

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

Helena, Montana
March 24, 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 Senators Mangan and Sprague, excused. Quorum present.

The presiding officer has authenticated the daily journal for the sixty-first legislative day.

SPECIAL ORDERS OF THE DAY

The Flathead Valley Home School Senior Choir, under the direction of Allison Kuechmann, entertained the Senate with vocal selections.

REPORTS OF STANDING COMMITTEES

BILL REPORT

Correctly printed: **SB 483**.

Correctly engrossed: **HB 222, HB 317, HB 584, HB 703**.

Correctly enrolled: **SB 28, SB 83, SB 84, SB 103, SB 121, SB 131, SB 172, SB 183, SB 216, SB 229, SB 257, SJR 3, SJR 25**.

Examined by the sponsor and found to be correct: **SB 45, SB 55, SB 64, SB 78, SB 87, SB 125, SB 151, SB 190, SB 202, SJR 21**.

Signed by the President at 2:40 p.m., March 20, 2003: **SB 45, SB 55, SB 64, SB 78, SB 87, SB 125, SB 151, SB 190, SB 202, SJR 21**.

Signed by the Secretary of the Senate at 9:45 a.m., March 21, 2003: **SB 45, SB 55, SB 64, SB 78, SB 87, SB 125, SB 151, SB 190, SB 202, SJR 21**.

Signed by the Speaker at 10:30 a.m., March 21, 2003: **SB 45, SB 55, SB 64, SB 78, SB 87, SB 125, SB 151, SB 190, SB 202, SJR 21**.

Delivered to the Governor for approval at 9:00 a.m., March 24, 2003: **SB 45, SB 55, SB 64, SB 78, SB 87, SB 125, SB 151, SB 190, SB 202**.

Delivered to the Secretary of State at 9:00 a.m., March 24, 2003: **SJR 21**.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Bales, Chairman):
HB 388, be amended as follows:

3/24/2003

1. Page 2, line 30.

Strike: "40"

Insert: "20"

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

HB 653, be amended as follows:

1. Title, line 10.

Strike: ", EXCEPT SHIPPING AND HANDLING,"

Insert: "ANALYSIS"

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

2. Page 2, line 1.

Strike: "except shipping and handling."

Insert: "analysis"

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

JUDICIARY (Grimes, Chairman):

3/24/2003

HB 54, be amended as follows:

1. Title, line 6 through line 7.

Following: "USE OF" on line 6

Strike: remainder of line 6 through "DEVICES" on line 7

Insert: "ELECTRONIC COMMUNICATIONS; DEFINING "ELECTRONIC COMMUNICATION""

2. Page 1, line 17.

Following: "phone"

Strike: "telephone, by"

3. Page 1, line 18.

Strike: "by any type of"

Following: "communication."

Strike: "including but not limited to a computer, videorecorder, or fax machine"

Insert: "as defined in 45-8-213"

4. Page 1, line 19.

Following: "or"

Strike: "by"

Insert: "any"

5. Page 2, line 19 through line 20.

Following: "use of" on line 19

Strike: remainder of line 19 through "device" on line 20

Insert: "electronic communication, as defined in 45-8-213"

6. Page 2, line 21 through line 22.

Following: "use of" on line 21

Strike: remainder of line 21 through "device" on line 22

Insert: "electronic communication, as defined in 45-8-213"

7. Page 2, line 26 through line 27.

Following: "use of" on line 26

Strike: remainder of line 26 through "device" on line 27

Insert: "electronic communication, as defined in 45-8-213"

8. Page 3, line 18.

Following: "including by"

Strike: "telephone or by a computer, videorecorder, fax machine, or other electronic device"

Insert: "electronic communication, as defined in 45-8-213,"

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

9. Page 4, line 9 through 10.

Following: "mail" on line 9

Strike: remainder of line 9 through "device" on line 10

Insert: "electronic communication"

10. Page 4, line 14 through line 15.

Following: "uses" on line 14

Strike: remainder of line 14 through "device" on line 15

Insert: "an electronic communication"

11. Page 4, line 25 through page 5, line 16.

Strike: page 4, line 25 through page 5, line 16 in their entirety

Renumber: subsequent subsections

12. Page 5, line 18.

Following: "intercepts"

Strike: "a telephonic or cellular telephone voice or data"

Insert: "an electronic"

13. Page 5, line 27.

Following: line 26

Insert: "(4) "Electronic communication" means any transfer between persons of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system."

14. Page 6, line 4 through line 6.

Strike: "(a)" on line 4

Following: "involves" on line 4

Strike: remainder of line 4 through "medium" on line 6

Insert: "an electronic communication"

15. Page 6, line 6 through line 10.

Following: "in" on line 6

Strike: ":" on line 6 through "sent" on line 10

Insert: "the county in or from which the electronic communication was sent or in the county in which the electronic communication was received or to which it was sent"

16. Page 6, line 11 through line 17.

Strike: subsection (b) in its entirety

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

HB 197, be amended as follows:

1. Title, line 18.

Following: " ;"

Insert: "PROVIDING FOR A DISCOUNT ON LICENSE REINSTATEMENT FEES UPON COMPLETION OF A DRIVER REHABILITATION PROGRAM;"

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

2. Page 16, line 18.

Following: line 17

Insert: "NEW SECTION. Section 14. Discount on license reinstatement fee -- completion of driver rehabilitation program. (1) A person who submits a certificate of completion from a department-approved driver rehabilitation program must receive a 50% reduction on the license reinstatement fee due under 61-2-107 or [section 1 of House Bill No. 215].

(2) For purposes of this section, a driver rehabilitation program may be approved by the department if the program provider annually certifies to the department that the provider's program:

(a) provides a participant with a minimum of 4 hours of instruction on Montana driving laws, the importance of positive driving attitudes and habits, defensive driving techniques, and the responsible use of drugs and alcohol;

(b) includes preinstruction and postinstruction testing of each participant;

(c) provides a certificate of completion to each person who successfully completes the program; and

(d) reports to the department, in a timely manner, the name, date of birth, and driver's license number of each person to whom the provider has issued a certificate of completion."

Renumber: subsequent sections

3. Page 16, line 19.

Following: "INSTRUCTION."

Insert: "(1)"

4. Page 16, line 22.

Following: line 21

Insert: "(2) If House Bill No. 215 is not passed and approved, then the bracketed language in [section 14(1) of this act] is void.

(3) If House Bill No. 185 and [this act] are both passed and approved, then subsection (4)(a) of 61-5-107 as amended by [this act] must read as follows:

"(4) (a) When an application is received from an applicant who is not ineligible for licensure under 61-5-105 and who was previously licensed by another jurisdiction, the department shall request a copy of the applicant's driving record from the previous licensing jurisdiction each jurisdiction in which the applicant was licensed in the preceding 10-year period. The driving record may be transmitted manually or by electronic medium. ~~When received, the driving records become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.~~"

(4) If Senate Bill No. 13 and [this act] are both passed and approved, then [section 1 of Senate Bill No. 13], amending 61-5-205, is void.

(5) If Senate Bill No. 37 and [this act] are both passed and approved, then subsection (3) of 61-5-205 in [this act] must read as follows:

"(3) Except as provided in 61-5-208(3)(c), a revocation under subsection (1) of this section must be for a period of 1 year."

(6) If Senate Bill No. 37 and [this act] are both passed and approved, then 61-5-208 must read as follows:

"61-5-208. Period of suspension or revocation -- probationary license -- ignition interlock device required on second or subsequent offense. (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than 1 year, except as otherwise permitted by law.

(2) ~~(a)~~ Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

~~(b)(3)~~ When If the department receives a report from a court or another licensing jurisdiction that a person is has been convicted or forfeits has forfeited bail or collateral not vacated for the offense of operating or being in actual

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for the offense of operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, the department shall, ~~upon receiving a report of conviction or forfeiture of bail or collateral not vacated;~~

~~(a) upon a first conviction,~~ suspend the driver's license or driving privilege of the person for a period of 6 months. ~~Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall revoke the license or driving privilege of the person for a period of 1 year and, upon~~ Upon issuance of any restricted probationary license during the period of ~~revocation~~ suspension, ~~the department shall~~ restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device:

~~(i) if the report shows that the person's alcohol concentration at the time of arrest was 0.16 or greater; or~~

~~(ii) if ordered by the court when the person's alcohol concentration at the time of arrest was less than 0.16.~~

~~(b) upon a second or third conviction for an offense within 5 years of the first offense, suspend the license or driving privilege of the person for a period of 1 year and, upon reinstatement of the person's driving privileges, restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device during the 12-month period beginning with the end of the period of the driver's license suspension. A restricted probationary license may not be issued during the 1-year period of suspension.~~

~~(c) upon a fourth or subsequent conviction constituting a felony under 61-8-731, revoke the license or driving privilege of the person for a period of 5 years. A restricted probationary license may not be issued during the first 2 years of the revocation period. If the person's probation officer agrees, the person's driving privileges may be reinstated for the last 3 years of the revocation period, and the person must be restricted to driving only a motor vehicle equipped with a functioning ignition interlock device during the remainder of the revocation period.~~

~~(4) If the 1-year period of revocation under subsection (3)(b) or (3)(c) passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license revocation remains in effect until the course, treatment, or both, are completed.~~

~~(5) For the purposes of subsection (2)(b) (3), a person is considered to have committed a second, third, or subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction.~~

~~(3) (a) If a person pays the reinstatement fee required in 61-2-107 and provides the department proof of compliance with an ignition interlock restriction imposed under 61-8-442, the department shall stay the license suspension of a person who has been convicted of a violation of 61-8-401 or 61-8-406 and return the person's driver's license. The stay must remain in effect until the period of suspension has expired and any required chemical dependency education course, treatment, or both, have been completed.~~

~~(b)(6) If~~ When an ignition interlock restriction is imposed under subsection (3) and the department receives notice from a court, peace officer, or ignition interlock vendor that the person has violated the court-imposed ignition interlock restriction by, including but not limited to such acts as operating a motor vehicle not equipped with the device, tampering with the device, or removing the device before the period of restriction has expired, the department shall ~~lift the stay and reinstate the license suspension~~ suspend the person's license or driving privilege for the remainder of the time restriction period. The department may not issue a restricted probationary driver's license to a person whose license ~~suspension~~ suspension has been ~~reinstated~~ suspended because of violation of an ignition interlock restriction.

~~(4) The period for all revocations made mandatory by 61-5-205 is 1 year except as provided in subsection (2).~~

~~(5)(7) (a) The~~ Except as provided in subsection (7)(b), the period of suspension or revocation for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

~~(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.~~

~~(6)(8) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802."~~

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

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

HB 340, be concurred in. Report adopted.

HB 389, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Grimes, Chairman):

3/24/2003

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 1:00 p.m., Saturday, March 22, 2003:

<u>TITLE</u>	<u>NAME</u>
Pages:	Brita Thompson, Harlowton, MT
	Nick Morton, Kalispell, MT
	Tara Rice, Choteau, MT
	Michael Lyons, Gt. Falls, MT
	Megan Nemitz, Billings, MT
	Krista Holden, Glendive, MT
	Cole Arthun, Wilsall, MT
	Bente Grinde, Bigfork, MT

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 24, 2003:

<u>TITLE</u>	<u>NAME</u>	<u>SPONSOR</u>
Pages:	Beth Bennett, Kalispell, MT	Senator O'Neil
	Paul Chaon, Gt. Falls, MT	Senator Tester
	Cory Kalanick, Gt. Falls, MT	Senator Tropila
	Cortni Jones, Conrad, MT	Senator Roush
	Chase Mohney, Gt. Falls, MT	Senator Schmidt
	Nicole Peiffer, Kalispell, MT	Senator O'Neil
	Chelsey Hargrove, Three Forks, MT	Senator Perry
	Jeremy Robinson, Helena, MT	Senator Thomas

Report Adopted.

HB 41, be concurred in. Report adopted.

HB 435, be amended as follows:

1. Title, line 5.

Following: "FEE"

Insert: "OR CERTAIN OTHER COMPENSATION"

2. Page 1, line 18.

Strike: "for speaking to"

Insert: "or other compensation, except as provided for in 5-2-302, from"

3. Page 1, line 19.

Following: "OF MONTANA"

Insert: "for speaking to the agency or political subdivision"

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

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

NATURAL RESOURCES (Tash, Chairman):

3/24/2003

HB 287, be concurred in. Report adopted.

HB 433, be amended as follows:

1. Page 1, line 16.

Following: "~~or~~"

Insert: "or"

2. Page 1, line 16 through line 17.

Following: "~~department~~"

Strike: "~~.OR~~" on line 16 through "INVESTMENTS"

3. Page 3.

Following: line 7

Insert: "(c) (i) A bond required pursuant to subsection (3)(a) or (3)(b) must be a surety bond, a cash deposit, an assignment of a certificate of deposit, an irrevocable letter of credit, or other surety or written undertaking proposed by the applicant. Other sureties or written undertakings proposed by the applicant must meet all of the following criteria:

(A) the surety or written undertaking must be capable of being evaluated by an independent appraiser who is an expert in the field;

(B) the surety or written undertaking must be convertible to a liquid asset that has a cash value equal to or greater than the value of the required bond amount; and

(C) the title to the surety or written undertaking must be held in the name of the state or in a manner that maximizes the state's recovery of value in any subsequent bankruptcy or other insolvency or collection proceeding initiated by or against the applicant.

(ii) The department shall consult with the board of investments and any other state agencies that have significant expertise in determining the value of an asset in accordance with the criteria in subsection (3)(c)(i) as it relates to any other surety or written undertaking proposed by the applicant."

Renumber: subsequent subsection

4. Page 3, line 8.

Following: "(3)(a)"

Strike: "or (3)(b) "

Insert: ", (3)(b), or (3)(c)"

5. Page 4, line 17.

Following: "(9)"

Insert: "(a)"

6. Page 4.

Following: line 21

Insert: "(b) (i) A new bond posted pursuant to this subsection (9) must be a surety bond, a cash deposit, an assignment of a certificate of deposit, an irrevocable letter of credit, or other surety or written undertaking proposed by the applicant. Other sureties or written undertakings proposed by the applicant must meet all of the following criteria:

(A) the surety or written undertaking must be capable of being evaluated by an independent appraiser who is an expert in the field;

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

(B) the surety or written undertaking must be convertible to a liquid asset that has a cash value equal to or greater than the value of the required bond amount; and

(C) the title to the surety or written undertaking must be held in the name of the state or in a manner that maximizes the state's recovery of value in any subsequent bankruptcy or other insolvency or collection proceeding initiated by or against the applicant.

(ii) The department shall consult with the board of investments and any other state agencies that have significant expertise in determining the value of an asset in accordance with the criteria in subsection (9)(b)(i) as it relates to any other surety or written undertaking proposed by the applicant."

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

HB 467, be concurred in. Report adopted.

HB 527, be amended as follows:

1. Title, line 8.

Following: "USE;"

Insert: "PROVIDING THAT AN AMENDMENT TO AN OPERATING PERMIT FOR THE PURPOSE OF RETENTION OF MINE-RELATED FACILITIES THAT ARE VALUABLE FOR POSTMINING USE IS A MINOR AMENDMENT AND DOES NOT REQUIRE THE PREPARATION OF AN ENVIRONMENTAL REVIEW OR AN ENVIRONMENTAL IMPACT STATEMENT;"

2. Title, line 9.

Following: "82-4-335,"

Strike: "AND"

Following: "82-4-336,"

Insert: "AND 82-4-342,"

3. Page 7, line 3 through line 5.

Strike: "THE CONSULTATION" on line 3 through "FACILITIES." on line 5

4. Page 9, line 27.

Strike: "SPECIFIC"

5. Page 9, line 30 through page 10, line 5.

Strike: subsections (ii) and (iii) in their entirety

Renumber: subsequent subsections

6. Page 10, line 6.

Strike: "A BINDING AGREEMENT FOR"

7. Page 10, line 7.

Strike: "CESSATION OF MINE OPERATIONS, DEFINED AS THE REMOVAL OR PROCESSING OF ORE MATERIAL"

Insert: "completion of other approved mine reclamation activities"

8. Page 10, line 9.

Following: "(3)"

Insert: "for mine-related facilities that had previously been identified as valuable for postmining use"

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

9. Page 10, line 27.

Insert: "Section 4. Section 82-4-342, MCA, is amended to read:

"82-4-342. Amendment to operating permits. (1) During the term of an operating permit issued under this part, an operator may apply for an amendment to the permit. The operator may not apply for an amendment to delete disturbed acreage except following reclamation, as required under 82-4-336, and bond release for the disturbance, as required under 82-4-338.

(2) (a) The board may by rule establish criteria for the classification of amendments as major or minor. The board shall adopt rules establishing requirements for the content of applications for major and minor amendments and the procedures for processing minor amendments.

(b) An amendment must be considered minor if:

(i) it is for the purpose of retention of mine-related facilities that are valuable for postmining use;

(ii) evidence is submitted showing that a local government has requested retention of the mine-related facilities for a postmining use; and

(iii) the postmining use of the mine-related facilities meets the requirements provided for in 82-4-336.

(3) Applications for major amendments must be processed pursuant to 82-4-337.

(4) The department shall review an application for a minor amendment and provide a notice of decision on the adequacy of the application within 30 days. If the department does not respond within 30 days, then the permit is revised in accordance with the application.

(5) The department is not required to prepare an environmental assessment or an environmental impact statement for the following categories of action:

(a) actions that qualify for a categorical exclusion as defined by rule or justified by a programmatic review pursuant to Title 75, chapter 1;

(b) administrative actions, such as routine, clerical, or similar functions of a department, including but not limited to administrative procurement, contracts for consulting services, and personnel actions;

(c) repair or maintenance of the permittee's equipment or facilities;

(d) investigation and enforcement actions, such as data collection, inspection of facilities, or enforcement of environmental standards;

(e) ministerial actions, such as actions in which the agency does not exercise discretion, but acts upon a given state of facts in a prescribed manner;

(f) approval of actions that are primarily social or economic in nature and that do not otherwise affect the human environment;

(g) changes in a permit boundary that increase disturbed acres that are insignificant in impact relative to the entire operation, provided that the increase is less than 10 acres or 5% of the permitted area, whichever is less; ~~and~~

(h) changes in an approved operating plan or reclamation plan for an activity that was previously permitted, provided that the impacts of the change will be insignificant relative to the impacts of the entire operation and there is less than 10 acres of additional disturbance; and

(i) changes in a permit for the purpose of retention of mine-related facilities that are valuable for postmining use."

Renumber: subsequent section

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

HB 537, be concurred in. Report adopted.

HB 617, be concurred in. Report adopted.

HB 684, be concurred in. Report adopted.

STATE ADMINISTRATION (Cobb, Chairman):

3/24/2003

SR 4, be adopted. Report adopted.

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

HB 277, be amended as follows:

1. Title, page 1, line 6.

Following: the first "FOR"

Strike: "STATEWIDE ELECTED OFFICIALS AND"

2. Page 1, line 16.

Strike: "12"

Insert: "8"

Strike: "24-year"

Insert: "16-year"

3. Page 2, lines 2 through 3.

Strike: "statewide" on line 2 through "years" on line 3

Insert: "legislators to 12 years in a 24-year period"

4. Page 2, lines 4 through 5.

Strike: "statewide" on line 4 through "years" on line 5

Insert: "legislators to 12 years in a 24-year period"

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

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/24/2003

HB 6, introduced by Witt

HB 7, introduced by Witt

HB 8, introduced by Witt

HB 663, introduced by Laslovich

HB 701, introduced by Newman

HB 736, introduced by R. Brown

HB 741, introduced by Lindeen

HB 744, introduced by E. Clark

Senate bills concurred in and returned to the Senate:

3/24/2003

SB 114, introduced by Johnson

SB 398, introduced by Cromley

MOTIONS

SB 433 - Senator Ryan moved **SB 433** be taken from the table in the committee on Taxation, printed and placed on second reading the sixty-third legislative day. Senator Thomas made a **substitute motion** that **SB 433** and **SB 332** both be brought to the floor. After much discussion, division of the motion was called for. Motion carried as follows on **SB 433**:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Esp, Hansen, Harrington, Kitzenberg, Laible, Mahlum, McCarthy, McGee, Nelson, Pease, Perry, Roush, Ryan, Schmidt,

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

Shea, Squires, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 37

Nays: Bales, DePratu, Elliott, Gebhardt, Glaser, Grimes, Johnson, McNutt, O'Neil, Story, Taylor.
Total 11

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

SB 332 -The motion on **SB 332** carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Grimes, Hansen, Harrington, Kitzenberg, Mahlum, McCarthy, McGee, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 37

Nays: Bales, Cocchiarella, Esp, Gebhardt, Glaser, Johnson, Laible, McNutt, O'Neil, Story, Taylor.
Total 11

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 585 - Senator Nelson moved consideration of **HB 585** be moved to the top of the second reading board this legislative day. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

HB 6, introduced by Witt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 7, introduced by Witt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 8, introduced by Witt (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 663, introduced by Laslovich, referred to Local Government.

HB 701, introduced by Newman, referred to Judiciary.

HB 736, introduced by R. Brown, Tester, F. Thomas, Wanzenried, referred to Finance and Claims.

HB 741, introduced by Lindeen, Brueggeman (by request of the House Joint Appropriations Subcommittee on General Government and Transportation), referred to Finance and Claims.

HB 744, introduced by E. Clark (by request of the House Joint Appropriations Subcommittee on Health and Human Services), referred to Finance and Claims.

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

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 296 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Esp, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, McGee, McNutt, Nelson, Pease, Perry, Roush, Schmidt, Shea, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Zook, Mr. President.
Total 39

Nays: Cobb, Curtiss, Elliott, Gebhardt, McCarthy, O'Neil, Ryan, Squires, Wheat.
Total 9

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 17, 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, Harrington, Johnson, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 47

Nays: O'Neil.
Total 1

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 40, 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, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.
Total 0

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 63 concurred in as follows:

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

Nays: Cromley, Johnson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 122 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, McCarthy, 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 45

Nays: Curtiss, Esp, McGee.
Total 3

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 129 concurred in as follows:

Yeas: 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, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook.
Total 46

Nays: Anderson, Mr. President.

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

Total 2

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HB 145, as amended by the Senate, concurred in as follows:

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

Total 41

Nays: Bales, Curtiss, Esp, Gebhardt, Johnson, O'Neil, Perry.

Total 7

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HB 157, 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, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 47

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HB 165 concurred in as follows:

Yeas: Bales, Barkus, Black, Cobb, Cocchiarella, Cooney, Gebhardt, Glaser, Hansen, Harrington, Kitzenberg, Laible, Mahlum, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tash, Thomas, Tropila, Wheat, Zook.

Total 26

Nays: Anderson, Bohlinger, Butcher, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Grimes, Johnson, McGee,

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

O'Neil, Perry, Schmidt, Squires, Stapleton, Story, Taylor, Tester, Toole, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 174 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 179, 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, Harrington, Johnson, Kitzenberg, Laible, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 45

Nays: Esp, McGee, Stapleton.
Total 3

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 182 concurred in as follows:

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

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HB 185 concurred in as follows:

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

Total 45

Nays: Curtiss, McNutt, Story.

Total 3

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HB 199, 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, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HB 220, 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, Harrington, Johnson, Kitzenberg, Laible, Mahlum,

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 236 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 237, 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, Kitzenberg, Laible, Mahlum, McCarthy, McGee, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook.
Total 45

Nays: Elliott, McNutt, Mr. President.
Total 3

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

HB 284 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 285, 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, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 312 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

Excused: Mangan, Sprague.
Total 2

HB 315, 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, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 319 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 368 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.
Total 0

Absent or not voting: None.

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

Total 0

Excused: Mangan, Sprague.

Total 2

HB 416 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HB 420 concurred in 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, 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 47

Nays: Gebhardt.

Total 1

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HB 441 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.

Total 0

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 480, 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, Harrington, Johnson, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 47

Nays: Stapleton.
Total 1

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 573, 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, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 584, 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, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

Total 0

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HB 610, as amended by the Senate, failed as follows:

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

Total 23

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

Total 25

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HB 616 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HB 618, as amended by the Senate, concurred in as follows:

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

Total 41

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

Nays: Barkus, Cobb, Esp, Gebhardt, McNutt, Stapleton, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 627 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HB 711 concurred in as follows:

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

Nays: Ryan.
Total 1

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

HJR 8, as amended by the Senate, concurred in as follows:

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

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

Total 39

Nays: Bales, Barkus, Butcher, Esp, Gebhardt, McGee, O'Neil, Taylor, Zook.

Total 9

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HJR 10 concurred in as follows:

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

Total 45

Nays: Butcher, Esp, Zook.

Total 3

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HJR 11 concurred in as follows:

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

Total 41

Nays: Bales, Esp, McGee, Stapleton, Thomas, Zook.

Total 6

Absent or not voting: Black.

Total 1

Excused: Mangan, Sprague.

Total 2

HJR 20 concurred in 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, McCarthy,

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

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

Total 45

Nays: Esp, McGee, Schmidt.

Total 3

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HJR 24 failed as follows:

Yeas: Anderson, Black, Bohlinger, Cobb, Cocchiarella, Cromley, Ellingson, Gebhardt, Grimes, Hansen, Johnson, Laible, McCarthy, Pease, Shea, Stapleton, Stonington, Taylor, Mr. President.

Total 19

Nays: Bales, Barkus, Butcher, Cooney, Curtiss, DePratu, Elliott, Esp, Glaser, Harrington, Kitzenberg, Mahlum, McGee, McNutt, Nelson, O'Neil, Perry, Roush, Ryan, Schmidt, Squires, Story, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook.

Total 29

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

HJR 28 concurred in as follows:

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

Total 43

Nays: Curtiss, Esp, Mahlum, Tester, Zook.

Total 5

Absent or not voting: None.

Total 0

Excused: Mangan, Sprague.

Total 2

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

HJR 34 concurred in as follows:

Yeas: Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Schmidt, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Toole, Tropila, Zook, Mr. President.
Total 38

Nays: Anderson, Cobb, Elliott, Mahlum, McCarthy, Ryan, Shea, Squires, Tester, Wheat.
Total 10

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

**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. **President Keenan retained the chair.**

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

HB 585 - Senator Nelson moved **HB 585** be concurred in. Motion carried unanimously.

Senator Nelson assumed the chair.

SB 469 - Senator Elliott moved **SB 469** do pass. Motion carried as follows:

Yeas: Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, DePratu, Ellingson, Elliott, Glaser, Hansen, Harrington, Kitzenberg, McNutt, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Story, Tash, Tester, Toole, Tropila, Wheat, Zook.
Total 28

Nays: Anderson, Bales, Barkus, Cromley, Curtiss, Esp, Gebhardt, Grimes, Johnson, Laible, Mahlum, McCarthy, McGee, O'Neil, Perry, Stapleton, Taylor, Thomas.
Total 18

Absent or not voting: None.
Total 0

Excused: Black, Mangan, Sprague, Mr. President.
Total 4

SB 443 - Senator Taylor moved **SB 443** do pass. After discussion, Senator Cobb made a **substitute motion** that **SB 443**, second reading copy, be amended as follows:

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

1. Title, page 1, line 8.

Following: "CREDIT;"

Insert: "PROVIDING A CONTINGENT VOIDNESS PROVISION;"

2. Page 1.

Following: line 30

Insert: "NEW SECTION. **Section 3. Contingent voidness.** If Senate Bill No. 351 is not passed and approved, then [this act] is void."

Amendment **adopted** as follows:

Yeas: Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Hansen, Harrington, Johnson, Kitzenberg, McCarthy, Nelson, O'Neil, Pease, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.
Total 25

Nays: Anderson, Bales, Barkus, Black, Butcher, Curtiss, DePratu, Gebhardt, Glaser, Grimes, Laible, Mahlum, McGee, McNutt, Perry, Roush, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

SB 443 - Senator Taylor moved **SB 443**, as amended, do pass. Motion **failed** as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, DePratu, Gebhardt, Glaser, Mahlum, McGee, McNutt, Ryan, Stapleton, Taylor, Thomas, Zook.
Total 18

Nays: Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, McCarthy, Nelson, O'Neil, Pease, Perry, Roush, Schmidt, Shea, Squires, Stonington, Story, Tash, Tester, Toole, Tropila, Wheat, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

SB 443 - Senator Thomas moved SB 443 be **indefinitely postponed**. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gebhardt, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, McCarthy, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Tester, Toole, Tropila, Wheat, Mr. President.
Total 32

SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY - MARCH 24, 2003

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Glaser, Mahlum, McGee, McNutt, Taylor, Thomas, Zook.
Total 16

Absent or not voting: None.
Total 0

Excused: Mangan, Sprague.
Total 2

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

MOTIONS

SB 349 - Senator Anderson moved Senator Grimes be added as sponsor to **SB 349**. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Tuesday, March 25, 2003. Motion carried.

Senate adjourned at 3:29 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate