

**SENATE JOURNAL  
58TH LEGISLATURE  
TWENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
February 5, 2003

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Cromley, Ellingson, Elliott, Grimes, McGee, Pease and Toole, excused. Quorum present.

The presiding officer has authenticated the daily journal for the twenty-fourth legislative day.

**Senator Cromley present at this time.**

**REPORTS OF STANDING COMMITTEES**

**BILL REPORT**

Correctly printed: **SB 321, SB 322, SB 323, SB 324, SB 325, SB 326, SB 327, SJR 12.**

Correctly engrossed: **SB 54, SB 120, SB 232, SB 262.**

**ENERGY AND TELECOMMUNICATIONS** (Johnson, Chairman):  
**SB 220**, introduced bill, be amended as follows:

2/5/2003

1. Page 1, line 15.

**Strike:** "and"

**Following:** "~~Wibaux~~"

**Insert:** ", and Wibaux"

2. Page 1, line 16.

**Strike:** "Musselshell,"

3. Page 1, line 17.

**Strike:** "Wibaux,"

4. Page 1, line 21.

**Strike:** "Lake"

**Insert:** "Lincoln"

5. Page 1, line 19.

**Following:** "~~Teton,~~"

**Insert:** "Musselshell,"

6. Page 1, line 23.

**Following:** "Glacier,"

**Insert:** "Lake,"

**Following:** "Clark,"

**Strike:** "Lincoln,"

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And, as amended, do pass. Report adopted.

**FISH AND GAME** (Sprague, Chairman):  
**SB 122**, introduced bill, be amended as follows:

2/5/2003

1. Title, line 7.

**Strike:** "OR"

**Insert:** ", "

**Following:** "A-7"

**Insert:** ", OR CLASS B-10"

2. Title, line 8.

**Strike:** "A-8,"

**Insert:** "A-9 RESIDENT"

3. Title, line 9.

**Following:** "TAG"

**Insert:** "AND A CLASS B-12 NONRESIDENT ANTLERLESS ELK B TAG"

4. Title, line 11.

**Following:** "87-2-501,"

**Insert:** "87-2-505,"

5. Page 1, line 28.

**Strike:** "A-8,"

**Insert:** "A-9, resident"

**Following:** "licenses"

**Insert:** "and Class B-12 nonresident antlerless elk B tag licenses"

6. Page 1, line 29.

**Strike:** "Class A-8 license."

**Insert:** "Class A-9 license. An applicant must have a Class B-10 license to be eligible for a Class B-12 license."

7. Page 1, line 30.

**Strike:** "A-8"

**Insert:** "A-9 and Class B-12"

8. Page 2, line 1.

**Strike:** "license"

**Insert:** "licenses"

9. Page 2, line 6.

**Strike:** "A-8"

**Insert:** "A-9"

10. Page 2, line 19.

**Strike:** "A-8,"

**Insert:** "A-9, resident"

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11. Page 3.

**Following:** line 6

**Insert:** "**Section 3.** Section 87-2-505, MCA, is amended to read:

**"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$625 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) or upon payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 11,500 unreserved Class B-10 licenses may be sold in any 1 license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission.

(3) A holder of a Class B-10 nonresident big game combination license may apply for a Class B-12 nonresident antlerless elk B tag license when authorized by the commission pursuant to 87-2-104. The fee for a Class B-12 license is \$270. The license entitles the holder to hunt in the hunting district or portion of a hunting district and under the terms and conditions specified by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993; sec. 6, Ch. 544, L. 1999; sec. 9, Ch. 216, L. 2001.)

**87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license.** (1) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of \$550 and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a B-10 nonresident big game combination license which shall entitle a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may be sold in any 1 license year.

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission.

(3) A holder of a Class B-10 nonresident big game combination license may apply for a Class B-12 nonresident antlerless elk B tag license when authorized by the commission pursuant to 87-2-104. The fee for a Class B-12 license is \$270. The license entitles the holder to hunt in the hunting district or portion of a hunting district and under the terms and conditions determined by the commission."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 166**, introduced bill, be amended as follows:

1. Title, line 11.

**Strike:** "ELIMINATING" through "PROGRAM"

**Insert:** "EXTENDING THE PADDLEFISH ROE DONATION PROGRAM UNTIL JUNE 30, 2018"

2. Page 2, line 3.

**Strike:** "A"

**Insert:** "Until June 30, 2018, a"

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3. Page 2, line 18 through line 19.

**Strike:** "Twenty-five"

**Insert:** "Thirty"

4. Page 2, line 24 through line 25.

**Strike:** "Seventy-five"

**Insert:** "Seventy"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Grimes, Chairman):  
**SB 263**, introduced bill, be amended as follows:

2/4/2003

1. Page 1, line 25.

**Following:** line 24

**Insert:** "NEW SECTION. Section 1. Purpose. (1) The purpose of [section 2] is to codify an exception to the hearsay rule for a statement from a child who was a victim of a sexual or violent crime or a witness to a sexual or violent crime. The child may be available or unavailable for the criminal hearing. The legislature has the authority to enact exceptions to the hearsay rule under Rule 802 of the Montana Rules of Evidence. The legislature also has the authority to enact laws to protect Montana's children.

(2) [Section 2] requires notice, a hearing, and a ruling from the court before a child's statement is admitted into evidence. These mandatory procedures protect the defendant's confrontation rights in a criminal proceeding.

(3) The state of Montana has an interest in protecting the welfare of children generally and in protecting the well-being of children who are victimized by and who witness violent and sexual crimes. The state of Montana also has an interest in giving child victims and witnesses a voice in criminal proceedings. [Section 2] protects children from having to appear in criminal proceedings when their testimony is unnecessary under [section 2]."

**Renumber:** subsequent sections

2. Page 2, line 13.

**Following:** "made,"

**Insert:** "whether any videotapes and recordings of any interviews of the child are in the possession or subject to the control of the party intending to offer the child hearsay testimony,"

3. Page 3, line 24.

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1 and 2] are"

4. Page 3, line 25.

**Strike:** "[section 1]"

**Insert:** "[sections 1 and 2]"

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Bohlinger, Chairman):  
**SB 284**, introduced bill, be amended as follows:

2/5/2003

1. Title, line 4.

**Following:** "ACT"

**Insert:** "REVISING THE PROCEDURE A COUNTY AUDITOR IS REQUIRED TO FOLLOW TO PROCESS A

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CLAIM; ESTABLISHING TIMEFRAMES WITHIN WHICH INVESTIGATION OF CERTAIN CLAIMS MUST BE COMPLETED; PROVIDING TIMEFRAMES AND PROCEDURES FOR DISAPPROVING A CLAIM;"

2. Page 1, line 16 through line 20.

**Strike:** "The" on line 16 through "purpose." on line 20

**Insert:** "(2) (a) Within 30 days of receipt of a claim in the office of the county auditor, the county auditor shall approve the claim, disapprove the claim, or notify the board of county commissioners, the claimant, and any affected county elected officials or department heads in writing that the claim requires further investigation.

(b) Further investigation of a claim must be completed and an approval or disapproval of payment of the claim must be issued within 60 days from the date that the county auditor provides the written notification required in subsection (2)(a).

(3) (a) The county auditor shall report approved claims to the board of county commissioners at its regular meeting after investigations into the claims have been completed.

(b) The county auditor shall keep a complete record of all claims submitted and investigations and examinations of the claims

**Renumber:** subsequent subsection

3. Page 1, line 29.

**Strike:** "a" through "by"

**Following:** "auditor"

**Strike:** "1"

**Insert:** "disapproves payment of a claim:

(i) the auditor shall, within 5 days of the disapproval, provide written documentation to the board of county commissioners, the claimant, and any affected county elected officials or department heads specifying the reasons for the disapproval;

(ii) the auditor shall, within 15 days of the disapproval, present documentation and testimony in support of the disapproval of the claim to the board of county commissioners in a public hearing at a properly noticed and regularly scheduled meeting of the board of county commissioners; and

(iii)"

And, as amended, do pass. Report adopted.

**HB 232**, be concurred in. Report adopted.

2/4/2003

**NATURAL RESOURCES** (Tash, Chairman):

2/4/2003

**SB 130**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "FOR"

**Strike:** "A LICENSING"

**Insert:** "AN"

2. Title, page 1, line 8 through line 10.

**Strike:** "FOR THE RECREATIONAL" on line 8 through "TRAPPING PURPOSES" on line 10

**Insert:** "TO COMPENSATE STATE TRUST LAND BENEFICIARIES FOR THE USE AND IMPACTS ASSOCIATED WITH HUNTING, FISHING, AND TRAPPING ON LEGALLY ACCESSIBLE STATE TRUST LANDS AS DEFINED IN DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION RULES"

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3. Title, page 1, line 11.

**Following:** "THAT"

**Strike:** "15"

**Insert:** "10"

**Following:** "RESULT OF"

**Strike:** "A RECREATIONAL" on line 11 through "LICENSING" on line 12

**Insert:** "THE"

4. Title, page 1, line 13.

**Strike:** "85"

**Insert:** "90"

**Strike:** "INSTITUTIONAL"

5. Title, page 1, line 14.

**Following:** "PROVIDING THAT"

**Strike:** "A LICENSING"

**Insert:** "AN"

6. Title, page 1, line 16.

**Strike:** "LICENSING AGREEMENT RATES"

**Insert:** "FEES FOR HUNTING, FISHING, AND TRAPPING PURPOSES PURSUANT TO AN AGREEMENT BETWEEN THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"

7. Title, page 1, line 20.

**Following:** "LAND"

**Insert:** "FOR HUNTING, FISHING, AND TRAPPING PURPOSES"

**Strike:** "A RECREATIONAL USE LICENSING"

**Insert:** "AN"

8. Title, page 1, line 21 through line 22.

**Strike:** "AND OTHER COMPENSATION" on line 21 through "TRAPPING" on line 22

9. Title, page 1, line 23.

**Following:** "RESULT OF"

**Strike:** "A RECREATIONAL USE LICENSING"

**Insert:** "AN"

10. Title, page 1, line 24 through line 25.

**Strike:** "PROVIDING" on line 24 through "AGREEMENT;" on line 25

11. Title, page 1, line 26.

**Following:** "ADDING"

**Strike:** "ACQUISITION OF ACCESS AND"

12. Title, page 1, line 29.

**Strike:** "\$1.25"

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**Insert:** "\$2"

**Strike:** "77-1-804,"

13. Page 2, line 10.

**Following:** "into"

**Strike:** "a licensing"

**Insert:** "an"

14. Page 2, lines 10 and 11.

**Following:** "agreement"

**Strike:** "on behalf of the public"

**Insert:** "to compensate state trust land beneficiaries"

**Following:** "for the"

**Strike:** "recreational uses of school" on line 10 through "trust land for" on line 11

**Insert:** "use and impacts associated with"

15. Page 2, line 11.

**Following:** "trapping"

**Insert:** "on legally accessible state trust land as defined by department of natural resources and conservation rule"

16. Page 2, lines 13 and 14.

**Strike:** "a general licensing"

**Insert:** "an"

**Following:** "Conservation to"

**Strike:** "secure" on line 13 through "rights of" on line 14

**Insert:** "compensate state trust land beneficiaries for the use and impacts associated with"

17. Page 2, line 14.

**Following:** "trapping on"

**Insert:** "legally accessible"

18. Page 2, lines 16 and 17.

**Strike:** "a licensing"

**Insert:** "an"

19. Page 2, line 22.

**Following:** "use"

**Strike:** "licensing"

20. Page 2, line 23.

**Following:** "trapping"

**Insert:** "on legally accessible state trust land"

21. Page 2, lines 23 and 24.

**Following:** "authorized to"

**Strike:** "license"

**Insert:** "enter into an agreement with"

**Following:** "parks to"

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**Strike:** "make parcels" on line 23 through "public for" on line 24

**Insert:** "compensate state trust land beneficiaries for the use and impacts associated with"

22. Page 2, line 25.

**Following:** "trapping"

**Strike:** "purposes"

**Insert:** "on legally accessible state trust land as defined in department rule"

23. Page 2, line 28.

**Following:** "(2)"

**Strike:** "A license"

**Insert:** "An agreement"

24. Page 2, line 29.

**Following:** "Through this"

**Strike:** "licensing"

**Following:** "for the"

**Strike:** "institutional"

25. Page 2, line 30.

**Following:** "market value"

**Strike:** "of the public" through "conveyed"

**Insert:** "for the use and impacts associated with hunting, fishing, and trapping on legally accessible state trust land"

26. Page 2, line 30.

**Strike:** "Fifteen"

**Insert:** "Ten"

**Following:** "receipts from"

**Strike:** "a"

27. Page 3, line 1.

**Strike:** "license"

**Insert:** "the agreement"

28. Page 3, line 2.

**Strike:** "85%"

**Insert:** "90%"

29. Page 3, line 3.

**Following:** "trusts."

**Insert:** "(3) Any agreement entered into is subject to the following conditions:

(a) The department maintains sole discretion, throughout the term of the agreement, with regard to identifying legally accessible parcels, coordinating uses on state trust land, and any other necessary state trust land management decisions.

(b) An agreement between the department and the department of fish, wildlife, and parks may not convey any additional authority to the department of fish, wildlife, and parks."

**Renumber:** subsequent subsections



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30. Page 3, lines 4 and 5.

**Following:** "parks"

**Strike:** "has obtained" on line 4 through "trust land" on line 5

**Insert:** "and the department have reached an agreement as provided in subsection (1)"

31. Page 3, line 7.

**Following:** "upon"

**Strike:** "the parcels affected by the license agreement"

**Insert:** "legally accessible state trust land"

32. Page 3, line 9 through line 26.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

33. Page 4, line 6.

**Strike:** "[sections 1 and 2]"

**Insert:** "[section 1]"

34. Page 4, line 22.

**Strike:** "licensing"

35. Page 4, line 29.

**Strike:** "licensing"

36. Page 4, line 30.

**Strike:** "[section 2]."

37. Page 5, line 3.

**Strike:** "licensing"

38. Page 5, line 4.

**Strike:** "[section 2]."

39. Page 5, line 9.

**Strike:** "subsections"

**Insert:** "subsection"

**Strike:** "and (4)"

40. Page 5, line 12.

**Strike:** "subsections"

**Insert:** " subsection"

**Strike:** "and (4)"

41. Page 5, lines 14 and 15.

**Following:** "sign"

**Strike:** "a recreational" on line 14 through "licensing" on line 15

**Insert:** "an"

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42. Page 5, line 15.

**Strike:** "[sections 1 and 2]"

**Insert:** "[section 1]"

43. Page 5, line 16.

**Following:** "use of"

**Insert:** "legally accessible"

**Following:** "state"

**Insert:** "trust"

**Following:** "land"

**Strike:** "parcels"

44. Page 5, line 18 through line 20.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsections

45. Page 5, line 25.

**Following:** "use"

**Strike:** "license"

**Following:** "fee for"

**Strike:** "a"

**Following:** "use"

**Strike:** "license"

**Insert:** "on state trust land"

46. Page 5, line 26 through line 27.

**Following:** "through"

**Strike:** "a recreational" on line 26 through "licensing" on line 27

**Insert:** "an"

47. Page 5, line 28.

**Strike:** "Except" through ", money"

**Insert:** "Money"

48. Page 6, line 5 through line 6.

**Strike:** "If the" on line 5 through ", the" on line 6

**Insert:** "The"

49. Page 6, line 11 through page 7, line 29.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

50. Page 8, line 6.

**Following:** "(b)"

**Strike:** "15%"

**Insert:** "10%"

**Following:** "result of"

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**Strike:** "licensing"  
**Insert:** "an agreement with"

51. Page 8, line 7.  
**Following:** "the"  
**Strike:** "public recreational rights"  
**Insert:** "use and impacts"

52. Page 8, line 17.  
**Following:** "(e)"  
**Strike:** "acquisition of access and"

53. Page 8, line 18.  
**Following:** "land"  
**Strike:** "and other related uses"

54. Page 9, line 3.  
**Following:** "\$4"  
**Strike:** "\$5.25"  
**Insert:** "\$6"

55. Page 9, line 4.  
**Following:** "\$7"  
**Strike:** "\$8.25"  
**Insert:** "\$9"

56. Page 10, line 10.  
**Following:** "\$4"  
**Strike:** "\$5.25"  
**Insert:** "\$6"

57. Page 10, line 11.  
**Following:** "\$7"  
**Strike:** "\$8.25"  
**Insert:** "\$9"

58. Page 10, line 18.  
**Insert:** "NEW SECTION. Section 8. Contingent voidness. (1) If the department of natural resources and conservation and the department of fish, wildlife, and parks do not sign an agreement to compensate state trust land beneficiaries for the use and impacts associated with hunting, fishing, and trapping on state trust land by [the effective date of this act], then [this act] is void. The department of natural resources and conservation shall notify the code commissioner of the failure to reach an agreement.

(2) (a) If an agreement between the department of natural resources and conservation and the department of fish, wildlife, and parks to compensate state trust land beneficiaries for the use and impacts associated with hunting, fishing, and trapping on state trust land is terminated prior to the expiration date of the agreement, then [this act] is void upon termination. The department of natural resources and conservation shall notify the code commissioner of the termination.

(b) If the department of natural resources and conservation and the department of fish, wildlife, and parks do not enter into a renewal agreement prior to the expiration date of an agreement, then [this act] is void on the expiration

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date of the agreement. The department of natural resources and conservation shall notify the code commissioner of the expiration.

(3) If a court of competent jurisdiction determines that the agreement to compensate state trust land beneficiaries for the use and impacts associated with hunting, fishing, and trapping on state trust lands is invalid, then [this act] is void on the date the court's judgment is final. The department of natural resources and conservation shall notify the code commissioner of the entry of the judgment.

(4) If the department of natural resources and conservation and the department of fish, wildlife, and parks receive written notice from the regional director of the United States fish and wildlife service that [this act] will result in a loss of federal fish and wildlife funds, then [this act] is void. The department of natural resources and conservation shall notify the code commissioner that the department has received a notice and the date upon which the notice was received."

**Renumber:** subsequent sections

59. Page 10, line 20.

**Strike:** "[Sections 1 and 2] are"

**Insert:** "[Section 1] is"

60. Page 10, line 21 and 22.

**Strike:** "[sections 1 and 2] "

**Insert:** "[section 1]"

And, as amended, do pass. Report adopted.

**SB 244**, introduced bill, be amended as follows:

1. Title, page 1, line 4 and 5.

**Following:** "THAT A" on line 4

**Strike:** "SHAREHOLDER" on line 4 through "SHAREHOLDER," on line 5

**Insert:** "CONTRACT HOLDER"

2. Title, page 1, line 5.

**Following:** "PAYS"

**Insert:** "OPERATION OR"

3. Title, page 1, line 8.

**Following:** "ELIGIBLE"

**Strike:** "PERSONS"

**Insert:** "CONTRACT HOLDERS AND EMPLOYEES OF WATER USERS' ASSOCIATIONS"

4. Page 1, line 13.

**Following:** "association"

**Strike:** "shareholders, family members,"

**Insert:** "contract holders"

5. Page 1, line 14.

**Following:** "association"

**Insert:** "that chooses to participate as provided in 23-1-105(6)"

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6. Page 1, line 15.

**Strike:** "shareholders, shareholders' family members,"

**Insert:** "contract holders"

7. Page 1, line 17.

**Following:** "."

**Insert:** "The identification card must be issued to the contract holder or employee of the water users' association and may not be transferred or assigned to another entity."

8. Page 2, line 15.

**Following:** "(6) A"

**Strike:** "shareholder, family member of a shareholder,"

**Insert:** "contract holder"

9. Page 2, line 16.

**Following:** "that is paying"

**Insert:** "operation or"

10. Page 2, line 17.

**Following:** "for which"

**Insert:** "operation or"

**Following:** "association"

**Insert:** "if the contract holder or employee of the water users' association holds an identification card as provided in [section 1]"

11. Page 2, line 18.

**Strike:** "shareholder, shareholder's family member,"

**Insert:** "contract holder"

And, as amended, do pass. Report adopted.

**HB 43**, be concurred in. Report adopted.

**HB 102**, be concurred in. Report adopted.

**Senators Ellingson, Grimes, McGee , Pease and Toole present at this time.**

**MESSAGES FROM THE GOVERNOR**

February 4, 2003

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Keenan:

Please be informed that I have signed **Senate Bill 258** sponsored by Senator F. Thomas on February 4, 2003.

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Sincerely,

JUDY MARTZ  
Governor

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

2/4/2003

**HB 220**, introduced by Laszloffy  
**HB 280**, introduced by Wanzenried  
**HB 287**, introduced by Lindeen  
**HB 299**, introduced by Peterson  
**HB 319**, introduced by Lawson

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 328**, introduced by Mangan, referred to Judiciary.  
**SB 329**, introduced by Mangan, referred to Judiciary.  
**SB 330**, introduced by Mangan, referred to Energy and Telecommunications.  
**SB 331**, introduced by Squires, referred to Business and Labor.  
**SB 332**, introduced by Toole, referred to Business and Labor.  
**SB 333**, introduced by Laible, referred to Finance and Claims.  
**SB 334**, introduced by Sprague, Tropila, referred to Business and Labor.  
**SB 335**, introduced by Laible, Jackson, Barkus, Brueggeman, DePratu, Dowell, Fisher, Glaser, Harrington, Keenan, Lawson, Stonington, referred to Energy and Telecommunications.  
**SB 336**, introduced by Mahlum, Bohlinger, Brueggeman, DePratu, Kaufmann, Keenan, Nelson, Pattison, referred to Fish and Game.  
**SB 337**, introduced by Tropila, referred to Business and Labor.

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

**SJR 13**, introduced by Toole, referred to Energy and Telecommunications.

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

**HB 220**, introduced by Laszloffy (by request of the Department of Corrections), referred to Judiciary.  
**HB 280**, introduced by Wanzenried, referred to Highways and Transportation.  
**HB 287**, introduced by Lindeen, Bergren, Bohlinger, Callahan, Hansen, B. Ryan, referred to Natural Resources.  
**HB 299**, introduced by Peterson, Bales, Barrett, Ripley, Tash, referred to Agriculture, Livestock and Irrigation.  
**HB 319**, introduced by Lawson, referred to Business and Labor.

**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.

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

**SB 226** - Senator DePratu moved **SB 226** do pass. Motion carried unanimously.

**HB 29** - Senator Grimes moved **HB 29** be concurred in. Motion carried 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, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 48

Nays: Ryan.  
Total 1

Absent or not voting: Taylor.  
Total 1

Excused: None.  
Total 0

**HB 53** - Senator Grimes moved **HB 53** be concurred in. Motion carried with Senator Johnson voting nay.

**HB 59** - Senator Elliott moved **HB 59** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, Mangan, McCarthy, 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 43

Nays: Bales, Butcher, Curtiss, Esp, Mahlum, McGee.  
Total 6

Absent or not voting: Kitzenberg.  
Total 1

Excused: None.  
Total 0

**HB 67** - Senator Cooney moved **HB 67** be concurred in. After discussion, Senator Cooney made a **substitute motion** that **HB 67** be moved to the bottom of the second reading board. Motion carried unanimously.

**HB 149** - Senator McGee moved **HB 149** be concurred in. Motion carried unanimously.

**SB 231** - Senator Cromley moved **SB 231** do pass. Motion carried unanimously.

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**SB 252** - Senator Squires moved **SB 252** do pass. Motion passed as follows:

Yeas: Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gebhardt, Hansen, Harrington, Kitzenberg, Mahlum, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 27

Nays: Anderson, Bales, Barkus, Black, Butcher, Curtiss, DePratu, Esp, Glaser, Grimes, Johnson, Laible, McGee, McNutt, O'Neil, Perry, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 23

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.

**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 65** 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 121** 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,



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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 238** 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 274, requiring 2/3 of entire Legislature** passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Kitzenberg, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Tropila, Zook, Mr. President.  
Total 28

Nays: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Johnson, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Wheat.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

**HB 67** - Senator Cooney moved **HB 67** be taken from second reading and rereferred to the committee on Highways

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and Transportation. Motion carried.

**SB 53** - Senator Harrington moved **SB 53** be taken from the committee on Business and Labor, printed and placed on second reading. Motion **failed** as follows:

Yeas: Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 24

Nays: Anderson, Bales, Barkus, Black, Butcher, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Thursday, February 6, 2003. Motion carried.

Senate adjourned at 3:16 p.m.

ROSANA SKELTON  
Secretary of the Senate

BOB KEENAN  
President of the Senate