

**HOUSE JOURNAL
58TH LEGISLATURE
TWENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 4, 2003

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair.

COMMUNICATIONS AND PETITIONS

*A PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA*

WHEREAS, the Carroll College Fighting Saints football team are the 2002 National Champions, beating the Georgetown, Kentucky Tigers by a score of 28-7 in the national championship game; and

WHEREAS, the Saints amassed a season record of 12-2 including wins over Dickenson State, Southern Oregon, and Sioux Falls; and

WHEREAS, the team included 3 NAIA national All-American Scholar Athletes, 4 recipients of NAIA All-American honors and a national Offensive Player of the Week; and

WHEREAS, Carroll College was recognized in 2002 by the NAIA as a Champion of Character institution emphasizing the five core values of respect, integrity, responsibility, leadership and sportsmanship; and

WHEREAS, 22 players received Academic All-Conference honors; and

WHEREAS, Coach Mike Van Diest was recognized by Don Hansen's Weekly Football Gazette as National Coach of the Year.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: that the congratulations of all Montanans be extended to the Carroll College Fighting Saints for their hard work and commitment to their sport and their school.

The proclamation was signed by Senate President Bob Keenan and House Speaker Doug Mood.

Invocation by Representative Carney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Buzzas, Franklin, Fuchs, Hedges, and Keane, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman):

2/4/2003

Correctly printed: **HB 180, HB 252, HB 253, HB 270, HB 326, HB 414, HB 445.**

Correctly engrossed: **HB 150, HB 205, HB 353.**

Correctly enrolled: **HB 188, HB 309.**

Examined by the sponsor and found to be correct: **HB 188, HB 309.**

JUDICIARY (Shockley, Chairman):

2/3/2003

HB 284, do pass. Report adopted.

HB 331, introduced bill, be amended as follows:

1. Title, page 1, line 8.

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Following: "DUE;"

Insert: "REVISING THE PENALTY FOR THE OFFENSE;"

2. Page 1, line 16.

Following: "amount"

Insert: "in excess of \$250 that is"

3. Page 1, line 29.

Following: "amount"

Insert: "exceeding \$250 but"

4. Page 2, line 3.

Strike: "state prison"

Insert: "county detention center"

Strike: "10 years"

Insert: "12 months"

And, as amended, do pass. Report adopted.

HB 350, introduced bill, be amended as follows:

1. Page 1, line 27 through line 28.

Strike: subsection (h) in its entirety

Insert: "(h) possession of dangerous drugs;

(i) possession of drug paraphernalia;

(j) possession of precursors to dangerous drugs; or"

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Barrett, Chairman):

2/3/2003

HB 178, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "EMPLOYER"

Strike: ", UP TO JULY 1, 2005,"

2. Title, page 1, lines 5 and 6.

Following: "WHO" on line 5

Strike: remainder of line 5 through "2002," on line 6

Insert: "HAS BEEN RECEIVING A RETIREMENT ALLOWANCE FOR AT LEAST 12 MONTHS TO BE REEMPLOYED"

3. Title, page 1, lines 8 and 9.

Following: "SYSTEM;" on line 8

Strike: remainder of line 8 through "TEACHING;" on line 9

4. Title, page 1, line 11.

Strike: "SECTIONS"

Insert: "SECTION"

Following: "19-20-804"

Strike: "AND 19-20-1001"

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Following: "AN"
Strike: "IMMEDIATE"

5. Title, page 1, line 12.
Following: first "DATE"
Strike: "AND"
Insert: ", "
Following: second "DATE"
Insert: ", AND A TERMINATION DATE"

6. Page 1, lines 17 and 18.
Following: "(1)" on line 17
Strike: remainder of line 17 through "2005" on line 18
Insert: "Subject to the provisions of this section"

7. Page 1, line 19.
Following: "who"
Strike: "retired on or before August 31, 2002,"
Insert: "has been receiving a retirement allowance, except a disability retirement allowance pursuant to part 9 of this chapter, for at least 12 months"

8. Page 1, line 22.
Following: "member"
Strike: remainder of line 22 through "instruction"
Insert: "holds a valid certificate under the provisions of 20-4-106"

9. Page 1, line 24.
Following: "position"
Strike: "with"
Insert: "because the employer has received no applications for the open position or has not received an acceptance to an offer to fill the position from"

10. Page 2, line 1.
Strike: "2005"
Insert: "2007"

11. Page 2, line 2.
Following: line 1
Insert: "(2) A retiree reemployed pursuant to this section must be considered an active member for the purposes of calculating retirement system contributions required under 19-20-604 and 19-20-605.
(3) A retiree reemployed pursuant to this section is exempt from the earnings and employment limits provided in 19-20-804(2) through (5).
(4) If reemployed in a position covered by a collective bargaining agreement pursuant to Title 39, chapter 31, the retiree is subject to all terms and conditions of the agreement and is entitled to all benefits and protections provided by the agreement.
(5) The board may adopt rules to implement this section."
Renumber: subsequent subsection

12. Page 2, line 2.
Following: "means a" on line 2
Strike: "K-12"
Insert: "public"

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Following: "district," on line 2

Insert: "as defined in 20-6-101 and 20-6-701,"

Strike: "the Pine Hills"

13. Page 2, line 3.

Strike: "facility" through "facility"

Insert: "facilities, special education cooperatives"

14. Page 2, line 5 through line 16.

Strike: section 2 in its entirety

Renumber: subsequent sections

15. Page 2, line 19 through line 20.

Following: "~~Upon~~"

Strike: remainder of line 19 through "upon" on line 20

Insert: "Except as provided in [section 1], upon"

16. Page 2, line 22.

Strike: "."

Insert: "."

17. Page 2, line 23.

Following: "~~(2)~~"

Strike: "(b)"

Insert: "(2)"

Following: "Except"

Strike: "except"

Insert: "Except"

Strike: "[section 1] or in"

Following: "~~(4)~~"

Strike: "(1)(d) of this section"

Insert: "(4)"

18. Page 2, line 26.

Strike: "(i)"

Insert: "(a)"

19. Page 2, line 27.

Strike: "(ii)"

Insert: "(b)"

20. Page 2, line 28.

Following: "board:"

Strike: "."

Insert: "."

21. Page 2, line 29.

Strike: "(c)"

Insert: "(3)"

22. Page 2, line 30.

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Strike: "(1)(b)(i)"

Insert: "(2)(a)"

22.5 Page 3, line 2, line 6.

Strike: ".,"

Insert: "."

23. Page 3, line 3.

Following: "~~(a)~~"

Strike: "(d)(i)"

Insert: "(4)(a)"

Following: "Except"

Strike: "except"

Insert: "Except"

Strike: "(1)(e)"

Insert: "(5)"

24. Page 3, line 5.

Strike: "(1)(b)"

Insert: "(2)"

25. Page 3, line 7.

Strike: "(ii)"

Insert: "(b)"

Following: "The"

Strike: "the"

Insert: "The"

26. Page 3, line 8.

Strike: "(1)(b)"

Insert: "(2)"

27. Page 3, lines 13 and 14.

Strike: "(iii)"

Insert: "(c)"

Following: "Upon" on line 13

Strike: "upon"

Insert: "Upon"

Following: "~~(4)(a)~~"

Strike: "(1)(d)(i)"

Insert: "(4)(a)"

28. Page 3, line 17.

Strike: "(e)"

Insert: "(5)"

Strike: "if"

Insert: "If"

29. Page 3, line 23 through page 5, line 24.

Strike: line 23 through "beneficiaries." on page 5, line 24

Renumber: subsequent sections

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30. Page 5, line 26.

Strike: "Sections"

Insert: "Section"

Strike: "and 2"

Following: "]"

Strike: "are"

Insert: "is"

31. Page 5, line 28.

Strike: "sections"

Insert: "section"

Strike: "and 2"

32. Page 6, line 3 through line 4.

Following: "on"

Strike: remainder of line 3 through "approval" on line 4

Insert: "July 1, 2003,"

33. Page 6, line 7.

Following: line 6

Insert: "NEW SECTION. **Section 6. Termination.** [This act] terminates July 1, 2006."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/3/2003

SB 28, introduced by Mangan

SB 79, introduced by Sprague

SB 151, introduced by Mahlum

SB 197, introduced by Perry

SB 211, introduced by Hansen

SB 229, introduced by F. Thomas

SB 230, introduced by Cromley

House bills concurred in and returned to the House:

2/3/2003

HB 31, introduced by Waitschies

HB 58, introduced by Erickson

HB 62, introduced by Lehman

HB 70, introduced by Parker

HB 83, introduced by Peterson

HB 153, introduced by Ballantyne

HB 309, introduced by R. Brown

MESSAGES FROM THE GOVERNOR

February 3, 2003

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

Dear Representative Mood:

Please be informed that I have signed **House Bill 21** sponsored by Representative Smith on February 3, 2003.

Sincerely,

JUDY MARTZ
Governor

FIRST READING AND COMMITMENT OF BILLS

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

- HB 506**, introduced by Erickson, Bixby, Cyr, Toole, referred to Judiciary.
- HB 507**, introduced by Brueggeman, referred to Business and Labor.
- HB 508**, introduced by Lenhart, referred to Taxation.
- HB 509**, introduced by A. Olson, Dowell, Forrester, Gebhardt, Gillan, Golie, Laslovich, Mahlum, Mangan, Matthews, McCarthy, McNutt, Shea, Witt, referred to Federal Relations, Energy, and Telecommunications.
- HB 510**, introduced by P. Clark, referred to Judiciary.
- HB 511**, introduced by Everett, Barkus, Brueggeman, DePratu, Keenan, Lange, Lewis, Sales, referred to Natural Resources.
- HB 512**, introduced by Sinrud, referred to Local Government.
- HB 513**, introduced by Barrett, Maedje, A. Olson, referred to State Administration.
- HB 514**, introduced by Morgan, referred to Transportation.
- HB 515**, introduced by Morgan, referred to State Administration.
- HB 516**, introduced by Devlin, Barrett, Fuchs, Mood, A. Olson, referred to Fish, Wildlife and Parks.
- HB 517**, introduced by Wilson, referred to Local Government.

The following House joint resolution was introduced, read first time, and referred to committee:

- HJR 16**, introduced by Mendenhall, F. Thomas, referred to Federal Relations, Energy, and Telecommunications.

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 220 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, 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 93

Noes: Bixby, Jayne.

Total 2

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

HB 280 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, 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 95

Noes: None.

Total 0

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

HB 287 passed as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Ross, Ryan, Sales, Schrumpf, Shockley, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 70

Noes: Andersen, D. Brown, R. Brown, E. Clark, Devlin, Everett, Fisher, Hawk, Jackson, Kasten, Lambert, Maedje, Malcolm, Mendenhall, Morgan, B. Olson, Rice, Ripley, Roberts, Rome, Sinrud, Steinbeisser, Stoker, Waitschies, Witt.

Total 25

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

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HB 299 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fritz, Gibson, Gillan, Haines, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, 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, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Bixby, Callahan, P. Clark, Cohenour, Cyr, Erickson, Facey, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Juneau, Kaufmann, Ryan, Small-Eastman, Smith, Wanzenried, Weiss.

Total 20

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

HB 319 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, 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, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: D. Brown, Jackson, Malcolm.

Total 3

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

SB 258 concurred in as follows:

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

Total 52

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell,

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Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 43

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

**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 Brueggeman in the chair.

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

HB 246 - Representative Harris moved **HB 246** 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, Harris, Hawk, 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 97

Noes: Fuchs, Haines, Hedges.

Total 3

Voted Absentee: Buzzas, Franklin, Keane, Ayes; Fuchs, Hedges, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 321 - Representative Younkin moved **HB 321** do pass.

Representative Galvin-Halcro moved **HB 321**, second reading copy, be amended as follows :

1. Page 4, line 14.

Following: "PODIATRIST"

Strike: "IF"

Insert: ". However, the board shall adopt a rule requiring"

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2. Page 4, line 15.

Strike: "IS REQUIRED"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, 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 94

Noes: None.

Total 0

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: Gillan.

Total 1

Motion that **HB 321**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, 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, 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, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

Noes: Becker, Franklin.

Total 2

Voted Absentee: Buzzas, Fuchs, Hedges, Keane, Ayes; Franklin, No.

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

HB 347 - Representative Carney moved **HB 347** do pass.

Mr. Speaker moved consideration of **HB 347** be passed for the day. Motion carried.

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HR 3 - Representative Barrett moved **HR 3** be adopted.

Representative Juneau moved **HR 3**, second reading copy, be amended as follows :

1. Page 2, line 3.

Strike: ", blatantly unethical,"

2. Page 2, line 13.

Strike: "mean-spirited,"

3. Page 2, line 23.

Following: line 22

Insert: "BE IT FURTHER RESOLVED, that the House of Representatives accepts the findings of the Minority Report of the Joint Select Committee on Districting and Apportionment.

BE IT FURTHER RESOLVED, that the House of Representatives urges the swift adoption of the plan submitted by the 2000 Districting and Apportionment Commission."

Amendment **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 43

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.

Total 5

Absent or not voting: None.

Total 0

Motion that **HR 3** be adopted carried as follows:

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

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

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Voted Absentee: Fuchs, Hedges, Ayes; Buzzas, Franklin, Keane, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 99 - Representative Golie moved **HB 99** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Ryan, Sales, Schrupf, Sinrud, Small-Eastman, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 64

Noes: Andersen, Barrett, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Haines, Hawk, Hurwitz, Jackson, Kasten, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Shockley, Smith, Steinbeisser, Stoker, Waitschies, Witt.

Total 35

Voted Absentee: Buzzas, Franklin, Fuchs, Hedges, Keane, Ayes.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 340 - Representative Andersen moved **HB 340** 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, Mr. Speaker.

Total 99

Noes: Younkin.

Total 1

Voted Absentee: Buzzas, Franklin, Fuchs, Hedges, Keane, Ayes.

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 354 - Representative Newman moved **HB 354** 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, Gallus, Galvin-Halcro, Gibson, Golie, 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, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

Noes: Gillan, Jayne.
Total 2

Voted Absentee: Buzzas, Franklin, Fuchs, Hedges, Keane, Ayes.

Excused: None.
Total 0

Absent or not voting: Gallik.
Total 1

HB 366 - Representative P. Clark moved **HB 366** 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, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.
Total 98

Noes: Roberts.
Total 1

Voted Absentee: Buzzas, Franklin, Fuchs, Hedges, Keane, Ayes.

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

HB 389 - Representative Gibson moved **HB 389** do pass. Motion carried as follows:

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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, 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: Mendenhall.
Total 1

Voted Absentee: Buzzas, Franklin, Fuchs, Hedges, Keane, Ayes.

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 Brueggeman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Forrester, Haines, Hawk, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 55

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Laslovich, Lenhart, Lindeen, Musgrove, Parker, Raser, Ryan, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 39

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.
Total 5

Absent or not voting: Everett.
Total 1

MOTIONS

Representative R. Brown moved **HB 347** be taken from second reading this day and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative R. Brown moved **HB 511** be taken from the Committee on Natural Resources and be rereferred to the Committee on Local Government. There being no objection, so ordered.

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Representative Brueggeman moved to reconsider action taken on **HB 251** and that it be placed back on third reading on Legislative Day 27. Motion **failed** as follows:

Ayes: Andersen, Balyeat, Bitney, R. Brown, Brueggeman, P. Clark, Cyr, Everett, Golie, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Newman, A. Olson, Peterson, Rice, Roberts, Ryan, Sales, Schruppf, Sinrud, Wagman, Wilson, Younkin, Mr. Speaker.
Total 35

Noes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lehman, Lindeen, Matthews, Morgan, Musgrove, Noennig, B. Olson, Parker, Raser, Ripley, Rome, Ross, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss.
Total 55

Excused: Buzzas, Franklin, Fuchs, Hedges, Keane.
Total 5

Absent or not voting: Gillan, Pattison, Shockley, Windy Boy, Witt.
Total 5

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:15 p.m., Wednesday, February 5, 2003. Motion carried.

House adjourned at 2:50 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House