

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

Helena, Montana  
March 31, 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-seventh legislative day.

**SPECIAL ORDERS OF THE DAY**

Senator Hansen introduced Janie and Vince Fox, students of the Harlem School District, who played the National Anthem on their fiddles.

**REPORTS OF STANDING COMMITTEES**

**BILL REPORT**

Correctly printed: **SB 488, SR 6.**

Correctly engrossed: **SB 155, SB 218, SB 255, SB 260, SB 407, SB 461, SB 463, SB 470, HB 223, HB 523, HB 647.**

Correctly enrolled: **SB 206.**

Examined by the sponsor and found to be correct: **SB 28, SB 100, SB 104, SB 109, SB 114, SB 141, SB 183, SB 229, SB 398, SJR 25.**

Signed by the President at 2:30 p.m., March 27, 2003: **SB 28, SB 100, SB 104, SB 109, SB 114, SB 141, SB 183, SB 229, SB 398, SJR 25.**

Signed by the Secretary of the Senate at 5:00 p.m., March 27, 2003 :**SB 28, SB 100, SB 104, SB 109, SB 114, SB 141, SB 183, SB 229, SB 398, SJR 25.**

Signed by the Speaker at 9:10 a.m., March 28, 2003: **SB 28, SB 100, SB 104, SJR 25.**

Signed by the Speaker at 9:15 a.m., March 28, 2003: **SB 109, SB 114, SB 141, SB 183, SB 229, SB 398.**

Delivered to the Governor for approval at 9:00 a.m., March 31, 2003: **SB 28, SB 100, SB 104, SB 109, SB 114, SB 141, SB 183, SB 229, SB 398.**

Delivered to the Secretary of State at 9:19 a.m., March 31, 2003: **SJR 25.**

**BUSINESS AND LABOR** (Mahlum, Chairman):  
**HB 410**, be amended as follows:

3/31/2003

1. Title, page 1, line 6.

**Following:** "TRANSPORTATION"

**Strike:** remainder of line 6

**Insert:** ";

2. Title, page 1, line 7.

**Following:** "REIMBURSES"

**Strike:** "THE" through "REIMBURSEMENT"

**Insert:** "PROVIDING THAT A PAYMENT MADE TO AN EMPLOYEE UNDER A COLLECTIVE BARGAINING AGREEMENT, PERSONNEL POLICY MANUAL, EMPLOYEE HANDBOOK, OR ANY OTHER DOCUMENT PROVIDED TO THE EMPLOYEE AS AN INCENTIVE TO WORK AT A JOBSITE IS NOT A REIMBURSEMENT"

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3. Title, page 1, line 8.

**Following:** "LODGING"

**Strike:** "AS" through "AGREEMENT"

4. Page 1, line 26.

**Strike:** "ACTUAL"

5. Page 2, line 2 through line 3.

**Following:** "(B)" on line 2

**Strike:** remainder of line 2 through "SITE" on line 3

**Insert:** "A payment made to an employee under a collective bargaining agreement, personnel policy manual, or employee handbook or any other document provided to the employee that is not wages but is designated as an incentive to work at a particular jobsite is not a reimbursement for the costs of travel, gas, oil, or lodging, and the employee is not covered under this chapter while traveling"

6. Page 2, line 18.

**Strike:** "compensation filed"

**Insert:** "injuries that occur"

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

**HB 577**, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "THREE"

**Insert:** "EIGHT"

2. Page 1, line 15.

**Strike:** "Three"

**Insert:** "Eight"

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

**LEGISLATIVE ADMINISTRATION** (Grimes, Chairman):

3/31/2003

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Saturday, March 29, 2003:

TITLE

NAME

Pages:

Beth Bennett, Kalispell, MT  
Paul Chaon, Gt. Falls, MT  
Cory Kalanick, Gt. Falls, MT  
Cortni Jones, Conrad, MT  
Chase Mohny, Gt. Falls, MT  
Nicole Peiffer, Kalispell, MT  
Chelsey Hargrove, Three Forks, MT  
Jeremy Robinson, Helena, MT

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and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 31, 2003:

<u>TITLE</u>	<u>NAME</u>	<u>SENATOR</u>
Pages:	Brett McChesney, Bozeman, MT	Senator Wheat
	Scott Thomas, Stevensville, MT	Senator Thomas
	Chad Jonart, Butte, MT	Senator Harrington
	Brett Stetzner, Butte, MT	Senator Shea
	Gabe Blomquist, Ryegate, MT	Senator Gebhardt
	Ellie Weber, Gt. Falls, MT	Senator Ryan
	Erin Esp, Fishtail, MT	Senator Esp
	Scott Eggensperger, Thompson Falls, MT	Senator Elliott

Report Adopted.

**MOTIONS**

**HB 253 and HB 468** - Senator Tester moved consideration of **HB 253 and HB 468** be passed for the day as the sponsor is chairman of the Committee of the Whole this day. Motion carried.

**SB 323** - Senator Tester moved the Senate reconsider its action on **SB 323**, third reading on the 67th legislative day, to allow Senator Harrington to cast his vote, as he was absent due to illness during consideration of **SB 323**. Because the vote to reconsider would kill the bill, motion **failed** as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, 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, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 461, SB 255 and SB 260** - Senator Thomas moved consideration of **SB 461, SB 255 and SB 260** be passed for the day. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SJR 29**, introduced by Toole, DePratu, Johnson, Keenan, referred to Taxation.

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

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

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

**HB 438** - Senator Glaser moved **HB 438** be concurred in. Motion carried unanimously.

**HB 642** - Senator Elliott moved **HB 642**, second reading copy, be amended as follows:

1. Page 1, line 19.

**Following:** "fees"

**Insert:** ", net of federal and state income tax liability caused by changes in Montana state and local taxes and fees,"

2. Page 1, line 23.

**Following:** "(2)(c)"

**Insert:** "if the change in taxes under subsection (2)(a) reduces the public utility's earning to a level below the rate of return authorized in the last general rate case for that utility as determined by the public service commission"

Senator Elliott further moved the **amendment** be **segregated**. Motion carried.

**Amendment No. 1- adopted** as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Story, Tash, Taylor, Tester, Toole, Tropila, Wheat.

Total 29

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

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**Amendment No. 2 - not adopted** as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Johnson, Pease, Roush, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.

Total 16

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Perry, Ryan, Shea, Sprague,

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Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 33

Absent or not voting: None.  
Total 0

Excused: Harrington.  
Total 1

**Senator Stapleton excused at this time.**

**HB 642** - Senator McNutt moved **HB 642**, as amended, be concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Cobb, Cocchiarella, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, O'Neil, Perry, Shea, Sprague, Squires, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 29

Nays: Bohlinger, Butcher, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Johnson, Kitzenberg, Nelson, Pease, Roush, Ryan, Schmidt, Stonington, Tester, Toole, Tropila, Wheat.  
Total 20

Absent or not voting: None.  
Total 0

Excused: Stapleton.  
Total 1

**Senator Stapleton present at this time.**

**HB 481** - Senator F. Thomas moved **HB 481** be concurred in. Motion carried unanimously.

**HB 684** - Senator McCarthy moved **HB 684** be concurred in. Motion carried with Senator Johnson voting nay.

**HB 686** - Senator Cobb moved **HB 686** be concurred in. Motion carried with Senator Esp voting nay.

**HB 693** - Senator Harrington moved **HB 693** be concurred in. Motion carried unanimously.

**HB 731** - Senator Gebhardt moved **HB 731** be concurred in. Motion carried with Senator Story voting nay.

**SB 218** - Senator McNutt moved **SB 218** do pass. Motion carried unanimously.

**SB 464** - Senator Keenan moved **SB 464** do pass. Motion carried unanimously.

**HB 337** - Senator Johnson moved **HB 337** be concurred in. Motion carried unanimously.

**HB 20** - Senator Barkus moved **HB 20** be concurred in. Motion carried with Senator Butcher voting nay.

**HB 283** - Senator Sprague moved **HB 283** be concurred in. Motion carried unanimously.

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**HB 306** - Senator McGee moved **HB 306** be concurred in. Motion carried 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

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Cooney 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 462** passed 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, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.  
Total 48

Nays: Esp, Toole.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 465 failed** as follows:

Yeas: Barkus, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Hansen, Harrington, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tash, Tester, Toole, Tropila, Wheat.  
Total 25

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Nays: Anderson, Bales, Black, Bohlinger, Butcher, Curtiss, Esp, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Taylor, Thomas, Zook, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 478** passed 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.  
Total 49

Nays: Mr. President.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 480** passed as follows:

Yeas: Bales, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Tester, Thomas, Toole, Wheat, Zook, Mr. President.  
Total 42

Nays: Anderson, Barkus, DePratu, Gebhardt, Glaser, O'Neil, Taylor, Tropila.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 41** concurred in as follows:

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

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Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 47

Nays: Curtiss, Glaser, McGee.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 67, as amended by the Senate**, concurred in as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, DePratu, Ellingson, Elliott, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 32

Nays: Bales, Cromley, Curtiss, Esp, Gebhardt, Glaser, Laible, Mahlum, McGee, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 155, 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

**HB 160** concurred in as follows:

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



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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: Bales, McGee.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 218, 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

**HB 224, 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 277, as amended by the Senate, and requiring 2/3 of entire legislature**, concurred in as follows:

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

Total 36

Nays: Butcher, Cooney, Cromley, Ellingson, Elliott, Harrington, Johnson, O'Neil, Roush, Schmidt, Stapleton, Tester, Toole, Wheat.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 269, 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

**HB 287** concurred in as follows:

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

Total 41

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

Total 9

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

**HB 308, 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, 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: Cobb.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 388, 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

**HB 389** 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

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Excused: None.  
Total 0

**HB 417** 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

**HB 433, as amended by the Senate**, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, 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, Tropila, Wheat, Zook, Mr. President.  
Total 47

Nays: Cooney, Ellingson, Toole.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 435, 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.

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Total 0

Excused: None.

Total 0

**HB 453, 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

**HB 467** concurred in as follows:

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

Total 33

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

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 479** 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

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 496** 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

**HB 499, as amended by the Senate**, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, 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, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook.  
Total 46

Nays: Butcher, Curtiss, Stapleton, Mr. President.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 507** 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.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 521, 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

**HB 527, 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

**HB 532, 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

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 617** concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cobb, Cocchiarella, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, O'Neil, Perry, Roush, Shea, Sprague, Story, Tash, Taylor, Tester, Thomas, Zook, Mr. President.  
Total 34

Nays: Bohlinger, Cooney, Cromley, Ellingson, Hansen, Johnson, Nelson, Pease, Ryan, Schmidt, Squires, Stapleton, Stonington, Toole, Tropila, Wheat.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 653, 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

**HB 681, as amended by the Senate**, concurred in as follows:

Yeas: Anderson, Bales, Black, Bohlinger, Butcher, Cobb, Cooney, Cromley, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, McGee, McNutt, Nelson, O'Neil, Perry, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Zook, Mr. President.  
Total 31



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Nays: Barkus, Cocchiarella, Ellingson, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Story, Toole, Tropila, Wheat.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

**SJR 6** - Senator Grimes moved **SJR 6** be taken from the committee on Taxation and that it be printed and placed on second reading. Motion **failed** as follows:

Yeas: Anderson, Butcher, Cobb, Cromley, Curtiss, Gebhardt, Grimes, Laible, Mahlum, McGee, Pease, Perry, Roush, Ryan, Squires, Stapleton, Thomas, Wheat, Mr. President.  
Total 19

Nays: Bales, Barkus, Black, Bohlinger, Cocchiarella, Cooney, DePratu, Ellingson, Elliott, Esp, Glaser, Hansen, Harrington, Johnson, Kitzenberg, Mangan, McCarthy, McNutt, Nelson, O'Neil, Schmidt, Shea, Sprague, Stonington, Story, Tash, Taylor, Tester, Toole, Tropila, Zook.  
Total 31

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 29** - Senator Toole moved **SJR 29** be taken from the Legislative Administration committee and rereferred to the committee on Taxation. Motion carried.

**HB 67** - Senator Sprague moved he be allowed to change his vote on **HB 67**, third reading this day, from yea to nay. Motion carried.

**HB 467** - Senator Squires moved she be allowed to change her vote on **HB 467**, third reading this day, from nay to yea. Motion carried.

**HB 467** - Senator Cooney moved he be allowed to change his vote on **HB 467**, third reading this day, from yea to nay. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**HIGHWAYS AND TRANSPORTATION** (Butcher, Chairman):  
**HB 105**, be amended as follows:

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1. Title, page 1, lines 6 through 9.  
**Strike:** "PROVIDING" on line 6 through "CONTEST";" on line 9

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2. Title, page 1, line 24.

**Strike:** "45-5-205,"

3. Title, page 1, line 25.

**Strike:** "61-8-308,"

4. Page 2, line 3 through page 3, line 2.

**Strike:** sections 1 and 2 in their entirety

**Renumber:** subsequent sections

5. Page 3, line 15.

**Strike:** "section 2,"

6. Page 4, line 29 through page 5, line 13.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

7. Page 26, line 16.

**Strike:** "-- eluding a peace officer"

8. Page 26, line 17.

**Strike:** "(3)"

**Insert:** "(2)"

9. Page 26, line 23 through line 28.

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

**Renumber:** subsequent subsection

10. Page 33, line 9.

**Strike:** "2, 8, and 27"

**Insert:** "5 and 24"

11. Page 33, line 11.

**Strike:** "2, 8, and 27"

**Insert:** "5 and 24"

12. Page 33, line 12.

**Strike:** "52"

**Insert:** "49"

13. Page 33, line 13.

**Strike:** "52"

**Insert:** "49"

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

**TAXATION** (DePratu, Chairman):

**SB 297**, introduced bill, be amended as follows:

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1. Title, page 1, line 9.

**Following:** "TAXATION;"

**Insert:** "REQUIRING CESSATION OF A LOCAL OPTION SALES TAX IF A STATEWIDE GENERAL SALES TAX AND USE TAX IS ENACTED; ALLOWING REINSTATEMENT OF A LOCAL OPTION SALES TAX WITH A MAXIMUM RATE OF 2 PERCENT UPON A VOTE;"

2. Page 1, line 30.

**Strike:** "that are not owned by a governmental entity"

3. Page 2, line 18.

**Following:** "but"

**Insert:** ", except as provided in [section 9(4)],"

4. Page 3, line 8.

**Following:** "tax"

**Insert:** ", which may not exceed 20 years"

5. Page 7, line 26.

**Insert:** "(4) If a statewide general sales tax and use tax is enacted, a municipality or county imposing the local option sales tax shall cease imposing the tax before the applicability date of the sales tax and use tax unless bonding obligations require the tax to continue to be collected. Any local option sales tax collections owed to the municipality or county continue to be a debt to the municipality or county, and any actions to enforce the tax or collect the tax are unaffected by the cessation of the local option sales tax. The local option sales tax may be reinstated upon approval of the electorate subject to the local option sales tax. The maximum tax rate of a local option sales tax if a statewide general sales tax and use tax is in effect is 2%."

6. Page 8, line 3.

**Following:** "A"

**Insert:** "new"

7. Page 8, line 14.

**Following:** "A"

**Insert:** "new"

And, as amended, do pass. Report adopted.

**SB 475**, do pass. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

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

Senate adjourned at 3:06 p.m.

ROSANA SKELTON  
Secretary of the Senate

BOB KEENAN  
President of the Senate