

**HOUSE JOURNAL  
58TH LEGISLATURE  
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
March 27, 2003

House Chambers  
State Capitol

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

Roll Call. All members present, except Representatives Bergren, Roberts, and Schrupf, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-ninth, sixtieth, sixty-first, sixty-second, and sixty-third legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/27/2003  
Correctly printed: **HB 9, HB 13, HB 727, SB 213, SB 274, SB 302, SB 306, SB 315, SB 460, SJR 8.**  
Correctly engrossed: **HB 5, HB 360, HB 367, HB 658, HB 713, HB 748, HB 756, HB 761, HB 762, SB 239, SB 275, SB 320, SB 344, SB 401.**  
Correctly enrolled: **HB 63, HB 122, HB 129, HB 165, HB 174, HB 182, HB 185, HB 236, HB 284, HB 312, HB 319, HB 368, HB 416, HB 420, HB 441, HB 616, HB 627, HB 711, HJR 10, HJR 11, HJR 20, HJR 28, HJR 34.**

**HUMAN SERVICES** (Thomas, Chairman): 3/27/2003  
**SB 348**, be amended as follows:

1. Page 2, line 30.

**Strike:** "mental health"

2. Page 3, line 2.

**Following:** "freestanding"

**Strike:** "facility"

**Insert:** "licensed hospital"

**Following:** "licensed"

**Strike:** "health care facility"

**Insert:** "hospital"

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

**JUDICIARY** (Shockley, Chairman): 3/26/2003  
**HB 670**, introduced bill, be amended as follows:

1. Title, page 1, lines 5 and 6.

**Strike:** "RAISING" on line 5 through "SCHEDULE" on line 6

**Insert:** "INCREASING PENALTIES"

2. Title, page 1, line 8.

**Following:** "REQUIREMENTS;"

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

**Insert:** "CLARIFYING CERTAIN NOTIFICATION REQUIREMENTS; ELIMINATING A LICENSE REQUIREMENT THAT CONFLICTS WITH ANOTHER SECTION OF LAW REQUIRING A LICENSE;"

3. Title, page 1, line 9.

**Strike:** "16-11-122 AND"

**Insert:** "16-11-144, 16-11-302,"

**Following:** "16-11-308,"

**Insert:** "16-11-309, 16-11-311, AND 16-11-312,"

**Following:** "MCA;"

**Insert:** "REPEALING SECTION 16-11-303, MCA;"

4. Page 1, line 13 through line 22.

**Strike:** section 1 in its entirety

**Insert:** "**Section 1.** Section 16-11-144, MCA, is amended to read:

**"16-11-144. Revocation or suspension of license.** (1) The department may revoke or suspend the license of any wholesaler, subjobber, retailer, cigarette vendor, or person licensed under ~~16-11-303~~ 16-11-120 for failure to comply with any provision of this part, The Montana Cigarette Sales Act (Title 16, chapter 10), the Youth Access to Tobacco Products Control Act (Title 16, chapter 11, part 3), or with any lawful rule of the department made pursuant to those laws.

(2) A person aggrieved by a revocation or suspension may apply to the department for a hearing, which must be open to the public. If the person is aggrieved by the decision of the department, the person may further appeal to the court.

(3) When a license has been revoked, a license may not be issued to the licensee for a period of 1 year after revocation. When a license has been suspended, the suspension may be for any period not to exceed 1 year.

(4) A person who sells cigarettes after the person's license has been revoked or suspended is guilty of a misdemeanor and must be punished as provided in this part, and all cigarettes in the person's possession must be seized and forfeited to the state."

**Insert:** "**Section 2.** Section 16-11-302, MCA, is amended to read:

**"16-11-302. Definitions.** For the purposes of 16-11-301, 16-11-302, and 16-11-304 through 16-11-308, the following definitions apply:

(1) "Distribute" means:

(a) to give, deliver, sample, or sell;

(b) to offer to give, deliver, sample, or sell; or

(c) to cause or hire another person to give, deliver, sample, or sell or offer to give, deliver, sample, or sell.

(2) "Health warning" means a tobacco product label required by federal law and intended to alert users of the product to the health risks associated with tobacco use. The term includes warning labels required under the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986.

(3) "License" means a retail tobacco product sales license.

(4) "Person" means a natural person, company, corporation, firm, partnership, organization, or other legal entity.

(5) "Tobacco product" means a substance intended for human consumption that contains tobacco. The term includes cigarettes, cigars, snuff, smoking tobacco, and smokeless tobacco."

**Renumber:** subsequent sections

5. Page 1, line 26.

**Strike:** "16-11-303"

**Insert:** "16-11-120"

6. Page 2, line 4.

**Strike:** "owner of the establishment"

**Insert:** "licensee"

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

7. Page 2, line 17.

**Strike:** "licenses"

**Insert:** "license"

8. Page 2, line 18.

**Strike:** "and 16-11-303"

9. Page 2, line 19.

**Strike:** "reissued"

**Insert:** "reinstated"

10. Page 2, line 20.

**Strike:** "reissued"

**Insert:** "reinstated"

11. Page 3, line 2.

**Strike:** "owner of the establishment"

**Insert:** "licensee"

12. Page 3, line 4 through line 10.

**Strike:** "Within" on line 4 through "subsection." on line 10

13. Page 3.

**Following:** line 17.

**Insert:** "(5) The department of revenue shall notify the licensee of an alleged violation of this section by certified letter addressed to the licensee. The notice must state each penalty or sanction that is applicable to the violation under this section. The notice must state that the licensee may within 30 days after receipt of the notice request a hearing under the Montana Administrative Procedure Act. The hearing may be held by electronic teleconference."

**Renumber:** subsequent subsections

13. Page 3, line 19.

**Strike:** "licenses"

**Insert:** "license"

14. Page 3, line 20 through line 22.

**Strike:** "and 16-11-303" on line 20 through "section" on line 22

15. Page 3, line 28.

**Strike:** "75%"

**Insert:** "50%"

16. Page 3, line 30.

**Strike:** "25%"

**Insert:** "50%"

**Strike:** "of revenue"

17. Page 4, line 1.

**Insert:** "**Section 4.** Section 16-11-309, MCA, is amended to read:

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

**"16-11-309. Inspection and notification of violation required.** (1) The department of public health and human services shall conduct inspections of persons selling or distributing tobacco products to determine compliance with ~~16-11-303~~ 16-11-120, 16-11-304, 16-11-305(1), 16-11-306, and 16-11-307. Inspections may be conducted directly by the department of public health and human services or may be provided for by contract let by the department of public health and human services. Persons found to be in violation of the requirements of this part or the rules of the department of public health and human services a fourth and subsequent time must be notified in writing by the department of public health and human services of the facts of the violation and the penalties provided by this part.

(2) The department of public health and human services shall provide documentation of alleged violations of ~~16-11-303~~ 16-11-120, 16-11-305, and 16-11-307 to the department of revenue."

**Insert:** "Section 5. Section 16-11-311, MCA, is amended to read:

**"16-11-311. Local regulations.** A local government may by ordinance adopt regulations on the subjects of 16-11-301, 16-11-302, and 16-11-304 through 16-11-308 that are no more stringent than 16-11-301, 16-11-302, and 16-11-304 through 16-11-308."

**Insert:** "Section 6. Section 16-11-312, MCA, is amended to read:

**"16-11-312. Rulemaking authority.** The department of revenue may adopt rules to implement 16-11-301, 16-11-302, and 16-11-304 through 16-11-308."

**Insert:** "NEW SECTION. Section 7. Repealer. Section 16-11-303, MCA, is repealed."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 283**, be concurred in. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):

3/26/2003

**SB 34**, be amended as follows:

1. Page 2, line 9.

**Strike:** "CONDEMNED"

**Insert:** "placed in the possession of the department"

2. Page 2, line 14.

**Strike:** "on the motion"

**Insert:** "at which the condemnee shall appear and show cause why the property should not be placed in the possession of the department as requested in the complaint"

3. Page 2, line 15.

**Strike:** "10"

**Insert:** "20"

**Strike:** "20"

**Insert:** "30"

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

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 56**  
Report No. 1, March 26, 2003

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 56** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 56** (reference copy -- salmon) be amended as follows:

1. Title, line 10 through line 11.

**Following:** "CONDITIONS;"

**Strike:** remainder of line 10 through "CENTER;" on line 11

2. Page 4, line 9.

**Strike:** "EXCEPT AS PROVIDED IN SUBSECTION (4)"

3. Page 4, line 22.

**Strike:** "EXCEPT AS PROVIDED IN SUBSECTION (4)"

4. Page 4, line 25 through line 28.

**Strike:** line 25 through line 28 in their entirety

For the House:

B. Thomas, Chairman  
Becker  
Noennig

For the Senate:

Esp, Chairman  
Cromley  
Stonington

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 3/26/2003

**SB 89**, introduced by Tash

**SB 385**, introduced by Mangan

**House bills** concurred in and returned to the House: 3/26/2003

**HB 272**, introduced by Gillan

**HB 414**, introduced by Balyeat

**HB 548**, introduced by Jent

**HB 557**, introduced by Andersen

**HB 639**, introduced by Laslovich

**HB 700**, introduced by Brueggeman

**House joint resolution** concurred in and returned to the House: 3/26/2003

**HJR 30**, introduced by Windy Boy

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/26/2003

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

**HB 222**, introduced by Parker

**House joint resolution** concurred in as amended and returned to the House for concurrence in Senate amendments:  
3/26/2003

**HJR 17**, introduced by Peterson

**MESSAGES FROM THE GOVERNOR**

March 26, 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 32** sponsored by Representative Golie, **House Bill 55** sponsored by Representative Facey, **House Bill 79** sponsored by Representative Jackson, **House Bill 89** sponsored by Representative A. Olson, **House Bill 97** sponsored by Representative Jent, **House Bill 126** sponsored by Representative Fritz, **House Bill 135** sponsored by Representative Andersen, **House Bill 142** sponsored by Representative Devlin, **House Bill 144** sponsored by Representative Harris, **House Bill 164** sponsored by Representative Callahan, **House Bill 180** sponsored by Representative E. Clark, **House Bill 198** sponsored by Representative Lambert, **House Bill 215** sponsored by Representative Brueggeman, **House Bill 240** sponsored by Representative Shockley, **House Bill 250** sponsored by Representative Morgan, **House Bill 280** sponsored by Representative Wanzenried, **House Bill 311** sponsored by Representative Stoker, **House Bill 455** sponsored by Representative Lake et al., **House Bill 493** sponsored by Representative Branae, and **House Bill 562** sponsored by Representative Ballantyne on March 26, 2003.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 767**, introduced by Brueggeman, Stonington, referred to Taxation.

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

**SB 89**, introduced by Tash, referred to Local Government.

**SB 385**, introduced by Mangan, McKenney, referred to Taxation.

Majority Leader Brown moved that the House recess until 1:35 p.m. for caucuses. Motion carried.

House recessed at 1:13 p.m.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

House reconvened at 1:37 p.m. All members present, except Representatives Bergren, Roberts, and Schruppf, excused.

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

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Raser in the chair.

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

Representative Parker excused at this time.

**HB 5** - Representative Kasten moved **HB 5** do pass. Motion carried as follows:

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

Total 87

Noes: Balyeat, Barrett, Bixby, Everett, Hawk, Hurwitz, Lake, Mendenhall, Sales, Sinrud.

Total 10

Voted Absentee: Bergren, Parker, Roberts, Schruppf, Ayes.

Excused: None.

Total 0

Absent or not voting: Fuchs, Gibson, Shockley.

Total 3

**HB 9** - Representative Kasten moved **HB 9** do pass. Motion carried as follows:

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

Total 92

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

Noes: Balyeat, Everett, Hawk, Lake, Mendenhall, Sales, Sinrud, Stoker.  
Total 8

Voted Absentee: Bergren, Parker, Roberts, Schrumpf, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 13** - Representative Lewis moved **HB 13** do pass.

Representative Laslovich moved **HB 13**, second reading copy, be amended as follows:

1. Page 2, line 26 through line 28.

**Following:** "hour" on line 26

**Strike:** remainder of line 26 through "(1)(G)" on line 28

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

**Following:** "hour" on line 30

**Strike:** remainder of line 30 through "(1)(G)" on page 3, line 2

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, 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, Lambert, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, 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, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 50

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

Motion that **HB 13** do pass carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hedges, Hurwitz, Jackson, Jacobson,



HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 77

Noes: Balyeat, Bitney, Bookout-Reinicke, R. Brown, Cyr, Everett, Fisher, Harris, Hawk, Kasten, Laszloffy, Maedje, Mendenhall, Morgan, Pattison, Peterson, Rice, Sales, Sinrud, Steinbeisser, Stoker, Witt, Mr. Speaker.

Total 23

Voted Absentee: Bergren, Parker, Roberts, Schrupf, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 360** - Representative Lewis moved **HB 360** do pass. Motion carried as follows:

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

Total 98

Noes: Harris, Mendenhall.

Total 2

Voted Absentee: Bergren, Parker, Roberts, Schrupf, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 367** - Representative Windy Boy moved **HB 367** do **not** pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson,

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

Parker, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 84

Noes: Bitney, D. Brown, Brueggeman, E. Clark, Fuchs, Hedges, Jackson, Kasten, Lewis, Maedje, Malcolm, McKenney, Pattison, Rice, Ripley, Sinrud.

Total 16

Voted Absentee: Bergren, Parker, Roberts, Schruppf, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, 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, Golie, Haines, Hawk, 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, Pattison, Rice, Ripley, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 85

Noes: Bixby, Gibson, Gillan, Gutsche, Harris, Weiss.

Total 6

Excused: Bergren, Parker, Roberts, Schruppf.

Total 4

Absent or not voting: Bookout-Reinicke, Hedges, Peterson, Raser, Witt.

Total 5

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 285, as amended by the Senate,** passed 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, Dickenson, Dowell,

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

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

Noes: None.  
Total 0

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

**HB 333, as amended by the Senate, passed 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, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

**HB 350, as amended by the Senate, passed 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, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas,

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Fisher, Jackson.  
Total 2

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

**HB 428, as amended by the Senate**, passed 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, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: Jackson, Raser, Waitschies.  
Total 3

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

**HB 583, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 76

Noes: Balyeat, Bixby, Callahan, Carney, Dickenson, Erickson, Galvin-Halcro, Golie, Gutsche, Jayne, Kasten, Kaufmann, Laslovich, Lindeen, Musgrove, Raser, Ryan, Sales, Sinrud, Wilson.  
Total 20

Excused: Bergren, Parker, Roberts, Schrumpf.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

Total 4

Absent or not voting: None.

Total 0

**HB 705** passed as follows:

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

Total 88

Noes: Balyeat, Fuchs, Hawk, Kasten, Mendenhall, Sales, Sinrud.

Total 7

Excused: Bergren, Parker, Roberts, Schrumpf.

Total 4

Absent or not voting: Gutsche.

Total 1

**HB 743** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, 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, 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, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Rome, Ross, Ryan, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, Forrester, Fuchs, Hawk, Kasten, Laszloffy, Mendenhall, Sales, Sinrud.

Total 9

Excused: Bergren, Parker, Roberts, Schrumpf.

Total 4

Absent or not voting: None.

Total 0

**MOTIONS**

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

Representative Jent moved **HB 295** be taken from the table in the Committee on Appropriations and be placed on second reading Legislative Day 66. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Becker, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lenhart, Lindeen, Malcolm, Matthews, Mendenhall, Musgrove, Newman, Noennig, B. Olson, Raser, Ryan, Sales, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 60

Noes: Andersen, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jayne, Kasten, Lawson, Lehman, Lewis, Maedje, McKenney, Morgan, A. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sinrud, Steinbeisser, Wagman, Waitschies, Witt, Mr. Speaker.  
Total 36

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

Representative P. Clark moved to **suspend the rules** for the late introduction of a bill. Motion carried 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, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Rome.  
Total 1

Excused: Bergren, Parker, Roberts, Schrumpf.  
Total 4

Absent or not voting: None.  
Total 0

Representative Kaufmann moved to reconsider action on **HB 726** second reading yesterday. Motion **failed** as follows:

Ayes: Ballantyne, Becker, 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, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Noennig, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

HOUSE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2003

Total 46

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

Total 50

Excused: Bergren, Parker, Roberts, Schrumpf.

Total 4

Absent or not voting: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

The following bill was removed from the consent calendar: **SB 329**.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative Younkin moved that the House adjourn until 12:00 p.m., Friday, March 28, 2003. Motion carried.

House adjourned at 3:20 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House