

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

Helena, Montana
February 17, 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. Quorum present.

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

SPECIAL ORDERS OF THE DAY

Senator Wheat introduced The Heritage Signers, directed by Wendy Thiesen, who performed songs accompanied by sign language, for the Senate. The Heritage Signers consist of fourth through eighth grade students from the Bozeman area. The students practice 3-5 hours per week throughout the school year, and have performed for The Governor's Prayer Breakfast, the Big Sky State Games and many other activities.

REPORTS OF STANDING COMMITTEES

Correctly printed: **SB 412, SB 413, SB 414, SB 415, SB 416, SB 417, SB 418, SB 419, SB 420, SB 421, SB 422, SJR 19, SJR 20, SJR 21.**

Correctly engrossed: **SB 235, SB 300.**

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman): 2/17/2003
HJR 6, be concurred in. Report adopted.

STATE ADMINISTRATION (Cobb, Chairman): 2/17/2003
SB 204, do pass. Report adopted.
HB 151, be concurred in. Report adopted.

TAXATION (DePratu, Chairman): 2/14/2003
HB 406, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Grimes, Chairman): 2/17/2003
MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 3:00 p.m., Saturday, February 15, 2003:

TITLE

NAME

Pages:

Sarah Smith
Emily Tutvedt
Andrew Yager
Maggie Scott
Taylor Clayton
Britt Kindelman
Robert Paskey
Kate Kaercher

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and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 17, 2003:

<u>TITLE</u>	<u>NAME</u>	<u>SPONSOR</u>
Pages:	Matt Turnbull, Brockton, MT	Senator McNutt
	Alison Vergeront, Polson, MT	Senator Taylor
	Eric Hinebauch, Chinook, MT	Senator Hansen
	Tara Guckeen, Billings, MT	Senator Cromley
	McKencie Stoltz, Billings, MT	Senator Cromley
	Sapphire Diamant-Rink, East Glacier, MT	Senator Roush
	Salliann Grovam, Helena, MT	Senator Toole
	Josh Waller, Cut Bank, MT	Senator Roush

Report Adopted.

MOTIONS

SB 375 - Senator Tash moved **SB 375** be taken from the committee on Natural Resources and rereferred to the committee on Agriculture, Livestock and Irrigation. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 423, introduced by Black, Anderson, Barkus, Butcher, Laible, McGee, Stapleton, Story, F. Thomas, referred to State Administration.

SB 424, introduced by Nelson, referred to Education and Cultural Resources.

SB 425, introduced by Laible, referred to Local Government.

SB 426, introduced by Perry, referred to Local Government.

SB 427, introduced by Perry, referred to Public Health, Welfare and Safety.

SB 428, introduced by Esp, Keenan, Mood, referred to Select Committee on Redistricting and Apportionment.

SB 429, introduced by Esp, Keenan, Mood, referred to Select Committee on Redistricting and Apportionment.

SB 430, introduced by Ellingson, referred to Business and Labor.

SB 431, introduced by Elliott, Cobb, Kaufmann, Tester, referred to State Administration.

MOTIONS

SB 7, House Amendments - Senator Thomas moved consideration of **House Amendments to SB 7** be moved to the top of the second reading board this legislative day. Motion carried.

SB 327, SB 62, SB 316 - Senator Thomas moved consideration of **SB 327, SB 62 and SB 316** be moved below SB 7 on the second reading board. Motion carried.

**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 Barkus 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 7 - House Amendments - Senator Butcher moved House amendments to **SB 7** be concurred in. Motion carried unanimously.

Committee of the Whole stood at ease.

SPECIAL ORDERS OF THE DAY

President Keenan introduced Christopher Thomson, Canadian Consul General in Minneapolis. As Consul General, Mr. Thomson is responsible for the conduct of Canada's bilateral relationships with eight Midwest and Rocky Mountain states, including Montana. Consul Thomson spoke to the Senate.

Committee of the Whole resumed.

SB 327 - Senator Taylor moved **SB 327** do pass. After discussion, Senator Ryan made a **substitute motion** that **SB 327**, second reading copy, be amended as follows :

1. Title, page 1, line 4 through line 13.

Strike: "REQUIRING" on line 4 through "ACCOUNT;" on line 13

Insert: "REQUIRING THE ATTORNEY GENERAL TO ESTABLISH AND ENFORCE A TELEPHONE SOLICITATION NO-CALL LIST; PROHIBITING TELEPHONE SOLICITATION OF RESIDENTIAL SUBSCRIBERS WHO ARE ON THE NO-CALL LIST; PROVIDING THAT THE NO-CALL LIST DATABASE IS NOT A PUBLIC RECORD; PROVIDING THAT RESIDENTIAL SUBSCRIBERS MAY BE PLACED ON THE NO-CALL LIST WITHOUT COST; PROHIBITING INTERFERENCE WITH CALLER IDENTIFICATION SERVICES; PROVIDING FOR CIVIL, CRIMINAL, AND INJUNCTIVE ACTIONS AGAINST PERSONS OR ENTITIES VIOLATING TELEPHONE SOLICITATION NO-CALL PROVISIONS; CREATING AN ADVISORY GROUP FOR CONSUMER PROTECTION WITH RESPECT TO TELEMARKETERS; PROVIDING FOR DISSEMINATION OF INFORMATION ON THE NO-CALL LIST; CREATING A TELEPHONE SOLICITATION NO-CALL LIST ADMINISTRATION ACCOUNT;"

2. Page 1.

Following: line 15

Strike: everything after the enacting clause

Insert: "

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 7] the following definitions apply:

(1) "Caller identification service" means a type of telephone service which permits telephone subscribers to see the telephone number of incoming telephone calls.

(2) "Residential subscriber" means a person who has subscribed to residential telephone service from a local exchange company and the other persons living or residing with the person.

(3) "Telephone solicitation" means any voice communication over a telephone line from a live operator, through the use of an automatic dialing-announcing device, or by other means for the purpose of encouraging the purchase of, rental of, or investment in property, goods, or services. Telephone solicitation does not include communications:

(a) to any residential subscriber with that subscriber's prior express invitation or permission;

(b) by or on behalf of any person or entity with whom a residential subscriber has had a business contact within the past 180 days or has a current business or personal relationship;

(c) by or on behalf of an entity organized pursuant to section 501(c)(1) through 501(c)(6) of the Internal Revenue Code, 26 U.S.C. 501(c)(1) through 501(c)(6), while the entity is engaged in fundraising to support the charitable

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purpose for which the entity was established and provided that a bona fide member of the exempt organization makes the voice communication;

- (d) by or on behalf of any entity over which a federal agency has regulatory authority to the extent that:
 - (i) subject to that authority, the entity is required to maintain a license, permit, or certificate to sell or provide the merchandise being offered through telemarketing; and
 - (ii) the entity is required by law or rule to develop and maintain a no-call list;
- (e) by a natural person responding to a referral or working from the person's primary residence; or
- (f) by a person licensed by the state of Montana to carry out a trade, occupation, or profession who is setting or attempting to set an appointment for actions relating to that licensed trade, occupation, or profession within the state.

NEW SECTION. Section 2. Telephone solicitation of residential subscribers on no-call list prohibited.

A person or entity may not make or cause to be made any telephone solicitation to the telephone line of any residential subscriber in this state who has given notice to the attorney general, in accordance with rules promulgated pursuant to [section 3], of the residential subscriber's objection to receiving telephone solicitations.

NEW SECTION. Section 3. Attorney general to create no-call list database -- rules -- inclusion of national database -- database not public record -- no cost to subscribers. (1) The attorney general shall establish and provide for the operation of a database containing a list of names and telephone numbers of residential subscribers who object to receiving telephone solicitations. The attorney general must have the database in operation no later than January 1, 2004. A residential subscriber may be listed in the data base without cost to the subscriber.

(2) Not later than January 1, 2004, the attorney general shall promulgate rules and regulations governing the establishment of a state no-call database that are necessary and appropriate to fully implement the provisions of [sections 1 through 7]. The rules must include but are not limited to rules specifying:

- (a) the methods by which each residential subscriber may give notice to the attorney general or a contractor designated by the attorney general of the residential subscriber's objection to receiving telephone solicitations or the methods by which the residential subscriber may revoke the notice;
- (b) the length of time for which a notice of objection is effective and the effect of a change of telephone number on the notice;
- (c) the methods by which pertinent information may be collected and added to the no-call database;
- (d) the methods for obtaining access to the no-call database by any person or entity desiring to make telephone solicitations if that person or entity is required to avoid calling the residential subscribers included in the no-call database;
- (e) the cost to be assessed to a person or entity that is required to obtain access to the no-call database; and
- (f) other matters relating to the no-call database that the attorney general considers desirable.

(3) If the federal communications commission establishes a single national database of telephone numbers of residential subscribers who object to receiving telephone solicitations pursuant to 47 U.S.C. 227(c)(3), the attorney general shall include that part of the single national database that relates to Montana in the no-call database established pursuant to this section.

(4) Information contained in the no-call database established pursuant to this section may be used only for the purpose of compliance with [section 2] and this section or in a proceeding or action pursuant to [section 5]. The information may not be considered a public record pursuant to Title 2, chapter 6.

(5) In April, July, October, and January of each year, the attorney general shall make a reasonable attempt to obtain subscription listings of residential subscribers in this state who have arranged to be included on any national no-call list and add those names to the state no-call list.

NEW SECTION. Section 4. Interference with caller identification service prohibited. (1) Any person or entity who makes a telephone solicitation to the telephone line of any residential subscriber in this state shall, at the beginning of the call, state clearly the identity of the person or entity initiating the call.

(2) A person or entity who makes a telephone solicitation to the telephone line of a residential subscriber in this

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state may not knowingly use any method to block or otherwise circumvent the residential subscriber's use of a caller identification service.

NEW SECTION. Section 5. Penalties -- attorney general to enforce civil, criminal, and injunctive relief -- private actions -- defenses -- statute of limitations. (1) (a) The attorney general or a county attorney may initiate proceedings relating to a knowing violation or threatened knowing violation of [section 2 or 4].

(b) The proceedings may include a request for any of the following:

- (i) an injunction;
- (ii) a civil penalty up to a maximum of \$5,000 for each knowing violation;
- (iii) additional relief that a court of competent jurisdiction may order.

(c) The attorney general may issue investigative demands, issue subpoenas, administer oaths, and conduct hearings in the course of investigating a violation of [section 2 or 4].

(2) In addition to the penalties provided in subsection (1), any person or entity that violates [section 4] is subject to all penalties, including criminal penalties, remedies, and procedures provided in the unfair trade practices and consumer protection laws, as provided for in Title 30, chapter 14, parts 1 and 2. The remedies available in this section are cumulative and in addition to any other remedies available by law.

(3) Any residential subscriber who has received more than one telephone solicitation within any 12-month period by or on behalf of the same person or entity in violation of [section 2 or 4] may bring an action to:

- (a) enjoin the violation; and
- (b) recover the greater of:
 - (i) the actual monetary loss from a knowing violation; or
 - (ii) \$5,000 in damages for each knowing violation.

(4) It is a defense in any action or proceeding brought pursuant to this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of [section 2 or 4].

(5) An action or proceeding may not be brought pursuant to this section more than 2 years after:

- (a) the person bringing the action knew or should have known of the occurrence of the alleged violation; or
- (b) the termination of any proceeding or action arising out of the same violation or violations by the state of Montana.

(6) A court of this state may exercise personal jurisdiction, in the manner provided by law, over any nonresident or the nonresident's executor or administrator as to an action or proceeding authorized by this section.

(7) The remedies, duties, prohibitions, and penalties provided in [sections 1 through 7] are not exclusive and are in addition to all other causes of action, remedies, and penalties provided by law.

(8) A provider of telephone caller identification service may not be held liable for violations of [section 2 or 4] that are committed by other persons or entities.

NEW SECTION. Section 6. Advisory group for consumer protection from telemarketers -- publication of information on consumer rights. (1) The attorney general shall establish an advisory group composed of government entities, local exchange telecommunications companies, businesses, senior citizens, and other community advocates to compile and promote a list of educational literature to help consumers understand their options with regard to telephone solicitations and telemarketers, as defined in 30-14-1403.

(2) The attorney general shall work with local exchange telecommunications companies to disseminate to their residential subscribers information about the availability of educational literature and instructions about how to request educational literature from the attorney general. The attorney general may enter into agreements with those companies for the purpose of dissemination of the educational literature.

(3) The attorney general shall include on the attorney general's internet website information that informs residential subscribers of their rights to be placed on a no-call list and the various methods, including notice to the attorney general, of placing their names on the no-call list.

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(4) The attorney general shall have any literature developed for dissemination to the public pursuant to this section ready for dissemination no later than January 1, 2004.

NEW SECTION. Section 7. Telephone solicitation no-call list administration account -- purpose and administration. (1) There is a telephone solicitation no-call list administration account in the state special revenue fund for administration of [sections 1 through 7] by the office of the attorney general.

(2) Revenue generated from fees collected from persons or entities obtaining access to the no-call list database and any civil penalties recovered by the attorney general pursuant to [section 5] must be deposited into the telephone solicitation no-call list administration account.

NEW SECTION. Section 8. Codification instruction. [Sections 1 through 7] are intended to be codified as an integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 1 through 7].

NEW SECTION. Section 9. Effective date. [This act] is effective July 1, 2003."

After discussion, Senator Ryan **withdrew** his amendment.

SB 327 - Senator Taylor's do pass motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Cocchiarella, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, Mahlum, Mangan, McGee, McNutt, Nelson, O'Neil, Perry, Shea, Sprague, Stapleton, Story, Tash, Taylor, Tester, Thomas, Zook, Mr. President.
Total 34

Nays: Butcher, Cobb, Cooney, Ellingson, Elliott, Kitzenberg, McCarthy, Pease, Roush, Ryan, Schmidt, Squires, Stonington, Toole, Tropila, Wheat.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Committee of the Whole stood at ease.

SPECIAL ORDERS OF THE DAY

The President of the United States, the Honorable Abraham Lincoln was welcomed to the Senate. President Lincoln gave a short speech to the Senate in honor of his 194th birthday. (Former Senator Harry Fritz of the University of Montana represented President Lincoln.)

Committee of the Whole resumed.

SB 62 - Senator D. Ryan moved **SB 62**, second reading copy, be amended as follows :

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

Strike: "DEPARTMENT" on line 4 through "ADMINISTRATION" on line 5

Insert: "ATTORNEY GENERAL"

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2. Page 2, line 8.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

3. Page 3, line 3.

Strike: "DEPARTMENT"

Insert: "attorney general"

4. Page 3, line 7.

Strike: "DEPARTMENT"

Insert: "Attorney general"

5. Page 3, line 9.

Strike: "DEPARTMENT"

Insert: "attorney general"

6. Page 3, line 11.

Strike: "DEPARTMENT"

Insert: "attorney general"

7. Page 3, line 13.

Strike: "DEPARTMENT"

Insert: "attorney general"

8. Page 3, line 17.

Strike: the first "DEPARTMENT"

Insert: "attorney general"

Following: "general"

Strike: the second "DEPARTMENT"

Insert: "attorney general"

9. Page 3, line 28.

Strike: "DEPARTMENT"

Insert: "attorney general"

10. Page 4, line 2.

Strike: "DEPARTMENT"

Insert: "attorney general"

11. Page 4, line 8.

Strike: "DEPARTMENT"

Insert: "attorney general"

12. Page 4, line 19.

Strike: "DEPARTMENT"

Insert: "attorney general"

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13. Page 4, line 21.

Strike: "DEPARTMENT"

Insert: "attorney general"

14. Page 6, line 13.

Strike: "DEPARTMENT"

Insert: "office of the attorney general"

15. Page 6, line 15.

Strike: "DEPARTMENT"

Insert: "attorney general"

Amendment **failed** as follows:

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

Total 22

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

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 62 - Senator D. Ryan moved **SB 62** do pass. Motion carried as follows:

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

Total 39

Nays: Bales, Barkus, Butcher, DePratu, Glaser, Grimes, McGee, Perry, Stapleton, Zook, Mr. President.

Total 11

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

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MOTIONS

SB 7 House Amendments - Senator Thomas moved rule 50-170 be suspended to allow the House Amendments to **SB 7** to be placed on third reading this legislative day. Motion carried.

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 25 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 138 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 217 passed as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, O'Neil, Pease, Perry, Schmidt, Shea, Sprague, Squires, Stonington, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat,

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Zook.
Total 39

Nays: Bales, Cobb, Curtiss, Esp, McGee, Nelson, Roush, Ryan, Stapleton, Story, Mr. President.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 223 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Harrington, Johnson, Laible, Mahlum, Mangan, McGee, McNutt, O'Neil, Perry, Roush, Schmidt, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 32

Nays: Cobb, Cromley, Ellingson, Elliott, Hansen, Kitzenberg, McCarthy, Nelson, Pease, Ryan, Shea, Sprague, Squires, Stonington, Tester, Toole, Tropila, Wheat.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 259 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, McGee, McNutt, O'Neil, Perry, Roush, Sprague, Squires, Stonington, Story, Tash, Taylor, Thomas, Tropila, Wheat, Zook, Mr. President.
Total 36

Nays: Cooney, Ellingson, Kitzenberg, Mahlum, Mangan, McCarthy, Nelson, Pease, Ryan, Schmidt, Shea, Stapleton, Tester, Toole.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 292 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu,

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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, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: Toole.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 294 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 302 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

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SB 329 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

HB 94, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, 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 47

Nays: Cobb, Cromley, Johnson.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 116, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Barkus, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Grimes, Hansen, Harrington, Kitzenberg, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook.
Total 35

Nays: Bales, Black, Butcher, Curtiss, Esp, Gebhardt, Glaser, Johnson, Laible, McGee, O'Neil, Stapleton, Story, Tash, Mr. President.
Total 15

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

HB 217 concurred in 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 7, as amended by the House, passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, 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 48

Nays: Cobb, Johnson.
Total 2

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., Tuesday, February 18, 2003. Motion carried.

Senate adjourned at 3:05 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate