

**SENATE JOURNAL
58TH LEGISLATURE
THIRTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
February 20, 2003

Senate Chambers
State Capitol

MOTIONS

Majority Leader Thomas moved that the Senate proceed to the House of Representatives for the purpose of receiving the address from Montana's U. S. Senator, The Honorable Conrad Burns, and further, upon adjournment of the joint session, the Senate will convene.

SPECIAL ORDERS OF THE DAY

Sergeant-at-arms Clark escorted the Senate into the House chamber.

Speaker Mood recognized President Keenan and yielded the chair to him.

Senate Majority Leader Thomas moved the body resolve itself into a joint session for the purpose of receiving the address from Montana's U. S. Senator, The Honorable Conrad Burns. Motion carried.

Senate Majority Leader Thomas moved the President be authorized to appoint a committee of four to notify the Honorable U. S. Senator Burns that we are in joint session and ready to receive his address. Motion carried.

The President appointed Senator Barkus, Senator Tropila, Representative Gillan and Representative Fuchs to escort The Honorable U. S. Senator Burns into the House chambers.

Sergeant-at-arms Cramer admitted the escort committee and U. S. Senator Conrad Burns into the House chamber.

Invocation was given by Pastor Keith Johnson of the Evangelical Covenant Church, followed by the Pledge of Allegiance.

President Keenan welcomed U. S. Senator Burns to the joint session. Senator Burns then gave the following address:

Mr. Speaker, Mr. President, Governor Martz, Distinguished Members of the House and Senate, Special guests... Allow me to open with a heart-felt appreciation for your service to our State of Montana. The work you do for our state is noble and exemplifies the self sacrifice for the betterment of all Montanans.

Now that being said, the statement will not exempt you from your critics.

Thank you, and good afternoon. I know you all have a lot of work left to do, so I will keep this brief, and to the point.

Montana is currently confronted by challenges that threaten the future of our state. We suffer from a relentless drought; unemployment; a mounting deficit; a health care crisis; a sense of economic uncertainty.

Today, the engine of our economy is slow, but the problems we face are not just 'Montana' problems. States around the country face budget deficits and rising unemployment. New York, California, Florida, nearly every state in the union is struggling with its own problems.

Too often we focus on the bad, and ignore the good. I think that is a mistake. We need to look at our positives, and use them to correct our negatives. For example, last year, average unemployment in this nation was 6%.

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Montana is beating the national average, with an unemployment rate of 4.2%. This number decreased from 2001 when unemployment sat at 4.6%. This does not tell a story of a state in shambles. It tells a story of a state that's eager to work and to produce for America, but that should come as no surprise to Montanans.

Montana is different from much of America. Individuals - not corporations - constitute the backbone of our economy. The family operated business, farm or ranch; the small business owner. These are the businesses that allow our state economy to function. They typically employ less than 10 people, but they make up 72% of our state's businesses.

Most of our businesses focus on the basics, while keeping that vision of growth and expansion. They think about putting food on the table for their family, and those of their employees. They want to provide health care benefits, and they don't want to lay off workers, for their employees are more than a number, they are like extended family. These basics are more important than corporate jets, big CEO bonus packages, golden parachutes and vacation homes in the Bahamas.

In Montana, we are workhorses - not show horses.

Look at our agricultural community. We face water levels so low, you can walk across the Yellowstone at Livingston and not get your backside wet. New global markets and expanding international competition have depressed commodity prices. Yet we still produce some of the finest products available in the world today. There are those that express grave concern over free trade, and its erosion of our competitiveness, and our jobs. I share those concerns. I also understand that free trade is a reality we must live with, so rather than fight it, we must leverage it.

In Washington, I am working to ensure that free trade does not bypass Montana. I have founded the U.S. - Asia Network, an organization that aims to promote economic freedom and security between our two regions. I have also recently been named co-chair of the U.S. - Taiwan business council.

Asia is already a major export market for the United States, and I feel it provides the greatest potential for opportunity here in Montana. Today, five of the top ten U.S. export markets for agricultural products are in Asia. After Canada and Mexico, Taiwan and Japan are Montana's two largest trade partners. Montana is also a well-known commodity in Asia, thanks to the legacy of one of our state's great leaders, Senator Mike Mansfield.

If Montana is 'Open for Business', let's look at what we're selling. I see our producers and small businesses using this Asian market opportunity to move their 'Made in Montana' products to the global stage in even greater numbers. Remember this. People, not governments, will promote and preserve our prosperity.

We need to look at what we have on our shelves. We have bountiful natural resources such as coal, timber, coal bed methane, and petroleum reserves. These resources, used domestically or exported abroad, would provide an economic boost for our state while reducing our dependence on terrorist-sponsored energy in the middle east. These are possible solutions.

President Bush addressed the new frontier of energy in his State of the Union address when he talked of fuel cell research. I can't agree more. Montana holds great promise in clean, alternative energy production. We have a lot of sunshine, and from that we can harvest solar energy. We have an abundance of wind, (even when I'm not talking) and from that we can harvest energy. Most promising is hydrogen fuel cell energy, which I identified several years back as a great opportunity for Montana. Over the past several years, I have gotten funding for extensive research conducted in both Bozeman and Billings on this very technology, and Montana is a leader in our nation on this very important research.

We can't forget the need to provide better access to health care for Montanans. Insurance costs are skyrocketing, businesses are forced to pass those costs on to employees, and increasing numbers of people skip preventative care because of the impact on their pocketbook and a lack of adequate coverage. We need medical liability reform, as the

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costs of litigation on our medical professionals is driving health care cost increases on to everyone, and forcing dedicated, caring professionals out of practice. We need responsible prescription drug coverage, period. We need to expand medical savings accounts and provide tax incentives for health insurance coverage. We must continue our expansion of telemedicine to provide greater access and care for those in rural areas of our state. I am committed to doing what is right for Montanans, and will support common-sense changes to our health care benefits at the federal level.

It is easy to get bogged down in the negative as you continue your work here in the legislature. I think you need to see what is good and positive here in our state. Those assembled here are regular Montanans who try to do what is best for their family and their community. Your underlying goal is to make our state a better place. I have some regular Montanans who are doing extraordinary things in our state, and I want to introduce them to you:

The first person I would like to recognize is Dr. Joe McDonald, President of Salish Kootenai College in Pablo. Dr. McDonald founded Salish Kootenai College 27 years ago, with a group of 30 students and classrooms in an old condemned school building.

He has seen the college grow to serve 1500 students who attend classes in new buildings that were constructed from Montana timber by SKC carpentry students. He has fostered a strong faculty, an outstanding library, and a tribal business development and information center that supports economic development on the Flathead Reservation.

Dr. McDonald has been a role model and leader in the national tribal college movement; a movement that includes seven fully accredited colleges in Montana and 27 similar colleges in eleven other states. It is a movement that has offered thousands of Native Americans and non-Indians living on or near reservations the opportunity for an education and the promise of a good job.

Also here today is Mike McCue, Chairman and CEO of LigoCyte Pharmaceuticals. We are all aware of the threat of bio-terrorism, both here and abroad. LigoCyte is leading the nation in developing protection from those threats. This company has expanded its infectious disease program to help treat and prevent numerous infectious diseases. With assistance from federal research grants, they are helping to protect the lives of our military personnel as they continue working on a new anthrax vaccine, one that is progressing very well and has received attention from the Department of Defense.

Through the work of Mike and his company, many new employment opportunities have become available for students educated at Montana universities, something crucial to attracting and keeping our educated youngsters in Montana, and allowing our state to flourish.

I would also like to bring attention to Brian Wolf and Jenny Hansen, two very influential people in the growing world of technology in Montana.

Brian is the Chief Information Officer for the state of Montana, working to guide the implementation of information technology in the Montana State Government. He is also the Co-Chair of the Governor's Homeland Security Task Force. Jenny oversees 911 on the state level. I have worked closely with Jenny in my efforts to get 'e-911' up and running and at an acceptable level, the goal of which is to improve public safety by offering technology to emergency responders and allowing them to pinpoint the locations of a wireless user when calling 911. Jenny has also worked with the Governor's office to re-institute the Public Safety Services Office, and sits on numerous national councils, all associated with public safety.

Both Brian and Jenny have worked tirelessly to coordinate public safety in our state, promote new technology and growth, and forge new levels of agency cooperation, rapid response, and technological opportunity in Montana. Their efforts have made our communities safer, and our law enforcement and safety professionals more effective. This is a benefit to us all.

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Ladies and Gentlemen, let's give a round of applause to these dedicated Montanans.

As you finish this legislative session, give yourself the reminder that I do every single day. "Do No Harm". Your efforts, and those of countless other Montanans will plot our state a course for prosperity. We have the resources, we have the talent, we have the dedication. We will overcome these obstacles and continue our goal of making Montana a better place for our children, and our grandchildren.

Thank you for the work you do for our state. Thank you for your sacrifices. Thank you for taking the time from your busy schedule to listen to me. Now, get back to work!

President Keenan thanked U. S. Senator Conrad Burns for his address to the joint session. Speaker Mood requested the committee to escort Senator Burns and dignitaries from the House chambers.

Senate Majority Leader Thomas moved the joint session of the 58th Legislature, convened to receive the address from U. S. Senator Conrad Burns, be adjourned. Motion carried.

Joint session adjourned at 1:31 p.m.

Senate convened at 1:35 p.m.

Roll Call. All members present. Quorum present.

The presiding officer has authenticated the daily journal for the thirty-seventh legislative day.

REPORTS OF STANDING COMMITTEES

BILL REPORT

Correctly printed: **SB 436, SB 437, SB 438, SB 439, SB 440, SB 441.**

Correctly engrossed: **SB 254, SB 270, SB 275, SB 306, SB 326, SB 340, SB 343.**

Examined by the sponsor and found to be correct: **SB 7.**

Signed by the Speaker at 10:00 a.m., February 20, 2003: **SB 7.**

Signed by the Secretary of the Senate at 10:00 a.m., February 20, 2003: **SB 7.**

Signed by the President at 10:00 a.m., February 20, 2003: **SB 7.**

Delivered to the Governor for approval at 10:45 a.m., February 20, 2003: **SB 7.**

AGRICULTURE, LIVESTOCK AND IRRIGATION (Bales, Chairman):

2/20/2003

HB 299, be amended as follows:

1. Page 1, line 14.

Strike: "MAY BE"

Insert: "is"

2. Page 1, line 17.

Following: "law."

Insert: "In the case of trespassing animals in a herd district, the liability and damage provisions of 81-4-307 apply."

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

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BUSINESS AND LABOR (Mahlum, Chairman):
SB 304, introduced bill, be amended as follows:

2/19/2003

1. Title, page 1, line 4.

Strike: "THE GOVERNOR"

Insert: "A COMMITTEE"

2. Page 1, line 13.

Following: line 13

Insert: "NEW SECTION. Section 1. Study committee. (1) There is a committee to study the sale of the state compensation insurance fund as provided in [section 2]. The committee consists of:

(a) two members of the house of representatives appointed by the speaker, one from each party;

(b) two members of the senate appointed by the president, one from each party;

(c) a person appointed by the legislative auditor;

(d) a representative of the state auditor's office, appointed by the state auditor;

(e) a representative of the governor's office, appointed by the governor;

(f) an insured employer of the state fund who is also a member of the state fund board, appointed by the governor;

(g) an agent of a plan No. 2 insurer, appointed by the governor; and

(h) a representative of plan No. 1, appointed by the governor.

(2) The members of the committee, other than the legislator members, shall serve for no compensation but are entitled to reimbursement for travel, meals, and lodging as provided in Title 2, chapter 18, part 5. The legislator members are entitled to compensation and expenses as provided in 5-2-302.

(3) The costs of the committee and the expenses are the responsibility of the state compensation insurance fund."

3. Page 1, line 15.

Strike: "the governor"

Insert: "the committee established in [section 1]"

4. Page 1, line 18.

Strike: "governor"

Insert: "committee"

5. Page 1, line 22.

Strike: "governor"

Insert: "committee"

6. Page 1, line 23.

Strike: "subsection"

Insert: "subsections"

7. Page 1, line 24.

Strike: "governor"

Insert: "committee"

8. Page 1, line 26.

Strike: "governor"

Insert: "committee"

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9. Page 1, line 28.

Strike: "governor"

Insert: "committee"

10. Page 1, line 29.

Strike: "governor"

Insert: "committee"

And, as amended, do pass. Report adopted.

SB 331, introduced bill, be amended as follows:

1. Title, page 1, lines 5 and 6.

Following: "NURSING;" on line 5

Strike: "PROVIDING" through "PATIENTS;" on line 6

2. Page 2, lines 11 and 12.

Strike: subsection (c) in its entirety

And, as amended, do pass. Report adopted.

SB 337, introduced bill, be amended as follows:

1. Page 2, line 11.

Following: "A"

Insert: "civil action may not be commenced under this section against a person who furnished alcohol unless the person bringing the civil action provides notice of an intent to file the action to the person who furnished the alcohol by certified mail within 180 days from the date of sale or service. The"

2. Page 2, line 12.

Strike: "or exemplary"

And, as amended, do pass. Report adopted.

SB 377, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman):

2/20/2003

SB 205, do pass. Report adopted.

SB 307, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

Strike: "ELIMINATING" on line 6 through "BINDING;" on line 7

2. Page 2.

Following: line 8.

Insert: "(ii) be binding upon the district and the county treasurer for a negotiated period of time;"

Renumber: subsequent subsections

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3. Page 2, line 18.

Strike: "under 20-9-346(3)"

And, as amended, do pass. Report adopted.

SB 380, introduced bill, be amended as follows:

1. Page 1, line 26.

Strike: "operate"

Insert: "advise"

Strike: "bank"

Insert: "state-chartered bank, savings and loan association, trust company, investment company,"

2. Page 5, line 16.

Strike: "school"

Insert: "student"

3. Page 6, line 2.

Strike: "school financial institution."

4. Page 6, line 3.

Following: "foreign"

Insert: ", except for a student financial institution, as defined in [section 1],"

And, as amended, do pass. Report adopted.

JUDICIARY (Grimes, Chairman):

2/20/2003

SB 373, do pass. Report adopted.

SB 419, do pass. Report adopted.

STATE ADMINISTRATION (Cobb, Chairman):

2/20/2003

SB 339, introduced bill, be amended as follows:

1. Page 4, line 1.

Following: "candidates."

Insert: "A candidate who has signed a voluntary spending limit affidavit has 10 days from notification by the secretary of state pursuant to subsection (2) to void the affidavit, pay the difference between the filing fee required of a participating candidate and a candidate who is not participating in the voluntary spending limit, and revise election materials pursuant to 13-35-225(1)(b)."

2. Page 5, line 7.

Following: "through 6."

Insert: "A candidate who files an affidavit has 10 days after any opponent files to reconsider, void the affidavit, and pay the difference in filing fees between the amount paid by a candidate participating in the Montana Voluntary Campaign Spending Limits Act under 13-10-202(2)(a) and a candidate not participating pursuant to 13-10-202(2)(b)."

And, as amended, do pass. Report adopted.

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SB 374, do pass. Report adopted.

HB 108, be concurred in. Report adopted.

TAXATION (DePratu, Chairman):

2/20/2003

SB 376, do pass. Report adopted.

SB 408, do pass. Report adopted.

SB 414, introduced bill, be amended as follows:

1. Page 1, line 18.

Strike: "was"

Insert: "is to be"

2. Page 1, line 19.

Strike: "and has been"

Insert: "to be"

3. Page 1, line 20.

Strike: "was"

Insert: "is to be"

4. Page 2, line 6.

Following: "of"

Insert: "alcohol for use in"

5. Page 2, line 7.

Following: the second "of"

Insert: "alcohol for use in"

6. Page 2, line 8.

Following: the second "of"

Insert: "alcohol for use in"

7. Page 2, line 15.

Following: the third "of"

Insert: "alcohol for use in"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate:

2/19/2003

SB 136, introduced by Butcher

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

2/19/2003

SB 195, introduced by Grimes

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House bills passed and transmitted to the Senate for concurrence:

2/20/2003

HB 408, introduced by Peterson
HB 450, introduced by Newman
HB 455, introduced by Lake
HB 480, introduced by Steinbeisser
HB 539, introduced by Brueggeman
HB 546, introduced by Wagman
HB 549, introduced by Dickenson
HB 577, introduced by Brueggeman

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 442, introduced by Stonington, Haines, referred to Fish and Game.
SB 443, introduced by Taylor, referred to Taxation.
SB 444, introduced by Tester, referred to Business and Labor.
SB 445, introduced by Barkus, Barrett, Lange, F. Thomas (by request of the Joint Select Committee on Districting and Apportionment), referred to Select Committee on Redistricting and Apportionment.
SB 446, introduced by Barkus, Brueggeman, Cooney, Laible, Lindeen, Sinrud (by request of the House Joint Appropriations Subcommittee on General Government and Transportation), referred to Finance and Claims.
SB 447, introduced by Grimes, Noennig, referred to Judiciary.
SB 448, introduced by Nelson, referred to State Administration.
SB 449, introduced by Cooney, referred to Public Health, Welfare and Safety.
SB 450, introduced by Cocchiarella, Brueggeman, Cyr, Keane, Mahlum, Matthews, McNutt, Roush, F. Thomas, Tropila, Wilson, referred to Business and Labor.
SB 451, introduced by Esp, referred to Public Health, Welfare and Safety.
SB 452, introduced by Taylor, referred to State Administration.
SB 453, introduced by Keenan, Mood, Elliott, McNutt, Tester, F. Thomas, referred to Taxation.

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

SJR 22, introduced by McGee, Anderson, Barkus, Curtiss, Shea, Story, Tash, Taylor, F. Thomas (by request of the Senate Natural Resources Standing Committee), referred to Natural Resources.
SJR 23, introduced by Barkus, Barrett, Lange, F. Thomas (by request of House Joint Select Committee on Districting and Apportionment), referred to Select Committee on Redistricting and Apportionment.

**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 Tropila in the chair.

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

SB 295 - Senator Butcher moved **SB 295** do pass. Motion carried as follows:

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Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Roush, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.

Total 31

Nays: Cocchiarella, Cooney, Ellingson, Elliott, Hansen, Harrington, Mangan, McCarthy, Nelson, Pease, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 11 - Senator Schmidt moved **SJR 11** be adopted. Motion carried unanimously.

SJR 14 - Senator Curtiss moved **SJR 14** be adopted. Motion carried unanimously.

SJR 18 - Senator Harrington moved **SJR 18** be adopted. Motion carried as follows:

Yeas: Anderson, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Mr. President.

Total 41

Nays: Bales, Barkus, Black, Butcher, Esp, Johnson, McGee, Stapleton, Zook.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 181 - Senator McNutt moved **HB 181** be concurred in. Motion carried unanimously.

HB 311 - Senator Laible moved **HB 311** be concurred in. Motion carried unanimously.

SB 400 - Senator Toole moved **SB 400** do pass. Motion carried unanimously.

SB 364 - Senator Cooney moved **SB 364**, second reading copy, be amended as follows :

1. Page 2, line 17.

Following: "(b)"

Insert: "(i)"

Following: "includes"

Insert: ": (A)"

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2. Page 2, line 18.

Following: "welfare"

Insert: ";

Strike: "including but not limited to"

Insert: "(B)"

3. Page 2, lines 20 through 24.

Following: "45-9-132" on line 20

Insert: "; or"

Strike: remainder of line 20 through "manufacturing" on line 24

Insert: "(C) the production or manufacture of"

Strike: "operating"

Insert: "the operation of"

4. Page 2, line 26.

Strike: "(A)"

Insert: "(I)"

Renumber: subsequent subsections

5. Page 3, line 1.

Following: page 2, line 30

Insert: "(ii) For the purposes of this subsection (7), "dangerous drugs" means the compounds and substances described as dangerous drugs in Schedules I through IV in Title 50, chapter 32, part 2."

Amendment **adopted** unanimously.

SB 364 - Senator Cooney moved **SB 364**, as amended, do pass. Motion carried with Senator Cromley voting nay.

SB 210 - Senator Elliott moved **SB 210** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Bohlinger, Cobb, Cooney, Curtiss, Ellingson, Elliott, Hansen, Harrington, Johnson, Kitzenberg, Mangan, McCarthy, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Taylor, Tester, Toole, Tropila, Wheat.

Total 28

Nays: Barkus, Black, Butcher, Cocchiarella, Cromley, DePratu, Esp, Gebhardt, Glaser, Grimes, Laible, Mahlum, McGee, McNutt, O'Neil, Sprague, Stapleton, Story, Tash, Thomas, Zook, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

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THIRD READING OF BILLS

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

SB 247 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Tropila, Wheat, Zook, Mr. President.
Total 40

Nays: Cooney, Ellingson, Elliott, Hansen, Johnson, McNutt, Schmidt, Stonington, Tester, Toole.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 183 passed as follows:

Yeas: Bales, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 44

Nays: Anderson, Butcher, Esp, Laible, Stonington, Story.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 235 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Stapleton, Story, Taylor, Thomas, Mr. President.
Total 36

Nays: Cooney, Ellingson, Esp, Mangan, Nelson, Schmidt, Squires, Stonington, Tash, Tester, Toole, Tropila, Wheat, Zook.
Total 14

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 243 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: Johnson.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 344 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 356 failed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Curtiss, DePratu, Esp, Glaser, Grimes, Johnson, Laible, Mahlum, McGee, McNutt, Nelson, Perry, Tash, Taylor, Tester, Thomas, Zook, Mr. President.
Total 24

Nays: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gebhardt, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, O'Neil, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Toole, Tropila, Wheat.

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Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 383 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 398 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Sprague, Chairman):

2/19/2003

SB 184, introduced bill, be amended as follows:

1. Title, line 6.

Following: "HOLDER"

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Insert: ", WITH RENEWAL REQUIRED EVERY 8 YEARS; REQUIRING A BACKGROUND CHECK EVERY 4 YEARS; SUBSTITUTING A HANDGUN SAFETY COURSE FOR A HUNTER EDUCATION OR SAFETY COURSE AS A METHOD OF DEMONSTRATING FAMILIARITY WITH FIREARMS"

Following: "45-8-321"

Strike: ", "

Insert: "AND"

Following: "45-8-322,"

Strike: "45-8-323" through "45-8-326,"

2. Page 1, line 14.

Following: "applicant"

Insert: "if the permit is renewed every 8 years and the renewal is not denied"

3. Page 2, line 5.

Following: "permit"

Insert: "or a renewal of a permit"

4. Page 2, line 8.

Following: "application"

Insert: "or permit renewal"

Following: "applicant"

Insert: "or permittee"

5. Page 2, line 9.

Following: "applicant"

Insert: "or permittee"

6. Page 2, line 13.

Strike: "hunter education or"

Insert: "handgun"

7. Page 3, line 6.

Following: "~~renewal,~~"

Insert: "renewal,"

8. Page 5, line 26.

Following: "~~permit.~~"

Insert: "The permit must be renewed for additional 8-year periods upon payment of a \$25 fee for each renewal and upon request for renewal made within 90 days before expiration of the permit."

Following: "~~renewal~~"

Insert: "and each renewal"

9. Page 5, line 27.

Following: "include the"

Insert: "date of issuance and the"

10. Page 6, line 4 through line 5.

Strike: "an original application" on line 4 through line 5.

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Insert: "a renewal"

11. Page 6, line 8.

Following: "fingerprinting."

Insert: "To ensure that the permit remains compliant with federal requirements pursuant to 45-8-330, for as long as it is necessary to do so to comply with federal requirements, the sheriff shall conduct a background check on the permitholder every 4 years from the date of issuance of the permit."

12. Page 6, line 15 through line 30.

Strike: section 3 through section 5 in their entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 250, introduced bill, be amended as follows:

1. Title, line 7 through line 9.

Strike: "ALLOWING" on line 7 through "ZONES;" on line 9

2. Page 2, line 20 through line 22.

Following: "land"

Strike: " " on line 20 through "zones" on line 22

And, as amended, do pass. Report adopted.

SB 253, introduced bill, be amended as follows:

1. Page 1, line 14.

Strike: "\$33"

Insert: "\$43.50"

2. Page 1, line 16.

Following: "10"

Strike: "calendar"

Insert: "consecutive"

3. Page 1, line 21.

Strike: "\$3"

Insert: "\$3.50"

4. Page 2, line 9.

Strike: "\$3"

Insert: "\$3.50"

And, as amended, do pass. Report adopted.

SB 287, introduced bill, be amended as follows:

1. Title, line 6.

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Following: "MAINTENANCE OF"

Insert: "PUBLIC BOATING FACILITIES AND BOATING FACILITIES AT"

2. Page 1, line 21.

Strike: "\$8.50"

Insert: "\$5"

3. Page 2, line 3.

Following: "must be"

Insert: "permanently"

Strike: "starboard" through "half of the"

4. Page 2.

Strike: line 4

5. Page 2, line 10.

Strike: "or"

Insert: "(d) a pedal-powered boat; or"

Renumber: subsequent subsection

6. Page 2, line 13.

Following: the second "department"

Strike: "for"

Insert: "as follows"

7. Page 2, line 14.

Following: "(a)"

Insert: "up to 15% may be used for"

Strike: ", " through "enforcement"

8. Page 2, line 15 through line 16.

Strike: subsections (b) and (c) in their entirety

Insert: "(b) up to 10% may be used for boating and water safety education and enforcement; and

(c) remaining funds must be used for operating, maintaining, developing, and acquiring fishing access sites and recreational boat access sites.

(9) The department shall adopt rules after a negotiated rulemaking process with the department and affected interests under Title 2, chapter 5, part 1. The rules must be based on user surveys taken at the point of decal sale."

9. Page 3, line 14.

Following: "to"

Insert: "a special revenue account to the credit of"

10. Page 3, line 15.

Strike: "\$7.50"

Insert: "\$5.50"

11. Page 3, line 17.

Following: "public"

Strike: "boat"

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Insert: "motorboat"
Following: "facilities"
Insert: ", including motorboat-accessible fishing access sites,"
Strike: "to manage"
Insert: "for management of"

12. Page 3, line 18.
Strike: "including"
Following: "education"
Insert: ", "

13. Page 4, line 27.
Strike: "\$8.50"
Insert: "\$6.50"

And, as amended, do pass. Report adopted.

SJR 15, be adopted. Report adopted.

JUDICIARY (Grimes, Chairman):
SB 397, do pass. Report adopted.

2/20/2003

MOTIONS

SB 210 - Senator Zook moved **SB 210** be taken from the third reading board and rereferred to the committee on Finance and Claims. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 12:00 noon, Friday, February 21, 2003. Motion carried.

Senate adjourned at 3:19 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate