

**HOUSE JOURNAL  
58TH LEGISLATURE  
EIGHTH LEGISLATIVE DAY**

Helena, Montana  
January 15, 2003

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Mendenhall. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Brueggeman, Forrester, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fourth, fifth, and sixth legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

The Speaker introduced the Expressions of Silence, a performing group of 30 middle and high school students from the Montana School for the Deaf and the Blind. They presented contemporary songs in their own language, American Sign Language. The group was directed by MSDB teachers Mrs. Jennifer Wasson and Ms. Dessica McKeehan. The goal of the group is to provide students with an opportunity to learn new songs, signs and choreography while having the opportunity to increase their personal self-esteem. The Expressions of Silence performed 2 numbers, "God Bless the USA" and "Love in Any Language" which has become the signature song of the group in an effort to promote a sense of humanity and good will to all individuals regardless of their disability.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/15/2003  
Correctly printed: **HB 46**, **HB 172**.

**AGRICULTURE** (Rice, Chairman): 1/14/2003  
**HB 31**, do pass. Report adopted.  
**HB 62**, introduced bill, be amended as follows: 1/10/2003

1. Page 2, line 19 through line 20.

**Strike:** ";" on line 19 through "(a)" on line 20

**Strike:** "and" on line 20

**Insert:** ","

2. Page 2, line 21 through line 25.

**Following:** ";" on line 21

**Strike:** ";" through "pests" on page 2, line 25

**Insert:** ", and any other parasite or predator that attacks the egg, larval, pupal, or adult stages of the honeybee that are subject to regulation under parts 1 through 3 of this chapter"

And, as amended, do pass. Report adopted.

**HB 128**, introduced bill, be amended as follows: 1/15/2003

1. Page 1, line 7.

**Following:** "MILLION"

**Insert:** "UNLESS APPROPRIATED BY A VOTE OF THREE-FOURTHS OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE"

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2. Page 1, line 17.

**Following:** "\$10,000,000"

**Strike:** ", guaranteed" through "diversion"

**Insert:** "unless appropriated by vote of three-fourths (3/4) of the members of each house of the legislature"

3. Page 1, lines 18 and 19.

**Following:** "interest" on line 18

**Strike:** ", "

**Insert:** "and"

**Following:** "income"

**Strike:** ", and principal"

**Following:** "fund"

**Strike:** "in excess" on line 18 through "\$10,000,000" on line 19

4. Page 1, line 19.

**Following:** "appropriated"

**Insert:** "by a majority vote of each house of the legislature"

**Following:** "interest"

**Strike:** ", "

**Insert:** "and"

**Following:** "income"

**Strike:** ", or principal"

5. Page 1, line 21.

**Insert:** "(4) The principal of the noxious weed management trust fund in excess of ten million dollars (\$10,000,000) may be appropriated by a majority vote of each house of the legislature. Appropriations of the principal in excess of ten million dollars (\$10,000,000) shall be used only to fund the noxious weed management program, as provided by law."

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman):

1/14/2003

**HB 104**, do pass. Report adopted.

**HB 159**, introduced bill, be amended as follows:

1. Page 12, line 10.

**Following:** "who is"

**Strike:** "not"

And, as amended, do pass. Report adopted.

**HB 162**, do pass. Report adopted.

**HB 165**, do pass. Report adopted.

**HB 169**, introduced bill, be amended as follows:

1. Title, line 13.

**Strike:** "33-1-211,"

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2. Page 2, line 2.

**Strike:** "at the applicant's own cost"

**Following:** "examination."

**Insert:** "The applicant or insurer shall pay the cost of the background application."

3. Page 3, line 14 through page 4, line 12.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

4. Page 11, line 26.

**Strike:** "or"

5. Page 11, line 29.

**Strike:** "."

**Insert:** ";

6. Page 11, following line 29.

**Insert:** "(8) a person whose activities in this state are limited to advertising without the intent to solicit insurance in this state through communications in printed publications or other forms of electronic mass media whose distribution is not limited to residents of this state if the person does not sell, solicit, or negotiate insurance contracts with respect to risks located in this state; or

(9) a person who is not a resident of this state who sells, solicits, or negotiates a contract of insurance for commercial property and casualty risks with respect to an insured with risks located in more than one state that are insured under the contract if the person is licensed in the state where the insured maintains its principal place of business and the contract insures risks located in that state."

7. Page 12, line 3.

**Strike:** "For subjects of insurance resident, located, or to be performed in this state, a"

**Insert:** "A"

8. Page 12, line 4.

**Following:** "producer"

**Insert:** "in this state"

9. Page 25, line 3.

**Following:** "[section"

**Strike:** "8"

**Insert:** "7"

10. Page 25, line 4.

**Following:** the first "Section"

**Strike:** "8"

**Insert:** "7"

And, as amended, do pass. Report adopted.

**HB 183**, introduced bill, be amended as follows:

1. Page 5, line 6.

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**Strike:** "actually mailed"

**Insert:** "issued"

2. Page 6, line 6.

**Strike:** "provide"

**Insert:** "issue"

3. Page 6, line 21.

**Strike:** "and"

**Insert:** "(c) certification of the date of issuance of the certificate specified on the form; and"

**Renumber:** subsequent subsection

4. Page 6, line 25.

**Strike:** "the mailing"

**Insert:** "issuance"

And, as amended, do pass. Report adopted.

**HB 230**, introduced bill, be amended as follows:

1. Page 2, line 3.

**Following:** "period"

**Insert:** "and the employer does not pay the employee within the 10-day period provided for in subsection (1)"

2. Page 2, line 4.

**Following:** "period."

**Insert:** "An employer may not withhold payment of the employee's wages beyond the next ensuing pay period. If there is not an established time period or time when wages are due and payable, the pay period is presumed to be semimonthly in length."

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

1/14/2003

**HB 29**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "INCARCERATION TERM"

**Insert:** "LENGTH"

**Strike:** "APPROVAL OF"

**Insert:** "ADVICE FROM"

2. Page 1, line 15.

**Strike:** "incarceration term"

**Insert:** "length"

3. Page 1, line 26 through line 27.

**Strike:** "and." on line 26 through "office" on line 27

4. Page 2, line 8.

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**Following:** "department"

**Insert:** ", which shall request and consider the recommendation of the prosecuting attorney's office"

And, as amended, do pass. Report adopted.

**HB 48**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Strike:** "and discussing why those issues lack merit"

And, as amended, do pass. Report adopted.

**HB 70**, introduced bill, be amended as follows:

1. Page 1, line 27.

**Following:** "court may"

**Insert:** ", except for good cause shown,"

**Following:** "prosecution"

**Insert:** "and the right to a jury trial is considered waived by the defendant"

And, as amended, do pass. Report adopted.

**HB 84**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 13.

**Strike:** "ELIMINATING" on line 5 through "REPEALING" on line 13

**Insert:** "REVISING AND CLARIFYING THE OFFENSE OF MITIGATED DELIBERATE HOMICIDE TO RESOLVE THE CONFUSION THAT ARISES IN TRYING THE OFFENSE; AMENDING"

2. Page 1, line 17 through page 23, line 18.

**Strike:** everything after the enacting clause

**Insert:** "**Section 1.** Section 45-5-103, MCA, is amended to read:

**"45-5-103. Mitigated deliberate homicide.** (1) A person commits the offense of mitigated deliberate homicide when the person purposely or knowingly causes the death of another human being but does so under the influence of extreme mental or emotional stress for which there is reasonable explanation or excuse. The reasonableness of the explanation or excuse must be determined from the viewpoint of a reasonable person in the actor's situation.

~~(2) It is an affirmative defense that the defendant acted under the influence of extreme mental or emotional stress as provided in subsection (1). This defense constitutes a mitigating circumstance reducing deliberate homicide to mitigated deliberate homicide and must be proved by the defendant by a preponderance of the evidence.~~

~~(3)(2) Mitigated deliberate homicide is not an a lesser included offense of deliberate homicide as defined in 45-5-102(1)(b)(a), but is not a lesser included offense of deliberate homicide as defined in 45-5-102(1)(b).~~

~~(3) Mitigating circumstances that reduce deliberate homicide to mitigated deliberate homicide are not an element of the reduced crime that the state is required to prove or an affirmative defense that the defendant is required to prove. Neither party has the burden of proof as to mitigating circumstances, but either party may present evidence of mitigation.~~

(4) A person convicted of mitigated deliberate homicide shall be imprisoned in the state prison for a term of not less than 2 years or more than 40 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222."

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**Insert:** "NEW SECTION. Section 2. Applicability. [This act] applies to offenses committed after [the effective date of this act]."

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman): 1/15/2003  
**HB 132**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "AND"

2. Title, line 8.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1.

**Following:** line 28

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

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman): 1/13/2003  
**HB 43**, do pass. Report adopted.  
**HB 83**, do pass. Report adopted.  
**HB 89**, do pass. Report adopted.  
**HB 102**, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman): 1/14/2003  
**HB 25**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "ALLOWING" on line 5 through ";" on line 6

2. Title, page 1, line 7.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "AND 13-12-202"

3. Page 2, line 13 through line 22.

**Strike:** section 2 in its entirety

And, as amended, do pass. Report adopted.

**HB 69**, do pass. Report adopted. 1/15/2003

**HB 108**, do pass. Report adopted. 1/15/2003

**TAXATION** (Fuchs, Chairman): 1/13/2003  
**HB 58**, introduced bill, be amended as follows:

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1. Title, page 1, line 6.

**Strike:** "15TH" through "YEAR"

**Insert:** "DATE REQUIRED FOR FILING A TAX RETURN"

2. Page 2, line 2.

**Strike:** "15th" through "year"

**Insert:** "date required by this chapter for filing a return"

And, as amended, do pass. Report adopted.

**HB 59**, do pass. Report adopted.

**HB 106**, introduced bill, be amended as follows:

1/14/2003

1. Page 3, line 5.

**Strike:** "--" through "**revenue**"

2. Page 3, line 15.

**Following:** "**and**"

**Insert:** "and"

3. Page 3, line 17.

**Strike:** "; and"

4. Page 3, line 18.

**Strike:** "(iii)" through "return"

5. Page 3, line 22 through line 24.

**Strike:** subsection (3) in its entirety

6. Page 3, line 29.

**Following:** "**appraise**"

**Insert:** "and appraise"

7. Page 4, line 10.

**Following:** "representative"

**Insert:** "or domiciliary foreign personal representative"

8. Page 4, line 21.

**Strike:** "dates of death"

**Insert:** "deaths occurring"

**Following:** "2000"

**Insert:** ", for which the probate of the decedents' estates closes after [the effective date of this act] "

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

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**HB 323**, introduced by Jent, referred to Business and Labor.

**HB 324**, introduced by Fritz, referred to Local Government.

**HB 325**, introduced by Witt, Barrett, Bergren, E. Clark, Fisher, Haines, Hedges, Kasten, Lehman, Lenhart, Matthews, Musgrove, Pattison, Peterson, Ripley, Steinbeisser, Waitschies, referred to Agriculture.

**HB 326**, introduced by Newman, Cyr, Gallus, Harrington, Laslovich, Lewis, McCarthy, Rome, Shea, referred to Natural Resources.

**HB 327**, introduced by Harris, referred to Judiciary.

**HB 328**, introduced by Harris, referred to Natural Resources.

**HB 329**, introduced by Morgan, referred to Business and Labor.

**HB 330**, introduced by Smith, Kitzenberg, referred to Taxation.

**HB 331**, introduced by Gallus, DePratu, Grimes, Lawson, B. Ryan, Tester, Younkin, referred to Business and Labor.

**HB 332**, introduced by Gallus, Dowell, Gallik, Harris, Lawson, Lindeen, B. Ryan, Shea, Wilson, referred to Business and Labor.

**HB 333**, introduced by Waitschies, referred to Local Government.

**HB 334**, introduced by Kaufmann, Kitzenberg, referred to Taxation.

**HB 335**, introduced by Raser, referred to Local Government.

**HB 336**, introduced by R. Brown, referred to Transportation.

**HB 337**, introduced by Ripley, Anderson, Bales, Black, D. Brown, Curtiss, Dowell, Fisher, Fuchs, Galvin-Halcro, Glaser, Golie, Hedges, Kasten, Keenan, Lindeen, Mangan, McGee, McNutt, Mood, Nelson, Peterson, Ross, Roush, D. Ryan, Smith, Sprague, Squires, Tester, Tropila, Wagman, Witt, referred to Federal Relations, Energy, and Telecommunications.

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

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

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

**HB 34** - Representative Jacobson moved **HB 34** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Brueggeman, Forrester, Ayes.



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Excused: None.  
Total 0

Absent or not voting: Shockley.  
Total 1

**HB 35** - Representative Jacobson moved **HB 35** do pass.

Representative D. Brown moved **HB 35**, second reading copy, be amended as follows:

1. Page 3, line 9.

**Strike:** "and"

2. Page 3, line 11.

**Following:** "guard"

**Insert:** ", and who has served on federal or state active military duty, certified by the department of military affairs established in 2-15-1201, that was performed as a direct result of a contingency operation, as defined in 10 U.S.C. 101, a war, or a conflict declared by the president or congress"

Amendment **not** adopted as follows:

Ayes: Balyeat, Becker, D. Brown, R. Brown, Everett, Fisher, Haines, Hawk, Jackson, Jayne, Kasten, Kaufmann, Lake, Lehman, Malcolm, Mendenhall, Morgan, Rice, Ross, Sales, Sinrud, Waitschies.  
Total 22

Noes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 77

Voted Absentee: Brueggeman, No.

Excused: Forrester.  
Total 1

Absent or not voting: None.  
Total 0

Motion that **HB 35** do pass carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B.

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Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 84

Noes: Balyeat, Becker, D. Brown, R. Brown, Everett, Fisher, Harris, Hawk, Lake, Lehman, Mendenhall, Rice, Sales, Sinrud, Waitschies.

Total 15

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: Malcolm.

Total 1

**HB 37** - Representative Sinrud moved **HB 37** do pass. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cohenour, Devlin, Dickenson, Erickson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 74

Noes: Ballantyne, Balyeat, Buzzas, Carney, P. Clark, Cyr, Dowell, Facey, Gallik, Galvin-Halcro, Gibson, Gutsche, Jayne, Kaufmann, Laszloffy, Malcolm, Mendenhall, Newman, Pattison, Raser, Ross, Sales, Wanzenried, Wilson, Windy Boy.

Total 25

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: Parker.

Total 1

**HB 41** - Representative Noennig moved **HB 41** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison,

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Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 97

Noes: Balyeat, R. Brown, Mr. Speaker.

Total 3

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 45** - Representative Lawson moved **HB 45** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, R. Brown, Cyr, Fuchs, Kasten, Laszloffy.

Total 6

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 80** - Representative Jackson moved **HB 80** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 86

Noes: Ballantyne, Branae, Buzzas, Callahan, Cohenour, Erickson, Gallik, Gibson, Gutsche, Juneau, Kaufmann, Small-Eastman, Smith, Wanzenried.

Total 14

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 91** - Representative Facey moved **HB 91** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 179** - Representative Matthews moved **HB 179** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 99

Noes: None.

Total 0

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

**HB 182** - Representative Rome moved **HB 182** do pass.

Representative Harris moved consideration of **HB 182** be passed for the day. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Morgan, Musgrove, Raser, Roberts, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 38

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Devlin, Dickenson, Everett, Fisher, Fuchs, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 58

Excused: Brueggeman, Forrester.

Total 2

Absent or not voting: Haines, Pattison.

Total 2

Motion that **HB 182** do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Bixby, D. Brown, Buzzas, Carney, P. Clark, Dowell, Erickson, Facey, Gutsche, Harris, Jayne, Juneau, Malcolm, Small-Eastman, Smith, Wanzenried.

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Total 16

Voted Absentee: Brueggeman, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Younkin moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 86

Noes: Bixby, Cyr, Erickson, Harris, Juneau, Smith, Wanzenried.

Total 7

Excused: Brueggeman, Forrester.

Total 2

Absent or not voting: D. Brown, Hedges, Lake, Malcolm, Windy Boy.

Total 5

**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 46** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

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Noes: Balyeat.  
Total 1

Excused: Brueggeman, Forrester.  
Total 2

Absent or not voting: Lambert.  
Total 1

**HB 172** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Brueggeman, Forrester.  
Total 2

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative B. Brown moved **HB 164** be taken from the Committee on State Administration and be rereferred to the Committee on Business and Labor. There being no objection, so ordered.

Representative B. Brown moved **HB 176** be taken from the Committee on Natural Resources and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative B. Brown moved **HB 281** be taken from the Committee on Education and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker asked the House to join him in singing Happy Birthday to Bob Clark, the House Security Guard Supervisor.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, January 16, 2003. Motion carried.

House adjourned at 3:10 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House