

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

Helena, Montana
March 26, 2003

Senate Chambers
State Capitol

Senate convened at 12:30 p.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

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

SPECIAL ORDERS OF THE DAY

Senator Stapleton paid tribute to Senator Gebhardt's son, who graduated from West Point in 2000, and is on his way to the conflict in Kuwait.

REPORTS OF STANDING COMMITTEES

BILL REPORT

Correctly printed: **SB 484**.

Correctly engrossed: **SB 462, SB 478, HB 155, HB 201, HB 218, HB 224, HB 253, HB 308, HB 453, HB 499, HB 517, HB 521, HB 532, HB 642, HB 647, HB 681**.

Correctly enrolled: **SB 100, SB 104, SB 114, SB 398**.

Examined by the sponsor and found to be correct: **SB 26, SB 36, SB 56, SB 70, SB 75, SB 102, SB 108, SB 117, SB 122, SB 128**.

Signed by the President at 8:50 a.m., March 25, 2003: **SB 26, SB 36, SB 56, SB 70, SB 75, SB 102, SB 108, SB 117, SB 122, SB 128**.

Signed by the Secretary of the Senate at 10:15 a.m., March 25, 2003: **SB 26, SB 36, SB 56, SB 70, SB 75, SB 102, SB 108, SB 117, SB 122, SB 128**.

Signed by the Speaker at 11:10 a.m., March 25, 2003: **SB 26, SB 36, SB 56, SB 70, SB 75, SB 102, SB 108, SB 117, SB 122, SB 128**.

Delivered to the Governor for approval at 7:45 a.m., March 26, 2003: **SB 26, SB 36, SB 56, SB 70, SB 75, SB 102, SB 108, SB 117, SB 122, SB 128**.

BUSINESS AND LABOR (Mahlum, Chairman):

3/25/2003

HB 482, be concurred in. Report adopted.

HB 555, be concurred in. Report adopted.

HB 588, be concurred in. Report adopted.

ENERGY AND TELECOMMUNICATIONS (Johnson, Chairman):

3/26/2003

HB 417, be concurred in. Report adopted.

HB 479, be concurred in. Report adopted.

HB 580, be concurred in. Report adopted.

HB 637, be concurred in. Report adopted.

HJR 26, be concurred in. Report adopted.

FINANCE AND CLAIMS (Zook, Chairman):

3/25/2003

SB 451, introduced bill, be amended as follows:

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1. Page 2, line 25.

Following: "and"

Insert: "and"

2. Page 2, line 26 through line 28.

Following: "use" on line 26

Strike: remainder of line 26 through "illness" on line 28

3. Page 2, line 30.

Strike: "and mental health programs"

And, as amended, do pass. Report adopted.

SB 454, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "IMMEDIATE"

2. Page 7, line 5.

Following: "is effective"

Strike: "on passage and approval"

Insert: "July 1, 2003"

And, as amended, do pass. Report adopted.

HB 160, be concurred in. Report adopted.

FISH AND GAME (Sprague, Chairman):

3/26/2003

HB 20, be amended as follows:

1. Page 1, line 16 through line 17.

Strike: "involved" on line 16 through the first "in" on line 17

Insert: "that focuses on"

2. Page 1, line 27.

Strike: "involved in"

Insert: "that focuses on"

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

HB 283, be amended as follows:

1. Title, line 4 through line 10.

Strike: "PROVIDING " on line 4 through "PLAN;" on line 10

2. Title, line 14 through line 16.

Strike: "REPEALING" on line 14 through "MCA;" on line 16

Following: "PROVIDING" on line 16

Insert: "AN IMMEDIATE"

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3. Title, line 17.

Strike: "DATES"

Insert: "DATE"

4. Page 1, line 21 through line 25.

Strike: section 1 in its entirety

Renumber: subsequent sections

5. Page 2, line 6 through line 9.

Strike: section 3 through section 4 in their entirety

Renumber: subsequent section

6. Page 2, line 11.

Strike: "dates"

Insert: "date"

Strike: "(1)" through "are"

Insert: "[This act] is"

7. Page 2, line 13 through line 23.

Strike: subsection (2) in its entirety

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

HB 306, be concurred in. Report adopted.

HB 396, be amended as follows:

1. Title, line 6.

Following: "LICENSE;"

Insert: "CLARIFYING THAT THE PERSON ISSUING THE LICENSE IS REQUIRED TO DETERMINE PROOF OF COMPLETION OF THE COURSE;"

2. Page 1, line 13.

Strike: "resident"

3. Page 1, line 15.

Strike: "receives" through "certificate"

Insert: "determines proof"

Strike: "from the"

Insert: "of:"

(a) a"

4. Page 1, line 16 through line 20.

Strike: "(5)" on line 16 through "completed" on line 20

Insert: "(4) or (6); or

(b) "

Following: "any" on line 20

Insert: "other"

Renumber: subsequent subsections

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5. Page 1, line 25.

Strike: "receives"

Insert: "determines"

6. Page 1, line 26.

Strike: "certificate" through "completed a"

7. Page 1, line 29.

Strike: the second "receives"

Insert: "determines"

8. Page 2, line 18.

Following: "HUNTER"

Insert: "safety and"

9. Page 2, line 20.

Strike: "or achievement"

Insert: "of a required course"

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

HJR 32, be amended as follows:

1. Title, line 10 through line 11.

Strike: "REMOVAL" on line 10

Insert: "DELISTING"

Strike: "FROM" on line 10 through "LIST" on line 11

2. Page 1, line 17 through line 18.

Strike: "declared"

Insert: "protected"

Strike: "to" on line 17 through "species" on line 18

Insert: "under the federal Endangered Species Act"

3. Page 1, line 19.

Strike: "endangered" through "designation"

Insert: "Endangered Species Act"

4. Page 2, line 9.

Strike: "and"

5. Page 2, line 17.

Strike: "removal"

Insert: "delisting"

Strike: "from" through "list"

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

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HIGHWAYS AND TRANSPORTATION (Butcher, Chairman):
HB 67, be amended as follows:

3/26/2003

1. Title, page 1, line 11.

Strike: "OTHER"

Insert: "ILLEGAL"

Following: "SHOULDER"

Insert: "EXCEPT IN AN AUTHORIZED CROSSWALK"

2. Page 5, line 16.

Following: "pedestrian"

Insert: ", other than an intoxicated pedestrian referred to in 61-8-508, who is"

3. Page 5, lines 19 through 22.

Strike: subsection (3) in its entirety

4. Page 6, line 4.

Following: "No"

Strike: "A"

Insert: "Except in an authorized crosswalk, a"

5. Page 6, line 5.

Strike: "not"

Following: "stand"

Insert: "in the public right-of-way, as defined in 60-1-103, but not"

6. Page 6, line 6.

Strike: "61-8-506(3)"

Insert: "61-8-506(2)"

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

LOCAL GOVERNMENT (Bohlinger, Chairman):
HB 269, be amended as follows:

3/26/2003

1. Title, line 5.

Following: "PROGRAM;"

Insert: "REVISING THE DEPARTMENT OF JUSTICE'S AND THE DEPARTMENT OF ADMINISTRATION'S RESPONSIBILITIES REGARDING FIRE PROTECTION AND FIRE PREVENTION;"

2. Title, line 6.

Following: "KEEPING"

Insert: "FIRE INCIDENT"

3. Title, lines 7 and 8.

Strike: "CERTAIN" on line 7 through "REGULATION" on line 8

Insert: "THE REQUIREMENT THAT FIRE PREVENTION AND INVESTIGATION RULES ADOPTED BY THE DEPARTMENT OF JUSTICE INCLUDE CERTAIN BUILDING EQUIPMENT AND SYSTEMS"

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4. Title, line 9.

Following: "OCCUPANCY"

Insert: "OF BUILDINGS OR STRUCTURES"

Following: "PURPOSES;"

Insert: "CHANGING THE FREQUENCY FOR FIRE INSPECTIONS IN SCHOOLS FROM 12 MONTHS TO 18 MONTHS;"

5. Title, line 10.

Following: "FOR"

Insert: "FIRE INCIDENT"

6. Page 9, line 6.

Strike: "12"

Insert: "18"

7. Page 9.

Following: line 26

Insert: "NEW SECTION. Section 10. Coordination instruction. If House Bill No. 196 and [this act] are both passed and approved, then [section 22] of House Bill No. 196, amending 50-61-103, is void."

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

HB 512, be amended as follows:

1. Title, line 4 through line 7.

Strike: "AUTHORIZING" on line 4 through "THE" on line 7

Insert: "PROVIDING FOR THE ADDITION OF TERRITORY ADJACENT TO AN EXISTING"

2. Page 1, line 11 through line 15.

Strike: section 1 in its entirety

Insert: "NEW SECTION. Section 1. Addition of territory adjacent to existing planning and zoning district.

Territory that is directly adjacent to an existing planning and zoning district but that is not part of the district may be added to the district subject to the procedures provided in Title 76, chapter 2, part 1."

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

TAXATION (DePratu, Chairman):

3/26/2003

SB 465, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "ADMINISTRATOR"

Insert: "CORPORATION"

2. Page 2, line 13.

Following: "Montana-based"

Strike: "capital"

Following: "venture"

Insert: "capital"

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3. Page 2, line 16.

Following: "venture"

Insert: "capital"

4. Page 2, line 23.

Strike: "administrator"

Insert: "corporation"

5. Page 2, line 26.

Strike: "administrator""

Insert: "corporation""

6. Page 2, line 29.

Strike: "administrator"

Insert: "corporation"

7. Page 3, line 19.

Insert: "(4) Board members shall serve staggered 4-year terms. A term begins on the first day of the calendar year and ends on the last day of the calendar year or when a successor is appointed. A member who has served two successive complete terms is not eligible for reappointment until 1 year after the end of the second term.

(5) The appointing authority may, after hearing, remove a member for neglect of duty or other just cause."

Renumber: subsequent subsections

8. Page 3, line 24.

Following: line 23

Insert: "(9) Each calendar year, the legislative auditor shall conduct an audit of the activities of the board. The board shall reimburse the auditor for costs associated with the annual audit. The audit must be delivered to the board, the governor, and the state auditor."

9. Page 3, line 26.

Strike: "invest funds,"

10. Page 5, line 3.

Strike: "administrator"

Insert: "corporation"

11. Page 5, line 6.

Strike: "administrator"

Insert: "corporation"

12. Page 5, line 23.

Following: "investment."

Insert: "The scheduled aggregate return to the investor may not exceed an amount equal to the rate of return for the 10-year U.S. treasury bills plus 400 basis points. The rate is subject to approval of the board of investments, which shall review the rate for financial prudence."

13. Page 6, line 25.

Strike: "An individual"

Insert: "A designated investor"

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14. Page 7, line 10.

Strike: "on"

Insert: "by"

15. Page 7, line 26.

Strike: "administrator"

Insert: "corporation"

16. Page 7, line 28.

Strike: "administrator"

Insert: "corporation"

17. Page 7, line 29.

Strike: "administrator"

Insert: "corporation"

18. Page 8, line 2.

Strike: "administrator"

Insert: "corporation"

19. Page 8, line 4.

Strike: "administrator"

Insert: "corporation"

20. Page 8, line 12.

Strike: "administrator"

Insert: "corporation"

21. Page 8, line 14.

Strike: "administrator"

Insert: "corporation"

22. Page 8, line 16.

Strike: "administrator"

Insert: "corporation"

23. Page 8, line 17.

Strike: "administrator's"

Insert: "corporation's"

24. Page 8, line 18.

Strike: "administrator"

Insert: "corporation"

25. Page 8, line 20.

Strike: "administrator"

Insert: "corporation"

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26. Page 8, lines 22 through 26.

Strike: "administrator" on line 22

Insert: "corporation"

Following: "administrator." on line 22

Strike: subsections (1) and (2) in their entirety

Insert: "(1) The board shall select and designate the Montana capital investment corporation."

Renumber: subsequent subsections

27. Page 8, line 27.

Strike: "administrator"

Insert: "corporation"

28. Page 8, line 30.

Strike: "committee"

Insert: "Montana capital investment board"

29. Page 9, line 3.

Strike: "administrator"

Insert: "corporation"

30. Page 9, line 5.

Strike: "members of the selection committee"

Insert: "board"

31. Page 9, line 7.

Strike: "administrator"

Insert: "corporation"

32. Page 9, lines 10 and 11.

Strike: subsection (6) in its entirety

Renumber: subsequent subsections

33. Page 9, line 12.

Strike: "selection committee"

Insert: "board"

34. Page 9, line 13.

Strike: "selection committee"

Insert: "board"

35. Page 9, line 14.

Strike: "administrator"

Insert: "corporation"

36. Page 9, line 18.

Strike: "administrator"

Insert: "corporation"

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37. Page 9, line 27.

Strike: "administrator"

Insert: "corporation"

38. Page 9, line 30.

Strike: "administrator"

Insert: "corporation"

39. Page 10, line 4.

Strike: "administrator"

Insert: "corporation"

40. Page 10, line 10.

Strike: "administrator"

Insert: "corporation"

41. Page 10, line 17.

Strike: "administrator"

Insert: "corporation"

42. Page 10, line 18.

Strike: "administrator"

Insert: "corporation"

43. Page 10, line 19.

Strike: "administrator"

Insert: "corporation"

44. Page 10, line 21.

Strike: "administrator"

Insert: "corporation"

45. Page 10, line 25.

Strike: "administrator"

Insert: "corporation"

46. Page 10, lines 28 and 29.

Strike: "administrator" on line 28

Insert: "corporation"

Strike: "consider investment" on line 28

Insert: "invest at least 50% of the assets of the revolving fund"

Following: "businesses" on line 28

Strike: remainder of line 28 through "that" on line 29

Insert: "if"

47. Page 10, line 30.

Strike: "administrator"

Insert: "corporation"

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48. Page 11, line 3.

Following: line 2

Insert: "(5) Every 3 years, the board shall conduct a review of the operations of the Montana capital investment corporation for the purpose of ensuring that the Montana capital investment corporation is properly overseeing the management of the Montana fund of funds. If after conducting a review, the board determines that the Montana capital investment corporation is deficient in overseeing the management of the Montana fund of funds, the board shall inform the Montana capital investment corporation of all deficiencies. The board shall conduct another review within 1 year to determine if the deficiencies have been corrected.

(6) If the initial review reveals deficiencies considered by the board to be serious in nature or if the subsequent review indicates the Montana capital investment corporation has failed to correct the identified deficiencies, the board may remove the Montana capital investment corporation.

(7) If the Montana capital investment corporation is removed, the board shall conduct a search to name a new entity to be the Montana capital investment corporation."

49. Page 11, line 5.

Strike: "administrator"

Insert: "corporation"

50. Page 11, lines 8 through 10.

Following: "Physical presence" on line 8

Strike: remainder of line 8 through "be" on line 9

Insert: "is"

Following: "in the state" on line 9

Strike: remainder of line 9 through "year," on line 10

Insert: "and agreeing"

Following: "Montana."

Insert: "If a venture capital fund ceases to have a presence in Montana, the venture capital fund shall permit the Montana fund of funds to remove its investment in the venture capital fund and the venture capital fund shall return to the Montana fund of funds its original investment at its present value."

51. Page 11, line 15.

Following: "funds."

Insert: "Any venture capital fund in which the Montana fund of fund invests shall on an annual basis provide written documentation of the performance of the fund to the venture capital investment fund allocation manager."

52. Page 11, line 19.

Strike: "administrator"

Insert: "corporation"

53. Page 11, line 24.

Strike: "administrator"

Insert: "corporation"

54. Page 11, line 29.

Strike: "administrator"

Insert: "corporation"

55. Page 11, line 30.

Strike: "administrator"

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Insert: "corporation"

56. Page 12, line 3.

Strike: "administrator"

Insert: "corporation"

57. Page 12, line 5.

Strike: "administrator"

Insert: "corporation"

58. Page 12, line 9.

Strike: "the legislative auditor shall conduct an audit of the activities of"

Strike: "administrator or"

Insert: "corporation"

59. Page 12, line 10.

Following: "conduct"

Strike: "the"

Insert: "an"

Following: "audit"

Insert: "of the activities of the Montana capital investment corporation"

60. Page 12, line 11.

Strike: "administrator"

Insert: "corporation"

61. Page 12, line 12.

Strike: "administrator"

Insert: "corporation"

62. Page 12, line 13.

Strike: "administrator and"

Insert: "corporation,"

Following: "board"

Insert: ", the governor, and the state auditor"

63. Page 12, line 18.

Strike: "administrator"

Insert: "corporation"

64. Page 12, line 20.

Strike: "administrator"

Insert: "corporation"

65. Page 12, line 21.

Strike: "administrator"

Insert: "corporation"

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66. Page 12, line 24.

Strike: "administrator"

Insert: "corporation"

67. Page 13, line 4.

Strike: "administrator"

Insert: "corporation"

68. Page 13, line 8.

Strike: "administrator"

Insert: "corporation"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

March 25, 2003

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

Dear Senator Keenan:

Please be informed that I have signed **Senate Bill 5** sponsored by Senator Tash, **Senate Bill 10** sponsored by Senator Grimes, **Senate Bill 31** sponsored by Senator Cobb, **Senate Bill 49** sponsored by Senator Shea, **Senate Bill 88** sponsored by Senator Bales, and **Senate Bill 94** sponsored by Senator Stonington on March 25, 2003.

Sincerely,

JUDY MARTZ
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 3/25/2003

SB 206, introduced by Anderson

House bills passed and transmitted to the Senate for concurrence: 3/25/2003

HB 558, introduced by D. Brown

HB 628, introduced by Kasten

HB 735, introduced by Fisher

MOTIONS

SB 470 - Senator DePratu moved **SB 470** be taken from second reading and rereferred to the committee on Taxation.

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Motion carried.

HB 363 - Senator Mahlum moved **HB 363** be taken from the committee on Business and Labor and rereferred to the committee on Finance and Claims. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 485, introduced by Cobb, E. Clark (by request of the House Joint Appropriations Subcommittee on Health and Human Services), referred to Finance and Claims.

SB 486, introduced by Elliott, referred to Taxation.

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

HB 558, introduced by D. Brown, Keane, referred to Fish and Game.

HB 628, introduced by Kasten (by request of the House Joint Appropriations Subcommittee on Long Range Planning), referred to Finance and Claims.

HB 735, introduced by Fisher (by request of the House Joint Appropriations Subcommittee on Corrections and Public Safety), referred to Finance and Claims.

**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 Tash in the chair.

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

SB 332 - Senator Toole moved **SB 332**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Strike: "\$10"

Insert: "\$20"

2. Page 2, line 2.

Following: "implements,"

Insert: "coal, gas, oil, electricity,"

3. Page 2, line 10.

Strike: "\$10"

Insert: "\$20"

4. Page 2, line 11.

Strike: "\$10"

Insert: "\$20"

Strike: "\$20"

Insert: "\$30"

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5. Page 2, line 12.

Strike: "\$20"

Insert: "\$30"

Strike: "\$30"

Insert: "\$40"

6. Page 2, line 13.

Strike: "\$30"

Insert: "\$40"

7. Page 3, lines 20 through 27.

Strike: "as follows" on line 20 through "50%" on line 21

Strike: "; and" through "seq" on line 27

Amendment **adopted** unanimously.

SB 332 - Senator Kitzenberg moved **SB 332**, second reading copy, be further amended as follows:

1. Page 3, lines 20 through 27.

Following: "15-1-501," on line 20

Strike: remainder of line 20 through "(a)" on line 23

Insert: "to"

Following: "system" on line 23

Strike: remainder of line 23 through "seq" on line 27

Amendment **not adopted** as follows:

Yeas: Butcher, Cobb, Cocchiarella, Elliott, Gebhardt, Kitzenberg, Mahlum, Mangan, Ryan, Schmidt, Shea, Taylor, Tropila.

Total 13

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Sprague, Squires, Stapleton, Stonington, Story, Tash, Tester, Thomas, Toole, Wheat, Zook, Mr. President.

Total 37

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 332 - Senator Toole moved **SB 332**, as amended, do pass. Motion **failed** as follows:

Yeas: Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Hansen, Harrington, Kitzenberg, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Thomas, Toole, Tropila.

Total 24

Nays: Anderson, Bales, Barkus, Curtiss, DePratu, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, Mangan,

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McCarthy, McGee, McNutt, Nelson, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Wheat, Zook, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 433 - Senator D. Ryan moved **SB 433**, second reading copy, be amended as follows:

1. Title, page 8.

Following: "MONTANANS"

Strike: ", "

Insert: "AND"

Strike: ", AND STUDENT ASSESSMENT REQUIREMENTS"

2. Page 1, line 16.

Strike: "imports"

Insert: "transports"

3. Page 1, line 22.

Strike: "each 12 fluid ounces"

Insert: "the amount of concentrate"

Strike: "supply"

Insert: "produce 12 fluid ounces of"

4. Page 3, line 3 through line 4.

Strike: "office" on line 3 through "276]" on line 4

Insert: "department of revenue for the administration of [sections 1 through 6] during the biennium ending June 30, 2005"

5. Page 3, line 11 through line 12.

Strike: section 7 in its entirety

Renumber: subsequent sections

Amendment **adopted** unanimously.

SB 433 - Senator D. Ryan moved **SB 433**, as amended, do pass. Motion **failed** as follows:

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

Total 25

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

Total 25

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 433 - Senator Thomas moved **SB 433** be **indefinitely postponed**. Motion carried as follows:

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

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 332 - Senator Thomas moved **SB 332** be **indefinitely postponed**. Motion **failed** as follows:

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

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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

THIRD READING OF BILLS

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

SB 89 passed as follows:

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Yeas: Anderson, Bales, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: Barkus.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 385 passed as follows:

Yeas: Barkus, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gebhardt, Hansen, Harrington, Mangan, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Tash, Taylor, Tester, Tropila, Wheat, Zook.
Total 29

Nays: Anderson, Bales, Black, Bohlinger, Curtiss, DePratu, Esp, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, McGee, O'Neil, Perry, Stapleton, Story, Thomas, Toole, Mr. President.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 222, 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, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 272 concurred in as follows:

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

Nays: Barkus, Esp, McGee, O'Neil.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 414 concurred in as follows:

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

Nays: Bales, Esp, Mangan, McGee, Nelson, Ryan, Schmidt.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 548 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 48

Nays: Cromley, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.

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Total 0

HB 557 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, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: Curtiss.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 639 concurred in as follows:

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

Total 42

Nays: Bales, Black, Esp, Gebhardt, Grimes, McGee, O'Neil, Perry.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 700 concurred in as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

HJR 17, as amended by the Senate, concurred in as follows:

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

Nays: Cromley, Esp, McGee, Stapleton.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 30 concurred in as follows:

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

Nays: Bales, Barkus, Butcher, Curtiss, Esp, Gebhardt, McGee.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 56**
Report No. 1, March 26, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 56** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 56** (reference copy -- salmon) be amended as follows:

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1. Title, line 10 through line 11.

Following: "CONDITIONS:"

Strike: remainder of line 10 through "CENTER:" on line 11

2. Page 4, line 9.

Strike: "EXCEPT AS PROVIDED IN SUBSECTION (4)"

3. Page 4, line 22.

Strike: "EXCEPT AS PROVIDED IN SUBSECTION (4)"

4. Page 4, line 25 through line 28.

Strike: line 25 through line 28 in their entirety

For the House:

B. Thomas, Chairman
Becker
Noennig

For the Senate:

Esp, Chairman
Cromley
Stonington

MESSAGES FROM THE GOVERNOR

March 26, 2003

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

Dear Senator Keenan:

Please be informed that I have signed **Senate Bill 78** sponsored by Senator McCarthy on March 26, 2003.

Sincerely,

JUDY MARTZ
Governor

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 12:30 p.m., Thursday, March 27, 2003. Motion carried.

Senate adjourned at 3:31 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate