

**HOUSE JOURNAL
58TH LEGISLATURE
THIRTY-FIRST LEGISLATIVE DAY**

Helena, Montana
February 12, 2003

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 2/12/2003
Correctly printed: **HB 424, HB 453, HB 456, HB 474, HB 482.**
Correctly engrossed: **HB 331, HB 359, HB 402, HB 438, HB 489, HB 496, HB 521.**
Examined by the sponsor and found to be correct: **HB 136, HB 175, HB 207.** 2/11/2003
Signed by the Speaker at 8:30 a.m., February 12, 2003: **HB 136, HB 175, HB 207.**
Delivered to the Governor for approval at 11:10 a.m., February 12, 2003: **HB 136, HB 175, HB 207.**

FISH, WILDLIFE AND PARKS (Balyeat, Chairman): 2/12/2003
HB 306, introduced bill, be amended as follows:

1. Title, line 6.

Following: "MONTANA"

Strike: "CITIZENS"

Insert: "CITIZENS' OPPORTUNITY"

2. Title, line 6 through line 8.

Following: "ANIMALS" on line 6

Strike: remainder of line 6 through "ANIMALS" on line 8

3. Page 1, line 15.

Following: "heritage."

Strike: "(1)"

Following: "The"

Insert: "opportunity to"

Following: "harvest"

Strike: "of"

4. Page 1, line 16.

Following: "state"

Strike: ", "

Insert: "and"

5. Page 1, line 17.

Strike: "unauthorized"

6. Page 1, line 17 through line 18.

Following: "rights"

Strike: remainder of line 17 through "interest" on line 18

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7. Page 1, line 19 through line 20.

Strike: subsection (2) in its entirety

8. Page 1, line 28.

Following: "heritage of"

Strike: "Montanans"

Insert: "Montanans' opportunity"

9. Page 1, line 28 through line 29.

Following: "game" on line 28

Strike: remainder of line 28 through "heritage" on line 29

10. Page 1, line 30.

Following: "heritage of"

Strike: "Montanans"

Insert: "Montanans' opportunity"

11. Page 2, line 1.

Strike: "and requiring management of fish and wildlife to preserve the heritage"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Younkin, Chairman):

2/12/2003

HB 144, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

Strike: "MAKING" on line 6 through "SUSPENDING" on line 7

Insert: "INCREASING"

2. Title, line 8.

Following: "REQUESTS"

Strike: "UPON APPEAL"

3. Title, line 9.

Strike: "CAP ON"

4. Title, line 10.

Strike: "75-10-732,"

5. Title, line 12.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

6. Page 1, line 16 through page 2, line 20.

Strike: section 1 in its entirety

Renumber: subsequent sections

7. Page 3, line 21.

Following: "than"

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Strike: "2"
Insert: "5"

8. Page 3, line 23.
Following: "of the" on line 23
Strike: "2-year"
Insert: "5-year"

9. Page 3, line 25.
Following: the first "of the"
Strike: "2-year"
Insert: "5-year"

10. Page 3, line 27.
Following: "latest."
Insert: "The board may grant reasonable extensions of this limitation period if it is shown that the need for the extension is not due to the negligence of the owner or operator or agent of the owner or operator."

11. Page 6, line 30.
Following: "annual"
Strike: "tank registration"

12. Page 7, line 1.
Following: "registration"
Insert: ", not to exceed \$108 for a tank over 1,100 gallons and not to exceed \$36 for a tank 1,100 gallons or less, for each tank, for tank registration"

13. Page 7, line 1 and line 2.
Following: "defray" on line 1.
Strike: "and not" through "to exceed the" on line 2

14. Page 9.
Following: line 3
Insert: "NEW SECTION. Section 7. Applicability. [Section 1] applies to all claims for reimbursement of expenses on file with the department of environmental quality on [the effective date of this act]."

And, as amended, do pass. Report adopted.

HB 368, introduced bill, be amended as follows:

1. Title, line 4.
Following: the second "AN ACT"
Strike: "ELIMINATING"
Insert: "EXTENDING"

2. Title, line 8.
Strike: the first "AND"

3. Title, line 9.

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Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

4. Page 2, line 11.

Strike: "and"

5. Page 2, line 15.

Following: "~~damage~~"

Insert: "; and

(h) expenses for work completed by or on behalf of the owner or operator more than 5 years prior to the owner's or operator's request for reimbursement. This limitation does not apply to claims for compensation paid to third parties for bodily injury or property damage. The running of the 5-year limitation period is suspended by an appeal of the board's denial of eligibility for reimbursement. If a written request for hearing is filed under 75-11-309, the suspension of the 5-year limitation period is effective from the date of the board's initial eligibility denial to the date on which the initial eligibility denial is overturned or reversed by the board, a district court, or the state supreme court, whichever occurs latest. The board may grant reasonable extensions of this limitation period if it is shown that the need for the extension is not due to the negligence of the owner or operator or agent of the owner or operator"

6. Page 3.

Following: line 17

Strike: line 18 through line 19 in their entirety

Insert: "(a) the release was discovered on or after April 13, 1989, and the release occurred from:

(i) an underground storage tank, as defined in 75-11-503, that was in compliance with 75-11-509 at the time that the release was discovered;

(ii) a petroleum storage tank, as defined in 75-11-302, that was in compliance with the applicable state and federal laws and rules that the board determines pertain to the prevention and mitigation of a petroleum release from a petroleum storage tank at the time that the release was discovered; or

(iii) an underground storage tank, as defined in 75-11-503, that the property owner had no previous knowledge of if the tank was in compliance with the applicable state and federal laws and rules that the board determines pertain to the prevention and mitigation of a petroleum release at the time that the release was discovered;"

7. Page 3, line 24 through line 25.

Following: "release,"

Strike: "the" on line 24 through "tank" on line 25

Following: "~~complied~~"

Insert: "the underground storage tank from which the release occurred was removed or had a valid permit pursuant to 75-11-509 and the petroleum storage tank"

8. Page 7, line 13.

Following: "review"

Strike: "of"

Insert: "suggests that"

9. Page 8, line 4 through line 5.

Following: "expenses"

Strike: "that" on line 4 through "approval" on line 5

Insert: "associated with administration"

10. Page 8.

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Following: line 27

Strike: line 28 through line 29 in their entirety

Insert: "(a) department expenses incurred in providing assistance to the board. The board shall review and comment on all department administrative budget proposals that are assessed against the fund prior to submittal of the department budget for legislative approval. Department administrative expenses on behalf of the board may include:"

11. Page 9.

Following: line 27

Insert: "NEW SECTION. Section 9. Applicability. [Section 1] applies to all claims for reimbursement of expenses on file with the department of environmental quality on [the effective date of this act]."

And, as amended, do pass. Report adopted.

HB 428, do pass. Report adopted.

STATE ADMINISTRATION (Barrett, Chairman):

2/11/2003

HB 120, introduced bill, be amended as follows:

1. Page 1, lines 18 and 19.

Strike: "any" on line 18 through "sheriff" on line 19

Insert: "a detention officer, as defined in 44-4-302, who has received or is expected to receive the training provided in order to meet the employment standards set by the board of crime control for detention officers pursuant to 44-4-301"

And, as amended, do pass. Report adopted.

TAXATION (Fuchs, Chairman):

2/11/2003

HB 452, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "WHO ARE 18 YEARS OF AGE OR OLDER"

2. Page 1, line 12.

Strike: "adult"

Following: "use"

Insert: "-- limitation"

3. Page 1, line 13.

Strike: "adult"

4. Page 1, line 15.

Strike: "who are 18 years of age or older"

Following: "."

Insert: "The department of public health and human services shall provide the department of revenue with a list of taxpayers making donations to the account."

5. Page 1, line 16.

Strike: "Money"

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Insert: "Subject to subsection (3), money"

6. Page 1, lines 16 and 17.

Following: "individuals" on line 16

Strike: remainder of line 16 through "older" on line 17

7. Page 1, line 18.

Following: "."

Insert: "Money in the account for which a tax credit was claimed must be reimbursed to the general fund for the amount of the credit taken in the previous tax year. The remaining money in the account must be used to supplement existing funding."

8. Page 1.

Following: line 18

Insert: "(3) Expenditures from the account in the previous biennium may not be included in the base budget, as defined in 17-7-102, of the department for the current biennium."

9. Page 1, line 20.

Strike: "adult"

10. Page 1, lines 22 and 23.

Following: "15-31-101" on line 22

Strike: remainder of line 22 through "1]" on line 23

Following: the first "." on line 23

Insert: "The credit must be calculated pursuant to and is subject to the limitations provided in 15-30-166."

11. Page 1, line 23.

Following: "liability."

Insert: "A taxpayer claiming a credit under this section may not claim a deduction for the contribution for which a credit is claimed."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

2/11/2003

SB 249, introduced by Taylor

MESSAGES FROM THE GOVERNOR

February 11, 2003

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

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Dear Representative Mood:

Please be informed that I have signed **House Bill 16** sponsored by Representative Haines, **House Bill 25** sponsored by Representative Galvin-Halcro, **House Bill 34** sponsored by Representative Jacobson, **House Bill 69** sponsored by Representative Smith, and **House Bill 132** sponsored by Representative Musgrove on February 11, 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 585**, introduced by Franklin, referred to Human Services.
- HB 586**, introduced by Brueggeman, Johnson, referred to State Administration.
- HB 587**, introduced by Carney, referred to Transportation.
- HB 588**, introduced by Matthews, referred to Business and Labor.
- HB 589**, introduced by Gallus, F. Thomas, referred to Appropriations.
- HB 590**, introduced by Fuchs, referred to State Administration.
- HB 591**, introduced by Fuchs, referred to Transportation.
- HB 592**, introduced by Small-Eastman, Gallik, referred to Human Services.
- HB 593**, introduced by Small-Eastman, referred to Appropriations.
- HB 594**, introduced by Small-Eastman, referred to Agriculture.
- HB 595**, introduced by Brueggeman, Laslovich, Lindeen, Sinrud, Younkin, referred to Taxation.
- HB 596**, introduced by Keane, referred to Local Government.
- HB 597**, introduced by Wagman, referred to Business and Labor.
- HB 598**, introduced by Sales (by request of the House Fish, Wildlife, and Parks Standing Committee), referred to Fish, Wildlife and Parks.
- HB 599**, introduced by Sales, referred to State Administration.
- HB 600**, introduced by Sales, referred to State Administration.
- HB 601**, introduced by Ripley, Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Everett, Fisher, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hurwitz, Keane, Lake, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Morgan, Musgrove, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, B. Ryan, Schrupf, Sinrud, Smith, Stoker, Witt, referred to State Administration.
- HB 602**, introduced by Galvin-Halcro, referred to State Administration.
- HB 603**, introduced by Jayne, Jacobson, Small-Eastman, referred to Business and Labor.
- HB 604**, introduced by Gallik, Bales, Matthews, A. Olson, referred to Federal Relations, Energy, and Telecommunications.
- HB 605**, introduced by Jayne, Forrester, Jacobson, Small-Eastman, referred to Natural Resources.
- HB 606**, introduced by Stoker, referred to Business and Labor.
- HB 607**, introduced by Facey, Buzzas, Cyr, Ellingson, Erickson, Gutsche, Kaufmann, Newman, Weiss, referred to State Administration. The following House bill was introduced, read first time, and referred to committee:

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

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HJR 21, introduced by Morgan, referred to State Administration.

HJR 22, introduced by Ripley, Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Fisher, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hurwitz, Juneau, Keane, Lake, Laszloffy, Lehman, Lenhart, Morgan, Musgrove, A. Olson, Parker, Pattison, Raser, Roberts, Schruppf, Smith, Steinbeisser, Stoker, Windy Boy, Younkin, referred to State Administration.

**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 Bitney in the chair.

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

HB 194 - Representative Barrett moved **HB 194** do pass.

Representative Harris moved **HB 194**, second reading copy, be amended as follows :

1. Title, lines 10 through 12.

Following: "FILINGS;" on line 10

Strike: remainder of line 10 through "PARTNERSHIPS;" on line 12

2. Title, line 18.

Strike: "30-13-206,"

3. Page 2, lines 14 through 30.

Strike: section 3 in its entirety

Renumber: subsequent sections

Amendment **not** adopted as follows:

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

Total 45

Noes: Andersen, Ballantyne, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Gibson, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Jent.

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Total 2

Motion that **HB 194** do pass 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 305 - Representative Peterson moved **HB 305** 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 372 - Representative Cyr moved **HB 372** 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, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Harris, Hawk, Hedges, Hurwitz, Jackson,

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Jacobson, Jayne, 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, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 88

Noes: E. Clark, Devlin, Erickson, Fritz, Gutsche, Jent, Ripley, Roberts, Waitschies.

Total 9

Excused: None.

Total 0

Absent or not voting: Gillan, Haines, Witt.

Total 3

HB 56 - Representative B. Thomas moved **HB 56** 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, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 91

Noes: Jayne, Lewis, Sales, Sinrud, Wanzenried, Younkin.

Total 6

Excused: None.

Total 0

Absent or not voting: D. Brown, Golie, Hedges.

Total 3

HB 185 - Representative Wilson moved **HB 185** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Lake, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Mr. Speaker.

Total 76

Noes: Balyeat, Barrett, D. Brown, Fisher, Fuchs, Golie, Haines, Hawk, Jackson, Jayne, Kasten, Keane, Lambert,

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Laszloffy, Lehman, Malcolm, Rice, Ryan, Sales, Sinrud, Windy Boy, Witt, Younkin.
Total 23

Excused: None.
Total 0

Absent or not voting: Bookout-Reinicke.
Total 1

HB 269 - Representative Bergren moved **HB 269** 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, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, 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 95

Noes: D. Brown, Kaufmann, Lehman, Malcolm.
Total 4

Excused: None.
Total 0

Absent or not voting: Gillan.
Total 1

HB 377 - Representative R. Brown moved consideration of **HB 377** be passed for the day. Motion carried.

HB 384 - Representative McKenney moved **HB 384** 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, 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, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 96

Noes: Everett, Malcolm, Rice.
Total 3

Excused: None.
Total 0

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Absent or not voting: Kaufmann.
Total 1

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bitney moved the Committee of the Whole report be adopted. Report adopted 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, 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, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

Noes: Golie, Ryan.
Total 2

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 61 passed as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Carney, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Haines, Harris, Hedges, Hurwitz, Jayne, Jent, Kaufmann, Keane, Laslovich, Lehman, Lenhart, Lindeen, Malcolm, Matthews, Morgan, Musgrove, A. Olson, Raser, Rice, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wanzenried, Weiss, Witt.
Total 50

Noes: Andersen, Barrett, D. Brown, R. Brown, Buzzas, Callahan, P. Clark, Dickenson, Everett, Fisher, Franklin, Fuchs, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Hawk, Jackson, Jacobson, Juneau, Kasten, Lake, Lange, Laszloffy, Lawson, Lewis, McKenney, Mendenhall, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Ripley, Roberts, Rome, Sales, Sinrud, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 47

Excused: None.
Total 0

Absent or not voting: E. Clark, Lambert, Maedje.

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Total 3

HB 129 passed as follows:

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

Total 85

Noes: R. Brown, E. Clark, Devlin, Everett, Jackson, Kasten, Pattison, Rice, Ross, Waitschies, Windy Boy.

Total 11

Excused: None.

Total 0

Absent or not voting: Bergren, Kaufmann, Lambert, Maedje.

Total 4

HB 184 passed as follows:

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

Total 87

Noes: R. Brown, E. Clark, Fisher, Hawk, Lake, Rome, Steinbeisser, Wagman, Waitschies, Witt, Younkin.

Total 11

Excused: None.

Total 0

Absent or not voting: Kaufmann, Maedje.

Total 2

HB 226 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, 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, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman,

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Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Roberts, Ross, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 84

Noes: Barrett, Everett, Hawk, Jayne, Lambert, Laszloffy, Peterson, Rice, Ripley, Rome, Ryan, Sales, Shockley, Sinrud, Witt.
Total 15

Excused: None.
Total 0

Absent or not voting: Maedje.
Total 1

HB 445 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, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 95

Noes: Erickson, Galvin-Halcro, Gutsche, Kaufmann, Wanzenried.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 448 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, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

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

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 11 adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 93

Noes: Bookout-Reinicke, Fisher, Hawk, Malcolm, Mendenhall, A. Olson, Sales.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 12 adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.
Total 91

Noes: Becker, Carney, Dickenson, Erickson, Fritz, Galvin-Halcro, Kaufmann, Small-Eastman, Windy Boy.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 14 adopted as follows:

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Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, Morgan, Musgrove, Noennig, B. Olson, Parker, Raser, Rice, Roberts, Ryan, Small-Eastman, Smith, Stoker, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.

Total 64

Noes: Andersen, Balyeat, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hedges, Kasten, Lake, Lange, Laszloffy, Maedje, Malcolm, McKenney, Mendenhall, Newman, A. Olson, Pattison, Peterson, Ripley, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Thomas, Waitschies, Witt, Younkin.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative R. Brown moved **HB 377** be taken from second reading this day and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 475** be taken from the Committee on Local Government and be rereferred to the Committee on State Administration. There being no objection, so ordered.

Representative R. Brown moved **HB 584** be taken from the Committee on Judiciary and be rereferred to the Committee on Natural Resources. There being no objection, so ordered.

Representative Branae moved **HB 74** be taken from the Committee on Appropriations and be placed on second reading Legislative Day 33.

Representative Brueggeman moved to table previous motion that **HB 74** be taken from committee. Motion carried as follows:

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

Total 54

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

Total 43

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Excused: None.
Total 0

Absent or not voting: Forrester, Juneau, Matthews.
Total 3

Representative Gallik moved **HB 476** be taken from the Committee on Taxation and be placed on second reading Legislative Day 32. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, Matthews, Mendenhall, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 53

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

The Speaker asked the House to join him singing Happy Birthday to Representative Waitschies.

The following cosponsors were added to **HB 295**: Parker.

The following bills were **placed** on the consent calendar: **HB 339, HB 489, HB 496**.

The following bills were **removed** from the consent calendar: **HB 435, HB 456, HB 480**.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, February 13, 2003. Motion carried.

House adjourned at 3:08 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House