

**SENATE JOURNAL  
58TH LEGISLATURE  
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
February 26, 2003

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Tester, excused. Quorum present.

The presiding officer has authenticated the daily journal for the forty-second legislative day.

**REPORTS OF STANDING COMMITTEES**

**BILL REPORT**

Correctly printed: **SB 463, SB 464.**

Correctly engrossed: **SB 267, SB 314, SB 347, SB 362, SB 375, SB 394, SB 409, SB 411, SB 436, SB 441, SB 448, SB 452, SB 454, SB 455, SB 456.**

Examined by the sponsor and found to be correct: **SB 164, SB 195.**

Signed by the Speaker at 11:40 a.m., February 26, 2003: **SB 164, SB 195.**

Signed by the President at 9:15 a.m., February 26, 2003: **SB 195.**

Signed by the President at 10:15 a.m., February 26, 2003: **SB 164.**

Signed by the Secretary of the Senate at 10:20 a.m., February 26, 2003: **SB 164, SB 195.**

Delivered to the Governor for approval at 11:50 a.m., February 26, 2003: **SB 164, SB 195.**

**BUSINESS AND LABOR** (Mahlum, Chairman):  
**SB 341**, introduced bill, be amended as follows:

2/25/2003

1. Title, page 1, line 4.

**Strike:** "60"

**Insert:** "45"

2. Title, page 1, line 8.

**Following:** "CANCELLATON"

**Strike:** ", ALTERATION" through "A"

**Insert:** "OR NONRENEWAL OF POLICIES ISSUED TO A SPECIFIC GROUP OF"

3. Title, page 1, line 9.

**Strike:** "POLICYHOLDER"

**Insert:** "POLICYHOLDERS"

4. Page 1, line 17.

**Strike:** "60"

**Insert:** "45"

5. Page 1, line 25.

**Strike:** "60"

**Insert:** "45"

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6. Page 2, line 16.

**Strike:** "60"

**Insert:** "45"

7. Page 2, line 25.

**Strike:** "60"

**Insert:** "45"

8. Page 2, line 27.

**Strike:** "60"

**Insert:** "45"

9. Page 3, line 10.

**Strike:** "60"

**Insert:** "45"

10. Page 4, line 6.

**Strike:** "physician and surgeon,"

**Insert:** "person licensed in the practice of medicine, as defined in 37-3-102, a"

11. Page 4, line 11.

**Strike:** "120"

**Insert:** "60"

12. Page 4, line 13.

**Following:** line 12

**"NEW SECTION. Section 7. Cancellation or nonrenewal of all policies.** Any insurer insuring a person described in 33-23-302 who elects to cancel or not renew all policies for all persons identified in 33-23-302 shall provide notice of the decision to cancel or not renew coverage to all affected persons described in 33-23-302 at least 120 days prior to cancellation or nonrenewal."

13. Page 4, line 18.

**Strike:** "60"

**Insert:** "45"

14. Page 4, line 21.

**Following:** line 20

**Insert:** "NEW SECTION. Section 9. Codification instruction. [Section 7] is intended to be codified as an integral part of Title 33, chapter 23, part 3, and the provisions of Title 33, chapter 23, part 3, apply to [section 7]."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 349**, do pass. Report adopted.

**SB 391**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "AN IRREGULAR"

**Insert:** "A SPORADIC"

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2. Title, line 5 through line 6.

**Strike:** "TO" on line 5 through "CHILDREN" on line 6

3. Page 1, line 17.

**Strike:** "irregular"

**Insert:** "sporadic"

4. Page 1, line 19 through line 20.

**Strike:** "z" on line 19 through "(i)" on line 20

5. Page 1, line 20.

**Following:** "regular"

**Insert:** "or sporadic"

6. Page 1, line 20 through line 21.

**Strike:** "z" on line 20 through "basis" on line 21

7. Page 2, line 30.

**Strike:** "(15)(a)"

**Insert:** "(16)(a)"

8. Page 1, line 25 through line 26.

**Strike:** "an irregular" on line 25 through "(3)(a)(ii)," on line 26

**Insert:** "a place licensed or registered to provide day care on a sporadic basis to children attending drop-in day care"

9. Page 2.

**Following:** line 5

**Insert:** "(6) "Drop-in day care" means care provided to 13 or more individual children on a sporadic basis for less than 10 hours a week."

**Renumber:** subsequent subsections

10. Page 3, line 15.

**Strike:** "an irregular"

**Insert:** "a sporadic"

11. Page 3, line 20.

**Strike:** "an irregular"

**Insert:** "a sporadic"

12. Page 4, line 6.

**Strike:** "an irregular"

**Insert:** "a sporadic"

And, as amended, do pass. Report adopted.

**SB 402**, introduced bill, be amended as follows:

1. Page 1, line 22.

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**Following:** "originator"

**Insert:** "after September 1, 2004,"

2. Page 2, line 6.

**Following:** line 5

**Insert:** "(5) "Entity" means a business organization, other than a sole proprietorship or an individual person, that provides mortgage broker services."

**Renumber:** subsequent subsections

3. Page 3, lines 11 and 12.

**Following:** "banker"

**Strike:** remainder of line 11 through "services" on line 12

**Insert:** "who is regulated by the United States department of housing and urban development. A mortgage banker who is not regulated by the department of housing and urban development who also provides services as a mortgage broker must be licensed as a mortgage broker with respect to those mortgage broker services"

4. Page 3, line 16.

**Strike:** "by"

**Insert:** "on or after"

5. Page 3, line 19.

**Following:** "department."

**Insert:** "All licenses issued under this section are nontransferable and nonassignable."

6. Page 3, lines 29 and 30.

**Following:** "license" on line 29

**Strike:** "as" through "business" on line 30

**Following:** "license" on line 30

**Strike:** "must"

**Insert:** "shall"

7. Page 4, line 14.

**Strike:** "However, by"

**Insert:** "On or after"

8. Page 5, line 4.

**Following:** "each"

**Insert:** "individual"

9. Page 5, line 13.

**Following:** "investigation."

**Insert:** "The department may deny the application if the applicant's criminal history demonstrates any felony criminal convictions or other convictions involving fraud or dishonesty or if the applicant has had any adverse civil judgments involving fraudulent or dishonest dealings."

10. Page 6, line 1.

**Following:** "investigation."

**Insert:** "The department may deny the application if the applicant's criminal history demonstrates any felony criminal

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convictions or other convictions involving fraud or dishonesty or if the applicant has had any adverse civil judgments involving fraudulent or dishonest dealings."

11. Page 6, line 17.

**Strike:** "A"

**Insert:** "An individual"

**Following:** "broker"

**Insert:** "or an entity seeking licensure as a mortgage broker"

12. Page 6, line 18.

**Strike:** "for" through "state"

13. Page 6, line 19.

**Strike:** "\$200"

**Insert:** "\$400"

14. Page 6, lines 19 and 20.

**Strike:** "The" on line 19 through "year" on line 20

**Insert:** "An applicant shall pay one-half of these initial nonrefundable license application fees for any license period of less than 6 months"

15. Page 6, lines 23 and 24.

**Strike:** "processing" on line 23 through "applications" on line 24

**Insert:** "the program"

16. Page 7, lines 2 and 3.

**Following:** "originators" on line 2

**Strike:** remainder of line 2 through "proprietor" on line 3

**Insert:** "and all individual"

**Following:** "brokers" on line 3

**Strike:** ", and all designated managers"

17. Page 7, line 16.

**Following:** "licensee"

**Insert:** "or licensed entity"

18. Page 7, line 18.

**Following:** "licensee"

**Insert:** "or licensed entity"

19. Page 7, line 29.

**Strike:** "A" through "entity"

**Insert:** "Each licensee"

20. Page 8, line 1.

**Strike:** "The"

**Insert:** "A"

**Following:** "broker"

**Insert:** "or loan originator"

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21. Page 8, line 2.

**Following:** "broker's"

**Insert:** "or loan originator's"

22. Page 11, line 3.

**Strike:** "investigate"

**Insert:** "examine"

**Following:** second "any"

**Insert:** "mortgage broker"

23. Page 11, lines 5 and 6.

**Following:** "licensee" on page 5

**Strike:** remainder of line 5 through "practices" on line 6

24. Page 11, line 7.

**Strike:** "mortgage broker entity"

**Insert:** "licensee"

25. Page 11, line 8.

**Strike:** "mortgage broker entity"

**Insert:** "licensee"

26. Page 11, lines 15 and 16.

**Following:** "all" on line 15

**Strike:** remainder of line 15 through "licensee" on line 16

**Insert:** "confidential criminal justice information"

27. Page 11, line 23.

**Strike:** "mortgage brokers"

**Insert:** "licensees"

28. Page 12, line 28.

**Following:** "(1)"

**Insert:** "is guilty of a misdemeanor and"

And, as amended, do pass. Report adopted.

**SB 415**, introduced bill, be amended as follows:

1. Page 1, line 16.

**Following:** "(a)"

**Insert:** "(i)"

**Strike:** "9"

**Insert:** "18"

**Strike:** "2,500"

**Insert:** "6,000"

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2. Page 1, line 17.

**Strike:** "(b)"

**Insert:** "(ii)"

**Strike:** "5 miles"

**Insert:** "1 mile"

3. Page 1, line 19.

**Strike:** "(c)"

**Insert:** "(iii)"

4. Page 1, line 20.

**Following:** "application"

**Insert:** "; or

(b)(i) the golf course must consist of at least 9 holes and 2,500 lineal yards;

(ii) the governing body of the golf course is incorporated under section 501(c)(3) of the Internal Revenue Code;

(iii) the golf course must be within 3 miles of the limits of an incorporated city or town; and

(iv) the applicant for a license under this section may not have held a beer and wine or all-beverages license within 12 months of the date of application"

And, as amended, do pass. Report adopted.

**SB 430**, introduced bill, be amended as follows:

1. Title, lines 8 and 9.

**Following:** "ACCESS;" on line 8

**Strike:** remainder of line 8 through "PREMISES;" on line 9

2. Title, line 14.

**Strike:** "70-24-426,"

3. Page 5, line 22 through page 6, line 10.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

4. Page 6, line 27.

**Following:** "7"

**Insert:** "calendar"

And, as amended, do pass. Report adopted.

**SB 444**, do pass. Report adopted.

**SB 450**, introduced bill, be amended as follows:

1. Page 2, line 27.

**Strike:** "Except" through "attorney"

**Insert:** "Attorney"

**Following:** "may"

**Insert:** "only be awarded under the provisions of subsection (1) and may"

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2. Page 3, line 13.

**Strike:** "Except" through "attorney"

**Insert:** "Attorney"

**Following:** "may"

**Insert:** "only be awarded under the provisions of subsections (1) and (2) and may"

And, as amended, do pass. Report adopted.

**SB 458**, introduced bill, be amended as follows:

1. Page 2, line 5.

**Following:** "successor"

**Strike:** "in interest to"

**Insert:** "of"

And, as amended, do pass. Report adopted.

**SJR 27**, be adopted. Report adopted.

**ENERGY AND TELECOMMUNICATIONS** (Johnson, Chairman):

2/25/2003

**SB 272**, do pass. Report adopted.

**SB 386**, do pass. Report adopted.

**SB 387**, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Butcher, Chairman):

2/25/2003

**SB 359**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "LITTERING OR"

2. Title, page 1, line 6.

**Following:** "HIGHWAY;"

**Insert:** "PROVIDING EXCEPTIONS FOR ROAD MAINTENANCE AND CONSTRUCTION AND CERTAIN COMMERCIAL PRODUCTS;"

3. Page 1, line 11.

**Following:** "requirement."

**Insert:** "(1)"

4. Page 1, line 13.

**Following:** "shall"

**Strike:** "attach, cover, or otherwise"

5. Page 1, line 14.

**Following:** "prevent"

**Strike:** "littering or"

6. Page 1, lines 14 and 15.

**Following:** "highway." on line 14



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**Insert:** "(2) This section does not apply to:"

- (a) the transport and spreading of gravel, dirt, or a related substance;
- (b) the transport of construction materials, machinery, or other items while being used in highway maintenance or construction; or
- (c) the commercial transport of unprocessed agricultural, timber, or mineral products.

And, as amended, do pass. Report adopted.

**SB 422**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Strike:** "any"

**Insert:** "more than trace amounts"

2. Page 1, line 30.

**Following:** "boats,"

**Insert:** "airplanes authorized to use gasoline,"

3. Page 2, line 28.

**Insert:** "NEW SECTION. Section 5. Contingent voidness. If the 58th legislature does not pass and the governor does not approve a law that amends 15-70-204(3) to increase the tax on gasohol from 85% of the tax imposed in 15-70-204(1), then [this act] is void."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

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

2/25/2003

**HB 411**, introduced by Gallus

**HB 441**, introduced by Cyr

**HB 512**, introduced by Sinrud

**HB 608**, introduced by Windy Boy

**HB 644**, introduced by Rice

**HB 647**, introduced by B. Thomas

**HB 653**, introduced by Lambert

**MOTIONS**

**SB 156** - Senator O'Neil moved **SB 156** be taken from the committee on Judiciary, printed and placed on the second reading board. Motion **failed** as follows:

Yeas: Anderson, Butcher, Curtiss, DePratu, Gebhardt, Glaser, Johnson, McGee, O'Neil, Taylor, Mr. President.

Total 11

Nays: Bales, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Grimes, Hansen, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Thomas, Toole, Tropila, Wheat, Zook.

Total 38

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Absent or not voting: None.  
Total 0

Excused: Tester.  
Total 1

**SB 240** - Senator Stonington moved **SB 240** be taken from the committee on Natural Resources, printed and placed on the second reading board. Motion **failed** as follows:

Yeas: Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Mangan, Nelson, Pease, Ryan, Schmidt, Squires, Stonington, Toole, Tropila, Wheat, Mr. President.  
Total 21

Nays: Anderson, Bales, Barkus, Black, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, O'Neil, Perry, Roush, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook.  
Total 28

Absent or not voting: None.  
Total 0

Excused: Tester.  
Total 1

**SB 457** - Senator Cooney moved **SB 457** be taken from the committee on Business and Labor, printed and placed on the second reading board. Motion **failed** as follows:

Yeas: Barkus, Bohlinger, Butcher, Cobb, Cooney, Ellingson, Laible, Mangan, McCarthy, McGee, Nelson, O'Neil, Pease, Ryan, Schmidt, Stapleton, Stonington, Toole, Wheat, Zook.  
Total 20

Nays: Anderson, Bales, Black, Cocchiarella, Cromley, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Mahlum, McNutt, Perry, Roush, Shea, Sprague, Squires, Story, Tash, Taylor, Thomas, Tropila, Mr. President.  
Total 29

Absent or not voting: None.  
Total 0

Excused: Tester.  
Total 1

**Senator Tester present at this time.**

**SB 330** - Senator Mangan moved **SB 330** be taken from the table in the committee on Energy and Telecommunications, printed and placed on the second reading board. Motion **passed** as follows:

Yeas: Bales, Barkus, Black, Cobb, Cocchiarella, DePratu, Ellingson, Elliott, Esp, Gebhardt, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, Pease, Perry, Ryan, Shea, Squires, Story, Tash, Tester, Thomas,

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Tropila, Wheat.  
Total 29

Nays: Anderson, Bohlinger, Butcher, Cooney, Cromley, Curtiss, Glaser, Grimes, Hansen, Harrington, Johnson, O'Neil, Roush, Schmidt, Sprague, Stapleton, Stonington, Taylor, Toole, Zook, Mr. President.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**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 194** passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Perry, Ryan, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.  
Total 43

Nays: Cooney, Ellingson, Hansen, Pease, Roush, Schmidt, Toole.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 282** passed as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Glaser, Hansen, Harrington, Johnson, Kitzenberg, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat.  
Total 39

Nays: Bales, Butcher, Curtiss, Esp, Gebhardt, Grimes, Laible, McGee, Stapleton, Zook, Mr. President.  
Total 11

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**SB 337** passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Curtiss, DePratu, 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, Zook, Mr. President.  
Total 46

Nays: Cromley, Ellingson, Toole, Wheat.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 348** 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 434** 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

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 445** passed as follows:

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

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

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 13** adopted as follows:

Yeas: Barkus, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 41

Nays: Anderson, Bales, Black, Curtiss, Esp, Gebhardt, Laible, McGee, O'Neil.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 19** adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Roush, Ryan, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 34

Nays: Cooney, Cromley, Ellingson, Hansen, Harrington, Mangan, McCarthy, Nelson, Pease, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 16

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 23** adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, 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 27

Nays: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

**SB 445** - Senator Squires moved she be allowed to change her vote on **SB 445**, third reading this day, from yea to nay.  
Motion carried.

Senator Thomas moved the Senate stand in recess until the hour of 9:15 a.m. this legislative day for purpose of party caucuses. Motion carried.

**Senate recessed at 8:51 a.m.**  
**Senate reconvened at 9:39 a.m.**

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**JOINT SELECT COMMITTEE ON DISTRICTING AND APPORTIONMENT** (Barkus, Chairman) 2/26/2003  
**SB 428**, do pass. Report adopted.  
**SB 429**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Bohlinger, Chairman): 2/26/2003  
**SB 46**, do pass. Report adopted.  
**SB 370**, introduced bill, be amended as follows:

1. Page 2, line 22.  
**Following:** "(3)"  
**Insert:** "(a)"

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2. Page 2, line 23.

**Strike:** "inmate's third-party payor"

**Insert:** "detention center administrator may arrange with the health care provider to pursue reimbursement from a third-party payor for the services provided.

(b) If the health care provider is unable to collect from the third-party payor within 120 days from the date of the service, the county is responsible for reimbursing the health care provider for the services at the medicaid reimbursement rate.

(c) If the health care provider is reimbursed by the third-party payor after the provider has been reimbursed by the county, the provider shall refund to the county the amount that the provider had been paid by the county for the services provided to the inmate"

3. Page 3.

**Following:** line 24

**Insert:** "(c) If a municipality commits a person to the detention center of the county in which the municipality is located for a reason other than detention pending trial for or detention for service of a sentence for violating an ordinance of that municipality, then the county in which the municipality is located is responsible."

And, as amended, do pass. Report adopted.

**SJR 25**, be adopted. Report adopted.

**SJR 26**, be adopted. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (O'Neil, Chairman):

2/26/2003

**SB 321**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Following:** "TASKS;"

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4.

**Following:** line 28

**Insert:** "NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**SB 449**, introduced bill, be amended as follows:

1. Page 2.

**Following:** line 5

**Insert:** "(4) A local fetal, infant, and child mortality review team may not review deaths of fetuses, infants, or children who are Indians and which deaths occur within the boundaries of an Indian reservation with a tribal government that opposes the review."

2. Page 2, line 11.

**Strike:** "as determined by"

**Insert:** "if"

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**Following:** "government"

**Insert:** "agrees"

3. Page 2, line 12.

**Strike:** " "

And, as amended, do pass. Report adopted.

**SB 451**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "ASSISTANCE"

**Insert:** "TREATMENT"

2. Page 1, line 18.

**Strike:** "and medicare-eligible"

3. Page 1.

**Following:** line 29

**Insert:** "(v) a tobacco use resource center;"

**Renumber:** subsequent subsections

4. Page 2, line 17.

**Following:** "provide"

**Insert:** "matching"

**Strike:** "assist"

**Insert:** "secure federal funds to treat"

**Strike:** "and medicare-eligible"

5. Page 3, line 11.

**Strike:** "assist"

**Insert:** "treat"

And, as amended, do pass. Report adopted.

### MOTIONS

**SB 458** - Senator McNutt moved **SB 458** be taken from the second reading board and rereferred to the committee on Finance and Claims in order that the bill would have a better hearing than time the previous day allowed. Motion carried.

**Senators Butcher and Schmidt excused at this time.**

**SB 277** - Senator Curtiss moved **SB 277** be taken from the committee on Energy and Telecommunications, printed and placed on the second reading board. Motion **carried** as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Cobb, Curtiss, DePratu, Esp, Gebhardt, Grimes, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McGee, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 27



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Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Glaser, Hansen, Harrington, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Butcher, Schmidt.  
Total 2

**SB 392** - Senator Bales moved **SB 392** be taken from the committee on Fish and Game, printed and placed on the second reading board. Motion **passed** as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Grimes, Kitzenberg, Laible, McGee, McNutt, O'Neil, Perry, Shea, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 25

Nays: Bohlinger, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Glaser, Hansen, Harrington, Johnson, Mahlum, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Sprague, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 24

Absent or not voting: None.  
Total 0

Excused: Schmidt.  
Total 1

**Senators Butcher and Schmidt present at this time.**

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

Session 1

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 426** - Senator Perry moved **SB 426** do pass. Motion **failed** as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cobb, Curtiss, Esp, Gebhardt, Glaser, Grimes, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 25

Nays: Bohlinger, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Hansen, Harrington, Johnson, Kitzenberg, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 25

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 426** - Senator Thomas moved **SB 426** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Mr. President.  
Total 34

Nays: Anderson, Bales, Barkus, Black, Butcher, Curtiss, Esp, Gebhardt, Glaser, Laible, McGee, O'Neil, Sprague, Story, Tash, Zook.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 439** - Senator Grimes moved **SB 439** do pass. Motion carried unanimously.

**SB 374** - Senator Laible moved **SB 374**, second reading copy, be amended as follows:

1. Page 1, line 30.

**Strike:** "Nothing"

**Insert:** "Except as provided in subsection (4), nothing"

2. Page 1, line 30.

**Strike:** "prohibits"

**Insert:** "limits"

3. Page 2, line 2.

**Insert:** "(4) Subsection (3) does not apply to elections that are currently nonpartisan for school board trustees or nonpartisan for officials in cities, counties, or consolidated city-county governments."

Amendment **adopted** unanimously.

**SB 374** - Senator Laible moved **SB 374**, as amended, do pass. Motion **failed** as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 25

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

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Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 374** - Senator F. Thomas moved **SB 374** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gebhardt, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 39

Nays: Anderson, Bales, Barkus, Black, Butcher, Curtiss, DePratu, Glaser, McGee, O'Neil, Taylor.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 239** - Senator Mangan moved **SB 239** do pass. Motion carried as follows:

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

Total 43

Nays: Anderson, Barkus, Butcher, Laible, O'Neil, Sprague, Stapleton.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 366** - Senator Grimes moved **SB 366** do pass. Motion carried as follows:

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

Total 43

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Nays: Bohlinger, Ellingson, Hansen, Johnson, Pease, Squires, Toole.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 405** - Senator Laible moved **SB 405** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Tropila, Wheat, Zook, Mr. President.  
Total 38

Nays: Cromley, Ellingson, Hansen, Harrington, Johnson, Roush, Ryan, Schmidt, Squires, Stonington, Tester, Toole.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 410** - Senator Taylor moved **SB 410** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Johnson, Kitzenberg, Laible, Mahlum, McGee, McNutt, Nelson, O'Neil, Perry, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 30

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Grimes, Hansen, Harrington, Mangan, McCarthy, Pease, Roush, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 417** - Senator Barkus moved **SB 417** do pass. Motion **failed** as follows:

Yeas: Anderson, Bales, Barkus, Curtiss, DePratu, Gebhardt, Ryan, Shea, Stapleton, Thomas.  
Total 10

Nays: Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Glaser, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry,

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Roush, Schmidt, Sprague, Squires, Stonington, Story, Tash, Taylor, Tester, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 39

Absent or not voting: None.  
Total 0

Excused: Grimes.  
Total 1

**SB 417** - Senator F. Thomas moved **SB 417** be **indefinitely postponed**. Motion carried as follows:

Yeas: Anderson, Bales, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Gebhardt, Glaser, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Tropila, Wheat, Zook, Mr. President.  
Total 44

Nays: Barkus, DePratu, Shea, Thomas.  
Total 4

Absent or not voting: Toole.  
Total 1

Excused: Grimes.  
Total 1

**SB 322** - Senator Ellingson moved **SB 322** do pass. Motion **failed** as follows:

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

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

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 322** - Senator F. Thomas moved **SB 322** be **indefinitely postponed**. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, O'Neil, Perry, Ryan, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 30

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Nays: Bohlinger, Cobb, Cocchiarella, Cooney, Ellingson, Elliott, Hansen, Harrington, Kitzenberg, Nelson, Pease, Roush, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 7** - Senator Laible moved **SJR 7** be adopted. Motion carried unanimously.

**SB 37** - Senator Mahlum moved **SB 37** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 45

Nays: Cocchiarella, Gebhardt, Shea, Sprague, Squires.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Thomas moved the committee rise, report progress, and beg leave to sit again. 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.

**MOTIONS**

Senator Thomas moved the Senate stand in recess until the hour of 2:00 p.m. this legislative day. Motion carried.

**Senate recessed at 1:04 pm.**  
**Senate reconvened at 2:00 p.m.**

Roll call. All members present except Senator Harrington, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**FISH AND GAME** (Sprague, Chairman):  
**SB 395**, do pass. Report adopted.  
**SB 442**, introduced bill, be amended as follows:

2/26/2003

1. Title, line 6.

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**Strike:** "IMPORTATION,"  
**Following:** "POSSESSION"  
**Strike:** ", "

2. Title, line 10.

**Strike:** "IMPORTATION,"  
**Following:** "POSSESSION"  
**Strike:** ", "

3. Page 1, line 19.

**Following:** ";"  
**Strike:** "or"  
**Insert:** "and"

4. Page 1, line 20.

**Strike:** "department"  
**Following:** "authorization"  
**Insert:** "for importation from the department of livestock"  
**Strike:** "subsection (2)"  
**Insert:** "Title 81, chapter 2, part 7"

5. Page 1, line 21.

**Strike:** "importation,"  
**Following:** "possession"  
**Strike:** ", "

6. Page 1, line 26.

**Strike:** "importation,"  
**Following:** "possession"  
**Strike:** ", "

7. Page 1, line 28.

**Strike:** "imported,"  
**Following:** "possessed"  
**Strike:** ", "

8. Page 1, line 29.

**Strike:** subsection (a) in its entirety  
**Renumber:** subsequent subsections

9. Page 2, line 12.

**Following:** "parrots"  
**Strike:** ", " through "monachus"

10. Page 4, line 6.

**Following:** "turtles"  
**Insert:** "with a carapace or shell length of more than 4 inches and"

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11. Page 5, line 19.

**Strike:** "importation,"

**Following:** "possession"

**Strike:** ", "

12. Page 6, line 8.

**Strike:** "importation,"

**Following:** "possession"

**Strike:** ", "

13. Page 6, line 9.

**Following:** "apply to"

**Insert:** ": (a)"

14. Page 6, line 11.

**Following:** "question"

**Insert:** "; or

(b) domestic animals"

15. Page 6, line 14.

**Following:** "reports"

**Strike:** "the"

**Insert:** "that"

16. Page 7, line 12.

**Strike:** "81-9-217"

**Insert:** "81-2-702"

17. Page 7, line 17.

**Following:** the first "state"

**Insert:** "for a person's temporary or permanent residence or domicile"

18. Page 8, line 16.

**Following:** "[section 21]."

**Insert:** "The department of livestock may not issue import permits for exotic wildlife on a list of controlled exotic wildlife or prohibited exotic wildlife without authorization from the department."

19. Page 9, line 9.

**Following:** "agriculture"

**Insert:** ", public health and human services,"

20. Page 9, line 12.

**Following:** "state"

**Insert:** "or that may pose a risk to human health or safety"

And, as amended, do pass. Report adopted.



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**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 465**, introduced by Tester, DePratu, Lindeen, Mendenhall, referred to Taxation.

**SB 466**, introduced by Bohlinger, referred to Taxation.

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

**HB 42**, introduced by Barrett, referred to Finance and Claims.

**HB 90**, introduced by E. Clark (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.

**HB 144**, introduced by Harris (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 189**, introduced by Pattison (by request of the Department of Transportation), referred to Highways and Transportation.

**HB 222**, introduced by Parker (by request of the Department of Corrections), referred to Judiciary.

**HB 236**, introduced by Erickson, referred to Finance and Claims.

**HB 283**, introduced by Fuchs, Andersen, Balyeat, Esp, Glaser, Laible, Rice, Sprague, referred to Fish and Game.

**HB 298**, introduced by Younkin, Bohlinger, Glaser, Hurwitz, Keane, Lawson, Mahlum, McNutt, Newman, Noennig, Perry, Peterson, Schrupf, Wanzenried, Wheat, referred to Local Government.

**HB 327**, introduced by Harris, referred to Judiciary.

**HB 358**, introduced by Lange, Noennig, Brueggeman, referred to Judiciary.

**HB 368**, introduced by Devlin, referred to Natural Resources.

**HB 388**, introduced by Lake, Fuchs, Hurwitz, Lambert, Peterson, Ross, Younkin, referred to Agriculture, Livestock and Irrigation.

**HB 407**, introduced by Gutsche, Balyeat, P. Clark, Cobb, Dowell, Fuchs, Gallus, Galvin-Halcro, Golie, Kitzenberg, Lindeen, McGee, F. Thomas, Tropila, Wanzenried, Wilson, referred to Fish and Game.

**HB 411**, introduced by Gallus, Barrett, R. Brown, Cohenour, Cyr, Facey, Fuchs, Golie, Harrington, Keane, Keenan, Lange, Laslovich, McCarthy, Newman, Roberts, Rome, Shea, Tester, F. Thomas, Wagman, referred to Fish and Game.

**HB 416**, introduced by Younkin, Bohlinger, Gebhardt, Golie, Haines, Hurwitz, Jacobson, McGee, Story, Wheat, referred to Local Government.

**HB 417**, introduced by Golie, Dowell, Fuchs, Lenhart, Matthews, McCarthy, A. Olson, Perry, Story, F. Thomas, referred to Energy and Telecommunications.

**HB 419**, introduced by Laszloffy, Bergren, Brueggeman, Butcher, DePratu, Elliott, Grimes, Kasten, Keane, Mahlum, Mood, Musgrove, Pattison, B. Ryan, F. Thomas, Wilson, Witt, referred to Highways and Transportation.

**HB 441**, introduced by Cyr, Black, Bohlinger, DePratu, Dowell, Erickson, Fisher, Forrester, Harrington, Laslovich, McGee, Newman, A. Olson, B. Olson, Tester, Wanzenried, referred to Taxation.

**HB 484**, introduced by R. Brown, referred to Public Health, Welfare and Safety.

**HB 499**, introduced by Franklin, referred to Public Health, Welfare and Safety.

**HB 505**, introduced by Gallus, P. Clark, Cohenour, Cooney, Dickenson, Facey, Franklin, Fuchs, Gibson, Golie, Kaufmann, McGee, Tash, Tester, Tropila, Wanzenried, Younkin, referred to Natural Resources.

**HB 512**, introduced by Sinrud, referred to Local Government.

**HB 520**, introduced by Erickson, Fritz, referred to Local Government.

**HB 527**, introduced by Mendenhall, referred to Natural Resources.

**HB 531**, introduced by Hurwitz, Barrett, Brueggeman, Bookout-Reinicke, Haines, Lake, Lehman, A. Olson, Pattison, Rice, Ripley, referred to Agriculture, Livestock and Irrigation.

**HB 537**, introduced by Lawson, D. Brown, Carney, DePratu, Fisher, Forrester, Hurwitz, Keane, Keenan, Laslovich, Maedje, Matthews, McCarthy, A. Olson, B. Olson, referred to Natural Resources.

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**HB 538**, introduced by Rome, referred to Highways and Transportation.  
**HB 556**, introduced by Gallik, Cooney, referred to Highways and Transportation.  
**HB 557**, introduced by Andersen, referred to Public Health, Welfare and Safety.  
**HB 559**, introduced by Gallus, Bergren, R. Brown, Brueggeman, Forrester, Franklin, Gallik, Jacobson, Kaufmann, Keane, Lenhart, Newman, Parker, B. Ryan, Smith, Wilson, referred to Highways and Transportation.  
**HB 561**, introduced by Bitney, referred to Energy and Telecommunications.  
**HB 563**, introduced by Laszloffy, Stapleton, referred to Finance and Claims.  
**HB 572**, introduced by Lewis, Branae, referred to Education and Cultural Resources.  
**HB 573**, introduced by Parker, Dowell, Galvin-Halcro, Harris, referred to Education and Cultural Resources.  
**HB 578**, introduced by Shockley, referred to Judiciary.  
**HB 579**, introduced by Shockley, referred to Judiciary.  
**HB 585**, introduced by Franklin, referred to Public Health, Welfare and Safety.  
**HB 591**, introduced by Fuchs, referred to Highways and Transportation.  
**HB 597**, introduced by Wagman, referred to Finance and Claims.  
**HB 601**, introduced by Ripley, Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Everett, Fisher, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hurwitz, Keane, Lake, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Morgan, Musgrove, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, B. Ryan, Schrupf, Sinrud, Smith, Stoker, Witt, referred to State Administration.  
**HB 608**, introduced by Windy Boy, Ballantyne, Bergren, Bixby, Callahan, P. Clark, Cyr, Dickenson, Dowell, Forrester, Franklin, Hansen, Jacobson, Jayne, Jent, Juneau, Lambert, Musgrove, Newman, Pease, Raser, Roush, Small-Eastman, Smith, Wanzenried, Weiss, referred to Finance and Claims.  
**HB 615**, introduced by Franklin, Becker, Erickson, Gutsche, Kaufmann, referred to Judiciary.  
**HB 618**, introduced by Dickenson, Callahan, Hurwitz, Small-Eastman, Windy Boy, referred to Judiciary.  
**HB 619**, introduced by Maedje, Bergren, Bookout-Reinicke, Brueggeman, Curtiss, Fuchs, Haines, Jackson, Lake, Lambert, Lange, B. Olson, Pattison, Peterson, Rice, Ripley, Sinrud, Steinbeisser, Stoker, B. Thomas, Witt, referred to Finance and Claims.  
**HB 627**, introduced by Lindeen, referred to Taxation.  
**HB 636**, introduced by Forrester, Bohlinger, Cromley, A. Olson, referred to Finance and Claims.  
**HB 639**, introduced by Laslovich, referred to Education and Cultural Resources.  
**HB 644**, introduced by Rice, Andersen, Barrett, Hurwitz, Lehman, Mendenhall, Ripley, Rome, Steinbeisser, Wagman, referred to Agriculture, Livestock and Irrigation.  
**HB 647**, introduced by B. Thomas, referred to Public Health, Welfare and Safety.  
**HB 653**, introduced by Lambert, Lange, B. Olson, Peterson, Witt, referred to Agriculture, Livestock and Irrigation.

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

**HJR 19**, introduced by Raser, referred to Public Health, Welfare and Safety.  
**HJR 21**, introduced by Morgan, referred to State Administration.

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

Session 2

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

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

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recommend as follows:

**Senator Harrington present at this time.**  
**Senator Keenan excused at this time.**

**SB 421** - Senator Grimes moved **SB 421** do pass. Motion carried as follows:

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

Nays: Bales, Butcher, Cocchiarella, Nelson, Story.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Mr. President.  
Total 1

**Senator Keenan present at this time.**

**SB 271** - Senator Stapleton moved **SB 271** do pass. Motion carried unanimously.

**Senator Ellingson excused at this time.**

**SB 335** - Senator Laible explained that the co-op was unable to meet the criteria as promised. Therefore, Senator Laible moved **SB 335** be **indefinitely postponed**. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, 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 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Ellingson.  
Total 1

**SB 350** - Senator Grimes moved **SB 350**, second reading copy, be amended as follows :

1. Page 5, line 4.

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**Following:** "agency."

**Insert:** "Upon any remand, the time limits established for environmental review in 75-1-208 are applicable from the date of the order for the level of environmental review ordered by the court."

2. Page 5, line 6.

**Following:** "court"

**Insert:** "unless the court or an agency finds a violation of an environmental standard imposed by statute or agency rule"

Amendment **adopted** with Senator Toole voting nay.

**SB 350** - Senator Grimes moved **SB 350**, as amended, do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cobb, Cromley, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Zook, Mr. President.  
Total 39

Nays: Bohlinger, Cocchiarella, Cooney, Harrington, Johnson, Mangan, Schmidt, Toole, Tropila, Wheat.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Ellingson.  
Total 1

**Senator Ellingson present at this time.**

**SB 360** - Senator F. Thomas moved **SB 360** do pass. Motion carried unanimously.

**Senators Bohlinger, Stapleton, Tester and Keenan excused at this time.**

**SB 423** - Senator Cobb moved **SB 423**, second reading copy, be amended as follows :

1. Page 2, line 21 through line 24.

**Strike:** subsection (6) in its entirety

2. Page 3, line 10.

**Strike:** "(1)"

3. Page 3, line 12.

**Strike:** "(a)"

**Insert:** "(1)"

**Re-number:** subsequent subsections

4. Page 3, line 17.

**Strike:** "(1)(b)"

**Insert:** "(2)"

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5. Page 3, line 21.

**Strike:** "(1)(b) and (1)(c)"

**Insert:** "(2) and (3)"

6. Page 4, line 2.

**Strike:** "(1)(b) through (1)(h)"

**Insert:** "(2) through (8)"

7. Page 4, lines 7 through 10.

**Strike:** subsection (2) in its entirety

Amendment **adopted** as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Gebhardt, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mangan, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Story, Toole, Tropila, Wheat.

Total 28

Nays: Anderson, Bales, Barkus, Black, Butcher, DePratu, Esp, Glaser, Grimes, Mahlum, McGee, O'Neil, Perry, Sprague, Tash, Taylor, Thomas, Zook.

Total 18

Absent or not voting: None.

Total 0

Excused: Bohlinger, Stapleton, Tester, Mr. President.

Total 4

**Senators Keenan, Stapleton and Tester present at this time.**

**SB 423** - Senator Cooney moved **SB 423**, second reading copy, be further amended as follows :

1. Title, page 1, lines 7 through 8.

**Strike:** "INCREASING" on line 7 through "CONTRIBUTOR;" on line 8

2. Page 3, line 14.

**Strike:** "\$50"

**Insert:** "\$35"

3. Page 3, line 29.

**Strike:** "\$50"

**Insert:** "\$35"

Amendment **not** adopted as follows:

Yeas: Cobb, Cocchiarella, Cooney, Ellingson, Elliott, Hansen, Harrington, Johnson, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Squires, Stapleton, Stonington, Tester, Toole, Tropila, Wheat.

Total 22

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Nays: Anderson, Bales, Barkus, Black, Butcher, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Kitzenberg, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Shea, Sprague, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: Bohlinger.  
Total 1

**Senator Bohlinger present at this time.**

**SB 423** - Senator Black moved **SB 423**, as amended, do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cobb, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, O'Neil, Perry, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 30

Nays: Bohlinger, Cocchiarella, Cooney, Ellingson, Elliott, Hansen, Harrington, Johnson, Mangan, Nelson, Pease, Roush, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 431** - Senator Elliott moved **SB 431**, second reading copy, be amended as follows :

1. Page 2, following line 25.

**Insert:** "(3) The money in the Montana heritage preservation and development account established in 22-3-1004 and any other funds intended for the management, maintenance, or operation of properties acquired under this part may not be used to address management, maintenance, operation, or fiscal deficiencies of the system of state parks identified in Title 23, chapter 1, as they existed on [the effective date of this act]."

**Renumber:** subsequent subsection

2. Page 2, line 28.

**Following:** line 27

**Insert:** "(5) As used in this section, "flagship park" means a park that contains natural, cultural, and recreational resources of statewide or national significance, that offers multiple activities for visitors, that draws visitors from beyond the immediate area, and that is an important element in Montana's tourism economy."

Amendment **adopted** unanimously.

**Senator Tester excused at this time.**

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**SB 431** - Senator Elliott moved **SB 431**, as amended, do pass. Motion **passed** as follows:

Yeas: Barkus, Bohlinger, Butcher, Cobb, Cooney, Cromley, DePratu, Ellingson, Elliott, Esp, Harrington, Johnson, Laible, Mangan, McCarthy, McGee, Nelson, O'Neil, Pease, Perry, Roush, Schmidt, Sprague, Stapleton, Stonington, Tash, Toole, Tropila, Wheat, Zook.

Total 30

Nays: Anderson, Bales, Black, Cocchiarella, Curtiss, Gebhardt, Glaser, Grimes, Hansen, Kitzenberg, Mahlum, McNutt, Ryan, Shea, Squires, Story, Taylor, Thomas, Mr. President.

Total 19

Absent or not voting: None.

Total 0

Excused: Tester.

Total 1

**Senator Tester present at this time.**

**SB 432** - Senator Grimes moved **SB 432** do pass. Motion carried as follows:

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

Total 46

Nays: Butcher, O'Neil, Ryan, Story.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 16** - Senator Sprague moved **SJR 16** be adopted. Motion carried unanimously.

**SJR 22** - Senator McGee moved **SJR 22** be adopted. Motion carried as follows:

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

Total 35

Nays: Cooney, Ellingson, Hansen, Harrington, Nelson, Pease, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.

Total 14

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Absent or not voting: Elliott.  
Total 1

Excused: None.  
Total 0

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

**MOTIONS**

Senator Thomas moved the Senate stand in recess until the hour of 6:00 p.m. Motion carried.

**Senate recessed at 4:55 p.m.**  
**Senate reconvened at 6:05 p.m.**

Roll call. All members present. Quorum present.

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

Session 3

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

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

**SB 390** - Senator Mangan moved **SB 390** do pass. Motion **failed** as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gebhardt, Hansen, Harrington, Mangan, Nelson, Pease, Roush, Shea, Sprague, Squires, Tester, Tropila, Wheat.  
Total 16

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, O'Neil, Perry, Ryan, Schmidt, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Toole, Zook, Mr. President.  
Total 34

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 390** - Senator Mangan moved **SB 390** be **indefinitely postponed**. Motion **passed** as follows:



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Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, 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, Wheat, Zook, Mr. President.  
Total 48

Nays: Cobb, Tropila.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 362** - Senator Grimes moved **SB 362** do pass. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cooney, Curtiss, DePratu, Ellingson, Elliott, Esp, Glaser, Grimes, Hansen, Kitzenberg, Mahlum, Mangan, McGee, McNutt, O'Neil, Perry, Roush, Schmidt, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Toole, Wheat, Zook, Mr. President.  
Total 33

Nays: Bales, Cobb, Cocchiarella, Cromley, Gebhardt, Harrington, Johnson, Laible, McCarthy, Nelson, Pease, Ryan, Shea, Sprague, Squires, Tester, Tropila.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 409** - Senator Stapleton moved **SB 409** do pass. Motion carried unanimously.

**SJR 21** - Senator Cocchiarella moved **SJR 21** be adopted. Motion carried unanimously.

**SB 381** - Senator Keenan moved **SB 381** do pass. Motion carried unanimously.

**SB 411** - Senator Wheat moved **SB 411**, second reading copy, be amended as follows :

1. Page 1, line 23.

**Insert:** "(4) In providing for this basic system of free quality public education, the legislature further recognizes that, as articulated by the Montana supreme court in Helena Elementary School District No. 1 v. State, 236 Mont. 44, 769 P.2d 684 (1989), minimum accreditation standards do not fully define a quality education, that the Montana school accreditation standards are minimum standards upon which a quality education must be built, and that Montana school accreditation standards do not fully define either the constitutional rights of students or the constitutional responsibilities of the state of Montana for funding its public elementary and secondary schools."

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Amendment **not** adopted as follows:

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

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

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 411** - Senator Cooney moved **SB 411**, second reading copy, be amended as follows :

1. Title, line 5 through line 6.

**Strike:** "DEFINING" on line 5 through "SCHOOLS";" on line 6

2. Title, line 7.

**Following:** "OF"

**Insert:** ""QUALITY PUBLIC ELEMENTARY AND SECONDARY SCHOOLS" AND"

3. Title, line 9 through line 10.

**Strike:** "AMENDING" on line 9 through "MCA;" on line 10

4. Page 1, line 24 through page 4, line 11.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

5. Page 4, line 14.

**Strike:** "definition"

**Insert:** "definitions"

**Following:** "of"

**Insert:** ""quality public elementary and secondary schools" and"

6. Page 4, line 16.

**Following:** "defining"

**Insert:** ""quality public elementary and secondary schools" and"

Amendment **not** adopted 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,

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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 411** - Senator Glaser moved **SB 411** do pass. Motion carried as follows:

Yeas: 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, Tropila, Zook, Mr. President.  
Total 29

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Wheat.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 452** - Senator Taylor moved **SB 452** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cooney, Cromley, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Roush, Sprague, Stapleton, Story, Tash, Taylor, Tester, Thomas, Tropila, Zook, Mr. President.  
Total 35

Nays: Cocchiarella, Ellingson, Hansen, Harrington, Mangan, McCarthy, Nelson, Pease, Ryan, Schmidt, Squires, Stonington, Toole, Wheat.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Shea.  
Total 1

**SB 447** - Senator Grimes moved **SB 447** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 27

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Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 455** - Senator Cooney moved **SB 455** do pass. Motion carried unanimously.

**SB 394** - Senator Perry moved **SB 394** do pass. After discussion, Senator Thomas made a **substitute motion** that consideration of **SB 394** be passed for the day. Motion carried.

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

Yeas: Anderson, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Tester, Thomas, Toole, Tropila, Wheat, Zook.  
Total 41

Nays: Bales, Butcher, Esp, Laible, McGee, Story, Tash, Taylor, Mr. President.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 24** - Senator O'Neil moved **SJR 24** be adopted. Motion carried unanimously.

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

**MOTIONS**

**SB 421** - Senator Zook moved **SB 421** be taken from third reading and rereferred to the committee on Finance and Claims. Motion carried.

**SB 439** - Senator Zook moved **SB 439** be taken from third reading and rereferred to the committee on Finance and Claims. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

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Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Thursday, February 27, 2003. Motion carried.

Senate adjourned at 9:03 p.m.

ROSANA SKELTON  
Secretary of the Senate

BOB KEENAN  
President of the Senate