

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

Helena, Montana
February 19, 2003

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 2/19/2003
Correctly printed: **HB 499, HB 503, HB 532, HB 548, HB 552, HB 562, HB 580, HB 601, HJR 16, HJR 21, HJR 22.**

Correctly engrossed: **HB 190, HB 222, HB 367, HB 388, HB 505, HB 537.**

Signed by the Speaker at 8:15 a.m., February 19, 2003: **HB 217.**

Delivered to the Governor for approval at 4:10 p.m., February 18, 2003: **HB 217.**

BUSINESS AND LABOR (McKenney, Chairman): 2/19/2003
HB 597, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Balyeat, Chairman): 2/19/2003
HB 42, introduced bill, be amended as follows:

1. Page 1, line 22 through line 23.

Strike: line 22 through line 23 in their entirety

2. Page 2, line 2.

Following: "affect"

Strike: "private property owners"

Insert: "Montana land"

3. Page 2, line 5.

Following: "consider"

Strike: "only"

4. Page 2, line 6.

Strike: "that is under contract with the department"

5. Page 2, line 12.

Following: "sustained."

Insert: "The department shall consider the specific concerns of private landowners when determining sustainable numbers pursuant to this section."

6. Page 2, line 14.

Following: "through"

Strike: "the rulemaking process and other applicable programs, a program"

Insert: "existing wildlife management programs, necessary actions"

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7. Page 2, line 16.

Strike: "program" through "department"

Insert: "programs"

Strike: "is"

Insert: "are"

8. Page 2, line 19.

Following: "permits;"

Insert: "or"

9. Page 2, line 20.

Strike: subsection (d) in its entirety

Renumber: subsequent subsection

10. Page 3, line 3.

Following: "commission"

Strike: "may adopt"

Insert: "shall adjust existing wildlife management"

Following: "rules"

Insert: "and plans"

11. Page 3, line 4.

Strike: "that are necessary"

12. Page 3, line 5.

Strike: "In adopting"

Insert: "The department and the commission may adopt"

Following: "sustainability"

Strike: ", the"

Insert: ". The"

13. Page 3, line 6.

Following: "commission"

Strike: "district"

Insert: "region"

14. Page 3, line 7.

Insert: "(3) Any rules adopted by the department pursuant to subsection (2) must be adopted in a timely manner."

And, as amended, do pass. Report adopted.

HB 283, introduced bill, be amended as follows:

1. Title, line 7.

Following: first "2004,"

Insert: "UNLESS THE U.S. ASSISTANT SECRETARY OF THE INTERIOR CERTIFIES THAT ADDITIONAL TIME IS NEEDED,"

2. Title, lines 9 and 10.

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Following: "GENERAL TO" on line 9

Strike: remainder of line 9 through "SERVICE FOR" on line 10

Insert: "PREPARE A PROACTIVE OPINION OF STATE OPTIONS REGARDING DELISTING AND POSSIBLE LITIGATION SCENARIOS RELATED TO RECOVERY OF"

3. Page 1, line 22.

Following: "safeguarding of"

Insert: "humans,"

Following: "livestock"

Insert: ", "

4. Page 1, line 24.

Following: "general to"

Strike: "seek compensation for"

Insert: "analyze state delisting options and possible litigation scenarios for recovery of"

5. Page 1, lines 25 and 26.

Following: "directed to" on line 25

Strike: remainder of line 25 through "service for" on line 26

Insert: "analyze the state's options related to delisting and, in cooperation with the department of fish, wildlife, and parks, prepare a proactive legal opinion for possible litigation scenarios regarding recovery of"

6. Page 1, line 27 through line 28.

Following: "reintroduction." on line 27

Strike: remainder of line 27 through "action." on line 28

7. Page 2, line 9.

Following: "2004"

Insert: ", unless the U.S. assistant secretary of the interior certifies to the state in writing that delisting will be accomplished by a date between January 1, 2004, and June 1, 2004, in which case [sections 1 and 3] are effective if delisting is not accomplished by the date certified in writing by the U.S. assistant secretary of the interior"

And, as amended, do pass. Report adopted.

HB 407, do pass. Report adopted.

HB 411, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "PURCHASER"

Insert: "NEW OWNER"

2. Page 1, line 11.

Strike: "purchaser"

Following: "new owner"

3. Page 1, line 19.

Following: "(4)"

Insert: "(a)"

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Following: "sold"

Insert: "or transferred in its entirety"

4. Page 1, line 21.

Strike: "purchaser"

Insert: "new owner"

Following: "business."

Insert: "Upon the sale or transfer of a fishing outfitter's business, the outfitter who sells or transfers the business shall notify the new owner that the use of any transferred river-use days is subject to change pursuant to rules adopted by the fish, wildlife, and parks commission and that no property right attaches to the transferred river-use days. (b) If the fish, wildlife, and parks commission implements a system of public allocation of river-use days on a restricted-use stream, any river-use days allocated to a fishing outfitter through the fishing outfitter's historic use of or activities on the restricted-use stream must be reallocated to public use."

And, as amended, do pass. Report adopted.

HB 465, introduced bill, be amended as follows:

1. Title, line 5.

Following: "MAINTENANCE"

Insert: ", WITH CERTAIN EXCEPTIONS"

2. Page 1, line 14.

Strike: "Until"

Insert: "(1) Except as provided in subsection (2), until"

3. Page 1, line 17.

Insert: "(2) The moratorium in subsection (1) may not be construed to:

(a) interfere with construction projects financed by nondepartmental funds and undertaken in state parks by volunteer or private, nonprofit organizations that enter an agreement with the department to assume part or all of the management and financial responsibility of a state park;

(b) prohibit the completion of construction projects begun prior to July 1, 2003; or

(c) prohibit the repair, preservation, or restoration, which is not defined as maintenance under 23-1-127, of existing facilities."

4. Page 1, line 20.

Following: "detailed"

Insert: "plan for the eradication of noxious weeds at all state parks and fishing access sites, including an"

5. Page 1, line 21.

Following: "activities"

Strike: ", including a projected amount of money"

Insert: "and an estimate of the amount of money and time"

6. Page 1, line 22.

Strike: "weed control and"

Insert: "the"

And, as amended, do pass. Report adopted.

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HUMAN SERVICES (Thomas, Chairman):
HB 90, introduced bill, be amended as follows:

2/19/2003

1. Page 7, line 24.

Strike: "."

2. Page 7, line 25 through 27.

Strike: line 25 through line 27 in their entirety

Insert: "arrangements acceptable to the agency for the care of the child have been made by the parents or voluntary protective services are provided pursuant to 41-3-302."

3. Page 8, line 4.

Strike: "or"

Insert: "--"

Strike: "treatment plans"

Insert: "protective services agreement"

4. Page 8, line 10 through line 15.

Strike: subsections (3) and (4) in their entirety

Insert: "(3) The department may provide voluntary protective services by entering into a written voluntary protective services agreement with a parent or other person responsible for a child's welfare for the purpose of keeping the child safely in the home."

Renumber: subsequent subsections

5. Page 8, line 17.

Following: "conference"

Insert: "and implementation of safety plans developed during the conference"

6. Page 8, line 19.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

7. Page 8, line 23.

Following: "(g) a"

Insert: "30-day"

8. Page 8, line 25.

Following: the second "home"

Insert: "within the 30-day period, including referrals to other service providers"

9. Page 9, line 3 through line 4.

Strike: subsection (8) in its entirety

10. Page 9, line 15.

Following: "concern."

Strike: remainder of line 15

11. Page 10, line 27.

Insert: "(7) When determining whether the department has made reasonable efforts to prevent the necessity of removal

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of a child from the child's home or to reunify families that have been separated by the state, the court shall review the services provided by the agency including, if applicable, protective services provided pursuant to 41-3-302."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

JUDICIARY (Shockley, Chairman):

2/19/2003

HB 578, introduced bill, be amended as follows:

1. Page 1, line 21.

Following: "convicted"

Insert: "under 61-8-401 or 61-8-406 or"

And, as amended, do pass. Report adopted.

HB 579, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "RESTRAINING ORDER"

Insert: "TEMPORARY INJUNCTION"

2. Title, page 1, line 6.

Strike: "ORDER" in two places

Insert: "INJUNCTION" in both places

3. Title, page 1, line 8.

Strike: "ORDER"

Insert: "INJUNCTION"

4. Page 3, line 20.

Strike: "an order"

Insert: "a temporary injunction"

5. Page 3, line 24.

Strike: "order"

Insert: "temporary injunction"

And, as amended, do pass. Report adopted.

HB 618, do pass. Report adopted.

LOCAL GOVERNMENT (Noennig, Chairman):

2/19/2003

HB 249, do pass. Report adopted.

HB 298, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "CERTAIN"

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2. Page 1, line 11.

Strike: "review"

3. Page 1, line 26.

Strike: "reasonable"

Following: "fees"

Insert: "commensurate with costs"

4. Page 1, line 27.

Strike: "subsection (1)(a) or (1)(f)"

Insert: "this section"

5. Page 2, line 1.

Strike: "review"

6. Page 2, line 25.

Strike: "reasonable"

Following: "fees"

Insert: "commensurate with costs"

7. Page 2, line 26.

Strike: "subsection (1)(a), (1)(b), or (1)(e)"

Insert: "this section"

And, as amended, do pass. Report adopted.

HB 416, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 426, introduced bill, be amended as follows:

1. Title, line 6.

Following: "SERVICE;"

Insert: "PROVIDING EXEMPTIONS;"

2. Page 1, line 11.

Following: "services"

Insert: "-- exemptions"

Strike: "A"

Insert: "(1) Except as provided in subsections (2) and (3), a"

3. Page 1.

Following: line 12

Insert: "(2) (a) A county may establish a facility or offer a service for the county provided that the county is able to do so at a lower cost than the private sector. In determining its costs, a county shall include the actual costs of doing business, including but not limited to equipment costs, operational costs, and employee wages and benefits. The board of county commissioners shall present its plan to establish a facility or offer a service at a public hearing advertised as provided in 7-1-2121. The plan must include an itemized list of the costs of the facility or service with supporting documentation for each cost and information on any tax revenue that will be lost because a facility is owned by the county.

(b) A county may add basic recreational facilities and services, such as outdoor swimming pools,

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wading pools, and playground equipment, to county parks in order to balance similar basic recreational facilities and services available throughout the county. The board of county commissioners shall present its plan for any additions at a public hearing advertised as provided in 7-1-2121.

(3) The prohibition in subsection (1) and the provisions in subsection (2) do not apply to a public health or public safety facility or service operated by a county."

4. Page 1, line 15.

Following: "services"

Insert: " -- exemptions"

Strike: "A"

Insert: "(1) Except as provided in subsections (2) and (3), a"

5. Page 1.

Following: line 17

Insert: "(2) (a) A municipality may establish a facility or offer a service for the municipality provided that the municipality is able to do so at a lower cost than the private sector. In determining its costs, a municipality shall include the actual costs of doing business, including but not limited to equipment costs, operational costs, and employee wages and benefits. The governing body of the municipality shall present its plan to establish a facility or offer a service at a public hearing advertised as provided in 7-1-4127. The plan must include an itemized list of the costs of the facility or service with supporting documentation for each cost and information on any tax revenue that will be lost because a facility is owned by the municipality.

(b) A municipality may add basic recreational facilities and services, such as outdoor swimming pools, wading pools, and playground equipment, to city parks in order to balance similar basic recreational facilities and services available throughout the municipality. The governing body of a municipality shall present its plan for any additions to a city park at a public hearing advertised as provided in 7-1-4127.

(3) The prohibition in subsection (1) and the provisions in subsection (2) do not apply to a public health or public safety facility or service operated by a municipality."

And, as amended, do pass. Report adopted.

HB 520, do pass. Report adopted.

TAXATION (Fuchs, Chairman):

2/19/2003

HB 616, do pass. Report adopted.

HB 627, introduced bill, be amended as follows:

1. Page 1, line 29.

Strike: "or"

Insert: "for"

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

TRANSPORTATION (Waitschies, Chairman):

2/19/2003

HB 419, introduced bill, be amended as follows:

1. Title, line 5.

Following: "SOUNDED;"

Insert: "REQUIRING THE HORN AND BELL TO BE SOUNDED FOR AT LEAST 15 SECONDS PRIOR TO A LOCOMOTIVE OCCUPYING A CROSSING IF THE TRAIN IS STOPPED WITHIN A CERTAIN

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DISTANCE OF THE CROSSING;"

2. Title, line 8.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 20 through line 27.

Strike: " " on line 20

Insert: "; or"

Strike: "The" on line 20 through "sounded." on line 27

4. Page 1.

Following: line 28

Insert: "(2) For the purposes of subsection (1)(d):

(a) the horn and bell must be sounded from the specified point until the crossing is occupied, but if a train has stopped within 1,320 feet of a crossing, the horn and bell must be sounded for a minimum of 15 seconds prior to the train occupying the crossing;

(b) the railroad corporation shall erect and maintain a sign at a minimum of 1,320 feet in advance of a crossing at which the horn and bell are required to be sounded to notify the locomotive crew in advance of a crossing that requires the locomotive horn and bell to be sounded;

(c) if the owner or permitholder of a private crossing makes a written request to the railroad corporation to have the locomotive horn and bell sounded at a private crossing, the railroad shall comply with the request, but the owner or permitholder is not subject to any liability as a result of not making a request; and

(d) the phrase "public highway, public road, or public railroad crossing" means that the easement, right-of-way, or fee title for the public highway, public road, or public railroad crossing is held in the name of a federal, state, tribal, or local government entity on both sides of the crossing and that the easement, right-of-way, or fee title is recorded in the office of the clerk and recorder in the county where the crossing is located."

Renumber: subsequent subsections

5. Page 2, line 5 through line 9.

Strike: subsection (3) in its entirety

6. Page 2.

Following: line 9

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 538, introduced bill, be amended as follows:

1. Page 8, line 22.

Strike: "lease or executory sales contract "

Insert: "lease, executory sales contract, or security agreement"

2. Page 8, line 23.

Following: "sheriff,"

Insert: "secured party,"

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3. Page 8, line 27.

Following: "interest"

Insert: "or a transfer statement, as defined in 30-9A-619"

4. Page 8, line 30.

Following: "department."

Insert: "A transfer statement submitted under this section must meet the requirements of 30-9A-619."

5. Page 51, line 29.

Strike: "15"

Insert: "21"

And, as amended, do pass. Report adopted.

HB 544, introduced bill, be amended as follows:

1. Title, line 4 through line 7.

Strike: "REQUIRING" on line 4 through "MONTHS;" on line 7

2. Title, line 8.

Strike: "SECTIONS 61-6-301 AND"

Insert: "SECTION"

3. Page 1, line 12 through page 2, line 16.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

4. Page 3, lines 29 and 30.

Strike: section 4 in its entirety

And, as amended, do pass. Report adopted.

HB 559, introduced bill, do pass and be placed on the consent calendar. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/18/2003

SB 62, introduced by D. Ryan

SB 327, introduced by Taylor

MESSAGES FROM THE GOVERNOR

February 18, 2003

The Honorable Doug Mood
Speaker of the House
State Capitol

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Helena, Montana 59620

Dear Representative Mood:

Please be informed that I have signed **House Bill 38** sponsored by Representative A. Olson, **House Bill 136** sponsored by Representative Fisher, **House Bill 175** sponsored by Representative P. Clark, **House Bill 207** sponsored by Representative Laslovich, and **House Bill 232** sponsored by Representative Devlin on February 18, 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 700, introduced by Brueggeman, Laible, McCarthy, A. Olson, Shea, Tash, referred to Federal Relations, Energy, and Telecommunications.

HB 701, introduced by Newman, referred to State Administration.

HB 702, introduced by Maedje, referred to Federal Relations, Energy, and Telecommunications.

HB 703, introduced by Parker, Harris, referred to Judiciary.

HB 704, introduced by Kasten, referred to Education.

HB 705, introduced by E. Clark, referred to Taxation.

HB 706, introduced by Rice, Bookout-Reinicke, Lehman, referred to Human Services.

HB 707, introduced by Cohenour, Ballantyne, Bergren, Bixby, Buzzas, Callahan, Dowell, Erickson, Fritz, Gallik, Jacobson, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Matthews, Newman, Raser, B. Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, referred to State Administration.

HB 708, introduced by Harris, Jent, Stonington, referred to Natural Resources.

HB 709, introduced by Harris, referred to Natural Resources.

HB 710, introduced by Raser, referred to Federal Relations, Energy, and Telecommunications.

HB 711, introduced by Gallus, referred to Transportation.

HB 712, introduced by Sinrud, Barkus, Forrester, Haines, Laible, Pattison, referred to Local Government.

HB 713, introduced by Fuchs, Balyeat, Jackson, referred to Taxation.

HB 714, introduced by Balyeat, Black, Bookout-Reinicke, R. Brown, Brueggeman, Butcher, Everett, Fisher, Forrester, Fuchs, Gebhardt, Haines, Jackson, Keenan, Lake, Lambert, Lange, Lewis, Maedje, Mahlum, McGee, Mood, O'Neil, Pattison, Rice, Roberts, Sales, Schrupf, Shockley, B. Thomas, F. Thomas, Wagman, referred to Taxation.

HB 715, introduced by Balyeat, referred to State Administration.

HB 716, introduced by Balyeat, Lewis, referred to State Administration.

HB 717, introduced by Jayne, referred to Agriculture.

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 408 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown,

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

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Everett, Morgan.
Total 2

HB 450 passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, 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, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, 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, 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 89

Noes: Balyeat, R. Brown, Brueggeman, Fuchs, Jayne, Kasten, Lewis, Pattison, Ryan, Sales, Sinrud.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 455 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, 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.

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Total 99

Noes: Franklin.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 480 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, 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, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Bixby, Jayne, Lindeen, Sinrud, Smith, Weiss.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 539 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

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Absent or not voting: None.
Total 0

HB 546 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jent, Juneau, 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, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.
Total 86

Noes: Bixby, E. Clark, Devlin, Franklin, Fuchs, Hedges, Jayne, Kasten, Pattison, Rome, Smith, Waitschies, Windy Boy.
Total 13

Excused: None.
Total 0

Absent or not voting: Ryan.
Total 1

HB 549 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, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, 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, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

Noes: Everett, Fuchs, Jayne.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 136 concurred in 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,

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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, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: Sinrud.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 195 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Branae, D. Brown, R. Brown, Buzzas, E. Clark, Cohenour, Devlin, Erickson, Fisher, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jent, Kasten, Lake, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Malcolm, McKenney, Morgan, Musgrove, Noennig, A. Olson, Parker, Rice, Roberts, Ross, Ryan, Shockley, Smith, Stoker, Windy Boy, Younkin, Mr. Speaker.
Total 51

Noes: Becker, Bixby, Brueggeman, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Everett, Facey, Forrester, Fuchs, Galvin-Halcro, Golie, Haines, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lambert, Lange, Laszloffy, Lawson, Maedje, Matthews, Mendenhall, Newman, B. Olson, Pattison, Peterson, Raser, Ripley, Rome, Sales, Schrupf, Sinrud, Small-Eastman, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt.
Total 48

Excused: None.
Total 0

Absent or not voting: Bookout-Reinicke.
Total 1

HB 577 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, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 95

Noes: Galvin-Halcro, Golie, Keane, Wanzenried.

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Total 4

Excused: None.

Total 0

Absent or not voting: Shockley.

Total 1

SPECIAL ORDERS OF THE DAY

Mr. Speaker introduced Monte the Grizzly from the University of Montana, the 2002-2003 National Mascot of the Year. Monte entertained the House with the same daredevil antics that earned him this national award. The man behind the fur grew up on a ranch outside of Terry, Montana, before moving to Miles City where he graduated from high school in 1997. The mystery man then accepted an acting scholarship to the University of Montana and received his degree in 2001.

**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 Haines in the chair.

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

HB 536 - Representative Brueggeman moved **HB 536** do pass.

Representative Brueggeman moved **HB 536**, second reading copy, be amended as follows :

1. Page 1, line 20.

Following: "mildew,"

Insert: "or"

Following: "spores"

Strike: ", and other microscopic organisms or allergens"

2. Page 1, line 30 through page 2, line 19.

Strike: "There" on page 1, line 30 through "inspection." on page 2, line 19

Insert: "There are many types of mold. Inhabitable properties are not, and cannot be, constructed to exclude mold. Moisture is one of the most significant factors contributing to mold growth. Information about controlling mold growth may be available from your county extension agent or health department. Certain strains of mold may cause damage to property and may adversely affect the health of susceptible persons, including allergic reactions that may include skin, eye, nose, and throat irritation. Certain strains of mold may cause infections, particularly in individuals with suppressed immune systems. Some experts contend that certain strains of mold may cause serious and even life-threatening diseases. However, experts do not agree about the nature and extent of the health problems caused by mold or about the level of mold exposure that may cause health problems. The Centers for Disease Control and Prevention is studying the link between mold and serious health conditions. The seller, landlord, seller's agent, buyer's agent, or property manager cannot and does not represent or warrant the absence of mold. It is the buyer's or tenant's obligation to determine whether a mold problem is present. To do so, the buyer or tenant should hire a qualified inspector and make

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any contract to purchase, rent, or lease contingent upon the results of that inspection."

Amendment adopted as follows:

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

Total 64

Noes: Bergren, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Kaufmann, Keane, Lindeen, Musgrove, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Gallik moved **HB 536**, second reading copy, be further amended as follows :

1. Title, line 7.

Strike: "LANDLORDS,"

Following: "SELLER'S AGENTS,"

Insert: "AND"

Following: "BUYER'S AGENTS"

Strike: ", AND"

2. Title, line 8.

Strike: "PROPERTY MANAGERS"

3. Page 1, line 26 through line 27.

Following: "sale" on line 26

Strike: ", " through "lease" on line 27

4. Page 1, line 27.

Strike: "landlord,"

Following: "seller's agent,"

Insert: "or"

5. Page 1, line 27 through line 28.

Following: "buyer's agent"

Strike: ", " on line 27 through "manager" on line 28

6. Page 1, line 28.

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Following: "to the buyer"

Strike: "or tenant"

Following: "and the buyer"

Strike: "or tenant"

7. Page 2, line 13.

Strike: "landlord,"

Following: "seller's agent,"

Insert: "or"

8. Page 2, line 13 through line 14.

Following: "buyer's agent"

Strike: ", " on line 13 through "manager" on line 14

9. Page 2, line 15.

Strike: "or tenant's"

10. Page 2, line 16.

Following: "purchased"

Strike: ",rented, or leased"

Following: "buyer's"

Strike: "or"

11. Page 2, line 17.

Strike: "tenant's"

Following: "buyer"

Strike: "or tenant"

12. Page 2, line 18.

Strike: "or tenant"

Following: "purchase"

Strike: ", rent, or lease"

13. Page 2, line 20.

Following: "a seller"

Strike: "or landlord"

Following: "the seller"

Strike: "or landlord"

14. Page 2, line 21.

Strike: "or tenant"

Following: "purchase"

Strike: ", rent, or lease"

15. Page 2, line 23.

Strike: "or tenant"

16. Page 2, line 25.

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Strike: "landlord,"
Following: "seller's agent,"
Insert: "or"
Following: "buyer's agent"
Strike: ", or property manager"

17. Page 2, line 29.

Strike: "landlord,"
Following: "seller's agent,"
Insert: "or"
Following: "buyer's agent"
Strike: ", or property manager"

18. Page 2, following line 30.

Insert: "(4) The provisions of [sections 1 through 3] do not relieve sellers' agents or buyers' agents of any duties required of them by 37-51-313."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lawson, Lenhart, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fuchs, Golie, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Gallik moved the amendment (amendment #2 sections #1-17) to be divided. Thereupon, amendment #2 sections #1-17 was **not** adopted as follows:

Ayes: 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, Haines, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange,

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Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Harris moved **HB 536**, second reading copy, be further amended as follows :

1. Title, page 1, line 7 through line 8.

Following: line 6

Strike: the first "AND" on line 7 through "REQUIREMENTS" on line 8

2. Page 1, line 25.

Following: "testing"

Strike: "--" through "liability"

3. Page 2, line 14 through line 19.

Strike: "It" on line 14 through "." on line 19

4. Page 2, line 29 through line 30.

Strike: subsection (3) in its entirety

Amendment **not** adopted as follows:

Ayes: 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, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

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

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Laszloffy moved for cloture. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Franklin, Fritz, Fuchs, Gallik, Gallus, Golie, Haines, Hawk, Hedges, Jackson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.
Total 82

Noes: Bixby, Buzzas, Dowell, Fisher, Forrester, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Juneau, Noennig, Small-Eastman, Wanzenried, Windy Boy.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion that **HB 536**, as amended, do pass carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 52

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 120 - Representative Lenhart moved **HB 120** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lehman, Lenhart, Lindeen, Maedje, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Roberts, Rome, Ryan, Schruppf, Small-Eastman, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.
Total 67

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Noes: Andersen, Balyeat, Barrett, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hedges, Kasten, Lake, Laszloffy, Lawson, Lewis, Malcolm, McKenney, Mendenhall, Morgan, Pattison, Peterson, Rice, Ripley, Sales, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Waitschies, Witt, Mr. Speaker.

Total 32

Excused: None.

Total 0

Absent or not voting: Ross.

Total 1

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

Ayes: Andersen, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Dickenson, Everett, Fisher, Forrester, Fritz, Fuchs, Gibson, Golie, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 58

Noes: Ballantyne, Becker, Bergren, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Franklin, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 37

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Haines, Lenhart, A. Olson, Ross.

Total 5

MOTIONS

Representative Golie requested on **HB 407** that his name be removed as cosponsor. There being no objection, so ordered.

Representative Golie requested on **HB 465** that his name be removed as cosponsor. There being no objection, so ordered.

Representative R. Brown moved **HB 120** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 249** be taken from the Committee of the Whole and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 690** be taken from the Committee on Taxation and be rereferred to the

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Committee on Local Government. There being no objection, so ordered.

Representative Gallik moved **HB 536** be taken from third reading and be rereferred to the Committee on Judiciary. Motion **failed** as follows:

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

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

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

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

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, February 20, 2003. Motion carried.

House adjourned at 2:58 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House