

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

Helena, Montana
March 28, 2003

House Chambers
State Capitol

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

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

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 3/27/2003

Correctly printed: **SB 283**.

Correctly engrossed: **HB 249, HB 379, HB 670, SB 34, SB 348**.

Correctly enrolled: **HB 272, HB 414, HB 548, HB 557, HB 585, HB 639, HB 700, HJR 30**.

Examined by the sponsor and found to be correct: **HB 11, 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 20, HJR 28, HJR 34**.

Signed by the Speaker at 4:45 p.m., March 27, 2003: **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 28, HJR 34**.

AGRICULTURE (Rice, Chairman): 3/27/2003

HB 379, introduced bill, be amended as follows:

1. Title, line 13.

Strike: "PROVIDING FOR"

Insert: "REQUIRING"

Following: "REGARDING"

Insert: "TRANSFER OF ALTERNATIVE LIVESTOCK RANCH LICENSES AND"

Following: "HARVESTING"

Insert: "OF"

2. Title, line 14.

Following: "REMUNERATION;"

Insert: "SUPERSEDING THE UNFUNDED MANDATE LAWS;"

Following: "SECTIONS"

Insert: "7-5-136,"

3. Title, line 15.

Following: "MCA;"

Insert: "PROVIDING AN APPROPRIATION;"

Following: "DATE"

Insert: ", "

4. Title, line 16.

Strike: "AND"

Following: "DATE"

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Insert: ", AND A TERMINATION DATE"

5. Page 2, lines 6 and 7.

Following: "may" on line 6

Strike: remainder of line 6 through "(a)" on line 7

6. Page 2, line 8.

Strike: ":",

Insert: ". Subject to [section 7], an alternative livestock ranch may:"

7. Page 2, line 9.

Strike: "(b)"

Insert: "(a)"

Strike: "their"

Insert: "its"

Strike: "licenses to third parties;"

Insert: "license to a third party; and"

8. Page 2, line 10.

Strike: "(c)" through ":-: AND"

Renumber: subsequent subsection

9. Page 2, line 11.

Strike: "SUBJECT TO [SECTION 7]."

10. Page 3, line 7.

Insert: "**Section 3.** Section 7-5-136, MCA, is amended to read:

"7-5-136. Submission of question to electors. (1) Any ordinance proposed by petition, any amended ordinance proposed by petition, or any referendum on an ordinance entitled to be submitted to the electors must be voted on at the next regular election to be held in the local government unless:

(a) the petition asks that the question be submitted at a special election and is signed by at least 25% of the electors of the local government, in which case the governing body shall call a special election to be held in conjunction with a regular or primary election; or

(b) the governing body calls for a special election on the question to be held in conjunction with a regular or primary election.

(2) ~~★~~ Except as provided in [section 7], a special election may not be held sooner than 75 days after the adequacy of the petition is determined by the election administrator or the governing body orders a special election.

(3) If the adequacy of the petition is determined by the election administrator less than 75 days prior to the next regular election, the election must be delayed until the following regular election unless a special election is called.

(4) Whenever a measure is ready for submission to the electors, the appropriate election administrator shall in writing notify the governing body and shall publish notice of the election and the ordinance that is to be proposed or amended. In the case of a referendum, the ordinance sought to be repealed must be published.

(5) The question must be placed on the ballot, giving the electors a choice between accepting or rejecting the proposal.

(6) If a majority of those voting favor the proposal, it becomes effective when the election results are officially declared unless otherwise stated in the proposal.""

11. Page 3, line 14.

Strike: "AN"

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Insert: "If authorized in that county, an"

12. Page 4, line 25 through page 6, line 10.

Strike: sections 5 and 6 in their entirety

Insert: "NEW SECTION. Section 6. Laboratory fee required. A licensed alternative livestock ranch that is authorized to harvest alternative livestock for a fee or other remuneration shall pay \$100 for each animal that is harvested to the department of fish, wildlife, and parks to be used for the purpose of establishing a live test and finding a cure for chronic wasting disease. The \$100 payment is in addition to any fee associated with collection and sampling of tissue that is required for disease testing."

Renumber: subsequent sections

13. Page 6, lines 12 and 13.

Following: "ELECTION" on line 12

Strike: remainder of line 12 through "REMUNERATION" on line 13

Following: "SHALL" on line 13

Strike: remainder of line 13 in its entirety

Insert: "submit to the qualified electors of a county that has a licensed alternative livestock ranch within its boundaries a referendum on the question of whether the transfer of alternative livestock ranch licenses and"

14. Page 6, line 14.

Following: "REMUNERATION"

Insert: "will be allowed"

15. Page 6, lines 15 and 16.

Following: the first "THE" on line 15

Strike: remainder of line 15 through "7-5-137" on line 16

Insert: "referendum must be submitted to the qualified electors at a special election to be held in conjunction with the school election held on May 6, 2003"

Following: "." on line 16

Insert: "The referendum must be submitted to the qualified electors in each county that has a licensed alternative livestock ranch within its boundaries in the form provided for in [section 16]."

16. Page 6, line 19.

Insert: "NEW SECTION. Section 9. Unfunded mandate law superseded. As provided in 1-2-112(2), [this act] expressly supersedes the provisions of 1-2-112 and 1-2-114."

Insert: "NEW SECTION. Section 10. Appropriation. There is appropriated \$700,000 for the biennium ending June 30, 2005, from the department of fish, wildlife, and parks general license account to Montana state university-Bozeman for the veterinary molecular biology department's chronic wasting disease program."

Renumber: subsequent sections

17. Page 6, line 21.

Following: "2."

Insert: "and"

Following: "6"

Strike: ", AND 7"

18. Page 6, line 22.

Following: "2."

Strike: "and"

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Following: "6"
Strike: ". AND 7"

19. Page 6, line 29.

Strike: "[This act] applies"

Insert: "[Sections 4 and 5] apply"

20. Page 6, line 30.

Insert: "NEW SECTION. **Section 15. Termination.** [Section 3] terminates July 1, 2003."

Insert: "NEW SECTION. **Section 16. Submission to electorate.** The referendum provided for in [section 7] must be submitted to the qualified electors of each county that has a licensed alternative livestock ranch within its boundaries at the special election to be held on May 6, 2003, by printing on the ballot the full title of this act and the following:

- FOR authorizing licensed alternative livestock ranches in this county to transfer licenses and charge a fee for the harvest of the livestock.
- AGAINST authorizing licensed alternative livestock ranches in this county to transfer licenses and charge a fee for the harvest of the livestock."

And, as amended, do pass. Report adopted.

SB 244, be concurred in. Report adopted.

BUSINESS AND LABOR (McKenney, Chairman):

3/27/2003

SB 101, be concurred in. Report adopted.

SB 152, be amended as follows:

1. Title, line 6.

Following: "'SPECIAL EVENT';"

Insert: "REVISING CATERING REQUIREMENTS;"

2. Title, line 7.

Following: "16-1-106,"

Insert: "16-4-111, 16-4-204,"

3. Title, line 7.

Following: "AN"

Insert: "IMMEDIATE"

4. Page 3, following line 17.

Insert: "**Section 2.** Section 16-4-111, MCA, is amended to read:

"16-4-111. Catering endorsement for beer and wine licensees. (1) (a) A person who is engaged primarily in the business of providing meals with table service and who is licensed to sell beer at retail or beer and wine at retail for on-premises consumption may, upon the approval of the department, be granted a catering endorsement to the license to allow the catering and sale of beer or beer and wine to persons attending a special event upon premises not otherwise licensed for the sale of beer or beer and wine for on-premises consumption. The beer or wine must be consumed on the premises where the event is held.

(b) A person who is licensed pursuant to 16-4-420 to sell beer at retail or beer and wine at retail for on-premises consumption may, upon the approval of the department, be granted a catering endorsement to the license to allow the catering and sale of beer and wine to persons attending a special event upon premises not otherwise licensed for the sale

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of beer or beer and wine, along with food equal in cost to 65% of the total gross revenue from the catering contract, for on-premises consumption. The beer or wine must be consumed on the premises where the event is held.

(2) A written application for a catering endorsement and an annual fee of \$200 must be submitted to the department for its approval.

(3) A licensee who holds a catering endorsement may not cater an event in which the licensee is the sponsor. The catered event must be within 100 miles of the licensee's regular place of business.

(4) The licensee shall notify the local law enforcement agency that has jurisdiction over the premises that the catered event is to be held. A fee of \$35 must accompany the notice.

(5) The sale of beer or beer and wine pursuant to a catering endorsement is subject to the provisions of 16-6-103.

(6) The sale of beer or beer and wine pursuant to a catering endorsement is subject to the provisions of 16-3-306, unless entities named in 16-3-306 give their written approval for the on-premises sale of beer or beer and wine on premises where the event is to be held.

(7) A catering endorsement issued for the purpose of selling and serving beer or beer and wine at a special event conducted on the premises of a county fairground or public sports arena authorizes the licensee to sell and serve beer or beer and wine in the grandstand and bleacher area of the premises, as well as from a booth, stand, or other fixed place on the premises.

(8) A licensee may not share revenue from the sale of alcoholic beverages with the sponsor of the catered event unless the sponsor is the state of Montana, a political subdivision of the state, or a qualified entity under section 501(c) of the Internal Revenue Code, 26 U.S.C. 501(c), as amended."

Insert: "Section 3. Section 16-4-204, MCA, is amended to read:

"16-4-204. Transfer -- catering endorsement. (1) (a) Except as provided in subsection (1)(b), a license may be transferred to a new ownership and to a location outside the quota area for which it was originally issued only when the following criteria are met:

(i) the total number of all-beverages licenses in the original quota area exceeded the quota for that area by at least 25% in the most recent census prescribed in 16-4-502;

(ii) the total number of all-beverages licenses in the quota area to which the license would be transferred, exclusive of those issued under 16-4-209(1)(a) and (1)(b), did not exceed that area's quota in the most recent census prescribed in 16-4-502:

(A) by more than 33%; or

(B) in an incorporated city of more than 10,000 inhabitants and within a distance of 5 miles from its corporate limits by more than 43%; and

(iii) the department finds, after a public hearing, that the public convenience and necessity would be served by such a transfer.

(b) A license within an incorporated quota area may be transferred to a new ownership and to a new unincorporated location within the same county on application to and with consent of the department when the quota of the all-beverages licenses in the original quota area, exclusive of those issued under 16-4-209(1)(a) and (1)(b), exceeds the quota for that area by at least 25% in the most recent census and will not fall below that level because of the transfer.

(c) For 3 years after the transfer of a license between quota areas under subsection (1)(a), the license may not be mortgaged or pledged as security and may not be transferred to another person except for a transfer by inheritance upon the death of the licensee.

(d) Once a license is transferred to a new quota area under subsection (1)(a), it may not be transferred to another quota area or back to the original quota area.

(e) A license issued under 16-4-209(1)(a) may not be transferred to a location outside the quota area and the exterior boundaries of the Montana Indian reservation for which it was originally issued.

(2) (a) Any all-beverages licensee is, upon the approval and in the discretion of the department, entitled to a catering endorsement to the licensee's all-beverages license to allow the catering and sale of alcoholic beverages to persons attending a special event upon premises not otherwise licensed for the sale of alcoholic beverages for on-premises consumption. The alcoholic beverages must be consumed on the premises where the event is held.

(b) A written application for a catering endorsement and an annual fee of \$250 must be submitted to the

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department for its approval.

(c) An all-beverages licensee who holds an endorsement granted under this subsection (2) may not cater an event in which the licensee is the sponsor. The catered event must be within 100 miles of the licensee's regular place of business.

(d) The licensee shall notify the local law enforcement agency that has jurisdiction over the premises where the catered event is to be held. A fee of \$35 must accompany the notice.

(e) The sale of alcoholic beverages pursuant to a catering endorsement is subject to the provisions of 16-6-103.

(f) The sale of alcoholic beverages pursuant to a catering endorsement is subject to the provisions of 16-3-306, unless entities named in 16-3-306 give their written approval.

(g) A catering endorsement issued for the purpose of selling and serving beer at a special event conducted on the premises of a county fairground or public sports arena authorizes the licensee to sell and serve beer in the grandstand and bleacher area of the premises, as well as from a booth, stand, or other fixed place on the premises.

(h) A licensee may not share revenue from the sale of alcoholic beverages with the sponsor of the catered event unless the sponsor is the state of Montana, a political subdivision of the state, or a qualified entity under section 501(c) of the Internal Revenue Code, 26 U.S.C. 501(c), as amended."

Renumber: subsequent sections

5. Page 4, following line 14.

Insert: "(d) A chamber of commerce or business league that has a tax-exempt designation under section 501(c)(6) of the Internal Revenue Code, 26 U.S.C. 501(c)(6), as amended, may receive up to 12 special permits a year to sell beer and table wine. A chamber of commerce may not use one of its special permits for an event conducted by a business league and a business league may not use one of its permits for an event conducted by a chamber of commerce. The chamber of commerce or business league receiving a special permit must obtain liquor liability insurance for any event it conducts."

Renumber: subsequent subsections

6. Page 8, line 2.

Strike: "JULY 1, 2003"

Insert: "on passage and approval"

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

SB 232, be concurred in. Report adopted.

SB 270, be amended as follows:

1. Page 6, line 18.

Following: "CONTRACTORS"

Insert: "of whom at least one-half must be independent contractors"

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

SB 334, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Balyeat, Chairman):

3/28/2003

HB 249, introduced bill, be amended as follows:

1. Title, line 5.

Following: "ADOPT"

Strike: "ORDINANCES OR RESOLUTIONS RESTRICTING"

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Insert: "PLANS TO CONTROL, REMOVE, AND RESTRICT"

2. Title, line 5 through line 6.

Following: "ANIMALS" on line 5

Strike: remainder of line 5 through "AREAS" on line 6

3. Title, line 8.

Following: "RESPECT TO"

Insert: "CONTROLLING, REMOVING, AND"

4. Title, line 10.

Following: "REQUIRING"

Insert: "APPROVAL BY"

5. Title, line 11.

Following: "PARKS"

Strike: "TO DEVELOP AND IMPLEMENT"

Insert: "PRIOR TO DEVELOPING AND IMPLEMENTING"

Following: "FOR THE"

Insert: "CONTROL,"

Following: "REMOVAL"

Insert: ", AND RESTRICTION"

6. Title, line 12 through line 13.

Following: "ADOPTED" on line 12

Strike: remainder of line 12 through "ANIMALS" on line 13

Insert: "A PLAN"

7. Title, line 14.

Following: "7-3-1222,"

Insert: "AND"

Following: "7-5-201,"

Strike: "87-1-201, AND 87-1-242,"

8. Page 1 through page 2.

Strike: page 1, line 17 through page 2, line 2 in their entirety

9. Page 2, line 6 through line 7.

Following: "adopt" on line 6

Strike: remainder of line 6 through "restricting" on line 7

Insert: "a plan to control, remove, and restrict"

10. Page 2, line 7.

Following: "within"

Strike: "enforcement areas with defined"

Insert: "the"

11. Page 2, line 8.

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Strike: "that are within"

Insert: "of"

12. Page 2, line 8 through line 9.

Following: "adoption of" on line 8

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

Insert: "a plan"

13. Page 2, line 9 through line 10.

Following: "of the" on line 9

Strike: remainder of line 9 through "applies" on line 10

Insert: "plan. If the department of fish, wildlife, and parks approves the plan or approves the plan with conditions, the city or town may implement the plan as approved or as approved with conditions"

14. Page 3, line 26.

Following: "town."

Strike: "an ordinance or resolution restricting"

Insert: "a plan to control, remove, and restrict"

15. Page 3, line 27.

Strike: "enforcement areas with"

Insert: "the"

Following: "boundaries"

Strike: "that are within"

Insert: "of"

16. Page 3, line 28.

Following: "adoption of"

Strike: "an ordinance or resolution"

Insert: "a plan"

17. Page 3, line 29 through line 30.

Following: "parks of the" on line 29

Strike: remainder of line 28 through "applies" on line 30

Insert: "plan. If the department of fish, wildlife, and parks approves the plan or approves the plan with conditions, the consolidated government may implement the plan as approved or as approved with conditions"

18. Page 4, line 25.

Following: "town."

Strike: "an ordinance or resolution restricting"

Insert: "a plan to control, remove, and restrict"

19. Page 4, line 26.

Strike: "enforcement areas with defined"

Insert: "the"

20. Page 4, line 27.

Following: "adoption of"

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Strike: "an ordinance or resolution"

Insert: "a plan"

21. Page 4, line 28 through line 29.

Following: "parks of the" on line 28

Strike: remainder of line 28 through "applies" on line 29

Insert: "plan. If the department of fish, wildlife, and parks approves the plan or approves the plan with conditions, the consolidated government may implement the plan as approved or as approved with conditions"

22. Page 5, line 22 through page 9, line 16.

Strike: section 6 through section 7 in their entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

JUDICIARY (Shockley, Chairman):

3/27/2003

SB 362, be amended as follows:

1. Title, page 1, line 7.

Following: "~~OFFENSE~~;"

Insert: "MAKING IT A CRIME FOR A PERSON UNDER 18 YEARS OF AGE TO PURPOSELY BE AT OR IN A PLACE, WHEN THE PERSON'S PARENT OR GUARDIAN IS NOT PRESENT, WHERE A PERSON OR PERSONS UNDER 21 YEARS OF AGE ARE KNOWINGLY CONSUMING OR POSSESSING AN INTOXICATING SUBSTANCE;"

2. Page 1, line 20.

Following: "~~(a)~~"

Insert: "(a)"

3. Page 1, line 27.

Following: line 26

Insert: "(b) A person under 18 years of age commits the offense of associating with persons illegally consuming an intoxicating substance if, when a parent or guardian of the person is not present, the person purposely is at or in a place where a person or persons under 21 years of age are knowingly consuming or possessing an intoxicating substance."

4. Page 2, line 3 through line 4.

Following: "course" on line 3

Strike: remainder of line 3 through "services" on line 4

Insert: "that meets the requirements of subsection (9)"

5. Page 2, line 6.

Strike: "CONFISCATED"

Insert: "ordered suspended"

6. Page 2, line 12 through line 13.

Following: "course" on line 12

Strike: remainder of line 12 through "services" on line 13

Insert: "that meets the requirements of subsection (9)"

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7. Page 2, line 15.

Strike: "CONFISCATED"

Insert: "ordered suspended"

8. Page 2, line 22.

Following: "course"

Strike: "approved by the department of public health and human services"

Insert: "that meets the requirements of subsection (9)"

9. Page 2, line 26.

Strike: "CONFISCATE THE LICENSE"

Insert: "order the license suspended"

10. Page 3, line 3.

Strike: "CONFISCATE the license"

Following: "suspended"

Insert: "order the license suspended"

11. Page 3, line 5.

Strike: "CONFISCATE"

Insert: "order suspension of"

12. Page 3, line 22.

Following: "program"

Strike: "approved by the department of public health and human services"

Insert: "that meets the requirements of subsection (9)"

13. Page 4, line 18 through line 19.

Following: "program" on line 18

Strike: remainder of line 18 through "services" on line 19

Insert: "that meets the requirements of subsection (9)"

14. Page 4, line 25.

Following: "program"

Strike: "approved by the department of public health and human services"

Insert: "that meets the requirements of subsection (9)"

15. Page 5, line 8.

Following: "COURT."

Insert: "(9)(a) A community-based substance abuse information course required under subsection (2)(a)(i)(B), (2)(a)(ii)(B), or (2)(a)(iii) must be:

(i) approved by the department of public health and human services under 53-24-208; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.

(b) An alcohol information course required under subsection (3)(c)(ii) must be provided at an alcohol treatment program:

(i) approved by the department of public health and human services under 53-24-208; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services

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and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.

(c) A chemical dependency assessment required under subsection (8) must be completed at a treatment program:

(i) approved by the department of public health and human services under 53-24-208; or

(ii) provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services

and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services."

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

NATURAL RESOURCES (Younkin, Chairman):

3/28/2003

SB 325, be concurred in. Report adopted.

SB 406, be amended as follows:

1. Title, line 6 through line 7.

Following: "RIGHTS-OF-WAY" on line 6

Strike: ", UTILITY" on line 6 through "SEWER" on line 7

Insert: "OR UTILITY SITES"

2. Title, line 8.

Following: "PROCESS"

Insert: "UNLESS THERE IS A SUBSEQUENT CHANGE IN LAND USE"

3. Page 2, line 22 through line 23.

Following: "rights-of-way" on line 22

Strike: remainder of line 22 through "sewer" on line 23

Insert: "or utility sites"

4. Page 2, line 23.

Following: "RESIDENTIAL"

Insert: ", commercial, or industrial"

5. Page 2, line 29.

Following: "(b)"

Insert: "only"

Following: "divided is"

Strike: "not"

Following: "to"

Strike: "any entity other than"

6. Page 3.

Following: line 2

Insert: "(c) to a parcel that is created to provide security as provided in subsection (1)(b). The remainder of the tract of land is subject to the provisions of this chapter if applicable."

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

STATE ADMINISTRATION (Barrett, Chairman):

3/27/2003

SB 423, be amended as follows:

STATE INTERNET/BBS COPY

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1. Page 2, line 28.

Strike: "\$1,300"

Insert: "\$2,150"

2. Page 2, line 30.

Strike: "\$800"

Insert: "\$1,300"

3. Page 3, line 2.

Following: "year"

Insert: "prior to the year"

4. Page 3, line 3.

Strike: the first "the"

Insert: "a general"

5. Page 3, line 14 and line 29.

Strike: "\$50"

Insert: "\$35"

6. Page 5, line 9.

Following: "year"

Insert: "prior to the year"

Following: "the"

Insert: "general"

7. Page 5.

Following: line 11

Insert: "NEW SECTION. Section 5. Coordination instruction. If Senate Bill No. 407 and [this act] are both passed and approved, then [section 42 of Senate Bill No. 407], amending 13-37-218, is void."

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

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 403**
Report No. 1, March 27, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 403** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 403** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 4.

Strike: "A GENERAL"

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Insert: "EACH"

2. Title, page 1, line 5.

Following: "OF"

Insert: "THE CONTRACTOR'S"

3. Page 1, line 15.

Strike: "a GENERAL"

Insert: "each"

4. Page 1, line 16.

Following: "by"

Insert: "contractor's"

5. Page 1, line 24.

Strike: "a GENERAL"

Insert: "each"

Following: "contractor's"

Insert: "contractor's"

For the House:

Steinbeisser, Chairman
Keane
Lange

For the Senate:

Anderson, Chairman
Cocchiarella
DePratu

MESSAGES FROM THE GOVERNOR

March 27, 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 172** sponsored by Representative Gallik, **House Bill 246** sponsored by Representative Harris, **House Bill 305** sponsored by Representative Peterson et al., **House Bill 339** sponsored by Representative Pattison et al., **House Bill 402** sponsored by Representative Parker et al., and **House Bill 436** sponsored by Representative A. Olson et al. on March 27, 2003.

Sincerely,

JUDY MARTZ
Governor

March 28, 2003

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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 156** sponsored by Representative Matthews, **House Bill 176** sponsored by Representative Pattison, **House Bill 391** sponsored by Representative Balyeat, and **House Bill 429** sponsored by Representative Kasten et al. on March 28, 2003.

Sincerely,

JUDY MARTZ
Governor

FIRST READING AND COMMITMENT OF BILLS

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

HB 768, introduced by Raser, referred to Taxation.

HB 769, introduced by Balyeat, referred to Taxation.

HB 770, introduced by Fritz, Cocchiarella, Haines, Hedges, Lake, Mahlum, Mendenhall, referred to Taxation.

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

HJR 39, introduced by Gutsche, Bookout-Reinicke, Erickson, referred to Transportation.

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 750 (requiring a 3/4 vote) **failed** as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Ripley, Roberts, Rome, Schrupf, Shockley, Steinbeisser, Thomas, Waitschies, Wanzenried, Windy Boy, Younkin, Mr. Speaker.

Total 68

Noes: Balyeat, Bixby, D. Brown, Dowell, Fisher, Gallik, Gutsche, Harris, Jackson, Jayne, Juneau, Kasten, Lange, Laszloffy, Maedje, Mendenhall, Morgan, Musgrove, Rice, Ross, Ryan, Sales, Sinrud, Small-Eastman, Smith, Stoker, Wagman, Weiss, Wilson, Witt.

Total 30

Excused: Bergren, Peterson.

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Total 2

Absent or not voting: None.

Total 0

SB 105, from consent calendar, concurred in 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, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bergren, Peterson.

Total 2

Absent or not voting: None.

Total 0

SB 113, from consent calendar, concurred in 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, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bergren, Peterson.

Total 2

Absent or not voting: None.

Total 0

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HB 5 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, 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, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Everett, Hawk, Lake, Mendenhall, Sales, Sinrud.

Total 7

Excused: Bergren, Peterson.

Total 2

Absent or not voting: None.

Total 0

HB 9 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, 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, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, Everett, Hawk, Lake, Mendenhall, Morgan, Pattison, Sales, Shockley, Sinrud, Stoker.

Total 11

Excused: Bergren, Peterson.

Total 2

Absent or not voting: None.

Total 0

HB 13 passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Branae, D. 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, Hedges, Hurwitz, Jackson, Jacobson, 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,

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Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 83

Noes: Balyeat, Bookout-Reinicke, R. Brown, Everett, Harris, Hawk, Kasten, Laszloffy, Maedje, Mendenhall, Morgan, Pattison, Rice, Sales, Sinrud.
Total 15

Excused: Bergren, Peterson.
Total 2

Absent or not voting: None.
Total 0

HB 360 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, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, 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 96

Noes: Harris, Maedje.
Total 2

Excused: Bergren, Peterson.
Total 2

Absent or not voting: None.
Total 0

**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 B. Thomas in the chair.

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

HB 658 - Representative Dowell moved **HB 658** do pass.

Representative Shockley moved **HB 658**, second reading copy, be amended as follows:

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1. Title, page 1, line 7.

Following: line 6

Insert: "CIVIL"

2. Page 2, line 2.

Following: line 1

Insert: "civil"

Amendment adopted as follows:

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

Total 93

Noes: None.

Total 0

Excused: Bergren, D. Brown, Peterson.

Total 3

Absent or not voting: Franklin, Gillan, Lindeen, Thomas.

Total 4

Motion that **HB 658**, as amended, do pass **failed** as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Bookout-Reinicke, Buzzas, Carney, Cohenour, Cyr, Dowell, Erickson, Everett, Fisher, Fritz, Fuchs, Gallik, Gallus, Gutsche, Haines, Harris, Jent, Juneau, Kaufmann, Lindeen, Maedje, Musgrove, Newman, Sales, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 34

Noes: Andersen, Ballantyne, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Devlin, Dickenson, Forrester, Franklin, Galvin-Halcro, Gibson, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 65

Voted Absentee: Bergren, Aye; D. Brown, Peterson, Noes.

Excused: None.

Total 0

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Absent or not voting: Facey.
Total 1

HB 727 - Representative E. Clark moved **HB 727** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Fuchs, Gibson, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Lake, Lange, Laszloffy, Lawson, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Ripley, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Stoker, Thomas, Wagman, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 63

Noes: Ballantyne, Bergren, Bixby, Carney, Cohenour, Cyr, Erickson, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Harris, Jent, Kasten, Keane, Lambert, Laslovich, Lehman, Lenhart, Lindeen, Matthews, Musgrove, Parker, Rice, Roberts, Ryan, Small-Eastman, Smith, Steinbeisser, Waitschies, Wanzenried, Weiss.
Total 36

Voted Absentee: D. Brown, Peterson, Ayes; Bergren, No.

Excused: None.
Total 0

Absent or not voting: P. Clark.
Total 1

HB 756 - Representative Kaufmann moved **HB 756** do pass. Motion carried 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, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, McKenney, Musgrove, Newman, Noennig, Parker, Raser, Ripley, Rome, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 55

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Laszloffy, Maedje, Matthews, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 44

Voted Absentee: Bergren, Aye; D. Brown, Peterson, Noes.

Excused: None.
Total 0

Absent or not voting: Gillan.
Total 1

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HB 761 - Representative Haines moved **HB 761** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, 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, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Becker, Bookout-Reinicke, Malcolm.

Total 3

Voted Absentee: Bergren, D. Brown, Peterson, Ayes.

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

HB 762 - Representative Brueggeman moved **HB 762** do pass. Motion **failed** as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Erickson, Fisher, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, 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 50

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

Total 50

Voted Absentee: D. Brown, Peterson, Ayes; Bergren, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 268 - Representative Erickson moved **HB 268** do pass.

Representative Fisher moved **HB 268**, second reading copy, be amended as follows:

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1. Title, page 1, line 6.

Following: "OCCUR;"

Insert: "INCREASING THE AGGREGATE EXEMPTION AMOUNT OF CLASS EIGHT PROPERTY FROM \$5,000 TO \$10,000;"

2. Page 2, line 29.

Strike: "\$5,000"

Insert: "\$10,000"

Amendment adopted as follows:

Ayes: Ballantyne, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 72

Noes: Andersen, Balyeat, Barrett, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Hawk, Hedges, Jackson, Lewis, Mendenhall, Morgan, Pattison, Roberts, Rome, Sales, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Mr. Speaker.

Total 25

Excused: Bergren, D. Brown, Peterson.

Total 3

Absent or not voting: None.

Total 0

Motion that **HB 268**, as amended, do pass **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, 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, E. Clark, Devlin, Everett, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, 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, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Voted Absentee: Bergren, Aye; D. Brown, Peterson, Noes.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363 - Representative R. Brown moved consideration of **SB 363** be placed at the top of the second reading board.
Motion carried.

HB 295 - Representative Jent moved **HB 295** do pass.

Representative Newman moved **HB 295**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

Following: "DRUGS;"

Insert: "AND"

Strike: "46-18-1001,"

2. Title, page 1, line 9 through line 10.

Strike: "; AND" on line 9 through "MCA" on line 10

3. Page 2, line 6 through line 30.

Strike: section 2 in its entirety

Renumber: subsequent sections

4. Page 3, line 19.

Following: "[section 1]"

Insert: "or negligent vehicular assault"

5. Page 7, line 10.

Following: "vehicle,"

Insert: "negligent vehicular assault,"

6. Page 8, line 12.

Strike: section 7 in its entirety

Renumber: subsequent section

Amendment adopted as follows:

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

Total 90

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Noes: E. Clark, Devlin, Jayne, Pattison, Rome, Mr. Speaker.
Total 6

Excused: Bergren, D. Brown, Peterson.
Total 3

Absent or not voting: Brueggeman.
Total 1

Motion that **HB 295**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Ryan, Sales, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 92

Noes: Jayne, Lambert, Pattison, Ripley, Rome, Shockley, Waitschies, Witt.
Total 8

Voted Absentee: Bergren, D. Brown, Peterson, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 249 - Representative Barrett moved **HB 249** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fuchs, Gallik, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 65

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Jent, Juneau, Lindeen, Matthews, Musgrove, Parker, Raser, Wanzenried, Weiss, Wilson, Windy Boy.
Total 35

Voted Absentee: D. Brown, Peterson, Ayes; Bergren, No.

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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 B. Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, Brueggeman, E. Clark, P. Clark, Cyr, Devlin, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 71

Noes: Becker, R. Brown, Buzzas, Callahan, Carney, Cohenour, Dickenson, Dowell, Erickson, Franklin, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Kaufmann, Laslovich, Lenhart, Lindeen, Parker, Raser, Ryan, Shockley.
Total 23

Excused: Bergren, D. Brown, Peterson.
Total 3

Absent or not voting: Bixby, Gillan, Golie.
Total 3

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 3/28/2003
Examined by the sponsor and found to be correct: **HB 272, HB 414, HB 548, HB 557, HB 585, HB 639, HB 700, HJR 30.**
Signed by the Speaker at 1:50 p.m., March 28, 2003: **HB 272, HB 414, HB 548, HB 557, HB 585, HB 639, HB 700.**

TAXATION (Fuchs, Chairman): 3/28/2003
HB 757, introduced bill, be amended as follows:

1. Title, page 1, line 14.

Following: "DISTRICT;"

Insert: "ALLOWING INDIAN TRIBES TO ESTABLISH, UNDER CERTAIN CONDITIONS, A CASINO WITHIN A MUSIC AND ENTERTAINMENT DISTRICT;"

2. Page 3, line 4.

Following: "that"

Insert: "
(i)"

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3. Page 3.

Following: line 5

Insert: "(ii) promotion of the music and entertainment district is not intended to attract residents of Montana to district casinos; and

(iii) the developer does not intend to compete with other gaming authorized in Montana outside the music and entertainment district;"

4. Page 4, line 14.

Following: "district."

Insert: "The department shall also determine the suitability of any developer of or other person with a financial interest in a music and entertainment district."

5. Page 7, line 15 through line 23.

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

Renumber: subsequent subsections

6. Page 7, line 29.

Strike: "30%"

Insert: "90%"

7. Page 7, line 30.

Strike: "(2)(d)"

Insert: "(2)(a)"

8. Page 11, line 2.

Strike: "one-half"

Insert: "40%"

Following: "½"

Strike: "and"

9. Page 11.

Following: line 2

Insert: "(b) 10% must be distributed to the board of horseracing for the promotion of the horseracing industry, for payment of breeders' incentives, and for live horseracing purse distributions; and"

Renumber: subsequent subsection

10. Page 11, line 3.

Strike: "one-half"

Insert: "50%"

11. Page 11, line 6.

Strike: "(4)(b)"

Insert: "(4)(c)"

12. Page 12, line 18.

Strike: "one-half"

Insert: "40%"

Following: "½"

Strike: "and"

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13. Page 12.

Following: line 18

Insert: "(b) 10% must be distributed to the board of horseracing for the promotion of the horseracing industry, for payment of breeders' incentives and for live horseracing purse distributions; and"

Renumber: subsequent subsection

14. Page 12, line 19.

Strike: "one-half"

Insert: "50%"

15. Page 12, line 22.

Strike: "(4)(b)"

Insert: "(4)(c)"

16. Page 13, line 6.

Strike: "shall"

Insert: "may"

17. Page 13, line 22.

Strike: "of revenue"

Strike: "3.5% of the casino's gross proceeds;"

Insert: ":

(i) 15% of the gross income from each video gambling machine for which a permit has been issued pursuant to [section 24] that would be legal under Title 23, chapter 5, part 6, if located outside a music and entertainment district casino. For purposes of this tax, the limitations on the number of machines provided for in 23-5-611 and the limitations on money played and the value of prizes provided for in 23-5-608 may not be considered when determining whether a video gambling machine is a legal machine under Title 23, chapter 5, part 6.

(ii) 7% of the gross income for all other machines or tables issued a permit under [section 24];"

18. Page 13, line 23.

Following: "department"

Strike: "of"

19. Page 13, line 24.

Strike: the first "revenue"

Strike: "of revenue"

20. Page 13, line 26.

Strike: "of revenue"

21. Page 13, line 27 through line 30.

Strike: "Six-sevenths" on line 27 through "district." on line 30

Insert: "The department shall, in accordance with the provisions of 15-1-501, deposit the tax collected pursuant to subsection (1)(a)(i) of this section in the state general fund.

(b) The department shall distribute 89.3% of the tax collected pursuant to subsection (1)(a)(ii) in accordance with the distribution provided for in [section 14(2)].

(c) The department shall distribute 10.7% of the tax collected pursuant to subsection (1)(a)(ii) to the local government that created the music and entertainment district."

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22. Page 13, line 30.

Strike: "(2)(b)"

Insert: "(2)(c)"

23. Page 14, line 3 through line 4.

Strike: "and shall" on line 3 through "interest" on line 4

24. Page 14, line 4.

Strike: "15-1-216"

Insert: "23-5-136"

25. Page 14, line 4 through line 5.

Strike: "The" on line 4 through "penalty." on line 5

26. Page 14, line 19.

Following: "[section 19]"

Insert: ", subject to the area limitation contained in 23-5-117(4)"

27. Page 15, line 3.

Following: "gaming employees"

Insert: "employed within a music and entertainment district casino"

28. Page 15, line 29 through line 30.

Strike: "All" on line 29 through "system." on line 30

29. Page 16, line 6.

Strike: "or secured parties"

30. Page 16, line 11.

Following: "operation"

Insert: "for the purpose of determining suitability for licensing and the annual renewal of the license"

31. Page 20, line 1.

Following: "residency"

Insert: "and the ownership interest in more than one licensed establishment"

32. Page 20, line 4.

Following: "provisions"

Insert: "and the provisions related to ownership interest in more than one licensed establishment"

33. Page 40.

Following: line 13

"NEW SECTION. Section 52. Music and entertainment district casino permit -- tribal agreement -- notification. (1) The number of casinos authorized by [section 19] may increase from 10 casinos to 11 casinos and the total gaming area authorized by 23-5-117(4) may increase from 500,000 square feet to 550,000 square feet if:

(a) the developer of the music and entertainment district and the tribal governments on the seven Indian reservations located in Montana and the Little Shell band of Chippewa enter into an agreement concerning the ownership and operation of the additional casino; and

(b) the tribal governments on the seven Indian reservations in Montana and the Little Shell band of

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Chippewa enter into a state-tribal compact in which the tribes and the Little Shell band of Chippewa agree to limit gaming on tribal lands to the type of gaming authorized by Title 23, chapter 5, part 6, outside the music and entertainment district.

(2) The attorney general shall notify the code commissioner and the secretary of state if the conditions of subsections (1)(a) and (1)(b) have been met.

Renumber: subsequent sections

34. Page 40, line 26 through line 28.

Strike: section 54 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

MOTIONS

Representative Wanzenried moved to reconsider action on **HB 750** third reading today and that it be placed back on third reading.

Representative Maedje moved to table previous motion. Motion **failed** as follows:

Ayes: Balyeat, Everett, Fisher, Fuchs, Hawk, Jackson, Jayne, Kasten, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Pattison, Rice, Ryan, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Mr. Speaker.
Total 25

Noes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Schrupf, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin.
Total 71

Excused: Bergren, D. Brown, Peterson.
Total 3

Absent or not voting: Weiss.
Total 1

Motion to reconsider action on **HB 750** carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 77

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Noes: Balyeat, Everett, Fisher, Hawk, Jackson, Jayne, Kasten, Laszloffy, Lewis, Maedje, Mendenhall, Morgan, Rice, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Wagman.
Total 19

Excused: Bergren, D. Brown, Peterson.
Total 3

Absent or not voting: Weiss.
Total 1

Representative Wanzenried moved to **suspend the rules** for the purpose of placing **HB 750** back on third reading today. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Smith, Steinbeisser, Thomas, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 76

Noes: Balyeat, Everett, Fisher, Fuchs, Hawk, Jackson, Jayne, Kasten, Laszloffy, McKenney, Mendenhall, Morgan, Rice, Sales, Shockley, Sinrud, Small-Eastman, Stoker, Wagman, Wilson.
Total 20

Excused: Bergren, D. Brown, Peterson.
Total 3

Absent or not voting: Weiss.
Total 1

Representative Weiss excused at this time.

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 750 (requiring a 3/4 vote) **failed** as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Ripley, Roberts, Rome, Ross, Schrupf, Shockley, Smith, Steinbeisser, Thomas, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 74

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Noes: Balyeat, Everett, Fisher, Gallik, Hawk, Jackson, Jayne, Juneau, Kasten, Laszloffy, Maedje, Mendenhall, Morgan, Musgrove, Rice, Ryan, Sales, Sinrud, Small-Eastman, Stoker, Wagman, Wilson.
Total 22

Excused: Bergren, D. Brown, Peterson, Weiss.
Total 4

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Mr. Speaker led the House in singing Happy Birthday to Representative Wilson and Page Claire Habein.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Saturday, March 29, 2003. Motion carried.

House adjourned at 3:07 a.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House