

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

Helena, Montana
February 14, 2003

House Chambers
State Capitol

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

SPECIAL ORDERS OF THE DAY

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

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

House Majority Leader R. Brown moved the body resolve itself into a joint session for the purpose of receiving the State of Education Address from the Superintendent of Public Instruction, Linda McCulloch. Motion carried.

The President appointed Senator Story, Senator Shea, Representative Schrupf and Representative Facey to escort the Superintendent of Public Instruction into the House chamber.

Sergeant-at-arms Cramer admitted the escort committee and Superintendent of Public Instruction, Linda McCulloch, into the House chamber.

Invocation by Pastor Jim Stumbo of the Helena Alliance Church, Pledge of Allegiance to the Flag followed.

President Keenan welcomed Superintendent McCulloch, who gave the following address:

Good afternoon. I am happy to be here today.

I want to thank President Keenan, Speaker Mood, Senator Tester and Representative Wanzenried for the opportunity to deliver the State of Education address that brings us together to focus on the future of Montana's children.

In addition, I'd like to recognize Governor Martz, and my other colleagues and friends in the Executive and Judicial branches of Montana Government. And welcome to Allison Morrison, who has joined her father, our State Auditor.

Special thank you to my husband Bill for being here – my Valentine for 32 years.

I begin my address today with sincere words of thanks for the thousands of dedicated teachers, administrators, staff and trustees. You work tirelessly helping students learn and prepare for successful lives. Every day, your investment of time and love makes a difference in the lives of Montana's treasure — our children. Would all educators, staff or trustees in the audience, both in the gallery and on the floor, please stand? Let's give them a hand.

One of those educators is Jay Erdie, Superintendent in Roundup who has been an educator for almost 40 years. I am pleased to announce that Jay will be bringing his experience and expertise to Helena as my new Deputy Superintendent. Jay, my sincere thanks.

Today I greet students, educators and friends of education watching this address live. From Westby to Bonner and everywhere in between, OPT's video streaming technology makes this broadcast possible with the simple use of a

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personal computer.

Today's historic moment with technology is one small example of many changes taking place all around us. A lot has happened since I spoke two years ago. On September 11, 2001, our lives changed forever. We have all taken time since then to re-evaluate our priorities, how precious our families are, and how precious our children are.

In a single moment, educators across the country were called upon to help find answers to their students' grief and fear. Montana's educators rose to the challenge with compassion and dignity. Students wrote letters and poems, raised funds, and organized blood drives.

Fortunately, incidences of violence in Montana are rare. But we are not immune from the safety concerns we, as a nation, face. We are prepared. Crisis response plans are in place to help in the event of a tragedy. Montana's educators' role in healing and keeping communities together in a time of crisis is indispensable. We can't thank them enough.

I know that it can sometimes be difficult to see children through the numbers, charts and graphs. That is why I have invited a special guest to join me today. Let me tell you a little bit about her. She is a fourth grader at Jefferson Elementary School here in Helena. She is studious, an adoring big sister, takes ballet lessons and sells me Girl Scout cookies. And like thousands of other students, she rides a bus to school.

When we have tea together, she keeps me in touch with what is going on in our schools, what we can do better and what we do very well. Today, she represents 150,000 Montana students in K-12. Please join me in welcoming my friend and neighbor, Ellie Tinsley to the Montana Legislature.

Ellie represents our Montana students who rank among the top in the nation. For two years in a row, Montana students scored well above national averages in all grades and subject areas. Montana students in 8th grade nationally rank #1 in science and #2 in math. However, I am concerned that our high test scores are leveling. While other states that have significantly invested in education are seeing gains in their student scores, our scores aren't improving.

I am incredibly proud of our students. And I'm proud of parents, educators, and communities that support them. To the many communities across Montana who consistently vote to increase tax burdens that maintain quality public schools -- you need to know that our schools are preparing students, like Ellie and Allison, for the future.

I genuinely believe that we all want the same thing for Montana's students. We want educated and caring children.

We want informed, responsible citizens. We want our students to achieve their dreams and lead productive lives. And perhaps most importantly, we want our kids to believe they can stay, live and work in Montana.

Our commitment to our kids -- and to providing resources to help them succeed -- is about to be truly tested. We face a very real budget crisis. As a former legislator, I understand the difficult decisions that lay ahead. I also know as the State Superintendent and as a long-time-teacher, decisions made this legislative session will greatly affect our children's future.

There are those who would question our investment in education. I know:

When we invest in education, pre-school through college ... we build a stronger Montana for our children to live, work and raise a family.

When we invest in our children's education ... we build Montana's economy.

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When we Invest in public schools ... we create an incentive for businesses to locate in Montana.

We must invest in our school kids today.

School budgets are stretched to the breaking point. Montana's school enrollment is declining, because of a decline in birth rates. State support is then reduced due to our current funding formula. If a school loses as few as 8 kids, the school essentially has lost revenue equal to a teacher's salary. But what happens when the classroom teacher is still needed?

The reality is schools must make cuts to balance budgets. While the number of kids goes down, the school's operating budget does not drop in proportion. Many classroom costs, like utilities and building maintenance are fixed and ongoing.

Let me tell you what cuts to school budgets mean.

Classes will have more students, and our kids will get less personal attention in crucial early grades when kids are learning to read and write. At-risk kids will have fewer opportunities to keep them from dropping out of school.

Our young people will have limited vocational training to prepare them for the work force. Students will have more out-of-date textbooks and library books, and our kids will have fewer class offerings: from music to math.

Each school is finding its own solutions. I'm constantly amazed at the sheer will of educators, schools boards, and parents to find creative ways to make ends meet. We have a responsibility to our children that cannot be ignored.

As a whole, Montana educators are aging. Many retire; some move out of the state or leave the profession. In addition, Montana schools are not able to compete with the enticing salaries and employment benefits that other states offer our new teacher education graduates. We literally do not have enough new teachers staying in Montana to fill the job openings.

Without qualified teachers to replace them, the high quality education offered by our schools is in jeopardy. We need long-term solutions to our shortage of educators.

I am proud of the positive steps the Office of Public Instruction has taken:

Our website helps teachers find jobs and schools find teachers. More than 1100 job openings are currently posted on our Montana Jobs for Teachers site.

We are in the final stages of creating an on-line educator license renewal system to eliminate the paper-intensive process that exists today.

And a teacher internship program is in the works so that teachers can more easily master new subject areas.

I am committed to finding solutions to our school funding problems. Working together with the education community, as State Superintendent I proposed a school funding package last April. The package includes:

ANB averaging to help schools with a declining enrollment.

Student loan repayments, and increased retirement benefits for teachers who teach 30 or more years to help schools recruit and retain highly qualified teachers.

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A per-educator entitlement to create a new way to fund schools without relying on student count.

Increase in the basic and per ANB entitlements, and

Increase in special education funding.

This package reflects the full range of challenges facing schools.

I understand school funding increases will not happen without an increase in state revenues. An average week-long tourist visit to Montana generates only \$34 in taxes. Our neighbors in Wyoming collect \$122, and Utah \$239 for the same seven-day period. I have advocated this session for tourists visiting Montana to pay their fair share for upkeep to our state through a car rental tax and an increase in the bed tax. To prevent the decline of our public school system, we must identify long-term revenues that invest in education.

I have the honor of being elected by the people of Montana to make sure our state is providing services their children and grandchildren need. I am responsible for ensuring teachers are qualified, schools are accountable, and funds are distributed to schools, on time, every time, and much much more. I take these responsibilities very seriously.

This past year I visited many Montana schools and communities traveling in a yellow school bus along with members of my staff. I wanted to know how we could better deliver services and resources to Montana schools. Yes, the bus seats are still hard. But the travel is safe and reliable in all weather. The Yellow School Bus Tour was an opportunity to hear firsthand the strengths and challenges facing our public schools.

Here is a snapshot of a small part of what we learned:

Schools are the heart and soul of Montana communities. They serve as the hub of activity for local sports, arts and community events.

Pride extends everywhere in our schools and communities. Classrooms are full of students deeply immersed in learning. Parents are ready to lend "helping hands" in the classroom.

Our educators are community leaders.

Retired senior citizens are actively volunteering their time and talents to make a difference in children's lives.

Kids in our small and medium size schools need and deserve the same opportunities as kids in larger cities.

School and business partnerships are strong. Businesses support school-to-work partnerships, loan their employees to volunteer in schools and frequently provide needed resources and support.

Montana's economy lays front and center in school concerns. Nearly one quarter of all children in our state are from families living below the poverty level.

Every school is unique. We were grateful for the opportunity to dine on buffalo stew, learn traditional Indian dancing and drumming and hand games.

The very best way to learn the strengths and challenges of K-12 education is to spend time in your local school. They will be honored to have you visit.

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Today is "I love to read" day in Montana. There is no issue closer to my heart than reading and literacy. We know that if a child is not reading at grade level by the end of third grade, it is very difficult for them to catch up. I'm proud that Montana children rank high in the nation for reading, but too many children are still left behind.

In response, I launched a Montana Literacy Initiative. This summer will be our third Literacy Summit to bring together parents, educators, community and business leaders, and higher education to focus on the importance of literacy.

Montana responded to these summits with renewed energy and commitment to improve reading instruction for all our students. I pledge to continue these efforts!

We must address the challenges facing American Indian students in Montana. Thanks to Representative Juneau's leadership in research, we can no longer ignore the facts -- Montana's American Indian students drop out of school at a rate more than 3 times that of non-Indian students.

A generation of young men and women are left with little prospect for a future that an education can provide. It is expensive for Montana to support school dropouts. It is more expensive for our state to lose the potential of our youth.

I am committed to finding solutions. The Office of Public Instruction competed for and received three federal grants to invest in American Indian students.

Through a Reading Excellence Act grant, we now fund 30 schools to help them implement successful reading strategies for their students, of which nearly half are American Indian.

A federal school drop-out grant is funding six school districts in Box Elder, Browning, Heart Butte, Lame Deer, Poplar and Rocky Boy to identify community strategies that will help their youth stay in school. We are also developing a statewide drop-out plan.

We know that students drop out of school for many reasons. A character education grant helps schools create a positive, respectful school setting that promotes kids staying in school.

All Montana students deserve the opportunity to understand the rich American Indian culture and history in Montana. I commend Representative Norma Bixby for her dedication to obtain funds so all Montana students and schools can understand the culture and heritage of Montana's Indian people. Without financial support, our Constitutional promise of "Indian Education for All" will remain only a paper promise.

One year ago, President Bush signed into law his No Child Left Behind Act. This federal law places a high priority on education and a commitment to educate all children. But it comes with extensive and expensive accountability and state and local responsibilities. These have created new challenges, especially to rural states. The good news is this new federal law brings resources for Montana's K-12 public education system. BUT these resources come with many requirements. For example, this federal law requires much more testing of our students than is currently required by our Montana Board of Public Education. Student assessment decisions should be left to individual states.

When student test scores do not improve enough, President Bush's No Child Left Behind law requires the state to take actions regarding a school's curriculum and staffing. This greatly concerns me, as it does local school trustees. While being accountable is a good thing, we have always believed that decisions should be made at the local level. Those beliefs have served us well.

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These are just a couple of my concerns. We will need to work together throughout the coming years to make this new federal law beneficial to all of Montana's students.

In the past 50 years science and technology has radically changed our lifestyle and economy. It used to be simple to look under the hood of your car to figure out what was wrong. Not any more. Today's specialized diagnostic equipment is essential to root out computer-based engine solutions. Gone is the day that all you needed was a toolbox with a couple of wrenches.

Since 1950, the demand for skilled labor has more than tripled. Businesses now expect a workforce to have a set of skills that were unimaginable even 30 years ago. Think about it: Teachers prepare students for career options that do not even exist today.

Education will prepare our children and grandchildren for this new century.

Education allows them to compete in a world where all sectors of the economy – from microchips to mining – depend on high tech skills and training.

Education is the engine that drives economic development. Businesses will absolutely not locate in Montana if we do not provide a well-educated workforce and a place where they will want their own children to go to school. Education is the key to moving Montana's economy forward.

I have great faith in the collective commitment of Montana's parents, educators, school staff, school boards, senior citizens, business partners and community members. Together we will invest in building a bright future for our children.

We Montanans can do whatever we put our minds to. Let me tell you about a very special senior citizen who didn't let anything stop him from making his dreams a reality.

This gentleman, a retired Bonner millworker, began volunteering many years ago at the local elementary school. The students already knew him as his barbecue grill fed many hamburgers for years to the neighborhood kids. He helped students, kindergarten through 8th grade, with their reading skills and learning to use the computer. After a number of years, the 8th grade class asked him to be their graduation speaker. He said he couldn't possibly speak in front of all those people. Yet, it nagged at him -- he had encouraged the kids to reach for high goals. To be a better role model, eventually he agreed to be the speaker. It was the best graduation speech I've ever heard.

Later we learned that he had dropped out of college in 1948, during a required speech class. And he often thought about not finishing his education. So, 50 years after dropping out of college, he enrolled in a speech class and returned to the University of Montana. He passed, took more classes, and then he enrolled in the teacher education program.

Today, at 75 years young, he is finishing up his last classes and will do his student teaching next school year. Help me welcome an inspiration to education, my friend Mr. Arnold "ODE" Odegaard. Please stand up and be recognized, Ode.

Ode is an example of an amazing talent pool Montana has in its school volunteers, our educators and our emerging new teachers. Without a doubt, "Ode" deserves our deep appreciation for his investment in Montana's children. Just seeing both Ellie and Ode side by side reminds me what Montana is really all about: Generations working together for a better future for our children.

I'd like to thank the kids watching this on the Internet. Knowing you are out there helped me focus my thoughts

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and keep my priorities straight. Perhaps that is what Montanans can ask of all of us over the remainder of this session. To remember our children are listening to the priorities we set. The decisions we make will shape their lives.

Today's students will become tomorrow's business, spiritual, community and school leaders. They will also become Montana's legislators, governors, judges and state superintendents. Montana students are our greatest treasure; when we invest in them, there is no telling where they can take this state.

On behalf of Montana's 150,000 school children and all who work on behalf of public education in our state, I thank you for your time today and your interest in Montana's public schools. My door is always open and I look forward to your visit.

President Keenan thanked Superintendent McCulloch for her address, and requested the escort committee to escort Superintendent McCulloch from the House chamber.

House Majority Leader R. Brown moved the joint session be adjourned. Motion carried.

Joint session adjourned at 1:42 p.m.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 2/14/2003
Correctly printed: **HB 73, HB 176, HB 433, HJR 15, HJR 17, HJR 18, HJR 20, SB 136.**
Correctly engrossed: **HB 193, HB 236, HB 427, HB 436, HB 451, HB 459, HB 492, HB 525, HB 536, SB 7.**
Correctly enrolled: **HB 47, HB 88, HB 96, HB 115, HB 143.**
Examined by the sponsor and found to be correct: **HB 47, HB 88, HB 96, HB 115, HB 143.**
Signed by the Speaker at 9:20 a.m., February 14, 2003: **HB 47, HB 88, HB 96, HB 115, HB 143.**

BUSINESS AND LABOR (McKenney, Chairman): 2/13/2003
HB 539, introduced bill, do pass and be placed on the consent calendar. Report adopted.
HB 555, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Bitney, Chairman): 2/13/2003
HB 443, introduced bill, be amended as follows:

1. Title, line 14.
Following: "75-20-216,"
Insert: "75-20-223,"

2. Page 11.
Following: line 14
Insert: "**Section 10.** Section 75-20-223, MCA, is amended to read:
 "**75-20-223. Board review of department decisions.** (1) A person aggrieved by the final decision of the department on an application for a certificate or the issuance of an air or water quality decision, opinion, order, certification, or permit under this chapter may within 30 days appeal the decision to the board under the contested case procedures of Title 2, chapter 4, part 6.
 (2) A person aggrieved by the final decision of the department on an application for amendment of a

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certificate may within 15 days appeal the decision to the board under the contested case procedures of Title 2, chapter 4, part 6.

(3) A person aggrieved by the department's decision not to include an environmental impact statement or analysis in the department's findings pursuant to 75-20-216 may within 30 days appeal the decision to the board under the contested case procedures of Title 2, chapter 4, part 6."

Renumber: subsequent sections

3. Page 14, line 5.

Strike: "77-20-104(8)"

Insert: "75-20-104"

And, as amended, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Balyeat, Chairman):
HB 262, introduced bill, be amended as follows:

2/14/2003

1. Page 1, line 15.

Following: "protect"

Insert: "humans,"

Following: "livestock"

Insert: ", "

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Thomas, Chairman):
SB 164, be concurred in. Report adopted.

2/13/2003

JUDICIARY (Shockley, Chairman):
HB 358, introduced bill, be amended as follows:

2/13/2003

1. Title, page 1, line 6.

Following: "COUNTIES"

Insert: "WITH A POPULATION EXCEEDING 20,000"

2. Title, page 1, line 10 through line 11.

Strike: "PROVIDING" on line 10 through "COURT;" on line 11

3. Title, page 1, line 14.

Strike: "3-10-204,"

4. Title, page 1, line 15.

Strike: "3-10-601,"

5. Page 4, line 7.

Following: "7-1-2111,"

Insert: "with a population exceeding 20,000"

6. Page 4, line 9.

Strike: "10"

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Insert: "8"

Strike: "12"

Insert: "10"

Following: "12."

Insert: "The court's proceedings must be recorded by electronic recording or stenographic transcription and all papers filed in a proceeding must be included in the record."

7. Page 5, line 2.

Strike: "12"

Insert: "10"

8. Page 5, line 4 through line 13.

Strike: section 7 in its entirety

Renumber: subsequent sections

9. Page 5, line 27 through page 6, line 20.

Strike: section 9 in its entirety

Renumber: subsequent sections

10. Page 8, line 11.

Strike: "10"

Insert: "8"

11. Page 8, line 19.

Strike: "10"

Insert: "8"

12. Page 9, line 9.

Strike: "10"

Insert: "8"

Strike: "12"

Insert: "10"

13. Page 9, line 10.

Strike: "10"

Insert: "8"

14. Page 9, line 11.

Strike: "12"

Insert: "10"

And, as amended, do pass. Report adopted.

HB 390, introduced bill, be amended as follows:

1. Page 1, line 23.

Following: "means"

Insert: ":(a)"

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Following: "entity"

Insert: "; and (b) the attorney general with respect to the state, except a unit of the university system"

2. Page 3, line 4.

Following: "records,"

Insert: "payments,"

3. Page 3, line 5.

Following: "16"

Insert: ", or made to the department of natural resources and conservation under Title 77"

4. Page 3, line 6.

Following: "citizen"

Insert: "or governmental entity"

5. Page 3, line 7 through line 9.

Strike: subsection (a) in its entirety

Insert: "(a) against a governmental entity or an officer or employee of a governmental entity arising from conduct by the officer or employee related to the officer's or employee's service to the governmental entity;"

6. Page 3, line 11.

Following: "which"

Insert: "an agency of"

7. Page 3, line 17.

Following: "entity"

Insert: "agency that is involved with the claim that is the basis for the complaint"

8. Page 4, line 2 through line 3.

Strike: "a complaint" on line 2 through "[section 3]" on line 3

Insert: "with the government attorney a notice"

Following: "violation" on line 3

Insert: "of [section 3]"

9. Page 4, line 4.

Strike: "serve on"

Insert: "file with"

10. Page 4, line 4 through line 5.

Strike: "copy of" on line 4 through "including a" on line 5

Following: "brief," on line 5

Strike: "and"

Insert: "including a"

11. Page 4, line 5 through line 6.

Strike: "within 3 days" on line 5 through "complaint" on line 6

12. Page 4, line 7.

Strike: "complaint"

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Insert: "notice and brief"

13. Page 4, line 7 through line 8.

Strike: "intervene" on line 7 through "plaintiff" on line 8

Insert: "file a complaint under [sections 3 and 5]"

Strike: "making the election" on line 8

Insert: "filing a complaint"

14. Page 4, line 9 through line 18.

Strike: line 9 through line 18 in their entirety

Insert: "(3) If the government attorney files a complaint, the private citizen may enter the action as a coplaintiff, but the government attorney has control of the plaintiffs' strategy, tactics, and other decisionmaking. If the government attorney does not file a complaint within the time allowed under subsection (2), the private citizen may file a complaint."

15. Page 4, line 19.

Strike: "(b)"

Insert: "(4)"

Renumber: subsequent subsection

16. Page 4, line 19 through 20

Strike: "in which" on line 19 through "not intervene" on line 20

Insert: "that the government attorney declined to file"

17. Page 4, line 20 through line 21.

Strike: "or intervened" on line 20 through "dismissed" on line 21

18. Page 4, line 24 through line 25.

Strike: "or had" on line 24 through "dismissed" on line 25

19. Page 5, line 18.

Strike: "the"

Insert: "an"

20. Page 5, line 19.

Strike: the first "private citizen"

Insert: "governmental entity under [section 6(2)] and the private citizen elected not to enter the action as a coplaintiff"

21. Page 5, line 21 through line 22.

Strike: "if the" on line 21 through "action" on line 22

22. Page 5, line 25 through line 26.

Strike: "if the" on line 25 through "6(3)(b)]" on line 26

23. Page 6, line 1.

Following: "entity"

Insert: ", except that if a trust fund of the governmental entity suffered a loss as a result of the defendant's actions, the trust fund must first be fully reimbursed for the loss and the remainder of the damages and any civil

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penalty must be deposited in the general fund of the governmental entity"

24. Page 6, line 5.

Following: "prevails."

Insert: "In an action in which outside counsel represents a governmental entity, the costs and attorney fees awarded a governmental entity must equal the outside counsel's charges reasonably incurred by the governmental entity for costs and attorney fees in prosecuting the action. In any other actions in which costs and attorney fees are awarded a governmental entity, they must be calculated by reference to the hourly rate charged by the department of justice agency legal services bureau for the provision of legal services to state agencies, multiplied by the number of attorney hours devoted to the prosecution of the action, plus the actual cost of any expenses reasonably incurred in the prosecution of the action."

25. Page 6, line 6.

Strike: "files a complaint"

Insert: "is a plaintiff or coplaintiff"

26. Page 6, line 7 through line 8.

Strike: ", whether" on line 7 through "intervened" on line 8

27. Page 6, line 11.

Strike: "filed the complaint and the governmental entity intervened"

Insert: "and a governmental entity were coplaintiffs"

28. Page 6, line 21 through line 22.

Strike: "all relief necessary" on line 21 through "including" on line 22

Insert: ":",

29. Page 6, line 25.

Strike: "two times the amount of"

30. Page 6, line 26.

Following: "discrimination;"

Insert: "and"

31. Page 6, line 27.

Strike: subsection (iv) in its entirety

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 430, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 9.

Strike: "INCREASING" on line 7 through "CASE;" on line 9

2. Page 1, line 12 through line 18.

Strike: lines 12 through 18 in their entirety

3. Page 2, line 4.

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Strike: "6"
Insert: "5"
Strike: "\$25,000"
Insert: "\$5,000"

4. Page 2, line 6 through line 8.
Strike: subsection (3) in its entirety

And, as amended, do pass. Report adopted.

HB 546, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.
Strike: "PROVIDING" on line 7 through "AND" on line 8

2. Title, page 1, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 13 through line 14.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 9.
Following: "fined"
Insert: "an amount"

5. Page 2, line 13.
Following: "fined"
Insert: "an amount"

6. Page 2, line 14.
Following: "years,"
Insert: "all but 2 years of which must be suspended, with the person placed on probation for the remainder of the imprisonment term,"

7. Page 2, line 15.
Following: "fined"
Insert: "an amount"

8. Page 3, line 19 through line 20.
Strike: section 3 in its entirety

9. Page 3, line 21.
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Noennig, Chairman):

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HB 395, do pass. Report adopted.

HB 408, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 511, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "2005"

Insert: "2006"

2. Page 1, line 28.

Strike: "2005"

Insert: "2006"

3. Page 2, line 8.

Strike: "2005"

Insert: "2006"

4. Page 4, line 21.

Strike: "2005"

Insert: "2006"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

STATE ADMINISTRATION (Barrett, Chairman):

2/13/2003

HB 277, do pass. Report adopted.

HB 471, do pass. Report adopted.

SB 195, be amended as follows:

1. Title, page 1, line 6.

Strike: "PROVIDE"

Insert: "SECURE OUTSIDE"

2. Page 1, line 17.

Strike: "provide"

Insert: "secure outside"

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

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

2/13/2003

SB 241, introduced by Shea

House bills concurred in and returned to the House:

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HB 93, introduced by Lawson

HB 168, introduced by Callahan

HB 208, introduced by Shockley

HB 209, introduced by Shockley

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HB 233, introduced by Waitschies

MESSAGES FROM THE GOVERNOR

February 13, 2003

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 39** sponsored by Representative Gallik, **House Bill 46** sponsored by Representative Haines, **House Bill 48** sponsored by Representative Newman, **House Bill 68** sponsored by Representative Kaufmann, **House Bill 78** sponsored by Representative Branae, and **House Bill 84** sponsored by Representative Newman on February 13, 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 628, introduced by Kasten (by request of the House Joint Appropriations Subcommittee on Long Range Planning), referred to Federal Relations, Energy, and Telecommunications.

HB 629, introduced by Keane, Wanzenried, Wilson, referred to Business and Labor.

HB 630, introduced by A. Olson, Brueggeman, Lawson, Ripley, Rome, D. Ryan, Wilson, referred to Education.

HB 631, introduced by Lake, Mahlum, McNutt, referred to Business and Labor.

HB 632, introduced by Smith, Bixby, Cohenour, Cyr, Gillan, Jacobson, Jent, Kitzenberg, Lindeen, Small-Eastman, Weiss, referred to Appropriations.

HB 633, introduced by Brueggeman, Bales, Barrett, Devlin, Peterson, Ripley, Tash, Witt, referred to Fish, Wildlife and Parks.

HB 634, introduced by Kaufmann, Dowell, referred to Business and Labor.

HB 635, introduced by Forrester, Bohlinger, Cromley, A. Olson, referred to Business and Labor.

HB 636, introduced by Forrester, Bohlinger, Cromley, A. Olson, referred to Business and Labor.

HB 637, introduced by Raser, referred to Federal Relations, Energy, and Telecommunications.

HB 638, introduced by Kaufmann, Gillan, referred to Business and Labor.

HB 639, introduced by Laslovich, referred to Judiciary.

HB 640, introduced by Haines, referred to Business and Labor.

HB 641, introduced by Haines, referred to Federal Relations, Energy, and Telecommunications.

HB 642, introduced by Devlin, Forrester, Gallus, Laszloffy, McNutt, Mendenhall, A. Olson, Ripley, Shea, Smith, Steinbeisser, F. Thomas, referred to Taxation.

HB 643, introduced by Balyeat, Barrett, R. Brown, Everett, Fuchs, Haines, Hawk, Hurwitz, Jackson, Lake, Lambert, Lange, Laszloffy, Maedje, Mendenhall, Mood, Rice, Ripley, Roberts, Rome, Sales, Schrupf, Sinrud,

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Wagman, Waitschies, Younkin, referred to Appropriations.

HB 644, introduced by Rice, Andersen, Barrett, Hurwitz, Lehman, Mendenhall, Ripley, Rome, Steinbeisser, Wagman, referred to Agriculture.

HB 645, introduced by Haines, Laible, referred to Local Government.

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

HJR 28, introduced by Lange, Haines, referred to Local Government.

**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 Devlin in the chair.

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

HB 306 - Representative Balyeat moved **HB 306** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Jackson, Jacobson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Sinrud, Smith, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Younkin, Mr. Speaker.
Total 73

Noes: Barrett, Bixby, Buzzas, Devlin, Dickenson, Erickson, Fritz, Galvin-Halcro, Gutsche, Harris, Hurwitz, Jent, Juneau, Kaufmann, Matthews, Musgrove, Peterson, Ripley, Small-Eastman, Steinbeisser, Thomas, Wilson, Windy Boy, Witt.
Total 24

Excused: None.
Total 0

Absent or not voting: Bookout-Reinicke, P. Clark, Shockley.
Total 3

HB 402 - Representative Parker moved **HB 402** 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

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Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 428 - Representative Keane moved **HB 428** 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, 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, 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, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

Noes: E. Clark, Jackson, Waitschies.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 438 - Representative Forrester moved **HB 438** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, 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, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 94

Noes: Barrett, R. Brown, Hurwitz, McKenney, Rice, Sinrud.
Total 6

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 453 - Representative Raser moved **HB 453** 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 474 - Representative Weiss moved **HB 474** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ross, Ryan, Schruppf, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 77

Noes: Balyeat, Barrett, Brueggeman, Everett, Fisher, Fuchs, Hurwitz, Kasten, Lewis, Maedje, Noennig, Rice, Ripley, Roberts, Rome, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Witt.
Total 21

Excused: None.
Total 0

Absent or not voting: Forrester, Haines.
Total 2

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Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Devlin moved the Committee of the Whole report be adopted. Report 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, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, 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, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Franklin, Golie, Gutsche, A. Olson.

Total 4

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Small-Eastman.

Total 2

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 214 passed as follows:

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

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 339, from the consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, 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 489, from the consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, 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, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Lewis, Sinrud.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 496, from the consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson,

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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 337 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, 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, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: D. Brown, Jackson, Roberts.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 359 passed as follows:

Ayes: Ballantyne, 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, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Rome, Ryan, Schruppf, Small-Eastman, Smith, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 57

Noes: Andersen, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs,

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Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Laszloffy, Lehman, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Witt, Younkin, Mr. Speaker.

Total 42

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

HB 396 passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, 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, Lawson, Lenhart, Lewis, Lindeen, Maedje, Morgan, Musgrove, B. Olson, Parker, Raser, Ripley, Roberts, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 59

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

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 400 passed as follows:

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

Total 77

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

Total 23

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 424 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, 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 98

Noes: Fuchs, Hawk.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 490 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, 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 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Fisher.
Total 1

HB 501 passed 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, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 507 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Stoker.
Total 1

MOTIONS

Representative R. Brown moved **HJR 23** be taken from the Committee on Federal Regulations, Energy, and Telecommunication and be rereferred to the Committee on Agriculture. There being no objection, so ordered.

Representative R. Brown moved **HB 590** be taken from the Committee on State Administration and be rereferred to the Committee on Human Services. There being no objection, so ordered.

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Representative R. Brown moved **HB 193** be taken from the Committee on Education and be rereferred to the Committee on Appropriations. Motion **failed** as follows:

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

Total 46

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, R. 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, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lange, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ross, Ryan, Small-Eastman, Smith, Steinbeisser, Stoker, Wanzenried, Weiss, Wilson, Windy Boy.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Carney moved **HB 74** be taken from the Committee on Appropriations and be placed on second reading on Legislative Day 35.

Representative Brueggeman moved to table previous motion to rerefer **HB 74**. Motion passed 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, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

Representative Shockley moved **HB 430** be taken from the Committee of the Whole and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

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SPECIAL ORDERS OF THE DAY

The following cosponsor was added to **HJR 25**: Mangan.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 7:00 a.m., Saturday, February 15, 2003. Motion carried.

House adjourned at 3:08 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House