

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

Helena, Montana
February 27, 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 Butcher, excused. Quorum present.

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

REPORTS OF STANDING COMMITTEES

BILL REPORT

Correctly printed: **SB 465, SB 466.**

Correctly engrossed: **SB 341, SB 350, SB 359, SB 370, SB 391, SB 402, SB 415, SB 422, SB 423, SB 430, SB 431, SB 441, SB 442, SB 449, SB 450, SB 451, SB 458.**

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/26/2003

HB 370, introduced by Noennig
HB 437, introduced by A. Olson
HB 465, introduced by P. Clark
HB 493, introduced by Branae
HB 574, introduced by Lehman
HB 584, introduced by Barrett
HB 621, introduced by Sinrud
HB 631, introduced by Lake
HB 637, introduced by Raser
HB 684, introduced by A. Olson

House joint resolution passed and transmitted to the Senate for concurrence:

2/26/2003

HJR 24, introduced by D. Brown

FIRST READING AND COMMITMENT OF BILLS

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

SB 467, introduced by Elliott, P. Clark, referred to Taxation.

SB 468, introduced by Harrington, Cyr, Erickson, referred to Taxation.

MOTIONS

Senator Thomas moved the Senate stand in recess until the hour of 8:35 a.m. this day, for purpose of party caucuses. Motion carried.

Senate recessed at 8:08 a.m.
Senate reconvened at 8:40 a.m.

Roll call. All members present. Quorum present

MOTIONS

SB 436 - Senator Shea moved **SB 436** be taken from the second reading board and rereferred to the committee on Finance and Claims. Motion carried as follows:

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

Nays: Cooney, Toole.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 412 - Senator Toole moved **SB 412** be taken from the table in the Fish and Game committee, printed and placed on second reading. Motion **failed** as follows:

Yeas: Cobb, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Nelson, Pease, Roush, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.
Total 18

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, O'Neil, Perry, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 32

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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 McGee in the chair.

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

recommend as follows:

SB 394 - Senator O'Neil moved **SB 394**, second reading copy, be amended as follows :

1. Title, page 1, line 7.

Strike: "MOST"

Insert: "CERTAIN"

2. Page 1, line 14.

Following: "allowable."

Insert: "(1)"

3. Page 1, line 16.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

4. Page 1, line 25.

Following: "and"

Insert: "and"

5. Page 1, line 26.

Strike: subsection (9) in its entirety

Renumber: subsequent subsection

6. Page 1.

Following: line 28

Insert: "(2) If the action for which costs are awarded under subsection (1) is decided in a district court or an appellate court, the party to whom costs are awarded is also entitled to reasonable attorney fees as determined by the court."

Amendment **failed** on a voice vote.

SB 394 - Senator Perry moved **SB 394** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, McGee, McNutt, Nelson, Perry, Roush, Shea, Sprague, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Tropila, Zook, Mr. President.

Total 32

Nays: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Mangan, McCarthy, O'Neil, Pease, Ryan, Schmidt, Squires, Tester, Toole, Wheat.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 448 - Senator Nelson moved **SB 448** do pass. After discussion, Senator Nelson made a **substitute motion** that consideration of **SB 448** be passed for the day. Motion carried unanimously.

SJR 26 - Senator Bohlinger moved **SJR 26** be adopted. Motion carried unanimously.

SB 456 - Senator Esp moved **SB 456** do pass. Motion carried as follows:

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

Total 41

Nays: Cooney, Ellingson, Grimes, Mahlum, Schmidt, Tash, Tester, Toole.

Total 8

Absent or not voting: Cobb.

Total 1

Excused: None.

Total 0

SB 314 - Senator McCarthy moved **SB 314** do pass. Motion carried with Senator McGee voting nay.

SB 277 - Senator Curtiss moved **SB 277** do pass. Motion carried unanimously.

Senator McCarthy excused at this time.

SB 392 - Senator Bales moved **SB 392** do pass. Motion carried as follows:

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

Total 29

Nays: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Harrington, Kitzenberg, Mangan, Pease, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Tester, Toole, Tropila, Wheat.

Total 20

Absent or not voting: None.

Total 0

Excused: McCarthy.

Total 1

Senator McCarthy present at this time.

SB 349 - Senator Anderson moved **SB 349** do pass. Motion carried unanimously.

SB 386 - Senator Gebhardt moved **SB 386** do pass. Motion carried unanimously.

SB 387 - Senator Cobb moved **SB 387** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy,

McGee, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 47

Nays: Gebhardt, Stapleton.
Total 2

Absent or not voting: Perry.
Total 1

Excused: None.
Total 0

Senator Perry excused at this time.

SJR 25 - Senator Bohlinger moved **SJR 25** be adopted. Motion carried with Senator Butcher voting nay.

Senator Thomas moved items 1 through 5 of agenda number 1 be moved to the bottom of the second reading board.
Motion carried.

SB 441 - Senator D. Ryan moved **SB 441**, second reading copy, be amended as follows :

1. Page 4, line 20.

Following: "district"

Insert: "under 20 U.S.C. 7003(b)"

2. Page 4, line 21.

Strike: "7003(b)"

Insert: "7003(d) and 20 U.S.C. 7707"

Amendment **adopted** unanimously.

Senator Stonington excused at this time.

SB 441 - Senator D. Ryan moved **SB 441**, as amended, do pass. Motion carried as follows:

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

Total 45

Nays: Gebhardt, Laible, Mr. President.
Total 3

Absent or not voting: None.
Total 0

Excused: Perry, Stonington.
Total 2

Senator Stonington present at this time.

SJR 27 - Senator Johnson moved consideration of **SJR 27** be placed below SB 341 on agenda number 2. Motion carried unanimously.

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

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/27/2003

HB 127, introduced by Fritz
HB 289, introduced by Newman
HB 302, introduced by Lewis
HB 431, introduced by Lawson
HB 467, introduced by Barrett
HB 468, introduced by Gillan
HB 481, introduced by Lewis
HB 482, introduced by Forrester
HB 509, introduced by A. Olson
HB 518, introduced by Lindeen
HB 523, introduced by Balyeat
HB 540, introduced by Gallik
HB 542, introduced by Franklin
HB 564, introduced by Lindeen
HB 571, introduced by Parker
HB 583, introduced by R. Brown
HB 588, introduced by Matthews
HB 609, introduced by Windy Boy
HB 640, introduced by Haines
HB 648, introduced by Younkin
HB 667, introduced by Harris
HB 669, introduced by Younkin
HB 679, introduced by Steinbeisser
HB 681, introduced by E. Clark
HB 689, introduced by A. Olson
HB 693, introduced by Sinrud
HB 700, introduced by Brueggeman
HB 703, introduced by Parker
HB 710, introduced by Raser
HB 711, introduced by Gallus
HB 719, introduced by A. Olson

House joint resolution passed and transmitted to the Senate for concurrence:

2/27/2003

HJR 30, introduced by Windy Boy

MESSAGES FROM THE GOVERNOR

February 26, 2003

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

Dear Senator Keenan:

Please be informed that I have signed **Senate Bill 7** sponsored by Senator Butcher on February 26, 2003.

Sincerely,

JUDY MARTZ
Governor

FIRST READING AND COMMITMENT OF BILLS

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

HB 370, introduced by Noennig, Bohlinger, Wanzenried, referred to Natural Resources.

HB 437, introduced by A. Olson, DePratu, Forrester, Fuchs, Gallus, Gebhardt, Keane, Matthews, McCarthy, Ross, D. Ryan, Tash, referred to Natural Resources.

HB 465, introduced by P. Clark, Balyeat, Barrett, Esp, Fuchs, Golie, Rice, Sales, Shockley, Tester, Wanzenried, referred to Fish and Game.

HB 493, introduced by Branae, referred to Public Health, Welfare and Safety.

HB 574, introduced by Lehman, referred to Natural Resources.

HB 584, introduced by Barrett, Brueggeman, Grimes, Gutsche, Stonington, referred to Natural Resources.

HB 621, introduced by Sinrud, Barkus, Brueggeman, Cooney, Laible, Lindeen (by request of the House Joint Appropriations Subcommittee on General Government and Transportation), referred to State Administration.

HB 631, introduced by Lake, Mahlum, McNutt, referred to Finance and Claims.

HB 637, introduced by Raser, referred to Energy and Telecommunications.

HB 684, introduced by A. Olson, referred to Natural Resources.

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

HJR 24, introduced by D. Brown (by request of the House State Administration Standing Committee), referred to State Administration.

MOTIONS

SB 448 - Senator Nelson moved **SB 448** be taken from second reading and rereferred to the committee on Finance and Claims. 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 37 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Elliott, Esp, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt,

Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 46

Nays: Cobb, Ellingson, Gebhardt, Sprague.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 239 passed 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, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 45

Nays: Anderson, Barkus, Butcher, Laible, O'Neil.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 271 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 347 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Glaser, Grimes, 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, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 47

Nays: Gebhardt, Hansen, Tester.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 360 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, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Zook, Mr. President.
Total 46

Nays: Mangan, Story, Tropila, Wheat.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 366 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Perry, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.
Total 41

Nays: Bohlinger, Cooney, Ellingson, Hansen, Johnson, Pease, Schmidt, Squires, Toole.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 405 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Harrington, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, O'Neil, Pease, Perry, Shea, Sprague,

Stapleton, Story, Tash, Taylor, Thomas, Tropila, Zook, Mr. President.
Total 34

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Hansen, Johnson, Mangan, Nelson, Roush, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Wheat.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 410 passed as follows:

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

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 432 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 47

Nays: Butcher, Gebhardt, O'Neil.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 7 adopted 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

SJR 16 adopted 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

SJR 22 adopted 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, Elliott, Hansen, Harrington, Nelson, Pease, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

**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. President Keenan in the chair.

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

Senators Black and Stapleton excused at this time.

SB 450 - Senator Cocchiarella moved **SB 450** do pass. Motion carried as follows:

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

Total 41

Nays: Cromley, Ellingson, Harrington, Squires, Tester, Toole, Wheat.

Total 7

Absent or not voting: None.

Total 0

Excused: Black, Stapleton.

Total 2

Senator Cobb excused at this time.

SB 341 - Senator Grimes moved **SB 341** do pass. Motion carried unanimously.

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 Keenan 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 1:00 p.m. this legislative day. Motion carried.

Senate recessed at 11:56 a.m.

Senate reconvened at 1:00 p.m.

Roll call. All members present except Senators Grimes and Stonington, excused. Quorum present.

MOTIONS

Senator Thomas moved the Senate stand in recess until the hour of 1:40 p.m. this legislative day for purpose of party caucuses. Motion carried.

Senate recessed at 1:05 p.m.

Senate reconvened at 1:45 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 McGee in the chair.

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

Senator Cobb excused at this time.

SJR 27 - Senator Johnson moved **SJR 27** be adopted. Motion carried as follows:

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, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

SB 359 - Senator Cromley moved **SB 359** do pass. After discussion, Senator Cromley made a **substitute motion** that **SB 359** be moved below SB 415 on the second reading board for purpose of amendment preparation. Motion carried.

SB 370 - Senator Gebhardt moved **SB 370** do pass. Motion carried unanimously.

Senator Cobb present at this time.

Senator Bales excused at this time.

SB 391 - Senator Mangan moved **SB 391** do pass. Motion carried as follows:

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

Total 36

Nays: Barkus, Black, Butcher, Curtiss, DePratu, Esp, Glaser, Laible, McGee, O'Neil, Tash, Zook, Mr. President.

Total 13

Absent or not voting: None.

Total 0

Excused: Bales.

Total 1

Senator Bales present at this time.

SB 402 - Senator Cocchiarella moved **SB 402** do pass. Motion carried with Senators O'Neil and Stapleton voting nay.

SB 415 - Senator F. Thomas moved **SB 415** do pass. Motion carried unanimously.

SB 359 - Senator Cromley moved consideration of **SB 359** be placed below SB 330 on the second reading board. Motion carried.

Senator Butcher excused at this time.

SB 428, requiring 2/3 of entire Legislature - Senator Esp moved **SB 428** do pass. Motion carried as follows:

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

Total 29

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

Total 20

Absent or not voting: None.

Total 0

Excused: Butcher.

Total 1

Senator Butcher present at this time.

SB 429 - Senator Esp moved **SB 429** do pass. Motion carried as follows:

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

Total 28

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

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 430 - Senator Ellingson moved **SB 430** do pass. Motion carried unanimously.

SB 444 - Senator Tester moved **SB 444** do pass. Motion carried unanimously.

SB 395 - Senator Toole moved **SB 395**, second reading copy, be amended as follows :

1. Title, line 4.

Strike: "HUNTING"

Insert: "SHOOTING"

2. Page 1, line 16.

Strike: "hunting"

Insert: "shooting"

3. Page 1, line 19.

Strike: "hunt"

Insert: "shoot"

4. Page 1, line 25.

Strike: "hunt"

Insert: "shoot"

5. Page 2, line 2.

Strike: "hunting"

Insert: "shooting"

6. Page 2, line 17.

Strike: "hunts"

Insert: "shooting"

7. Page 3, line 28.

Strike: "hunting"

Insert: "shooting"

8. Page 4, line 8.

Strike: "hunting"

Insert: "shooting"

9. Page 4, line 23.

Strike: "hunting"

Insert: "shooting"

Amendment **not** adopted as follows:

Yeas: Bohlinger, Cocchiarella, Cooney, Ellingson, Harrington, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Tester, Toole, Wheat, Mr. President.

Total 18

Nays: Anderson, Bales, Barkus, Black, Butcher, Cobb, Cromley, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Kitzenberg, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Tropila, Zook.

Total 32

Absent or not voting: None.

Total 0

Excused: None.
Total 0

SB 395 - Senator Perry moved **SB 395** do pass. Motion carried as follows:

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

Nays: Cooney, Ellingson, Elliott, Harrington, Mangan, McCarthy, Nelson, Pease, Toole, Tropila, Wheat.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 451 - Senator Esp moved **SB 451** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, Esp, Gebhardt, Glaser, Grimes, Laible, Mahlum, McGee, McNutt, Nelson, Perry, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 27

Nays: Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Hansen, Harrington, Johnson, Kitzenberg, Mangan, McCarthy, O'Neil, Pease, Roush, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.
Total 23

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

THIRD READING OF BILLS

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

SB 350 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Hansen, Kitzenberg, Laible, Mahlum, Mangan, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Shea, Sprague, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Zook, Mr. President.
Total 35

Nays: Bohlinger, Cobb, Cocchiarella, Cooney, Ellingson, Elliott, Harrington, Johnson, McCarthy, Ryan, Schmidt,

Squires, Toole, Tropila, Wheat.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 362 passed as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cooney, Curtiss, DePratu, Ellingson, Elliott, Esp, Glaser, Grimes, Hansen, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McGee, O'Neil, Perry, Roush, Schmidt, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Toole, Wheat, Zook, Mr. President.
Total 34

Nays: Bales, Cobb, Cocchiarella, Cromley, Gebhardt, Harrington, McCarthy, McNutt, Nelson, Pease, Ryan, Shea, Sprague, Squires, Tester, Tropila.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 381 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 409 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 411 passed 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 423 passed as follows:

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

Total 30

Nays: Bohlinger, Cocchiarella, Cooney, Ellingson, Hansen, Harrington, Johnson, Mangan, McCarthy, 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 passed as follows:

Yeas: Cobb, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Harrington, Johnson, Laible, Mangan, McCarthy, McGee, Nelson, O'Neil, Pease, Perry, Roush, Schmidt, Squires, Stonington, Toole, Tropila, Wheat, Zook.

Total 26

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Gebhardt, Glaser, Grimes, Hansen, Kitzenberg, Mahlum, McNutt, Ryan, Shea, Sprague, Stapleton, Story, Tash, Taylor, Tester, Thomas, Mr. President.

Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 447 passed as follows:

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

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Johnson, 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 452 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Roush, Sprague, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Tropila, Zook, Mr. President.
Total 36

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 455 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, 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: Esp.
Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 20 adopted as follows:

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

Total 47

Nays: Bales, Esp, McGee.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 21 adopted as follows:

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

Total 45

Nays: Black, Butcher, McGee, O'Neil, Stapleton.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 24 adopted 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, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 47

Nays: Butcher, Stapleton, Story.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

SB 392 - Senator Bales moved **SB 392** be taken from third reading and placed on second reading this legislative day, in the second position on the board. Motion carried.

SB 391 - Senator Zook moved **SB 391** be taken from third reading and referred to the committee on Finance and Claims. Motion carried.

Senator Thomas moved the 5 education bills, **SB 323, SB 424, SB 454, SB 267, and SB 303**, be taken from second reading and rereferred to the Finance and Claims committee. Motion carried.

SB 359 - Senator Thomas moved **SB 359** be placed at the top of the second reading board. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Session 4

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

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

SB 359 - Senator Cromley moved **SB 359**, second reading copy, be amended as follows :

1. Title, page 1, line 7.

Strike: "COMMERCIAL"

Insert: "UNPROCESSED"

2. Page 1, line 20.

Strike: "OR"

3. Page 1, line 21.

Strike: "COMMERCIAL"

Following: "PRODUCTS"

Insert: "; or

(d) commercial transport that complies with federal regulation"

Amendment **adopted** with Senator O'Neil voting nay.

SB 359 - Senator Cromley moved **SB 359**, as amended, do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan,

McCarthy, McGee, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: O'Neil.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 392 - Senator Bales moved **SB 392**, second reading copy, be amended as follows :

1. Title, line 10.

Following: "THAN LAND"

Insert: "AGREED UPON BY THE LANDOWNER OR"

2. Page 2, line 26.

Following: "than land"

Insert: "voluntarily subjected to a management plan by the landowner or"

3. Page 4, line 8.

Following: "than land"

Insert: "voluntarily subjected to a management plan by the landowner or"

Amendment **adopted** unanimously.

Senator Harrington excused at this time.

SB 392 - Senator Bales moved **SB 392**, as amended, do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Laible, Mahlum, Mangan, McGee, McNutt, Nelson, O'Neil, Perry, Roush, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Zook, Mr. President.
Total 32

Nays: Bohlinger, Cobb, Cocchiarella, Cooney, Ellingson, Elliott, Kitzenberg, McCarthy, Pease, Ryan, Schmidt, Shea, Sprague, Squires, Toole, Tropila, Wheat.
Total 17

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

SB 330 - Senator Mangan opened on **SB 330** and then moved **SB 330**, second reading copy, be amended as follows:

1. Page 1, line 26.

Following: "account the"

Insert: "statewide"

Following: "procurement."

Insert: "The commission may not take into account purely local economic benefits that are associated with the electricity supply procurement."

Amendment **adopted** unanimously.

SB 330 - Senator Mangan moved **SB 330**, as amended, do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Elliott, Gebhardt, Glaser, Grimes, Hansen, Kitzenberg, Mahlum, Mangan, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Story, Tash, Taylor, Tropila, Wheat, Zook.
Total 35

Nays: Bohlinger, Ellingson, Esp, Harrington, Johnson, Laible, McGee, McNutt, Perry, Stapleton, Stonington, Tester, Thomas, Toole, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Harrington present at this time.

SB 46 - Senator Gebhardt moved **SB 46** do pass. Motion carried as follows:

Yeas: Bales, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Gebhardt, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Story, Taylor, Tester, Toole, Tropila, Wheat, Zook.
Total 35

Nays: Anderson, Barkus, DePratu, Glaser, Grimes, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Tash, Thomas, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 375 - Senator Elliott moved **SB 375** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Grimes, Hansen, Harrington, Kitzenberg, Mahlum, Mangan, McCarthy, McGee, McNutt, Pease, Perry, Roush, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 43

Nays: Cooney, Glaser, Johnson, Laible, Nelson, O'Neil, Ryan.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 422 - Senator Black moved **SB 422** do pass. Motion carried as follows:

Yeas: Bales, Black, Bohlinger, Butcher, Cooney, Cromley, Ellingson, Elliott, Gebhardt, Hansen, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Toole, Tropila, Wheat, Zook, Mr. President.
Total 34

Nays: Anderson, Barkus, Cobb, Cocchiarella, Curtiss, DePratu, Esp, Glaser, Grimes, Harrington, Johnson, O'Neil, Shea, Squires, Story, Thomas.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 442 - Senator Stonington moved **SB 442** do pass. Motion carried as follows:

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

Nays: Anderson, Barkus, Butcher, Curtiss, Esp, Gebhardt, Johnson, Laible, McGee, O'Neil, Story, Tash, Taylor, Zook, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 272 - Senator Toole moved **SB 272** do pass. Motion **failed** as follows:

Yeas: Butcher, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Mangan, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Tester, Toole, Tropila, Wheat.
Total 22

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

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 272 - Senator F. Thomas moved **SB 272** be **indefinitely postponed**. Motion carried as follows:

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

Total 33

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

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Stapleton excused at this time.

SB 449 - Senator Cooney moved **SB 449** do pass. Motion carried as follows:

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

Total 44

Nays: Bales, Curtiss, Johnson, McGee, Mr. President.

Total 5

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

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

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Friday, February 28, 2003. Motion carried.

Senate adjourned at 7:03 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate