

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

Helena, Montana
February 25, 2003

House Chambers
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Raser. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

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

Bookout-Reinicke, Chair

Mr. Speaker introduced the following page:

Alexander Jardon, Helena

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 2/25/2003
Correctly engrossed: **HB 437, HB 467, HB 475, HB 479, HB 518, HB 523, HB 642, HB 673, HB 710, HJR 29.**
Correctly enrolled: **HB 181, HB 311.**
Examined by the sponsor and found to be correct: **HB 181, HB 311.**
Signed by the Speaker at 5:00 p.m., February 24, 2003: **HB 181, HB 311.**

BUSINESS AND LABOR (McKenney, Chairman): 2/24/2003
HB 205, introduced bill, be amended as follows:

1. Title, line 10.

Following: "MONTANA"

Insert: "STATE"

2. Title, line 12 through line 13.

Strike: "AN" on line 12 through "DATE" on line 13

Insert: "EFFECTIVE DATES AND AN APPLICABILITY DATE"

3. Page 3, line 17.

Following: "technical"

Insert: ", administrative,"

4. Page 5, line 24.

Strike: "given to"

Insert: "obtained by"

5. Page 5, line 25.

Strike: "33-19-306(3) through ~~(22)~~ (24)"

Insert: "33-19-306(10), (11), (14), (15), and (17)"

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6. Page 6, line 25.

Strike: "but not limited to"

7. Page 7, line 7.

Following: "examinations"

Insert: "of the licensee"

8. Page 7, line 8 through line 9.

Strike: "of any" on line 8 through "(1)" on line 9

Insert: "that are subject to state privacy laws"

9. Page 7, line 16.

Strike: "(2)(a)"

Insert: "(7)(a)"

Following: "exemption"

Insert: ", unless the requirements of this subsection (7) are preempted by HIPAA privacy regulations"

10. Page 7, line 23.

Strike: "and insurance functions"

11. Page 7, line 28.

Strike: "(4)(a)"

Insert: "(5)(a)"

12. Page 8, line 29.

Following: ";

Insert: "and"

13. Page 9, line 1.

Strike: ";

Insert: "."

14. Page 9, following line 1.

Insert: "(4) The following information must be contained in the initial notice delivered at the time of application and in any subsequent annual notice if the policy renews periodically:"

Renumber: subsequent subsections

15. Page 9, line 2.

Strike: "(f)"

Insert: "(a)"

Renumber: subsequent subsections

16. Page 9, line 5.

Strike: ", discloses,"

17. Page 9, line 6.

Following: "from"

Insert: "or discloses personal information to"

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18. Page 9, line 15.

Strike: "(7)"

Insert: "(8)"

19. Page 9, line 19.

Strike: "(22)"

Insert: "(24)"

Strike: "(4)(b)"

Insert: "(5)(b)"

20. Page 9, line 28.

Strike: "(4)(b)"

Insert: "(5)(b)"

21. Page 10, line 13.

Strike: "(4)(a)"

Insert: "(5)(a)"

22. Page 10, line 15.

Strike: "(4)(b)(i) through (4)(b)(iv)"

Insert: "(5)(b)(i) through (5)(b)(iv)"

23. Page 10, line 18 through line 21.

Following: "used, a"

Strike: "any national" on line 18 through "law" on line 21

Insert: "the licensee shall refer the individual to state specific notice forms that may be used. Any national notice form must give individuals clear and conspicuous notice that when state law is more protective of individuals than federal privacy law, the licensee will protect information in accordance with state law"

24. Page 11, line 10.

Strike: "3"

Insert: "2"

25. Page 11, line 15.

Strike: "The" through "organization"

Insert: "If an individual, after proper identification, submits a written request to a licensee for a record of disclosures of medical record information, the licensee"

26. Page 11, line 16 through line 17.

Strike: "insurance" on line 16 through "made" on line 17

Insert: "licensee"

27. Page 11, line 17.

Following: "33-19-306"

Insert: "(8) or (9), other than disclosures made to law enforcement authorities, to 33-19-306(10)(b), (12)(a)(ii), (13) or (14), only as to medical record information that has been identified, to 33-19-306(15) or (21), only as to medical information that has not been identified, and to 33-19-306(22)"

28. Page 11, line 18.

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Strike: ", and except as specified in subsection (2)(b) of this section, the"

Insert: ". The record of those"

29. Page 11, line 20.

Strike: "3"

Insert: "2"

30. Page 11, line 23 through line 28.

Strike: "Tracking" on line 23 through "authorities" on line 28

Insert: "If an individual submits a written request to a licensee for a record of disclosures of medical record information and the licensee may have made medical record information disclosures pursuant to 33-19-306(4)(b),(5),(11),(12)(a)(i), (12)(a)(ii),(12)(b),(16),(18), or (19), the licensee must provide the individual with a description of the types of medical record information that the licensee may disclose under those exceptions, along with a general description of the usual recipients of that information. Individual tracking of each disclosure of medical record information is not required"

31. Page 12, line 22.

Strike: "or insurance function"

32. Page 16, line 20.

Following: "disclosed;"

Insert: "and"

33. Page 16, line 22 through line 24.

Strike: "; and" on line 22 through "(3)" on line 24

34. Page 16, line 30.

Strike: ";"

35. Page 17, line 1.

Strike: "(a)"

36. Page 17, line 2 through line 3.

Strike: "; and" on line 2 through "(3)" on line 3

37. Page 18, line 7.

Following: "(2)"

Strike: "and (3)"

Insert: "through (4)"

38. Page 18, line 15.

Strike: "date"

Insert: "dates -- applicability"

Strike: "[This act] is"

Insert: "(1) [Section 2 and this section] are"

39. Page 18, following line 15.

Insert: "(2) [Sections 1 and 3 through 6] are effective January 1, 2004, and apply to policies issued or renewed on or after January 1, 2004."

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And, as amended, do pass. Report adopted.

HB 494, do pass. Report adopted.

HB 564, introduced bill, be amended as follows:

1. Page 1, line 27.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

2. Page 2, line 3.

Following: "department"

Insert: "of commerce"

3. Page 2, following line 15.

Insert: "(8) "Office of economic development" means the office of economic development established in 2-15-218."

Renumber: subsequent subsections

4. Page 2, line 19.

Following: "wealth"

Insert: ", and for which at least 50% of the sales of the employer occur outside of Montana or the employer is a manufacturing company with at least 50% of its sales to other Montana companies that have 50% of their sales occurring outside of Montana"

5. Page 3, line 10.

Strike: "five-member"

Insert: "seven-member"

Strike: "appointed by the governor"

Insert: ", "

6. Page 3, line 11.

Strike: "one representative from the department"

Insert: "two representatives from the private sector representing economic development, one of whom serves on the state workforce investment board, appointed by the governor"

7. Page 3, line 12.

Strike: "one representative from the department of labor and industry"

Insert: "two representatives from the business community, one appointed by the president of the senate and one appointed by the speaker of the house, one of whom serves on the state workforce investment board"

8. Page 3, line 13.

Following: "office"

Insert: ", appointed by the governor"

9. Page 3, line 14.

Following: "revenue"

Insert: ", appointed by the governor"

10. Page 3, line 15.

Strike: "Montana university system"

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Insert: "department of labor and industry, appointed by the governor"

11. Page 4, line 5.

Strike: "department"

Insert: "office of economic development"

12. Page 4, line 12.

Following: "shall"

Insert: "demonstrate that at least 50% of the applicant's sales will be from outside of Montana or that the applicant is a manufacturing company with 50% of its sales from companies that have 50% of their sales outside of Montana and must"

13. Page 4, line 28.

Following: "represents"

Insert: "the lesser of"

14. Page 4, line 29.

Following: "programs"

Insert: ", the current median income level of the county in which the employees are to be principally employed, or for jobs that will be principally located on a reservation, the current median income level of the reservation"

15. Page 4, line 30 through page 5, line 2.

Strike: subsection (b) in its entirety

Insert: "(b) The office of economic development may consider the value of employee benefits in calculating the expected annual wage."

16. Page 6, line 13.

Strike: "the 12-month grant contract period"

Insert: "12 months from the time that the grant is awarded"

17. Page 6, line 27.

Strike: "annually"

18. Page 6, line 28.

Following: "received."

Insert: "Gross wages must be reported for the 12-month period following a grant award and for each subsequent 12-month period until the principal on the loan, issued under [section 7] and used to fund the grant award, is repaid."

19. Page 7, line 5.

Strike: "to a special fund"

Insert: "from the general fund to a special fund established in the office of economic development"

20. Page 7, line 6.

Strike: "[section 5]."

Insert: "[section 7]. The office of economic development shall establish a separate special fund for each grant award, which the office of economic development shall use for repayment of principal, interest, and administrative costs associated with that grant and the loan under [section 7] used to fund the grant and for the labor supply studies authorized in subsection (6)."

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21. Page 7, line 8.

Following: "particular"

Strike: "loan"

Insert: "grant"

Following: "principal on"

Strike: "that"

Insert: "the"

Following: the second "loan"

Insert: "issued under [section 7] used to fund that grant"

22. Page 7, following line 8.

Insert: "(6) The office of economic development shall, in each fiscal year, retain 5% of the total of all transfer payments from the department of revenue to the special accounts in the office of economic development, as provided for in subsection (5), that occur in that fiscal year. These funds must be used to assist the department of labor and industry in analyzing data and reporting on the available labor supply in Montana's rural, reservation, and urban labor markets."

Renumber: subsequent subsection

23. Page 7, line 14.

Strike: "department"

Insert: "office of economic development"

And, as amended, do pass. Report adopted.

HB 588, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "THAT"

Insert: "FOR"

Following: "INCREASES"

Insert: "OR DECREASES"

2. Title, line 5 through line 8.

Strike: "ARE" on line 5 through "RENEWAL" on line 8

Insert: "UNDER CERTAIN CIRCUMSTANCES"

3. Page 1, line 17.

Following: "(b)"

Insert: "except as provided in [section 2],"

4. Page 1, line 17 through line 19.

Strike: "that" on line 17 through "renewal" on line 19

5. Page 2, following line 1.

Insert: "NEW SECTION. Section 2. Limitation on midterm premium increases or decreases. In any case involving property or casualty insurance that is subject to this part, if the insured has prepaid the premium for the insurance policy for a specified period, the insurer may not unilaterally increase or decrease the rate charged or decrease the coverage provided for the period for which the premium has been paid unless there is a change in risk during that period that is attributable to an act of the insured or the risk to be insured was misrepresented by the insured. This section

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does not prohibit the cancellation of a policy for any other reason permitted by the policy or by law during an initial policy period not to exceed 60 days."

Insert: "NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 33, chapter 15, part 11, and the provisions of Title 33, chapter 15, part 11, apply to [section 2]."

And, as amended, do pass. Report adopted.

HB 656, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 675, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Bitney, Chairman): 2/25/2003

HB 641, introduced bill, be amended as follows:

1. Page 1, line 22.

Following: "(5)"

Insert: "(a)"

2. Page 1.

Following: line 24

Insert: "(b) The term does not include services provided by a transiting carrier."

3. Page 3, line 10.

Following: "(1)"

Insert: "An originating carrier of interexchange services shall transmit with the originating carrier's telecommunications traffic information necessary to enable the terminating carrier to identify, measure, and appropriately charge the originating carrier for the termination of the interexchange services."

4. Page 3, line 11.

Following: "enable the"

Insert: "terminating carrier or"

5. Page 3, line 12.

Following: "carrier"

Insert: "to receive information from the originating carrier in order"

6. Page 3, line 15.

Following: "services"

Strike: "or" through "carriers"

7. Page 3, line 20 through line 21.

Strike: "commission" on line 20

Insert: "terminating carrier"

Following: "request."

Strike: "The" on line 20 through "and the" on line 21

Insert: "The"

8. Page 3.

Following: line 22

Insert: "(4) An originating carrier that delivers local traffic to a terminating carrier, directly or indirectly through a

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transiting carrier, shall, upon request of the terminating carrier, enter into an interconnection agreement with the terminating carrier, as provided in 69-3-831 through 69-3-839.

(5) If an originating carrier refuses to negotiate an interconnection agreement as provided in subsection (4), a terminating carrier may:

(a) refuse to terminate traffic delivered by the originating carrier; or

(b) file a complaint with the commission. The commission may order compensation to the terminating carrier for the terminating services at the same rate charged by the terminating carrier to other originating carriers."

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 700, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

Strike: "PROVIDING" on line 6 through "COSTS;" on line 8

2. Title, line 12.

Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 5, line 3 through line 10.

Strike: subsections (d) and (e) in their entirety

4. Page 8, line 29 through page 9, line 6.

Strike: subsections (d) and (e) in their entirety

5. Page 11, line 6 through line 13.

Strike: subsections (d) and (e) in their entirety

6. Page 14.

Following: line 12

Insert: "NEW SECTION. Section 9. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent section

7. Page 14.

Following: line 14

Insert: "NEW SECTION. Section 11. Retroactive applicability. [Sections 3 and 4] apply retroactively, within the meaning of 1-2-109, to a request for a hearing or an appeal filed on or after January 1, 2003."

And, as amended, do pass. Report adopted.

HJR 26, introduced joint resolution, be amended as follows:

1. Page 2, line 17.

Following: "Conservation,"

Insert: "the Superintendent of Public Instruction, the Commissioner of Higher Education,"

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

HJR 30, be adopted. Report adopted.

TRANSPORTATION (Waitschies, Chairman): 2/24/2003
HB 711, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/24/2003

SB 115, introduced by Mahlum
SB 184, introduced by Butcher
SB 205, introduced by Cobb
SB 221, introduced by Kitzenberg
SB 250, introduced by Kitzenberg
SB 253, introduced by Elliott
SB 298, introduced by F. Thomas
SB 307, introduced by D. Ryan
SB 315, introduced by Schmidt
SB 331, introduced by Squires
SB 336, introduced by Mahlum
SB 340, introduced by Grimes
SB 343, introduced by Laible
SB 363, introduced by McNutt
SB 376, introduced by Elliott
SB 377, introduced by Mahlum
SB 380, introduced by Bales
SB 399, introduced by Bohlinger
SB 413, introduced by Kitzenberg
SB 414, introduced by Pease
SB 419, introduced by McNutt
SB 438, introduced by DePratu

Senate joint resolution passed and transmitted to the House for concurrence: 2/24/2003

SJR 17, introduced by Tester

House amendments to Senate bill concurred in: 2/24/2003

SB 195, introduced by Grimes

House bill concurred in and returned to the House: 2/25/2003

HB 108, introduced by A. Olson

FIRST READING AND COMMITMENT OF BILLS

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

HB 743, introduced by E. Clark (by request of the House Joint Appropriations Subcommittee on Health and Human Services), referred to Appropriations.

HB 744, introduced by E. Clark (by request of the House Joint Appropriations Subcommittee on Health and Human Services), referred to Appropriations.

Majority Leader Brown moved that the House recess until 12:25 p.m. for caucuses. Motion carried.

House recessed at 12:06 p.m.

House reconvened at 12:26 p.m.

**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 Laslovich in the chair.

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

HB 370 - Representative Noennig moved **HB 370** do pass. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, Parker, Peterson, Raser, Roberts, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 76

Noes: Andersen, Balyeat, D. Brown, R. Brown, Fuchs, Galvin-Halcro, Hawk, Kasten, Laszloffy, Maedje, Malcolm, Mendenhall, A. Olson, B. Olson, Pattison, Rice, Ripley, Rome, Ross, Sales, Sinrud, Waitschies.

Total 22

Excused: None.

Total 0

Absent or not voting: Gillan, Windy Boy.

Total 2

HB 437 - Representative A. Olson moved **HB 437** do pass.

Representative Harris moved **HB 437**, second reading copy, be amended as follows:

1. Title, line 9 through line 14.

Following: "CONSTITUTION;"

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Strike: "REQUIRING" on line 9 through "INJUNCTION;" on line 14

2. Title, line 25.

Strike: "75-2-211,"

3. Title, line 27.

Strike: "75-20-201,"

4. Page 7, line 10.

Following: "unabridged"

Strike: "-- injunction for permit challenge"

5. Page 7, line 21 through line 23.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

6. Page 7, line 28 through page 13, line 18.

Strike: section 7 in its entirety

Renumber: subsequent sections

7. Page 24, line 16 through page 25, line 5.

Strike: section 21 in its entirety

Renumber: subsequent sections

8. Page 25, line 17 through line 20.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

9. Page 25, line 26.

Strike: "-- injunction"

10. Page 26, line 3 through line 6.

Strike: subsection (3) in its entirety

11. Page 34, line 24.

Following: "venue"

Strike: "-- injunction"

12. Page 35, line 2 through line 5.

Strike: subsection (3) in its entirety

13. Page 35, line 27.

Following: "venue"

Strike: "-- injunction"

14. Page 36, line 5 through line 7.

Strike: subsection (4) in its entirety

15. Page 36, line 10.

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Following: "venue"
Strike: "-- injunction"

16. Page 37, line 3 through line 5.
Strike: subsection (7) in its entirety

17. Page 38, line 1.
Strike: "36"
Insert: "34"

18. Page 38, line 3.
Strike: "36"
Insert: "34"

19. Page 38, line 15.
Strike: section 41 in its entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bixby, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lenhart, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Smith, Wanzenried, Windy Boy.

Total 38

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

Total 61

Excused: None.
Total 0

Absent or not voting: Schrupf.
Total 1

Motion that **HB 437** do pass carried as follows:

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

Total 72

Noes: Becker, Bixby, Buzzas, Callahan, Carney, Cohenour, Dickenson, Erickson, Franklin, Fritz, Gallik, Galvin-Halcro,

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Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Musgrove, Parker, Raser, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 493 - Representative Branae moved **HB 493** 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, 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: Lewis.

Total 1

HB 465 - Representative P. Clark moved **HB 465** do pass. Motion carried as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, P. Clark, Cyr, Dowell, Everett, Fisher, Fuchs, Gallus, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.

Total 66

Noes: Andersen, Ballantyne, Branae, Buzzas, Callahan, E. Clark, Cohenour, Devlin, Dickenson, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Jayne, Jent, Kasten, Kaufmann, Lake, Lenhart, Malcolm, Musgrove, Parker, Ryan, Small-Eastman, Smith, Waitschies, Wilson, Windy Boy.

Total 34

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 357 - Representative Harris moved **HB 357** do pass. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Harris, Hedges, Jacobson, Jent, Kaufmann, Keane, Lenhart, Maedje, Musgrove, Parker, Ross, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.
Total 40

Noes: Andersen, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Dickenson, Everett, Fisher, Fuchs, Gillan, Golie, Haines, Hawk, Hurwitz, Jackson, Jayne, Juneau, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Sales, Schrupf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.
Total 59

Excused: None.
Total 0

Absent or not voting: A. Olson.
Total 1

HB 302 - Representative Lewis moved **HB 302** do pass.

Representative Fritz moved **HB 302**, second reading copy, be amended as follows:

1. Page 5, line 22.

Following: "each"

Insert: "enrolled member"

2. Page 5, line 23.

Following: "plan."

Insert: "The notification must include the cost or savings resulting from each proposed change in plan benefits, the amount of premium change that is the result of profit or loss for the current plan year, and a description of each additional factor increasing or decreasing plan premiums."

3. Page 9, lines 25 and 26.

Following: "MAY" on line 25

Strike: remainder of line 25 through "contract," on line 26

Following: "PERSONNEL" on line 26

Insert: "or contract"

4. Page 11, line 8.

Following: "auditor"

Insert: "and paid for by the plans"

5. Page 11, line 24.

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Following: "(1)"

Strike: "AND"

Insert: ", "

Following: "(2)"

Insert: ", and any premiums or other income of the plans"

6. Page 14, line 27.

Strike: "2004"

Insert: "2005"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Balyeat, Bergren, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jackson, Jayne, Jent, Keane, Lake, Lambert, Laslovich, Lenhart, Morgan, Musgrove, Newman, Parker, Peterson, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 44

Noes: Andersen, Barrett, Becker, Bitney, Bixby, D. Brown, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Everett, Forrester, Fuchs, Gallik, Gallus, Hawk, Hedges, Hurwitz, Jacobson, Juneau, Kasten, Kaufmann, Lange, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Fritz moved **HB 302**, second reading copy, be amended as follows:

1. Page 7, line 27 through page 8, line 19.

Strike: subsections (2) and (3) in their entirety

Insert: "

(2) The board consists of seven members appointed to 4-year staggered terms by the governor as follows:

(a) one public school classroom teacher from a first-class elementary or high school district, as defined in 20-6-201 or 20-6-301, holding a class 1, 2, or 4 certificate pursuant to 20-4-106;

(b) one public school classroom teacher from a second-class or third-class elementary or high school district, as defined in 20-6-201 or 20-6-301, holding a class 1, 2, or 4 certificate pursuant to 20-4-106;

(c) one administrator from a first-class elementary or high school district;

(d) one administrator from a second-class or third-class elementary or high school district;

(e) one classified employee; and

(f) two public members.

(3) When a vacancy occurs, the governor shall designate any person meeting the requirements of the vacancy to fill the position."

2. Page 14, line 20.

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Strike: "three"
Insert: "two"
Strike: "3-year"
Insert: "2-year"

3. Page 14, line 21.

Strike: "three"
Insert: "two"
Strike: "4-year"
Insert: "3-year"

4. Page 14, line 22.

Strike: "5-year"
Insert: "4-year"

5. Page 14, line 23.

Strike: "5-year"
Insert: "4-year"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Cyr, Dickenson, Dowell, Everett, Fisher, Franklin, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Laslovich, Laszloffy, Lenhart, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Parker, Pattison, Peterson, Roberts, Ryan, Schrupf, Sinrud, Small-Eastman, Smith, Wagman, Waitschies, Weiss, Wilson, Windy Boy.
Total 58

Noes: Balyeat, Becker, Bergren, R. Brown, Brueggeman, E. Clark, P. Clark, Cohenour, Devlin, Erickson, Facey, Forrester, Fuchs, Gallik, Gallus, Hedges, Jacobson, Kaufmann, Lambert, Lange, Lawson, Lehman, Lewis, Matthews, Newman, Noennig, A. Olson, B. Olson, Raser, Rice, Ripley, Rome, Ross, Sales, Shockley, Steinbeisser, Stoker, Thomas, Wanzenried, Witt, Younkin, Mr. Speaker.
Total 42

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Galvin-Halcro moved **HB 302**, second reading copy, be further amended as follows:

1. Title, page 1, line 17.

Following: "PLAN;"

Insert: "PROVIDING THAT A DISTRICT THAT PAYS HEALTH BENEFIT CONTRIBUTIONS FOR ALL ELIGIBLE EMPLOYEES IS NOT REQUIRED TO PARTICIPATE IN THE STATEWIDE PUBLIC SCHOOL RISK POOL AND HEALTH BENEFIT PLANS;"

2. Page 5, line 10.

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Following: "contributions"

Insert: "-- exception to participation"

3. Page 5, line 27.

Following: "(4)"

Strike: "By"

Insert: "Except as provided in subsection (17), by"

4. Page 7, line 24.

Following: line 23

Insert: "(17) A school district that pays health benefit contributions for all eligible employees, regardless of whether the employee or employees participate in the district's health plan, is not required to participate in the statewide public school risk pool and health benefit plans. Proof of a district's payment of contributions and the district's participation requirement must be provided to the board, along with a notice of intent not to participate in the statewide public school risk pool and health benefit plans, on or before May 1, 2004. "

Amendment **not** adopted as follows:

Ayes: Balyeat, Bergren, Bookout-Reinicke, Buzzas, Callahan, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Jayne, Keane, Lenhart, McKenney, Newman, Parker, Raser, Small-Eastman, Smith, Wanzenried, Wilson.

Total 27

Noes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Devlin, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Gibson, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 72

Excused: None.

Total 0

Absent or not voting: Haines.

Total 1

Motion that **HB 302**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Gibson, 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, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Balyeat, Buzzas, Callahan, Dickenson, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche,

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McKenney, Parker, Raser, Wanzenried, Wilson.
Total 17

Excused: None.
Total 0

Absent or not voting: Bookout-Reinicke.
Total 1

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

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Fisher, Forrester, Fuchs, Gallik, Gibson, Haines, Hawk, Hedges, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 78

Noes: Buzzas, Callahan, Carney, Dickenson, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Juneau, Kaufmann, Raser, Wilson.
Total 17

Excused: None.
Total 0

Absent or not voting: Becker, Gallus, Hurwitz, Laslovich, Wanzenried.
Total 5

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 441, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, 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, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

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Noes: Balyeat, Fuchs, Sales.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 512, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, 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, Schruppf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 89

Noes: Balyeat, Bergren, D. Brown, Buzzas, P. Clark, Franklin, Golie, Laszloffy, Sales, Shockley, Smith.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 644, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Facey, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Lange, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Ryan, Schruppf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 68

Noes: Balyeat, Buzzas, E. Clark, P. Clark, Devlin, Erickson, Everett, Forrester, Franklin, Fritz, Fuchs, Hedges, Kasten, Kaufmann, Keane, Lake, Lambert, Laszloffy, Lawson, Mendenhall, Morgan, Newman, Peterson, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Waitschies, Witt.
Total 31

Excused: None.
Total 0

Absent or not voting: Fisher.

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Total 1

HB 653, from 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, 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

HB 411 passed as follows:

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

Total 80

Noes: Carney, P. Clark, Cyr, Dickenson, Erickson, Facey, Fisher, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jayne, Kaufmann, Newman, Raser, Smith, Wanzenried, Weiss, Wilson.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 608 passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges,

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Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 85

Noes: Balyeat, Devlin, Everett, Fisher, Fuchs, Hawk, Lake, Malcolm, Pattison, Peterson, Sales, Shockley, Steinbeisser, Waitschies, Witt.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 647 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, 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

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (McKenney, Chairman): 2/25/2003
HB 679, do pass. Report adopted.

EDUCATION (Andersen, Chairman): 2/25/2003
HB 630, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "\$44,017,000"
Insert: "\$45,292,000"

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2. Page 1, line 17.

Strike: "\$44,017,000"

Insert: "\$45,292,000"

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

HB 685, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: line 4

Insert: "CHILD-CARE AGENCY--"

2. Title, page 1, line 6.

Following: first "DATE"

Insert: ", AN APPLICABILITY DATE,"

3. Page 1, lines 10 through 12.

Following: "a" on line 10

Insert: "child-care agency--"

Following: "include" on line 11

Strike: remainder of line 11 through "center" on line 12

Strike: "ANB"

Insert: "enrollment"

Following: "count"

Insert: "a student who is under the protective care of a state agency or has been adjudicated by a Montana court to be a youth in need of intervention or a delinquent youth, as defined in 41-5-103, or a student who is required to attend school outside of the district of residence as the result of a placement in foster care or in a group home licensed by the state"

4. Page 1, line 13.

Following: line 12

Insert: "(1) the child-care agency--residential treatment center is licensed by the state as a youth group home that provides therapeutic services;"

Renumber: subsequent subsections

Following: "from the" on line 13

Insert: "child-care agency--"

5. Page 1, line 14.

Following: "in the"

Insert: "child-care agency--residential"

6. Page 1, line 15.

Following: the first "the"

Insert: "child-care agency--"

7. Page 1, line 17.

Following: the second "the"

Insert: "child-care agency--"

8. Page 1, line 18.

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Following: ";"

Insert: "and"

9. Page 1, lines 19 and 20.

Strike: subsection (4) in its entirety

10. Page 1, line 21.

Following: the second "the"

Insert: "child-care agency--"

11. Page 1, line 27.

Following: "date"

Insert: "-- applicability"

Following: "2003"

Insert: ", and applies to school budgets for school fiscal years beginning on or after July 1, 2003"

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Thomas, Chairman):

2/25/2003

HB 524, introduced bill, be amended as follows:

1. Title, line 5.

Following: "PROGRAM"

Strike: "OPERATED" through "CENTER"

Insert: "THAT ACCEPTS PUBLIC FUNDING"

2. Page 5, line 26 through line 27.

Following: "a program"

Strike: remainder of line 26 through "to" on line 27

Insert: "that provides treatment, rehabilitation, and prevention for behavioral problems that endanger the health, interpersonal relationships, or educational functions of a"

Following: "youth" on line 27

Insert: "and"

3. Page 5, line 29.

Following: "services:"

Insert: "and"

4. Page 5, line 30.

Strike: subsection (iii) in its entirety

Renumber: subsequent subsections

5. Page 6, line 1.

Strike: "."

Insert: "."

6. Page 6, line 2 through line 3.

Strike: subsections (v) and (vi) in their entirety

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7. Page 7, line 16.

Strike: "Extension" through "to"

Insert: "Licensure of"

8. Page 7, line 17 and line 18.

Following: "programs"

Insert: "-- exemption"

Following: "program" on line 17

Strike: remainder of line 17 through the second "center" on line 18

Insert: "that accepts public funding"

9. Page 7, line 19.

Following: "program"

Strike: "for youth that is not operated by a licensed mental health center and"

And, as amended, do pass. Report adopted.

HB 542, introduced bill, be amended as follows:

1. Page 1, line 29.

Following: "the"

Insert: "therapeutic"

2. Page 2, line 6.

Following: "psychological."

Insert: "or"

Following: "neurological"

Strike: ", or orthopedic"

3. Page 3, line 3.

Following: "section"

Insert: ", "

4. Page 3, line 4.

Strike: "occupations"

Insert: "purposeful goal-directed activity"

5. Page 4, line 2.

Strike: "A"

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

6. Page 4, line 4.

Strike: "(1)"

Insert: "(a)"

7. Page 4, line 5.

Strike: "(2)"

Insert: "(b)"

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8. Page 4, line 6.

Following: "~~hand~~"

Insert: "upper extremity"

9. Page 4, line 7.

Strike: "(3) (a)"

Insert: "(c) (i)"

10. Page 4, line 10.

Strike: "(b)"

Insert: "(ii)"

Following: "treatments"

Strike: "with" on line 10

Insert: "under the direct supervision of"

11. Page 4, line 12.

Strike: "with"

Insert: "under the direct supervision of"

12. Page 4, line 14.

Following: line 13

Insert: "(2) A certified occupational therapy assistant who works under the direct supervision of a qualified occupational therapist may apply deep physical agent modalities to the shoulder, arm, elbow, forearm, wrist, and hand."

And, as amended, do pass. Report adopted.

HB 659, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "PENALIZING"

Insert: "REQUIRING REPAYMENT FROM"

Strike: "PUBLIC"

Insert: "TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CASH ASSISTANCE OR CHILDCARE"

2. Page 1, line 14.

Following: "(2)"

Strike: "A"

Insert: "Except as provided in subsection (3), a"

Strike: "public assistance"

Insert: "temporary assistance for needy families cash assistance or childcare assistance, or both,"

Strike: "penalized in"

Insert: "required to pay"

3. Page 1, line 15.

Strike: "public assistance"

Insert: "temporary assistance for needy families cash assistance or childcare assistance"

4. Page 1, line 16.

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Strike: "program, except as"

Insert: "programs, provided that the error in any month does not exceed 150% of the recipient's monthly benefit amount. If the error exceeds 150% of the recipient's monthly benefit amount, the department may attempt to recover or reduce future benefits to recover the amount paid in excess of 150% of the monthly benefit amount. The department may not attempt to recover any excess payments covering a period of more than 3 months. The department may attempt to recover any payments"

And, as amended, do pass. Report adopted.

HB 681, introduced bill, be amended as follows:

1. Page 2, line 4.

Strike: "medications"

Insert: "drugs, as defined in 37-7-701,"

2. Page 2, line 6.

Strike: "medications"

Insert: "drugs"

3. Page 4, line 10.

Strike: "medications"

Insert: "drugs"

Strike: "medication"

And, as amended, do pass. Report adopted.

HJR 31, introduced joint resolution, be amended as follows:

1. Title, line 5.

Strike: "AUTHORIZING"

Insert: "ENCOURAGING"

2. Page 1, line 27.

Strike: "authorized"

Insert: "encouraged"

3. Page 2, line 7.

Insert: "BE IT FURTHER RESOLVED, that the Department of Public Health and Human Services be encouraged to develop innovative programs in tribal communities."

And, as amended, be adopted. Report adopted.

JUDICIARY (Shockley, Chairman):

2/25/2003

HB 141, introduced bill, be amended as follows:

1. Page 1, line 17.

Strike: "Except" through "a"

Insert: "A"

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2. Page 1, line 18.

Strike: "2 years"

Insert: "1 year"

3. Page 1, line 20 through page 2, line 2.

Strike: subsection (3) in its entirety

And, as amended, do pass. Report adopted.

HB 295, introduced bill, be amended as follows:

1. Page 1, line 18 through line 23.

Strike: subsections (a) through (d) in their entirety

Insert: "(a) has an alcohol concentration of 0.30 or higher; or"

(b) was convicted within the last 10 years of both of the following offenses arising out of the same transaction:

(i) driving under the influence of alcohol, drugs, or a combination of alcohol and drugs; and

(ii) either negligent homicide or criminal endangerment and given a sentence making the offense a

felony.

And, as amended, do pass. Report adopted.

HB 553, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

Following: "ACT" on line 4

Insert: "REVISING THE LAWS GOVERNING THE TREATMENT OF ANIMALS;"

Following: "PROVIDING FOR" on line 4

Strike: remainder of line 4 through "FOR" on line 5

Insert: "A CIVIL HEARING CONCERNING THE"

Strike: "CONVICTED OF"

Insert: "CHARGED WITH"

2. Title, line 6.

Strike: "DEFINING"

Insert: "CREATING THE OFFENSE OF"

3. Title, lines 7 and 8.

Following: "PRACTICES;" on line 7

Strike: remainder of line 7 through "VETERINARIANS;" on line 8

4. Page 1, lines 12 through 15.

Strike: section 1 in its entirety

Renumber: subsequent sections

5. Page 1, line 21.

Following: "tormenting,"

Insert: "torturing,"

6. Page 1, lines 25 through 27.

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Strike: "species-specific" on line 25

Following: "food" on line 25

Insert: "and water"

Strike: "allow for" on line 25

Insert: "sustain the animal's"

Following: "normal" on line 25

Strike: remainder of line 25 through "council." on line 27

Insert: "health;"

7. Page 1, line 28 through line 29.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

8. Page 1, line 30.

Strike: "or a constructed shelter to protect"

Insert: "for"

9. Page 2, lines 1 and 2.

Strike: "including extreme heat or cold and wind or precipitation." on line 1

Following: "given to" on line 1

Insert: "the"

Following: "species" on line 1

Strike: remainder of line 1 through "composition" on line 2

10. Page 2, lines 3 and 4.

Strike: subsection (iv) in its entirety

Renumber: subsequent subsection

11. Page 2, line 16.

Strike: "(i)"

12. Page 2, lines 19 and 20.

Strike: subsection (ii) in its entirety

13. Page 2, line 25.

Following: "including"

Insert: "reasonable"

14. Page 2, lines 29 and 30.

Strike: "The" on line 29 through "shown" on line 30

Insert: "This section does not prohibit"

15. Page 3, line 7.

Strike: "or"

16. Page 3, lines 8 and 9.

Following: "activities" on line 8

Strike: remainder of line 8 through "shooting" on line 9

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Insert: "; or (i) accepted training and discipline methods"

17. Page 3, line 10 through line 29.

Strike: subsections (5) through (7) in their entirety

18. Page 3, line 30.

Insert: "NEW SECTION. Section 2. Aggravated animal cruelty. A person commits the offense of aggravated animal cruelty if the person:

(1) purposely or knowingly kills an animal with the purpose of terrifying, torturing, or mutilating the animal;

or

(2) inflicts cruelty to animals on a collection, kennel, or herd of 10 or more animals."

Insert: "NEW SECTION. Section 3. Animal welfare hearing. (1) When an animal is seized from a person pursuant to an arrest for an alleged violation of 45-8-211 or [section 2], the prosecutor may file petition for an animal welfare hearing in district court in the county where the arrest was made.

(2) The petition must contain:

(a) the purported facts regarding animal neglect and the current condition of the animal;

(b) any facts demonstrating the animal's extreme disease, injury, or suffering, if applicable; and

(c) the name and address of the respondent.

(3) If the court finds probable cause that the animal exhibits extreme disease, injury, or suffering, the court shall set the matter for hearing not more than 10 days after the petition was filed with the clerk of court. Otherwise, the court shall set the matter for hearing not more than 30 days after the petition was filed.

(4) At the hearing, the court may consider the following factors:

(a) the propriety of returning the animal to the owner given the alleged facts regarding abuse or neglect;

(b) the extent of the animal's disease, injury, or suffering, if applicable;

(c) the likelihood of viable treatment of the animal's condition, if applicable, based upon available veterinary testimony; and

(d) the availability of funding to provide for the animal's treatment, shelter, and care.

(5) Upon consideration of the factors listed in subsection (4), the court may order any of the following:

(a) immediate release of the animal to the owner;

(b) imposition of a bond or security in an amount sufficient to provide for the animal's care for a minimum of 30 days from the date of seizure; or

(c) euthanization of severely diseased, injured, or suffering animals.

(6) A hearing pursuant to this section does not constitute an adjudication with regard to charges filed under 45-8-211 or [section 2]."

Renumber: subsequent section

19. Page 2, line 1.

Following: "instruction."

Insert: "(1)"

Strike: "1"

Insert: "2"

20. Page 4, line 2.

Strike: "1"

Insert: "2"

21. Page 4, line 3.

Following: line 2

Insert: "(2) [Section 3] is intended to be codified as an integral part of Title 27, chapter 1, part 4, and the provisions of

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Title 27, chapter 1, part 4, apply to [section 3]."

And, as amended, do pass. Report adopted.

HB 667, introduced bill, be amended as follows:

1. Page 5, line 5.

Following: "not"

Insert: "purposely or knowingly"

And, as amended, do pass. Report adopted.

HB 695, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

Strike: "NONECONOMIC" on line 5 through "AND" on line 6

2. Title, page 1, line 7.

Following: "ACTION"

Insert: "TEACHING IN A FIELD OR PRACTICING"

3. Page 1, line 11 through line 23.

Strike: lines 11 through 23 in their entirety

4. Page 1, line 27 through line 28.

Strike: "--" on line 27 through "care" on line 28

5. Page 1, line 29 through page 2, line 3.

Strike: ":" on page 1, line 29 through "(b)" on page 2, line 3

Insert: ", "

6. Page 2, line 5.

Strike: "practice time in a practice"

Insert: "time practicing or teaching in a field"

7. Page 2, line 7 through line 13.

Strike: "the" on line 7 through "'Health" on line 13

Insert: "'health"

8. Page 2, line 15 through line 17.

Strike: section 2 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 697, do pass. Report adopted.

HB 733, introduced bill, be amended as follows:

1. Page 1, line 4.

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Strike: "20"
Insert: "4"

2. Page 1, line 19.
Strike: "20"
Insert: "4"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Younkin, Chairman):
HB 545, introduced bill, be amended as follows:

2/25/2003

1. Page 3, line 15.
Strike: "\$10"
Insert: "\$25"

2. Page 3, line 16.
Strike: "\$30"
Insert: "\$100"

3. Page 3, line 19.
Strike: "\$10"
Insert: "\$25"

4. Page 3, line 20.
Strike: "\$30"
Insert: "\$100"

And, as amended, do pass. Report adopted.

HB 617, do pass. Report adopted.
HB 669, do pass. Report adopted.
HB 709, do pass. Report adopted.

STATE ADMINISTRATION (Barrett, Chairman):

2/25/2003

HB 602, do pass. Report adopted.
HB 651, do pass. Report adopted.
HB 662, do pass. Report adopted.
HB 686, introduced bill, do pass and be placed on the consent calendar. Report adopted.
HB 719, do pass. Report adopted.
HB 734, introduced bill, do pass and be placed on the consent calendar. Report adopted.
HJR 25, introduced joint resolution, be adopted and be placed on the consent calendar. Report adopted.

MOTIONS

Representative R. Brown moved **HB 726** be taken from the Committee on Human Services and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

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Representative R. Brown moved **HB 405** be taken from the Committee on Natural Resources and be rereferred to the Committee on Taxation. There being no objection, so ordered.

Representative R. Brown moved **HB 216** be taken from the Committee on Business and Labor and be rereferred to the Committee on Taxation. There being no objection, so ordered.

Representative R. Brown moved **HB 629** be taken from the Committee on Business and Labor and be rereferred to the Committee on Taxation. There being no objection, so ordered.

Representative Lindeen moved **HB 380** be taken from the Committee on Natural Resources and be placed on second reading Legislative Day 43. Motion (requiring a 3/5 vote) **failed** as follows:

Ayes: Ballantyne, Balyeat, 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, Kasten, Kaufmann, Keane, Laslovich, Lenhart, Lewis, Lindeen, Malcolm, Matthews, Musgrove, Newman, Parker, Pattison, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 55

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

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Maedje moved **HB 258** be taken from the Committee on Local Government and be rereferred to the Committee on Appropriations.

Representative Cohenour moved to table previous motion on **HB 258**. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Laslovich, Laszloffy, Lawson, Lewis, Lindeen, Malcolm, McKenney, Mendenhall, Musgrove, Newman, A. Olson, Parker, Pattison, Peterson, Raser, Roberts, Schrupf, Shockley, Small-Eastman, Smith, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 69

Noes: Barrett, Becker, Brueggeman, Devlin, Forrester, Gallus, Galvin-Halcro, Golie, Hedges, Jackson, Keane, Lambert, Lange, Lehman, Lenhart, Maedje, Matthews, Morgan, Noennig, B. Olson, Rice, Ripley, Rome, Ross, Ryan, Sales, Sinrud, Steinbeisser, Stoker, Thomas, Wilson.

Total 31

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

UNFINISHED BUSINESS

February 25, 2003

The Honorable Dave Wanzenried
House Minority Leader
State Capitol Building
Helena, MT

Dear Representative Wanzenried:

Yesterday you asked me what the intentions of the majority are with regard to HB 74. The answer very quickly becomes enigmatic.

It is now apparent to everyone that the vast majority of House Democrats are not, under any circumstances, going to support using the Coal Tax Trust Fund. That being the case, I find myself for the first time this session, asking you to do something and then to get back to me.

Since your caucus finds itself unable to support any use of the Coal Tax Trust Fund, I would ask you, upon return from the coming transmittal break, to meet with me and present your proposals for balancing the 2004-2005 budget. Please provide me with appropriate specifics as to what budget reductions you would recommend, and what revenue enhancements (taxes, transfers, etc.) you would also recommend.

My understanding of a reasonable compromise is as follows: If I take a position at the number one and you take a position at the number ten, the complete compromise is found around five and one-half, not nine and not two.

To return to your original question, what happens to Representative Lewis' HB 74 depends to a large degree upon the quality of your upcoming proposals. HB 74 may be gone, or it could return. I do not know.

I look forward to meeting with you after the transmittal break.

Sincerely,

Doug Mood
Speaker of the House

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SPECIAL ORDERS OF THE DAY

The following cosponsor was **deleted** from **HB 465**: Tester.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Wednesday, February 26, 2003. Motion carried.

House adjourned at 3:27 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House