

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

Helena, Montana  
February 13, 2003

House Chambers  
State Capitol

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

Roll Call. All members present, except Representatives Gallus and B. Ryan, excused. Quorum present.

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

Bookout-Reinicke, Chair

**SPECIAL ORDERS OF THE DAY**

Consul General Moon of the Republic of Korea was introduced to the House. He recognized the seven astronauts that recently perished and gave a short speech. Speaker Mood thanked Consul General Moon for his presence and welcomed him to the state of Montana.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/13/2003

Correctly printed: **HB 428**.

Correctly engrossed: **HB 120, HB 144, HB 306, HB 368, HB 452**.

**AGRICULTURE** (Rice, Chairman): 2/12/2003

**HJR 15**, be adopted. Report adopted.

**HJR 17**, introduced joint resolution, be adopted and be placed on the consent calendar. Report adopted.

**HJR 18**, introduced joint resolution, be adopted and be placed on the consent calendar. Report adopted.

**APPROPRIATIONS** (Lewis, Chairman): 2/13/2003

**HB 176**, do pass. Report adopted.

**HB 236**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "CLARIFYING"

**Insert:** "AND REVISING"

2. Title, line 6.

**Following:** "STABILIZATION"

**Insert:** "AND ASSESSMENT"

**Following:** "PROJECT"

**Insert:** ", FOR THE PLANNING, DEVELOPMENT, ACQUISITION, INSTALLATION, ADMINISTRATION, AND IMPLEMENTATION OF INFORMATION TECHNOLOGY SYSTEMS TO REPLACE DEPARTMENT OF REVENUE INFORMATION TECHNOLOGY SYSTEMS, FOR THE PLANNING, DEVELOPMENT, AND IMPLEMENTATION OF BUSINESS PROCESS CHANGES TO FACILITATE AND ENABLE THE REPLACEMENT ACTIVITIES, AND FOR STAFFING A PROJECT MANAGEMENT OFFICE TO FACILITATE AND ENABLE THE REPLACEMENT AND BUSINESS PROCESS CHANGE ACTIVITIES"

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3. Title, line 8.

**Following:** "DATE"

**Insert:** "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 1, line 24.

**Following:** "Integration;"

**Insert:** "Planning, Development, Acquisition, Installation, Administration, and Implementation of Information Technology Systems to Replace Department of Revenue Information Technology Systems; Planning, Development, and Implementation of Business Process Changes to Facilitate and Enable the Replacement Activities; and Staffing a Project Management Office to Facilitate and Enable the Replacement and Business Process Change Activities;"

5. Page 2, line 11.

**Strike:** "\$134,816 of"

6. Page 2, line 12.

**Following:** "stabilization"

**Insert:** "and assessment"

7. Page 2, line 13.

**Following:** "project"

**Insert:** ", on planning, development, acquisition, installation, administration, and implementation of information technology systems to replace department of revenue information technology systems and planning, development, and implementation of business process changes to facilitate and enable the replacement activities, and on staffing of a project management office to facilitate and enable the replacement and business process change activities"

8. Page 2, line 28.

**Strike:** "The"

**Insert:** "Except as provided in this subsection, the"

9. Page 2, line 30 through page 3, line 1.

**Following:** "use" on page 2, line 30

**Strike:** remainder of line 30 through "million of" on page 3, line 1

**Following:** "stabilization"

**Insert:** "and assessment"

10. Page 3, line 2.

**Following:** "project"

**Insert:** ", on planning, development, acquisition, installation, administration, and implementation of information technology systems to replace department of revenue information technology systems and planning, development, and implementation of business process changes to facilitate and enable the replacement activities, and on staffing of a project management office to facilitate and enable the replacement and business process change activities"

11. Page 3, line 7.

**Insert:** "NEW SECTION. Section 6. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to acts and expenditures after November 1, 2002."

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And, as amended, do pass. Report adopted.

**HB 492**, introduced bill, be amended as follows:

1. Title, line 10.

**Following:** the second "AND"

**Strike:** "THE ADMINISTRATIVE EXPENSES"

**Insert:** "OTHER PROGRAMS"

2. Title, line 12.

**Following:** "AN"

**Strike:** "IMMEDIATE"

3. Page 7, line 16.

**Following:** "for"

**Strike:** "administrative expenses"

**Insert:** "Montana arts council programs"

4. Page 7, line 17.

**Following:** "for"

**Insert:** "cultural and aesthetic"

5. Page 7, line 30.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2003"

And, as amended, do pass. Report adopted.

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

2/12/2003

**HB 525**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "LICENSED"

**Insert:** "AS OTHER THAN A FIRST-CLASS OR SECOND-CLASS ENGINEER"

2. Title, line 7.

**Strike:** "AND"

**Insert:** ", BY"

**Strike:** "OR"

**Insert:** ", AND"

3. Page 2, line 24.

**Strike:** "Except" through "an"

**Insert:** "An"

4. Page 3, line 5.

**Strike:** "Except" through "an"

**Insert:** "An"

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5. Page 3, line 20.

**Strike:** "~~(5)~~"

**Insert:** "(3)"

6. Page 3, line 21.

**Strike:** "~~five~~"

**Insert:** "three"

7. Page 3, line 22.

**Strike:** "~~(5)~~"

**Insert:** "(3)"

8. Page 3, line 25.

**Strike:** "~~or~~"

**Insert:** "and"

And, as amended, do pass. Report adopted.

**HB 536**, introduced bill, be amended as follows:

1. Page 2, line 11 through line 12.

**Strike:** "states" on line 11 through "proven" on line 12

**Insert:** "is studying the possible links between mold and serious health conditions"

And, as amended, do pass. Report adopted.

**HJR 20**, be adopted. Report adopted.

**EDUCATION** (Andersen, Chairman):

2/13/2003

**HB 73**, do pass. Report adopted.

**HB 193**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Following:** "20-6-101"

**Insert:** "and 20-6-701"

2. Page 5, line 14.

**Following:** "million"

**Insert:** "from the general fund"

And, as amended, do pass. Report adopted.

**HB 459**, introduced bill, be amended as follows:

1. Page 11, line 26.

**Following:** "only,"

**Insert:** "if a district's fiscal year 2005 ANB is greater than its fiscal year 2004 ANB, then"

And, as amended, do pass. Report adopted.

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**JUDICIARY** (Shockley, Chairman):  
**HB 451**, introduced bill, be amended as follows:

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1. Title, page 1, line 6.

**Following:** "DATE"

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

2. Page 1, line 16 through line 17.

**Following:** "state" on line 16

**Strike:** "or charged" on line 16 through the first "state" on line 17

**Insert:** "court"

3. Page 1, line 18.

**Following:** "facility"

**Insert:** "if the person is at all times and in all places within the correctional facility kept physically separated from persons convicted in this state. The agreement must include provisions for returning the out-of-state inmate to the originating jurisdiction at least 90 days prior to the inmate's parole or release"

4. Page 1, line 19.

**Following:** "approval"

**Insert:** "of the agreement"

5. Page 1, line 22.

**Insert:** "NEW SECTION. **Section 3. Termination.** [This act] terminates June 30, 2006."

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):  
**HB 427**, introduced bill, be amended as follows:

2/13/2003

1. Page 3, line 9.

**Strike:** "for" through "source"

2. Page 3, line 16 through line 17.

**Strike:** "for" on line 16 through "source," on line 17

3. Page 3, line 27.

**Strike:** "75-10-405"

**Insert:** "75-10-406"

4. Page 5, line 7.

**Strike:** "for" through "source,"

5. Page 7, line 4.

**Strike:** "for" through "source"

6. Page 7, line 11 through line 12.

**Strike:** "for" on line 11 through "source," on line 12

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7. Page 7, line 22.

**Strike:** "75-10-405"

**Insert:** "75-10-406"

8. Page 8, line 13.

**Strike:** "for" through "source."

And, as amended, do pass. Report adopted.

**HB 433**, do pass. Report adopted.

**HB 436**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Strike:** "Titles"

**Insert:** "Title"

**Strike:** "and"

**Insert:** "or"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/13/2003

**SB 7**, be amended as follows:

1. Page 1, line 17.

**Strike:** "OR"

2. Page 1, line 19.

**Following:** "SYSTEM"

**Insert:** "; or

(c) by the board of trustees of a community college to serve as president"

And, as amended, be concurred in and be placed on the consent calendar. Report adopted.

**SB 136**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**House bills** concurred in and returned to the House:

2/12/2003

**HB 47**, introduced by P. Clark

**HB 88**, introduced by Kasten

**HB 96**, introduced by Devlin

**HB 115**, introduced by Bookout-Reinicke

**HB 143**, introduced by Lambert

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**FIRST READING AND COMMITMENT OF BILLS**

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

- HB 608**, introduced by Windy Boy, Ballantyne, Bergren, Bixby, Callahan, P. Clark, Cyr, Dickenson, Dowell, Franklin, Hansen, Jacobson, Jayne, Jent, Juneau, Lambert, Musgrove, Newman, Pease, Raser, Roush, Small-Eastman, Smith, Weiss, referred to Federal Relations, Energy, and Telecommunications.
- HB 609**, introduced by Windy Boy, Ballantyne, Becker, Bergren, Bixby, Callahan, P. Clark, Cyr, Dickenson, Dowell, Franklin, Fritz, Gillan, Hansen, Hedges, Jacobson, Jayne, Jent, Juneau, Lambert, Laslovich, Musgrove, Newman, Pease, Raser, Roush, Small-Eastman, Smith, Wanzenried, Weiss, referred to State Administration.
- HB 610**, introduced by Bergren, Nelson, Roush, referred to Local Government.
- HB 611**, introduced by Facey, referred to State Administration.
- HB 612**, introduced by P. Clark, referred to Fish, Wildlife and Parks.
- HB 613**, introduced by Lange, R. Brown, Everett, Lambert, A. Olson, B. Olson, referred to Business and Labor.
- HB 614**, introduced by Laslovich, Cyr, Facey, Gibson, Golie, Keane, Lenhart, referred to Fish, Wildlife and Parks.
- HB 615**, introduced by Franklin, Becker, Erickson, Gutsche, Kaufmann, referred to Judiciary.
- HB 616**, introduced by Younkin, referred to Taxation.
- HB 617**, introduced by Mendenhall, Grimes, referred to Natural Resources.
- HB 618**, introduced by Dickenson, Callahan, Hurwitz, Small-Eastman, Windy Boy, referred to Judiciary.
- HB 619**, introduced by Maedje, Bergren, Bookout-Reinicke, Brueggeman, Curtiss, Fuchs, Haines, Jackson, Lake, Lambert, Lange, B. Olson, Pattison, Peterson, Rice, Ripley, Sinrud, Steinbeisser, Stoker, B. Thomas, Witt, referred to Business and Labor.
- HB 620**, introduced by Maedje, Bergren, Curtiss, Everett, Jackson, Lambert, Lange, referred to Taxation.
- HB 621**, introduced by Sinrud, Barkus, Brueggeman, Cooney, Laible, Lindeen (by request of the House Joint Appropriations Subcommittee on General Government and Transportation), referred to State Administration.
- HB 622**, introduced by Lange, Bergren, Bookout-Reinicke, Cocchiarella, Cohenour, Cooney, Forrester, Gallus, Glaser, Harrington, Keane, Lawson, Morgan, Roush, Shea, Squires, F. Thomas, Tropila, referred to Business and Labor.
- HB 623**, introduced by Smith, referred to Taxation.
- HB 624**, introduced by Buzzas, referred to Appropriations.
- HB 625**, introduced by Buzzas, referred to Local Government.
- HB 626**, introduced by Kaufmann, referred to Natural Resources.
- HB 627**, introduced by Lindeen, referred to Taxation.

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

- HJR 23**, introduced by Windy Boy, Ballantyne, Bergren, Bixby, Callahan, P. Clark, Cyr, Dowell, Erickson, Franklin, Fritz, Jacobson, Jayne, Jent, Juneau, Musgrove, Newman, Pease, Raser, Roush, Small-Eastman, Smith, Wanzenried, Weiss, referred to Federal Relations, Energy, and Telecommunications.
- HJR 24**, introduced by D. Brown (by request of the House State Administration Standing Committee), referred to State Administration.
- HJR 25**, introduced by Juneau, Ballantyne, Bergren, Black, Callahan, E. Clark, Cobb, Dickenson, Franklin, Galvin-Halcro, Golie, Hansen, Kitzenberg, Lehman, McKenney, Musgrove, Parker, Ripley, Roush, B. Ryan, D. Ryan, Schmidt, Tester, Tropila, Wilson, Witt, referred to Local Government.
- HJR 26**, introduced by Younkin, R. Brown, Cooney, Cromley, Ellingson, Gillan, Glaser, Keenan, Mahlum, Mood, Schmidt, Squires, Stapleton, Tester, F. Thomas, Wanzenried, Wheat, referred to Federal Relations, Energy, and Telecommunications.
- HJR 27**, introduced by Forrester, Shea, referred to Business and Labor.

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**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 Branae in the chair.

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

**HB 396** - Representative Gibson moved **HB 396** do pass. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lenhart, Lewis, Lindeen, Morgan, Musgrove, Parker, Raser, Ripley, Roberts, Ryan, Sales, Schrupf, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 56

Noes: Andersen, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jayne, Kasten, Lambert, Lange, Laszloffy, Lawson, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Rome, Ross, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 44

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 400** - Representative Gillan moved **HB 400** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, Parker, Raser, Ripley, Rome, Ross, Ryan, Schrupf, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 73

Noes: Balyeat, Barrett, R. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Kasten, Laszloffy, Lewis, Morgan, B. Olson, Pattison, Peterson, Rice, Roberts, Sales, Shockley, Steinbeisser, Stoker, Waitschies, Witt, Mr. Speaker.

Total 27

Voted Absentee: Gallus, Ryan, Ayes.



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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 501** - Representative Noennig moved **HB 501** 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, 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, 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, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Fritz, Sinrud, Weiss.  
Total 3

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.  
Total 0

Absent or not voting: Gillan, Lindeen.  
Total 2

**HB 507** - Representative Brueggeman moved **HB 507** 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, 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

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.  
Total 0

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Absent or not voting: Maedje.  
Total 1

**HB 381** - Representative R. Brown moved consideration of **HB 381** be passed for the day. Motion carried.

**HB 424** - Representative Jent moved **HB 424** do pass. Motion carried 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, 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, 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: Balyeat, Fuchs, Hawk.  
Total 3

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 214** - Representative Shockley moved **HB 214** do pass. Motion carried as follows:

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

Noes: Callahan.  
Total 1

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.  
Total 0

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Absent or not voting: Fuchs.  
Total 1

**HB 337** - Representative Ripley moved **HB 337** 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, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: D. Brown, Cyr, Jackson, Newman.  
Total 4

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 359** - Representative Galvin-Halcro moved **HB 359** do pass.

Representative Laslovich moved for cloture. 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, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, 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 96

Noes: Hurwitz.  
Total 1

Excused: Gallus, Ryan.  
Total 2

Absent or not voting: Lehman.  
Total 1

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Motion that **HB 359** do pass carried as follows:

Ayes: Becker, Bergren, Bixby, Bookout-Reinicke, 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, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Rome, Ryan, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 54

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

Total 46

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 490** - Representative Buzzas moved **HB 490** 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, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Gallus, Ryan, Ayes.

Excused: None.

Total 0

Absent or not voting: Small-Eastman.

Total 1

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

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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, 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, Ross, Sales, Schrupf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Mendenhall, Rome, Sinrud.  
Total 3

Excused: Gallus, Ryan.  
Total 2

Absent or not voting: Small-Eastman.  
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 56** 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, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, 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, Ross, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 92

Noes: Jayne, Lewis, Sales, Younkin.  
Total 4

Excused: Gallus, Ryan.  
Total 2

Absent or not voting: Rome, Shockley.  
Total 2

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**HB 185** passed as follows:

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

Total 75

Noes: Balyeat, D. Brown, E. Clark, Fisher, Franklin, Fuchs, Golie, Haines, Hawk, Jackson, Jayne, Kasten, Keane, Lambert, Lehman, Malcolm, Rice, Sales, Sinrud, Smith, Wilson, Witt, Younkin.

Total 23

Excused: Gallus, Ryan.

Total 2

Absent or not voting: None.

Total 0

**HB 194** 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, 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, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Gallus, Ryan.

Total 2

Absent or not voting: None.

Total 0

**HB 269** passed 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, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake,

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Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Rome, Ross, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 89

Noes: D. Brown, Kaufmann, Lambert, Lehman, Malcolm, Rice, Roberts, Sinrud, Witt.

Total 9

Excused: Gallus, Ryan.

Total 2

Absent or not voting: None.

Total 0

**HB 305** 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, 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, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Gallus, Ryan.

Total 2

Absent or not voting: Witt.

Total 1

**HB 331** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 73

Noes: Balyeat, Bookout-Reinicke, D. Brown, E. Clark, Devlin, Fisher, Fuchs, Gallik, Gillan, Hawk, Hedges,

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Jackson, Jayne, Jent, Lambert, Maedje, Newman, Pattison, Peterson, Rome, Steinbeisser, Stoker, Waitschies, Mr. Speaker.  
Total 24

Excused: Gallus, Ryan.  
Total 2

Absent or not voting: Buzzas.  
Total 1

**HB 372** passed 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, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, 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, Rome, Ross, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: E. Clark, Devlin, Erickson, Gutsche, Jent, Kaufmann, Ripley, Roberts, Waitschies.  
Total 9

Excused: Gallus, Ryan.  
Total 2

Absent or not voting: Sinrud.  
Total 1

**HB 384** 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, 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, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Malcolm.  
Total 1

Excused: Gallus, Ryan.  
Total 2



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Absent or not voting: None.  
Total 0

**HB 186**, from the consent calendar, 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, 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, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Sales, Sinrud.  
Total 3

Excused: Gallus, Ryan.  
Total 2

Absent or not voting: None.  
Total 0

**HR 2**, from the consent calendar, 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, 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, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Gallus, Ryan.  
Total 2

Absent or not voting: None.  
Total 0

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**MOTIONS**

Representative R. Brown moved **HB 381** be taken from second reading this day and be rereferred to the Committee on Taxation. There being no objection, so ordered.

Representative R. Brown moved **HB 73** be taken from the Committee of the Whole and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

**UNFINISHED BUSINESS**

Representative Wanzenried presented the Speaker with a letter. Speaker Mood thanked Representative Wanzenried for the letter and assured him he would meet with the President of the Senate and action would be taken.

**SPECIAL ORDERS OF THE DAY**

The following bills were **placed** on the consent calendar: **HJR 17, HJR 18, SB 7.**

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Friday, February 14, 2003. Motion carried.

House adjourned at 3:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House