

**SENATE JOURNAL
57TH LEGISLATURE / SPECIAL SESSION AUGUST 2002
FIFTH LEGISLATIVE DAY**

Helena, Montana
August 9, 2002

Senate Chambers
State Capitol

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

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

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Ekegren, Vice Chairman): 8/9/2002
Correctly printed: SB 30.

TAXATION (DePratu, Chairman): 8/9/2002
SB 23, do pass. Report adopted.

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

Yeas: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 27

Nays: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 22

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 6 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: None.
Total 0

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Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 12 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, Nelson, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 31

Nays: Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Franklin, Harrington, Jergeson, Kitzenberg, McCarthy, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 18

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

SB 9, requiring 3/4 vote received the following vote:

Yeas: Berry, Bishop, Bohlinger, Cobb, Cocchiarella, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 29

Nays: Butcher, Christiaens, Cole, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Holden, Jergeson, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Stonington, Tester, Toole, Waterman.
Total 21

Paired: Miller, Aye; Tester, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

Secretary of State Bob Brown performed the Oath of Office to Senator Dorothy Berry, and welcomed her as a member of the Montana Senate.

Minority Leader Doherty and Majority Leader Thomas welcomed Senator Berry to the Senate.

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ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate stand in recess until the hour of 9:00 a.m. Motion carried.

Senate recessed at 8:20 a.m.

Senate reconvened at 9:04 a.m.

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

**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 Halligan in the chair.

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

Senator Waterman assumed the chair.

SB 18 - Senator Grosfield moved **SB 18**, second reading copy, be amended as follows :

1. Title, page 1, line 6.

Strike: "ON THE FIRST DAY OF THE MONTH DURING"

Insert: "WHO IS NOT SERVING A SENTENCE FOR A SEXUAL OR VIOLENT OFFENSE AT ANY TIME
WITHIN 90 DAYS PRIOR TO THE DAY ON"

2. Title, page 1, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 1, line 13.

Strike: "THIRTY"

Insert: "ninety"

4. Page 1, line 15.

Following: "~~month in~~"

Insert: "who is not serving a sentence for a sexual offense or violent offense as defined in 46-23-502"

Strike: "30"

Insert: "90"

5. Page 1, line 23.

Strike: "30"

Insert: "90"

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6. Page 1, line 24.

Insert: "(3) The department of corrections shall ensure that any requirements in the law relating to registration of an offender and notice to certain persons or entities on or prior to the offender's discharge are complied with."

7. Page 1, line 29.

Insert: "NEW SECTION. Section 4. Termination. [This act] terminates August 31, 2006."

Amendment **adopted** as follows:

Yeas: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Mohl, Sprague, Stonington, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 28

Nays: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stapleton, Tester, Toole, Waterman.

Total 21

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

Senator Halligan assumed the chair.

SB 18 - Senator Christiaens moved **SB 18**, as amended, do pass. Motion carried with Senators Doherty, Elliott, Franklin, and Stapleton voting nay.

Senators Elliott and Mahlum excused at this time.

HB 9 - Senator Keenan moved **HB 9** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Johnson, Keenan, McNutt, Mohl, O'Neil, Shea, Sprague, Stapleton, Stonington, Tash, Thomas, Waterman, Wells, Zook, Mr. President.

Total 31

Nays: Christiaens, Doherty, Ellingson, Franklin, Harrington, Holden, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Taylor, Tester, Toole.

Total 16

Absent or not voting: None.

Total 0

Excused: Elliott, Mahlum, Miller.

Total 3

SB 26 - Senator Christiaens moved **SB 26** do pass. Motion carried unanimously.

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Senator Mahlum present at this time.

HB 7 - Senator Keenan moved **HB 7** be concurred in. Motion carried with Senators Ellingson, Kitzenberg and Ryan voting nay.

Senator Elliott present at this time.

Senator Christiaens excused at this time.

SB 27 - Senator Stapleton moved **SB 27** do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 46

Nays: Cocchiarella, Grosfield.

Total 2

Absent or not voting: None.

Total 0

Excused: Christiaens, Miller.

Total 2

Majority Leader Thomas moved that Senator Miller be allowed to vote in absentia. Senator Jergeson stated that according to the rules, this motion was not in order during second reading. Senator Thomas stated that the temporary rules of the Senate allowed this motion. Senator Halligan ruled that 50.140 was not in the temporary rules and that he could not allow this motion at the present time. Majority Leader Thomas withdrew his motion.

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

FIRST READING AND COMMITMENT OF BILLS

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

SB 31, introduced by Sprague, referred to Taxation.

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FINANCE (Keenan, Chairman):

8/9/2002

HB 2, be amended as follows:

1. Page BP-1, line 13.

Following: "accompanying"

Strike: "this bill"

Insert: "Chapter 572, Laws of 2001"

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2. Page BP-1, line 14.

Following: "expenditures and"

Insert: "changes in [this act] to"

3. Page A-1, line 18.

Strike: "1,305,297"

Insert: "1,321,922"

4. Page A-1, line 19.

Strike: "1,624,986"

Insert: "1,670,095"

5. Page A-2, line 1 through line 2.

Strike: line 1 through line 2 in their entirety

Insert: "Item 4 includes a reduction in fiscal year 2003 of \$16,197 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The agency may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

6. Page A-2, line 4.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

7. Page A-2, line 6.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

8. Page A-2, line 10.

Strike: "1,001,347"

Insert: "1,008,068"

9. Page A-2, line 17 through line 18.

Strike: line 17 through line 18 in their entirety

10. Page A-2, line 22.

Strike: "1,054,797 358,834"

Insert: "1,075,000 363,725"

11. Page A-2, line 23.

Strike: "2,595,025"

Insert: "2,656,820"

12. Page A-4, line 5 through line 7.

Strike: line 5 through line 7 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$12,178 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The agency may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

13. Page A-4, line 9.

Strike: "2003 BIENNIUM"

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Insert: "fiscal year 2003"

14. Page A-4, line 11.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

15. Page A-4, line 19.

Strike: "14,998"

Insert: "15,000"

16. Page A-4, line 24 through line 25.

Strike: line 24 through line 25 in their entirety

17. Page A-5, line 4.

Strike: "282,180 29,777"

Insert: "287,333 30,104"

18. Page A-5, line 5.

Strike: "1,104,795"

Insert: "1,174,331"

19. Page A-6, line 24 through line 25.

Strike: line 24 through line 25 in their entirety

20. Page A-7, line 1.

Strike: line 1 in its entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$19,955 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The governor's office may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

21. Page A-7, line 3.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

22. Page A-7, line 17.

Strike: "339,831"

Insert: "340,248"

23. Page A-8, line 2 through line 3.

Strike: line 2 through line 3 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$3,270 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002."

24. Page A-8, line 23.

Strike: "160,255"

Insert: "190,269"

25. Page A-8, line 24.

Strike: "330,323"

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Insert: "332,401"

26. Page A-9, line 15 through line 17.

Strike: line 15 through line 17 in their entirety

Insert: "Item 3 includes a reduction in fiscal year 2003 of \$1,153 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The office of the state auditor may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

27. Page A-9, line 19.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

28. Page A-9, line 23.

Strike: "16,101,614 830,372"

Insert: "16,536,844 1,183,602"

29. Page A-11.

Strike: line 15 through line 16 in their entirety

30. Page A-12.

Strike: lines 7 through 12 in their entirety

31. Page A-12, line 17.

Strike: "1,059,477"

Insert: "1,090,060"

32. Page A-12, line 24.

Strike: "17,654,085 146,510 1,127,377"

Insert: "17,750,190 186,433 1,130,535"

33. Page A-13.

Strike: lines 2 through 5 in their entirety

34. Page A-13, line 14.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

35. Page A-13, line 16.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

36. Page A-13.

Strike: line 17 in its entirety

37. Page A-13.

Strike: line 18 through line 19 in their entirety

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38. Page A-14.

Strike: line 1 through line 3 in their entirety

Insert: "Item 5 includes a reduction in fiscal year 2003 of \$40,585 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

39. Page A-14, line 10.

Strike: "~~61,764~~"

Insert: "62,451"

40. Page A-14, line 11.

Strike: "~~1,000,464~~"

Insert: "1,018,258"

41. Page A-15, line 15.

Strike: "~~1,432,638~~"

Insert: "1,490,815"

42. Page A-15, line 20.

Strike: "~~8,703,588~~"

Insert: "8,714,330"

43. Page A-16.

Strike: line 11 through line 12 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$11,794 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

44. Page A-16, line 16.

Strike: "~~2003 BIENNIUM~~"

Insert: "fiscal year 2003"

45. Page A-16, line 18.

Strike: "~~2003 BIENNIUM~~"

Insert: "fiscal year 2003"

46. Page A-16, line 25.

Strike: line 25 in its entirety

47. Page A-17.

Strike: line 1 through line 3 in their entirety

48. Page A-17, line 12.

Strike: "~~175,612~~"

Insert: "176,575"

49. Page A-17.

Strike: line 20 through line 21 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$537 in general fund money and represents the equivalent

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of 25% of office supplies expenditures funded with general fund money in fiscal year 2002."

50. Page B-4, line 19.

Strike: "7,926,039 2,052,381 15,859,748"

Insert: "8,106,505 2,111,463 16,329,740"

51. Page B-5, following line 15.

Insert: "e. Maintain Community Services for Elderly and Physically Disabled (Restricted) 97,191" [general fund]

52. Page B-5, line 17.

Strike: "51,713,723 6,590,808"

Insert: "50,713,723 7,590,808"

53. Page B-6, following line 10.

Insert: "j. Maintain Mental Health Day Treatment for Children (Restricted) 258,736" [general fund]

"k. Maintain Lower Medicaid Copayments 350,000" [general fund]

54. Page B-10.

Strike: line 10 through line 12 in their entirety

Insert: "Item 7 includes a reduction in fiscal year 2003 of \$107,795 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

55. Page B-10, line 14.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

56. Page B-10, line 16.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

57. Page B-12, following line 11.

Insert: "Pursuant to 17-7-140, item 9e is exempt from spending reductions because of a projected general fund budget deficit."

58. Page B-12, lines 24 and 25.

Following: "10" on line 24

Strike: "is reduced"

Insert: "must be increased"

Strike: "increased"

Insert: "must be reduced"

Following: "2003"

Strike: "contingent upon passage and approval of"

Insert: "unless"

Following: "No. 1" on line 25

Insert: ", August 2002 Special Session, is passed and approved"

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59. Page B-13, following line 17.

Insert: "Item 10j is contingent upon passage and approval of Senate Bill No. 26, August 2002 Special Session. Pursuant to 17-7-140, item 10j is exempt from spending reductions because of a projected general fund budget deficit."

Item 10k is contingent upon passage and approval of Senate Bill No. 26, August 2002 Special Session. Pursuant to 17-7-140, item 10k is exempt from spending reductions because of a projected general fund budget deficit."

60. Page C-2, line 22.

Strike: "28,288"

Insert: "244,896"

61. Page C-2, line 23.

Strike: "21,025 4,081,198"

Insert: "21,308 4,822,675"

62. Page C-5.

Strike: line 17 through line 19 in their entirety

63. Page C-5, line 21.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

64. Page C-6.

Following: line 18

Insert: "It is the intent of the legislature that the department of commerce use lodging facility use taxes to fund \$257,707 in fiscal year 2003 for the department of fish, wildlife, and parks. This would be expended in the parks program for tourism-related purposes."

65. Page C-7, line 3.

Strike: "999,780 8,573,700"

Insert: "1,058,511 8,637,953"

66. Page C-7, line 4.

Strike: "2,061,659"

Insert: "2,085,033"

67. Page C-10.

Strike: line 1 through line 3 in their entirety

Insert: "Item 2 includes a reduction in fiscal year 2003 of \$6,146 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

68. Page C-10, line 5.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

69. Page C-10, line 7.

Strike: "2003 BIENNIUM"

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Insert: "fiscal year 2003"

70. Page C-11, line 6.

Strike: "10,782
1,009,661
65,165"
Insert: " 16,575
1,054,776
87,157"

71. Page C-12.

Strike: line 25 in its entirety

72. Page C-13.

Strike: lines 1 and 2 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$841 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

73. Page C-13, line 5.

Strike: "2003 BIENNIUM"
Insert: "fiscal year 2003"

74. Page C-13, line 9.

Strike: "352,047 80,876"
Insert: "433,259 105,000"

75. Page C-13, line 10.

Strike: "1,037,858"
Insert: "1,110,451"

76. Page C-13, line 23.

Strike: "1,041,762 2,234,972"
Insert: "741,762 2,534,972"

77. Page C-16, line 23.

Following: "\$500,000"
Strike: "\$300,000"

78. Page C-16.

Strike: line 24 through "\$700,000"
Insert: "\$1 million"

79. Page C-17.

Strike: line 1 through line 3 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$26,736 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

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80. Page C-17, line 5.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

81. Page C-17, line 7.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

82. Page C-18.

Strike: line 8 through line 11 in their entirety

Insert: "Item 3 includes a fund switch in fiscal year 2003 of \$1 million from the general fund to the state special revenue fund, which is the first \$1 million in proceeds in excess of \$100 million in the resource indemnity trust fund, contingent upon passage and approval of House Bill No. 9, August 2002 Special Session."

Item 3 includes a reduction of \$50,000 in state special revenue, which is contingent upon passage and approval of House Bill No. 10, August 2002 Special Session.

It is the intent of the legislature that the agency not use general fund money in items 3 and 6 for the purchase of new or replacement automobiles unless an existing vehicle becomes inoperable to the point at which replacement is warranted."

83. Page C-18, line 15.

Following: "\$500,000"

Strike: remainder of line 15

84. Page C-18, line 16.

Strike: "\$700,000"

Insert: "\$1 million"

Following: "item 3"

Strike: " 1 "

85. Page C-19, line 7.

Strike: "386,372

59,773

46,370"

Insert: "431,837

68,655

50,973"

86. Page C-19, line 8.

Strike: "155,367"

Insert: "168,154"

87. Page C-19.

Strike: line 23 through line 25 in their entirety

88. Page C-20.

Strike: lines 17 through 19 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$3,208 in general fund money and represents the equivalent

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of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

89. Page C-20, line 21.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

90. Page C-20, line 23.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

91. Page C-21.

Strike: line 3 through line 6 in their entirety

92. Page C-22, line 5.

Strike: "414,537

1,501,803

8,147,673"

Insert: "430,368

1,510,408

8,179,673"

93. Page C-23, line 20.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

94. Page C-23.

Strike: lines 21 through 23 in their entirety

Insert: "Item 7 includes a reduction in fiscal year 2003 of \$4,836 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

95. Page C-23, line 25.

Strike: "\$511,677"

Insert: "\$2,182,716"

96. Page C-24, line 1.

Following: "Rockies"

Insert: ", the department of fish, wildlife, and parks, the Montana arts council, and the museum of the Rockies"

97. Page C-24.

Following: line 14

Insert:

"FWP Parks Division	0	257,707
MHS Museum Program	0	284,383
MHS Historical Sites	0	44,451
MHS Library Archives Program	0	461,192
MHS Publications	0	51,506
MAC Folklife Program	0	56,800

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of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

109. Page D-5, line 14 through line 15.

Strike: line 14 through line 15 in their entirety

110. Page D-5, line 17.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

111. Page D-6, line 3.

Strike: "2,487,401 13,140"

Insert: "2,505,912 13,666"

112. Page D-6.

Strike: line 14 through line 15 in their entirety

113. Page D-6, line 19.

Strike: "65,176"

Insert: "65,181"

114. Page D-6, line 20.

Strike: "13,042,204"

Insert: "14,076,318"

115. Page D-7, line 2.

Strike: "555,014"

Insert: "573,890"

116. Page D-7.

Strike: line 20 through line 22 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$111,748 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

117. Page D-7, line 24.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

118. Page D-7, line 25 through page D-8, line 1.

Strike: line 25 through page D-8, line 1 in their entirety

119. Page D-8.

Following: line 3

Insert: "It is the intent of the legislature that the agency not use general fund money in items 2 and 3 for the purchase of new or replacement automobiles unless an existing vehicle becomes inoperable to the point at which replacement is warranted."

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120. Page D-8, line 11.

Strike: "11,363

3,048,841

28,263,568

6,069"

Insert: "17,561

3,316,347

28,482,112

6,832"

121. Page D-10.

Strike: lines 21 through 23 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$3,582 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

122. Page D-11, line 8.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

123. Page D-12, line 12.

Strike: "208,106

3,683,783"

Insert: "222,800

3,738,366"

124. Page D-12, line 13.

Strike: "1,179,563"

Insert: "1,193,147"

125. Page D-13.

Strike: lines 24 and 25 in their entirety

126. Page D-14.

Strike: line 1 in its entirety

Insert: "Item 4 includes a reduction in fiscal year 2003 of \$3,735 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

127. Page D-14, line 3.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

128. Page D-14, line 5.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

129. Page E-1, line 5.

Strike: "178,622 70,011"

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Insert: "181,178 73,133"

130. Page E-1, line 6.

Strike: "4,270,857"

Insert: "4,294,716"

131. Page E-1, line 13.

Strike: "7,395,691"

Insert: "7,548,601"

132. Page E-3, line 1.

Strike: "5,000,000"

Insert: "384,000"

133. Page E-3, line 5.

Strike: "5,083,000"

Insert: "200,000"

134. Page E-3, line 19 through line 21.

Strike: line 19 through line 21 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$4,104 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The office may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

135. Page E-3, line 23.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

136. Page E-4.

Strike: line 10 through line 13

137. Page E-4, line 20.

Strike: "8,299"

Insert: "12,041"

138. Page E-4, line 21.

Strike: "163,013"

Insert: "168,192"

139. Page E-5, line 8 through line 9.

Strike: line 8 through line 9 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$610 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The board of public education may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

140. Page E-5, line 11.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

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141. Page E-5, line 24.

Strike: "1,845,497"

Insert: "1,856,709"

142. Page E-6.

Following: line 4

Insert: "It is the intent of the legislature that the agency not use general fund money in item 3 for the purchase of new or replacement automobiles unless an existing vehicle becomes inoperable to the point at which replacement is warranted."

143. Page E-6, line 10 through line 11.

Strike: line 10 through line 11 in their entirety

Insert: "Item 4 includes a reduction in fiscal year 2003 of \$6,453 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The school may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

144. Page E-6, line 13.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

145. Page E-6, line 15.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

146. Page E-6, line 19.

Strike: "473,803"

Insert: "477,500"

147. Page E-6, line 20.

Strike: "239,135 135,556"

Insert: "242,219 194,216"

148. Page E-7.

Following: line 7

Insert: "In item 1, it is the intent of the legislature that the department of commerce use lodging facility use taxes to fund \$56,800 in fiscal year 2003 for the Montana arts council. This would be expended for the folklife program."

149. Page E-7, line 8 through line 10.

Strike: line 8 through line 10 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$507 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002."

150. Page E-7, line 16.

Strike: "44,436 739,661"

Insert: "47,614 750,694"

151. Page E-7, line 17.

Strike: "1,424,079"

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Insert: "1,431,013"

152. Page E-8, line 11 through line 13.

Strike: line 11 through line 13 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$3,868 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The commission may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

153. Page E-8, line 16.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

154. Page E-8, line 18.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

155. Page E-9, line 4.

Strike: "203,172 55,114 65,645"

Insert: "212,116 57,616 70,000"

156. Page E-9, line 5.

Strike: "769,597"

Insert: "774,822"

157. Page E-9, line 13.

Strike: "2,808"

Insert: "464,000"

158. Page E-9, line 19.

Strike: "253,151"

Insert: "537,534"

159. Page E-9, line 23.

Strike: "0"

Insert: "51,506"

160. Page E-10, line 2.

Strike: "0"

Insert: "44,451"

161. Page E-10, line 16 through line 18.

Strike: line 16 through line 18 in their entirety

Insert: "Item 1 includes a reduction in fiscal year 2003 of \$2,421 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The society may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans."

162. Page E-10, line 20.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

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163. Page E-10, line 22.

Strike: "2003 BIENNIUM"

Insert: "fiscal year 2003"

164. Page E-10, line 24.

Strike: "\$511,677"

Insert: "\$1,373,594"

165. Page E-11.

Following: line 10

Insert:

"Museum Program	0	284,383
Historical Sites	0	44,451
Library Archives Program	0	461,192
Publications	0	51,506"

166. Page E-12, line 3.

Strike: "69,573 3,060,223"

Insert: "89,346 3,129,072"

167. Page E-12, line 9.

Strike: "93,104,590 12,395,650"

Insert: "93,465,998 12,915,460"

168. Page E-12, line 17.

Strike: "9,602,692"

Insert: "9,624,162"

169. Page E-12, line 23.

Strike: "4,030,163"

Insert: "4,057,180"

170. Page E-13, line 4.

Strike: "889,154"

Insert: "891,272"

171. Page E-13, line 7.

Strike: "652,119"

Insert: "666,000"

172. Page E-13, line 8.

Strike: "1,509,470"

Insert: "1,519,460"

173. Page E-13, line 12.

Strike: "500,203"

Insert: "501,764"

174. Page E-14, line 7.

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Following: "ITEM 1 INCLUDES A REDUCTION OF"

Strike: "\$99,362"

Insert: "\$99,292"

Strike: "BUDGET"

Insert: "appropriation"

175. Page E-14, line 16.

Strike: "BUDGET"

Insert: "appropriation"

176. Page E-14.

Following: line 20

Strike: line 21 through line 22 in their entirety

Insert: "Item 5 includes a reduction in fiscal year 2003 of \$4,003 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002."

177. Page E-15.

Strike: line 24 through line 25 in their entirety

Insert: "Item 7 includes a reduction in fiscal year 2003 of \$149,466 in general fund money and represents the equivalent of 25% of state-funded office supplies expenditures in fiscal year 2002."

178. Page E-16, line 3.

Strike: "BUDGET"

Insert: "appropriation"

179. Page E-16.

Following: line 5

Insert: "It is the intent of the legislature that the department of commerce use lodging facility use taxes to fund \$515,000 in fiscal year 2003 for the museum of the Rockies."

180. Page E-17.

Following: line 13

Strike: line 14 through line 15 in their entirety

Insert: "Item 7c includes a reduction in fiscal year 2003 of \$17,548 in general fund money and represents the equivalent of 25% of state-funded office supplies expenditures in fiscal year 2002."

181. Page E-17, line 18.

Strike: "BUDGET"

Insert: "appropriation"

182. Page E-18.

Strike: line 1 through line 2 in their entirety

Insert: "Item 7e includes a reduction in fiscal year 2003 of \$3,883 in general fund money and represents the equivalent of 25% of state-funded office supplies expenditures in fiscal year 2002."

183. Page E-18, line 3.

Strike: "BUDGET"

Insert: "appropriation"

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184. Page E-18.

Strike: line 9 through line 10 in their entirety

Insert: "Item 7g includes a reduction in fiscal year 2003 of \$504 in general fund money and represents the equivalent of 25% of state-funded office supplies expenditures in fiscal year 2002."

185. Page E-18, line 11.

Strike: "BUDGET"

Insert: "appropriation"

186. Page E-18.

Strike: line 15 through line 16 in their entirety

Insert: "Item 7h includes a reduction in fiscal year 2003 of \$3,401 in general fund and represents the equivalent of 25% of state-funded office supplies expenditures in fiscal year 2002."

187. Page E-18, line 19

Strike: "BUDGET"

Insert: "appropriation"

188. Page E-18.

Strike: line 23 through line 24 in their entirety

Insert: "Item 7i includes a reduction in fiscal year 2003 of \$413 in general fund money and represents the equivalent of 25% of state-funded office supplies expenditures in fiscal year 2002."

189. Page E-18, line 25

Strike: "BUDGET"

Insert: "appropriation"

This is a technical amendment to change language to reflect that the reallocation of the 1% reduction and the equipment reduction will be in fiscal year 2003 operating plans, rather than the 2003 biennium operating plan.

And, as amended, be concurred in. Report adopted with Senator Cobb voting nay.

ANNOUNCEMENTS

Majority Leader Thomas moved that the Senate stand in recess until the hour of 1:00 p.m. Motion carried. Committee meetings were announced by committee chairmen.

Senate recessed at 10:15 a.m.

Senate reconvened at 1:00 p.m.

Roll Call. All members present except Senators Christiaens, Cobb, Crismore, Johnson, Keenan, McCarthy, Miller, Mohl, Stapleton, Tash, Taylor, Tester, Waterman, Wells, Zook and Beck, excused. Quorum present.

Members of the Taxation Committee present at this time.

SPECIAL ORDERS OF THE DAY

Majority Leader Thomas moved that the Montana Firefighters Association be allowed to escort members of the New

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York Firefighters to the well of the Senate. Motion carried.

Senator Doherty introduced the Montana Firefighters Association and members of the New York Firefighters to the Senate and thanked them for their dedication and bravery and welcomed them to the state of Montana.

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

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 Halligan in the chair.

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

HB 2 - Senator Keenan presented a summary of House Bill 2.

HB 2 - Senator Christiaens moved **HB 2**, second reading copy, be amended as follows :

1. Page D-7, line 9.

Strike: "14,076,318"

Insert: "13,589,217"

2. Page D-8.

Following: line 19

Insert: "Item 1 includes a reduction of \$487,101 in fiscal year 2003 of general fund money. This reduction is the equivalent of a .5% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans."

Amendment **not** adopted as follows:

Yeas: Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Tester, Toole, Waterman.

Total 20

Nays: Berry, Bishop, Bohlinger, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 29

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

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HB 2 - Senator R. Johnson moved **HB 2**, second reading copy, be amended as follows :

1. Page E-13, line 25.

Strike: "93,465,998" [FY03 general fund]

Insert: "95,084,998" [FY03 general fund]

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Jergeson, Johnson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 23

Nays: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Holden, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 26

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

HB 2 - Senator Tester moved **HB 2**, second reading copy, be amended as follows :

1. Page E-14, line 9.

Strike: "9,624,162" [general fund]"

Insert: "9,724,162 [general fund]"

Amendment **not** adopted as follows:

Yeas: Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Doherty, Ekegren, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Shea, Stonington, Tester, Toole.
Total 23

Nays: Berry, Bishop, Cole, Crismore, DePratu, Ellis, Glaser, Grimes, Grosfield, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Ryan, Sprague, Stapleton, Tash, Taylor, Thomas, Waterman, Wells, Zook, Mr. President.
Total 26

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

HB 2 - Senator Keenan moved **HB 2**, second reading copy, be amended as follows :

1. Page B-6, line 16.

Strike: "258,736" [general fund FY03]

Insert: "258,736" [state special revenue FY03]

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2. Page B-6, line 18.

Strike: "350,000" [general fund FY03]

Insert: "350,000" [state special revenue FY03]

3. Page B-14, lines 5 and 6.

Following: "SESSION."

Strike: remainder of line 5 through line 6 in their entirety

4. Page B-14, lines 7 and 8.

Following: "SESSION."

Strike: remainder of line 7 through line 8 in their entirety

5. Page D-3, line 24.

Strike: "657,387 9,248" [state special, proprietary FY03]

Insert: "656,387 10,199" [state special, proprietary FY03]

6. Page D-6.

Following: line 1

Insert: "Item 9 includes a reduction of \$58,505 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.67% reduction in the fiscal year 2003 budget for equipment expenses in all divisions of the department except the forensic sciences division. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans."

7. Page E-12, line 10.

Strike: "\$1,373,594"

Insert: "\$1,353,209"

Amendment **adopted** unanimously.

HB 2 - Senator Cocchiarella moved **HB 2**, second reading copy, be further amended as follows :

1. Page D-2, line 24.

Strike: "1,700,000 7,068,993" [general fund, state special FY03]

Insert: "8,111,437 432,194" [general fund, state special FY03]

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Harrington, Jergeson, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Taylor, Tester.

Total 17

Nays: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Stonington, Tash, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 32

Absent or not voting: None.

Total 0

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Excused: Miller.
Total 1

HB 2 - Senator Cobb moved **HB 2**, second reading copy, be further amended as follows :

1. Page BP-3, line 12.

Following: "attained."

Insert: "On October 1, 2002, each department and the Montana university system shall report to the legislative finance committee and on their respective websites their revised goals, benchmarks, and objectives to reflect specific actions taken and changes made to implement the reductions in expenditures ordered by the governor under the authority of 17-7-140 on June 28, 2002, and all budget reduction actions taken by the legislature in the August 2002 Special Session. Revised performance measures must:

- (1) include a specific list of what programs, services, or procedures are being revised, reduced, or eliminated from current levels of operation because of budget reductions and the reasons for the change;
- (2) clearly state which programs or services are the highest priority and should be maintained and why they are the highest priority;
- (3) clearly state which programs or services are the least critical and why they are a lower priority;
- (4) clearly state the criteria used to prioritize programs in view of budget reductions; and
- (5) clearly state the specific management actions taken to implement these budget reductions and program or service revisions."

Explanation: Agencies are required by statute to prepare goals and objectives. Existing HB 2 boilerplate language requires agencies to put their goals and objectives on their websites and to annually report their progress in meeting their goals and objectives. This amendment adds the requirement that agencies revise their goals and objectives to reflect the actions taken as a result of budget reductions in fiscal 2003, using the criteria in items (1) through (5) above. It adds the requirement to provide the same information to the Legislative Finance Committee. It is intended to provide the legislature and the public a documentation of what programs and services were re-prioritized and the impacts.

Amendment **adopted** as follows:

Yeas: Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Doherty, Ekegren, Ellingson, Elliott, Franklin, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Stonington, Taylor, Toole, Waterman.

Total 27

Nays: Berry, Bishop, Cole, Crismore, DePratu, Ellis, Glaser, Grimes, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, Sprague, Stapleton, Tash, Tester, Thomas, Wells, Zook, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

HB 2 - Senator Cobb moved **HB 2**, second reading copy, be further amended as follows :

1. Page A-13, line 4.

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Strike: "2,048,308"

Insert: "2,083,025"

2. Page A-13, line 23.

Strike: "3,737,041"

Insert: "3,919,399"

3. Page A-14, line 4.

Strike: "17,750,190"

Insert: "18,461,899"

4. Page A-15.

Following: line 2

Insert: "Items 1, 4, and 5 include increases totaling \$813,784 in general fund money in fiscal year 2003 to fund 13.3 FTE compliance staff and to eliminate vacancy savings associated with 6 FTE existing compliance positions."

Amendment **adopted** as follows:

Yeas: Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, O'Neil, Pease, Roush, Ryan, Shea, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 41

Nays: Berry, Halligan, Holden, Mohl, Nelson, Sprague, Stapleton, Tester.

Total 8

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

HB 2 - Senator Butcher moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-13, line 25.

Strike: "93,465,998" [FY03 general fund]

Insert: "93,365,998" [FY03 general fund]

2. Page E-14, line 9.

Strike: "9,624,162" [FY03 general fund]

Insert: "9,724,162" [FY03 general fund]

Amendment **not** adopted as follows:

Yeas: Butcher, Grimes, Roush, Sprague, Taylor, Thomas, Wells, Zook.

Total 8

Nays: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren,

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Ellingson, Elliott, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Ryan, Shea, Stapleton, Stonington, Tash, Tester, Toole, Waterman, Mr. President.

Total 41

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

HB 2 - Senator Grosfield moved **HB 2**, second reading copy, be further amended as follows :

1. Page A-1, line 7.

Strike: "667,784"

Insert: "673,484"

2. Page A-2, line 2.

Strike: line 2 in its entirety

Amendment **adopted** as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grosfield, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 33

Nays: Berry, Butcher, Glaser, Grimes, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Taylor, Wells.

Total 16

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

HB 2 - Senator Waterman moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-5.

Following: line 6

Insert: "d. Services -- Vocational Rehabilitation 274,940"
[General Fund FY03]

2. Page B-12.

Following: line 12

Insert: "Pursuant to 17-7-140, item 8d is exempt from spending reductions because of a projected general fund budget deficit."

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This amendment adds \$274,940 general fund appropriation for Vocational Rehabilitation services and precludes this \$274,940 general fund appropriation from spending reductions due to section 17-7-140, MCA.

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 22

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 2 - Senator Cole moved **HB 2**, second reading copy, be further amended as follows :

1. Page C-23, line 8.
Strike: "1,510,408"
Insert: "1,760,408"

2. Page C-25, line 5.
Strike: "\$435,000"
Insert: "\$185,000"

Amendment **adopted** unanimously.

HB 2 - Senator Waterman moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-5.
Following: line 6
Insert: "d. Services/Operations -- Eastern Montana Human Services Center 108,903" [General Fund FY03]

2. Page B-12.
Following: line 12
Insert: "Pursuant to 17-7-140, item 8d is exempt from spending reductions because of a projected general fund budget deficit."

This amendment adds \$108,903 general fund appropriation for the Eastern Montana Human Services Center and precludes this \$108,903 general fund appropriation from spending reductions due to section 17-7-140, MCA

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Holden,

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Jergeson, Kitzenberg, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 24

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Johnson, Keenan, Mahlum, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 2 - Senator Waterman moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-5.

Following: line 6

Insert: "d. Services/Operations -- Montana Developmental Center 377,217" [General Fund FY03]

2. Page B-12.

Following: line 12

Insert: "Pursuant to 17-7-140, item 8d is exempt from spending reductions because of a projected general fund budget deficit."

This amendment adds \$377,217 general fund appropriation for the Montana Developmental Center and precludes this \$377,217 general fund appropriation from spending reductions due to section 17-7-140, MCA.

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Tester, Toole, Waterman.
Total 21

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 27

Absent or not voting: Stonington.
Total 1

Excused: Miller.
Total 1

HB 2 - Senator Waterman moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-4, line 20.

Strike: "8,106,505" [General Fund FY03]

Insert: "10,837,513" [General Fund FY03]

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2. Page B-11

Strike: line 1 and line 2 in their entirety

This amendment restores \$2,731,008, the equivalent of a 1% reduction in fiscal 2003 general fund appropriations, to the Department of Public Health and Human Services,.

Amendment **adopted** as follows:

Yeas: Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Jergeson, Johnson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 25

Nays: Berry, Bishop, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Holden, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

HB 2 - Senator R. Johnson moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-8, line 16.

Strike: "1,431,013"

Insert: "1,510,339"

2. Page E-9, line 17 through line 18.

Strike: line 17 through line 18 in their entirety

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Johnson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Taylor, Tester, Toole, Waterman.

Total 24

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Thomas, Wells, Zook, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

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HB 2 - Senator Cobb moved **HB 2**, second reading copy, be further amended as follows :

1. Page A-3, line 5.

Strike: "2,656,820"

Insert: "2,864,709"

2. Page A-4, line 17 through line 18.

Strike: line 17 through line 18 in their entirety

Amendment **adopted** as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Crismore, Doherty, Ellingson, Ellis, Franklin, Grosfield, Halligan, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Toole, Waterman, Zook, Mr. President.

Total 26

Nays: Berry, Bishop, Butcher, Cole, DePratu, Ekegren, Elliott, Glaser, Grimes, Hargrove, Holden, Johnson, Keenan, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells.

Total 23

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

HB 2 - Senator Jergeson moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-13, line 25.

Strike: "93,465,998" [FY03 general fund]

Insert: "97,065,998" [FY03 general fund]

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Taylor, Tester, Toole, Waterman.

Total 23

Nays: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Thomas, Wells, Zook, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

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Majority Leader Thomas moved the Senate stand in recess until the hour of 4:15 p.m. this legislative day. Motion carried.

Senate recessed at 3:50 p.m.

Senate reconvened at 4:30 p.m.

Roll Call. All members present except Senators Hargrove and Miller, excused. Quorum present.

HB 2 - Senator Waterman moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-8, line 16.

Strike: "47,614" [FY03 State Special Revenue]

Insert: "117,614" [FY03 State Special Revenue]

2. Page E-9, line 16.

Strike: "\$130,096"

Insert: "\$60,096"

Amendment **adopted** unanimously.

Senator Hargrove present at this time.

HB 2 - Senator Waterman moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-6, following line 18.

Insert: "1. Full-Day Mental Health Treatment for Adults (Restricted) 230,000" [general fund FY03]

2. Page B-14, following line 8.

Insert: "Pursuant to 17-7-140, item 101 is exempt from spending reductions because of a projected general fund budget deficit."

Explanation: This amendment adds \$230,000 general fund in FY03 to the Department of Public Health and Human Services to reinstate funds for full day treatment for mental health services for adults and exempts the appropriation from section 17-7-140, MCA.

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 21

Nays: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 28

Absent or not voting: None.

Total 0

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Excused: Miller.
Total 1

HB 2 - Senator Waterman moved **HB 2**, second reading copy, be amended as follows :

1. Page B-6, following line 18.

Insert: "1. Room and Board Payments for Children's Mental Health Treatment (Restricted) 424,160" [general fund FY03]

2. Page B-14, following line 8.

Insert: "Pursuant to 17-7-140, item 101 is exempt from spending reductions because of a projected general fund budget deficit."

Explanation: This amendment adds \$424,160 general fund to the Department of Public Health and Human Services in FY03 for room and board payments for children in out-of-home mental health placements. The appropriation is restricted and exempted from reductions pursuant to section 17-7-140, MCA.

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 22

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 2 - Senator Waterman moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-5, following line 18.

Insert: "f. Maintain Long-Term Care Medicaid Benefits (Restricted) 673,931" [general fund FY03]

2. Page B-12, line 23.

Strike: "ITEM"

Insert: "items"

Following: "9E"

Insert: "and 9F"

Explanation: This amendment adds \$673,931 general fund in FY03 to the Department of Public Health and Human Services to maintain long-term care Medicaid benefits that were reduced to lower expenditures. The appropriation is restricted and exempted from section 17-7-140, MCA.

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Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 22

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 2 - Senator Elliott moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-2, following line 25.

Insert: "x. Child Care Matching Funds (Restricted) 302,027" [general fund FY03]

2. Page B-4, following line 11.

Insert: "f. Unrealized Savings for Medicaid Waiver 300,000 [general fund FY03]

g. Maintain Pharmacy Copayment at Lower Level 350,000
[general fund] FY03

h. Restore Funding for CHIP Waiting List (Restricted) 89,222" [general fund FY03]"

3. Page B-4, following line 22.

Insert: "b. Fund Direct Care and Direct Service Positions (Restricted) 410,000 [general fund FY03]

c. Maintain Essential Travel for Protective Services and Disability Services (Restricted) 95,000" [general fund FY03]

4. Page B-5, following line 6.

Insert: "d. Maintain Emergency Donated Dental Services for Developmentally Disabled (Restricted) 2,500 [general fund FY03]

e. Maintain Services for Blind and Low-Vision Services 88,684 (Restricted) [general fund FY03]

f. Maintain Extended Employment Programs for Developmentally Disabled (Restricted) 71,030"
[general fund FY03]

5. Page B-5, following line 18.

Insert: "f. Restore a Portion of Service Reductions in Long-Term Care Services (Restricted) 400,000 [general fund FY03]

g. Restore Reductions to Meals on Wheels (Restricted) 30,000" [general fund FY03]

6. Page B-6, following line 18.

Insert: "l. Mental Health Drop-In Centers (Restricted) 273,000 [general fund FY03]

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m. Maintain Medicaid Outpatient Mental Health Services for Children in Foster Care and Juvenile Corrections (Restricted)

686,197 [general fund FY03]

n. Maintain Mental Health Benefits in the Children's Health Insurance Program (Restricted)

250,247' [general fund FY03]

7. Page B-8, following line 25.

Insert: "Funds in items 1x, 5f, 5g, 5h, 7b, 7c, 8d, 8e, 8f, 9f, 9g, 10l, 10m, and 10n are contingent upon passage and approval of Senate Bill No. 23, August 2002 Special Session. Pursuant to 17-7-140, items 1x, 5f, 5g, 5h, 7b, 7c., 8d, 8e, 8f, 9f, 9g, 10l, 10m, and 10n are exempt from spending reductions because of a projected general fund budget deficit."

8. Page B-11, following line 5.

Insert: "Funds in item 7b must be used to fund direct care positions in state-administered institutions and positions that provide direct services."

Explanation: This amendment adds \$3,347,907 million general fund to the Department of Public Health and Human Services to restore various spending reductions that eliminated or reduced benefits and services. The appropriations are contingent on passage and approval of SB 23 and are exempt from spending reductions pursuant to section 17-7-140, MCA. Most of the appropriations are restricted to the use specified in their title.

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 21

Nays: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 28

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

HB 2 - Senator Keenan moved **HB 2**, second reading copy, be further amended as follows :

1. Page C-13, line 23.

Strike: "1,110,451"

Insert: "1,111,680"

2. Page C-17, line 19.

Strike: "\$26,736"

Insert: "\$28,167"

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3. Page C-17, line 21.

Strike: "\$262,219"

Insert: "\$260,840"

4. Page C-17, line 23.

Strike: "\$154,215"

Insert: "\$152,934"

Amendment **adopted** unanimously.

HB 2 - Senator Cocchiarella moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-3, line 4.

Strike: "384,000"

Insert: "5,000,000"

2. Page E-3, line 9.

Strike: "200,000"

Insert: "5,083,000"

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 21

Nays: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 27

Absent or not voting: None.

Total 0

Excused: Keenan, Miller.

Total 2

HB 2 - Senator Keenan moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-9, following line 11.

Insert: "Item 3 includes funding for 5 FTE above the level funded by the 2001 legislature for the purpose of establishing a departmentwide refinancing unit. The cost of the FTE and any supporting contracting efforts must be supported from anticipated savings from the refinancing of social worker case management services and maximizing of federal funding in the child and family services division. The department shall report on the progress of its refinancing efforts periodically to the office of budget and program planning, legislative finance committee, and the 2003 legislature."

Explanation: This amendment authorizes current level funding within HB 2 for the Department of Public Health and Human Services to be used to fund an additional 5.0 FTE and contracted services to make accounting, programmatic,

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computer system, and state plan changes to maximize recovery of federal funds as allowed by federal law. This amendment also requires periodic reporting of department efforts to the Office of Budget and Program Planning, Legislative Finance Committee, and the 2003 legislature.

Amendment **adopted** unanimously.

HB 2 - Senator Cobb moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-9, following line 11.

Insert: "It is the intent of the legislature that up to \$3 million of funds that the department receives because of refinancing general fund costs with federal special revenue be used to offset the across-the-board general fund reductions included in item 7."

Explanation: This amendment expresses the intent of the legislature that general fund savings due to recoupment of additional federal funds be used to offset across-the-board reductions made to the Department of Public Health and Human Services appropriations.

Amendment **adopted** unanimously.

HB 2 - Senator Grimes moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-1, line 23.

Strike: "34,916,846"

Insert: "34,716,846"

2. Page E-2, line 2.

Strike: "4,700,000"

Insert: "4,100,000"

3. Page E-2, line 6.

Strike: "715,000" [General Fund FY03]

Insert: "0"

4. Page E-2, line 8.

Strike: "275,000" [General Fund FY03]

Insert: "0"

5. Page E-2, line 10.

Strike: "150,000" [General Fund FY03]

Insert: "0"

Amendment **not** adopted as follows:

Yeas: Bishop, DePratu, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Keenan, O'Neil, Sprague, Tash, Thomas, Wells, Zook, Mr. President.

Total 16

Nays: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease,

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Roush, Ryan, Shea, Stapleton, Stonington, Taylor, Tester, Toole, Waterman.
Total 33

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 2 - Senator Beck moved **HB 2**, second reading copy, be further amended as follows :

1. Page B-4, line 20.
Strike: "8,106,505"
Insert: "6,106,505"

Amendment **adopted** as follows:

Yeas: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 28

Nays: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 21

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 2 - Senator Keenan moved **HB 2**, second reading copy, be further amended as follows :

1. Page C-2, line 24.
Strike: " 21,308 [FY03 General Fund]
4,822,675" [FY03 State Special Revenue]
Insert: " 274,929 [FY03 General Fund]
4,564,968" [FY03 State Special Revenue]

2. Page C-5, line 22.
Strike: "\$240"
Insert: "\$2,817"

3. Page C-5.
Following: line 23

Insert: "Item 6 includes a reduction in fiscal year 2003 of \$1,509 in general fund money and represents the equivalent of 25% of office supplies expenditures funded with general fund money in fiscal year 2002. The agency may allocate this reduction in funding among programs in its fiscal year 2003 operating plans."

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4. Page C-6.

Strike: lines 21 through 22 in their entirety

5. Page C-25, line 6.

Strike: "~~\$2,182,716~~"

Insert: " \$511,677"

6. Page C-25.

Following: "~~Rockies~~" on line 7

Strike: "~~THE DEPARTMENT~~" on line 7 through "~~ROCKIES~~" on line 8

7. Page C-25.

Strike: lines 22 through 25 in their entirety

8. Page C-26.

Strike: lines 1 through 3 in their entirety

9. Page E-7, line 13.

Strike: "~~242,219~~ [FY03 General Fund]

~~194,216~~ [FY03 State Special Revenue]

Insert: "299,019 [FY03 General Fund]

137,416" [FY03 State Special Revenue]

10. Page E-8

Strike: line 2 through line 3 in their entirety

11. Page E-10, line 15.

Strike: "~~127,618~~" [FY03 General Fund]

Insert: "588,810" [FY03 General Fund]

12. Page E-10, line 17.

Strike: "~~464,000~~" [FY03 State Special Revenue]

Insert: " 2,808" [FY03 State Special Revenue]

13. Page E-10, line 22.

Strike: " ~~0~~" [FY03 General Fund]

Insert: "284,383" [FY03 General Fund]

14. Page E-10, line 24.

Strike: "~~537,534~~" [FY03 State Special Revenue]

Insert: "253,151" [FY03 State Special Revenue]

15. Page E-11, line 2.

Strike: " ~~2,146~~" [FY03 General Fund]

Insert: "53,652" [FY03 General Fund]

16. Page E-11, line 4.

Strike: "~~51,506~~" [FY03 State Special Revenue]

Insert: " 0" [FY03 State Special Revenue]

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17. Page E-11, line 7.

Strike: " 0" [FY03 General Fund]

Insert: "44,451" [FY03 General Fund]

18. Page E-11, line 9.

Strike: "44,451" [FY03 State Special Revenue]

Insert: " 0" [FY03 State Special Revenue]

19. Page E-12, line 10.

Strike: "\$1,373,594"

Insert: " \$511,677"

20. Page E-12.

Strike: lines 21 through 24 in their entirety

21. Page E-13, line 25.

Strike: "93,465,998" [FY03 General Fund]

12,915,460" [FY03 State Special Revenue]

Insert: "93,980,998" [FY03 General Fund]

12,400,460" [FY03 State Special Revenue]

22. Page E-18.

Strike: line 7 in its entirety

Amendment **adopted** unanimously.

HB 2 - Senator O'Neil moved **HB 2**, second reading copy, be further amended as follows :

1. Page E-13, line 25.

Strike: "93,465,998" [FY03 General Fund]

Insert: "92,634,398" [FY03 General Fund]

2. Page E-18.

Following: line 5

Insert: "Item 7 includes a reduction of \$831,600 of general fund money. Although the legislature acknowledges the constitutional power of the board of regents to establish management policies and tuition rates for the Montana university system, it is the intent of the legislature that the board of regents amend its tuition policy to eliminate the state subsidy on postgraduate professional programs."

Amendment **not** adopted as follows:

Yeas: Butcher, DePratu, Hargrove, Keenan, Mohl, O'Neil, Thomas, Wells.

Total 8

Nays: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Harrington, Holden, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Toole, Waterman, Zook, Mr. President.

Total 41

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Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 2 - Senator Keenan moved **HB 2**, as amended, be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 27

Nays: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 22

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

Senator Thomas moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Halligan 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:

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

Yeas: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 27

Nays: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 22

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

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HB 7, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Hargrove, Harrington, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.
Total 38

Nays: Doherty, Ellingson, Elliott, Franklin, Grosfield, Halligan, Jergeson, Kitzenberg, McCarthy, Ryan, Toole.
Total 11

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 9, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Crismore, DePratu, Doherty, Ekegren, Ellis, Glaser, Grimes, Grosfield, Johnson, Keenan, Mahlum, McCarthy, McNutt, Mohl, O'Neil, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Thomas, Waterman, Wells, Zook, Mr. President.
Total 33

Nays: Cole, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Holden, Jergeson, Kitzenberg, Nelson, Pease, Roush, Taylor, Tester, Toole.
Total 16

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

SB 18 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 41

Nays: Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Ryan, Stapleton.
Total 8

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

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SB 26 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

SB 27 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: Cocchiarella.
Total 1

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

MOTIONS

HB 7 - Senator Waterman moved that she be allowed to change her vote on **HB 7**, third reading, from nay to aye.
Motion carried.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 8/9/2002
Correctly enrolled: SB 1, SB 6.

FINANCE (Keenan, Chairman): 8/9/2002
SB 15, introduced bill, be amended as follows:

1. Title, line 10.
Following: "AND"

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Strike: "A RETROACTIVE"

Insert: "AN"

2. Page 3, line 7.

Strike: "Retroactive applicability"

Insert: "Applicability"

3. Page 3, line 7 through page 3, line 8.

Following: "applies" on line 7

Strike: remainder of line 7 through "2001" on line 8

Insert: "to charitable gifts made on or after [the effective date of this act]"

And, as amended, do pass. Report adopted.

HB 5, be concurred in. Report adopted.

HB 10, be amended as follows:

1. Page 1, line 26.

Strike: "5%"

Insert: "6.01%"

2. Page 2, line 19.

Strike: "\$750,000"

Insert: "\$925,000"

3. Page 3, line 2.

Strike: "AND"

4. Page 3, line 3.

Following: line 2

Insert: "(C) except for the fiscal year beginning July 1, 2002, \$425,000 for certified communities;

(D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(E) \$300,000 for export trade enhancement;

(iv) \$175,000 to the office of economic development for business recruitment and retention; and"

5. Page 3, line 3.

Strike: "(IV)"

Insert: "(v)"

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

HB 11, be concurred in. Report adopted.

HB 13, be concurred in. Report adopted.

TAXATION (DePratu, Chairman):

8/9/2002

SB 30, introduced bill, be amended as follows:

1. Title, line 7.

Strike: the first "AND"

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Following: "15-37-108,"

Insert: "AND 15-37-117,"

2. Page 4, line 26.

Insert: "**Section 7.** Section 15-37-117, MCA, is amended to read:

"15-37-117. Disposition of metalliferous mines license taxes. (1) Metalliferous mines license taxes collected under the provisions of this part must, in accordance with the provisions of 15-1-501, be allocated as follows:

(a) to the credit of the general fund of the state, 58% of total collections each year;

(b) to the state special revenue fund to the credit of a hard-rock mining impact trust account, 2.5% of total collections each year;

(c) to the hard-rock mining reclamation debt service fund created in 82-4-312, 8.5% of total collections each year;

(d) to the reclamation and development grants program state special revenue account, 7% of total collections each year; and

(e) ~~on or before June 1~~ within 60 days of the date the tax is payable pursuant to 15-37-105, to the county or counties identified as experiencing fiscal and economic impacts, resulting in increased employment or local government costs, under an impact plan for a large-scale mineral development prepared and approved pursuant to 90-6-307, in direct proportion to the fiscal and economic impacts determined in the plan or, if an impact plan has not been prepared, to the county in which the mine is located, 24% of total collections each year, to be allocated by the county commissioners as follows:

(i) not less than 37.5% to the county hard-rock mine trust reserve account established in 7-6-2225; and

(ii) all money not allocated to the account pursuant to subsection (1)(e)(i) to be further allocated as follows:

(A) 33 1/3% is allocated to the county for planning or economic development activities;

(B) 33 1/3% is allocated to the elementary school districts within the county that have been affected by the development or operation of the metal mine; and

(C) 33 1/3% is allocated to the high school districts within the county that have been affected by the development or operation of the metal mine.

(2) When an impact plan for a large-scale mineral development approved pursuant to 90-6-307 identifies a jurisdictional revenue disparity, the county shall distribute the proceeds allocated under subsection (1)(e) in a manner similar to that provided for property tax sharing under Title 90, chapter 6, part 4.

(3) The department shall return to the county in which metals are produced the tax collections allocated under subsection (1)(e). The allocation to the county described by subsection (1)(e) is a statutory appropriation pursuant to 17-7-502."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 16, be concurred in. Report adopted.

HB 21, be amended as follows:

1. Title, line 9.

Following: "INTRAAGENCY"

Insert: "OR INTERAGENCY"

2. Page 1, line 25.

Following: "INTRAAGENCY"

Insert: "or interagency"

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

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HJR 1, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate.

8/9/2002

SB 17, introduced by Christiaens

Senate amendments to House bill concurred in:

8/9/2002

HB 3, introduced by Kasten

ANNOUNCEMENTS

Majority Leader Thomas moved that the Senate stand in recess until the hour of 8:00 p.m. this legislative day. Motion carried.

Senate recessed at 6:39 p.m.

Senate reconvened at 8:10 p.m.

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

REPORTS OF STANDING COMMITTEES

TAXATION (DePratu, Chairman):

8/9/2002

HB 18, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

HB 2 - The House failed to concur in Senate amendments to **HB 2**, authorized the Speaker to appoint the following **Free** conference committee, and requested that the Senate appoint a like committee to confer on **HB 2**:

8/9/2002

Representative Lewis, Chairman

Representative McCann

Representative Story

Senator Hargrove excused at this time.

MOTIONS

SB 28 - Senator Doherty moved that **SB 28** be taken from the table in the committee on Taxation, printed and placed on second reading the next legislative day, August 10, 2002. Motion **failed** as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 22

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Holden, Johnson,

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Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: Hargrove, Miller.
Total 2

Senator Hargrove present at this time.

SB 23 - Senator Elliott rose on a point of personal privilege and questioned why **SB 23**, which passed out of the Taxation Committee at the same time as SB 12, was not placed on second reading this day. He felt that since SB 12 was on the second reading board this day, that **SB 23** also should be on second reading.

SB 23 - Senator Elliott moved that SB 23 be printed and placed on the second reading board this legislative day. Motion failed as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 22

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

**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. Senator Halligan in the chair.

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

HB 1 - Senator Keenan moved **HB 1** be concurred in. Motion carried with Senator Elliott voting nay.

HB 4 - Senator Glaser moved **HB 4** be concurred in. Motion carried as follows:

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Yeas: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Tash, Thomas, Wells, Zook, Mr. President.
Total 26

Nays: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Taylor, Tester, Toole, Waterman.
Total 23

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

SB 30 - Senator Glaser moved **SB 30**, second reading copy, be amended as follows :

1. Page 2, line 18 through line 19.

Strike: "the" on line 18 through "period" on line 19

Insert: "the date for payment of the tax under 15-37-105,"

2. Page 3, line 15 through 16.

Strike: "The" on line 15

Insert: "For the reporting period defined in 15-37-102(2)(a), the"

Following: "year" on line 15

Insert: ". "

Strike: "for" on line 15 through "end of" on line 16

Insert: "For"

Strike: "period" on line 16

Insert: "periods"

Following: "15-37-102(2)(b)" on line 16

Insert: ", the tax is due at the end of the reporting period, and for the reporting period ending June 30, the tax is payable by August 15, and for the reporting period ending December 31, the tax is payable by March 31"

Amendment **adopted** unanimously.

SB 30 - After discussion, Senator Glaser moved consideration of **SB 30** be placed above HJR 1 on the second reading board in order that a fiscal note could be distributed. Motion carried.

HB 5 - Senator Hargrove moved consideration of **HB 5** be placed below SB 30 on the second reading board for purpose of amendment. Motion carried.

HB 11 - Senator J. Wells moved **HB 11** be concurred in. Motion carried with Senators Jergeson and Nelson voting nay.

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

HB 16 - Senator Harrington moved **HB 16** be concurred in. Motion carried unanimously.

HB 21 - Senator Stonington moved **HB 21** be concurred in. Motion carried unanimously.

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HB 10 - Senator J. Wells moved **HB 10** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Butcher, Christiaens, Cobb, Cocchiarella, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Tester, Thomas, Waterman, Wells, Zook, Mr. President.

Total 31

Nays: Bohlinger, Cole, Doherty, Ellingson, Elliott, Franklin, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Taylor, Toole.

Total 18

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

HB 5 - Senator Hargrove moved **HB 5**, second reading copy, be amended as follows :

1. Page 5, line 6.

Strike: "\$3.165 million"

Insert: "\$4,607,500"

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Doherty, Ellingson, Elliott, Franklin, Hargrove, Harrington, Jergeson, Mahlum, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Taylor, Tester, Waterman.

Total 20

Nays: Berry, Bishop, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Holden, Johnson, Keenan, Kitzenberg, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Thomas, Toole, Wells, Zook, Mr. President.

Total 29

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

HB 5 - Senator Hargrove moved **HB 5**, second reading copy, be amended as follows :

1. Page 5, line 6.

Strike: "\$3.165 million"

Insert: "\$4,365,000"

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington,

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Jergeson, Kitzenberg, Mahlum, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Taylor, Tester, Waterman.
Total 23

Nays: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Holden, Johnson, Keenan, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Thomas, Toole, Wells, Zook, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 5 - Senator Stonington moved **HB 5**, second reading copy, be amended as follows :

1. Page 5, line 8.

Strike: "\$3.65"

Insert: "\$4.85"

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Taylor, Tester, Waterman.
Total 24

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Thomas, Toole, Wells, Zook, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 5 - Senator Beck moved **HB 5** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Thomas, Wells, Zook, Mr. President.
Total 26

Nays: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Taylor, Tester, Toole, Waterman.
Total 23

Absent or not voting: None.
Total 0

Excused: Miller.

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Total 1

SB 30 - Senator Glaser moved **SB 30**, as amended, do pass. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman Halligan 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:

HB 1 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: Elliott, Franklin.

Total 2

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

HB 4 concurred in as follows:

Yeas: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Thomas, Wells, Zook, Mr. President.

Total 27

Nays: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Taylor, Tester, Toole, Waterman.

Total 22

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

HB 11 concurred in as follows:

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Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 46

Nays: Holden, Jergeson, Nelson.
Total 3

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 13 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 16 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

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HB 21, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 10, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Butcher, Christiaens, Cobb, Cocchiarella, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Thomas, Waterman, Wells, Zook, Mr. President.
Total 30

Nays: Bohlinger, Cole, Doherty, Ellingson, Elliott, Franklin, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Taylor, Tester, Toole.
Total 19

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 5 concurred in as follows:

Yeas: Berry, Bishop, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Holden, Johnson, Keenan, Mahlum, McNutt, Mohl, O'Neil, Sprague, Stapleton, Tash, Thomas, Toole, Zook, Mr. President.
Total 26

Nays: Bohlinger, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Taylor, Tester, Waterman, Wells.
Total 23

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

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SB 30 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

MOTIONS

HB 2 - Majority Leader Thomas moved that the President be authorized to appoint a **Free** Conference Committee to meet with a like committee from the house to confer on HB 2. Motion carried.

The President appointed Senator Keenan, Chairman, Senator Zook and Senator Nelson.

ANNOUNCEMENTS

Majority Leader Thomas moved that the Senate adjourn until 8:30 a.m., Saturday, August 10, 2002. Motion carried.

Senate adjourned at 10:08 p.m.

SUSAN ANDERSEN
Assistant Secretary of Senate

WALT MCNUTT
President Pro Tempore of the Senate