

**SENATE JOURNAL
58TH LEGISLATURE
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 22, 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 Senators Elliott, Schmidt, Stonington and Tester, excused. Quorum present.

The presiding officer has authenticated the daily journal for the sixtieth legislative day.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Mahlum, Chairman):
HB 159, be amended as follows:

3/21/2003

1. Title, page 1, line 23.

Following: "MCA"

Insert: "; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE"

2. Page 1, line 27.

Strike: "24"

Insert: "25"

3. Page 2, line 2.

Strike: "24"

Insert: "25"

4. Page 4, line 24.

Strike: "24"

Insert: "25"

5. Page 4, line 29.

Strike: "24"

Insert: "25"

6. Page 5, line 6.

Strike: "24"

Insert: "25"

7. Page 5, line 7.

Strike: "24"

Insert: "25"

8. Page 5, line 11.

Strike: "24"

Insert: "25"

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9. Page 5, line 12.

Strike: "24"

Insert: "25"

10. Page 5, line 15.

Strike: "24" in two places

Insert: "25" in two places

11. Page 5, line 23.

Strike: "24" in two places

Insert: "25" in two places

12. Page 5, line 26.

Strike: "24"

Insert: "25"

13. Page 5, line 27.

Strike: "24"

Insert: "25"

14. Page 5, line 30.

Strike: "24"

Insert: "25"

15. Page 6, line 1.

Strike: "24"

Insert: "25"

16. Page 6, line 2.

Strike: "24"

Insert: "25"

17. Page 6, line 3.

Strike: "24"

Insert: "25"

18. Page 6, line 12.

Strike: "24"

Insert: "25"

19. Page 6, line 20.

Strike: "\$60"

Insert: "\$75"

20. Page 6, line 21.

Strike: "\$60"

Insert: "\$75"

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21. Page 6, line 22.

Strike: "both licenses"

Insert: "each license"

22. Page 6, line 24.

Strike: "14"

Insert: "15"

23. Page 6, line 29.

Strike: "85%"

Insert: "88%"

24. Page 7, line 1.

Strike: "7.5%"

Insert: "6%"

25. Page 7, line 2.

Strike: "7.5%"

Insert: "6%"

Strike: "21"

Insert: "22"

26. Page 7, line 4.

Strike: "21"

Insert: "22"

27. Page 7, line 5.

Following: line 4

Insert: "NEW SECTION. Section 14. License fee -- late renewal fee -- allocation of fees. (1) For each annual license issued, the department shall collect a fee of \$90. For an operation containing an establishment and a retail food establishment, as provided in [section 11(3)], the department shall collect one fee of \$90 for each license.

(2) A person operating an establishment who fails to renew a license by the expiration date provided in [section 15] and who operates the establishment in the license year for which an annual renewal fee was not paid shall, upon renewal, pay to the department a late renewal fee of \$25 in addition to the annual renewal fee required by subsection (1). Payment of the late renewal fee does not relieve the operator of responsibility for operating without a license.

(3) The department shall deposit the annual fees collected under subsection (1) as follows:

(a) 90% into the state special revenue fund to the credit of the local board inspection fund account, created in 50-2-108;

(b) 5% into the general fund; and

(c) 5% into the account, created in [section 22], in the state special revenue fund.

(4) The department shall deposit all of the fees collected under subsection (2) into the account, created by [section 22], in the state special revenue fund."

Renumber: subsequent sections

28. Page 7, line 8.

Strike: "24"

Insert: "25"

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29. Page 7, line 27.
Strike: "24" in two places
Insert: "25" in two places

30. Page 8, line 3.
Strike: "16"
Insert: "17"

31. Page 8, line 5.
Strike: "24"
Insert: "25"

32. Page 8, line 6.
Strike: "24"
Insert: "25"

33. Page 8, line 13.
Strike: "24" in two places
Insert: "25" in two places

34. Page 9, line 7.
Strike: "24" in two places
Insert: "25" in two places

35. Page 9, line 17.
Strike: "24"
Insert: "25"

36. Page 9, line 22.
Strike: "24" in two places
Insert: "25" in two places

37. Page 9, line 26.
Strike: "24"
Insert: "25"

38. Page 9, line 27.
Strike: "24"
Insert: "25"

39. Page 10, line 6.
Strike: "24"
Insert: "25"

40. Page 10, line 7.
Strike: "24"
Insert: "25"

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41. Page 10, line 12.

Strike: "14"

Insert: "15"

Strike: "16"

Insert: "17"

42. Page 10, line 15.

Strike: "14"

Insert: "15"

43. Page 10, line 16.

Strike: "16"

Insert: "17"

44. Page 11, line 15.

Strike: "24"

Insert: "25"

45. Page 15, line 30.

Strike: "24"

Insert: "25"

46. Page 16, line 1.

Strike: "24"

Insert: "25"

47. Page 16, line 2.

Following: line 1

Insert: "NEW SECTION. Section 34. Coordination instruction. If Senate Bill No. 464 is not passed and approved, then [sections 14, 35(2), and 36 of this act] are void and [section 13 of this act] must read as follows:

NEW SECTION. Section 13. License fee -- late renewal fee -- allocation of fees. (1) For each annual license issued, the department shall collect a fee of \$60. For an operation containing an establishment and a retail food establishment, as provided in [section 11(3)], the department shall collect one fee of \$60 for each license.

(2) A person operating an establishment who fails to renew a license by the expiration date provided in [section 14] and who operates the establishment in the license year for which an annual renewal fee was not paid shall, upon renewal, pay to the department a late renewal fee of \$25 in addition to the annual renewal fee required by subsection (1). Payment of the late renewal fee does not relieve the operator of responsibility for operating without a license.

(3) The department shall deposit the annual fees collected under subsection (1) as follows:

(a) 85% into the state special revenue fund to the credit of the local board inspection fund account, created in 50-2-108;

(b) 7.5% into the general fund; and

(c) 7.5% into the account, created in [section 21], in the state special revenue fund.

(4) The department shall deposit all of the fees collected under subsection (2) into the account, created by [section 21], in the state special revenue fund."

Insert: "NEW SECTION. Section 35. Effective dates. (1) Except as provided in subsection (2), [this act] is effective January 1, 2004.

(2) [Section 14] is effective January 1, 2005."

Insert: "NEW SECTION. Section 36. Termination. [Section 13] terminates December 31, 2004."

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

HB 183, be amended as follows:

1. Title, page 1, line 9.

Strike: "33-1-501,"

2. Title, page 1, line 10.

Strike: the second "AND"

Following: "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE"

3. Page 1, line 14 through page 2, line 26.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 3.

Following: line 28

Insert: "(3) The health insurance issuer shall hold for processing of payment any claims received during the 15-day notification period for nonpayment of premium for group health insurance coverage. Upon receipt of the premium, claims held for the 15-day notification period must be processed for payment."

Renumber: subsequent subsections

5. Page 3, line 29.

Following: "effect"

Insert: ", subject to the requirements of subsection (3),"

6. Page 6, line 10.

Strike: "3"

Insert: "2"

7. Page 7, lines 13 and 14.

Strike: subsection (7) in its entirety

8. Page 9, line 29.

Strike: "3"

Insert: "2"

9. Page 9, line 30.

Strike: "3"

Insert: "2"

10. Page 9.

Following: line 30

Insert: "NEW SECTION. Section 11. Effective date -- applicability. [This act] is effective January 1, 2004, and applies to policies or certificates issued or renewed on or after January 1, 2004."

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

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HB 196, be concurred in. Report adopted.
HB 323, be concurred in. Report adopted.
HB 338, be concurred in. Report adopted.
HB 354, be concurred in. Report adopted.
HB 438, be concurred in. Report adopted.

FINANCE AND CLAIMS (Zook, Chairman):
HB 481, be amended as follows:

3/21/2003

1. Page 1, line 11 through line 25.

Strike: line 11 through line 25 in their entirety

2. Page 6, line 25.

Strike: "State special revenue fund"

3. Page 6, line 26 through line 27.

Strike: line 26 through line 27 in their entirety

4. Page 6, line 29.

Strike: "State special revenue fund"

5. Page 6, line 30 through page 7, line 1.

Strike: page 6, line 30 through page 7, line 1 in their entirety

6. Page 7, line 2.

Following: line 1

Insert: "(2) The following money is appropriated to the department of public health and human services from the federal special revenue fund to match state special revenue in subsection (1) to fund increases in medicaid payments to hospitals:

Fiscal Year 2004 \$19,418,341

Fiscal Year 2005 \$22,941,125"

Renumber: subsequent subsection

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

HB 554, be concurred in. Report adopted.

HB 564, be amended as follows:

1. Title, line 15.

Following: "AN"

Insert: "IMMEDIATE EFFECTIVE DATE, AN"

2. Title, line 16.

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

3. Page 2, line 8.

Following: "OF"

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Strike: "COMMERCE"

Insert: "labor and industry"

4. Page 2, line 16 and line 17.

Following: "(6)" on line 16

Insert: "(a)"

Following: "means" on line 16

Strike: ":" on line 16 through "(a)" on line 17

5. Page 2, line 18.

Following: "include"

Insert: ":"

(i)"

6. Page 2, line 20.

Following: "state"

Strike: "."

Insert: "; or

(ii) jobs created by an employer as the result of an acquisition of a Montana company or entity if those jobs previously existed in the state of Montana in the acquired company or entity unless it is demonstrated that the jobs:

(A) are substantially different as a result of the acquisition; and

(B) will require new training for the employee to meet new job requirements."

7. Page 2, line 24 through line 26.

Following: "engaged" on line 24

Strike: remainder of line 24 through "(b)" on line 26

8. Page 3, line 4 and line 5.

Following: "(11)" on line 4

Insert: "(a)"

Following: "means" on line 4

Strike: ":" on line 4 through "(a)" on line 5

9. Page 3, line 24.

Strike: "THE STATE"

Insert: "a local"

Following: "BOARD"

Insert: "authorized in 53-2-1204"

10. Page 3, line 28.

Strike: "THE STATE"

Insert: "a local"

11. Page 4, line 26.

Following: "to"

Strike: "employers"

Insert: "primary sector businesses"

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12. Page 8, line 1 through line 10.

Following: "transfer the" on line 1

Strike: remainder of line 1 through "GRANT" on line 10

Insert: "amount of the new jobs credits from the general fund to the office of economic development, to be used for repayment of principal, interest, and administrative costs on loans issued under [section 7]. The office of economic development shall account separately for each grant award and any new jobs credit associated with that grant. Funds transferred for a new jobs credit may be used only for repayment of principal, interest, and administrative costs for the loan that funded the grant with which the new jobs credit is associated and for the labor supply studies authorized in subsection (6). If funds transferred for a new jobs credit exceed the amount required for repayment of principal, interest, and administrative costs on the loan that funded the grant with which the new jobs credit is associated and the labor supply studies authorized in subsection (6), all remaining funds must be used for early repayment of principal on the loan associated with the new jobs credit. Transfers from the department of revenue for a new jobs credit must cease once the principal and interest on the loan used to fund the grant associated with that new jobs credit"

13. Page 8, line 12.

Strike: "THE SPECIAL ACCOUNTS IN"

14. Page 8, line 30.

Following: "9."

Strike: "Applicability"

Insert: "Effective date --- applicability"

Following: "act]"

Insert: "is effective on passage and approval and"

15. Page 8, line 30 through page 9, line 1.

Following: "after" on line 30

Strike: remainder of line 30 through "2003" on page 9, line 1

Insert: "[the effective date of this act]"

16. Page 9, following line 1.

Insert: "NEW SECTION. Section 10. Termination. [This act] terminates June 30, 2007."

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

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/22/2003

SB 100, introduced by Grimes

SB 104, introduced by Tester

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/22/2003

SB 143, introduced by Bohlinger

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

3/22/2003

SJR 24, introduced by O'Neil

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House bill passed and transmitted to the Senate for concurrence:

3/22/2003

HB 2, introduced by Lewis

FIRST READING AND COMMITMENT OF BILLS

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

HB 2, introduced by Lewis (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

SPECIAL ORDERS OF THE DAY

Senator Stapleton introduced the Senate pages, gave a brief overview of their activities and future plans, and thanked them for their work through the week.

**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 Taylor in the chair.

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

HB 185 - Senator Anderson moved **HB 185** be concurred in. Motion carried unanimously.

HB 199 - Senator Cromley moved **HB 199** be concurred in. Motion carried unanimously.

HB 236 - Senator Stapleton moved **HB 236** be concurred in. Motion carried unanimously.

HB 368 - Senator Anderson moved **HB 368** be concurred in. Motion carried unanimously.

HB 711 - Senator Cooney moved **HB 711** be concurred in. Motion carried unanimously.

Senator McGee assumed the chair.

SB 296 - Senator Taylor moved **SB 296** do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McGee, McNutt, Nelson, Pease, Perry, Roush, Shea, Stapleton, Story, Tash, Taylor, Thomas, Toole, Tropila, Zook, Mr. President.

Total 36

Nays: Cobb, Cromley, Curtiss, Harrington, McCarthy, O'Neil, Ryan, Sprague, Squires, Wheat.

Total 10

Absent or not voting: None.

Total 0

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Excused: Elliott, Schmidt, Stonington, Tester.
Total 4

Senator Taylor reassumed the chair.

SB 469 - Senator Ellingson moved consideration of **SB 469** be passed for the day. Motion carried.

HB 17 - Senator Wheat moved **HB 17** be concurred in. Motion carried with Senators DePratu, O'Neil and Zook voting nay.

HB 40 - Senator Wheat moved **HB 40** be concurred in. Motion carried unanimously.

HB 63 - Senator Barkus moved **HB 63** be concurred in. Motion carried with Senators Bohlinger, Cromley and Johnson voting nay.

HB 122 - Senator Roush moved **HB 122** be concurred in. Motion carried with Senator McGee voting nay.

HB 145 - Senator Hansen moved **HB 145** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Squires, Story, Toole, Tropila, Wheat, Zook.
Total 32

Nays: Bales, Butcher, Curtiss, Esp, Gebhardt, Johnson, McGee, O'Neil, Perry, Stapleton, Tash, Taylor, Thomas, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: Elliott, Schmidt, Stonington, Tester.
Total 4

HB 165 - Senator Mahlum moved **HB 165** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Cobb, Cocchiarella, Gebhardt, Hansen, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Squires, Tropila, Wheat, Zook.
Total 24

Nays: Anderson, Bohlinger, Butcher, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Glaser, Grimes, Johnson, McGee, O'Neil, Perry, Stapleton, Story, Tash, Taylor, Thomas, Toole, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Elliott, Schmidt, Stonington, Tester.
Total 4

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Senator Kitzenberg excused at this time.

HB 169 - Senator Cocchiarella moved **HB 169** be concurred in. After discussion, Senator Stapleton made a **substitute motion** that consideration of **HB 169** be moved below HB220 on the second reading board. Motion carried.

HB 179 - Senator Laible moved **HB 179** be concurred in. Motion carried unanimously.

HB 182 - Senator Anderson moved **HB 182** be concurred in. Motion carried unanimously.

HB 220 - Senator McGee moved **HB 220** be concurred in. Motion carried unanimously.

HB 169 - Senator Cocchiarella moved consideration of **HB 169** be placed below HJR 20 on the second reading board. Motion carried.

HB 237 - Senator Story moved **HB 237** be concurred in. Motion carried unanimously.

HB 284 - Senator Mangan moved **HB 284** be concurred in. Motion carried unanimously.

HB 298 - Senator Wheat moved **HB 298** be concurred in. After discussion, Senator Wheat made a **substitute motion** that consideration of **HB 298** be placed at the bottom of the board for purpose of amendment. Motion carried unanimously.

HB 190 - Senator Cobb moved consideration of **HB 190** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 285 - Senator McGee moved **HB 285** be concurred in. Motion carried unanimously.

HB 312 - Senator D. Ryan moved **HB 312** be concurred in. Motion carried unanimously.

HB 315 - Senator Squires moved **HB 315** be concurred in. Motion carried unanimously.

HB 441 - Senator Harrington moved **HB 441** be concurred in. Motion carried unanimously.

HB 573 - Senator Mangan moved **HB 573** be concurred in. Motion carried unanimously.

HB 616 - Senator Story moved **HB 616** be concurred in. Motion carried unanimously.

HB 618 - Senator Mangan moved **HB 618** be concurred in. Motion carried with Senators Esp and Gebhardt voting nay.

HB 627 - Senator Story moved **HB 627** be concurred in. Motion carried unanimously.

HJR 20 - Senator Hansen moved **HJR 20** be concurred in. Motion carried unanimously.

HB 169 - Senator Stapleton moved **HB 169**, second reading copy, be further amended as follows:

1. Page 5, line 26.

Strike: "\$100"

Insert: "\$50"

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Amendment **adopted** unanimously.

HB 169 - Senator Cocchiarella moved **HB 169**, as amended, be concurred in. Motion carried with Senators Gebhardt and McGee voting nay.

HJR 34 - Senator Black moved **HJR 34** be concurred in. Motion carried with Senators McCarthy and Ryan voting nay.

HB 190 - Senator Cobb moved **HB 190**, second reading copy, be amended as follows:

1. Title, page 1, line 13.

Strike: "THAT"

Insert: "HOW"

2. Title, page 1, line 14.

Strike: "MADE DIRECTLY"

Insert: "PROVIDED"

3. Page 25, line 22.

Strike: the first "the"

Insert: "an"

4. Page 25, line 23 through line 24.

Strike: "compare" on line 23 through "included." on line 24

Following: "13-13-241"

Strike: ", "

5. Page 25, line 28.

Following: "If"

Insert: "an"

Strike: "ballots are"

Insert: "ballot is"

Following: "after the"

Insert: "official"

6. Page 25, line 29.

Strike: "the return envelopes"

Insert: "it"

Strike: "subsection (1)"

Insert: "13-13-241"

7. Page 25, line 30.

Strike: "return envelopes"

Insert: "secrecy envelope"

8. Page 26, line 5 through line 6.

Strike: "retained" on line 5 through "administrator" on line 6

Insert: "handled in the same manner as provided in 13-13-243"

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9. Page 26, line 15.

Following: "OR"

Insert: "an"

10. Page 26, line 17.

Following: "."

Insert: "If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator shall place the ballot in a secrecy envelope without examining the ballot."

11. Page 26.

Following: line 17

Insert: "(b) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and handled without being removed from their enclosure envelopes."

Renumber: subsequent subsection

12. Page 26, line 19.

Strike: "subsections"

Insert: "subsection"

Strike: "and (4)"

13. Page 26, line 21.

Following: "MAIL"

Insert: "or by the most expedient method available under rules adopted by the secretary of state"

14. Page 26, line 23.

Following: " ."

Strike: "THE"

Insert: "If the elector is notified by mail, the"

15. Page 26, line 24.

Following: "WITH"

Insert: "a description of"

16. Page 26, line 28.

Strike: "ON ELECTION DAY, THE"

Insert: "The"

Strike: "judges"

Insert: "administrator"

17. Page 26, line 29.

Strike: "SECRECY"

Insert: "return"

18. Page 26, line 29 through line 30.

Strike: "and" on line 29 through "initials" on line 30

19. Page 27, line 2.

Strike: "opening the"

Insert: "receiving an"

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Strike: "return"
Insert: "secrecy"
Strike: "and"
Insert: ", "
Strike: "they"
Insert: "the election judges"

20. Page 27, line 3.
Following: "shall"
Insert: "on election day"

21. Page 27, line 3 through line 7.
Strike: "In" on line 3 through "box." on line 7

Amendment **adopted** unanimously.

HB 190 - Senator Cobb moved **HB 190**, as amended, be concurred in. After discussion, Senator Wheat made a **substitution motion** that **HB 190**, second reading copy, be further amended as follows:

1. Title, page 1, line 12.
Strike: "REVISING WHEN" through "AVAILABLE:"

2. Page 22, line 21.
Strike: "30"
Insert: "45"

3. Page 22, line 25.
Strike: "30"
Insert: "45"

Amendment **not adopted** as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Hansen, Harrington, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Squires, Toole, Tropila, Wheat.
Total 17

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

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HB 190 - Senator Wheat moved **HB 190**, second reading copy, be further amended as follows:

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1. Title, page 1, line 8.

Strike: "ALL"

Insert: "NEW"

Following: "ELECTORS"

Insert: "AND ELECTORS WHO SIGN TRANSFER FORMS"

2. Page 4, line 21.

Following: "provided"

Strike: "by law"

Insert: "under this title or who was legally registered before [the effective date of this act]"

3. Page 5, lines 7 through 8.

Strike: "whose" on line 7 through "law" on line 8

Insert: "who is not a legally registered elector"

4. Page 5, line 10.

Strike: "by law"

Insert: "under this title, including a legally registered elector who has signed a transfer form to indicate a change of residence but who has not submitted verification"

5. Page 15, line 26.

Strike: "Special addendum to" through "register"

Following: "vote"

Insert: "**Prima facie evidence of right to vote -- special addendum**"

6. Page 16.

Following: line 3

Insert: "(1) The fact that an elector's name appears on the precinct register as a legally registered elector is prima facie evidence of the elector's right to vote without presenting identification."

7. Page 16, line 4.

Following: "(2)"

Insert: "(2)"

8. Page 16, line 7.

Following: "precinct."

Insert: "The fact than an elector's name appears on a special addendum to the precinct register as a legally registered elector is prima facie evidence of the elector's right to vote without presenting identification."

9. Page 19, line 7.

Strike: "Voter identification and marking"

Insert: "Marking"

10. Page 19, lines 8 through 22.

Strike: "-- provisional voting" on line 8.

Insert: "-- legally registered electors -- provisionally registered electors"

Strike: "(1)" on line 8 through "." on line 22

Insert: "(1) (a) Before a legally registered elector is permitted to receive a ballot or vote, the elector shall state the elector's name and current address to an election judge. If the elector's name and address are the same as in the

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precinct register, the elector may sign on the place designated in the precinct register and must be given a regular ballot to vote.

(b) If the elector's name or address is not the same as listed in the precinct register, the elector may complete a transfer form or new registration form to correct the elector's voter registration information and provide the election judge with the following identification:

(i) photo identification, including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification; or

(ii) a current utility bill, bank statement, paycheck, notice of confirmation of voter registration issued pursuant to 13-2-207, government check, or other government document that shows the elector's name and current address.

(c) If an elector provides the information listed in subsection (1)(b) and an election judge determines the information provided is sufficient to verify the voter's identity and eligibility to vote pursuant to 13-2-512, the elector may sign the precinct register and must be provided with a regular ballot to vote."

Amendment **not adopted** as follows:

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

Total 17

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

Total 28

Absent or not voting: None.

Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.

Total 5

Senator Thomas moved the Committee of the Whole stand in recess until the hour of 12:45 p.m. this day. Motion carried.

Committee of the Whole recessed at 12:21 p.m.

Roll call at 12:50 p.m. All members present except Senators Elliott, Kitzenberg, Schmidt, Stonington and Tester, excused. Quorum present.

Committee of the Whole resumed at 12:52 p.m.

HB 190 - Senator Wheat moved **HB 190**, second reading copy, be further amended as follows:

1. Page 20, line 20.

Strike: "the"

Insert: "a provisionally registered"

Following: "vote,"

Strike: "an"

Insert: "a provisionally registered"

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2. Page 21, line 13.

Following: "(1)"

Insert: "(a)"

Strike: "or"

Insert: ", including an elector who was legally registered prior to [the effective date of this act], is not required to present any form of identification in submitting an absentee ballot.

(b) A"

3. Page 21, line 14.

Following: "part"

Insert: "and must comply with the requirements of subsection (3)"

4. Page 21, line 23.

Strike: "The elector may also"

Insert: "A provisionally registered elector may"

5. Page 21, line 30.

Following: "If the"

Insert: "provisionally registered"

Amendment **not adopted** as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Hansen, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Squires, Toole, Tropila, Wheat.

Total 16

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

Total 28

Absent or not voting: None.

Total 0

Excused: Elliott, Harrington, Kitzenberg, Schmidt, Stonington, Tester.

Total 6

HB 190 - Senator Cobb's motion that **HB 190, as amended**, be concurred in, carried as follows:

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

Total 31

Nays: Cooney, Cromley, Ellingson, Hansen, Harrington, McCarthy, Nelson, Pease, Roush, Ryan, Squires, Toole, Tropila, Wheat.

Total 14

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Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HB 298 - Senator Wheat moved consideration of **HB 298** be placed below HB 480 on the second reading board for purpose of amendment. Motion carried.

SB 385 - Senator F. Thomas moved consideration of **SB 385** be passed for the day. Motion carried.

SB 443 - Senator F. Thomas moved consideration of **SB 443** be placed below HB 298 on the second reading board. Motion carried.

HB 174 - Senator Hansen moved **HB 174** be concurred in. Motion carried unanimously.

Senator Cobb excused at this time.

HB 319 - Senator Cocchiarella moved **HB 319** be concurred in. Motion carried unanimously.

Senator Cobb present at this time.

HB 416 - Senator Wheat moved **HB 416** be concurred in. Motion carried unanimously.

HB 480 - Senator Cromley moved **HB 480** be concurred in. Motion carried unanimously.

HB 298 - Senator Wheat moved consideration of **HB 298** be placed below HJR 28 on the second reading board for purpose of amendment. Motion carried.

HB 610 - Senator Mangan moved **HB 610** be concurred in. Motion carried unanimously.

HB 420 - Senator Mahlum moved **HB 420** be concurred in. Motion carried unanimously.

HB 584 - Senator Grimes moved **HB 584** be concurred in. Motion carried unanimously.

HJR 10 - Senator Johnson moved **HJR 10** be concurred in. Motion carried as follows:

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

Total 41

Nays: Esp, Perry, Story.
Total 3

Absent or not voting: Sprague.
Total 1

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Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HJR 11 - Senator Black moved **HJR 11** be concurred in. Motion carried unanimously.

HJR 24 - Senator Cobb moved **HJR 24** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Gebhardt, Glaser, Grimes, Hansen, Harrington, Mahlum, McNutt, Pease, Perry, Ryan, Shea, Sprague, Stapleton, Taylor, Thomas.
Total 24

Nays: Bales, Butcher, DePratu, Ellingson, Esp, Johnson, Laible, Mangan, McCarthy, McGee, Nelson, O'Neil, Roush, Squires, Story, Tash, Toole, Tropila, Wheat, Zook, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HJR 28 - Senator Gebhardt moved **HJR 28** be concurred in. Motion carried unanimously.

HB 298 - Senator McGee moved **HB 298**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Strike: "A FEE"

2. Title, page 1, line 6.

Following: "FOR"

Insert: "CERTAIN COSTS OF"

3. Page 1, line 12.

Strike: "fees"

Insert: "actual costs"

4. Page 1, line 27 through page 1, line 29.

Strike: "establish" through "SECTION" on line 29

Insert: "collect actual costs for the review for errors and omissions in calculation or drafting, as provided in 76-3-611(2)(a)"

5. Page 2, line 3.

Strike: "fees"

Insert: "actual costs"

6. Page 2, line 27 through line 29.

Strike: "establish" on line 27 through "SECTION" on line 29

Insert: "collect actual costs for the review for errors and omissions in calculation or drafting, as provided in 76-3-611(2)(a)"

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Amendment **adopted** unanimously.

HB 298 - Senator Wheat moved **HB 298**, as amended, be concurred in. Motion carried unanimously.

SB 443 - Senator F. Thomas moved consideration of **SB 443** be passed for the day. Motion carried.

HB 129 - Senator Hansen moved **HB 129** be concurred in. Motion carried unanimously.

HB 157 - Senator Hansen moved **HB 157** be concurred in. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Taylor 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:

HB 30 concurred in as follows:

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

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.

Total 5

HB 60 concurred in as follows:

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

Total 45

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HB 123, as amended by the Senate, concurred in as follows:

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

Nays: Glaser.
Total 1

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HB 176 concurred in as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HB 443 concurred in as follows:

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

Nays: Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Hansen, Harrington, Johnson, Mangan, Nelson, Pease, Ryan, Squires, Stonington, Toole, Tropila, Wheat.
Total 18

Paired: Grimes, Aye; Stonington, No.

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Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Tester.
Total 4

HB 656 concurred in as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HB 683 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Harrington, Johnson, Laible, Mahlum, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Tropila, Zook.
Total 37

Nays: Ellingson, Hansen, Mangan, Roush, Ryan, Toole, Wheat, Mr. President.
Total 8

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HJR 4, as amended by the Senate, concurred in as follows:

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

Nays: None.
Total 0

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Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

HJR 5 concurred in as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 43

Nays: Bales, Esp.
Total 2

Absent or not voting: None.
Total 0

Excused: Elliott, Kitzenberg, Schmidt, Stonington, Tester.
Total 5

MOTIONS

HB 403 - Senator Thomas moved the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House to confer on Senate amendments to **HB 403**. The President appointed the following members:

Senator Anderson, chairman
Senator DePratu
Senator Cocchiarella

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Monday, March 24, 2003. Motion carried.

Senate adjourned at 2:23 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate