

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

Helena, Montana  
January 21, 2003

House Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

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

Bookout-Reinicke, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/20/2003  
Correctly printed: **HB 28, HB 63, HB 126, HB 167, HB 208, HB 217, HB 232, HB 248.**  
Correctly engrossed: **HB 44, HB 54, HB 94, HB 127, HB 145, HB 156, HB 168, HB 187, HB 188, HB 207, HB 238, HJR 9.**

**APPROPRIATIONS** (Lewis, Chairman): 1/21/2003  
**HB 261**, do pass. Report adopted.

**BUSINESS AND LABOR** (McKenney, Chairman): 1/20/2003  
**HB 164**, introduced bill, be amended as follows:

1. Page 2, line 10.

**Strike:** "a claim for benefits filed "

**Insert:** "injuries that occur"

And, as amended, do pass. Report adopted.

**HB 315**, do pass. Report adopted.

**EDUCATION** (Andersen, Chairman): 1/20/2003  
**HJR 5**, introduced joint resolution, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "THE CITY OF HELENA"

**Insert:** "LEWIS AND CLARK COUNTY"

2. Title, page 1, line 9.

**Following:** "REGENTS"

**Insert:** "UNTIL THE BONDS ARE RETIRED"

3. Page 1, line 22.

**Strike:** "the City of Helena"

**Insert:** "Lewis and Clark County"

4. Page 1, line 27.

**Strike:** "the City of Helena"

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

**Insert:** "Lewis and Clark County"

5. Page 1, line 30.

**Following:** "Regents"

**Insert:** "until the bonds are retired"

6. Page 2, lines 2 and 3.

**Strike:** "Mayor of Helena"

**Insert:** "Board of County Commissioners of Lewis and Clark County"

And, as amended, be adopted. Report adopted.

**HJR 6**, be adopted. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):  
**HB 51**, introduced bill, be amended as follows:

1/20/2003

1. Title, page 1, line 10.

**Following:** "SECTIONS"

**Insert:** "39-3-406,"

2. Title, page 1, line 11.

**Following:** "50-5-1202,"

**Insert:** "50-8-101,"

**Following:** "52-3-811,"

**Insert:** "53-6-101,"

3. Page 1, line 15.

**Following:** the enacting clause

**Insert:** "**Section 1.** Section 39-3-406, MCA, is amended to read:

**"39-3-406. Exclusions.** (1) The provisions of 39-3-404 and 39-3-405 do not apply with respect to:

- (a) students participating in a distributive education program established under the auspices of an accredited educational agency;
- (b) persons employed in private homes whose duties consist of menial chores, such as babysitting, mowing lawns, and cleaning sidewalks;
- (c) persons employed directly by the head of a household to care for children dependent upon the head of the household;
- (d) immediate members of the family of an employer or persons dependent upon an employer for half or more of their support in the customary sense of being a dependent;
- (e) persons who are not regular employees of a nonprofit organization and who voluntarily offer their services to a nonprofit organization on a fully or partially reimbursed basis;
- (f) persons with disabilities engaged in work that is incidental to training or evaluation programs or whose earning capacity is so severely impaired that they are unable to engage in competitive employment;
- (g) apprentices or learners, who may be exempted by the commissioner for a period not to exceed 30 days of their employment;
- (h) learners under the age of 18 who are employed as farm workers, provided that the exclusion may not exceed 180 days from their initial date of employment and further provided that during this exclusion period, wages paid the learners may not be less than 50% of the minimum wage rate established in this part;
- (i) retired or semiretired persons performing part-time incidental work as a condition of their residence on a farm or ranch;
- (j) an individual employed in a bona fide executive, administrative, or professional capacity, as these

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

terms are defined by regulations of the commissioner, or in an outside sales capacity, as defined in 29 CFR 541.5;

- (k) an individual employed by the United States of America;
  - (l) resident managers employed in lodging establishments or ~~personal-care~~ assisted living facilities who, under the terms of their employment, live in the establishment or facility;
  - (m) a direct seller as defined in 26 U.S.C. 3508;
  - (n) a person placed as a participant in a public assistance program authorized by Title 53 into a work setting for the purpose of developing employment skills. The placement may be with either a public or private employer. The exclusion does not apply to an employment relationship formed in the work setting outside the scope of the employment skills activities authorized by Title 53.
  - (o) a person serving as a foster parent, licensed as a foster care provider in accordance with 52-2-621, and providing care without wage compensation to no more than six foster children in the provider's own residence. The person may receive reimbursement for providing room and board, obtaining training, respite care, leisure and recreational activities, and providing for other needs and activities arising in the provision of in-home foster care.
  - (p) an employee employed in domestic service employment to provide live-in companionship services, as defined in 29 CFR 552.6, for individuals who, because of age or infirmity, are unable to care for themselves as provided under section 213(a)(15) of the Fair Labor Standards Act, 29 U.S.C. 213.
- (2) The provisions of 39-3-405 do not apply to:
- (a) an employee with respect to whom the United States secretary of transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S.C. 31502;
  - (b) an employee of an employer subject to 49 U.S.C. 10501 and 49 U.S.C. 60501, the provisions of part I of the Interstate Commerce Act;
  - (c) an individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state;
  - (d) a salesperson, parts person, or mechanic paid on a commission or contract basis and primarily engaged in selling or servicing automobiles, trucks, mobile homes, recreational vehicles, or farm implements if the salesperson, parts person, or mechanic is employed by a nonmanufacturing establishment primarily engaged in the business of selling the vehicles or implements to ultimate purchasers;
  - (e) a salesperson primarily engaged in selling trailers, boats, or aircraft if the salesperson is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers;
  - (f) a salesperson paid on a commission or contract basis who is primarily engaged in selling advertising for a radio or television station employer;
  - (g) an employee employed as a driver or driver's helper making local deliveries who is compensated for the employment on the basis of trip rates or other delivery payment plan if the commissioner finds that the plan has the general purpose and effect of reducing hours worked by the employees to or below the maximum workweek applicable to them under 39-3-405;
  - (h) an employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways that are not owned or operated for profit, that are not operated on a sharecrop basis, and that are used exclusively for supply and storing of water for agricultural purposes;
  - (i) an employee employed in agriculture by a farmer, notwithstanding other employment of the employee in connection with livestock auction operations in which the farmer is engaged as an adjunct to the raising of livestock, either alone or in conjunction with other farmers, if the employee is:
    - (i) primarily employed during a workweek in agriculture by a farmer; and
    - (ii) paid for employment in connection with the livestock auction operations at a wage rate not less than that prescribed by 39-3-404;
  - (j) an employee of an establishment commonly recognized as a country elevator, including an establishment that sells products and services used in the operation of a farm if no more than five employees are employed by the establishment;
  - (k) a driver employed by an employer engaged in the business of operating taxicabs;
  - (l) an employee who is employed with the employee's spouse by a nonprofit educational institution to serve as the parents of children who are orphans or one of whose natural parents is deceased or who are enrolled in

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

the institution and reside in residential facilities of the institution so long as the children are in residence at the institution and so long as the employee and the employee's spouse reside in the facilities and receive, without cost, board and lodging from the institution and are together compensated, on a cash basis, at an annual rate of not less than \$10,000;

(m) an employee employed in planting or tending trees; cruising, surveying, or felling timber; or transporting logs or other forestry products to a mill, processing plant, railroad, or other transportation terminal if the number of employees employed by the employer in the forestry or lumbering operations does not exceed eight;

(n) an employee of a sheriff's department who is working under an established work period in lieu of a workweek pursuant to 7-4-2509(1);

(o) an employee of a municipal or county government who is working under a work period not exceeding 40 hours in a 7-day period established through a collective bargaining agreement when a collective bargaining unit represents the employee or by mutual agreement of the employer and employee when a bargaining unit is not recognized. Employment in excess of 40 hours in a 7-day, 40-hour work period must be compensated at a rate of not less than 1 1/2 times the hourly wage rate for the employee.

(p) an employee of a hospital or other establishment primarily engaged in the care of the sick, disabled, aged, or mentally ill or defective who is working under a work period not exceeding 80 hours in a 14-day period established through either a collective bargaining agreement when a collective bargaining unit represents the employee or by mutual agreement of the employer and employee when a bargaining unit is not recognized. Employment in excess of 8 hours a day or 80 hours in a 14-day period must be compensated for at a rate of not less than 1 1/2 times the hourly wage rate for the employee.

(q) a firefighter who is working under a work period established in a collective bargaining agreement entered into between a public employer and a firefighters' organization or its exclusive representative;

(r) an officer or other employee of a police department in a city of the first or second class who is working under a work period established by the chief of police under 7-32-4118;

(s) an employee of a department of public safety working under a work period established pursuant to 7-32-115;

(t) an employee of a retail establishment if the employee's regular rate of pay exceeds 1 1/2 times the minimum hourly rate applicable under section 206 of the Fair Labor Standards Act of 1938, 29 U.S.C. 206, and if more than half of the employee's compensation for a period of not less than 1 month is derived from commissions on goods and services;

(u) a person employed as a guide, cook, camp tender, or livestock handler by a licensed outfitter as defined in 37-47-101;

(v) an employee employed as a radio announcer, news editor, or chief engineer by an employer in a second- or third-class city or a town;

(w) an employee of the consolidated legislative branch as provided in 5-2-503;

(x) an employee of the state or its political subdivisions employed, at the employee's option, on an occasional or sporadic basis in a capacity other than the employee's regular occupation. Only the hours that the employee was employed in a capacity other than the employee's regular occupation may be excluded from the calculation of hours to determine overtime compensation.""

**Renumber:** subsequent sections

4. Page 2, line 14.

**Following:** "services"

**Strike:** "designed" through "safety"

5. Page 8, line 4.

**Following:** "professional"

**Insert:** "or a licensed practical nurse"

6. Page 10, line 2.

**Following:** "has a"

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

**Insert:** "severe"

**Following:** "impairment"

**Insert:** "that renders the resident incapable of expressing needs or of making basic care decisions"

7. Page 10, line 3.

**Following:** "without"

**Insert:** "regard for"

8. Page 10, line 4.

**Following:** "(c)"

**Strike:** "The"

**Insert:** "Except as provided in subsection (4)(b), the"

9. Page 10, line 15.

**Strike:** "physician"

**Insert:** "practitioner"

10. Page 12, line 17.

**Insert:** "**Section 7.** Section 50-8-101, MCA, is amended to read:

**"50-8-101. Definitions.** As used in this part, the following definitions apply:

(1) "Department" means the department of public health and human services provided for in 2-15-2201.

(2) "Facility" means:

(a) nonmedical facilities including:

(i) mental health transitional living facilities; and

(ii) inpatient freestanding or intermediate transitional living facilities for alcohol or drug treatment or emergency detoxification;

(b) community homes for persons with developmental disabilities, community homes for physically disabled persons, and adult foster family care homes;

(c) youth care facilities;

(d) public accommodations, including roominghouses, retirement homes, hotels, and motels;

(e) health care facilities or services, including hospitals, skilled and intermediate nursing home services, and intermediate care nursing home services for the mentally retarded;

(f) freestanding medical facilities or care, including infirmaries, kidney treatment centers, and home health agencies; and

(g) ~~personal-care~~ assisted living facilities.

(3) "Inspecting authority" means the department or agency authorized by statute to perform a given inspection necessary for certification for licensure.

(4) "Licensing agency" means the agency that is authorized by statute to issue the license.""

**Renumber:** subsequent sections

11. Page 14, line 7.

**Insert:** "**Section 10.** Section 53-6-101, MCA, is amended to read:

**"53-6-101. Montana medicaid program -- authorization of services.** (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended. The department of public health and human services shall administer the Montana medicaid program.

(2) Medical assistance provided by the Montana medicaid program includes the following services:

(a) inpatient hospital services;

(b) outpatient hospital services;

(c) other laboratory and x-ray services, including minimum mammography examination as defined in

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

33-22-132;

- (d) skilled nursing services in long-term care facilities;
  - (e) physicians' services;
  - (f) nurse specialist services;
  - (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age;
  - (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;
  - (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;
  - (j) services that are provided by physician assistants-certified within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;
  - (k) health services provided under a physician's orders by a public health department; and
  - (l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2).
- (3) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:
- (a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;
  - (b) home health care services;
  - (c) private-duty nursing services;
  - (d) dental services;
  - (e) physical therapy services;
  - (f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 2;
  - (g) clinical social worker services;
  - (h) prescribed drugs, dentures, and prosthetic devices;
  - (i) prescribed eyeglasses;
  - (j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;
  - (k) inpatient psychiatric hospital services for persons under 21 years of age;
  - (l) services of professional counselors licensed under Title 37, chapter 23;
  - (m) hospice care, as defined in 42 U.S.C. 1396d(o);
  - (n) case management services as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;
  - (o) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201; and
  - (p) any additional medical service or aid allowable under or provided by the federal Social Security Act.
- (4) Services for persons qualifying for medicaid under the medically needy category of assistance as described in 53-6-131 may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (2) and (3) to persons qualifying for medicaid under the medically needy category of assistance.
- (5) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department of public health and human services may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving financial assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child under the FAIM project and for all adult recipients of medical assistance only who are covered under a group related to a program providing financial assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsections (2)(a) through (2)(l) but may include those optional services listed in subsections (3)(a) through (3)(p) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

21 years of age is entitled to full medicaid coverage.

(6) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(7) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(8) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(9) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(10) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(11) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program.

(12) Community-based medicaid services, as provided for in part 4 of this chapter, must be provided in accordance with the provisions of this chapter and the rules adopted under this chapter.

(13) Medicaid payment for ~~personal-care~~ assisted living facilities may not be made unless the department certifies to the director of the governor's office of budget and program planning that payment to this type of provider would, in the aggregate, be a cost-effective alternative to services otherwise provided.""

**Renumber:** subsequent section

12. Page 14, line 20.

**Insert:** "NEW SECTION. Section 12. Name change -- directions to code commissioner. Wherever a reference to a personal-care facility appears in legislation enacted by the 2003 legislature, the code commissioner is directed to change it to a reference to an assisted living facility."

And, as amended, do pass. Report adopted.

**HB 279**, introduced bill, be amended as follows:

1. Page 1, lines 20 and 21.

**Strike:** "are payable" on line 20 through "from" on line 21

**Insert:** "must be billed to"

2. Page 1, line 22.

**Strike:** "a"

**Insert:** "the respondent's"

And, as amended, do pass. Report adopted.

**HJR 3**, be adopted. Report adopted.

**JUDICIARY** (Shockley, Chairman):

1/20/2003

**HB 170**, introduced bill, be amended as follows:

1. Page 3, line 1.

**Following:** "sentence"

**Insert:** "; however, any new or modified conditions must be within the scope of the conditions of the original sentence"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

**STATE ADMINISTRATION** (Barrett, Chairman):  
**HB 109**, introduced bill, be amended as follows:

1/21/2003

1. Title, page 1, line 11.

**Following:** ";

**Insert:** "REQUIRING A REPORT TO THE 59TH LEGISLATURE;"

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 2, line 3.

**Following:** "report to the"

**Insert:** "59th"

3. Page 2.

**Following:** line 13

**Insert:** "NEW SECTION. Section 5. Termination. [This act] terminates December 31, 2004."

And, as amended, do pass. Report adopted.

**HB 309**, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):  
**HB 93**, introduced bill, be amended as follows:

1/21/2003

1. Title, line 4.

**Following:** "ACT"

**Insert:** "REQUIRING THE DEPARTMENT OF JUSTICE TO ADOPT RULES"

**Following:** "THE"

**Insert:** "EARLY"

2. Title, line 5.

**Strike:** "180" through "DATE"

3. Page 1, line 10.

**Strike:** "early reregistration --"

**Following:** "rules"

**Insert:** " -- early reregistration"

4. Page 1, line 13.

**Strike:** "(5)"

**Insert:** "(4)"

5. Page 1, line 23 through line 25.

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

**Renumber:** subsequent subsections

6. Page 1, line 27.

**Following:** "vehicles."

**Insert:** "The rules adopted by the department pursuant to this section must also allow early reregistration of motor vehicles that are subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee as provided in 61-3-560 and 61-3-561 when an owner of a motor vehicle presents extenuating



HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

circumstances."

And, as amended, do pass. Report adopted.

**HB 112**, do pass. Report adopted.

**HB 189**, introduced bill, be amended as follows:

1. Page 4, line 15.

**Strike:** "When"

**Insert:** "Except as provided in subsection (4), when"

2. Page 5, line 2.

**Strike:** "or amber"

**Following:** "and"

**Strike:** "amber"

**Insert:** "colorless"

3. Page 5.

**Following:** line 18

**Insert:** "(4) A person operating a bicycle may wear:

(a) the lamps required in subsections (1)(a) and (1)(b) on the person's head or clothing instead of those lamps being attached to the bicycle; and

(b) reflective leg bands on the person's legs instead of the reflectors on the pedals required in subsection (1)(f)."

4. Page 7, line 10.

**Strike:** "The"

**Insert:** "Unless otherwise allowed in this part, the"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/20/2003

**SB 36**, introduced by Grimes

**SB 56**, introduced by Keenan

**SB 64**, introduced by Keenan

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 374**, introduced by Gibson, referred to Education.

**HB 375**, introduced by Matthews, referred to State Administration.

**HB 376**, introduced by B. Olson, Lawson, A. Olson, Ripley, referred to Taxation.

**HB 377**, introduced by Younkin, Bohlinger, R. Brown, Brueggeman, DePratu, Fuchs, Grimes, Keenan, Lake, Laszloffy, Mahlum, Mood, Pattison, F. Thomas, Wanzenried, referred to Federal Relations, Energy, and Telecommunications.

**HB 378**, introduced by Small-Eastman, referred to Agriculture.

**HB 379**, introduced by Ripley, Andersen, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown,

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Jackson, Kasten, Lambert, Lehman, Maedje, Mahlum, Matthews, McCarthy, McGee, McKenney, McNutt, Mendenhall, Mood, Nelson, O'Neil, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Schrumpf, Shea, Sinrud, Smith, Steinbeisser, Tester, B. Thomas, F. Thomas, Waitschies, Windy Boy, Witt, Younkin, referred to Agriculture.

**HB 380**, introduced by Lindeen, referred to Natural Resources.

**HB 381**, introduced by Fuchs, Andersen, Balyeat, Barrett, Bookout-Reinicke, R. Brown, E. Clark, Facey, Fisher, Forrester, Gallus, Gillan, Golie, Haines, Hedges, Jackson, Lake, Lambert, Lange, Lawson, Lehman, Maedje, Matthews, Mendenhall, Mood, Morgan, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, B. Ryan, Sales, Schrumpf, Shockley, Sinrud, B. Thomas, Wagman, Witt, Younkin, referred to Taxation.

**HB 382**, introduced by Windy Boy, Bixby, Hansen, Jayne, Juneau, Pease, Small-Eastman, Smith, referred to State Administration.

**HB 383**, introduced by Facey, Raser, referred to Local Government.

**HB 384**, introduced by McKenney, referred to Business and Labor.

**HB 385**, introduced by Fritz, referred to Transportation.

**HB 386**, introduced by Stoker, referred to Human Services.

**HB 387**, introduced by Morgan, referred to Business and Labor.

**HB 388**, introduced by Lake, Fuchs, Hurwitz, Lambert, Peterson, Ross, Younkin, referred to Natural Resources.

Majority Leader Brown moved that the House recess until 1:30 p.m. for caucuses. Motion carried.

House recessed at 1:08 p.m.

House reconvened at 1:30 p.m. Mr. Speaker in the chair. All members present. Quorum present.

**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 Wilson in the chair.

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

**HB 89** - Representative A. Olson moved **HB 89** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Everett, Fisher, Forrester, Franklin, Fuchs, Gallus, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 65

Noes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 35

Excused: None.

Total 0

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

Absent or not voting: None.  
Total 0

**HB 15** - Representative Newman moved **HB 15** 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, Schruppf, 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

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 188** - Representative Devlin moved **HB 188** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. 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, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin.  
Total 86

Noes: Brueggeman, P. Clark, Jayne, Laszloffy, Lindeen, Maedje, Malcolm, Newman, Sales, Sinrud, Small-Eastman, Wanzenried, Mr. Speaker.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Wilson.  
Total 1

**HB 108** - Representative A. Olson moved **HB 108** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher,

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, 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, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 90

Noes: Balyeat, R. Brown, Carney, Dickenson, Erickson, Jayne, Juneau, Raser, Sales, Small-Eastman.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 123** - Representative P. Clark moved **HB 123** 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, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, 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, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Erickson, Gillan, Jayne, Waitschies.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Golie.  
Total 1

**HB 128** - Representative Rice moved **HB 128** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, 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, 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, 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 97

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

Noes: R. Brown, Morgan.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Harris.  
Total 1

**HB 149** - Representative Hedges moved **HB 149** 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, Schrumpf, 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

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 153** - Representative Ballantyne moved **HB 153** 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, 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, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: Sinrud.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Lambert.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

Total 1

**HB 157** - Representative Haines moved **HB 157** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, 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, 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, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: D. Brown, Kasten, Lambert.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 159** - Representative Haines moved **HB 159** do pass. Motion carried as follows:

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

Total 81

Noes: Balyeat, D. Brown, R. Brown, Brueggeman, P. Clark, Everett, Fisher, Fuchs, Golie, Kasten, Laszloffy, Malcolm, Pattison, Rice, Ripley, Sales, Wagman, Waitschies, Younkin.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 161** - Representative Matthews moved **HB 161** 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,

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

Kaufmann, Keane, 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 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Lake.  
Total 1

**HB 169** - Representative Keane moved **HB 169** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Rice, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 75

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Everett, Fisher, Fuchs, Golie, Kasten, Lambert, Lange, Lewis, Malcolm, A. Olson, Pattison, Peterson, Ripley, Sales, Sinrud, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 25

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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

Ayes: Andersen, Ballantyne, 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, 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.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

Total 98

Noes: Balyeat.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

**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 22** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, 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, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Bitney, Windy Boy.  
Total 2

**HB 23** passed as follows:

Ayes: Andersen, Ballantyne, 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, Witt, Younkin, Mr. Speaker.  
Total 98



HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

Noes: Balyeat.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Windy Boy.  
Total 1

**HB 25** passed as follows:

Ayes: Andersen, Ballantyne, 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, Facey, 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, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin.  
Total 86

Noes: Balyeat, Everett, Fisher, Fuchs, Kasten, Laszloffy, Noennig, A. Olson, Rice, Shockley, Smith, Wagman, Mr. Speaker.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Windy Boy.  
Total 1

**HB 78** passed 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

Excused: None.  
Total 0

Absent or not voting: None.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

Total 0

**HB 83** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, 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, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bixby, Wagman, Windy Boy.

Total 3

**HB 84** passed 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, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

**HB 102** passed 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,

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

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, Witt, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Windy Boy.  
Total 1

**HB 132** passed 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, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Balyeat, R. Brown, Sales.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Windy Boy.  
Total 1

**MOTIONS**

Majority Leader Brown moved that the House recess until 6:10 p.m. for the Governor's State of the State address and that, following the Governor's address, the House stand adjourned until 1:00 p.m., Wednesday, January 22, 2003. Motion carried.

House recessed at 3:20 p.m.

**SPECIAL ORDERS OF THE DAY**

House reconvened at 6:10 p.m. Mr. Speaker in the chair. All members present. Quorum present.

Sergeant-at-arms Clark escorted the Senate into the House chamber.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

Speaker Mood introduced President Keenan and yielded the chair to him.

Senator Thomas moved that the President appoint an escort committee of four to notify the Governor that the Senate and House of Representatives are in joint session and ready to receive her State of the State address. Motion carried.

President Keenan appointed Senator Sprague, Senator Nelson, Representative Andersen and Representative Clark to escort the Governor to the House chamber.

The colors were posted by Captain Flaherty and members of the Montana National Guard. President Keenan led the joint session in the Pledge of Allegiance.

Sergeant-at-arms Clark escorted the members of the National Guard from the chamber.

Invocation was given by Joe Morstein of Dillon, brother of Governor Martz.

Sergeant-at-arms Clark admitted the escort committee and Governor Martz into the House chamber. President Keenan introduced Governor Martz to the joint session, and the Governor gave the following speech:

Thank you very much. President Keenan, Speaker Mood, Lt. Governor Ohs, Tribal Chairmen, Distinguished members of the House and Senate, fellow elected officials, honored guests, my fellow Montanans:

What an honor and privilege it is to address you tonight to discuss our administration's continued commitment to strong families, faith in each other, freedom for all, and a prosperous future.

We are in a dynamic and changing time.

While our nation experiences the continued challenges of an economic recession... Montana is moving forward.

Granted, we have our differences and problems to solve. It's that diversity that makes us strong. But first and foremost, we have much to be thankful for.

I am so thankful for family. Montana's first family - Harry, Justin, Stacey, my mom and dad in Billings, and my brother Joe, who has joined me here this evening. I'm thankful for friends, neighbors and our fellow Montanans.

We are so blessed in this Montana with a strong work ethic and resilience demonstrated by our dedicated public servants.

We are blessed with great teachers, whose hard work ensures that our children receive an outstanding education, and our public and private schools of higher education are recognized for their cutting edge research and programs.

We are blessed with quality medical care for our citizens.

We are blessed with outstanding military personnel, police, EMT's, firefighters and others who work every single day to keep us safe and protect our freedom at home and abroad. To all these men and women, we extend a very special thanks.

We are blessed with great athletes like our Cats and our Griz, who are among the best in the country and... our Fighting Saints are Number One!

Finally, and most importantly, we have a great faith in each other.

Are we blessed? You bet we are. Because we're Montanans... first, most and always.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

We are gathered in this chamber as representatives of the people.

And while we come with different ideas and different views, I have faith that we will find the common ground and build a better future for our Montana families.

That is what the people expect of us. We owe it to them – and ourselves.

Our job is to find solutions – not place blame.

We are faced with a daunting task. But I have faith that we will prevail... because, no matter our differences, we are all Montanans.

Despite the budget clouds we face together, there are brighter days in the forecast.

#### State of the Economy

For example, Montana's unemployment rate stood at only 4.4% in November – well below the national average of six percent and the lowest for a November in 30 years. And wages rose over 4% - nearly double the rate of inflation.

Job growth in Montana is well ahead of the national economy. In fact, 9,000 new jobs were created in the state since November of 2001. And, according to economy.com, we now rank 4<sup>th</sup> nationally in projected job growth.

Even when faced with our budget difficulties, Montana's economy as a whole reflects our character to persevere. We will move our economy forward. We're making progress... and why?

Because we have a workforce that is prepared for the jobs of the future.

Because we have the foresight and the commitment of individuals in this room who know that we need to create an environment for business to grow – and for individuals to prosper.

Because we have a can-do attitude. Montanans can beat the odds... and turn that attitude into action.

And we must do more.

Because, when it comes to our economy, 'good enough' is never enough. Our unemployment rate may well be only 4.4%, but for those who are unemployed it is still 100%.

And many Montanans are still underemployed. These are highly skilled workers, available and ready for good jobs. But we need the jobs here that match those skills.

Because Montanans are what makes Montana great.

So, on their behalf, just as Lewis and Clark began their journey 200 years ago, together, let us take this legislative journey – confident that our state will be better for the efforts we undertake today.

And if the past is any indication... the ingenuity, strength, and fortitude of Montanans will ensure that our future is bright.

#### Economic Development

When I talked about the state of our state two years ago, I told you that government can no longer be a barrier to business, and since then, we have put the full force of my office behind ensuring that businesses are not hindered,

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

but instead assisted by their government.

With your support, we reorganized the Department of Commerce to be more business friendly, and with your support, we created the Governor's Office of Economic Opportunity.

With the framework for change in place, we are creating the government environment necessary for businesses to stay and grow here... because government doesn't create jobs; people do.

We've teamed up with State Auditor John Morrison to encourage more venture capital investment in our state.

We redesigned our business website, bizmt.com, to provide critical information to the business community... and through discoveringmontana.com you can register your business through Secretary of State Bob Brown's office, and file your taxes with the Department of Revenue.

Why is this important? Because, in this era of dramatic change and e-commerce, information must be readily available.

This technology eliminates the barriers of time and distance; and draws us even further into the world economy. And our global opportunities are expanded through the work of our state trade representatives in Japan and Taiwan.

Companies like Smith Equipment of Belgrade and MSE Technologies of Butte have grown their businesses with the expertise of these professionals.

And, along with Senator Jon Tester and others, companies like Timeless Seeds of Conrad are marketing organic ag products to our Pacific Rim neighbors as well, and have established Montana as the premier source for those goods.

We have a wonderful relationship with our neighbors in Taiwan, and we are honored to have with us this evening Jack Chiang, who is the director general of the Taipei Economic and Cultural Affairs Office in Seattle. Please welcome Mr. Chiang.

Another element of economic progress is tourism. Out-of-state travelers add nearly ½ million dollars per day to our state's economy.

That's powerful economic activity.

I want to thank those Montanans involved with tourism and recreation who had the foresight to plan ahead and identify efforts to improve Montana's economy.

Our economic development efforts are sharply focused, and we have outlined major initiatives for our state in the coming years.

These initiatives are built on hard work – not quick fixes. They are crafted with an eye toward what Montana should look like in two decades... not just two years.

With your support, we will move Montana's economy forward.

First, we'll focus our economic improvement resources on those industries that bring a competitive advantage to our great state.

We'll provide our citizens with the training needed to be even more productive workers, earning higher wages.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

We'll focus on strengthening relationships between private industry, the university system and government to meet the needs of our business community.

And, we must create a competitive tax and regulatory structure to ensure Montana businesses remain here and grow, because as businesses prosper... Montana prospers.

In order to accomplish these goals, I ask you to pass four bills.

The first, requested by Senator Royal Johnson and presented by Representative Monica Lindeen, will enhance the ability of businesses to fund work-force training.

Senate Bill 115, sponsored by Senator Dale Mahlum, will extend the statutory appropriation for key economic development programs.

Senate Bill 131, sponsored by Senator Greg Barkus, provides better access to the dollars needed for businesses to expand by allowing the Board of Investments to better support local economic development organization and local revolving loan programs.

And House Bill 76, sponsored by Representative Joe McKenney, helps state and local governments create a truly regional approach to job growth.

Montana is a state in transition. But transition does not mean we leave behind the industries that brought us here.

Transition means transformation. We are transforming our traditional industries to a new economic model, a model that is built on the creativity of our people and the responsible use of the resources God gave us.

And, we are attracting new partners. Partners who seek a location with a quality workforce, good schools, safe communities, affordable energy, efficient government and quality medical care.

One of those businesses is Anheuser Busch. They have made a commitment to provide top quality barley for their products – and thanks to the concerted efforts of state and local governments, they are now sourcing that barley in Sidney.

And there are others.

Companies like Montana Flour and Grains in Choteau, John R. Daily in Missoula, and Western Sugar in Billings are providing quality jobs as well.

As we support existing businesses, we also welcome new ones. Companies such as the Montana Shepherd's Market in Hamilton, Montana Legend Brand Meats in Roscoe, and Montana Natural Lamb in Reedpoint are joining with us to develop innovative value-added ventures all across Montana.

These businesses not only process the fruits of our land, but the products of our people's hard work as well.

And, tonight, after more than a year of work by a new business to Montana, in coordination with the Montana Department of Agriculture; the Governor's Office of Economic Opportunity; the Departments of Commerce; Natural Resources; Environmental Quality; Transportation; Fish, Wildlife and Parks; and local economic development groups, the City of Great Falls, Cascade County and our office, I'm excited to announce that Froedtert Malt, a Division of International Malting Company, LLC has made the decision to locate a malt facility in Great Falls, Montana!

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

This is a \$75 million project with a 16 million bushel capacity. The facility will have an annual impact of \$64 million to the state's ag economy, bringing good-paying jobs to Great Falls, Montana.

Please join me in welcoming David Brunette, the company's director of manufacturing operations, and in thanking International Malting Company for choosing Great Falls as their business home. The commitment of the community, and state and local government to this project truly shows that hard work and cooperation pays off for the citizens of our great state.

Natural Resources

And, as we work to strengthen our economy, we will continue to support our traditional industries - those that support our logging and mining families, our farmers and ranchers.

We WILL NOT forget the industries that built this state, and we are working closely with President Bush to bring common sense back to forest management.

We must manage our forests to reduce the risk of catastrophic fires. We will achieve that goal by giving the right tools to the forest managers and private businesses.

In the process, we will bring back good logging jobs to communities like Hamilton and Stevensville, Seeley Lake and Frenchtown.

As chair of the Western Governors Association, I am bringing a Healthy Forest Summit to Montana in June. Western governors will come together to focus on a path we should take to improve the health of our forests and the health of our communities.

We must also be a part of our nation's energy solutions, and we are actively seeking ways to utilize our resources in an environmentally responsible manner.

I support the responsible development of coal bed natural gas, and I am confident that all stakeholders will work together to ensure that it's done right.

In the last year, we have seen plans to develop power plants in Great Falls, Butte and Roundup that will create jobs, and provide additional energy to Montana and our country. We also received the patent to the Otter Creek Tracts - that are a source of quality coal. I have established an internal working group to address the issues and opportunities surrounding coal development on those tracts, while maximizing revenues for our school children from their responsible development.

Two years ago, plans were in motion to ban all snowmobiles from Yellowstone National Park. Since then, we have worked with the Bush Administration to allow cleaner, quieter snowmobiles back in the Park, so we can all experience the beauty of this national treasure in its winter splendor while protecting its incredible resources.

Tax Reform

As we continue to make room for both traditional businesses and the companies of a new economy, we must recognize that our current tax structure overly burdens both.

Two years ago, I said we would work to make Montana's tax structure conducive to job growth and economic success. Tonight I am asking for your passage of our tax reform proposal that restructures our tax policy and lets our visitors pay their share.

As you know, Montana has one of the highest capital gains tax rates and the highest stated income tax rate in the nation. Our plan reduces capital gains rates, encouraging more investment in Montana.



HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

Our plan reduces personal income taxes by an average of 10 percent for all classes of Montana taxpayers, so hardworking families can keep more of what they earn.

New Mexico's new governor - Democrat Bill Richardson - is calling for cuts to their 8.2% income tax rate, saying it's too high. If their 8.2 is too high, what does that say about our 11 percent?

We will offset those tax reductions with a limited tax on certain items that will be paid in part by Montanans, but to a large degree by nonresidents, who enjoy the treasures of our great state.

Our plan also includes a voter-approved local-option tax to help communities relieve the property tax burden on local residents, and to provide opportunities for local economic development.

As we address this plan, we will work with you to help mitigate the effects of property tax reappraisal for our Montana families.

I stand firm in my resolve. I want permanent tax reform that creates an environment for higher-paying jobs that will be a welcome relief for Montanans. We rank 46<sup>th</sup> in per capita income, and if we don't reform our tax structure we will still be there... or lower... a decade from now. That is simply not acceptable.

Our plan welcomes and keeps businesses here, rather than shutting the doors to growth. It provides opportunities for investment, rather than taking money from our small employers, investors, ranchers and farmers and entrepreneurs, because when they succeed, Montana succeeds.

#### Higher Education

But even with tax reform, economic development does not happen without a quality workforce. Montana's University system is a critical part of creating a high quality workforce.

I would like to welcome Carrol Krause as the interim commissioner of Higher Education, and thank former state representative Lila Taylor for agreeing to serve on the Board of Regents. Lila's strong background in our state's largest industry – agriculture – will be a welcome addition to the Board.

I have faith that, with their guidance and that of the other regents, we will strengthen our future workforce and our future leaders.

And, we will continue to transfer technology from the University System to businesses that create the jobs.

Our quality educational system is improving our workforce; and technology is compressing the miles, enabling Montana companies to do business globally.

#### K-12 Public Education

At the same time, we must do everything possible to maintain a quality K-12 education system for our children.

Education is and always will be a top priority for me and our administration. I have faith that we can work together to preserve and strengthen Montana's excellent education system.

Lt. Governor Karl Ohs has been our administration's leader on education issues. Karl, thank you for your work on behalf of our state's children.

Two years ago, I asked the legislature to focus on the 3-R's – recruiting, retaining and rewarding our outstanding teachers. There is no greater profession than the education of our children, and no greater gift an individual can give than to positively impact the life of a child. Let's all applaud our state's teachers for the job they do.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

We must encourage the best and brightest teachers to stay here. We have partnered with School Superintendent Linda McCulloch to bring forward legislation to help repay student loans for new teachers who choose to make Montana home.

Representative Alan Olson's House Bill 107 does just that, serving as a vehicle to help new teachers like Jody Magerius, who was born and raised in Conrad, to stay home, rather than seeking a position in another state.

Please join me in welcoming Jody, and seeing that she stays here in Montana.

I thank the House of Representatives for acting quickly on this legislation, and I urge the Senate to do likewise.

We can also retain our talented teachers by addressing the rising costs of healthcare.

On behalf of educators in Montana, I urge you to send me HB 302, sponsored by Representative Dave Lewis and developed in partnership with the education community. This legislation creates a statewide teachers' insurance pool to keep costs down for our schools.

When it comes to our schools, dollars alone don't always make the difference.

Funding is important, and so is funding reform. I ask you to pass legislation sponsored by Representative Roy Brown to help ensure that schools faced with declining enrollments don't sacrifice a quality education to meet their fixed costs.

I am also asking you to pass legislation confirming your support for a school renewal commission. My office will sponsor this commission jointly with the Board of Public Education. This group will be charged with offering substantive solutions to the next legislature on every way schools operate, building on prior studies to get the job done for Montana students.

Please join me in thanking the Board's chair, Dr. Kirk Miller, and all board members for their dedication to students, parents and educators all across Montana.

Our children are the future of this state, and I want to thank the legislative leadership for placing such a high priority on K-12 education that you have restored funding to my budget levels... because we will accept nothing less.

We also need the help of our students in teaching one another. That is why I'm pleased that, with the partnership of student leaders, we will hold a Youth Tobacco Prevention Summit in Helena this spring. Working together, we will ensure a tobacco-free graduating high school class by 2015.

#### Substance Abuse

But, as we all know, substance abuse spreads far beyond our children, and affects the lives of all too many Montana families.

Every day, we read and hear of tragic stories involving the use of methamphetamines and other drugs. I support Senator Mike Cooney's legislation to toughen our meth laws and protect our children.

In partnership with Attorney General Mike McGrath, we formed the Alcohol, Tobacco and Other Drug Control Policy Task Force under the leadership and guidance of Senator Duane Grimes.

Their creative and unique ideas have set the stage for a proactive approach to reducing substance abuse in Montana.

We can all agree that the safety and health of our Montana families is too important for partisanship.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

That is why I'm asking you to pass House Bill 195, sponsored by Representative Cindy Younkin, which strengthens DUI repeat offender penalties. I also urge your support for Senate Bill 13, the .08 legislation and Senate Bill 39, which places open container laws on the books, both of which are sponsored by Senator Dale Mahlum.

These bills toughen Montana's drunk driving laws, with the goal of ensuring that our roads are safer for Montana families and visitors.

We simply must stop the unnecessary loss of lives on our roadways.

#### Healthcare

We can all agree that Montana families deserve an unsurpassed quality of life. We must prioritize health and human service needs, funding what impacts people's lives the most. We must maximize the use of federal funding and address rising healthcare costs.

As we work to address health care needs, I ask for your consideration of legislation to implement a senior discount prescription plan in Montana.

We must also address the wise use of our Medicaid dollars. That is why I am creating a Medicaid Reform Commission, to be headed by Dr. Peter Blouke to address growing needs and escalating health care costs.

We simply must not falter in our efforts to make health care more affordable for Montana families, and to provide for those most in need.

Our efforts must also extend to those with mental illnesses. Our budget addresses the need for more community-based programs for the mentally ill by limiting the population at the Montana State Hospital in Warm Springs, and creating three regional programs.

In addition to these healthcare issues, our hospitals and clinics are faced with other tough challenges, not the least of which is the shortage of qualified healthcare workers.

I established a task force to address those shortages, and in response to their recommendations, I have committed \$120,000 of federal money to partner with Superintendent McCulloch to provide a healthcare career specialist in her office. OPI will also provide \$30,000 of federal money over the next three years, and we are asking private industry to support this effort as well.

#### Corrections

We have worked hard to find ways to make government operate more efficiently on limited dollars, while protecting the safety of our citizens. In order to address budget challenges in the Department of Corrections, for example, we initiated a supervised release program for those who have been committed to the Department of Corrections by the court system. We set in place a system of checks and balances before implementing this program – and it's working. To date, our return rate is only 7% - much lower than the normal rate of 36%.

#### Milltown Dam

As we care for our people, we must also care for our land. The ways to address our environmental challenges need not be difficult.

The health of our families, and communities; the health of our environment and our wildlife – these must come first.

That is why tonight, I am announcing that I am placing the full support of my office behind removal of the Milltown Dam at Bonner. It's simply the right thing to do.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

At the same time, I will continue to press Arco, Northwestern and the Environmental Protection Agency to ensure that the needs of the local community are met.

Native Americans

In this great state, there are few who have more of the historical background about how fragile our landscape is than our first Montanans.

In the past two years, I have traveled to and met with all tribes located in our state's borders to ensure that their voices are heard, and that we work together.

I involved tribal representatives as we addressed our healthcare budget challenges.

And, tonight, we are announcing a new award. The Governor's Award For Excellence in Cultural Education, to be presented annually to the school that best captures the spirit and intent of the Indian Education For All Act of 1999.

Our students must learn as much as possible about the cultural background of their friends and neighbors, and every student needs to know how proud we are of our diversity.

Budget

I have faith that everything I have outlined tonight is achievable, based on our combined will and fortitude, and taking into consideration our current budget challenges.

I will do everything in my power to work with each of you and I am confident that you will do the same, because we all have the same vision for our state – one that includes family, faith, freedom and a prosperous future for all Montanans.

President George W. Bush once said, "A budget's impact is counted in dollars, but measured in lives."

Excellent schools, quality healthcare, higher-paying jobs, a clean environment, and the rich diversity of our people are the values we must fight to protect in this tough budget cycle.

When times are tough, we must care first for those most in need. That is why we have proposed a \$93 million one-time transfer from the coal trust fund.

We cannot cut so deep that we cut programs like CHIP, which provides healthcare coverage for over 9,000 Montana children, and we must maintain funding for foster care programs, including tribal contracts.

When times are tough, we must first care for those most in need. That is why I have asked that funding for the breast and cervical cancer treatment program, the Montana Chemical Dependency Center, Medicaid pharmacy benefits for the medically needy, and services for children with developmental disabilities be held intact, and that we fund provider rates to the best of our ability.

My education budget is also consistent with a balanced view of all services provided and needs in the state.

Again... all of these education and human services programs are made possible by a one-time transfer of \$93 million from the coal trust fund.

And, just so it's clear, in conversations with the two national bond rating agencies, Standard & Poor's and Moody's, we've been informed that our coal trust proposal will **not** affect our bond rating.

Montanans support this proposal, and I ask that each of you look deep inside and ask – is this not the right time to

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

make the philosophical leap to help our fellow Montanans in need through these difficult times?

After hours of study and discussion throughout the state, we are confident that this proposal will serve Montanans well.

The budget I'm presenting includes a combination of increased revenue projections, fund transfers and reductions in spending with **no tax increase on hardworking Montana families**, many of whom cannot even afford insurance, let alone pay higher taxes.

But, let me add that nothing is off the table. Just as I am asking all of you to address the coal trust fund transfer, I will look closely at every idea that you bring forward. I am confident that, at the end of the day, we will come to a solution that is best for the people we serve.

Conclusion

Much has been entrusted to us, and much is expected.

Let us reach across the aisle and do what is best for all Montanans. Let's cooperate.

Everyone has a role to play... because everyone is a member of our Montana family. We all stand to gain... or we all stand to lose.

Let us not be afraid to lead from our hearts.

In early December, I was in Butte and met a 5-year-old boy by the name of Dyllan Lane. As he was walking away with his mother, I heard him say, "Mom – I just met the Gardener."

I laughed... and then I thought – you know, he's right. I am a gardener – truly, we are all gardeners. It is our job to nurture and grow our economy. It is our job to prepare the soil and plant the seeds for future generations, and it is our job to care for all Montanans.

From all corners of this great state, our growth depends on our ability to work together. What we sow today is the future that we will harvest tomorrow. We **are** growing together – from Sidney to Eureka, from Hamilton to Wolf Point, and we are doing so with heart and resolve.

But, what is the heart of Montana? Is it our way of life? Is it our love of family, freedom, or our faith in one another? Is it our dreams of a prosperous future for our children?

It is all of these. But the real heart of Montana is its people.

The agenda I have set before you tonight is worthy of the people of our great state, and worthy of our best combined efforts.

Together we will forge our own future – our own destiny. We must forge it with the hope that... just as today we recognize the valiant journey of Lewis and Clark – 200 years from now, we will be remembered for our dedication to this journey as well.

Thank you, good evening, and may God Bless the great state of Montana.

President Keenan thanked the Governor and called on Joe Morstein to give the benediction.

Governor Martz and dignitaries were escorted from the House chamber by the escort committee.

HOUSE JOURNAL  
TWELFTH LEGISLATIVE DAY - JANUARY 21, 2003

Senator Thomas moved the joint session be adjourned. Motion carried.

Members of the Senate retired from the House chamber.

House adjourned at 7:20 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House