

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

Helena, Montana
April 3, 2003

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

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

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

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Butcher, Chairman):
HB 270, be amended as follows:

4/2/2003

1. Title, page 1, line 4.

Following: "USE"

Insert: "OR SALE"

Strike: "FLAMMABLE"

2. Title, page 5.

Following: "SYSTEMS"

Insert: "THAT ARE NOT INCLUDED IN THE LIST OF SAFE ALTERNATIVE AIR CONDITIONING
SUBSTITUTES PUBLISHED BY THE ENVIRONMENTAL PROTECTION AGENCY"

3. Page 1, line 12.

Following: "public."

Insert: "(2)"

Following: "may"

Strike: "not"

ReNUMBER: subsequent subsections

4. Page 1, line 13.

Strike: "any"

Insert: "only"

Strike: "is flammable"

Insert: "has been included in the list published by the United States environmental protection agency as a safe alternative
motor vehicle air conditioning substitute for chlorofluorocarbon-12 pursuant to 42 U.S.C. 7671k(c)"

5. Page 1, line 14.

Following: "equip"

Insert: "or maintain"

Following: "the second equipment"

Insert: "or refrigerants"

6. Page 1, line 15.

Strike: "does"

Insert: "do"

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7. Page 1, line 16.

Following: "in"

Insert: "[section 2] and"

8. Page 1, line 19.

Insert: "NEW SECTION. Section 2. Air conditioning equipment -- sale prohibited. (1) Refrigerant not allowed to be used pursuant to [section 1] may not be sold for use in motor vehicles in Montana.

(2) Motor vehicles and special mobile equipment with air conditioning equipment that have refrigerants not allowed in [section 1], if installed prior to [the effective date of this act], are not subject to any penalties provided for under Title 61, chapter 9."

Renumber: subsequent sections

9. Page 1, line 20.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

10. Page 1, line 21.

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

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

HB 369, be concurred in. Report adopted.

HB 538, be amended as follows:

1. Title, page 2, line 18.

Following: "23-2-502,"

Insert: "23-2-508,"

2. Title, page 2, line 23.

Following: "61-3-456,"

Strike: "61-3-518,"

3. Title, page 2, line 24.

Strike: "23-2-508,"

4. Title, page 2, line 25.

Following: "23-2-813,"

Strike: "AND"

Following: "61-3-105,"

Insert: "61-3-305, AND 61-3-518,"

5. Page 4, line 14.

Following: "model,"

Insert: "manufacturer's designated model"

6. Page 5, line 14.

Insert: "(5) If the application is for a certificate of title to a camper and if a certificate of title properly assigned by the prior owner is not available, the application must be accompanied by a notarized bill of sale or a conditional

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sales contract.

(6) If the application is for a certificate of title to a motorboat, a personal watercraft, a sailboat that is 12 feet in length or longer, or a snowmobile and a certificate of title properly assigned by the prior owner is not available, the application must be accompanied by a notarized bill of sale, an invoice, the vehicle's current registration receipt, or a certificate of number showing the transfer of ownership, which may be used to show the transfer of ownership for a motorboat, personal watercraft, or sailboat from the immediate prior owner to the applicant."

7. Page 9, line 18.

Following: "heir"

Insert: "-- small estates"

Following: "(1)"

Strike: "The"

Insert: "Subject to the limitations of Title 72, chapter 3, part 11, the"

8. Page 12, lines 2 through 3.

Following: "Upon"

Strike: "receipt" on line 2 through "\$5" on line 3

Insert: "payment of the fee required in 61-3-203"

9. Page 23, line 17.

Insert: "**Section 19.** Section 23-2-508, MCA, is amended to read:

"23-2-508. Certificate of ownership -- filing of security interests title. (1) Except as provided in subsection (9) (3), a motorboat or sailboat 12 feet in length or longer may not be operated upon the waters of the state unless a certificate of ownership title has first been obtained from the department of justice in accordance with the laws of this state.

(2) ~~The owner of~~ Unless expressly exempted, the provisions of Title 61, chapter 3, parts 1 and 2, apply to a motorboat or sailboat 12 feet in length or longer ~~shall apply for a certificate of ownership and a certificate of number with the county treasurer of the county in which the owner resides, upon forms furnished by the department of justice. The forms must require the following information:~~

_____ (a) name of the owner;

_____ (b) residence of the owner, by town or county;

_____ (c) business or home address of the owner;

_____ (d) name and address of any lienholder;

_____ (e) amount due under any contract or lien;

_____ (f) name of the manufacturer;

_____ (g) model number or name;

_____ (h) identification number;

_____ (i) name and address of the dealer or other person from whom acquired, if known; and

_____ (j) other information that the department of justice may require.

(3) ~~The application is to be accompanied by documentation of ownership, such as an invoice, a bill of sale, a foreign title, an official certificate of boat number, a fee in lieu of tax receipt, or a certificate of ownership of a trailer purchased with the motorboat or sailboat. An applicant who fails to provide proof of ownership shall provide a certified statement describing how the motorboat or sailboat 12 feet in length or longer was acquired, from whom acquired, if known, and other information requested by the department of justice.~~

(4) ~~If a certificate of ownership has previously been issued under the provisions of this part, the application for a new certificate must be accompanied by the immediately previous certificate. This subsection does not apply to motorboats or sailboats 12 feet in length or longer that are purchased as new and unused vessels or that were operated when the provisions of this part were not in force and effect.~~

(5) ~~A motorboat or sailboat 12 feet in length or longer that does not have a manufacturer's or other identifying~~

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number on the motorboat or sailboat must be assigned an identification number by the department. A fee of \$1 must be paid to the department for an assignment of number.

~~(6) Upon completion of the application, the county treasurer shall issue to the applicant two copies of the certificate of number application, one of which must be marked "file copy". The treasurer shall forward one copy and the original application for a certificate of ownership to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office and shall furnish the applicant a certificate of ownership containing that information in the application considered necessary by the department and a permanent boat number. The certificate of ownership need not be renewed annually and is valid as long as the person holding it owns the vessel.~~

~~(7) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.~~

~~(8) Upon application for a certificate of ownership, a fee of \$5 must be paid to the county treasurer, which must be forwarded by the county treasurer to the department of justice and deposited in the general fund.~~

~~(9)(3) A person who, on July 1, 1988, is the owner of a has owned the same motorboat or sailboat 12 feet in length or longer since July 1, 1988, with a valid certificate of number issued by the state is not required to file an application for a certificate of ownership title for the motorboat or sailboat unless the person transfers a part of the person's interest in the motorboat or sailboat or renews the certificate of number for the motorboat or sailboat.~~

(10) The department of justice may not file a voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the boat encumbered. If the approved lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete boat description, the amount of the lien, and the signature of the debtor. The department of justice shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the boat encumbered. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county in which the boat is to be registered. The owner of a boat is the person entitled to operate and possess the boat.

~~(11) A security interest in a boat held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9A.~~

~~(12) Whenever a security interest or lien is filed against a boat that is subject to two security interests previously perfected under this section, the department of justice shall endorse on the face of the certificate of ownership: "NOTICE: This boat is subject to additional security interest on file with the Department of Justice." No other information regarding the additional security interests need be endorsed on the certificate.~~

~~(13) Satisfactions or statements of release filed with the department of justice under this part must be retained for a period of 8 years after receipt, after which they may be destroyed.~~

~~(14) Except as provided in subsection (15), a voluntary security interest or lien is perfected on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.~~

~~(15) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department of justice. On that date, the department of justice shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department of justice, of the existence of the security interest.~~

~~(16) Upon default under a chattel mortgage or conditional sales contract covering a boat, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of a boat, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.~~

~~(17) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel~~

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mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department of justice the sum of \$1 for each day that the person fails to file the satisfaction:

_____(18) Upon receipt of notice of any involuntary liens or attachments against the record of any boat registered in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

_____(19) It is not necessary to refile with the department of justice any instruments on file in the office of the county clerk and recorder on October 1, 1989:

_____(20) A fee of \$4 must be paid to the department of justice to file any security interest or other lien against a boat. The \$4 fee must cover the cost of filing a satisfaction or release of the security interest and the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file with the department of justice or for filing an assignment of any security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the state general fund in accordance with 15-1-504.""

Renumber: subsequent sections

10. Page 23, line 25.

Strike: "may"

Insert: "must"

Strike: "only"

11. Page 25, line 2.

Strike: "fee"

Insert: "feet"

12. Page 48, line 12.

Following: "the"

Insert: "manufacturer's designated model"

13. Page 63, line 27.

Following: "number; the"

Insert: "manufacturer's designated model"

Following: "year"

Insert: "of manufacture"

14. Page 72, line 17.

Following: "~~61-3-202(8)~~"

Strike: "[section 12(3)]"

Insert: "61-3-203"

15. Page 75, line 5.

Strike: "Registration"

Insert: "Except as provided in 61-3-562, vehicle registration"

16. Page 81, line 10 through line 13.

Strike: section 68 in its entirety

Renumber: subsequent sections

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17. Page 92, line 8.

Strike: "23-2-508,"

18. Page 92, line 9.

Following: "23-2-813,"

Strike: "and"

Following: "61-3-105,"

Insert: "61-3-305, and 61-3-518,"

19. Page 92, line 17.

Strike: "44"

Insert: "45"

20. Page 92, line 18.

Strike: "44"

Insert: "45"

21. Page 92.

Following: line 18

Insert: "NEW SECTION. Section 83. Coordination instruction. (1) If House Bill No. 261 and [this act] are both passed and approved, then:

(a) [Sections 4 through 7] of House Bill No. 261, amending 23-2-508, 23-2-611, 23-2-811, and 61-3-203, are void.

(b) Section 44 of [this act], amending 61-3-103, must include as a new subsection (9):

(9) A fee of \$10 must be paid to the department by a vehicle owner if, following satisfaction or release of a security interest and its removal from the department's records, the vehicle owner requests issuance of a new certificate of title without the security interest or lien shown on the face of the title. The \$10 fee must be deposited in the motor vehicle information technology system account provided for in 61-3-550.

(c) [Section 51] of [this act], amending 61-3-203, must read:

"61-3-203. Fee for original certificate of ownership and transfer of registration title -- disposition. A charge person applying for a certificate of title shall pay a fee of \$5 ~~\$10 must be made~~ for issuance of an original certificate of ownership of title, and for a transfer of registration, which ~~The fee~~ must be collected by the county treasurer or by an authorized agent of the department at the time of application. An additional fee of \$2 must be paid for light vehicles, trucks and buses weighing less than 1 ton, and logging trucks. The fees must be ~~paid to the county treasurer or agent of the department and, of the \$10 fee, \$5 must be forwarded to the department of revenue and~~ deposited in the state general fund. The remaining \$5 must be forwarded to the department for deposit in the motor vehicle information technology system account provided for in 61-3-550."

(d) Section 52 of [this act], amending 61-3-204, must read:

"61-3-204. ~~Lost certificates~~ Replacement certificate of title -- application. ~~(1) In the event any~~ If a certificate of ownership title is lost, stolen, destroyed, mutilated, or becomes illegible; or if the owner wants to update personal information on the electronic record of title or have a replacement certificate of title issued with updated information, the owner shall immediately make application for and obtain, as shown on the electronic record of title, may apply for and request the department to issue a duplicate thereof, upon furnishing replacement certificate of title. The application must include satisfactory evidence of such the facts requiring the replacement certificate of title and upon payment of be accompanied by a fee of \$3 ~~\$10. Revenue from this~~ Of the \$10 fee, \$5 must be deposited in the state general fund in accordance with 15-1-504, and the remaining \$5 must be forwarded to the department for deposit in the motor vehicle information technology system account provided for in 61-3-550.

(2) Each replacement certificate of title issued by the department must contain the following statement:

"This replacement voids any previously issued title."

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(2) If House Bill No. 698 and [this act] are both passed and approved, then [section 3] of House Bill No. 698 is void and [section 60] of [this act], amending 61-3-303, must read:

"61-3-303. Application for registration Registration -- process -- fees. (1) Each owner of A Montana resident who owns a motor vehicle operated or driven upon the public highways of this state shall ~~for each~~ register the motor vehicle ~~owned, except as otherwise provided in this section, file~~ in the office of the county treasurer in the county where the owner permanently resides at the time of making the application or, if the vehicle is owned by a corporation or used primarily for commercial purposes, in the ~~taxing jurisdiction of~~ the county where the vehicle is permanently assigned an application for registration or reregistration on a form prescribed by the department. The application must contain:

~~_____~~ (a) the name and address of the owner, giving the county, school district, and town or city within whose corporate limits the motor vehicle is taxable, if taxable, or within whose corporate limits the owner's residence is located if the motor vehicle is not taxable;

~~_____~~ (b) the name and address of the holder of any security interest in the motor vehicle;

~~_____~~ (c) a description of the motor vehicle, including make, year model, engine or serial number, manufacturer's model or letter, gross weight, declared weight on all trucks for which the manufacturer's rated capacity is 1 ton or less, and type of body and, if a truck, the manufacturer's rated capacity;

~~_____~~ (d) the declared weight on all trailers operating intrastate, except travel trailers or trailers and semitrailers registered as provided in 61-3-711 through 61-3-733;

~~_____~~ (e) a space in which the person registering the vehicle may indicate the person's desire to donate \$1 or more to promote awareness and education efforts for procurement of organ and tissue donations for anatomical gifts; and

~~_____~~ (f) other information that the department may require.

(2) (a) Except as provided in subsection (3), the county treasurer shall register any vehicle for which:

(i) as of the date that the vehicle is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(ii) the county treasurer confirms that the department has an electronic record of title for the vehicle as provided under 61-3-101.

(b) To register a vehicle, the county treasurer shall update the electronic record of title maintained by the department under 61-3-101 by entering the fees paid and recording any changes to the recorded data.

(3) (a) A county treasurer shall register a motor vehicle for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the vehicle owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle for which the new owner cannot present the previously issued certificate of title only as authorized by the department under 61-3-342.

(4) The department or the county treasurer shall determine the amount of fees, including local option taxes or fees, to be collected at the time of registration for each light vehicle subject to a registration fee under 61-3-560 through 61-3-562 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton, and truck tractor subject to a fee in lieu of tax under 61-3-529. The county treasurer shall collect the registration fee, other appropriate fees, and local option taxes or fees, if applicable, on each motor vehicle at the time of its registration.

~~(2)(5)~~ (5) A person who files an application for registration or reregistration of seeks to register a motor vehicle, except of a mobile home or a manufactured home as those terms are defined in 15-1-101(1), shall upon the filing of the application pay to the county treasurer:

(a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;

(b) except as provided in 61-3-456 or unless it has been previously paid, the motor vehicle fees in lieu of tax or registration fees under 61-3-560 through 61-3-562 imposed against the vehicle for the current year of registration and the immediately previous year; and

(c) a donation of \$1 or more if the person has indicated on the application that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact

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anatomical gifts; and

(d) a donation of \$1 or more if the person has indicated on the application that the person wishes to donate to promote education on, support for, and awareness of traumatic brain injury.

~~(3)(6)~~ The application may not be accepted by the county treasurer may not issue a registration receipt or license plates for the vehicle to the owner unless the owner makes the payments required by subsection (2) (5) accompany the application. Except as provided in 61-3-560 through 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:

(a) the current year; and

(b) the immediately previous year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.

~~(4)(7)~~ The department may make full and complete investigation of the registration status of the vehicle. An applicant for registration or reregistration shall submit proof from appropriate records of the proper county at the request of the department. A person seeking to register a motor vehicle under this section shall provide additional information to support the registration to the department, if requested.

~~(5)(8)~~ Revenue that accrues from the voluntary donation provided in subsection (2)(c) (5)(c) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(9) Revenue that accrues from the voluntary donation provided in subsection (5)(d) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of the account established in [section 2 of House Bill No. 698] to support activities related to education regarding prevention of traumatic brain injury."

22. Page 92, line 24.

Strike: "41"

Insert: "42"

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

HB 556, be amended as follows:

1. Title, page 1, line 8.

Following: "PLATES;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 11.

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

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

HB 369 - Senator Butcher moved to segregate **HB 369** from the Highways and Transportation Committee Reports, and further moved to adopt the committee reports on **HB 270, HB538 and HB556**. Motion carried.

JUDICIARY (Grimes, Chairman):

4/3/2003

HB 124, be concurred in. Report adopted.

HB 195, be concurred in. Report adopted.

HB 546, be concurred in. Report adopted.

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MOTIONS

HB 369 - Senator Butcher moved **HB 369** be taken from the Highway and Transportation Committee and rereferred to the committee on Finance. Motion carried.

HB 710 - Senator Taylor moved **HB 710** be taken from the table in the committee on Energy and Telecommunications, printed and placed on second reading the seventy-second day. Motion carried as follows:

Yeas: Anderson, Cooney, Curtiss, DePratu, Elliott, Gebhardt, Grimes, Kitzenberg, Mahlum, Mangan, McGee, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Squires, Stapleton, Stonington, Story, Taylor, Tester, Thomas, Toole, Tropila.
Total 27

Nays: Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Esp, Glaser, Hansen, Harrington, Johnson, Laible, McCarthy, McNutt, Shea, Sprague, Tash, Wheat, Zook, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Ellingson.
Total 1

HB 719 - Senator Gebhardt moved **HB 719** be taken from the committee on State Administration, printed and placed on second reading. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Curtiss, Esp, Gebhardt, Glaser, Grimes, Harrington, Laible, Mangan, McGee, McNutt, O'Neil, Perry, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 25

Nays: Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Elliott, Hansen, Johnson, Kitzenberg, Mahlum, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Stonington, Tester, Toole, Tropila, Wheat.
Total 24

Absent or not voting: None.
Total 0

Excused: Ellingson.
Total 1

SB 485 - Senator Thomas moved consideration of **SB 485** be passed for the day. Motion carried.

HB 559 - Senator Thomas moved **HB 559** be taken from the committee on Highways and Transportation and rereferred to the committee on Taxation. Motion carried.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

4/2/2003

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SB 150, introduced by Johnson
SB 163, introduced by Mangan
SB 166, introduced by Bales
SB 220, introduced by F. Thomas

Senate joint resolution concurred in and returned to the Senate: 4/2/2003

SJR 9, introduced by Nelson

Senate bills concurred in and returned to the Senate: 4/3/2003

SB 24, introduced by Mangan
SB 135, introduced by F. Thomas
SB 197, introduced by Perry
SB 241, introduced by Shea
SB 249, introduced by Taylor
SB 254, introduced by Cooney
SB 262, introduced by Perry
SB 445, introduced by Barkus
SB 460, introduced by Story

Senate joint resolution concurred in and returned to the Senate: 4/3/2003

SJR 14, introduced by Curtiss

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/2/2003

SB 115, introduced by Mahlum
SB 152, introduced by Cocchiarella

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/3/2003

SB 86, introduced by Zook
SB 226, introduced by DePratu
SB 230, introduced by Cromley
SB 231, introduced by Cromley
SB 401, introduced by Wheat
SB 423, introduced by Black
SB 441, introduced by D. Ryan
SB 447, introduced by Grimes

House bills passed and transmitted to the Senate for concurrence: 4/3/2003

HB 758, introduced by Devlin
HB 767, introduced by Brueggeman

HB 381, introduced by Fuchs, requiring adoption by an affirmative roll call vote of two-thirds of all the members of

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the Legislature, passed the House and was transmitted to the Senate with the following vote:

4/3/2003

Yeas -59 Nays -39

FIRST READING AND COMMITMENT OF BILLS

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

SB 489, introduced by Elliott, P. Clark, Cooney, Shockley, Wheat, referred to Highways and Transportation.

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

HB 381, introduced by Fuchs, Andersen, Balyeat, Barrett, Bookout-Reinicke, R. Brown, E. Clark, Facey, Fisher, Forrester, Gallus, Gillan, Golie, Haines, Hedges, Jackson, Lake, Lambert, Lange, Lawson, Lehman, Maedje, Matthews, Mendenhall, Mood, Morgan, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, B. Ryan, Sales, Schrupf, Shockley, Sinrud, B. Thomas, Wagman, Witt, Younkin, referred to Taxation.

HB 758, introduced by Devlin, Forrester, Gallus, Maedje, Shea, Tropila, referred to Business and Labor.

HB 767, introduced by Brueggeman, Stonington, referred to Finance and Claims.

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 155 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, 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 48

Nays: Harrington.

Total 1

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

SB 297 failed as follows:

Yeas: Barkus, Black, Bohlinger, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Mahlum, Mangan, Pease, Ryan, Schmidt, Shea, Stonington, Story, Toole, Wheat.

Total 24

Nays: Anderson, Bales, Butcher, Cobb, Elliott, Esp, Hansen, Harrington, Laible, McCarthy, McGee, McNutt, Nelson, O'Neil, Perry, Roush, Sprague, Squires, Stapleton, Tash, Taylor, Tester, Thomas, Tropila, Zook, Mr. President.

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Total 26

Paired: Ellingson, Aye; Nelson, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 332 failed as follows:

Yeas: Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gebhardt, Hansen, Harrington, Kitzenberg, Mangan, Nelson, Pease, Roush, Ryan, Schmidt, Squires, Tester, Toole, Tropila, Wheat.

Total 23

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

Total 27

Paired: Ellingson, Aye; Mr. President, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 407 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Kitzenberg, Laible, Mahlum, Mangan, McGee, McNutt, Pease, Perry, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Tropila, Zook, Mr. President.

Total 31

Nays: Cooney, Cromley, Elliott, Hansen, Harrington, Johnson, McCarthy, Nelson, O'Neil, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Tester, Toole, Wheat.

Total 18

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

SB 446 passed as follows:

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

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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: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

SB 461 passed as follows:

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

Total 42

Nays: Bohlinger, Cromley, DePratu, Glaser, Johnson, Sprague, Squires, Toole.

Total 8

Paired: Ellingson, Aye; Bohlinger, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 463 passed as follows:

Yeas: Anderson, Barkus, Black, Butcher, Cooney, DePratu, Gebhardt, Glaser, Grimes, Kitzenberg, Mahlum, Mangan, McGee, McNutt, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Wheat, Zook.

Total 28

Nays: Bales, Bohlinger, Cobb, Cocchiarella, Cromley, Curtiss, Elliott, Esp, Hansen, Harrington, Johnson, Laible, McCarthy, Nelson, O'Neil, Pease, Squires, Tester, Toole, Tropila, Mr. President.

Total 21

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

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SB 473 passed as follows:

Yeas: Bales, Bohlinger, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Gebhardt, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Mahlum, Mangan, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Tester, Toole, Tropila, Wheat.

Total 31

Nays: Anderson, Barkus, Black, Butcher, Cobb, Curtiss, Esp, Glaser, Laible, McGee, McNutt, Perry, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.

Total 19

Paired: Ellingson, Aye; Tash, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 474 passed as follows:

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

Total 37

Nays: Cobb, Cooney, Hansen, Harrington, Johnson, McCarthy, Roush, Schmidt, Stonington, Tester, Toole, Tropila.

Total 12

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

SB 475 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cooney, Curtiss, DePratu, Esp, Gebhardt, Grimes, Kitzenberg, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 35

Nays: Cobb, Cocchiarella, Cromley, Elliott, Glaser, Hansen, Harrington, Johnson, Laible, O'Neil, Perry, Sprague, Stapleton, Stonington.

Total 14

Absent or not voting: None.

Total 0

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Excused: Ellingson.
Total 1

SB 476 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, 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, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Ellingson.
Total 1

SB 481 passed as follows:

Yeas: Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Mahlum, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Mr. President.
Total 35

Nays: Anderson, Bales, Elliott, Esp, Gebhardt, Johnson, Laible, Mangan, Ryan, Story, Taylor, Tropila, Wheat, Zook.
Total 14

Absent or not voting: None.
Total 0

Excused: Ellingson.
Total 1

SB 484 passed as follows:

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

Nays: Curtiss, Esp, Johnson, McGee, O'Neil, Sprague, Mr. President.
Total 7

Absent or not voting: None.
Total 0

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Excused: Ellingson.
Total 1

SB 487 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, 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 48

Nays: Toole.
Total 1

Absent or not voting: None.
Total 0

Excused: Ellingson.
Total 1

MOTIONS

SB 297- Senator Wheat moved he be allowed to change his vote on **SB 297**, third reading this day, from nay to yea.
Motion carried.

SB 297- Senator Mahlum moved he be allowed to change his vote on **SB 297**, third reading this day, from nay to yea.
Motion carried.

SB 484 - Senator Perry moved he be allowed to change his vote on **SB 484**, third reading this day, from nay to yea.
Motion carried.

**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 Tropila in the chair.

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

HB 130 - Senator Anderson moved **HB 130** be concurred in. Motion carried with Senator Hansen voting nay.

HB 186 - Senator Cooney moved **HB 186** be concurred in. Motion carried unanimously.

HB 230 - Senator Cocchiarella moved **HB 230** be concurred in. Motion carried unanimously.

HB 259 - Senator F. Thomas moved consideration of **HB 259** be placed at the bottom of the second reading board.
Motion carried.

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HB 396 - Senator Bales moved **HB 396** be concurred in. Motion carried as follows:

Yeas: Bales, Bohlinger, Cocchiarella, Cooney, Cromley, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook.

Total 33

Nays: Anderson, Barkus, Black, Butcher, Cobb, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, McGee, O'Neil, Story, Taylor, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

HB 445 - Senator Barkus moved **HB 445** be concurred in. Motion carried with Senators Anderson, Gebhardt and McGee voting nay.

HB 482 - Senator Glaser moved **HB 482** be concurred in. Motion carried with Senators McGee and O'Neil voting nay.

HB 555 - Senator Gebhardt moved **HB 555** be concurred in. Motion carried unanimously.

HB 580 - Senator Stonington moved **HB 580** be concurred in. Motion carried unanimously.

HB 588 - Senator Cocchiarella moved consideration of **HB 588** be placed at the bottom of the second reading board. Motion carried unanimously.

HB 637 - Senator Story moved **HB 637** be concurred in. Motion carried with Senator Cromley voting nay.

Senators Elliott, Stonington and Keenan excused at this time.

HJR 12 - Senator Black moved **HJR 12** be concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, O'Neil, Pease, Perry, Roush, Schmidt, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Tester, Thomas, Tropila, Zook.

Total 38

Nays: Cooney, Esp, Hansen, Harrington, Nelson, Ryan, Toole, Wheat.

Total 8

Absent or not voting: None.

Total 0

Excused: Ellingson, Elliott, Stonington, Mr. President.

Total 4

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Senator Elliott present at this time.

HB 588 - Senator Cocchiarella moved **HB 588** be concurred in. Motion **failed** as follows:

Yeas: Anderson, Cobb, Cocchiarella, Elliott, Gebhardt, Grimes, Hansen, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, O'Neil, Pease, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Toole, Tropila, Wheat.

Total 23

Nays: Bales, Barkus, Black, Bohlinger, Butcher, Cooney, Cromley, Curtiss, DePratu, Esp, Glaser, Johnson, McGee, McNutt, Nelson, Perry, Stapleton, Story, Tash, Taylor, Tester, Thomas, Zook.

Total 23

Absent or not voting: Harrington.

Total 1

Excused: Ellingson, Stonington, Mr. President.

Total 3

Senators Keenan and Stonington present at this time.

HB 253 - Senator Esp moved **HB 253**, second reading copy, be amended as follows:

1. Page 1.

Following: line 23

Insert: "(3) (a) Printed election material described in subsection (1) that includes information about another candidate's voting record must include:

(i) a reference to the particular vote or votes upon which the information is based;

(ii) a disclosure of contrasting votes known to have been made by the candidate on the same issue, if closely related in time; and

(iii) a statement, signed as provided in subsection (3)(b) that to the best of the signer's knowledge, the statements made about the other candidate's voting record are accurate and true.

(b) The statement described in subsection (3)(a) must be signed:

(i) by the candidate if the election material was prepared for the candidate or the candidate's political committee and includes information about another candidate's voting record; or

(ii) by the person financing the communication or the person's legal agent if the election material was not prepared for a candidate or a candidate's political committee.

Renumber: subsequent subsections

2. Page 1, line 25.

Strike: "and (2)"

Insert: "through (3)"

3. Page 1, line 28.

Strike: "and (2)"

Insert: "through (3)"

4. Page 1, line 29.

Strike: "discovering"

Insert: "discovery of or notification about"

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Following: "omission, the"

Insert: "candidate responsible for the material or the"

Following: "shall"

Insert: ": (a)"

5. Page 1, line 30.

Following: "days"

Strike: "and"

Insert: "of the discovery or notification;
(b)"

6. Page 2, line 1.

Strike: "and (2)"

Insert: "through (3); and
(c) withdraw any noncompliant communications from circulation as soon as reasonably possible"

7. Page 2, line 3 through page 3, line 7.

Strike: section 2 in its entirety

Amendment **adopted** with Senator McGee voting nay.

Senator Zook excused at this time.

HB 253 - Senator Cooney moved **HB 253**, as amended, be concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, 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, Mr. President.

Total 47

Nays: O'Neil.

Total 1

Absent or not voting: None.

Total 0

Excused: Ellingson, Zook.

Total 2

HB 468 - Senator Cooney moved **HB 468** be concurred in. Motion carried with Senator O'Neil voting nay.

**Committee of the Whole stood at ease so staff could prepare the second agenda of second reading bills.
Committee of the Whole resumed.**

HB 205 - Senator Stonington moved **HB 205** be concurred in. Motion carried unanimously.

HB 223 - Senator Cooney moved **HB 223** be concurred in. Motion carried unanimously.

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Senator Zook present at this time.

HB 293 - Senator Pease moved **HB 293** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, DePratu, 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, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 42

Nays: Bales, Curtiss, Esp, McGee, O'Neil, Taylor.

Total 6

Absent or not voting: None.

Total 0

Excused: Ellingson, Elliott.

Total 2

HB 304 - Senator Stonington moved **HB 304** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, Gebhardt, Glaser, Grimes, Johnson, Mahlum, Mangan, McCarthy, McNutt, O'Neil, Pease, Perry, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Zook, Mr. President.

Total 30

Nays: Bales, Cooney, DePratu, Elliott, Esp, Hansen, Harrington, Kitzenberg, Laible, McGee, Nelson, Ryan, Schmidt, Squires, Story, Tester, Toole, Tropila, Wheat.

Total 19

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

HB 90 - Senator Cromley moved **HB 90**, second reading copy, be amended as follows:

1. Page 11, line 16.

Strike: "The"

Insert: "Unless the petition has been previously dismissed, the"

Amendment **adopted** unanimously.

HB 90 - Senator Cromley moved **HB 90**, as amended, be concurred in. Motion carried unanimously.

HB 384 - Senator Grimes moved **HB 384** be concurred in. Motion carried unanimously.

HB 484 - Senator Schmidt moved **HB 484** be concurred in. Motion carried unanimously.

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HB 512 - Senator Laible moved **HB 512** be concurred in. Motion carried unanimously.

HB 537 - Senator McCarthy moved **HB 537** be concurred in. After discussion, Senator McCarthy made a **substitute motion** that **HB 537**, second reading copy, be amended as follows:

1. Page 1, line 23 through line 24.

Strike: section 2 in its entirety

Renumber: subsequent sections

Amendment **adopted** unanimously.

HB 537 - Senator McCarthy moved **HB 537**, as amended, be concurred in. Motion carried unanimously.

HB 563 - Senator Stapleton moved **HB 563** be concurred in. After discussion, Senator Cobb made a **substitute motion** that **HB 563**, second reading copy, be amended as follows:

1. Title, page 1, lines 4 through 6.

Strike: "PROHIBITING" on line 4 through ";" on line 6

2. Title, page 1, line 8.

Strike: "13-13-213,"

3. Page 1, lines 13 through 28.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 4, line 15.

Strike: "(1)"

5. Page 4, lines 17 through 18.

Strike: subsection (2) in its entirety

Amendment **not** adopted as follows:

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

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

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

HB 563 - Senator Stapleton's motion that **HB 563** be concurred carried as follows:

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

Total 28

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

Total 21

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

Members of the Finance committee excused at this time to attend meeting.

HB 385 - Senator Harrington moved **HB 385** be concurred in. Motion carried with McGee and O'Neil voting nay.

HB 456 - Senator Grimes moved **HB 456** be concurred in. Motion carried with Senators Gebhardt, McGee and O'Neil voting nay.

HB 474 - Senator Anderson moved **HB 474** be concurred in. Motion carried unanimously.

HB 517 - Senator Story moved **HB 517** be concurred in. Motion carried unanimously.

HB 524 - Senator Grimes moved **HB 524** be concurred in. Motion carried unanimously.

HB 525 - Senator Anderson moved **HB 525** be concurred in. Motion carried unanimously.

HB 536 - Senator Perry moved **HB 536** be concurred in. Motion carried with Senator Wheat voting nay.

HB 545 - Senator Curtiss moved **HB 545** be concurred in. Motion carried unanimously.

HB 259 - Senator DePratu moved **HB 259**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Strike: "HALFWAY" through "AND"

2. Page 1, line 19 through line 20.

Strike: "halfway" on line 19 through "between" on line 20

3. Page 1, line 20.

Strike: "and reference marker 132"

Amendment **adopted** unanimously.

HB 259 - Senator Curtiss moved **HB 259**, as amended, be concurred in. Motion carried unanimously.

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HB 489 - Senator Wheat moved **HB 489** be concurred in. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senator Thomas moved to **segregate HB 468 and HB 489** from the Committee of the Whole report. Senate resumed. President Pro Tempore McNutt in the chair. Chairman Tropila moved the remainder of the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

HB 489 - Senator Thomas moved **HB 489** be taken from second reading and rereferred to the committee on Finance. Motion carried.

HB 363- Senator Thomas moved **HB 363** be taken from second reading and rereferred to the committee on Finance. Motion carried.

HB 604 - Senator Thomas moved **HB 604** be taken from second reading and rereferred to the committee on Taxation. Motion carried.

MESSAGES FROM THE GOVERNOR

April 3, 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 28** sponsored by Senator Mangan, **Senate Bill 75** sponsored by Senator Stapleton, **Senate Bill 84** sponsored by Senator Cocchiarella, **Senate Bill 109** sponsored by Senator McNutt, **Senate Bill 121** sponsored by Senator Glaser, **Senate Bill 216** sponsored by Senator Cocchiarella et al., **Senate Bill 221** sponsored by Senator Kitzenberg, **Senate Bill 253** sponsored by Senator Elliott, and **Senate Bill 398** sponsored by Senator Cromley on April 3, 2003.

Sincerely,
JUDY MARTZ
Governor

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Friday, April 4, 2003. Motion carried.

Senate adjourned at 5:36 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate