

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

Helena, Montana
April 12, 2003

Senate Chambers
State Capitol

Senate convened at 8:30 a.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

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

The presiding officer has authenticated the daily journal for the seventy-eighth legislative day.

SPECIAL ORDERS OF THE DAY

Mr. Angelo Bianco of the Military Order of the Purple Heart was escorted to the well of the Senate, where he explained the origin of the Purple Heart medal. He said there were over 5,000 names in Montana that had been added to the Purple Heart roll, and was proud to state that Senator Wheat was a recipient. The Purple Heart is the longest standing medal in the United States Military, and he was proud to present a plaque to the Montana Legislature in honor of HB 250, which recommended a license plate honoring the combat wounded.

REPORTS OF STANDING COMMITTEES

Correctly printed: **SB 491, SR 7, SR 8, SR 9.**

Correctly engrossed: **SB 485, SB 489, SJR 32,**

Correctly engrossed: **HB 3, HB 4, HB 11, HB 13, HB 18, HB 42, HB 90, HB 363, HB 559, HB 722, HB 744, HB 767.**

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **Senate Bill 57**

Report No. 1, April 11, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 57** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 57** (reference copy -- salmon) be amended as follows:

1. Page 1, line 27.

Strike: "IMPAIRMENT"

Insert: "disorder"

2. Page 1, line 28.

Strike: "DISORDER OR"

Insert: "substantial"

3. Page 1, line 29.

Strike: "AFFLICTED"

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For the Senate:

Wheat, Chairman
Keenan
Mangan

For the House:

B. Thomas, Chairman
Gallus
Lange

MESSAGES FROM THE GOVERNOR

April 11, 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 66** sponsored by Senator Bohlinger, **Senate Bill 77** sponsored by Senator Johnson, **Senate Bill 135** sponsored by Senator F. Thomas, **Senate Bill 145** sponsored by Senator Bohlinger, **Senate Bill 188** sponsored by Senator Cocchiarella et al., **Senate Bill 220** sponsored by Senator F. Thomas et al., and **Senate Bill 249** sponsored by Senator Taylor on April 11, 2003.

Sincerely,

JUDY MARTZ
Governor

April 11, 2003

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

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

Dear President Keenan and Speaker Mood:

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 Senate Bill 101, **"AN ACT ALLOWING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION TO USE THE SERVICES OF VOLUNTEERS; REQUIRING WORKERS' COMPENSATION COVERAGE FOR THE VOLUNTEERS; AUTHORIZING REIMBURSEMENT OF CERTAIN EXPENSES OF THE VOLUNTEERS; AUTHORIZING THE COMMISSION TO SELL REAL AND PERSONAL PROPERTY; AUTHORIZING THE COMMISSION TO ESTABLISH TRUST FUNDS; AUTHORIZING THE COMMISSION TO OBTAIN FEDERAL MONEY AND REQUIRING THE DEPOSIT OF THE FEDERAL MONEY INTO THE MONTANA HERITAGE**

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PRESERVATION AND DEVELOPMENT ACCOUNT; REQUIRING THE COMMISSION TO ESTABLISH A SUBCOMMITTEE OF COMMISSION MEMBERS AND MEMBERS OF THE MONTANA HISTORICAL SOCIETY BOARD; REQUIRING A MAJORITY VOTE OF THE SUBCOMMITTEE PRIOR TO SELLING PERSONAL PROPERTY FROM THE BOVEY ASSETS; REQUIRING THAT FUNDS RECEIVED FROM THE SALE OF PERSONAL PROPERTY FROM THE BOVEY ASSETS BE DEPOSITED IN A TRUST FUND; TRANSFERRING TITLE OF THE BOVEY ASSETS TO THE STATE OF MONTANA; AMENDING SECTIONS 17-2-102, 22-3-1003, AND 22-3-1004, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE" for the following reasons:

Senate Bill No. 101 authorizes the Montana Heritage Preservation and Development Commission, among other things, to obtain federal money for the purchase of properties in Virginia City and Nevada City and restoration, maintenance and operation of these historic properties. And, generally accepted accounting principles (GAAP) require that funds received from federal sources be deposited in a federal special revenue fund and reported separately from other funds. The amendatory veto language will prevent the possibility of state and federal funds being commingled within the same accounting entity.

For these reasons, I have enclosed the following amendment. Please be advised that the Department of Commerce and the Department of Administration concur with this amendment. Further, please be advised that Senator Mahlum, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 101

1. Title, line 16.

Strike: "17-2-102,"

Following: "22-3-1003"

Strike: ", "

2. Page 1, line 21 through page 4, line 9.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 7, line 1.

Following: "fund"

Insert: "and in the federal special revenue fund"

4. Page 7, line 2.

Strike: "Unless otherwise prohibited by federal law or agreement, the"

Insert: "The"

5. Page 7, line 3.

Following: "into the"

Insert: "appropriate"

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6. Page 7, line 5.

Strike: "account"

Insert: "accounts"

7. Page 7, line 10.

Strike: "account is"

Insert: "accounts are"

8. Page 7, line 12.

Strike: "account"

Insert: "accounts"

MESSAGES FROM THE OTHER HOUSE

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

4/11/2003

SB 271, introduced by Stapleton

Governor's amendments to House bills **concurred in** and transmitted to the Senate for concurrence in the Governor's amendments:

4/11/2003

HB 94, introduced by Lawson

HB 408, introduced by Peterson

HB 441, introduced by Cyr

Senate amendments to House bills **concurred in**:

4/11/2003

HB 152, introduced by Fisher

HB 159, introduced by Haines

HB 199, introduced by Harris

HB 484, introduced by R. Brown

HB 512, introduced by Sinrud

HB 517, introduced by Wilson

HB 538, introduced by Rome

HB 545, introduced by Haines

HB 609, introduced by Windy Boy

HB 640, introduced by Haines

HB 641, introduced by Haines

HB 648, introduced by Younkin

HB 667, introduced by Harris

HB 669, introduced by Younkin

HB 676, introduced by Lindeen

HB 677, introduced by Lindeen

HB 698, introduced by Gillan

HB 733, introduced by Schrumph

HB 734, introduced by Lawson

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Senate amendments to House joint resolutions **concurred** in:

4/11/2003

HJR 4, introduced by Lange
HJR 8, introduced by Juneau
HJR 17, introduced by Peterson
HJR 29, introduced by Gallus
HJR 32, introduced by Haines

**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. President Keenan retained the chair.

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

HB 211 - Free Conference Committee Report No. 1 - Senator McGee moved the **Free** Conference Committee report to **HB 211** be adopted. Motion carried unanimously.

Senator McGee assumed the chair.

*****SB 340 - House Amendments** - Senator Grimes moved House amendments to **SB 340** be **not** concurred in. Motion carried unanimously.

HB 713 - Senator Black moved **HB 713** be concurred in. Motion **failed** as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, DePratu, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McGee, McNutt, O'Neil, Perry, Schmidt, Sprague, Stapleton, Tash, Thomas, Mr. President.
Total 24

Nays: Bales, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Hansen, Harrington, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Story, Tester, Toole, Tropila, Wheat, Zook.
Total 24

Absent or not voting: None.
Total 0

Excused: Squires, Taylor.
Total 2

SB 489 - Senator Elliott moved **SB 489** do pass. Motion carried unanimously.

SB 491 - Senator Stonington moved **SB 491** do pass. Motion carried with Senator O'Neil voting nay.

HB 4 - Senator Zook moved **HB 4** be concurred in. Motion carried unanimously.

HB 7 - Senator Zook moved **HB 7** be concurred in. Motion carried unanimously.

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HB 10 - Senator Curtiss moved **HB 10** be concurred in. Motion carried unanimously.

HB 12, requiring 2/3 of each house - Senator Tropila moved **HB 12** be concurred in. Motion carried unanimously.

HB 13 - Senator McCarthy moved **HB 13** be concurred in. Motion carried unanimously.

HB 18 - Senator Laible moved **HB 18** be concurred in. Motion carried unanimously.

*****HB 87 - Governor's Amendments** - Senator Cobb moved Governor's amendments to **HB 87** be **not** concurred in. Motion carried as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

HB 185 - Governor's Amendments - Senator Anderson moved Governor's amendments to **HB 185** be concurred in. Motion carried unanimously.

HB 283 - Free Conference Committee Report No. 1 - Senator Sprague moved the **Free** Conference Committee report to **HB 283** be adopted. Motion carried unanimously.

HB 559 - Senator Glaser moved **HB 559**, second reading copy, be amended as follows:

1. Title, page 1, line 16, through line 18.

Strike: "REQUIRING" on line 16 through "PLATES;" on line 18

2. Title, page 1, line 19 through line 20.

Strike: "REVISING" on line 19 through "VEHICLES;" on line 20

3. Title, page 1, line 24.

Strike: "61-3-315,"

4. Title, page 1, line 25.

Strike: "61-3-561, 61-3-562,"

5. Page 2, line 22.

Strike: "BEGINNING IN FISCAL YEAR 2007,"

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6. Page 3, line 5.

Strike: "BEGINNING IN FISCAL YEAR 2007."

7. Page 3, line 25 through line 26.

Strike: "AND" on line 25 through "61-3-321" on line 26

8. Page 4, line 3.

Strike: "BEGINNING IN FISCAL YEAR 2007."

9. Page 29, line 4 through line 22.

Strike: section 32 in its entirety

Renumber: subsequent sections

10. (Deleted per clerical dated 4/14/03)

11. Page 54, line 17 through page 56, line 19.

Strike: sections 46 and 47 in their entirety

Renumber: subsequent sections

12. Page 57, line 3 through line 5.

Following: "INSTRUCTION." on line 3

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

Amendment **adopted** unanimously.

HB 559 - Senator Stonington moved **HB 559**, second reading copy, be further amended as follows:

1. Page 27, line 17.

Following: "quadricycle"

Insert: "[other than a motorcycle or quadricycle with special license plates issued under section 1 of House Bill No. 767]"

2. Page 31, line 5.

Following: ";

Insert: "[for a motorcycle or quadricycle with special license plates issued under section 1 of House Bill No. 767 and for a motorcycle or quadricycle under one-time registration, \$9.75]"

3. Page 31, line 24.

Following: "\$5"

Insert: "[for a motorcycle or quadricycle with special license plates issued under section 1 of House Bill No. 767 and for a motorcycle or quadricycle under one-time registration \$5]"

4. Page 51, line 1.

Following: "quadricycles"

Insert: "[that are subject to one-time registration]"

5. Page 52.

Following: line 4

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Insert: "[(2) The owner of a motorcycle or quadricycle with special license plates issued under section 1 of House Bill No. 767 shall pay an annual fee based on the age of the motorcycle or quadricycle and the size of the engine, according to the following schedule:

(a) The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic centimeter to 600 cubic centimeters is as follows:

- (i) less than 5 years old, \$30;
- (ii) 5 years old but less than 11 years old, \$15; and
- (iii) 11 years old and older, \$6.

(b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:

- (i) less than 5 years old, \$55;
- (ii) 5 years old but less than 11 years old, \$20; and
- (iii) 11 years old and older, \$6.

(c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:

- (i) less than 5 years old, \$90;
- (ii) 5 years old but less than 11 years old, \$50; and
- (iii) 11 years old and older, \$6.

(3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year.

(b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.]"

6. Page 61, line 2.

Insert: "(6) If House Bill No. 767 is not passed and approved, then the bracketed language in the following sections of [this act] is void:

- (a) [section 28] amending 61-3-303(6)(a);
- (b) [section 34] amending 61-3-321(1)(h) and (3); and
- (c) [section 42] amending 61-3-527."

Amendment **adopted** unanimously.

HB 559 - Senator Glaser moved **HB 559**, as amended, be concurred in. Motion carried unanimously.

HB 748 - Senator Bales moved **HB 748** be concurred in. Motion carried unanimously.

HB 363 - Senator Keenan moved **HB 363**, second reading copy, be amended as follows:

1. Title, line 10.

Strike: "TRANSFERRING"

Insert: "AUTHORIZING THE TRANSFER"

2. Title, line 11.

Following: "FUND"

Insert: "OF"

3. Page 2, lines 22 and 23.

Following: "2004" on line 22

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Insert: ", "

Strike: remainder of line 22 through "I" on line 23

4. Page 2, lines 24 through 26.

Following: "FUND" on line 24

Strike: remainder of line 24 through "1990" on line 26

5. Page 2, line 27.

Following: "2005"

Strike: " "

Insert: ":(i)"

6. Page 2, line 28.

Following: "FUND"

Insert: "; and

(ii) up to \$30 million may be transferred to the general fund from the reserves for claims for injuries that occurred before July 1, 1990"

7. Page 3, line 5.

Strike: "(5)(B)(II)"

Insert: "(5)(c)(ii)"

8. Page 3, line 20.

Following: "FUND."

Insert: "The budget director may determine the timing and amount of the transfers authorized in 39-71-2352(5)(c)(ii)."

Amendment **adopted** unanimously.

HB 363 - Senator Keenan moved **HB 363**, as amended, be concurred in. Motion carried as follows:

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

Total 28

Nays: Cocchiarella, Cooney, Cromley, Ellingson, 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: Taylor.

Total 1

HB 3 - Senator McCarthy moved **HB 3** be concurred in. Motion carried unanimously.

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HB 744 - Senator Stonington moved **HB 744** be concurred in. Motion carried unanimously.

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.

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 46, as amended by the House, passed as follows:

Yeas: Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, 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, Mr. President.
Total 46

Nays: Anderson, Grimes, McGee.
Total 3

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 246, as amended by the House, passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 247, as amended by the House, passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy,

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McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Thomas, Tropila, Wheat, Zook, Mr. President.
Total 44

Nays: Ellingson, Elliott, Hansen, Tester, Toole.
Total 5

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 337, as amended by the House, 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, Tester, Thomas, Tropila, Zook, Mr. President.
Total 46

Nays: Ellingson, Toole, Wheat.
Total 3

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 348, as amended by the House, passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

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SB 364, as amended by the House, passed 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, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 48

Nays: Cromley.

Total 1

Absent or not voting: None.

Total 0

Excused: Taylor.

Total 1

SB 366, as amended by the House, passed as follows:

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

Total 37

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

Total 12

Absent or not voting: None.

Total 0

Excused: Taylor.

Total 1

SB 370, as amended by the House, passed as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Taylor.

Total 1

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SB 381, as amended by the House, passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 383, as amended by the House, passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cocchiarella, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Story, Tash, Tester, Thomas, Tropila, Zook, Mr. President.
Total 40

Nays: Bohlinger, Cobb, Cooney, Cromley, Ellingson, Pease, Stonington, Toole, Wheat.
Total 9

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 386, as amended by the House, passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Story, Tash, Thomas, Tropila, Zook, Mr. President.
Total 39

Nays: Cooney, Cromley, Ellingson, Elliott, Harrington, Schmidt, Stonington, Tester, Toole, Wheat.
Total 10

Absent or not voting: None.
Total 0

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Excused: Taylor.
Total 1

SB 387, as amended by the House, passed as follows:

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

Nays: Elliott, Stapleton.
Total 2

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 392, as amended by the House, 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, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 48

Nays: Ellingson.
Total 1

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 400, as amended by the House, passed as follows:

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

Nays: None.
Total 0

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Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 402, as amended by the House, passed as follows:

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

Nays: O'Neil, Stapleton, Story.
Total 3

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 406, as amended by the House, passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 421 passed as follows:

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

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 434, as amended by the House, passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 442, as amended by the House, passed as follows:

Yeas: Barkus, Black, Bohlinger, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 38

Nays: Anderson, Bales, Butcher, Cobb, Curtiss, Esp, Kitzenberg, McGee, O'Neil, Stapleton, Story.
Total 11

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 444, as amended by the House, passed as follows:

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

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Sprague, Squires, Stonington, Story, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 48

Nays: Stapleton.
Total 1

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SB 490 passed as follows:

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

Nays: Mangan, Wheat.
Total 2

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SJR 22, as amended by the House, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Gebhardt, Glaser, Grimes, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McGee, McNutt, O'Neil, Pease, Perry, Roush, Shea, Sprague, Story, Tash, Thomas, Zook, Mr. President.
Total 31

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Hansen, McCarthy, Nelson, Ryan, Schmidt, Squires, Stapleton, Stonington, Tester, Toole, Tropila, Wheat.
Total 18

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SJR 29 adopted as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cooney, Cromley, DePratu, Ellingson, Glaser, Grimes,

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Hansen, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Sprague, Squires, Stonington, Story, Tash, Tester, Toole, Tropila, Wheat, Zook, Mr. President.
Total 38

Nays: Bales, Cocchiarella, Curtiss, Elliott, Esp, Gebhardt, Harrington, McGee, Shea, Stapleton, Thomas.
Total 11

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

SJR 31 adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Gebhardt, Glaser, 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, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 47

Nays: Esp, Grimes.
Total 2

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

HB 2, as amended by the Senate, concurred in as follows:

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

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

Paired: Taylor, Aye; Bohlinger, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 452, as amended by the Senate, concurred in as follows:

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

Total 41

Nays: Barkus, Cobb, Glaser, Johnson, McGee, Perry, Stapleton, Thomas.

Total 8

Absent or not voting: None.

Total 0

Excused: Taylor.

Total 1

HB 539, as amended by the Senate, 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, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 48

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: Taylor.

Total 1

HB 558, as amended by the Senate, concurred in as follows:

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

Total 46

Nays: Bales, Esp, Story.

Total 3

Absent or not voting: None.

Total 0

Excused: Taylor.

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Total 1

HB 631 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, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

HB 721, as amended by the Senate, concurred in as follows:

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

Nays: Curtiss, Esp, Glaser, Perry, Stapleton, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Taylor.
Total 1

HB 761 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, McGee, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 47

Nays: Esp, O'Neil.
Total 2

Absent or not voting: None.
Total 0

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Excused: Taylor.
Total 1

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/12/2003

SB 89, introduced by Tash
SB 243, introduced by Wheat
SB 454, introduced by Story
SB 458, introduced by McNutt

HB 190 - The House **failed to concur** in Senate amendments to **HB 190**, authorized the Speaker to appoint the following **Conference** Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 190**:

4/12/2003

Representative Younkin, Chair
Representative Hurwitz
Representative Windy Boy

MOTIONS

HB 188 - Senator Thomas moved to suspend the rules to allow the late introduction of a bill to correct an error in **HB 188**. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Laible, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Schmidt, Sprague, Stapleton, Tash, Tester, Thomas, Toole, Zook, Mr. President.
Total 38

Nays: Elliott, Mangan, McGee, Ryan, Squires, Story, Tropila, Wheat.
Total 8

Absent or not voting: None.
Total 0

Excused: Kitzenberg, Shea, Stonington, Taylor.
Total 4

FREE CONFERENCE COMMITTEES

SB 62 - Senator Thomas moved the President be authorized to appoint a **Free** Conference Committee, and request the House to appoint a like committee to confer on **SB 62**. Motion carried. The President appointed the following members:

Senator Taylor, Chair
Senator Stapleton
Senator Ryan

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SB 130 - Senator Thomas moved the President be authorized to appoint a **Free** Conference Committee, and request the House to appoint a like committee to confer on **SB 130**. Motion carried. The President appointed the following members:

Senator McGee, Chair
Senator Barkus
Senator Cooney

SB 360 - Senator Thomas moved the President be authorized to appoint a **Free** Conference Committee, and request the House to appoint a like committee to confer on **SB 360**. Motion carried. The President appointed the following members:

Senator Thomas, Chair
Senator Johnson
Senator Cocchiarella

CONFERENCE COMMITTEES

SB 252 - Senator Thomas moved the President be authorized to appoint a **Conference** Committee to **SB 252**, and request the House to appoint a like committee to confer on House amendments to **SB 252**. Motion carried. The President appointed the following members:

Senator Butcher, Chair
Senator Stapleton
Senator Squires

SB 330 - Senator Thomas moved the President be authorized to appoint a **Conference** Committee to **SB 330**, and request the House to appoint a like committee to confer on House amendments to **SB 330**. Motion carried. The President appointed the following members:

Senator Stapleton, Chair
Senator Johnson
Senator Mangan

SB 340 - Senator Thomas moved the President be authorized to appoint a **Conference** Committee to **SB 340**, and request the House to appoint a like committee to confer on House amendments to **SB 340**. Motion carried. The President appointed the following members:

Senator Grimes, Chair
Senator McGee
Senator Wheat

SB 349 - Senator Thomas moved the President be authorized to appoint a **Conference** Committee to **SB 349**, and request the House to appoint a like committee to confer on House amendments to **SB 349**. Motion carried. The President appointed the following members:

Senator Anderson, Chair
Senator Mahlum
Senator Cocchiarella

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SB 362 - Senator Thomas moved the President be authorized to appoint a **Conference** Committee to **SB 362**, and request the House to appoint a like committee to confer on House amendments to **SB 362**. Motion carried. The President appointed the following members:

Senator Grimes, Chair
Senator Perry
Senator Mangan

SB 375 - Senator Thomas moved the President be authorized to appoint a **Conference** Committee to **SB 375**, and request the House to appoint a like committee to confer on House amendments to **SB 375**. Motion carried. The President appointed the following members:

Senator Stapleton, Chair
Senator Perry
Senator Elliott

SB 395 - Senator Thomas moved the President be authorized to appoint a **Conference** Committee to **SB 395**, and request the House to appoint a like committee to confer on House amendments to **SB 395**. Motion carried. The President appointed the following members:

Senator Perry, Chair
Senator Barkus
Senator Shea

HB 190 - Senator Thomas moved the Senate accede to the request of the House and that the President be authorized to appoint a **Conference** Committee to meet with a like committee from the House to confer on Senate Amendments to **HB 190**. Motion carried. The President appointed the following members:

Senator Cobb, Chair
Senator Sprague
Senator Squires

HB 424 - Senator Thomas moved the Senate accede to the request of the House and that the President be authorized to appoint a **Conference** Committee to meet with a like committee from the House to confer on Senate Amendments to **HB 424**. Motion carried. The President appointed the following members:

Senator Taylor, Chair
Senator Stapleton
Senator Ryan

HB 680 - Senator Thomas moved the Senate accede to the request of the House and that the President be authorized to appoint a **Conference** Committee to meet with a like committee from the House to confer on Senate Amendments to **HB 680**. Motion carried. The President appointed the following members:

Senator Sprague, Chair
Senator Gebhardt
Senator Wheat

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HJR 31 - Senator Thomas moved the Senate accede to the request of the House and that the President be authorized to appoint a **Conference** Committee to meet with a like committee from the House to confer on Senate Amendments to **HJR 31**. Motion carried. The President appointed the following members:

Senator Esp, Chair
Senator Cobb
Senator Schmidt

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Monday, April 14, 2003. Motion carried.

Senate adjourned at 12 noon.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate