

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

Helena, Montana
April 4, 2003

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILL REPORT

Correctly engrossed: **SB 368, SB 471, SB 474, SB 481, SB 484, SB 487, SB 488, HB 107, HB 141, HB 203, HB 247, HB 358, HB 363, HB 404, HB 413, HB 451, HB 540, HB 553, HB 604, HB 640, HB 648, HB 669, HB 677, HB 689, HB 701, HB 720, HB 733, HB 734, HJR 29, HJR 31.**

Correctly printed: **SJR 30.**

Correctly engrossed: **SB 297, SB 332, SB 407, SB 461, SB 473, SB 474, SB 487, HB 266, HB 270, HB 424, HB 500, HB 538, HB 556.**

**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 Tropila in the chair.

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

SR 6 - Senator Wheat moved **SR 6** be adopted. Motion carried unanimously.

HB 8 - Senator Tester moved **HB 8** be concurred in. Motion carried unanimously.

HB 105 - Senator Cocchiarella moved **HB 105** be concurred in. Motion carried unanimously.

HB 141 - Senator Wheat moved **HB 141** be concurred in. Motion carried unanimously.

HB 203 - Senator Gebhardt moved **HB 203** be concurred in. Motion carried unanimously.

HB 266 - Senator Story moved **HB 266** be concurred in. Motion carried unanimously.

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

HB 358 - Senator Cromley moved **HB 358** be concurred in. Motion carried as follows:

Yeas: Anderson, Black, Bohlinger, Cocchiarella, Cromley, Curtiss, DePratu, Esp, Glaser, Grimes, Hansen, Harrington, Mahlum, Mangan, McGee, O'Neil, Pease, Perry, Ryan, Squires, Stapleton, Taylor, Tester, Thomas, Toole, Tropila, Wheat.

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Total 27

Nays: Ellingson, Elliott, Gebhardt, Laible, McNutt, Roush, Story.

Total 7

Absent or not voting: None.

Total 0

Excused: Bales, Barkus, Butcher, Cobb, Cooney, Johnson, Kitzenberg, McCarthy, Nelson, Schmidt, Shea, Sprague, Stonington, Tash, Zook, Mr. President.

Total 16

HB 410 - Senator D. Ryan moved **HB 410** be concurred in. Motion carried unanimously.

HB 424 - Senator D. Ryan moved **HB 424** be concurred in. Motion carried unanimously.

HB 431 - Senator DePratu moved **HB 431** be concurred in. Motion carried unanimously.

HB 451 - Senator Black moved **HB 451** be concurred in. After discussion, Senator Cromley made a **substitute motion** that **HB 451**, second reading copy, be amended as follows:

1. Title, line 7.

Following: "~~DATE~~"

Insert: "AND A TERMINATION DATE"

2. Page 1.

Following: line 27

Insert: "NEW SECTION. Section 3. Termination. [This act] terminates June 30, 2006."

Amendment **not** adopted as follows:

Yeas: Bohlinger, Cocchiarella, Cromley, Ellingson, Elliott, Kitzenberg, Pease, Ryan, Squires, Toole, Tropila, Wheat.

Total 12

Nays: Anderson, Black, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, Mahlum, Mangan, McGee, McNutt, O'Neil, Perry, Roush, Sprague, Story, Taylor, Thomas.

Total 23

Absent or not voting: None.

Total 0

Excused: Bales, Barkus, Butcher, Cobb, Cooney, McCarthy, Nelson, Schmidt, Shea, Stapleton, Stonington, Tash, Tester, Zook, Mr. President.

Total 15

HB 451 - Senator Black's motion that **HB 451** be concurred in, carried as follows:

Yeas: Anderson, Black, Bohlinger, Cocchiarella, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Harrington, Johnson, Laible, Mahlum, Mangan, McGee, McNutt, O'Neil, Pease, Perry, Roush, Ryan, Sprague, Story, Taylor, Thomas,

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Tropila, Wheat.
Total 28

Nays: Cromley, Ellingson, Elliott, Hansen, Kitzenberg, Toole.
Total 6

Absent or not voting: None.
Total 0

Excused: Bales, Barkus, Butcher, Cobb, Cooney, McCarthy, Nelson, Schmidt, Shea, Squires, Stapleton, Stonington, Tash, Tester, Zook, Mr. President.
Total 16

HB 509 - Senator Johnson moved **HB 509** be concurred in. Motion carried unanimously.

HB 523 - Senator Bohlinger moved **HB 523** be concurred in. After discussion, Senator Thomas made a **substitute motion** that consideration of **HB 523** be moved to the bottom of the board. Motion carried.

HB 640 - Senator McGee moved **HB 640** be concurred in. After discussion, Senator Thomas made a **substitute motion** that consideration of **HB 640** be moved to the bottom of the board. Motion carried.

HB 641 - Senator D. Ryan moved **HB 641**, second reading copy, be amended as follows:

1. Page 5, line 27.

Insert: "NEW SECTION. Section 4. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent sections

Amendment **adopted** unanimously.

HB 641 - Senator Story moved **HB 641**, as amended, be concurred in. Motion carried with Senators Cocchiarella, Cromley and Perry voting nay.

HB 648 - Senator Bales moved **HB 648** be concurred in. Motion carried unanimously.

HB 669 - Senator McGee moved **HB 669** be concurred in. Motion carried unanimously.

HB 404 - Senator Grimes moved **HB 404**, second reading copy, be amended as follows:

1. Title, line 4.

Following: "REQUIRING"

Strike: "ALLOWING"

Insert: "REQUIRING"

2. Title, line 7.

Following: "PROVIDING"

Strike: "LIMITED IMMUNITY FROM CIVIL DAMAGES FOR"

Following: "PRIVATE"

Strike: "EMPLOYERS"

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Insert: "THAT A REQUIRED RESPONSE IS AN OFFICIAL DUTY"

3. Page 1, line 12.

Following: "~~shall~~"

Strike: "MAY"

Insert: "shall"

4. Page 2, line 4 through line 6.

Following: "information." on line 4

Strike: remainder of line 4 through "SECTION." on line 6

5. Page 2, line 23 through line 25.

Strike: subsection (7) in its entirety

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

HB 404 - Senator Grimes moved **HB 404**, as amended, be concurred in. Motion carried as follows:

Yeas: Anderson, Black, Bohlinger, Curtiss, DePratu, Gebhardt, Grimes, Hansen, Harrington, Johnson, Mahlum, Mangan, McNutt, Pease, Roush, Stapleton, Story, Taylor, Tropila.

Total 19

Nays: Cocchiarella, Cromley, Ellingson, Elliott, Esp, Glaser, Kitzenberg, Laible, McGee, O'Neil, Perry, Sprague, Squires, Toole, Wheat.

Total 15

Absent or not voting: None.

Total 0

Excused: Bales, Barkus, Butcher, Cobb, Cooney, McCarthy, Nelson, Ryan, Schmidt, Shea, Stonington, Tash, Tester, Thomas, Zook, Mr. President.

Total 16

HB 591 - Senator O'Neil moved **HB 591** be concurred in. Motion carried unanimously.

HB 680 - Senator Wheat moved **HB 680** be concurred in. Motion carried unanimously.

HB 698 - Senator DePratu moved **HB 698** be concurred in. Motion carried unanimously.

HB 733 - Senator Perry moved **HB 733** be concurred in. Motion carried unanimously.

HB 689 - Senator Gebhardt moved **HB 689**, second reading copy, be amended as follows:

1. Page 5, line 12.

Following: "~~4~~"

Insert: "a total of"

2. Page 5, line 13.

Strike: "A LOBBYIST"

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Insert: "one or more lobbyists"

Amendment **adopted** unanimously.

Senator McGee assumed the chair.

HB 689 - Senator Gebhardt moved **HB 689**, as amended, be concurred in. Motion carried with Senator Squires voting nay.

HJR 32 - Senator Tropila moved **HJR 32** be concurred in. Motion carried unanimously.

HB 6 - Senator Tropila moved **HB 6** be concurred in. Motion carried unanimously.

HB 734 - Senator McCarthy moved **HB 734** be concurred in. Motion carried unanimously.

Senator Tropila reassumed the chair.

HJR 26 - Senator McCarthy moved **HJR 26** be concurred in. Motion carried with Senators Esp, O'Neil and Perry voting nay.

HB 720 - Senator Story moved **HB 720** be concurred in. Motion carried unanimously.

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

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Sprague, Chairman): 4/2/2003
HB 100, be concurred in. Report adopted.
HB 241, be amended as follows: 4/4/2003

1. Title, line 4.

Strike: "A MORATORIUM"

Insert: "RESTRICTIONS"

2. Title, line 5.

Strike: ", " through ", "

3. Title, line 7.

Following: "PROGRAMS;"

Insert: "AUTHORIZING EXPENDITURES FOR A LANDOWNER INCENTIVE PROGRAM;"

Strike: "ALL"

4. Title, line 9.

Strike: "THE MORATORIUM"

Insert: "A 2-YEAR"

5. Title, line 13.

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Following: "FOR"
Insert: "CERTAIN"

6. Page 1, line 20.
Strike: "Moratorium" through "upland"
Insert: "Upland"

7. Page 1, line 21.
Strike: "exception" through "projects"
Insert: "restrictions -- landowner incentive program"

8. Page 1, line 22.
Strike: "Except" through "for"
Insert: "For"

9. Page 1, line 23 through line 24.
Strike: "the department" on line 23 through "Money" on line 24
Insert: "money"
Strike: "sage grouse"
Insert: "upland game bird habitat enhancement"
Strike: "during" through "period" on line 24

10. Page 1.
Following: line 25
Insert: "(2) During the 2-year period provided for in subsection (1), the department may also expend up to \$1.4 million from the upland game bird funds, provided for in 87-1-246, as matching funds to protect sagebrush-grassland habitat associated with sage grouse leks and wintering areas through a landowner incentive program."
Renumber: subsequent subsections

11. Page 1, line 27.
Strike: "all"

12. Page 1, line 29.
Following: "each"
Insert: "type of"

13. Page 2, line 7.
Strike: "(2)"
Insert: "(3)"

14. Page 2, line 12.
Strike: "moratorium"
Insert: "2-year"
Strike: "sage" through "projects"
Following: "(1)"
Insert: "or (2)"

15. Page 2, line 13.

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Strike: "(2)"

Insert: "(3)"

16. Page 2, line 15.

Strike: "moratorium"

Insert: "2-year"

17. Page 3, line 15.

Following: "releases"

Insert: "as follows:"

(i) at least 5% for release of captive-raised birds; and

(ii) at least 5% for capture and release of wild birds for translocation"

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

HB 249, be concurred in. Report adopted.

4/2/2003

HB 558, be amended as follows:

1. Title, line 15.

Following: "PROVIDING"

Strike: "A"

Insert: "AN"

2. Page 2, line 15.

Strike: "\$15"

Insert: "\$16"

3. Page 3, line 1.

Strike: "50 cents"

Insert: "\$1.50"

4. Page 3, line 8.

Following: "THEN"

Insert: "[section 4] of Senate Bill No. 112, amending 23-2-615, is void and"

Following: "]"

Insert: ", amending 23-2-615,"

5. Page 3, line 17.

Strike: "\$15"

Insert: "\$16"

6. Page 4, line 4.

Strike: "50 cents"

Insert: "\$1.50"

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

PUBLIC HEALTH, WELFARE AND SAFETY (O'Neil, Chairman):

4/3/2003

HB 695, be amended as follows:

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1. Title, page 1, line 8.

Strike: "A MEDICAL EXPERT"

Insert: "AN INDIVIDUAL"

2. Title, page 1, line 9.

Following: "EXPERIENCE"

Strike: "PRIOR" through "ACTION"

3. Title, page 1, line 10 through line 11.

Strike: "THAT" on line 10 through "DEFENDANT'S" on line 11

Insert: "RELATED TO THE DIAGNOSIS OR PROGNOSIS AT ISSUE OR THE TYPE OF TREATMENT ADMINISTERED IN THE CASE"

4. Page 2, line 6.

Following: "(b)₂"

Strike: "a" through "provider"

Insert: "an individual"

5. Page 2, line 7 through line 9.

Following: line 6

Strike: "provider" through the second "practice" on line 9

Insert: "individual has had a minimum of 5 years of professional practice or teaching experience that is directly related to the diagnosis or prognosis at issue or the type of treatment administered in the case"

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

MESSAGES FROM THE GOVERNOR

April 2, 2003

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, Montana 59620

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

Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 185, **"AN ACT GENERALLY REVISING LAWS GOVERNING COMMERCIAL DRIVER LICENSING TO CONFORM WITH REQUIREMENTS OF THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 (MCSIA) AND THE FEDERAL REGULATIONS IMPLEMENTING MCSIA; DEFINING "NONCOMMERCIAL MOTOR VEHICLE"; REVISING THE DEFINITIONS OF "COMMERCIAL MOTOR VEHICLE" AND "COMMERCIAL DRIVER'S LICENSE"; CLARIFYING THE REQUIREMENTS FOR OPERATION OF A COMMERCIAL**

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MOTOR VEHICLE; REVISING THE REQUIREMENTS GOVERNING THE APPLICATION FOR AND RENEWAL OF A COMMERCIAL DRIVER'S LICENSE; REVISING REQUIREMENTS FOR REQUESTING DRIVING RECORDS FROM A PRIOR STATE OF LICENSURE; REVISING LICENSE SUSPENSION PERIODS AND COMPUTATION REQUIREMENTS FOR NONCOMMERCIAL AND COMMERCIAL MOTOR VEHICLE IMPLIED CONSENT LAWS; REVISING REQUIREMENTS FOR SUSPENSION OF A COMMERCIAL DRIVER'S LICENSE FOR MAJOR OFFENSES OR FOR CONDUCT OCCURRING WHILE OPERATING A NONCOMMERCIAL MOTOR VEHICLE; CLARIFYING THE REQUIREMENTS FOR SUSPENSION OF A COMMERCIAL DRIVER'S LICENSE FOR A PERSON WHO OPERATES A COMMERCIAL MOTOR VEHICLE WITHOUT A COMMERCIAL DRIVER'S LICENSE OR PROPER ENDORSEMENT OR WHILE THE PERSON'S COMMERCIAL DRIVER'S LICENSE IS SUSPENDED; INCLUDING NONCOMMERCIAL MOTOR VEHICLE OFFENSES IN THE LIST OF FELONY-DRUG OFFENSES FOR WHICH SUSPENSION OF A COMMERCIAL DRIVER'S LICENSE IS REQUIRED; AMENDING SECTIONS 61-1-134, 61-1-135, 61-5-102, 61-5-107, 61-5-110, 61-5-111, 61-5-112, 61-5-118, 61-5-212, 61-8-402, 61-8-802, 61-8-803, 61-8-804, 61-8-805, 61-8-806, AND 61-11-102, MCA; REPEALING SECTION 61-5-117, MCA; AND PROVIDING APPLICABILITY DATES" for the following reasons.

I have no concerns with the objectives of House Bill No. 185, or with its specific measures. I recommend, however, that Section 5 (2) be amended to read that the commercial driver's license means the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid commercial *driver's* license.

I have enclosed my amendment to that effect. Please be advised that the Department of Justice concurs with this amendment. Further, please be advised that Representative Wilson, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 185

1. Page 4, line 8.
Strike: "motor vehicle"
Insert: "driver's"

FIRST READING AND COMMITMENT OF BILLS

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

SB 490, introduced by Grimes, Esp, Mangan, McGee, Tropila, Wheat (by request of the Senate Judiciary Standing Committee), referred to Judiciary.

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

SJR 31, introduced by Tash, referred to Judiciary.

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MOTIONS

Majority Leader Thomas moved the Senate recess until the hour of 11:00 a.m. to allow the staff to prepare agenda number 2. Motion carried.

Senate recessed at 10:46 a.m.
Senate resumed at 11:10 a.m.

Roll call. All members present except the Taxation Committee members.

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 Tropila in the chair.

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

HB 588 - Senator Stapleton moved **HB 588**, second reading copy, be amended as follows:

1. Title, line 4.

Following: ""AN ACT"

Strike: "PROVIDING"

Following: "THAT"

Strike: "FOR"

Insert: "RESTRICTING"

Following: "INCREASES"

Insert: "IN RATES"

Following: "OR DECREASES"

Insert: "IN COVERAGE"

2. Page 2, line 4.

Following: "INCREASES"

Strike: "OR DECREASES"

Following: "."

Insert: "(1)"

3. Page 2, line 6 through line 7.

Following: "INCREASE" on line 6

Strike: "OR" on line 6 through the first "DECREASE" on line 7

4. Page 2, line 8.

Following: "UNLESS"

Insert: ":

(a)"

5. Page 2, line 8 through line 9.

Following: "PERIOD" on line 8

Strike: remainder of line 8 through "INSURED." on line 9

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Insert: "because of the addition or removal of persons or property that was included in the rate at last renewal;
(b) the risk was misrepresented by the insured; or
(c) the insured requests a policy change that increases the rate because of that specific request.
(2)"

Amendment **adopted** unanimously.

Members of the Taxation Committee present at this time.

HB 588 - Senator Cocchiarella moved **HB 588**, as amended, be concurred in. Motion carried Senators Cromley, Ellingson and Tester voting nay.

HB 107 - Senator Mangan moved **HB 107**, second reading copy, be amended as follows:

1. Page 5, line 1.

Following: "[

Insert: "section 4(8) of"

Amendment **not** adopted as follows:

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

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 107 - Senator Story moved **HB 107** 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, Laible, Mahlum, 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: Kitzenberg, Mangan.
Total 2

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

HB 523 - Senator Bohlinger moved **HB 523** be concurred in. Motion **failed** as follows:

Yeas: Anderson, Bales, Barkus, Bohlinger, Cromley, Curtiss, DePratu, Ellingson, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Mahlum, McGee, McNutt, Pease, Perry, Sprague, Stapleton, Story, Taylor, Tester, Thomas, Mr. President.
Total 25

Nays: Black, Butcher, Cobb, Cocchiarella, Cooney, Elliott, Esp, Hansen, Harrington, Laible, Mangan, McCarthy, Nelson, O'Neil, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tash, Toole, Tropila, Wheat, Zook.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 523 - Senator F. Thomas moved **HB 523** be **indefinitely postponed**. Motion carried as follows:

Yeas: Barkus, Black, Butcher, Cobb, Cocchiarella, Cooney, Ellingson, Elliott, Gebhardt, Grimes, Hansen, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 37

Nays: Anderson, Bales, Bohlinger, Cromley, Curtiss, DePratu, Esp, Glaser, Johnson, McGee, McNutt, Sprague, Taylor.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Thomas moved the committee rise, report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Tropila 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 1:00 p.m. this day. Motion carried.

Senate recessed at 11:58 a.m.
Senate reconvened at 1:00 p.m.

Roll call. All members present. Quorum present.

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FIRST READING AND COMMITMENT OF BILLS

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

SB 491, introduced by Stonington (by request of the Senate Finance Standing Committee), referred to Finance and Claims.

MOTIONS

Majority Leader Thomas moved the Senate stand in recess until the hour of 1:25 p.m. for party caucuses. Motion carried.

Senate recessed at 1:08 p.m.

Senate reconvened at 1:33 p.m.

Roll call. All members present. Quorum present.

Senator Stonington excused at this time.

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:

HB 90, 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, 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: Stonington.
Total 1

HB 130, 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, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 48

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Nays: Hansen.
Total 1

Absent or not voting: None.
Total 0

Excused: Stonington.
Total 1

HB 186 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, 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: Stonington.
Total 1

Senator Stonington present at this time.

HB 205 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, 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: Esp, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 223, 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,

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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 230 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 253, 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, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: O'Neil.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 259, as amended by the Senate, concurred in as follows:

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

Nays: Black, Elliott, McGee, Nelson, Taylor, Tester, Wheat.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 293 concurred in as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 45

Nays: Bales, Curtiss, Esp, McGee, O'Neil.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 304, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Curtiss, Gebhardt, Glaser, Grimes, Johnson, Mahlum, Mangan, McCarthy, McNutt, O'Neil, Perry, Roush, Shea, Sprague, Squires, Stonington, Tash, Taylor, Thomas, Zook, Mr. President.
Total 29

Nays: Cooney, Cromley, DePratu, Ellingson, Elliott, Esp, Hansen, Harrington, Kitzenberg, Laible, McGee, Nelson, Pease, Ryan, Schmidt, Stapleton, Story, Tester, Toole, Tropila, Wheat.
Total 21

Absent or not voting: None.
Total 0

Excused: None.

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Total 0

HB 384 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 385, 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, 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: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 396, as amended by the Senate, concurred in as follows:

Yeas: Bales, Bohlinger, Cocchiarella, Cooney, Cromley, Ellingson, 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.

Total 33

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

Total 17

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 445 concurred in as follows:

Yeas: Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, 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, Tester, Thomas, Toole, Tropila, Wheat, Zook.

Total 44

Nays: Anderson, Cobb, Gebhardt, McGee, Taylor, Mr. President.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 456 concurred in as follows:

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

Total 44

Nays: Bales, Esp, Gebhardt, McGee, O'Neil, Stapleton.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 474 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 482 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, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 48

Nays: McGee, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 484, 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 512, 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, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Mr. President.

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Total 47

Nays: Johnson, Mangan, Zook.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 517, 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, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 48

Nays: McGee, Stapleton.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 524 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, 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, Toole, Tropila, Wheat, Zook, Mr. President.

Total 47

Nays: Butcher, McGee, Thomas.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 525, 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,

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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 536, as amended by the Senate, concurred in as follows:

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

Total 48

Nays: Mangan, Wheat.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 537, as amended by the Senate, concurred in 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, Story, Tash, Taylor, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.

Total 47

Nays: Ellingson, Stonington, Toole.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 545, as amended by the Senate, concurred in as follows:

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

Nays: Cromley, Ellingson, Ryan, Schmidt, Toole.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 555 concurred in as follows:

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

Nays: Cromley, McGee, Shea, Stapleton, Thomas.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 563, as amended by the Senate, concurred in as follows:

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

Nays: Bohlinger, Cobb, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Johnson, Mangan, Nelson, Pease, Roush, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.
Total 21

Absent or not voting: None.
Total 0

Excused: None.

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Total 0

HB 580 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 637 concurred in as follows:

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

Total 47

Nays: Butcher, Cromley, Esp.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 12 concurred in as follows:

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

Total 38

Nays: Cooney, Ellingson, Esp, Hansen, Harrington, Nelson, Ryan, Schmidt, Stonington, Tester, Toole, Wheat.

Total 12

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

MOTIONS

HB 385 - Senator DePratu moved he be allowed to change his vote on **HB 385**, third reading this day, from nay to yea. Motion carried.

HB 293 - Senator Butcher moved he be allowed to change his vote on **HB 293**, third reading this day, from nay to yea. Motion carried.

**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. President Keenan retained the chair.

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

Senator Tester excused at this time.

HB 640 - Senator McGee moved **HB 640** be concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cobb, Cocchiarella, Curtiss, DePratu, Elliott, Esp, Glaser, Grimes, Hansen, Kitzenberg, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Roush, Sprague, Squires, Stapleton, Taylor, Thomas, Mr. President.
Total 28

Nays: Bohlinger, Cooney, Cromley, Ellingson, Gebhardt, Harrington, Johnson, Mangan, McCarthy, Nelson, Pease, Ryan, Schmidt, Shea, Stonington, Story, Tash, Toole, Tropila, Wheat, Zook.
Total 21

Absent or not voting: None.
Total 0

Excused: Tester.
Total 1

Senator Johnson rose on a point of personal privilege to state that Senator McGee was in error regarding the people who live in the Billings "doughnut area". Senator McGee stated they do not have an appeal right to a governing body they've elected. That is not true. The "doughnut area's" appeal process is to the Planning Board first, then the County Commission, whom they do elect.

HB 609 - Senator Pease moved **HB 609** be concurred in. Motion carried unanimously.

HB 195 - Senator Grimes moved **HB 195** be concurred in. Motion carried unanimously.

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HB 213 - Senator Grimes moved **HB 213** be concurred in. Motion carried unanimously.

HB 468 - Senator Cooney moved **HB 468**, second reading copy, be amended as follows:

1. Title, page 1, lines 8 through 9.

Strike: "PROHIBITING" on line 8 through "MATERIALS;" on line 9

2. Page 1, line 14.

Strike: "prohibition"

3. Page 1, line 15.

Strike: "Whenever" through "financing"

Insert: "All"

4. Page 1, line 18.

Following: "advertising"

Strike: ", the communication"

Strike: "state"

Insert: "include the attribution "paid for by" followed by"

5. Page 1, line 19.

Following: "communication"

Strike: ", including in"

Insert: ". When a candidate or a candidate's campaign finances the expenditure, the attribution must be the name and the address of the candidate or the candidate's campaign. In"

Following: ";

Insert: ", the attribution must be"

Following: "the name"

Insert: "of the committee, the name of the committee treasurer,"

6. Page 1, line 20.

Following: "and"

Insert: "the"

Following: "of the"

Insert: "committee or the committee"

Following: "treasurer."

Insert: "(2)"

Renumber: subsequent subsections

7. Page 1, line 23.

Following: "about"

Strike: "a"

Insert: "another"

8. Page 1, line 24.

Following: "include"

Insert: ": (i)"

Following: "BASED"

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

9. Page 1, line 25.

Following: "AND"

Insert: "(iii)"

Strike: "(2)(b)"

Insert: "(3)(b)"

10. Page 1, line 26.

Following: "about the"

Insert: "other"

11. Page 1, line 27.

Strike: "(2)(a)"

Insert: "(3)(a)"

12. Page 2, line 2.

Strike: subsection 3 in its entirety

Renumber: subsequent subsections

13. Page 2, line 4.

Strike: "and (2)"

Insert: "through (3)"

14. Page 2, line 7.

Strike: "and (2)"

Insert: "through (3)"

15. Page 2, line 12.

Strike: "within 2 weeks"

Amendment **adopted** unanimously.

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

Senator Tester present at this time.

HB 226 - Senator Grimes moved **HB 226** be concurred in. Motion **failed** as follows:

Yeas: Anderson, Bohlinger, Cobb, Cocchiarella, Cooney, Curtiss, Ellingson, Grimes, Hansen, Kitzenberg, Mahlum, Mangan, Nelson, Roush, Schmidt, Squires, Stonington, Taylor, Tester, Thomas, Toole, Wheat.

Total 22

Nays: Bales, Barkus, Black, Cromley, DePratu, Elliott, Esp, Gebhardt, Glaser, Harrington, Johnson, Laible, McCarthy, McGee, McNutt, O'Neil, Pease, Perry, Ryan, Shea, Sprague, Stapleton, Story, Tash, Tropila, Zook, Mr. President.

Total 27

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Absent or not voting: None.
Total 0

Excused: Butcher.
Total 1

HB 226 - Senator Stapleton moved **HB 226** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Barkus, Black, Cromley, DePratu, Elliott, Gebhardt, Glaser, Harrington, Johnson, Laible, McCarthy, McGee, McNutt, O'Neil, Pease, Perry, Ryan, Shea, Sprague, Stapleton, Story, Tash, Taylor, Tester, Tropila, Wheat, Zook, Mr. President.
Total 29

Nays: Anderson, Bohlinger, Cobb, Cocchiarella, Cooney, Curtiss, Ellingson, Esp, Grimes, Hansen, Kitzenberg, Mahlum, Mangan, Nelson, Roush, Schmidt, Squires, Stonington, Thomas, Toole.
Total 20

Absent or not voting: None.
Total 0

Excused: Butcher.
Total 1

Senator McGee assumed the chair.

HB 247 - Senator Mangan moved **HB 247** be concurred in. Motion carried unanimously.

Senator Cobb excused at this time.

HB 256 - Senator Cromley moved **HB 256** be concurred in. Motion carried unanimously.

Senator Cobb present at this time.

HB 270 - Senator DePratu moved **HB 270** be concurred in. Motion carried unanimously.

HB 577 - Senator Anderson moved **HB 577** be concurred in. Motion carried with Senator Cocchiarella voting nay.

HB 419 - Senator Elliott moved **HB 419** be concurred in. Motion carried unanimously.

HB 494 - Senator DePratu moved **HB 494** be concurred in. Motion carried unanimously.

HB 501 - Senator Bohlinger moved **HB 501** be concurred in. Motion carried unanimously.

HB 538 - Senator Anderson moved **HB 538** be concurred in. After discussion, Senator Butcher made a **substitute motion** that **HB 538**, second reading copy, be amended as follows:

1. Title, page 2, line 27.
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"

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Amendment **adopted** unanimously.

HB 538 - Senator Anderson moved **HB 538**, as amended, be concurred in. Motion carried unanimously.

HB 719 - Senator Gebhardt moved **HB 719**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

Strike: "LEGISLATIVE FISCAL ANALYST"

Insert: "GOVERNOR'S OFFICE OF BUDGET AND PROGRAM PLANNING"

2. Title, page 1, line 8.

Strike: "LEGISLATIVE FISCAL ANALYST"

Insert: "GOVERNOR'S OFFICE OF BUDGET AND PROGRAM PLANNING"

3. Title, page 1, line 17.

Strike: "13-27-104,"

4. Page 1, line 23 through line 26.

Strike: section 1 in its entirety

Renumber: subsequent sections

5. Page 3, line 12.

Strike: "legislative fiscal analyst"

Insert: "governor's office of budget and program planning"

6. Page 3, line 28.

Strike: "legislative fiscal analyst"

Insert: "governor's office of budget and program planning"

7. Page 4, line 21.

Following: "counties"

Insert: "of the state"

8. Page 6, line 2.

Following: "on"

Insert: "on"

9. Page 6, line 24.

Following: "one-half of the counties"

Insert: "of the state"

10. Page 9, line 1.

Strike: "legislative fiscal analyst"

Insert: "governor's office of budget and program planning"

11. Page 9, line 7.

Strike: "legislative fiscal analyst"

Insert: "governor's office of budget and program planning"

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12. Page 9, line 9.

Strike: "legislative fiscal analyst"

Insert: "governor's office of budget and program planning"

13. Page 10, line 3.

Strike: "legislative fiscal analyst"

Insert: "governor's office of budget and program planning"

14. Page 10, line 27.

Strike: "**legislative fiscal analyst**"

Insert: "governor's office of budget and program planning"

15. Page 10, line 29.

Strike: "legislative fiscal analyst"

Insert: "governor's office of budget and program planning"

16. Page 11, line 21.

Strike: "legislative fiscal analyst"

Insert: "governor's office of budget and program planning"

17. Page 11, line 29.

Strike: "legislative fiscal analyst"

Insert: "governor's office of budget and program planning"

18. Page 12, line 7.

Strike: "legislative fiscal analyst"

Insert: "governor's office of budget and program planning"

19. Page 15, line 5.

Strike: "16"

Insert: "15"

20. Page 15, line 6.

Strike: "16"

Insert: "15"

Amendment **adopted** unanimously..

HB 719 - Senator Gebhardt moved **HB 719**, second reading copy, be further amended as follows:

1. Page 15.

Following: line 6

Insert: "NEW SECTION. Section 18. Coordination instruction. If both House Bill No. 203 and [this act] are passed and approved and both bills amend 13-27-302, then [section 9] of House Bill No. 203 is void and [section 7 of this act], amending 13-27-302 must read as follows:

"**Section 7.** Section 13-27-302, MCA, is amended to read:

"**13-27-302. Certification of signatures.** ~~An (1) A signed, notarized, and dated affidavit, in substantially the following form,~~ must be attached to each sheet or section submitted to the county official and must contain the following information printed within the text of the affidavit:

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I, (name of person who circulated this petition), swear that I circulated or assisted in circulating the petition to which this affidavit is attached, that I believe the signatures on the petition are genuine, are the signatures of the persons whose names they purport to be, and are the signatures of Montana electors who are registered at the address or have the telephone number following the person's signature, and that the signers knew the contents of the petition before signing the petition.

.....
(Signature of petition circulator)

.....
(Address of petition circulator)

Subscribed and sworn to before me this ... day of, 20..

.....
Seal (Person authorized to take oaths)

.....
(Title or notarial information)

(a) the name, street or other residence address, city or town, and county where the signature gatherer resides and the date and place where the affidavit was signed;

(b) a statement that the signature gatherer has read and understands the Montana law governing the collection of signatures on a petition;

(c) a statement that the signature gatherer solicited the signatures on the petition to which the affidavit is attached and believes that:

(i) the signatures on the petition are genuine in that they are of the individuals for whom they purport to be;

(ii) the signatures are of Montana electors who are registered at the addresses following their signatures;

(iii) the persons signing the petition knew the content of the petition before they signed;

(d) a statement as to whether the signature gatherer was paid; and

(e) the date on which the first signature was gathered.

(2) The county official or the secretary of state may not accept for filing a petition or a part of a petition that does not have attached to it the affidavit required by subsection (1)."

Renumber: subsequent sections

Amendment **adopted** unanimously.

HB 719 - Senator Gebhardt moved **HB 719**, as amended, be concurred in. Motion **failed** as follows:

Yeas: Anderson, Bales, Barkus, Curtiss, Esp, Gebhardt, Glaser, Grimes, Laible, Mangan, McGee, McNutt, Perry, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.

Total 22

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

Total 27

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

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HB 719 - Senator Cooney moved **HB 719** be **indefinitely postponed**. Motion **passed** as follows:

Yeas: Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Hansen, Johnson, Kitzenberg, Mahlum, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Schmidt, Squires, Stapleton, Stonington, Tester, Toole, Tropila, Wheat.

Total 27

Nays: Anderson, Bales, Barkus, Black, Curtiss, Esp, Gebhardt, Glaser, Grimes, Laible, Mangan, McGee, McNutt, Perry, Shea, Sprague, Story, Tash, Taylor, Thomas, Zook, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

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 McGee moved the Committee of the Whole report be adopted. Report adopted unanimously.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

4/4/2003

SB 77, introduced by Johnson
SB 168, introduced by Stonington
SB 191, introduced by O'Neil
SB 217, introduced by Mahlum
SB 283, introduced by Wheat
SB 292, introduced by Cocchiarella
SB 306, introduced by D. Ryan
SB 307, introduced by D. Ryan
SB 315, introduced by Schmidt
SB 316, introduced by Grimes
SB 325, introduced by McGee
SB 329, introduced by Mangan
SB 331, introduced by Squires
SB 334, introduced by Sprague
SB 341, introduced by F. Thomas
SB 380, introduced by Bales
SB 409, introduced by Stapleton
SB 449, introduced by Cooney

Senate joint resolution concurred in and returned to the Senate:

4/4/2003

SJR 11, introduced by Schmidt

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Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/4/2003

SB 35, introduced by Grimes
SB 95, introduced by Stonington
SB 111, introduced by Nelson
SB 194, introduced by Tash
SB 232, introduced by Mahlum
SB 244, introduced by Story
SB 247, introduced by Cobb
SB 263, introduced by Grimes
SB 270, introduced by Harrington
SB 275, introduced by Laible
SB 282, introduced by Squires
SB 288, introduced by Mangan
SB 321, introduced by Laible
SB 326, introduced by McGee
SB 344, introduced by Laible
SB 348, introduced by Keenan
SB 349, introduced by Anderson
SB 363, introduced by McNutt
SB 366, introduced by Grimes
SB 375, introduced by Elliott
SB 387, introduced by Cobb
SB 400, introduced by Toole
SB 434, introduced by Tropila

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

4/4/2003

SJR 18, introduced by Harrington

Senate bills not concurred in and returned to the Senate:

4/4/2003

SB 295, introduced by Butcher
SB 274, introduced by McGee, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

4/4/2003

Yeas - 53

Nays - 47

Representative Bob Keenan
President of the Senate
State Capitol
Helena, MT 59620

Dear President Keenan:

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I am directed by the House of Representatives that the House on motion duly carried on April 4, 2003, requests the return of **Senate Bill 363** for the purpose of reconsideration of action taken on this date.

Sincerely,

Marilyn Miller
Chief Clerk

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.

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

Session 4

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

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

HB 540 - Senator Cooney moved **HB 540** be concurred in. Motion carried as follows:

Yeas: Anderson, Black, Bohlinger, Butcher, Cooney, Cromley, DePratu, Ellingson, Hansen, Johnson, Kitzenberg, Mahlum, McCarthy, Nelson, O'Neil, Pease, Roush, Schmidt, Shea, Squires, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Mr. President.

Total 27

Nays: Bales, Barkus, Cobb, Cocchiarella, Curtiss, Esp, Gebhardt, Glaser, Laible, McGee, McNutt, Perry, Sprague, Stapleton, Story, Tash, Zook.

Total 17

Absent or not voting: None.

Total 0

Excused: Elliott, Grimes, Harrington, Mangan, Ryan, Stonington.

Total 6

HB 710 - Senator Thomas moved consideration of **HB 710** be passed for the day. Motion carried.

HB 695 - Senator Thomas moved to add **HB 695** to the current agenda. Motion carried.

HB 241 - Senator Thomas moved to add **HB 241** to the current agenda. Motion carried.

HB 546 - Senator Cromley moved **HB 546** be concurred in. Motion carried unanimously.

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HB 553 - Senator Tropila moved **HB 553** be concurred in. Motion carried unanimously.

HB 556 - Senator Cooney moved **HB 556** be concurred in. Motion carried unanimously.

HB 579 - Senator Cromley moved **HB 579** be concurred in. Motion carried with Senator Gebhardt voting nay.

HB 302 - Senator Glaser moved **HB 302**, second reading copy, be amended as follows:

1. Page 3, line 29 through line 30.

Strike: subsection (10) in its entirety

Renumber: subsequent subsections

Amendment **adopted** unanimously.

HB 302 - Senator Glaser moved **HB 302**, second reading copy, be further amended as follows:

1. Page 10, line 29 through line 30.

Strike: "THE" on line 29 through "(2)(G)" on line 30

Insert: "If a school district requests a local insurance agent to provide administrative, enrollment, or member education services, the board shall contract with the local agent and shall apply a premium surcharge only to the district that requests the services"

Amendment **adopted** unanimously.

HB 302 - Senator Glaser moved **HB 302**, second reading copy, be further amended as follows:

1. Page 5, line 14.

Strike: "April 1"

Insert: "March 15"

2. Page 5, line 21.

Strike: "April"

Insert: "March"

3. Page 5, line 22.

Strike: "April"

Insert: "March"

4. Page 11, line 18.

Strike: "ANNUAL audit"

Insert: "Audits"

5. Page 11, line 19.

Following: "required."

Insert: "(1)"

6. Page 11, line 20.

Following: "audited"

Insert: ": (a)"

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Following: "YEAR"

Insert: "for statutory compliance; and
(b) every 2 years for financial claims, claims payment, and reserves"

Following: "."

Insert: "(2)"

Strike: "audit"

Insert: "audits"

Strike: "FISCAL YEAR"

Insert: "period"

Amendment **adopted** unanimously.

HB 302 - Senator Glaser moved **HB 302**, second reading copy, be further amended as follows:

1. Page 11, line 24.

Strike: "on"

Insert: "prior to"

2. Page 11, line 25 through line 26.

Strike: "for" on line 25 through "2005," on line 26

Amendment **adopted** unanimously.

HB 302 - Senator Story moved **HB 302**, second reading copy, be further amended as follows:

1. Title, page 1, line 17.

Following: "PLAN;"

Insert: "PROVIDING THAT A DISTRICT THAT PAYS HEALTH BENEFIT CONTRIBUTIONS FOR ALL ELIGIBLE EMPLOYEES THROUGH AN ESTABLISHED SELF-INSURANCE PLAN IS NOT REQUIRED TO PARTICIPATE IN THE STATEWIDE PUBLIC SCHOOL RISK POOL AND HEALTH BENEFIT PLANS;"

2. Page 5, line 10.

Following: "contributions"

Insert: "-- exception to participation for self-insured districts"

3. Page 5, line 27.

Following: "(4)"

Strike: "By"

Insert: "Except as provided in subsection (17), by"

4. Page 7, line 24.

Following: line 23

Insert: "(17) A school district with an established self-insurance plan that pays health benefit contributions for all eligible employees, regardless of whether the employee or employees participate in the district's health plan, is not required to participate in the statewide public school risk pool and health benefit plans. Proof of a district's payment of contributions and the district's participation requirement must be provided to the board, along with a notice of intent not to participate in the statewide public school risk pool and health benefit plans, on or before May 1, 2004. "

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Amendment **adopted** as follows:

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

Total 30

Nays: Cobb, Cooney, Cromley, Hansen, Kitzenberg, Mangan, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Stapleton, Stonington, Tester, Toole, Tropila.

Total 19

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

HB 302 - Senator Glaser moved **HB 302**, second reading copy, be further amended as follows:

1. Page 5, line 14.

Following: "(2)"

Insert: "(a)"

Strike: "By"

Insert: "Except as provided in subsection (2)(b), by"

2. Page 5, line 15.

Strike: "(a)"

Insert: "(i)"

3. Page 5, line 19.

Strike: "(b)"

Insert: "(ii)"

4. Page 5.

Following: line 23

Insert: "(b) If the board determines that it is more efficient and offers less risk, the board may contract with a private market licensed in this state to provide a health benefit plan for K-12 public school districts."

5. Page 5, line 24.

Strike: "By"

Insert: "If the board adopts its own health benefit plans, by"

6. Page 5, line 27.

Strike: "By"

Insert: "If the board adopts its own health benefit plans, by"

7. Page 6, line 9.

Following: "EMPLOYEE"

Insert: "or enrolled under a private market health benefit plan"

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8. Page 6, line 25.

Following: the second "plan"

Insert: "or a private market health benefit plan"

Amendment **adopted** unanimously.

HB 302 - Senator Ryan moved **HB 302**, as amended, do **not** pass. After discussion, Senator Ryan withdrew the do not pass motion and moved consideration of **HB 302** be passed for the day. After further discussion, Senator Glaser made a **substitute motion** that **HB 302**, as amended, be concurred in. Motion **failed** as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Curtiss, DePratu, Gebhardt, Glaser, Grimes, Johnson, Laible, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 24

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

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

HB 302 - Senator Thomas moved further consideration of **HB 302** be placed at the bottom of the board. Motion carried.

HB 667 - Senator Hansen moved **HB 667** be concurred in. Motion carried unanimously.

Senator Kitzenberg excused at this time.

HB 676 - Senator Story moved **HB 676** be concurred in. Motion carried unanimously.

HB 677 - Senator Story moved **HB 677** be concurred in. Motion carried unanimously.

HB 678 - Senator Story moved **HB 678** be concurred in. Motion carried with Senator Cobb voting nay.

HB 695 - Senator Grimes moved **HB 695** be concurred in. Motion **failed** as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Curtiss, DePratu, Esp, Gebhardt, Grimes, Laible, Mahlum, McGee, McNutt, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Mr. President.
Total 23

Nays: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Glaser, Hansen, Johnson, Mangan, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat, Zook.
Total 25

Absent or not voting: None.

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Total 0

Excused: Harrington, Kitzenberg.

Total 2

HB 695 - Senator F. Thomas moved **HB 695** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Cobb, Cocchiarella, Cooney, DePratu, Ellingson, Elliott, Hansen, Johnson, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Story, Tester, Toole, Tropila, Wheat, Zook, Mr. President.

Total 29

Nays: Anderson, Barkus, Black, Bohlinger, Butcher, Cromley, Curtiss, Esp, Gebhardt, Glaser, Grimes, Laible, McGee, Perry, Sprague, Stapleton, Tash, Taylor, Thomas.

Total 19

Absent or not voting: None.

Total 0

Excused: Harrington, Kitzenberg.

Total 2

HJR 29 - Senator Schmidt moved **HJR 29** be concurred in. Motion carried as follows:

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

Total 41

Nays: Bales, Butcher, Esp, McGee, Perry, Stapleton.

Total 6

Absent or not voting: None.

Total 0

Excused: Elliott, Harrington, Kitzenberg.

Total 3

Senator Elliott excused at this time.

HJR 31 - Senator Stonington moved **HJR 31** be concurred in. Motion carried with Senators Butcher, Esp and McGee voting nay.

HB 241 - Senator Mahlum moved **HB 241** be concurred in. Motion **failed** as follows:

Yeas: Butcher, Cobb, Cooney, Ellingson, Grimes, Laible, Mahlum, Mangan, McGee, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Tash, Taylor, Thomas, Zook, Mr. President.

Total 20

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Nays: Anderson, Bales, Barkus, Black, Bohlinger, Cocchiarella, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Hansen, Johnson, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Stonington, Story, Tester, Toole, Tropila, Wheat.
Total 27

Absent or not voting: None.
Total 0

Excused: Elliott, Harrington, Kitzenberg.
Total 3

HB 241 - Senator F. Thomas moved **HB 241** be **indefinitely postponed**. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Hansen, Johnson, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Story, Tester, Toole, Tropila, Wheat, Zook, Mr. President.
Total 35

Nays: Cobb, Glaser, Grimes, Laible, Mahlum, Perry, Schmidt, Sprague, Squires, Tash, Taylor, Thomas.
Total 12

Absent or not voting: None.
Total 0

Excused: Elliott, Harrington, Kitzenberg.
Total 3

HB 302 - Senator D. Ryan moved **HB 302** be **indefinitely postponed**. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Esp, Gebhardt, Hansen, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Stapleton, Stonington, Tester, Thomas, Toole, Wheat.
Total 25

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Curtiss, DePratu, Glaser, Grimes, Johnson, Laible, McGee, O'Neil, Sprague, Squires, Story, Tash, Taylor, Tropila, Zook, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Elliott, Harrington, Kitzenberg.
Total 3

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

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MOTIONS

SR 6- Majority Leader Thomas moved to suspend Senate rule 50-170 to allow SR 6 to be placed on third reading this day. Motion carried unanimously.

HB 293 - Senator Black moved he be allowed to change his vote on **HB 293**, third reading this day, from nay to aye. Motion carried.

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:

SR 6 adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, 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 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Elliott, Harrington, Kitzenberg.
Total 3

Senator McGee rose on a point of personal privilege to ask if he could get a copy of **SR 6** to send to his nephew, who is also serving with the service in Iraq. Senator Wheat informed Senator McGee that he had made copies of the resolution for anyone that might want to send them to friends or relatives in the service.

SPECIAL ORDERS OF THE DAY

Senator Wheat presented the original of **SR 6** to Senator Gebhardt and requested that he send it to his son , who is on assignment with the military in Iraq, to show support of the Montana Legislature and the citizens of Montana.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Saturday, April 5, 2003. Motion carried.

Senate adjourned at 6:55 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate