

**HOUSE JOURNAL  
58TH LEGISLATURE  
SIXTIETH LEGISLATIVE DAY**

Helena, Montana  
March 21, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Lange. 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 fifty-seventh and fifty-eighth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**SPECIAL ORDERS OF THE DAY**

The Speaker read the following statement from the Honorable U.S. Senator Max Baucus:

I deeply regret that I have to announce I will not be able to address a joint session of the Montana Legislature today.

I have to stay in Washington for two reasons: to show support in the Senate for our troops in Iraq, and to take part in key budget votes that deal with boosting our economy, providing prescription drugs to Montana seniors, protecting Social Security and Medicare, and important funding for education, highways, and homeland security.

Now that our country is at war, it is time to stand united behind our troops, who are fighting for the safety and security of America and to protect the world from terrorism. We all should pray for their safe return.

Again, I deeply regret that I will not be with you, and I deeply appreciate your invitation. I wish you well in your deliberations and in doing what's right for Montana.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/21/2003

Correctly printed: **SB 145, SB 149, SB 262, SB 398, SB 445, SJR 23, SJR 27.**

Correctly engrossed: **SB 35, SB 57, SB 126.**

Correctly enrolled: **HB 154, HB 156, HB 172, HB 246, HB 252, HB 305, HB 339, HB 391, HB 402, HB 429, HB 436, HB 621, HB 635, HJR 9, HJR 25.**

Examined by the sponsor and found to be correct: **HB 154, HB 156, HB 172, HB 246, HB 252, HB 305, HB 339, HB 391, HB 402, HB 429, HB 436, HB 621, HB 635, HJR 9, HJR 25.**

**APPROPRIATIONS** (Lewis, Chairman): 3/20/2003

**HB 3**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Strike:** "The"

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

2. Page 1.

**Following:** line 19

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**Insert:**

"Child Support Enforcement Division           \$1,200,000           General Fund"

3. Page 1, line 24.

**Strike:** "\$250,000"

**Insert:** "\$110,000"

4. Page 1, line 26.

**Strike:** "\$250,000"

**Insert:** "\$390,000"

5. Page 1, line 28.

**Strike:** "\$3,503,000"

**Insert:** "\$1,940,000"

6. Page 2.

**Following:** line 1

**Insert:** "(2) If the actual common school interest and income revenue deposited in the guarantee account established in 20-9-622 by the end of fiscal year 2003 is less than the amount of common school interest and income revenue estimated for fiscal year 2003 in House Joint Resolution No. 2 as passed and approved, then the office of public instruction school BASE aid appropriation for the fiscal year ending June 30, 2003, as provided in subsection (1) of this section, is increased by the amount of the difference between the amount of common school interest and income revenue estimated in House Joint Resolution No. 2 as passed and approved and the actual receipts in the guarantee account, up to a maximum of \$8 million."

And, as amended, do pass. Report adopted.

**HB 4**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Following:** "DATE"

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

2. Page 1.

**Following:** line 19

**Insert:** "Montana Supreme Court

District Court Operations

Probation Miscellaneous Revenue 2003   \$100,000           State Special"

3. Page 1.

**Following:** line 23

**Insert:** "Local Education Activities

Reading Excellence 2003   \$10,366,578           Federal Funds

All remaining fiscal year 2003 federal budget amendment authority for reading excellence for local education activities is authorized to continue into federal fiscal year 2004."

4. Page 1.

**Following:** line 28

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**Insert:** "Administration Program

All remaining fiscal year 2003 federal budget amendment authority for the Montana historical society press administration grant is authorized to continue into state fiscal year 2005.

Library Program  
National Archives and Records      2003    \$9,320   Federal Funds

All remaining fiscal year 2003 federal budget amendment authority for the national archives and records is authorized to continue into state fiscal year 2004."

5. Page 2.

**Following:** line 1

**Insert:** "Historic Preservation Program

Heritage Databases - Bureau of Land Management  
2003    \$30,000 Federal Funds

All remaining fiscal year 2003 federal budget amendment authority for the heritage databases - bureau of land management is authorized to continue into state fiscal year 2004.

Heritage Preservation Program  
Virginia City/Nevada City Wildfire Mitigation 2003    \$60,735 Federal Funds

All remaining fiscal year 2003 federal budget amendment authority from the federal emergency management agency for the Virginia City and Nevada City wildfire hazard mitigation is authorized to continue into state fiscal year 2004."

6. Page 2.

**Following:** line 10

**Insert:** "Pallid Sturgeon at Miles City      2003    \$42,893 Federal Funds

All remaining fiscal year 2003 federal budget amendment authority for the pallid sturgeon production at the Miles City hatchery is authorized to continue into state fiscal year 2004."

7. Page 2, line 16 through line 17.

**Strike:** line 16 through line 17 in their entirety

8. Page 2.

**Following:** line 19

**Insert:** "Capital Outlay Program

All remaining fiscal year 2003 federal budget amendment authority for the U.S. fish and wildlife service for the Thompson/Fisher drainage is authorized to continue into federal fiscal year 2005."

9. Page 2.

**Following:** line 29

**Insert:** "Remediation Division

All remaining fiscal year 2003 federal budget amendment authority for the Lockwood solvent grant is

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authorized to continue into state fiscal year 2004."

10. Page 3.

**Following:** line 4

**Insert:** "Conservation Reserve Program Grant Number 5  
2003 \$5,621 Federal Funds

Conservation Reserve Program Grant Number 6  
2003 \$6,951 Federal Funds

All remaining fiscal year 2003 federal budget amendment authority for the conservation reserve program grants is authorized to continue into federal fiscal year 2004."

11. Page 3.

**Following:** line 21

**Insert:** "Department of Corrections  
Juvenile Corrections

All remaining fiscal year 2003 federal budget amendment authority for the U.S. department of justice - corrections serious and violent offender reentry initiative grant is authorized to continue into state fiscal year 2005.

Department of Commerce  
Business Resources Division

All remaining fiscal year 2003 federal budget amendment authority for the U.S. forest service grant is authorized to continue into federal fiscal year 2004."

12. Page 3.

**Following:** line 23

**Insert:** "One-Stop Workforce Investment Act Grant 2003 \$25,000 Federal Funds  
One-Stop Glendive Workforce Investment Act Grant 2003 \$25,000 Federal Funds  
Special Reed Act Funds 2003 \$1,839,000 Federal Funds"

13. Page 3, line 24.

**Following:** "for"

**Insert:** "special"

14. Page 3, line 25.

**Following:** "2005"

**Insert:** "for legitimate Wagner-Peyser Act employment services activities, unemployment insurance benefits, and unemployment insurance administration"

15. Page 3.

**Following:** line 26

**Insert:** "National Customer Service Award Grant 2003 \$25,000 Federal Funds  
Special Reed Act Funds 2003 \$12,601,627 Federal Funds

All remaining fiscal year 2003 federal budget amendment authority for the national customer service award grant is authorized to continue into federal fiscal year 2004."

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16. Page 3, line 29.

**Following:** "for"

**Insert:** "special"

17. Page 3, line 30.

**Following:** "2005"

**Insert:** "for legitimate Wagner-Peyser Act employment services activities, unemployment insurance benefits, and unemployment insurance administration. The \$12,601,627 of special Reed Act federal funds will be reduced by the amount of any special Reed Act federal funds that is contained in the General Appropriations Act of 2003 for the department in item 1"

18. Page 4.

**Following:** line 1

**Insert:** "Army National Guard

Facility Operation and Maintenance 2003 \$698,000 Federal Funds

Air National Guard

Firefighters and Security 2003 \$167,322 Federal Funds"

19. Page 4.

**Following:** line 8

**Insert:** "All remaining fiscal year 2003 federal budget amendment authority for the federal emergency management agency supplemental federal planning grant funds is authorized to continue into state fiscal year 2004."

20. Page 4.

**Following:** line 12

**Insert:** "Child and Family Services Division

All remaining fiscal year 2003 federal budget amendment authority for the Walla Walla IV-E grant is authorized to continue into state fiscal year 2004.

Health Policy and Services Division

All remaining fiscal year 2003 federal budget amendment authority for the rape prevention and education grant is authorized to continue into federal fiscal year 2005."

21. Page 4, lines 22 through line 24.

**Strike:** lines 22 through line 24 in their entirety

**Insert:** "NEW SECTION. Section 3. Appropriation. There is appropriated for fiscal year 2003 to the Montana supreme court \$500,000 of federal budget amendment authority for a statewide video network funded by the United States department of justice, office of community oriented policing services."

**Renumber:** subsequent sections

22. Page 4.

**Following:** line 30

**Insert:** "NEW SECTION. Section 6. Retroactive applicability. [Section 3] applies retroactively, within the meaning of 1-2-109, to February 10, 2003."

And, as amended, do pass. Report adopted.

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**HB 6**, introduced bill, be amended as follows:

1. Page 1, line 16.

**Strike:** "\$125,000"

**Insert:** "\$220,932"

2. Page 2, line 5.

**Strike:** "100,000"

**Insert:** "75,000\*"

3. Page 2, line 21.

**Strike:** "100,000"

**Insert:** "75,000"

4. Page 3, line 11.

**Strike:** "100,000"

**Insert:** "75,000\*"

5. Page 3, line 13.

**Strike:** "100,000"

**Insert:** "75,000\*"

6. Page 3, line 14.

**Strike:** "Ballantin"

**Insert:** "Ballantine"

7. Page 3, line 22 through line 23.

**Strike:** line 22 through line 23 in their entirety

8. Page 4, line 5.

**Strike:** "100,000"

**Insert:** "50,000"

9. Page 4, line 15.

**Strike:** "99,883"

**Insert:** "50,000"

10. Page 4, line 19.

**Strike:** "100,000"

**Insert:** "80,000"

11. Page 4, line 22 through line 30.

**Strike:** line 22 through line 30 in their entirety

12. Page 5, line 2.

**Strike:** "85,212"

**Insert:** "50,000"

13. Page 5, line 3 through line 4.

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**Strike:** line 3 through line 4 in their entirety

14. Page 5, line 13 through page 6, line 6.

**Strike:** line 13 through page 6, line 6 in their entirety

15. Page 6, following line 6.

**Insert:** "(4) The department of natural resources and conservation may determine the dollar portions for each project identified with an asterisk (\*)."

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**HB 7**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Following:** "GRANTS;"

**Insert:** "AMENDING SECTION 2, CHAPTER 419, LAWS OF 1999, AND SECTION 2, CHAPTER 232, LAWS OF 2001;"

2. Page 2, line 1 through page 2, line 28.

**Strike:** line 1 through line 28 in their entirety

**Insert:** "Big Horn Conservation District

(Ground Water Monitoring--Tongue & Powder River Watersheds) 300,000

Sunburst, Town of

(Sunburst Water Supply Renovation) 185,249

Governor's Office

(Growing Carbon) 300,000

Board of Oil and Gas Conservation

(Oil and Gas Plug and Abandonment) 200,000

Toole County

(2003 Plugging and Abandonment) 240,000

Board of Oil and Gas Conservation

(2003 Northern District Plug and Abandonment) 300,000

Board of Oil and Gas Conservation

(2003 Southern District Plug and Abandonment) 100,000

Department of Environmental Quality

(Washington Mine and Millsite Reclamation) 300,000

Powell County\*

(CMC Roundhouse Site Cleanup) 76,400

Department of Environmental Quality

(Drumlummon Tailings, Goldsil Mine Waste Reclamation) 300,000

Sheridan County Conservation District

(Reclaiming Oilfield Brine Contaminated Soils) 150,000

Department of Natural Resources and Conservation

(Planning Grants) 50,000

Fergus County Conservation District

(Central Montana Aquifer Project) 150,000

Judith Basin Conservation District

(Judith Basin Aquifer Restoration and Conservation) 70,000"

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3. Page 2, following line 28.

**Insert:** "The project grant identified with an asterisk (\*) is contingent on the transfer of the site that is 14.5 acres located south of Milwaukee avenue to Powell County without compensation to the current owner."

4. Page 3.

**Following:** line 25

**Insert:** "Section 6. Section 2, Chapter 419, Laws of 1999, is amended to read:

**"Section 2. Approved grant projects.** (1) The legislature approves the grants listed in subsection (2), to be made in the order of priority as indicated within the following list of projects and activities. If the conditions in [sections 3 and 4] are met, funds must be awarded up to the amounts approved in this section in order of priority until available funds are expended. Funds not accepted by grantees or funds not used by higher-ranked projects and activities must be provided for projects and activities lower on the priority list that would otherwise not receive funding. Descriptions of the various projects and activities and specific conditions established for each project and activity are contained within the department of natural resources and conservation's reclamation and development grants program report to the 56th legislature for the 2001 biennium.

(2) The following are the grants program prioritized projects and activities:

Applicant/Project Grant Amount

MONTANA BOARD OF OIL AND GAS CONSERVATION\*

1999 "A" Orphaned Well Plug and Abandonment and Site Restoration \$300,000

MONTANA BOARD OF OIL AND GAS CONSERVATION\*

1999 "B" Orphaned Well Plug and Abandonment and Site Restoration 300,000

ENVIRONMENTAL QUALITY, DEPARTMENT OF\*

Toston Smelter Reclamation Project 300,000

ENVIRONMENTAL QUALITY, DEPARTMENT OF\*

Frohner Mine Reclamation Project 300,000

ENVIRONMENTAL QUALITY, DEPARTMENT OF\*

Great Republic Smelter Reclamation Project 300,000

PARK CONSERVATION DISTRICT\*

Upper Yellowstone River Cumulative Effects Investigation 299,940

TOOLE COUNTY\*

Toole County Plugging and Abandonment, Aid to Independent Small Oil Operators 300,000

BUTTE-SILVER BOW LOCAL GOVERNMENT

Upper Clark Fork Basin: Superfund Technical Assistance 95,236

FERGUS COUNTY CONSERVATION DISTRICT\*

Central Montana Artesian Basin Ground Water Project 150,000

TOOLE COUNTY

North Toole County Reclamation Project 150,000

BUTTE-SILVER BOW LOCAL GOVERNMENT

Mining City Mineyard Preservation and Enhancement 297,104

~~TOWNSEND, CITY OF~~

~~East Pacific Mine Reclamation 202,500~~

MONTANA TECH OF THE UNIVERSITY OF MONTANA

Champion International Gravel Pit Reclamation Project 57,494

LEWISTOWN, CITY OF

Source Location of Hazardous Organic Contaminants Spring Creek Drainage 50,000

GLASGOW IRRIGATION DISTRICT

St. Mary Diversion Repairs 110,818

MONTANA BOARD OF OIL AND GAS CONSERVATION

Oil Well Abandonment 20,105



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The board of oil and gas conservation is authorized to expend remaining funds from grants to the board in this subsection (2) and remaining funds from grants previously awarded to the board to pay for the proper plugging of additional abandoned oil and gas wells. In determining which wells to plug, abandoned wells that represent the greatest threat to the environment and public health and safety should be given priority over all others.

(3) To the entities listed in this section, this appropriation constitutes a valid obligation of these funds for purposes of encumbering the funds within the 2001 biennium pursuant to 17-7-302.

(4) The funding provided to the grant projects in this section and identified by an asterisk (\*) following the applicant's name is eligible for and may be designated for use as a nonfederal match for the federal funding acquired for the nonpoint source pollution control program administered by the department of environmental quality."

**Insert:** "Section 7. Section 2, Chapter 232, Laws of 2001, is amended to read:

**"Section 2. Approved grant projects.** (1) The legislature approves the grants listed in subsection (2), to be made in the order of priority as indicated within the following list of projects and activities. If the conditions in [sections 3 and 4] are met, funds must be awarded up to the amounts approved in this section in order of priority until available funds are expended. Funds not accepted by grantees or funds not used by higher-ranked projects and activities must be provided for projects and activities lower on the priority list that would otherwise not receive funding. Descriptions of the various projects and activities and specific conditions established for each project and activity are contained within the department of natural resources and conservation's reclamation and development grants program report to the 57th legislature for the 2003 biennium.

(2) The following are the grants program prioritized projects and activities:

Applicant/Project Grant Amount

BOARD OF OIL AND GAS CONSERVATION\* \$300,000

2001 Eastern District Orphaned Well Plug & Abandonment  
& Site Restoration

BOARD OF OIL AND GAS CONSERVATION\* 300,000

2001 Northern District Orphaned Well Plug & Abandonment  
& Site Restoration

DEPARTMENT OF ENVIRONMENTAL QUALITY 300,000

Development of Trust Fund to Ensure Long-Term Water

Treatment at Zortman-Landusky

~~POWELL COUNTY\* 300,000~~

~~Ontario Wet Tailings Reclamation~~

CITY OF LEWISTOWN\* 297,740

Reclamation of Brewery Flats on Big Spring Creek

DEPARTMENT OF ENVIRONMENTAL QUALITY\* 291,191

CMC Pony Mill Site Reclamation Project (completion phase)

BROADWATER CONSERVATION DISTRICT\* 145,380

Big Belt Mine Reclamation Projects

CITY OF DEER LODGE\* 140,000

Former Chicago Milwaukee Railroad Passenger Fueling

Area, Deer Lodge, Montana

BUTTE-SILVER BOW COUNTY 49,272

Upper Clark Fork Basin; Superfund Technical Assistance

BOARD OF OIL AND GAS CONSERVATION 250,000

2001 Southern District Orphaned Well Plug & Abandonment  
& Site Restoration

CUSTER COUNTY CONSERVATION DISTRICT\* 299,977

Yellowstone River Resource Conservation Project

CASCADE COUNTY / WEED AND MOSQUITO MANAGEMENT 218,466

Fort Shaw Weed Shop Soil Contamination Remediation

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DEPARTMENT OF ENVIRONMENTAL QUALITY\* 300,000

Organic Soil Amendments

DEPARTMENT OF ENVIRONMENTAL QUALITY\* 300,000

Zortman Mine - Ruby Gulch Tailings Removal

The state grant is subject to receipt of federal funds to complete tailings removal and stream channel restoration above, within, and below the Zortman townsite.

DEPARTMENT OF ENVIRONMENTAL QUALITY 250,000

Coal Bed Methane Gas EIS

GLACIER COUNTY\* 150,000

2000 Glacier County Plugging & Abandonment

PONDERA COUNTY\* 100,000

Pondera County Oil & Gas Well Plug & Abandonment Project

LIBERTY COUNTY\* 50,000

Abandonment Aid Program for Small Independent Operators in Liberty, Hill, Blaine, & Chouteau Counties

DEPARTMENT OF ENVIRONMENTAL QUALITY\* 300,000

Gregory Mine Reclamation Project

SHERIDAN COUNTY CONSERVATION DISTRICT 299,950

Protecting Natural Resources by Reclaiming Oilfield

Brine Contaminated Soils

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION 272,500

DNRC Environmental Hazard Sites on State Land

FLATHEAD COUNTY 167,821

Assessment of Aggregate Resources for Long-Term Planning in Flathead & Missoula Counties

(3) To the entities listed in this section, this appropriation constitutes a valid obligation of these funds for purposes of encumbering the funds within the 2003 biennium pursuant to 17-7-302.

(4) The funding provided to the grant projects in this section and identified by an asterisk (\*) following the applicant's name is eligible for and may be designated for use as a nonfederal match for the federal funding acquired for the nonpoint source pollution control program administered by the department of environmental quality."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 8**, introduced bill, be amended as follows:

1. Page 2.

**Strike:** line 15 through line 16 in their entirety

2. Page 3, line 17.

**Strike:** "\$12,169,290"

**Insert:** "\$11,729,290"

3. Page 3, line 18.

**Strike:** "\$11,062,991"

**Insert:** "\$10,662,991"

4. Page 3, line 18.

**Strike:** "\$1,106,299"

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**Insert:** "\$1,066,299"

And, as amended, do pass. Report adopted.

**HB 10**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Strike:** "on April 1 of each year"

**Insert:** "annually in due course"

2. Page 2, line 21.

**Strike:** "on April 1 of each year"

**Insert:** "annually in due course"

And, as amended, do pass. Report adopted.

**HB 11**, introduced bill, be amended as follows:

1. Title, page 1, line 13.

**Following:** "GRANTS;"

**Insert:** "TERMINATING CERTAIN TREASURE STATE ENDOWMENT GRANTS; AMENDING SECTION 1, CHAPTER 213, LAWS OF 1995; REPEALING SECTION 9, CHAPTER 435, LAWS OF 2001;"

2. Page 2, line 26.

**Strike:** "Worden-Ballentine"

**Insert:** "Worden-Ballantine"

3. Page 3, line 20.

**Following:** "2005,"

**Insert:** "the 59<sup>th</sup> legislature is encouraged to give priority to funding"

**Strike:** "will be funded"

4. Page 7.

**Following:** line 9

**Insert:** "**Section 8.** Section 1, Chapter 213, Laws of 1995, is amended to read:

**"Section 1. Appropriations from the treasure state endowment special revenue account. (1)**

There is appropriated to the department of commerce the interest earnings of the treasure state endowment special revenue account to finance grants authorized by this section.

(2) The funds appropriated in this section must be used by the department to make grants to the local government entities listed in subsection (3) for the described purposes and in amounts not to exceed the amounts set out in subsection (3). The appropriations are subject to the conditions set forth in [sections 1 through 3] and described in the treasure state endowment program January 1995 report to the 54th legislature. The legislature, pursuant to 90-6-710, approves the grants listed in subsection (3), in the order indicated in the list of projects. The department shall award funds up to the amounts approved in this section in order of priority until available funds are expended. The department shall provide funds not accepted or used by local governments with higher-ranked projects to local governments whose projects are in lower positions on the priority list and that would not otherwise receive funding. When additional funds become available for the grants listed in subsection (3), they must be awarded to projects in the order of the projects' priority when the lower-ranked projects meet the startup conditions of the department's grant agreement and are ready to proceed to construction.

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(3) The following are the authorized projects in the order of their priority:

Applicant/Project Matching Grant

<del>1.</del> <del>Hill County Water Dist. (water)</del>	<del>\$500,000</del>
2. <u>1.</u> East Glacier Wtr. & Sewer Dist. (water)	306,555
3. <u>2.</u> City of Lewistown (water)	500,000
4. <u>3.</u> City of Troy (sewer)	500,000
5. <u>4.</u> City of Conrad (water)	180,000
6. <u>5.</u> City of Whitehall (water)	500,000
7. <u>6.</u> Seeley Lake Water Dist. (water)	464,364
8. <u>7.</u> City of Hamilton (sewer)	137,632
9. <u>8.</u> Gardiner Water Dist. (water)	300,000
<del>10.</del> <u>9.</u> City of Thompson Falls (sewer)	400,644
<del>11.</del> <u>10.</u> Butte-Silver Bow (sewer)	500,000
<del>12.</del> <u>11.</u> Beaverhead County (bridge)	23,000
<del>13.</del> <u>12.</u> Powell County (bridge)	51,334
<del>14.</del> <u>13.</u> Town of Fairview (water)	500,000
<del>15.</del> <u>14.</u> Town of Hysham (sewer)	127,500

(4) This section constitutes a valid obligation of funds to the entities listed in subsection (3) for purposes of encumbering the treasure state endowment special revenue account funds received during the 1997 biennium under 17-7-302."

**Insert:** "NEW SECTION. Section 9. Repealer. Section 9, Chapter 435, Laws of 2001, is repealed."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 12**, introduced bill, be amended as follows:

1. Page 3, line 6.

**Strike:** "Helena"

**Insert:** "Lewistown"

And, as amended, do pass. Report adopted.

**HB 276**, introduced bill, be amended as follows:

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

**Strike:** "GRANTS" on line 7 through "LEGISLATURE;" on line 9

**Insert:** "FUNDS AVAILABLE TO CERTIFIED REGIONAL DEVELOPMENT CORPORATIONS;  
STATUTORILY APPROPRIATING MONEY DEPOSITED IN THE ECONOMIC DEVELOPMENT  
SPECIAL REVENUE ACCOUNT;"

2. Title, page 1, line 10.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "17-5-703"

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**Insert:** "AND 17-7-502"

3. Page 3, line 23.

**Strike:** "From July 1, 2003, through"

**Insert:** "Until"

4. Page 3, line 24.

**Strike:** "25%"

**Insert:** "50%"

5. Page 4, line 16.

**Strike:** "The"

**Insert:** "Beginning July 1, 2005, the"

6. Page 4.

**Following:** line 15

**Insert:** "(b) From July 1, 2003, through June 30, 2005, the state treasurer shall monthly transfer from the economic development fund to the general fund the amount of earnings, excluding unrealized gains and losses."

**Renumber:** subsequent subsection

7. Page 5, line 17.

**Strike:** "25%"

**Insert:** "50%"

8. Page 6.

**Following:** line 5

**Insert:** "**Section 2.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-5-306; 23-5-409; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; [section 6]; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the

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date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005; pursuant to sec. 17, Ch. 414, L. 2001, the inclusion of 2-15-151 terminates December 31, 2006; and pursuant to sec. 2, Ch. 594, L. 2001, the inclusion of 17-3-241 becomes effective July 1, 2003.)"

**Renumber:** subsequent sections

9. Page 6, line 12.

**Strike:** "2"

**Insert:** "3"

10. Page 6, line 13.

**Strike:** "2"

**Insert:** "3"

11. Page 6.

**Following:** line 13

**Insert:** "(a) "Certified regional development corporation" means a private, nonprofit corporation that has been designated by the department through a competitive process to manage and administer funds and programs for the department on a regional basis as provided for in 90-1-116."

**Renumber:** subsequent subsections

12. Page 6, line 15 through line 20.

**Strike:** subsection (b) in its entirety

13. Page 6, line 26.

**Strike:** "local" through "organizations"

**Insert:** "certified regional development corporations"

14. Page 6, line 27.

**Strike:** "local" through "organizations"

**Insert:** "certified regional development corporations"

15. Page 7, line 2 through line 20.

**Strike:** sections 4 and 5 in their entirety

**Insert:** "NEW SECTION. Section 5. Distribution of funds. Beginning July 1, 2005, the department shall, in each fiscal year, distribute all earnings that are transferred to the economic development special revenue account in that fiscal year to certified regional development corporations in the state. The department shall distribute the earnings so that each certified regional development corporation receives an equal amount. The department may not use any of the earnings transferred to the economic development special revenue account for administrative costs."

16. Page 7, line 24.

**Following:** "account"

**Insert:** "is statutorily appropriated to the department, as provided in 17-7-502, and"

17. Page 7, line 26.

**Strike:** "2"

**Insert:** "3"

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18. Page 7, line 27.

**Strike:** "2"

**Insert:** "3"

19. Page 7.

**Following:** line 28

**Insert:** "NEW SECTION. **Section 8. Coordination instruction.** If House Bill No. 76 is not passed and approved, then [this act] is void."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 701**, introduced bill, be amended as follows:

1. Page 1, line 24.

**Insert:** "(3) Personal staff jointly appointed by justices or judges shall serve at the pleasure of the justices or judges who appoint them. If a judge has only one personal staff member and that person performs multiple responsibilities, the person shall serve at the pleasure of the judge regardless of the person's job title.

(4) Personal staff of justices, judges, and the clerk of the supreme court are subject to the pay matrix adopted by the supreme court under this section."

And, as amended, do pass. Report adopted.

**HB 735**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "ELIMINATING"

**Insert:** "REVISING"

2. Page 1, line 16.

**Following:** ":"

**Insert:** ":"

3. Page 1, line 20.

**Following:** "~~(b)~~"

**Insert:** "(a)"

4. Page 1, line 23.

**Strike:** " "

**Following:** "and"

**Insert:** "; and

(b) inclusion in a special job register from which all agencies may attempt to hire employees prior to seeking applications from the general public. Nothing in this section requires an agency to attempt to hire employees from the special job register prior to seeking applications from the general public. An employee's eligibility to participate in the job register terminates 2 years from the effective date of the employee's layoff or 2 years from the date of the employee's completion of job training provided under subsection (1)(a), whichever is later."

And, as amended, do pass. Report adopted.

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**HB 736**, introduced bill, be amended as follows:

1. Page 2, line 22.

**Strike:** "shall" through "reimbursement"

**Insert:** "appointed pursuant to subsection (3)(a) may be reimbursed"

And, as amended, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Bitney, Chairman): 3/20/2003

**SB 316**, be concurred in. Report adopted.

**SJR 13**, be concurred in. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman): 3/20/2003

**SB 331**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman): 3/20/2003

**SB 206**, be concurred in and be placed on the consent calendar. Report adopted.

**SB 321**, be amended as follows:

1. Page 1, line 13.

**Strike:** "ten"

**Insert:** "11"

2. Page 2, line 4.

**Strike:** "and"

3. Page 2, line 5.

**Strike:** " "

**Insert:** "; and

(k) a member of the public."

And, as amended, be concurred in. Report adopted.

**SJR 7**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**House amendments to Senate bills** concurred in: 3/20/2003

**SB 109**, introduced by McNutt

**SB 141**, introduced by Wheat

**House bills** concurred in and returned to the House: 3/20/2003

**HB 262**, introduced by Fuchs

**HB 373**, introduced by A. Olson

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:



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3/20/2003

**HB 127**, introduced by Fritz  
**HB 303**, introduced by A. Olson  
**HB 583**, introduced by R. Brown

**MESSAGES FROM THE GOVERNOR**

March 19, 2003

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

Dear Representative Mood:

Please be informed that I have signed **House Bill 29** sponsored by Representative A. Olson, **House Bill 77** sponsored by Representative Jent, and **House Bill 150** sponsored by Representative Lawson on March 19, 2003.

Sincerely,

JUDY MARTZ  
Governor

March 20, 2003

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

Dear Representative Mood:

Please be informed that I have signed **House Bill 101** sponsored by Representative Jent, **House Bill 116** sponsored by Representative Kaufmann, **House Bill 137** sponsored by Representative Lange, **House Bill 187** sponsored by Representative Gallus, **House Bill 321** sponsored by Representative Younkin et al., **House Bill 366** sponsored by Representative P. Clark et al., **House Bill 511** sponsored by Representative Everett et al., and **House Bill 636** sponsored by Representative Forrester et al. on March 20, 2003.

Sincerely,

JUDY MARTZ  
Governor

March 20, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol

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Helena, Montana 59620

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

As of today, I have received additional information that removes the need for the amendment proposed on March 19, 2003. Therefore, I am requesting that you reject the proposed amendment on House Bill No. 87.

Sincerely,

JUDY MARTZ  
Governor

March 20, 2003

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

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Mood and President Keenan:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 94, "**AN ACT REVISING AND CLARIFYING THE PUBLIC PARTICIPATION AND NOTICE REQUIREMENTS FOR OPEN MEETINGS; PROVIDING THAT AN AGENDA FOR AN OPEN MEETING MUST INCLUDE AN ITEM ALLOWING PUBLIC COMMENT ON ANY PUBLIC MATTER WITHIN THE JURISDICTION OF THE AGENCY CONDUCTING THE MEETING; CLARIFYING THAT AN AGENCY MAY NOT TAKE ACTION ON ANY MATTER DISCUSSED UNLESS SPECIFIC NOTICE OF THAT MATTER IS INCLUDED ON AN AGENDA AND PUBLIC COMMENT HAS BEEN ALLOWED; CLARIFYING THAT THE GOVERNOR'S DUTY TO ENSURE THAT AGENCIES HAVE POLICIES AND PROCEDURES TO FACILITATE PUBLIC PARTICIPATION APPLIES TO THE EXECUTIVE BRANCH OF STATE GOVERNMENT; AMENDING SECTION 2-3-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

As passed, House Bill No. 94 requires that public bodies of state and local government include on the agenda of a "meeting," as defined in the open meeting law, an item allowing public comment on any public matter that is within the jurisdiction of the body. The bill also prohibits a public body from taking action on any matter unless it has accepted public comment.

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One of the main functions of many public bodies of state government is to decide contested case matters. HB 94 would require these state government boards and commissions to allow the public to comment on contested case matters. This is inconsistent with the Montana Administrative Procedure Act, which provides that the decision on a contested case must be based on the record. The record must be developed in an adversarial adjudicative process similar to court procedures. Public comment on contested cases, and other adjudicative proceedings, is therefore inappropriate.

Also, House Bill No. 94 may allow two opportunities for comment on the same matter at the same public meeting. This could occur when the agenda for the meeting contains an item inviting public comment on a matter. House Bill No. 94 may require the public body to accept public comment under that item and again during the "open mike" period that the bill requires. This second comment opportunity would unnecessarily lengthen meetings for the public-spirited Montanans who serve on our state and local government boards and commissions.

The amendments I am proposing would eliminate duplicative comment periods during a meeting and exempt contested case and other adjudicative proceedings from the public comment requirement. Representative Lawson has been contacted and agrees with these amendments.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 94

1. Title, line 10.

**Following:** line 9

**Insert:** "CLARIFYING WHAT CONSTITUTES A PUBLIC MATTER;"

2. Page 1, line 18.

**Following:** "(1)"

**Insert:** "(a)"

3. Page 1, line 22.

**Following:** "matter"

**Insert:** "that is not on the agenda of the meeting and that is"

4. Page 1, line 27.

**Following:** line 26

**Insert:** "(b) For purposes of this section, "public matter" does not include contested case and other adjudicative proceedings."

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 758**, introduced by Devlin, Forrester, Gallus, Maedje, Shea, Tropila, referred to Taxation.

Majority Leader Brown moved that the House recess until 8:35 a.m. for caucuses. Motion carried.

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House recessed at 8:05 a.m.

House reconvened at 8:38 a.m. All members present. Quorum present.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

The House resolved itself into a Committee of the Whole for the continuation of business on second reading.  
Representative Gallus in the chair.

Representative Pattison gave opening remarks on **HB 2**, Section C: Natural Resources and Commerce.

Representative Newman moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-11, line 7.

**Strike:** "198,766 201,265" [general fund FY04 & 05]

**Insert:** "469,788 472,221" [general fund FY04 & 05]

**Strike:** "572,061 574,465" [state special revenue FY04 & 05]

**Insert:** "496,401 498,528" [state special revenue FY04 & 05]

2. Page C-11, line 9.

**Strike:** "3,273" [state special revenue FY04]

**Insert:** "2,511" [state special revenue FY04]

Amendment **not** adopted as follows:

Ayes: Ballantyne, 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, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

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

Total 53

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

Representative Musgrove moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-1, line 24.

**Strike:** "6,526,346 6,551,269" [state special FY 2004 and FY 2005]

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**Insert:** "6,549,274 6,574,160" [state special FY 2004 and FY 2005]

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, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

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

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Haines moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-2, line 25.  
**Strike:** "160,000"  
**Insert:** "320,000"

Amendment adopted as follows:

Ayes: Ballantyne, Bergren, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Carney, P. Clark, Cyr, Dowell, Facey, Fisher, Forrester, Franklin, Fritz, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Jacobson, Jent, Keane, Lake, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, McKenney, Musgrove, Newman, Parker, Pattison, Peterson, Raser, Rice, Roberts, Ryan, Schruppf, Shockley, Sinrud, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 57

Noes: Balyeat, Barrett, Becker, Bixby, D. Brown, Buzzas, Callahan, E. Clark, Cohenour, Devlin, Dickenson, Erickson, Everett, Fuchs, Gallik, Galvin-Halcro, Hurwitz, Jackson, Jayne, Kasten, Kaufmann, Lehman, Maedje, Malcolm, Matthews, Mendenhall, Noennig, A. Olson, B. Olson, Ripley, Rome, Ross, Sales, Small-Eastman, Steinbeisser, Stoker, Waitschies.  
Total 37

Excused: None.  
Total 0

Absent or not voting: Andersen, Bitney, Juneau, Lambert, Laszloffy, Morgan.  
Total 6

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Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-2, line 5.

**Strike:** "4,043,656 4,056,899" [state special FY04 and FY05]

**Insert:** "4,085,945 4,099,187" [state special FY04 and FY05]

**Strike:** "3,724,583 3,741,071" [federal special FY04 and FY05]

**Insert:** "3,729,282 3,745,770" [federal special FY04 and FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, Buzzas, Carney, P. Clark, Cohenour, Dowell, Erickson, Facey, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Jayne, Juneau, Kaufmann, Keane, Lenhart, Matthews, Musgrove, Newman, Raser, Small-Eastman, Smith, Wanzenried.

Total 31

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cyr, Devlin, Dickenson, Everett, Fisher, Forrester, Fuchs, Gallik, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 69

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kaufmann moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-2, line 17.

**Strike:** "4,856,159 4,874,868"

**Insert:** "4,921,028 4,939,808"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, Buzzas, Carney, P. Clark, Cohenour, Dickenson, Dowell, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lenhart, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Wilson.

Total 36

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

Total 63

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Excused: None.  
Total 0

Absent or not voting: Erickson.  
Total 1

Representative Ripley moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-2, line 5.

**Strike:** "4,043,656 4,056,899" [state special FY04 and FY05]

**Insert:** "4,004,656 4,017,899" [state special FY04 and FY05]

2. Page C-2.

**Following:** line 15

**Insert:** "f. Nongame Wildlife Program (Restricted/OTO) 39,000 39,000" [state special FY04 and FY05]

3. Page C-4.

**Following:** line 2

**Insert:** "Item 5f contains an appropriation of \$39,000 in state special revenue in fiscal year 2004 and \$39,000 in state special revenue in fiscal year 2005 that is restricted to:

- (1) \$13,000 in fiscal year 2004 and \$13,000 in fiscal year 2005 for 25% of a native species specialist position in Billings;
- (2) \$5,000 in fiscal year 2004 to support publishing the sixth edition of Montana Bird Distribution and an updated list of Montana bird species;
- (3) \$5,000 in fiscal year 2004 to support publishing of a field guide to reptiles and amphibians;
- (4) \$5,000 in fiscal year 2004 and \$8,000 in fiscal year 2005 to support loon conservation efforts in northwestern Montana;
- (5) \$3,000 in fiscal year 2004 and \$5,000 in fiscal year 2005 to promote placement and maintenance of nesting boxes for bluebirds and other species;
- (6) \$6,000 in fiscal year 2004 and \$10,000 in fiscal year 2005 to inventory and monitor sensitive wildlife species; and
- (7) \$2,000 in fiscal year 2004 and \$3,000 in fiscal year 2005 to study statewide raptor survey routes."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 70

Noes: Barrett, Bergren, Bixby, D. Brown, Buzzas, Callahan, P. Clark, Cohenour, Dowell, Everett, Franklin, Gallik, Galvin-Halcro, Jacobson, Juneau, Kasten, Kaufmann, Laslovich, Laszloffy, Lindeen, Malcolm, Parker, Raser, Ryan, Schrupf, Small-Eastman, Wanzenried, Weiss, Wilson.

Total 29

Excused: None.

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Total 0

Absent or not voting: Smith.

Total 1

Representative Golie moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-2, line 5.

**Strike:** "4,043,656 4,056,899" [state special FY 2004 and FY 2005]

**Insert:** "4,068,850 4,082,038" [state special FY 2004 and FY 2005]

**Strike:** "3,724,583 3,741,071" [federal special FY 2004 and FY 2005]

**Insert:** "3,741,379 3,757,830" [federal special FY 2004 and FY 2005]

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, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, 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, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, 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 Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page C-10, line 24.

**Strike:** "1,353,937 1,354,763" [general fund FY04 & 05]

**Insert:** "1,002,616 1,002,163" [general fund FY04 & 05]

2. Page E-7, line 16.

**Strike:** "98,363,306 98,598,585" [general fund FY04 & 05]

**Insert:** "98,714,627 98,951,185" [general fund FY04 & 05]

Amendment **not** adopted as follows:

Ayes: Balyeat, Buzzas, Carney, Cohenour, Erickson, Facey, Galvin-Halcro, Gillan, Gutsche, Juneau, Kaufmann, Ryan.

Total 12



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

Total 88

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Pattison moved to close Section C. Motion carried.

Chairman Gallus moved that the House recess until 11:35 a.m. Motion carried.

House recessed at 11:23 a.m.

House reconvened at 11:38 a.m. All members present. Quorum present.

Representative Fisher gave opening remarks on **HB 2**, Section D: Corrections and Public Safety.

Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-4.

**Following:** line 5

**Insert:** "a. Montana Food Bank Network Cannery  
100,000 100,000" [general fund FY04 & FY05]

Amendment **not** adopted as follows:

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

Total 44

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

Total 56

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

Representative Juneau moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-6, line 9.

**Strike:** "1,119,876 1,119,831" [general fund in fiscal

**Insert:** "839,907 839,873"

[general fund in fiscal years 2004 and 2005]

2. Page E-8, line 11.

**Strike:** "96,500 0"

**Insert:** "376,469 279,958"

[general fund in fiscal years 2004 and 2005]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Bergren, Bixby, Buzzas, Carney, Cohenour, Dowell, Erickson, Facey, Fritz, Gibson, Gutsche, Harris, Juneau, Kaufmann, Raser, Small-Eastman, Wanzenried, Windy Boy.

Total 19

Noes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 80

Excused: None.

Total 0

Absent or not voting: Jayne.

Total 1

Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-4.

**Following:** line 5

**Insert:** "a. Montana Food Bank Network Cannery

140,000 100,000" [general fund FY04 & FY05]

2. Page D-4.

**Following:** line 17

**Insert:** "Item 4a is contingent upon passage and approval of House Bill No. 363 in a form that provides for the transfer to the general fund of at least \$21 million."

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Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Rome, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.  
Total 43

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.  
Total 56

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

Representative Facey moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-4, line 7.  
**Strike:** "17,514,200 17,529,269" [general fund FY04 & FY05]  
**Insert:** "17,214,200 17,229,269" [general fund FY04 & FY05]

2. Page D-4.  
**Following:** line 17  
**Insert:** "Item 5 includes a reduction of \$300,000 of general fund money in each year of the 2005 biennium. The department may reallocate this reduction in funding among programs when developing 2005 biennium operating plans."

3. Page E-7, line 8.  
**Strike:** "5,755,140 5,783,759" [general fund FY04 & FY05]  
**Insert:** "5,955,140 5,983,759" [general fund FY04 & FY05]

4. Page E-8, line 11.  
**Strike:** "96,500" [general fund FY04]  
**Insert:** "196,500 100,000" [general fund FY04 & FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, D. Brown, Buzzas, Carney, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lawson, Lenhart, Matthews, Musgrove, Raser, Small-Eastman, Smith.  
Total 32

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Callahan, E. Clark,

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P. Clark, Cyr, Devlin, Everett, Fisher, Franklin, Fuchs, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 66

Excused: None.

Total 0

Absent or not voting: Gibson, Wanzenried.

Total 2

Representative Bergren moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-2, line 3.

**Strike:** "2,407,754 2,491,377" [general fund FY04 & FY05]

**Insert:** "2,625,722 2,634,049" [general fund FY04 & FY05]

Amendment **not** adopted as follows:

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

Total 47

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

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Small-Eastman moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-6.

**Following:** line 2

**Insert:** "The department shall collaborate with the bureau of Indian affairs and the appropriate Montana tribal government departments to develop strategies to include the labor market reports of the seven Montana tribal nations as a part of the Montana department of labor and industry's reports to more accurately reflect the unemployment rate of Montana's tribal nations in the state database."

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Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Laslovich, Lenhart, Lindeen, Matthews, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 43

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Excused: None.  
Total 0

Absent or not voting: P. Clark, Morgan.  
Total 2

Representative Fisher moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-1, line 4.  
**Strike:** "10,422,968 10,418,938" [federal special FY 04 & FY05]  
**Insert:** "695,563 691,533" [federal special FY 04 & FY05]

2. Page D-1.  
**Following:** line 4  
**Insert:** "a. Federal Pass-Through Grants (Biennial)  
9,727,405 9,727,405" [federal special FY 04 & FY05]

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 83

Noes: Cohenour, Dickenson, Erickson, Forrester, Gallik, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Kaufmann, Peterson, Shockley, Wanzenried, Witt.  
Total 16

Excused: None.  
Total 0

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Absent or not voting: R. Brown.  
Total 1

Representative Fisher moved **HB 2**, second reading copy, be further amended as follows:

1. Page D-1.

**Following:** line 7

**Insert:** "All remaining federal pass-through grant appropriations, including reversions, for the 2003 biennium are authorized to continue and are appropriated in fiscal year 2004 and fiscal year 2005."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, 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, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Erickson, Forrester, Gillan, Golie, Jayne, Wanzenried.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Bergren, Dickenson.  
Total 2

Representative Fisher moved to close Section D. Motion carried.

Chairman Gallus moved that the House recess until 2:10 p.m. Motion carried.

House recessed at 2:01 p.m.

House reconvened at 2:17 p.m. All members present. Quorum present.

Representative Hedges gave opening remarks on **HB 2**, Section E: Education.

Representative Galvin-Halcro moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1, line 10.

**Strike:** "389,833,550 382,104,968" [General Fund fiscal years 2004 and 2005]

**Insert:** "395,010,319 387,209,970" [General Fund fiscal years 2004 and 2005]

**Explanation:** This amendment adds back the 1 percent across-the-board cut (\$10.3 million general fund for the 2005 biennium) to the Office of Public Instruction.

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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, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, 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, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 52

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Branae moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1, line 10.

**Strike:** "389,833,550 382,104,968" [General Fund in fiscal years 2004 and 2005]

**Insert:** "400,010,319 397,209,970" [General Fund in fiscal years 2004 and 2005]

**Explanation:** This amendment eliminates the 1 % across-the-board cut to the Office of Public Instruction's K-12 budget, restoring \$10.3 million, plus adds \$15 million to Base Aid to compensate for declining enrollment.

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, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, 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, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.  
Total 51

Excused: None.  
Total 0

Absent or not voting: Younkin.

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Total 1

Representative Raser moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1, line 12.

**Strike:** "34,912,640 34,912,640" [General Fund fiscal years 2004 and 2005]

**Insert:** "36,612,640 38,512,640" [General Fund fiscal years 2004 and 2005]

2. Page E-3, following line 1.

**Insert:** "If a bill is not passed and approved that raises cigarette tax revenue by at least \$5.3 million during the 2005 biennium, then funding in item 2b is reduced by \$1.7 million in general fund money in fiscal year 2004 and by \$3.6 million in general fund money in fiscal year 2005."

**Explanation:** The first amendment raises special education funding from the general fund by \$1.7 million in fiscal 2004 and by \$3.6 million in fiscal 2005. The second amendment makes this increase contingent upon any bill that is passed and approved which raises cigarette revenue by at least \$5.3 million during the 2005 biennium.

Amendment 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, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Laszloffy, Lawson, Lenhart, Lindeen, Matthews, Morgan, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 52

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

Total 47

Excused: None.

Total 0

Absent or not voting: Younkin.

Total 1

Representative Balyeat moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-1, line 4.

**Strike:** "4,492,769 4,502,763" [General Fund in fiscal years 2004 and 2005]

**Insert:** "2,992,769 3,002,763" [General Fund in fiscal years 2004 and 2005]

2. Page E-2.

**Following:** line 17

**Insert:** "r. School Flexibility Fund

1,500,000 1,500,000" [general fund FY04 and FY05]



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**Explanation:** The first amendment reduces the general fund appropriation for the Office of Public Instruction state level activity salaries by \$1.5 million in each year of the 2005 biennium. The second amendment provides a general fund appropriation of \$1.5 million in each year of the 2005 biennium in the school flexibility fund for distribution to school districts.

Amendment **not** adopted as follows:

Ayes: Balyeat, Barrett, Bookout-Reinicke, D. Brown, Devlin, Everett, Fuchs, Hawk, Kasten, Lewis, Lindeen, Mendenhall, Morgan, Pattison, Rice, Sales, Sinrud, Steinbeisser, Waitschies, Witt.  
Total 20

Noes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 80

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Bixby moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-2.  
**Following:** line 17  
**Insert:** "r. Indian Education for All  
60,000 60,000" [general fund FY04 and FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 43

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 56

Excused: None.

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Total 0

Absent or not voting: Erickson.

Total 1

Representative Lindeen assumed the chair.

Representative McKenney moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-8, line 7.

**Strike:** "507,637" [general fund FY04]

**Insert:** "556,637" [general fund FY04]

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Cyr, Devlin, Erickson, Everett, Fisher, Franklin, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 71

Noes: Balyeat, Bixby, Branae, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Facey, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Juneau, Newman, Sales, Small-Eastman, Smith, Wanzenried, Wilson, Windy Boy.

Total 26

Excused: None.

Total 0

Absent or not voting: Becker, Forrester, Gallus.

Total 3

Representative Jacobson moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-4, line 15.

**Strike:** "259,396 277,798" [general fund in FY04 and FY05]

**Insert:** "281,939 301,507" [general fund in FY04 and FY05]

2. Page E-4.

**Following:** line 20

**Strike:** line 21 through line 22

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris,

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Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, B. Olson, 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, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. 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 Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-5, line 23.  
**Strike:** "834,409 848,129"  
**Insert:** "851,923 865,502"

2. Page E-6, line 12 through line 14.  
**Strike:** line 12 through line 14 in their entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 44

Noes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Excused: None.  
Total 0

Absent or not voting: Gallus.  
Total 1

Representative Gibson moved **HB 2**, second reading copy, be further amended as follows:

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1. Page E-8, line 5.

**Strike:** "1,570,646 1,570,646" [general fund FY04 & 05]

**Insert:** "1,660,124 1,660,123" [general fund FY04 & 05]

Amendment **not** adopted as follows:

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

Total 44

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

Total 55

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

Representative Franklin moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-3, line 23.

**Strike:** "308,760 308,823" [general fund FY04 and FY05]

**Insert:** "313,876 313,923" [general fund FY04 and FY05]

2. Page E-4, line 2.

**Strike:** "348,876 348,542" [general fund FY04 and FY05]

**Insert:** "351,526 351,193" [general fund FY04 and FY05]

3. Page E-4, line 4.

**Strike:** "1,004,239 1,012,210" [general fund FY04 and FY05]

**Insert:** "1,023,322 1,031,341" [general fund FY04 and FY05]

4. Page E-4, line 6.

**Strike:** "1,810,952 1,812,271" [general fund FY04 and FY05]

**Insert:** "1,854,633 1,855,976" [general fund FY04 and FY05]

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, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

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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, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: Gallus.

Total 1

Representative Franklin moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-4, line 6.

**Strike:** "1,810,952 1,812,271" [general fund FY04 and FY05]

**Insert:** "1,846,283 1,847,441" [general fund FY04 and FY05]

2. Page E-4, line 10 through line 12.

**Strike:** line 10 through line 12 in their 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, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

Total 48

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, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Younkin, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Gallus reassumed the chair.

Representative Matthews moved **HB 2**, second reading copy, be further amended as follows:

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1. Page E-7.

**Following:** line 10

**Insert:** "b. Community Colleges -- Contingent Appropriation (Biennial)  
450,000 450,000" [general fund FY04 & FY05]

2. Page E-9.

**Following:** line 19

**Insert:** "Item 4b is contingent upon passage and approval of any one of the following bills:

- (1) House Bill No. 750 in a form that allocates at least \$900,000 to the community colleges in the 2005 biennium;
- (2) House Bill No. 476;
- (3) Senate Bill No. 407; or
- (4) LC 1931."

Amendment adopted as follows:

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

Total 93

Noes: Balyeat, P. Clark, Fuchs, Golie, Juneau, Sales, Shockley.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kaufmann moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-8.

**Following:** line 9

**Insert:** "j. Additional Funding for Colleges of Technology (Restricted/Biennial)  
2,000,000" [general fund FY04]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, 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, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

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Noes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 56

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-7, line 16.  
**Strike:** "98,363,306 98,598,585" [general fund FY04 & FY05]  
**Insert:** "102,563,306 102,798,585" [general fund FY04 & FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, 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, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 54

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative A. Olson moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-8.  
**Following:** line 15  
**Insert:** "b. Teacher Loan Repayment Assistance Program  
330,000 660,000" [general fund FY04 & FY05]

2. Page E-11.  
**Following:** line 6

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**Insert:** "Item 9b is contingent upon passage and approval of House Bill No. 107 and House Bill No. 124."

Amendment adopted as follows:

Ayes: Ballantyne, Barrett, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Cohenour, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Kaufmann, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Peterson, Ross, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Witt, Younkin, Mr. Speaker.  
Total 54

Noes: Andersen, Balyeat, Becker, Bergren, Bixby, D. Brown, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Galvin-Halcro, Gillan, Golie, Hawk, Jackson, Jayne, Jent, Juneau, Kasten, Laslovich, Laszloffy, Lindeen, Malcolm, Morgan, Musgrove, Newman, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ryan, Sales, Sinrud, Waitschies, Weiss, Wilson, Windy Boy.  
Total 44

Excused: None.  
Total 0

Absent or not voting: Forrester, Schrupf.  
Total 2

Representative Gutsche moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-7, line 4.  
**Strike:** "8,637,879 8,892,816" [general fund FY04 & FY05]  
**Insert:** "9,262,879 9,517,816" [general fund FY04 & FY05]

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, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, 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



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Representative Harris moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-7.

**Following:** line 4

**Insert:** "a. Increased Student Assistance Funding (Restricted)  
825,000 825,000" [general fund FY04 & FY05]

2. Page E-7, line 20.

**Strike:** "9,980,299 9,980,299" [general fund FY04 & FY05]

**Insert:** "11,030,299 11,030,299" [general fund FY04 & FY05]

3. Page E-7, line 24.

**Strike:** "4,338,100 4,338,100" [general fund FY04 & FY05]

**Insert:** "4,663,100 4,663,100" [general fund FY04 & FY05]

4. Page E-8.

**Following:** line 9

**Insert:** "j. Experimental Program to Stimulate Competitive Research -- State Match (Restricted)  
1,250,000 1,250,000" [general fund FY04 & FY05]

"k. Life Safety, Code Compliance, and Disability Access (Restricted)  
450,000 450,000" [general fund FY04 & FY05]

5. Page E-9.

**Following:** line 11

**Insert:** "Item 2a is contingent upon the receipt of any unencumbered federal money granted for general fiscal relief that comes into the state through the end of the 2005 biennium."

6. Page E-10.

**Following:** line 18

**Insert:** "Item 7b includes \$1,050,000 of general fund money in fiscal year 2004 and \$1,050,000 of general fund money in fiscal year 2005 and is contingent upon the receipt of any unencumbered federal money granted for general fiscal relief that comes into the state through the end of the 2005 biennium."

7. Page E-10.

**Following:** line 24

**Insert:** "Item 7d includes \$325,000 of general fund money in fiscal year 2004 and \$325,000 of general fund money in fiscal year 2005 and is contingent upon the receipt of any unencumbered federal money granted for general fiscal relief that comes into the state through the end of the 2005 biennium."

8. Page E-11.

**Following:** line 6

**Insert:** "Item 7j is contingent upon the receipt of any unencumbered federal money granted for general fiscal relief that comes into the state through the end of the 2005 biennium."

Item 7k is contingent upon the receipt of any unencumbered federal money granted for general fiscal relief that comes into the state through the end of the 2005 biennium."

Amendment adopted as follows:

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Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lenhart, Lindeen, Malcolm, Matthews, Mendenhall, Musgrove, Newman, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ryan, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 59

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Facey, Fisher, Fuchs, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, McKenney, Morgan, Noennig, A. Olson, Rice, Ripley, Rome, Ross, Sales, Schruppf, Sinrud, Wagman, Waitschies, Younkin, Mr. Speaker.  
Total 41

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Franklin moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-7, line 16.  
**Strike:** "98,363,306 98,598,585" [general fund FY04 & FY05]  
**Insert:** "101,879,235 103,234,248" [general fund FY04 & FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Bixby moved **HB 2**, second reading copy, be further amended as follows:

1. Page E-8, line 11.

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**Strike:** " 96,500 0" [general fund FY04 & 05]  
**Insert:** "371,500 275,000" [general fund FY04 & 05]  
**Strike:** " 0 0" [state special revenue FY04 & 05]  
**Insert:** "100,000 100,000" [state special revenue FY04 & 05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 44

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 56

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative A. Olson moved to reconsider action on his **amendment HB2-4027**. 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, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Golie.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Ross, Wanzenried.  
Total 2

Representative Sales moved to reconsider action on Harris's **amendment HB2-4033**.

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Representative Golie moved to table previous motion. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Laszloffy, Lawson, Lenhart, Lindeen, Matthews, Mendenhall, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Rome, Ryan, Schrupf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 62

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Everett, Fuchs, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lange, Lehman, Lewis, Maedje, Malcolm, McKenney, Morgan, A. Olson, Pattison, Rice, Ripley, Roberts, Ross, Sales, Shockley, Sinrud, Wagman, Waitschies, Witt, Mr. Speaker.

Total 37

Excused: None.

Total 0

Absent or not voting: Younkin.

Total 1

Representative Hedges moved to close Section E. Motion carried.

Representative Windy Boy excused at this time.

Motion that **HB 2**, as amended, do pass carried as follows:

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

Total 53

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

Total 47

Voted Absentee: Windy Boy, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SIXTIETH LEGISLATIVE DAY - MARCH 21, 2003

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

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 54

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.  
Total 44

Excused: Windy Boy.  
Total 1

Absent or not voting: Erickson.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/21/2003  
Correctly printed: **SB 206, SB 316, SB 331, SJR 7, SJR 13.**  
Correctly engrossed: **HB 3, HB 4, HB 6, HB 7, HB 8, HB 10, HB 11, HB 12, HB 276, HB 701, HB 735, HB 736, SB 321.**  
Signed by the Speaker at 11:15 a.m., March 21, 2003: **HB 154, HB 156, HB 172, HB 252, HB 305, HB 391, HB 429, HB 436, HB 621, HJR 25.**  
Signed by the Speaker at 12:20 p.m., March 21, 2003: **HB 246, HB 339, HB 402, HB 635, HJR 9.**

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 759**, introduced by Peterson, Brueggeman, Lambert, Malcolm, Rice, Ripley, Small-Eastman, Smith, Steinbeisser (by request of the House Agriculture Standing Committee), referred to Agriculture.

**HB 760**, introduced by Dowell, R. Brown, Buzzas, Cohenour, Cooney, Devlin, Erickson, Gillan, Hedges, Juneau, Lewis, Mood, B. Olson, Perry, Stapleton, Stonington, Wheat, referred to Taxation.

**HB 761**, introduced by Haines, Brueggeman, Facey, Fisher, Morgan, Pattison, Raser, Shockley, Wanzenried, referred to Appropriations.

**ANNOUNCEMENTS**

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Majority Leader Brown moved that the House adjourn until 8:00 a.m., Saturday, March 22, 2003. Motion carried.

House adjourned at 7:00 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House