

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

Helena, Montana
March 29, 2003

Senate Chambers
State Capitol

Senate convened at 8:07 a.m. President Keenan presiding. Invocation by Senator Bohlinger. Pledge of Allegiance to the Flag.

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

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

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Tash, Chairman): 3/29/2003
HB 223, be amended as follows:

1. Page 7, line 16.

Strike: "including"

Insert: "except"

2. Page 7, line 18.

Following: "."

Insert: "All earnings on the proceeds deposited in the state land bank fund are subject to the provisions of Article X, sections 5 and 10, of the Montana constitution."

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

PUBLIC HEALTH, WELFARE AND SAFETY (O'Neil, Chairman): 3/28/2003
HB 494, be concurred in. Report adopted.
HB 501, be concurred in. Report adopted.

TAXATION (DePratu, Chairman): 3/29/2003
SB 155, be amended as follows:

1. Title, page 1, line 11.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TRANSITION PROVISION"

2. Page 2, line 19.

Following: "~~prior~~"

Insert: "year prior to the base year to the"

3. Page 2, line 20.

Strike: "to the target year"

4. Page 3, line 13.

Insert: "NEW SECTION. Section 2. Effective date -- transition. (1) [This act] is effective on passage and approval.

(2) The department of revenue shall perform the calculation in 15-16-138(5) for the tax year 2004 not later than [60 days after the effective date of this act]."

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And, as amended, do pass. Report adopted.

SB 407, be amended as follows:

1. Title, page 1, line 11.

Following: "DEDUCTION;"

Insert: "TEMPORARILY"

2. Title, page 1, line 12.

Strike: "70"

Insert: "60"

3. Title, page 1, line 18.

Following: "DATES"

Strike: "AND"

Insert: ", "

4. Title, page 1, line 19.

Following: "DATES"

Insert: ", AND A TERMINATION DATE"

5. Page 37, line 8.

Strike: "70"

Insert: "60"

6. Page 38, line 20.

Strike: "3.2%"

Insert: "3.7% "

7. Page 38, line 22.

Strike: "92.3%"

Insert: "21.9% "

8. Page 38, line 23.

Strike: "and"

9. Page 38, line 24.

Strike: "4.5%"

Insert: "5.2% "

10. Page 38, line 25.

Following: "17-7-205"

Insert: "; and

(4) 69.2% in the state special revenue fund to the credit of the department of public health and human services"

Renumber: subsequent section

11. Page 39, line 25.

Strike: "56"

Insert: "35"

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12. Page 40, line 14.

Following: "2003"

Insert: ", that exceeds the number of stamped cigarettes and cigarette tax insignia held in inventory by the cigarette wholesale dealer, retail dealer, or vending machine operator at the close of its most recently concluded income tax reporting year"

13. Page 41, line 5.

Strike: "42"

Insert: "41"

Strike: "2006"

Insert: "2004"

14. Page 41, line 16.

Insert: "NEW SECTION. Section 62. Termination.[Sections 49 through 54] terminate June 30, 2005. "

And, as amended, do pass. Report adopted.

SB 463, be amended as follows:

1. Page 1, line 15.

Strike: "that is publicly traded by"

Insert: "of"

2. Page 1, line 22.

Strike: " ,"

Insert: ". For the purposes of this subsection (2)(a)(i), a corporation is considered to be headquartered in Montana if more than 50% of its corporate officers reside in the state."

3. Page 1, line 23.

Strike: "50%"

Insert: "35%"

Strike: "and"

4. Page 1, line 25.

Strike: "five"

Insert: "25"

Strike: "two"

Insert: "3"

5. Page 1, line 27.

Strike: "two"

6. Page 1, line 29.

Strike: "the other"

Insert: "another"

7. Page 2, line 1.

Strike: "the other"

Insert: "another"

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8. Page 2, line 2.

Following: "corporation"

Insert: "; and (iv) have had at least 25 full-time employees residing within the state at all times during the previous 3 years"

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

SB 488, introduced by Harrington, Ellingson, Tester, Toole, referred to Taxation.

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

SR 6, introduced by Wheat, Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Johnson, Keenan, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, D. Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, F. Thomas, Toole, Tropila, Zook, referred to State Administration.

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

HB 5, introduced by Kasten (by request of the Department of Administration and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 9, introduced by Kasten (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 13, introduced by Lewis (by request of the Department of Administration and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 360, introduced by Lewis, referred to Finance and Claims.

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

Session 1

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

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

SB 462 - Senator DePratu moved **SB 462** do pass. Motion carried with Senator Toole voting nay.

Senator Thomas assumed the chair.

Senator Bales present at this time.

SB 465 - Senator Tester moved **SB 465** do pass. Motion carried as follows:

Yeas: Barkus, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Gebhardt, Grimes, Hansen, Harrington, Laible, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole,

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Tropila, Wheat.
Total 27

Nays: Anderson, Bales, Black, Bohlinger, Butcher, Curtiss, Esp, Glaser, Johnson, Kitzenberg, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 478 - Senator Story moved **SB 478** do pass. Motion carried with Senator Johnson voting nay.

Senator Story re-assumed the chair.

SB 480 - Senator Black moved **SB 480** do pass. Motion carried as follows:

Yeas: Bales, Black, Bohlinger, Butcher, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Wheat, Zook, Mr. President.
Total 41

Nays: Anderson, Barkus, Gebhardt, Laible, O'Neil, Sprague, Tropila.
Total 7

Absent or not voting: None.
Total 0

Excused: Cobb, Johnson.
Total 2

Senator Thomas moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

Majority Leader Thomas moved the Senate stand in recess until the hour of 10:10 a.m. this day for purpose of party caucuses.

Senate recessed at 9:39 a.m.

Senate reconvened at 10:15 a.m.

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

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

Session 2

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

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

HB 41 - Senator Grimes moved **HB 41** be concurred in. Motion carried with Senator McGee voting nay.

Senator Stonington present at this time.
Senator Stapleton excused at this time.

HB 67 - Senator Harrington moved **HB 67** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, DePratu, Ellingson, Elliott, Glaser, Grimes, Hansen, Harrington, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.

Total 31

Nays: Bales, Cromley, Curtiss, Esp, Gebhardt, Kitzenberg, Laible, Mahlum, McGee, Perry, Sprague, Story, Tash, Taylor, Thomas, Zook, Mr. President.

Total 17

Absent or not voting: None.

Total 0

Excused: Johnson, Stapleton.

Total 2

Senator Johnson present at this time.

HB 155 - Senator Wheat moved **HB 155** be concurred in. Motion carried unanimously.

Senator Stapleton present at this time.

Senator McCarthy expressed a conflict of interest with HB 160 because her son is the project manager for the ARCO cleanup program.

HB 160 - Senator Laible moved **HB 160** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, 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

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Nays: Bales, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 218 - Senator Gebhardt moved **HB 218** be concurred in. Motion carried unanimously.

HB 224 - Senator O'Neil moved **HB 224** be concurred in. Motion carried unanimously.

HB 277 - Senator Esp moved **HB 277** be concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McGee, McNutt, Nelson, Pease, Perry, Ryan, Shea, Sprague, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Tropila, Zook, Mr. President.
Total 36

Nays: Butcher, Cooney, Cromley, Ellingson, Elliott, Johnson, McCarthy, O'Neil, Roush, Schmidt, Squires, Tester, Toole, Wheat.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 308 - Senator Perry moved **HB 308** be concurred in. Motion carried unanimously.

HB 388 - Senator Bales moved **HB 388** be concurred in. Motion carried unanimously.

HB 389 - Senator Wheat moved **HB 389** be concurred in. Motion carried unanimously.

SB 470 - Senator Cobb moved consideration of **SB 470** be placed at the bottom of the second reading board to obtain a current fiscal note. Motion **failed** as follows:

Yeas: Cobb, Cooney, Cromley, Elliott, Hansen, Harrington, Johnson, Laible, McCarthy, Nelson, O'Neil, Roush, Ryan, Schmidt, Stonington, Tester, Toole.
Total 17

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Kitzenberg, Mahlum, Mangan, McGee, McNutt, Pease, Perry, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Tropila, Wheat, Zook, Mr. President.
Total 33

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

SB 470 - Senator Cobb moved **SB 470**, second reading copy, be amended. After discussion, Senator Cobb withdrew his amendment at this time.

SB 470 - Senator Kitzenberg moved **SB 470**, second reading copy, be amended as follows:

1. Page 14, line 16.

Following: "~~H4~~;"

Insert: "and"

2. Page 14, line 17.

Strike: "subsection (1)(d) in its entirety"

Renumber: subsequent subsections

3. Page 14, line 24.

Strike: ";"

Insert: "."

4. Page 14, lines 25 through 29.

Strike: subsections (1) (f) through ((1)(j) in their entirety

Renumber: subsequent subsections

5. Page 15, line 4.

Strike: subsection (2)(c) in its entirety

Renumber: subsequent subsections

6. Page 15, line 9.

Following: "assessed;"

Insert: "and"

7. Page 15, line 10 through line 11.

Strike: subsection (2)(e) in its entirety

Renumber: subsequent subsections

8. Page 15, line 18.

Following: "~~services~~;"

Insert: "telecommunications services,"

Strike: "AND"

Insert: "or"

9. Page 15, line 19.

Following: "~~not~~"

Insert: "not"

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10. Page 16, line 6 through line 8.

Strike: "~~MOTOR VEHICLES~~" on line 6

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

11. Page 17, line 11.

Strike: "~~EQUIPMENT~~"

12. Page 17, line 19.

Following: "and"

Insert: "and"

13. Page 17, line 20.

Strike: subsection (7) in its entirety

Renumber: subsequent subsection

14. Page 17, line 22.

Strike: "(7)"

Insert: "(6)"

15. Page 19, line 9.

Strike: "~~OR A SERVICE~~"

16. Page 19, line 10.

Following: "manufacturing"

Insert: "engaged in the business of mining or manufacturing"

17. Page 19, line 11.

Following: "and"

Insert: "and"

18. Page 19.

Following: line 16

Insert: "(b) (i) the purchaser incorporates the property as an ingredient or component part of the product in the business of mining or manufacturing; or

(ii) the purchaser uses the property to extract a mineral and the property is required to be abandoned in place, in accordance with state regulations, when production of the mineral from a mine or wellhead permanently ceases."

19. Page 19, line 17 through page 20, line 2.

Strike: page 19, line 17 through page 20, line 3 in their entirety

20. Page 20, line 4.

Strike: "(3)"

Insert: "(2)"

21. Page 39, line 8.

Following: "PAYMENT"

Insert: "and \$25 million each for university funding and teacher salary schedules"

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22. Page 39, line 21.

Strike: "AND"

Following: the second "CREDIT"

Insert: ", and \$25 million each for university funding and teacher salary schedules"

23. Page 40, line 5.

Strike: "AND"

Following: the second "CREDIT"

Insert: ", and \$50 million each for university funding and teacher salary schedules"

24. Page 51, line 23.

Insert: "NEW SECTION. Section 69. University system funding. There is allocated from the money collected from the sales tax and use tax to the state special revenue fund \$50 million of the sales tax and use tax, provided for in [section 61], for the support, maintenance, and improvement of the Montana university system, vocational-technical programs within the university system, and community college districts, subject to the board of regents' supervision."

Insert: "NEW SECTION. Section 70. Statewide certified teachers' and specialists' salaries. (1) Except as provided in subsection (3), effective for the school fiscal year beginning July 1, 2004, a school district shall, at a minimum, pay each teacher or specialist who is certified as class 1, class 2, class 4, or class 5 or pay each teacher or specialist identified by the superintendent of public instruction as being certified as class 6 or class 7, as follows:

Step	BA	BA+10	BA+20	BA+30	BA+40	BA+50	BA+60	BA+70	BA+80	BA+90
1	\$25,000	25,750	26,523	27,318	28,138	28,982	29,851	30,747	31,669	32,619
2	25,750	26,523	27,318	28,138	28,982	29,851	30,747	31,669	32,619	33,598
3	26,523	27,318	28,138	28,982	29,851	30,747	31,669	32,619	33,598	34,606
4		28,138	28,982	29,851	30,747	31,669	32,619	33,598	34,606	35,644
5		28,982	29,851	30,747	31,669	32,619	33,598	34,606	35,644	36,713
6			30,747	31,669	32,619	33,598	34,606	35,644	36,713	37,815
7			31,669	32,619	33,598	34,606	35,644	36,713	37,815	38,949
8				33,598	34,606	35,644	36,713	37,815	38,949	40,118
9				34,606	35,644	36,713	37,815	38,949	40,118	41,321
10					36,713	37,815	38,949	40,118	41,321	42,561
11					37,815	38,949	40,118	41,321	42,561	43,838
12						40,118	41,321	42,561	43,838	45,153
13						41,321	42,561	43,838	45,153	46,507
14							43,838	45,153	46,507	47,903
15							45,153	46,507	47,903	49,349

(2) Effective for school fiscal years beginning on or after July 1, 2004, a school district shall pay the base salary provided in subsection (1) or (3) multiplied by the rate of increase in the consumer price index for all urban consumers, published by the bureau of labor statistics of the U.S. department of labor, for the preceding December-to-December period.

(3) If a collective bargaining agreement establishes a higher base salary than the base established in subsection (1) or (2), the state shall pay the base salary established through collective bargaining.

(4) (a) In addition to the compensation provided for in subsection (1), (2), or (3), the state shall, for the school fiscal year beginning July 1, 2004, to the extent of allocated sales tax revenue, pay each certified teacher or specialist who has completed 20 years of credited service recognized by the Montana teachers' retirement system 5% of the employee's base salary.

(b) For the school fiscal year beginning July 1, 2004, in addition to the longevity allowance provided under subsection (4)(a), the state shall, to the extent of allocated sales tax revenue, pay each teacher or specialist who has completed 25 years of credited service recognized by the Montana teachers' retirement system an additional 3% of the employee's base salary.

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(5) In addition to the base salary provided in subsection (1), (2), or (3) and the longevity increases provided in subsection (4), the state shall pay to each qualified teacher or specialist a:

- (a) \$1,000 annual stipend to each teacher or specialist holding a master's or doctoral degree;
 - (b) \$2,000 annual stipend to each teacher or specialist for national certification during the term of certification;
 - (c) \$1,000 student-teacher advisership stipend each semester; and
 - (d) \$1,000 annual stipend plus 3 days of release time for a personal instruction committee assignment.
- (6) As used in this section, the following definitions apply:
- (a) "BA" means baccalaureate degree.
 - (b) "BA+" means the number of credits earned since receiving the BA.
 - (c) "Credits" means college semester hour credits and equivalent inservice credits. "

Renumber: subsequent sections

25. Page 137, line 29.

Strike: "69"

Insert: "71"

Strike: "74"

Insert: "76"

Strike: "79"

Insert: "81"

Amendment **failed** as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Elliott, Hansen, Harrington, Kitzenberg, McCarthy, Pease, Roush, Ryan, Schmidt, Shea, Squires, Toole, Tropila.

Total 17

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

Total 32

Absent or not voting: None.

Total 0

Excused: Tester.

Total 1

Senator Thomas assumed the chair.

SB 470 - Senator Mangan moved **SB 470** do pass. After discussion, Senator Cobb made a **substitute motion** that **SB 470**, second reading copy, be amended as follows:

1. Title, page 2, line 4.

Strike: "A CONTINGENT VOIDNESS PROVISION"

Insert: "THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA"

2. Page 137, line 6 through line 8.

Strike: section 107 in its entirety

Renumber: subsequent sections

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3. Page 138, line 3.

Insert: "NEW SECTION. Section 111. Submission to electorate. This act shall be submitted to the qualified electors of Montana at a special election to be held on October 7, 2003, by printing on the ballot the full title of this act and the following:

- FOR a statewide sales tax coordinated with decreases in property and income taxes.
- AGAINST a statewide sales tax coordinated with decreases in property and income taxes."

Amendment **adopted** as follows:

Yeas: Cobb, Cooney, DePratu, Elliott, Gebhardt, Grimes, Hansen, Harrington, Kitzenberg, Laible, McCarthy, McGee, Nelson, O'Neil, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Tester, Thomas, Toole, Tropila, Wheat.
Total 26

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cromley, Curtiss, Ellingson, Esp, Glaser, Johnson, Mahlum, Mangan, McNutt, Pease, Perry, Sprague, Story, Tash, Taylor, Zook, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 470 - Senator Mangan moved **SB 470**, as amended, do pass. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McGee, McNutt, Nelson, Pease, Roush, Sprague, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Wheat, Zook, Mr. President.
Total 34

Nays: Butcher, Cooney, Elliott, Glaser, Grimes, Hansen, Harrington, McCarthy, O'Neil, Perry, Ryan, Schmidt, Shea, Squires, Toole, Tropila.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Story re-assumed the chair.

Committee of the Whole stood at ease.

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.

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Committee of the Whole resumed.

HB 417 - Senator D. Ryan moved **HB 417** be concurred in. Motion carried with Senator Gebhardt voting nay.

HB 453 - Senator Pease moved **HB 453** be concurred in. Motion carried unanimously.

HB 479 - Senator D. Ryan moved **HB 479** be concurred in. Motion carried unanimously.

HB 481 - Senator F. Thomas moved consideration of **HB 481** be passed for the day. Motion carried.

HB 496 - Senator Cromley moved **HB 496** be concurred in. Motion carried unanimously.

HB 507 - Senator Anderson moved **HB 507** be concurred in. Motion carried unanimously.

HB 521 - Senator O'Neil moved **HB 521** be concurred in. Motion carried unanimously.

HB 653 - Senator Bales moved **HB 653** be concurred in. Motion carried with Senators Tester and Thomas voting nay.

Senator Thomas moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

Senator Thomas moved the Senate stand in recess until the hour of 3:10 p.m. so staff could prepare a second agenda. Motion carried.

Senate recessed at 2:50 p.m..

Senate reconvened at 3:30 p.m.

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

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Cobb, Chairman):

3/28/2003

HB 431, be concurred in. Report adopted.

HB 523, be amended as follows:

1. Title, page 1, line 8.

Strike: "OR COMMENTARY"

2. Page 1, line 19.

Following: "election"

Insert: "-- definition"

3. Page 1, line 20.

Strike: "A POLITICAL" through "527."

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4. Page 1, line 21.

Strike: ", as provided for in 13-37-216(2),"

5. Page 1, lines 22 through 23.

Following: "advertising" on line 22

Strike: "or" through "commentary" on line 23

6. Page 1, line 24.

Following: "unless"

Insert: ":

(a)"

Following: "broadcast"

Insert: "; or

(b) the material does not identify or mention the opposing candidate"

7. Page 1, line 26.

Following: "who are"

Insert: "individually"

8. Page 1, line 27.

Strike: "or commentary"

9. Page 1, line 28.

Strike: "or commentary"

10. Page 2, line 2.

Following: "PROVIDED TO"

Strike: "THE"

Insert: "a newspaper"

Strike: "PUBLISHING"

Insert: "public dissemination"

11. Page 2, line 3.

Strike: "PRODUCER" through "BROADCASTING"

Insert: "broadcaster"

12. Page 2, line 5.

Following: "MADE"

Insert: "available to the general"

13. Page 2, line 8.

Following: "DELIVERY"

Insert: ", with a copy provided by direct mail if the recipient does not have available either electronic mail or facsimile transmission"

14. Page 2, line 10.

Insert: "(5) For the purposes of this section, an independent political committee is a committee that is not specifically organized on behalf of a particular candidate or that is not controlled either directly or indirectly by a candidate or candidate's committee in conjunction with the making of expenditures or accepting contributions."

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15. Page 2, line 14.

Strike: ", commentary, or news"

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

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 3/29/2003

SB 302, introduced by McCarthy

House bills passed and transmitted to the Senate for concurrence: 3/29/2003

HB 249, introduced by Barrett

HB 295, introduced by Jent

HB 727, introduced by E. Clark

HB 756, introduced by Kaufmann

HB 761, introduced by Haines

FIRST READING AND COMMITMENT OF BILLS

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

HB 249, introduced by Barrett, referred to Fish and Game.

HB 295, introduced by Jent, referred to Finance and Claims.

HB 727, introduced by E. Clark, Cobb, Keenan, Stonington, (by request of the House Joint Appropriations Subcommittee on Health and Human Services) referred to Finance and Claims.

HB 756, introduced by Kaufmann, Bixby, Black, Cohenour, Cyr, Gallik, Jent, Kitzenberg, Smith, referred to Finance and Claims.

HB 761, introduced by Haines, Brueggeman, Facey, Fisher, Morgan, Pattison, Raser, Shockley, Wanzenried, referred to State Administration.

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 458 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Curtiss, Elliott, Gebhardt, Glaser, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Story, Tash, Taylor, Tropila, Zook, Mr. President.

Total 34

Nays: Cooney, Cromley, DePratu, Ellingson, Esp, Grimes, Hansen, Nelson, O'Neil, Schmidt, Stapleton, Tester, Thomas, Toole, Wheat.

Total 15

Paired: Harrington, Aye; Ellingson, No.

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Absent or not voting: None.
Total 0

Excused: Stonington.
Total 1

HB 338, as amended by the Senate, concurred in as follows:

Yeas: Bales, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Glaser, Hansen, Harrington, Johnson, Kitzenberg, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat.
Total 34

Nays: Anderson, Barkus, Black, Butcher, Esp, Gebhardt, Grimes, Laible, McGee, O'Neil, Perry, Stapleton, Story, Zook, Mr. President.
Total 15

Paired: Harrington, Aye; Gebhardt, No.

Absent or not voting: None.
Total 0

Excused: Stonington.
Total 1

HB 610, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Kitzenberg, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat.
Total 42

Nays: Cobb, Laible, McGee, O'Neil, Zook, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Harrington, Stonington.
Total 2

HB 564, as amended by the Senate, concurred in as follows:

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

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Nays: O'Neil.
Total 1

Absent or not voting: None.
Total 0

Excused: Harrington, Stonington.
Total 2

Senator Stonington present at this time.

SB 267 passed as follows:

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

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gebhardt, Hansen, Johnson, Kitzenberg, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Tester, Toole, Tropila, Wheat.
Total 22

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

SB 323 passed as follows:

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

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

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

SB 424 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington,

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Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

SB 451 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Kitzenberg, Laible, Mangan, McCarthy, McGee, McNutt, O'Neil, Pease, Perry, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Tropila, Zook, Mr. President.
Total 35

Nays: Cooney, Elliott, Hansen, Johnson, Mahlum, Nelson, Roush, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Wheat.
Total 14

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

SB 454 passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

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

Session 3

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

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

HB 269 - Senator Gebhardt moved **HB 269** be concurred in. Motion carried unanimously.

HB 617 - Senator Grimes moved **HB 617** be concurred in. Motion carried as follows:

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

Total 36

Nays: Bohlinger, Cooney, Cromley, Ellingson, Esp, Hansen, Nelson, Pease, Schmidt, Squires, Tester, Toole, Tropila.

Total 13

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

HB 287 - Senator Anderson moved **HB 287** be concurred in. Motion carried as follows:

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

Total 37

Nays: Bales, Barkus, Curtiss, DePratu, Ellingson, Esp, Grimes, McGee, Nelson, Pease, Stapleton, Zook.

Total 12

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

HB 433 - Senator McCarthy moved **HB 433** be concurred in. Motion carried unanimously.

HB 435 - Senator Cromley moved **HB 435** be concurred in. Motion carried unanimously.

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HB 467 - Senator Perry moved **HB 467** be concurred in. Motion carried as follows:

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

Total 34

Nays: Bohlinger, Cobb, Cooney, Cromley, Ellingson, Hansen, McCarthy, Pease, Ryan, Schmidt, Squires, Stonington, Toole, Tropila, Wheat.

Total 15

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

HB 253 - Senator Cooney moved **HB 253** be concurred in. Motion carried with Senators Barkus, Grimes and O'Neil voting nay.

HB 468 - Senator Cooney moved **HB 468** be concurred in. After discussion, Senator Thomas made a **substitute motion** to move consideration of **HB 468** to the bottom of the second reading board.

HB 499 - Senator Schmidt moved **HB 499** be concurred in. Motion carried with Senators Curtiss and McGee voting nay.

HB 527 - Senator Barkus moved **HB 527** be concurred in. Motion carried unanimously.

HB 532 - Senator Cobb moved **HB 532** be concurred in. Motion carried unanimously.

HB 647 - Senator Grimes moved **HB 647**, second reading copy, be amended as follows:

1. Page 13, line 19.

Following: the second "[SECTION]"

Strike: "20(1)(I)"

Insert: "20(1)(h)"

2. Page 13, line 29.

Strike: "20(1)(I)"

Insert: "20(1)(h)"

Amendment **adopted** unanimously.

HB 647 - Senator Grimes moved **HB 647**, as amended, be concurred in. Motion carried unanimously.

HB 681 - Senator O'Neil moved **HB 681**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

Following: "NURSE"

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Insert: "OR MEDICAL PRACTITIONER"

2. Page 4, line 26.

Following: "nurse"

Insert: "or a medical practitioner, as defined in 37-2-101"

Amendment **not adopted** as follows:

Yeas: Butcher, Glaser, O'Neil.

Total 3

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

Total 46

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

HB 681 - Senator Grimes moved **HB 681** be concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Black, Bohlinger, Butcher, Cobb, Cooney, Cromley, Curtiss, DePratu, Gebhardt, Glaser, Grimes, Hansen, Laible, Mahlum, McGee, McNutt, Nelson, O'Neil, Perry, Schmidt, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Zook, Mr. President.

Total 31

Nays: Barkus, Cocchiarella, Ellingson, Elliott, Esp, Johnson, Kitzenberg, Mangan, McCarthy, Pease, Roush, Ryan, Shea, Squires, Story, Toole, Tropila, Wheat.

Total 18

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

Senator Thomas moved the committee rise and report, and further moved to **segregate HB 253** from the Committee of the Whole report and that the remainder of the report be adopted. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

SB 451 - Senator Ellingson moved he be allowed to change his vote on **SB 451**, third reading this day, from nay to yea. Motion carried.

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ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 12:30 p.m., Monday, March 31, 2003. Motion carried.

Senate adjourned at 5:02 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate