HB 623** be concurred in. Motion carried unanimously.

HB 642 - Senator Cole moved **HB 642** be concurred in. Motion carried unanimously.

HB 644 - Senator Cole moved **HB 644** be concurred in. Motion carried unanimously.

Senator Waterman excused at this time.

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HB 293 - Free Conference Committee Report No. 1 - Senator Franklin moved the Free Conference Committee report to **HB 293** be adopted. Motion carried with Senators Butcher, DePratu and Wells voting nay.

SB 28 - Conference Committee Report No. 1 - Senator Halligan moved the Conference Committee report to **SB 28** be adopted. Motion carried unanimously.

HB 154 - Free Conference Committee Report No. 1 - Senator Grosfield moved the Free Conference Committee report to **HB 154** be adopted. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Crismore, DePratu, Doherty, Ekegren, Ellingson, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Holden, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stonington, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 38

Nays: Elliott, Jergeson.

Total 2

Absent or not voting: Cole, Toole.

Total 2

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Tester, Waterman.

Total 8

HB 172 - Conference Committee Report No. 1 - Senator Tash moved the Conference Committee report to **HB 172** be adopted. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Glaser, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 35

Nays: Doherty, Ellingson, Elliott, Franklin, Harrington, Stonington, Toole.

Total 7

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Tester, Waterman.

Total 8

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

THIRD READING OF BILLS

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

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manner:

HB 3, as amended by the Senate, concurred in as follows:

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

Total 41

Nays: Mohl.

Total 1

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Tester, Waterman.

Total 8

HB 4, as amended by the Senate, concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Tester, Waterman.

Total 8

HB 6, as amended by the Senate, concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

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Total 0

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Tester, Waterman.

Total 8

HB 8 concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Tester, Waterman.

Total 8

HB 247 concurred in as follows:

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

Total 40

Nays: Bishop, Harrington.

Total 2

Absent or not voting: None.

Total 0

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Tester, Waterman.

Total 8

HB 447 concurred in as follows:

Yeas: Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Franklin, Glaser, Halligan, Harrington, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Pease, Roush, Shea, Sprague, Stonington, Tash, Taylor, Thomas, Toole, Zook, Mr. President.

Total 30

Nays: Berry, Bishop, Butcher, Ekegren, Grosfield, Hargrove, Holden, Miller, Mohl, Nelson, O'Neil, Wells.

Total 12

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Absent or not voting: None.
Total 0

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Tester, Waterman.
Total 8

HB 608 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stonington, Tash, Taylor, Thomas, Toole, Wells, Zook, Mr. President.
Total 42

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Tester, Waterman.
Total 8

HB 650 concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Elliott, Glaser, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stonington, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 36

Nays: Bishop, Christiaens, Doherty, Franklin, Harrington, Tester, Toole.
Total 7

Paired: O'Neil, Aye; Tester, No.

Absent or not voting: None.
Total 0

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Waterman.
Total 7

HJR 38 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stonington, Tash, Taylor, Thomas, Toole, Wells, Zook, Mr. President.
Total 42

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cobb, Ellis, Grimes, Kitzenberg, Ryan, Stapleton, Tester, Waterman.
Total 8

MOTIONS

HB 146 - Majority Leader Thomas moved that the President be authorized to reappoint members to the Conference Committee on **HB 146**. Motion carried. The President appointed the following members:

Senator Grimes, Chairman
Senator McNutt
Senator Halligan

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

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

Majority Leader Thomas moved that the Senate adjourn until 11:00 a.m., Monday, April 9, 2001. Motion carried.

Senate adjourned at 12:29 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate