

**SENATE JOURNAL
58TH LEGISLATURE
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 17, 2003

Senate Chambers
State Capitol

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

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

The presiding officer has authenticated the daily journal for the fifty-fifth legislative day.

REPORTS OF STANDING COMMITTEES

Correctly printed: **SB 476, SB 477, SB 478, SR 4, SR 5.**

Correctly engrossed: **SB 460, HB 105, HB 211, HB 350, HB 428, HB 478, HB 667.**

Signed by the President at 10:10 a.m., March 15, 2003: **SB 3, SB 10, SB 14, SB 17, SB 21, SB 27, SB 32, SB 33, SB 38, SB 40, SB 49, SB 51, SB 69.**

Signed by the Secretary of the Senate at 8:30 a.m., March 17, 2003: **SB 3, SB 10, SB 14, SB 17, SB 21, SB 27, SB 32, SB 33, SB 38, SB 40, SB 49, SB 51, SB 69.**

Signed by the Speaker at 9:45 a.m., March 17, 2003: **SB 3, SB 17, SB 27, SB 32, SB 33, SB 38, SB 40.**

Signed by the Speaker at 9:50 a.m., March 17, 2003: **SB 14, SB 21, SB 49, SB 51, SB 69.**

Signed by the Speaker at 11:00 a.m., March 17, 2003: **SB 10.**

Delivered to the Governor for approval at 11:35 a.m., March 17, 2003: **SB 3, SB 14, SB 17, SB 21, SB 27, SB 32, SB 33, SB 38, SB 40, SB 49, SB 51, SB 69.**

Delivered to the Governor for approval at 11:40 a.m., March 17, 2003: **SB 10.**

COMMITTEE ON COMMITTEES (Zook, Chairman):

3/17/2003

Committee on Committees met and appointed the following member to the Senate Rules Committee:

Senator Bill Glaser

Report adopted.

Committee on Committees met and reappointed the following members to the Legislative Consumer Committee for a two year term:

Senator Walt McNutt
Senator Debbie Shea

The Legislative Consumer Committee hires the Consumer Counsel and sets his salary.

Report adopted.

JUDICIARY (Grimes, Chairman):

3/17/2003

HB 127, be amended as follows:

1. Page 4, line 15.

Following: "court orders"

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Strike: "-- state attorney fees and costs"

2. Page 5, line 11.

Following: "action."

Insert: "A person who brings an action on the person's own behalf without an attorney may receive attorney fees at the judge's discretion."

3. Page 23, line 20.

Following: line 19

Insert: "NEW SECTION. Section 18. Coordination instruction. (1) If House Bill No. 571 and [this act] are both passed and approved, then subsection (1) of 30-14-133 in [section 4 of House Bill No. 571] is amended to read:

~~"(1) Any person who purchases or leases goods or services primarily for personal, family, or household purposes and thereby~~ A consumer who suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of a method, act, or practice declared unlawful by 30-14-103 may bring an individual but not a class action under the rules of civil procedure in the district court of the county in which the seller, ~~or~~ lessor, or service provider resides or has ~~his~~ its principal place of business or is doing business to recover actual damages or ~~\$200~~ \$500, whichever is greater. An individual claim may be brought in justice's court. The court may, in its discretion, award up to three times the actual damages sustained and may provide ~~such~~ any other equitable relief ~~as~~ that it considers necessary or proper."

(2) If House Bill No. 571 and [this act] are both passed and approved, then [section 5] of House Bill No. 571, amending 30-14-142, is void.

(3) If House Bill No. 571 and [this act] are both passed and approved, then [section 8] of House Bill No. 571, amending 30-14-220, is void."

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

HB 246, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Grimes, Chairman):

3/17/2003

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12 noon, Saturday, March 15, 2003:

TITLE

NAME

Pages:

Keren Harmon, Scobey, MT
Tyler DePratu, Whitefish, MT
Shasta DePratu, Whitefish, MT
Jessica Patrick, Rudyard, MT
Halley Gallagher, Gt. Falls, MT
Roald Aageson, Hingham, MT
Tyler Kirk, Frenchtown, MT
Chase Suchy, Billings, MT
Kelly Brown, Whitefish, MT

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

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<u>TITLE</u>	<u>NAME</u>	<u>SPONSOR</u>
Pages:	Brita Thompson, Harlowton, MT	Senator Gebhardt
	Nick Morton, Kalispell, MT	Senator Barkus
	Tara Rice, Choteau, MT	Senator Black
	Michael Lyons, Gt. Falls, MT	Senator Mangan
	Megan Nemitz, Billings, MT	Senator Bohlinger
	Krista Holden, Glendive, MT	Senator Bales
	Cole Arthun, Wilsall, MT	Senator Esp
	Bente Grinde, Big Fork, MT	Senator Keenan

Report Adopted.

NATURAL RESOURCES (Tash, Chairman):
HB 303, be amended as follows:

3/17/2003

1. Page 2, line 12.

Strike: "AND"

2. Page 2, line 14.

Following: "~~kilovolts~~"

Insert: "with a design capacity of more than 69 kilovolts but less than 230 kilovolts"

3. Page 2, line 16 through line 17.

Following: "and"

Strike: "IF:" on line 16 through "OR" on line 17

Insert: "; and"

4. Page 2, line 19.

Strike: "(B) THE LINE"

Insert: "(iii) does not include an electric transmission line that"

5. Page 2, line 21.

Following: "facility"

Insert: "for which the person planning to construct the line has obtained right-of-way agreements or options for a right-of-way from more than 75% of the owners who collectively own more than 75% of the property along the centerline"

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

HJR 4, be amended as follows:

1. Page 1, line 21.

Strike: ", REDUCING WASTE,"

2. Page 1, line 29.

Strike: "QUANTITATIVELY"

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3. Page 1, line 29 through line 30.

Following: "OF"

Strike: "AND THE" on line 29 through "EFFICIENCY" on line 30

Insert: "water distribution systems"

4. Page 2, line 2.

Strike: "THE LONG-TERM" through "BASINS"

Insert: "return flow impacts"

5. Page 2, line 5.

Strike: "and"

6. Page 2, line 6.

Strike: "."

Insert: "; and

(7) evaluate the effects of excessive fuel levels on federal and state timbered lands to determine the impacts of the use of available water by timber versus the amount of water release by a watershed into Montana watercourses."

7. Page 2, line 12.

Following: "sector"

Insert: ", tribal governments,"

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

STATE ADMINISTRATION (Cobb, Chairman):

3/17/2003

HB 252, be concurred in. Report adopted.

HB 621, be concurred in. Report adopted.

HJR 25, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 17, 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 41** sponsored by Senator Tropila, **Senate Bill 42** sponsored by Senator Tropila, and **Senate Bill 43** sponsored by Senator Tropila on March 17, 2003.

Sincerely,

JUDY MARTZ
Governor

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MESSAGES FROM THE OTHER HOUSE

HB 56 - The House failed to concur in Senate amendments to **HB 56**, authorized the Speaker to appoint the following Conference Committee, and requested the Senate appoint a like committee to confer on Senate amendments to **HB 56**:
3/15/2003

Representative B. Thomas, Chair
Representative Becker
Representative Noennig

SB 79, introduced by Sprague, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, was not concurred in by the House and was returned to the Senate with the following vote:
3/17/2003

Yeas -42
Nays - 54

MOTIONS

SB 47 - Senator Thomas moved the President be authorized to appoint a **Conference Committee**, and request the House to appoint a like committee, to confer on House Amendments to **SB 47**. Motion carried. The president appointed the following members:

Senator Gebhardt, Chairman
Senator Esp
Senator Wheat

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 75, as amended by the House, passed as follows:

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

HB 32 concurred in as follows:

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

HB 55 concurred in as follows:

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

HB 76, as amended by the Senate, concurred in as follows:

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

Nays: Butcher, Esp, Johnson, O'Neil, Taylor, Zook.
Total 6

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

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HB 97 concurred in as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, Pease, Perry, Roush, Schmidt, Shea, Sprague, Squires, Stonington, Taylor, Toole, Tropila, Wheat.

Total 28

Nays: Bales, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, McNutt, Nelson, O'Neil, Ryan, Stapleton, Story, Tash, Tester, Thomas, Zook, Mr. President.

Total 21

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

HB 98, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, 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: Harrington.

Total 1

HB 126 concurred in as follows:

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

Total 40

Nays: Bales, Butcher, Esp, Gebhardt, McGee, O'Neil, Stapleton, Taylor, Mr. President.

Total 9

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

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HB 152, as amended by the Senate, concurred in as follows:

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

HB 164 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 46

Nays: Butcher, Johnson, Stapleton.
Total 3

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

HB 170, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, 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 48

Nays: Esp
Total 1

Absent or not voting: None.
Total 0

Excused: Harrington.

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Total 1

HB 171, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, 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: Harrington.

Total 1

HB 180 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, 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: Harrington.

Total 1

HB 215 concurred in as follows:

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

Total 42

Nays: Bales, Esp, Gebhardt, Nelson, Ryan, Stapleton, Taylor.

Total 7

Absent or not voting: None.

Total 0

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Excused: Harrington.
Total 1

HB 240 concurred in as follows:

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

HB 250 concurred in as follows:

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

HB 280 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, 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.

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Total 0

Excused: Harrington.

Total 1

HB 299, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, 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: Toole.

Total 1

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

HB 311, as amended by the Governor, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, 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: Harrington.

Total 1

HB 333, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, 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

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Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

HB 428, as amended by the Senate, concurred in as follows:

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

Nays: Bohlinger, Johnson, Pease, Tropila.
Total 4

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

HB 455 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 44

Nays: Curtiss, McGee, Roush, Ryan, Tester.
Total 5

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

HB 490 concurred in as follows:

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

Nays: Butcher, Stapleton.

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Total 2

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

HB 493 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, 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: Harrington.

Total 1

HB 552 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, 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: Harrington.

Total 1

HB 562 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, 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

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

HJR 15 concurred in as follows:

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

HJR 19 concurred in as follows:

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

Nays: Bales, Butcher, Esp, Laible, McGee, Stapleton, Story, Thomas.
Total 8

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

SPECIAL ORDERS OF THE DAY

Colleen Mockler gave tribute to St. Patrick's Day by singing a beautiful rendition of When Irish Eyes Are Smiling. Former State Senator J. D. Lynch entered the Senate Chamber to share Irish tales, and to wish blessings on the Senate and to our great country, America.

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

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

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

SB 26 - House Amendments - Senator Mangan moved House amendments to **SB 26** be concurred in. Motion carried unanimously.

SB 36 - House Amendments - Senator Grimes moved consideration of House amendments to **SB 36** be placed at the bottom of the second reading board. Motion carried unanimously.

SB 460 - Senator Story moved **SB 460** do pass. Motion carried unanimously.

HB 172 - Senator Kitzenberg moved **HB 172** be concurred in. Motion carried unanimously.

HB 211 - Senator McGee moved **HB 211** be concurred in. Motion carried unanimously.

HB 224 - Senator O'Neil moved consideration of **HB 224** be placed at the bottom of the second reading board. Motion carried unanimously.

HB 339 - Senator Butcher moved **HB 339** be concurred in. Motion carried unanimously.

HB 350 - Senator Cromley moved **HB 350** be concurred in. Motion carried unanimously.

HB 391 - Senator DePratu moved **HB 391** be concurred in. Motion carried unanimously.

HB 402 - Senator Perry moved **HB 402** be concurred in. Motion carried unanimously.

HB 429 - Senator Story moved **HB 429** be concurred in. Motion carried unanimously.

HB 520 - Senator Bohlinger moved **HB 520** be concurred in. Motion carried as follows:

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

Total 31

Nays: Anderson, Bales, Barkus, Black, Butcher, Curtiss, Esp, Glaser, Laible, McGee, McNutt, Perry, Stapleton, Story, Tash, Zook, Mr. President.

Total 17

Absent or not voting: None.

Total 0

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Excused: Harrington, O'Neil.
Total 2

HB 478 - Senator Wheat moved **HB 478** be concurred in. Motion carried unanimously.

HB 583 - Senator Bohlinger moved **HB 583** be concurred in. After discussion, Senator Bohlinger made a **substitute motion** that consideration of **HB 583** be passed for the day. Motion carried.

HB 635 - Senator Cromley moved **HB 635** be concurred in. Motion carried unanimously.

HB 667 - Senator Elliott moved **HB 667** be concurred in. After discussion, Senator Elliott made a **substitute motion** that consideration of **HB 667** be passed for the day.

SB 36 - House Amendments - Senator Grimes moved House amendments to **SB 36** be concurred in. Motion carried unanimously.

HB 224 - Senator O'Neil moved **HB 224** be concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Kitzenberg, Laible, McGee, O'Neil, Perry, Ryan, Shea, Sprague, Stapleton, Story, Taylor, Thomas, Tropila, Zook, Mr. President.
Total 29

Nays: Butcher, Cooney, Cromley, Elliott, Hansen, Johnson, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Roush, Schmidt, Squires, Stonington, Tash, Tester, Toole, Wheat.
Total 20

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

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

MOTIONS

HB 667 - Senator Thomas moved **HB 667** be taken from second reading and rereferred to the committee on Business and Labor. Motion carried.

HB 520 - Senator Thomas moved **HB 520** be taken from third reading and rereferred to the committee on Finance. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

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Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Tuesday, March 18, 2003. Motion carried.

Senate adjourned at 3:05 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate