

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

Helena, Montana
April 16, 2003

Senate Chambers
State Capitol

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

Roll Call. All members present except Senators Stonington and Tester, excused. Quorum present.

The presiding officer has authenticated the daily journal for the eighty-first legislative day.

REPORTS OF STANDING COMMITTEES

Correctly printed: **SR 10**.

Correctly engrossed: **SB 483, HB 206, HB 727, HB 736**.

Correctly enrolled: **SB 95, SB 231, SB 348, SB 401, SJR 22**.

Examined by the sponsor and found to be correct: **SB 35, SB 89, SB 263, SB 288, SB 337, SB 363, SB 366, SB 381, SB 383, SB 392, SB 406, SB 434, SB 444, SB 447, SB 458**.

Signed by the President at 3:30 p.m., April 15, 2003: **SB 35, SB 89, SB 263, SB 288, SB 337, SB 363, SB 366, SB 381, SB 383, SB 392, SB 406, SB 434, SB 444, SB 447, SB 458**.

Signed by the Secretary of the Senate at 4:30 p.m., April 15, 2003: **SB 35, SB 89, SB 263, SB 288, SB 337, SB 363, SB 366, SB 381, SB 383, SB 392, SB 406, SB 434, SB 444, SB 447, SB 458**.

Signed by the Speaker at 5:00 p.m., April 15, 2003: **SB 35, SB 89, SB 263, SB 288, SB 337, SB 363, SB 366, SB 381, SB 383, SB 392, SB 406, SB 434, SB 444, SB 447, SB 458**.

Delivered to the Governor for approval at 9:15 a.m., April 16, 2003: **SB 263, SB 288, SB 337, SB 363, SB 366, SB 381, SB 383, SB 392, SB 444, SB 447, SB 458**.

Delivered to the Governor for approval at 9:50 a.m., April 16, 2003: **SB 35, SB 89, SB 406, SB 434**.

MOTIONS

SB 362 - Senator Grimes moved the **Conference** Committee on **SB 362** be dissolved and that a **Free** Conference Committee be appointed to meet with a like committee from the House to confer on **SB 362**. Motion carried. The President appointed the following members:

Senator Grimes, Chair
Senator Perry
Senator Mangan

Majority Leader Thomas moved the Senate stand in recess for purpose of party caucuses until the hour of 1:30 p.m. Motion carried.

Senate recessed at 1:11 p.m.

Senate reconvened at 1:36 p.m.

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

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

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

SB 138 - House Amendments - Senator Cobb moved House amendments to **SB 138** be concurred in. Motion carried unanimously.

SB 320 - House Amendments - Senator Tester moved House amendments to **SB 320** be concurred in. Motion carried unanimously.

*****SB 336 - House Amendments** - Senator Mahlum moved House amendments to **SB 336** be **not** concurred in. Motion carried unanimously.

*****SB 407 - House Amendments** - Senator DePratu moved House amendments to **SB 407** be **not** concurred in. Motion carried unanimously.

HB 206 - Senator Esp moved **HB 206** be concurred in. Motion carried unanimously.

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

HB 509 - Free Conference Committee Report No. 1 - Senator Johnson moved the Free Conference Committee report to **HB 509** be adopted. Motion carried unanimously.

HB 705 - Senator Cobb moved **HB 705** be concurred in. Motion carried with Senator Stapleton voting nay.

HB 727 - Senator Cobb moved **HB 727** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Glaser, Grimes, Hansen, Johnson, Laible, Mahlum, McCarthy, McGee, O'Neil, Perry, Ryan, Schmidt, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Wheat, Zook, Mr. President.

Total 37

Nays: Bales, Cocchiarella, Elliott, Gebhardt, Harrington, Kitzenberg, Mangan, McNutt, Nelson, Pease, Roush, Shea, Tropila.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 735 - Senator Laible moved **HB 735** be concurred in. Motion carried unanimously.

HB 736 - Senator Tester moved **HB 736** be concurred in. Motion carried with Senator Butcher voting nay.

HB 741 - Senator Laible moved **HB 741** be concurred in. Motion carried with Senator Curtiss voting nay.

HB 743 - Senator McCarthy moved **HB 743** be concurred in. Motion carried unanimously.

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SB 483 - Senator Stonington moved **SB 483**, second reading copy, be amended as follows:

1. Title, line 9 through line 10.

Following: line 8

Strike: "REVISING" on line 9 through "LEVELS;" on line 10

2. Title, line 12.

Following: "17-7-102,"

Strike: "17-7-111,"

3. Page 4, line 8.

Following: "90%"

Strike: "95% of"

4. Page 5, line 11 through page 8, line 3.

Strike: section 3 in its entirety

Renumber: subsequent sections

Amendment **adopted** as follows:

Yeas: Anderson, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Thomas, Toole, Tropila, Wheat, Mr. President.

Total 35

Nays: Bales, Barkus, Butcher, Curtiss, DePratu, Johnson, Laible, O'Neil, Sprague, Stapleton, Story, Tash, Taylor, Zook.

Total 14

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

SB 483 - Senator Keenan moved **SB 483**, as amended, do pass. Motion carried unanimously.

HJR 31 - Free Conference Committee Report No. 1 - Senator Esp moved the Free Conference Committee report to **HJR 31** be adopted. Motion carried unanimously.

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

MOTIONS

SB 336 - Senator Thomas moved the President be authorized to appoint a **Conference** Committee, and request the House to appoint a like committee to confer on House amendments to **SB 336**. Motion carried. The President appointed the following members:

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Senator Mahlum, Chair
Senator Sprague
Senator Shea

SB 407 - Senator Thomas moved the President be authorized to appoint a **Conference** Committee, and request the House to appoint a like committee to confer on House amendments to **SB 407**. Motion carried. The President appointed the following members:

Senator DePratu, Chair
Senator Glaser
Senator Ellingson

SB 407 - Senator Ellingson spoke on **SB 407**, stating he thought a Free Conference Committee would be more appropriate to discuss this bill, and hoped the Conference Committee would come back to the Senate with such a recommendation..

Majority Leader Thomas moved the Senate suspend rule 50-170 and place **HB 206**, **HB 727** and **HB 736** on third reading this legislative day. 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:

SB 126, as amended by the Free Conference Committee Report No. 1, adopted 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

SB 326, as amended by the Free Conference Committee Report No. 1, adopted as follows:

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

Nays: Bohlinger, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Grimes, Hansen, Johnson, Kitzenberg, Mahlum, Mangan, Nelson, Pease, Roush, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.

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Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 492 passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Elliott, 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, Taylor, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.

Total 44

Nays: Cooney, Ellingson, Harrington, Schmidt, Stonington, Toole.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 197, as amended by the Free Conference Committee Report No. 1, adopted 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 298, as amended by the Free Conference Committee Report No. 1, adopted as follows:

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

Total 48

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Nays: Curtiss, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 536, as amended by the Free Conference Committee Report No. 1, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Elliott, Gebhardt, Glaser, Grimes, Harrington, Johnson, Kitzenberg, Laible, Mahlum, McCarthy, McGee, McNutt, O'Neil, Perry, Ryan, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Toole, Tropila, Zook, Mr. President.
Total 39

Nays: Cooney, Ellingson, Esp, Hansen, Mangan, Nelson, Pease, Roush, Schmidt, Tester, Wheat.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 564, as amended by the Free Conference Committee Report No. 1, adopted 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

HB 680, as amended by the Conference Committee Report No. 1, adopted as follows:

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

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Total 49

Nays: Cobb.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 689, as amended by the Free Conference Committee Report No. 1, adopted as follows:

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

Total 49

Nays: Cobb.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 206, 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, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 49

Nays: Roush.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 727, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Glaser, Grimes, Hansen, Johnson, Laible, Mahlum, McCarthy, McGee, O'Neil, Perry, Ryan, Schmidt, Sprague, Squires,

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Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 38

Nays: Bales, Cocchiarella, Elliott, Gebhardt, Harrington, Kitzenberg, Mangan, McNutt, Nelson, Pease, Roush, Shea.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 736, as amended by the Senate, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Laible, Mahlum, McGee, McNutt, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Stapleton, Story, Tash, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 40

Nays: Butcher, Cromley, Johnson, Mangan, McCarthy, Nelson, Schmidt, Squires, Stonington, Taylor.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 130**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 130** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 130** (reference copy -- salmon) be amended as follows:

1. Title, line 16.

Following: "PERCENT"

Strike: "ALL"

Insert: "10 PERCENT OF THE GROSS REVENUE RECEIVED AS A RESULT OF THE AGREEMENT BE DEPOSITED IN THE STATE LANDS RECREATIONAL USE ACCOUNT AND 90 PERCENT"

2. Page 3, line 14.

Following: "90%"

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Strike: "ALL" through "AGREEMENT"

Insert: "Ten percent of the gross receipts from the agreement must be deposited in the state lands recreational use account established in 77-1-808. The remaining 90%"

3. Page 3, line 16 through line 18.

Following: "trusts"

Strike: "IN ACCORDANCE" on line 16 through "TRUSTS" on line 18

4. Page 8, line 28.

Strike: "AND"

5. Page 9.

Following: line 1

Insert: "(b) 10% of the revenue received as a result of an agreement with the department of fish, wildlife, and parks for the use and impacts of hunting, fishing, and trapping as provided in [section 1]; and"

Renumber: subsequent subsection

6. Page 12, line 14.

Strike: "50-CENT"

7. Page 12, line 16.

Strike: "50-CENTS"

Insert: "the amount of that surcharge"

For the Senate:

McGee, Chairman
Barkus
Cooney

For the House:

Peterson, Chairman
Lawson
Matthews

FREE CONFERENCE COMMITTEE
on **Senate Bill 375**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 375** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 375** (reference copy -- salmon) be amended as follows:

1. Page 1, line 9.

Strike: "Waste tire bales"

Insert: "Baled waste tires"

Following: "exception"

Insert: " -- department rules"

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2. Page 1, line 13.

Following: "PURPOSE"

Insert: "within 500 feet of any road, commercial business, or private residence without the consent of the owner of the business or residence"

3. Page 1, line 14.

Following: "IN"

Strike: "CONCRETE OR A SIMILAR"

Insert: "a"

4. Page 1, line 15.

Following: "DEVICES."

Insert: "Notwithstanding any other provision of law, the department shall adopt rules authorizing other aboveground uses for baled waste tires, whether or not they are defined as solid waste."

5. Page 1, line 16.

Following: "(2)"

Strike: "Waste tire bales"

Insert: "Baled waste tires"

6. Page 1, line 19.

Following: "CIRCUMSTANCES"

Insert: "or in a location where they are likely to enter any state waters.

(3) A bale of waste tires that loses its integrity is solid waste and is subject to disposal requirements and penalties as provided in this part"

For the Senate:

Stapleton, Chairman
Perry
Elliott

For the House:

Barrett, Chairman
Brueggeman
Harris

FREE CONFERENCE COMMITTEE
on **House Bill 190**
Report No. 1, April 16, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 190** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 190** (reference copy -- salmon) be accepted by the House.

For the House:

Younkin, Chairman
Hurwitz
Windy Boy (unsigned)

For the Senate:

Cobb, Chairman
Sprague
Squires (unsigned)

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CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 304**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 304** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 304** (reference copy -- salmon) be amended as follows:

1. Title, line 8 through line 9.

Strike: "REQUIRING" on line 8 through "COMMITTEE;" on line 9

2. Page 2, line 3.

Strike: "DEPARTMENT OF LABOR AND INDUSTRY"

Insert: "state fund"

For the Senate:

Johnson, Chairman
Anderson
Cocchiarella (unsigned)

For the House:

Lewis, Chairman
Morgan
Wilson

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 330**
Report No. 1, April 15, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 330** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 330** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

Strike: "PRODUCTIVITY" through "OUTCOMES"

Insert: "BENEFITS"

2. Page 1, line 26 through line 27.

Strike: "ECONOMIC" on line 26 through "OUTCOMES" on line 27

Insert: "statewide economic benefits"

For the Senate:

Stapleton, Chairman
Johnson
Mangan

For the House:

Bitney, Chairman
Fuchs
Ryan

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CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 347**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 347** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 347** (reference copy -- salmon) be amended as follows:

1. Page 1, line 29 through line 30.

Following: "THAT"

Strike: ";" on line 29 through "(A)" on line 30

2. Page 2, line 1 through line 10.

Following: "AUTHORITIES" on line 1

Strike: ";" on line 1 through "ILLNESSES" on line 10

3. Page 5, line 23.

Following: "PLAN"

Insert: ", subject to approval of the federal waivers as provided for in [section 15]"

4. Page 7, line 26.

Following: "AUTHORITIES"

Insert: ". If the provisions of the plan requiring federal approval, as provided in [section 15], are approved, the department shall implement the plan"

Following: "2004"

Insert: ", or upon approval of the federal waivers"

5. Page 8, line 2 through line 3.

Following: "DESIGNATION" on line 2

Strike: "BY" on line 2 through "STATE" on line 3

6. Page 16, line 20.

Following: "SECTION 15."

Strike: "LEGISLATIVE"

Insert: "Agreements with federal government pertaining to medicaid funding of services -- legislative"

Following: "INTENT."

Insert: "(1) The department of public health and human services is directed to pursue agreements with the United States department of health and human services, as provided for in Title XIX of the federal Social Security Act, 42 U.S.C. 1396, et seq., and implementing regulations, for the provision of increased medicaid funding for mental health services and for more flexible administration of mental health services funded with medicaid money. Agreements may be for waivers, demonstrations, or other programs as allowed for in Title XIX and its implementing regulations governing the provision of medicaid funding to the states.

(2)"

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For the Senate:

Esp, Chairman
Keenan
Stonington

For the House:

E. Clark, Chairman
Franklin
Gallus

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 395**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 395** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 395** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

Strike: "BY RESIDENTS"

2. Page 1, line 29.

Strike: "TO RESIDENTS"

3. Page 5, line 22.

Following: "\$1,000"

Strike: "\$200"

Insert: "\$75; nonresident, \$750"

4. Page 6, line 8.

Following: "\$1,000"

Strike: "\$200"

Insert: "\$75; nonresident, \$750"

For the Senate:

Perry, Chairman
Barkus
Shea

For the House:

Balyeat, Chairman
Wagman
Golie

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 642**
Report No. 1, April 16, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 642** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 642** (reference copy -- salmon) be amended as follows:

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1. Page 1, line 18.

Strike: "charges for public utility service in direct relation to"

2. Page 1, line 17.

Following: "(a)"

Insert: "(i)"

3. Page 1, line 19.

Following: "½"

Insert: "except state income tax, paid by the public utility. The resulting rate schedule changes must include:

(A) adjustments for the"

Strike: "OF"

Insert: "change in"

Strike: "CHANGES IN MONTANA"

Insert: "the deductibility of"

4. Page 1, line 20.

Strike: "½ paid by the public utility, including"

Insert: ";

(B)"

Following: "adjustments"

Insert: ";

Following: "AND"

Insert: "(C)"

5. Page 1, line 21.

Following: "PROTEST."

Insert: "(ii)"

Strike: "PERMANENT"

For the House:

Devlin, Chairman

Lambert

Golie

For the Senate:

Story, Chairman

Glaser

Toole

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

4/16/2003

SB 408, introduced by Nelson

SB 414, introduced by Pease

SB 484, introduced by Mangan

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

4/16/2003

SB 112, introduced by McCarthy

SB 294, introduced by Gebhardt

SB 461, introduced by Story

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SB 478, introduced by Story
SB 480, introduced by Black
SB 487, introduced by Pease

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

4/16/2003

HB 5, introduced by Kasten

SPECIAL ORDERS OF THE DAY

SR 7 - Senator Cobb moved **SR 7**, concurring in, confirming, and consenting to the nominations of certain appointments made by the Governor and submitted by written communication to the Senate, be adopted, and that the yeas and nays be spread upon the journal. 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, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sprague.
Total 1

SR 8 - Senator Cobb moved **SR 8**, concurring in, confirming, and consenting to the nominations of certain appointments made by the Governor and submitted by written communication to the Senate, be adopted, and that the yeas and nays be spread upon the journal. 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, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 48

Nays: McGee.
Total 1

Absent or not voting: None.
Total 0

Excused: Sprague.
Total 1

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SR 9 - Senator Cobb moved **SR 9**, concurring in, confirming, and consenting to the nominations of certain appointments made by the Governor and submitted by written communication to the Senate, be adopted, and that the yeas and nays be spread upon the journal. 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, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sprague.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 10:00 a.m., Thursday, April 17, 2003. Motion carried.

Senate adjourned at 3:50 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate