

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

Helena, Montana
April 2, 2003

House Chambers
State Capitol

House convened at 10:34 a.m. Mr. Speaker in the Chair. Invocation by Representative Jackson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Steinbeisser, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 4/2/2003
Correctly printed: **HJR 35, SB 35, SB 77, SB 191, SB 337, SB 409, SB 449, SB 450, SJR 11.**
Correctly engrossed: **HB 355, HB 758, SB 95, SB 111, SB 138, SB 194, SB 247, SB 314, SB 347, SB 349, SB 366, SB 375, SB 387, SB 434, SJR 18, SJR 22.**
Delivered to the Governor for approval at 9:00 a.m., April 2, 2003: **HB 196, HB 323, HB 340, HB 354, HB 458, HB 549, HB 554.**

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Bitney, Chairman): 4/2/2003
SB 62, be amended as follows:

1. Title, line 4 through line 5.

Strike: "DEPARTMENT" on line 4 through "ADMINISTRATION" on line 5

Insert: "ATTORNEY GENERAL"

2. Title, line 8 through line 9.

Strike: "PROHIBITING" on line 8 through "SERVICES;" on line 9

3. Title, line 13.

Following: "~~LIST~~;"

Insert: "CREATING AN ADVISORY GROUP FOR CONSUMER PROTECTION WITH RESPECT TO TELEMARKETERS; PROVIDING FOR DISSEMINATION OF INFORMATION ON THE NO-CALL LIST;"

4. Page 2, line 1.

Strike: "7"

Insert: "8"

5. Page 2, line 4.

Strike: "7"

Insert: "8"

6. Page 2, line 6.

Strike: "which"

Insert: "that"

7. Page 2, line 8.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

8. Page 2, line 16 through line 17.

Strike: "had" on line 16 through "contact" on line 17

Insert: "an existing business relationship with or has previously purchased from"

9. Page 2, line 17.

Strike: "180" through "relationship"

Insert: "18 months"

10. Page 3, line 3.

Strike: "DEPARTMENT"

Insert: "attorney general"

11. Page 3, line 7.

Strike: "DEPARTMENT"

Insert: "Attorney general"

12. Page 3, line 9.

Strike: "DEPARTMENT"

Insert: "attorney general"

13. Page 3, line 11.

Strike: "DEPARTMENT"

Insert: "attorney general"

14. Page 3, line 13.

Strike: "DEPARTMENT"

Insert: "attorney general"

15. Page 3, line 15.

Strike: "7"

Insert: "8"

16. Page 3, line 17.

Strike: "DEPARTMENT" in 2 places

Strike: "attorney general" in both places

17. Page 3, line 28.

Strike: "DEPARTMENT"

Insert: "attorney general"

18. Page 4, line 2.

Strike: "DEPARTMENT"

Insert: "attorney general"

19. Page 4, line 8.

Strike: "DEPARTMENT"

Insert: "attorney general"

20. Page 4, line 12.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Strike: "Interference" through "prohibited"
Insert: "Identity of person initiating telephone solicitation call required"
Strike: "(1)"

21. Page 4, line 15 through line 17.
Strike: subsection (2) in its entirety

22. Page 4, line 19.
Strike: "DEPARTMENT"
Insert: "attorney general"

23. Page 4, line 21.
Strike: "DEPARTMENT"
Insert: "attorney general"

24. Page 5, line 21.
Strike: "7"
Insert: "8"

25. Page 5, line 24.
Strike: "OR 5"

26. Page 6, line 10.
Insert: "NEW SECTION. Section 7. Advisory group for consumer protection from telemarketers -- publication of information on consumer rights. (1) The attorney general shall establish an advisory group composed of government entities, local exchange telecommunications companies, businesses, senior citizens, and other community advocates to compile and promote a list of educational literature to help consumers understand their options with regard to telephone solicitations and telemarketers, as defined in 30-14-1403.

(2) The attorney general shall work with local exchange telecommunications companies to disseminate to their residential subscribers information about the availability of educational literature and instructions about how to request educational literature from the attorney general. The attorney general may enter into agreements with those companies for the purpose of dissemination of the educational literature.

(3) The attorney general shall include on the attorney general's internet website information that informs residential subscribers of their rights to be placed on a no-call list and the various methods, including notice to the attorney general, of placing their names on the no-call list.

(4) The attorney general shall have any literature developed for dissemination to the public pursuant to this section ready for dissemination no later than January 1, 2004."

Renumber: subsequent sections

27. Page 6, line 13.
Strike: "7"
Insert: "8"
Strike: "DEPARTMENT"
Insert: "attorney general"

28. Page 6, line 15.
Strike: "DEPARTMENT"
Insert: "attorney general"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

29. Page 6, line 18.

Strike: "7"

Insert: "8"

30. Page 6, line 20.

Strike: "7"

Insert: "8"

31. Page 6, line 21.

Insert: "NEW SECTION, **Section 10. Coordination instruction.** If House Bill No. 424 and [this act] are both passed and approved, then House Bill No. 424 is void."

Renumber: subsequent section

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

SB 308, be amended as follows:

1. Title, line 8 through line 19.

Strike: "REQUIRING" on line 8 through "TELEMARKETING;" on line 19

2. Title, line 20 through line 22.

Strike: "INCREASING" on line 20 through "MONTANA;" on line 22

3. Title, line 23 through line 24.

Strike: "SECTIONS" on line 23 through "30-14-1411," on line 23

Insert: "SECTION"

Following: "30-14-1412," on line 23

Strike: "AND" on line 23 through "30-14-1413," on line 24

4. Page 1, line 28 through page 8, line 8.

Strike: section 1 through section 6 in their entirety

Renumber: subsequent sections

5. Page 9, line 7 through line 28.

Strike: section 8 in its entirety

Renumber: subsequent sections

6. Page 10, line 12 through line 14.

Strike: subsection (1) in its entirety

7. Page 10, line 15.

Strike: "(2)"

Strike: "9"

Insert: "2"

8. Page 10, line 16.

Strike: "9"

Insert: "2"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

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

SB 330, be amended as follows:

1. Title, line 5.

Strike: "BENEFITS OF A"

Insert: "PRODUCTIVITY AND EFFICIENCY OUTCOMES ASSOCIATED WITH THE"

2. Page 1, line 25.

Following: "(4)"

Insert: "(a)"

Strike: "The"

Insert: "Subject to subsection (4)(b), the"

3. Page 1, line 26 through line 28.

Strike: "STATEWIDE" through "benefits" on line 26

Insert: "economic productivity and efficiency outcomes"

Following: "procurement" on line 26

Insert: "for the default supply stakeholders"

Strike: "THE" on line 26 through "PROCUREMENT." on line 28

Insert: "The default supply stakeholders include the default supplier, customers of the default supplier, and the public."

Following: line 28

Insert: "(b) The consideration of economic benefits is secondary to the consideration of the costs and benefits to the consumer and other criteria established by law."

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

FISH, WILDLIFE AND PARKS (Balyeat, Chairman):

4/2/2003

SB 209, be concurred in. Report adopted.

SB 395, be amended as follows:

1. Page 1, line 13.

Insert: "WHEREAS, the Legislature intends that the provisions of the special wild buffalo or bison license be administered and implemented by the Department of Fish, Wildlife, and Parks, after consultation with the Department of Livestock, regarding the management of wild buffalo or bison that have been designated as a species in need of disease control."

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

SB 442, be amended as follows:

1. Title, line 10.

Following: "IMPORTATION;"

Insert: "IMPORTATION,"

Following: "POSSESSION"

Insert: ", "

2. Page 6, line 1.

Following: "composition"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Insert: ", appointment,"

3. Page 6, line 1 through line 2.

Following: "(1)"

Strike: "There" on line 1 through the first "is" on line 2

Insert: "The director shall appoint"

4. Page 6, line 8.

Strike: "and"

5. Page 6, line 9.

Following: "agriculture"

Strike: "."

Insert: ";

(e) a business that breeds or exhibits exotic wildlife; and

(f) the general public who has an interest in fish or wildlife.

(3) Members of the classification review committee are not entitled to compensation or travel expenses as provided in 2-15-122."

6. Page 9, line 17.

Following: "agriculture"

Insert: ", public health and human services,"

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

STATE ADMINISTRATION (Barrett, Chairman):

4/1/2003

HJR 36, be adopted. Report adopted.

SB 252, be amended as follows:

1. Page 2, line 5.

Following: "request"

Insert: ", on a form prescribed pursuant to 13-13-214(8),"

2. Page 3, line 15.

Following: "ballot"

Insert: ": (a)"

3. Page 3, line 18

Following: "application"

Insert: ";

(b) a form, prescribed by the secretary of state, that must be completed by an elector who receives an absentee ballot because of an application made under 13-13-212(5) and returned to the election administrator with the voted absentee ballot. The form must ask the elector to provide the elector's current permanent Montana address. This form must be included in determining the elector's eligibility to vote pursuant to 13-13-241"

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

TAXATION (Fuchs, Chairman):

4/2/2003

HB 773, do pass. Report adopted.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 4/1/2003

SB 218, introduced by McNutt
SB 464, introduced by Keenan
SB 470, introduced by Mangan

House bills concurred in and returned to the House: 4/1/2003

HB 306, introduced by Balyeat
HB 438, introduced by Forrester
HB 684, introduced by A. Olson
HB 686, introduced by Bergren
HB 693, introduced by Sinrud
HB 731, introduced by Lehman

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/2/2003

HB 20, introduced by Golie
HB 283, introduced by Fuchs
HB 337, introduced by Ripley
HB 481, introduced by Lewis
HB 647, introduced by B. Thomas

MESSAGES FROM THE GOVERNOR

April 1, 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 174** sponsored by Representative B. Thomas, **House Bill 182** sponsored by Representative Rome, **House Bill 252** sponsored by Representative Hedges, **House Bill 312** sponsored by Representative Lindeen, and **House Bill 416** sponsored by Representative Younkin et al. on April 1, 2003.

Sincerely,

JUDY MARTZ
Governor

FIRST READING AND COMMITMENT OF BILLS

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

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

HJR 41, introduced by Lindeen, referred to Appropriations.

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

SB 218, introduced by McNutt, referred to Federal Relations, Energy, and Telecommunications.

SB 464, introduced by Keenan, referred to Business and Labor.

SB 470, introduced by Mangan, referred to Taxation.

Majority Leader Brown moved that the House recess until 11:10 a.m. for caucuses. Motion carried.

House recessed at 10:40 a.m.

House reconvened at 11:10 a.m. All members present, except Representative Steinbeisser, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (McKenney, Chairman):

4/2/2003

SB 46, be amended as follows:

1. Page 1, line 14.

Strike: "the"

Insert: "for"

Strike: "of any building, road, or bridge"

2. Page 1, line 17.

Strike: "and best"

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

SB 389, be concurred in. Report adopted.

SB 402, be amended as follows:

1. Page 2, line 13.

Strike: "in obtaining"

Insert: "by originating"

2. Page 3, line 17 through line 21.

Strike: "WHO" on line 17 through "SERVICES" on line 21

Insert: ", except that a mortgage banker that also provides services as a mortgage broker must be licensed as a mortgage broker with respect to those mortgage broker services"

3. Page 7, line 28.

Following: "state"

Insert: "either on its own accord or in conjunction with another licensed mortgage broker or regulated lender located in this state"

4. Page 8, line 17.

Following: "LICENSEE"

Insert: "other than a loan originator"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

5. Page 8, line 18.

Following: "\$25,000"

Insert: "for each location identified in the application for licensure"

Following: "."

Insert: "The department shall use the proceeds of the letters of credit or surety bonds to reimburse borrowers or bona fide third parties who successfully demonstrate a financial loss because of an act of a licensee that violates the provisions of [sections 1 through 22]."

6. Page 8, line 21.

Strike: "plea or"

7. Page 8, line 24.

Strike: "plea or"

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

SB 432, be concurred in. Report adopted.

SB 444, be amended as follows:

1. Page 16, following line 19.

Insert: "NEW SECTION, **Section 12. Coordination instruction.** If House Bill No. 17 and [this act] are both passed and approved, then [section 10 of this act], amending 52-3-825, is void."

Renumber: subsequent sections

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

LOCAL GOVERNMENT (Noennig, Chairman):

4/2/2003

SB 284, be concurred in. Report adopted.

SB 393, be concurred in. Report adopted.

**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 Gallus in the chair.

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

SB 226 - Representative Lawson moved **SB 226** be concurred in. Motion carried as follows:

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

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Total 99

Noes: Jayne.

Total 1

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 230 - Representative Morgan moved **SB 230** be concurred in. Motion carried as follows:

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

Total 97

Noes: Sales, Sinrud.

Total 2

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Wanzenried.

Total 1

SB 231 - Representative Morgan moved **SB 231** be concurred in. 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, 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, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Everett, Pattison, Sales, Sinrud.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Total 5

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Wanzenried.

Total 1

SB 232 - Representative Keane moved **SB 232** be concurred in.

Representative Keane moved **SB 232**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

Strike: "IMMEDIATE"

2. Page 2, line 14.

Strike: "ON PASSAGE AND APPROVAL"

Insert: "July 1, 2003"

Amendment adopted as follows:

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

Total 92

Noes: Buzzas, Cohenour, Gallik, Raser.

Total 4

Excused: Steinbeisser.

Total 1

Absent or not voting: Bergren, Callahan, Matthews.

Total 3

Motion that **SB 232**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Fuchs, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Hurwitz, Jayne, Juneau, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Weiss,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Wilson, Windy Boy, Witt, Younkin.
Total 67

Noes: Balyeat, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Cohenour, Devlin, Everett, Fisher, Franklin, Gallik, Gallus, Gibson, Gutsche, Harris, Hawk, Jackson, Jacobson, Jent, Kasten, Kaufmann, Laszloffy, Malcolm, Pattison, Raser, Sales, Sinrud, Small-Eastman, Wagman, Waitschies, Mr. Speaker.
Total 32

Voted Absentee: Steinbeisser, Aye.

Excused: None.
Total 0

Absent or not voting: Wanzenried.
Total 1

SB 241 - Representative Keane moved **SB 241** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Steinbeisser, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 244 - Representative Andersen moved **SB 244** be concurred in.

Representative Andersen moved **SB 244**, second reading copy, be amended as follows:

1. Page 2, line 29.

Insert: "NEW SECTION. Section 4. Coordination instruction. If Senate Bill No. 336 and [this act] are both passed and approved, then [this act] is void."

Renumber: subsequent section

Amendment adopted as follows:

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

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

Total 96

Noes: Musgrove.

Total 1

Excused: Steinbeisser.

Total 1

Absent or not voting: Lewis, Sinrud.

Total 2

Motion that **SB 244**, as amended, be concurred in carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 58

Noes: Ballantyne, Bergren, Bixby, D. Brown, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Sales, Sinrud, Small-Eastman, Smith, Waitschies, Wanzenried, Wilson.

Total 41

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Branae.

Total 1

SB 249 - Representative McKenney moved **SB 249** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson,

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.
Total 84

Noes: Branae, Buzzas, Carney, Erickson, Facey, Fritz, Gutsche, Harris, Jayne, Kaufmann, Musgrove, Sales, Shockley, Wanzenried, Windy Boy.
Total 15

Voted Absentee: Steinbeisser, Aye.

Excused: None.
Total 0

Absent or not voting: Ripley.
Total 1

SB 254 - Representative Keane moved **SB 254** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, 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, Jackson, Jacobson, Jent, Juneau, 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, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 92

Noes: Balyeat, Fisher, Jayne, Kasten, Malcolm, Sales, Shockley.
Total 7

Voted Absentee: Steinbeisser, Aye.

Excused: None.
Total 0

Absent or not voting: Buzzas.
Total 1

SB 262 - Representative Facey moved **SB 262** be concurred in. Motion carried as follows:

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

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Total 99

Noes: None.

Total 0

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

HB 355 - Representative Newman moved **HB 355** do **not** pass.

Representative Lindeen moved **HB 355**, second reading copy, be amended as follows:

1. Title, lines 10 and 11.

Following: "PRODUCTS;" on line 10

Strike: remainder of line 10 through "MONTANA;" on line 11

2. Page 4, line 30.

Strike: "IF APPROVED BY THE ELECTORATE, THIS ACT"

Insert: "[This act]"

3. Page 5, line 6 through line 12.

Strike: section 11 in its entirety

Amendment adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, 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, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Matthews, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 61

Noes: Andersen, Balyeat, Barrett, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lewis, Maedje, McKenney, Mendenhall, Morgan, A. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Mr. Speaker.

Total 38

Voted Absentee: Steinbeisser, No.

Excused: None.

Total 0

Absent or not voting: Peterson.

Total 1

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Representative Franklin moved **HB 355**, second reading copy, be further amended as follows:

1. Page 3, line 1.

Strike: "4.7%"

Insert: "2.85%"

2. Page 3, line 4.

Strike: "90.9%"

Insert: "18.74%"

Strike: "and"

3. Page 3, line 6.

Strike: "4.4%"

Insert: "4.07%"

Following: "17-7-205"

Insert: "; and (d) 74.34% in an account in the state special revenue fund to be used by the department of public health and human services for health and human service-related purposes"

4. Page 4, line 15.

Following: "**of taxes.**"

Insert: "(1)"

5. Page 4, line 18.

Following: "department"

Insert: " as follows:

(a) 50% in an account in the state special revenue fund to be used by the department of public health and human services for health and human service-related purposes; and

(b) 50%"

Following: "fund."

Insert: "(2)"

Amendment **not** adopted as follows:

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

Total 48

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

Total 50

Excused: Steinbeisser.

Total 1

Absent or not voting: Facey.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Total 1

Representative A. Olson moved **HB 355**, second reading copy, be further amended as follows:

1. Title, line 5.

Strike: "70"

Insert: "43"

2. Page 1, line 19.

Strike: "70"

Insert: "43"

Amendment **not** adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Laszloffy, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Shockley, Sinrud, Smith, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.

Total 42

Noes: Ballantyne, Becker, Bergren, 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, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Laslovich, Lawson, Lenhart, Lindeen, Malcolm, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Sales, Small-Eastman, Stoker, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 55

Excused: Steinbeisser.

Total 1

Absent or not voting: Lambert, Lange.

Total 2

Motion that **HB 355**, as amended, do **not** pass carried as follows:

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

Total 58

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

Total 42

Voted Absentee: Steinbeisser, Aye.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 758 - Representative Devlin moved **HB 758** do pass.

Representative Cohenour moved **HB 758**, second reading copy, be amended as follows:

1. Title, page 1, line 7 through line 10.
Strike: "EXEMPTING" on line 7 through "SMOKING;" on line 10

2. Title, page 1, line 11.
Following: "AND"
Insert: "AN"
Strike: "DATES"
Insert: "DATE"

3. Page 1, line 19 through line 22.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 16 through line 17.
Strike: section 3 in its entirety
Renumber: subsequent sections

5. Page 2, line 26 through line 28.
Strike: "(1)" on line 26 through "[Section 2]" on line 28
Insert: "[This act]"

Amendment **not** adopted as follows:

Ayes: Ballantyne, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lewis, Lindeen, Newman, Parker, Raser, Small-Eastman, Wanzenried, Weiss, Windy Boy.
Total 39

Noes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Smith, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.
Total 60

Excused: Steinbeisser.
Total 1

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Absent or not voting: None.
Total 0

Representative Fisher moved for cloture. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, E. Clark, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gillan, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin.
Total 77

Noes: Ballantyne, Branae, Buzzas, Carney, P. Clark, Cohenour, Dickenson, Dowell, Franklin, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Jacobson, Kaufmann, Sinrud, Small-Eastman, Wilson.
Total 19

Excused: Steinbeisser.
Total 1

Absent or not voting: Jayne, Lake, Mr. Speaker.
Total 3

Motion that **HB 758** do pass carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Forrester, Fritz, Fuchs, Hawk, Hedges, Hurwitz, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wilson, Witt, Mr. Speaker.
Total 52

Noes: Ballantyne, Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lewis, Mendenhall, Newman, Noennig, Parker, Raser, Roberts, Sales, Small-Eastman, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Younkin.
Total 48

Voted Absentee: Steinbeisser, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 767 - Representative Brueggeman moved **HB 767** do pass.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Representative Lindeen moved consideration of **HB 767** be placed at the bottom of the second reading board. Motion carried.

SB 401 - Representative Lenhart moved **SB 401** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, 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, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 85

Noes: Balyeat, Bitney, D. Brown, Hawk, Jayne, Kasten, Laszloffy, Lewis, Malcolm, McKenney, Pattison, Sales, Sinrud, Waitschies.

Total 14

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Newman.

Total 1

SB 423 - Representative Younkin moved **SB 423** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Erickson, Everett, Fisher, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 62

Noes: Ballantyne, Becker, Bixby, D. Brown, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Facey, Forrester, Gallik, Gibson, Gillan, Golie, Gutsche, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lange, Lawson, Malcolm, Musgrove, Newman, Pattison, Raser, Ryan, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Windy Boy.

Total 38

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 441 - Representative Ballantyne moved **SB 441** be concurred in. Motion carried as follows:

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

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

Total 92

Noes: Cyr, Everett, Hawk, Jayne, Morgan, Pattison, Sinrud, Windy Boy.

Total 8

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 767 - Representative Brueggeman moved consideration of **HB 767** be placed at the top of the second reading board. Motion carried.

Representative Brueggeman moved **HB 767** 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, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Balyeat, Kasten, Sales, Sinrud.

Total 4

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

SB 445 - Representative Barrett moved **SB 445** be concurred in. Motion carried as follows:

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

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

Total 53

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

Total 47

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 447 - Representative Noennig moved **SB 447** be concurred in. Motion carried as follows:

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

Total 98

Noes: McKenney, Weiss.

Total 2

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 24 - Representative R. Brown moved consideration of **HB 24** be placed below SB 460 on the second reading board for the purpose of amendment. Motion carried.

SB 460 - Representative Devlin moved **SB 460** be concurred in. Motion carried as follows:

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

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

Total 89

Noes: Callahan, Cohenour, Dickenson, Gallik, Golie, Laslovich, Raser, Smith, Weiss.

Total 9

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Buzzas, Forrester.

Total 2

SB 24 - Representative Carney moved **SB 24** be concurred in.

Representative Maedje moved **SB 24**, second reading copy, be amended as follows:

1. Title, line 5.

Following: "PROVIDING"

Insert: "COPIES OF OR DATA GENERATED BY"

2. Page 1, line 14.

Following: "providing"

Insert: "copies of the"

3. Page 1, line 15.

Following: "services"

Insert: "or data generated by the electronic government services in the format acceptable to the requestor"

4. Page 1, line 22.

Following: "PROVIDING"

Insert: "copies of the"

Following: "SERVICES"

Insert: "or data generated by the electronic government services in the format acceptable to the requestor"

Amendment **not** adopted as follows:

Ayes: Balyeat, Barrett, Bergren, D. Brown, Cyr, Dickenson, Forrester, Fuchs, Hedges, Jackson, Jacobson, Jayne, Juneau, Kasten, Lambert, Lange, Lehman, Maedje, Malcolm, Newman, A. Olson, Pattison, Peterson, Raser, Rice, Ripley, Sales, Shockley, Sinrud, Thomas, Wagman, Waitschies, Witt.

Total 33

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Noes: Andersen, Ballantyne, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jent, Kaufmann, Keane, Lake, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Musgrove, Noennig, B. Olson, Parker, Roberts, Rome, Ross, Ryan, Schrupf, Small-Eastman, Smith, Stoker, Wanzenried, Weiss, Wilson, Younkin.
Total 62

Excused: Steinbeisser.
Total 1

Absent or not voting: Laszloffy, Morgan, Windy Boy, Mr. Speaker.
Total 4

Motion that **SB 24** be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bixby, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Matthews, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Roberts, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Wanzenried, Wilson, Windy Boy.
Total 60

Noes: Balyeat, Bergren, Bookout-Reinicke, D. Brown, R. Brown, Cyr, Everett, Fisher, Forrester, Fuchs, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lewis, Maedje, Malcolm, McKenney, Morgan, Pattison, Peterson, Raser, Rice, Ripley, Rome, Sales, Sinrud, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.
Total 38

Voted Absentee: Steinbeisser, Aye.

Excused: None.
Total 0

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

SB 37 - Representative R. Brown moved consideration of **SB 37** be passed for the day. Motion carried.

SB 86 - Representative Kasten moved **SB 86** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, 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, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 97

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Noes: Wanzenried.
Total 1

Voted Absentee: Steinbeisser, Aye.

Excused: None.
Total 0

Absent or not voting: D. Brown, Fisher.
Total 2

SB 130 - Representative R. Brown moved consideration of **SB 130** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 135 - Representative Lewis moved **SB 135** be concurred in. Motion carried as follows:

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

Noes: Gallik, Smith, Wanzenried, Weiss.
Total 4

Voted Absentee: Steinbeisser, Aye.

Excused: None.
Total 0

Absent or not voting: Bookout-Reinicke, Dowell, Jent, Juneau.
Total 4

SB 168 - Representative R. Brown moved consideration of **SB 168** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 197 - Representative Younkin moved **SB 197** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Total 75

Noes: Bixby, Branae, D. Brown, Buzzas, Callahan, Cohenour, Cyr, Erickson, Facey, Franklin, Fritz, Gibson, Gutsche, Harris, Jent, Juneau, Lindeen, Musgrove, Newman, Smith, Wanzenried, Weiss.

Total 22

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Peterson, Windy Boy, Mr. Speaker.

Total 3

HB 714 - Representative Balyeat moved **HB 714** do pass. Motion **failed** as follows:

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

Total 48

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

Total 51

Voted Absentee: Steinbeisser, Aye.

Excused: None.

Total 0

Absent or not voting: Devlin.

Total 1

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

Representative Gallik made a **substitute motion** that **HB 758** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion **failed** as follows:

Ayes: Ballantyne, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lewis, Musgrove, Noennig, Raser, Small-Eastman, Smith, Wanzenried, Weiss.

Total 41

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Noes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 57

Excused: Steinbeisser.
Total 1

Absent or not voting: Lindeen.
Total 1

Report adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 69

Noes: Balyeat, Bixby, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Musgrove, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss.
Total 28

Excused: Steinbeisser.
Total 1

Absent or not voting: Lindeen, Peterson.
Total 2

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 4/2/2003
Correctly enrolled: **HB 41, HB 160, HB 287, HB 306, HB 389, HB 417, HB 438, HB 479, HB 496, HB 507, HB 617, HB 684, HB 686, HB 693, HB 731.**

FISH, WILDLIFE AND PARKS (Balyeat, Chairman): 4/2/2003
SB 112, be amended as follows:

1. Title, line 8.
Strike: "A"
Insert: "TWO"
Strike: "ACCOUNT"
Insert: "ACCOUNTS"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

2. Page 1, line 15.

Strike: "Account"

Insert: "Accounts"

3. Page 1, line 16.

Strike: "is an account"

Insert: "are two accounts"

Strike: "account"

Insert: "accounts"

4. Page 1, line 18.

Strike: the second "the"

Insert: "each"

5. Page 1, line 20.

Following: "(2)"

Insert: "(a)"

Following: "the"

Insert: "search and rescue"

Strike: ":"

6. Page 1, line 24.

Strike: "(A)"

Strike: ":"

Insert: "."

7. Page 1, line 25.

Following: "(B)"

Insert: "(i) There must be deposited in the fish and game search and rescue account"

Strike: "; and"

Insert: ". (ii) Money in the fish and game search and rescue account may be expended only for search and rescue operations involving persons who hold a wildlife conservation license as provided in 87-2-202."

8. Page 1, line 26.

Strike: "all"

Insert: "All"

9. Page 1, line 27.

Following: "operations"

Insert: "must be deposited in the accounts"

10. Page 1, line 28.

Following: "in"

Strike: "the"

Insert: "each"

11. Page 2, line 3.

Following: "in"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Strike: "the"

Insert: "each"

12. Page 2, line 6.

Following: "from"

Insert: "one of"

Strike: "account"

Insert: "accounts"

13. Page 2, line 8.

Strike: "account"

Insert: "accounts"

14. Page 11, line 9.

Following: "~~fund~~"

Insert: "fish and game"

15. Page 11, line 25.

Following: "~~the~~"

Insert: "fish and game search and rescue"

16. Page 11, line 27.

Following: "~~the~~"

Insert: "fish and game search and rescue"

17. Page 13, line 4.

Following: "~~the~~"

Insert: "fish and game search and rescue"

18. Page 13, line 6.

Following: "~~the~~"

Insert: "fish and game search and rescue"

19. Page 13.

Following: line 16

Insert: "NEW SECTION. Section 10. Coordination instruction. If House Bill No. 444 and [this act] are both passed and approved, then [sections 8 and 24] of House Bill No. 444 are void."

Renumber: subsequent section

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

SB 246, be amended as follows:

1. Title, line 8.

Strike: "INFORMATION BE PROVIDED TO"

Following: "MUNICIPALITY"

Insert: "BE NOTIFIED IN ORDER"

2. Page 5, line 4 through line 5.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Strike: "provide" on line 4 through the first "to" on line 5
Insert: "notify"

3. Page 5, line 5.

Strike: "that prevents"

Insert: "in order to prevent"

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

SB 336, be amended as follows:

1. Title, line 8.

Following: "PARKS"

Insert: ", FOR FISHING ACCESS SITES,"

2. Title, line 10.

Following: "ELECTION"

Strike: "NOT"

Following: "REGISTRANT"

Strike: "DOES NOT INTEND"

Insert: "INTENDS"

3. Title, line 11.

Following: first "PARKS"

Insert: "AND FISHING ACCESS SITES"

Following: "OPTIONAL"

Strike: "PARKS"

4. Title, line 12.

Following: "PARKS"

Insert: "AND FISHING ACCESS SITES"

5. Page 3, line 1.

Strike: "\$3.75"

Insert: "\$3.25"

6. Page 3, line 2.

Following: "parks"

Insert: ", 50 cents used for fishing access sites,"

7. Page 4, line 21.

Following: first "parks"

Strike: "prior to October 1, 2013"

Insert: "and fishing access sites"

Following: second "parks"

Insert: "and fishing access sites"

8. Page 6, line 8.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Strike: "Unless"

Insert: "If"

9. Page 6, line 10.

Following: "parks"

Insert: ", for fishing access sites,"

10. Page 6, line 13.

Following: "person"

Strike: "does not intend"

Insert: "intends"

Following: "parks"

Insert: "and fishing access sites"

Following: "election"

Strike: "not"

11. Page 6, line 14.

Following: "election is"

Insert: "not"

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

SB 340, be amended as follows:

1. Title, line 5 through line 6.

Strike: "REQUIRING" on line 5 through "REGULATIONS;" on line 6

2. Title, line 9.

Strike: ", 76-1-606,"

3. Page 1, line 23.

Strike: "(a)"

4. Page 1, line 24.

Strike: "(i)"

Insert: "(a)"

5. Page 1, line 25.

Strike: "(ii)"

Insert: "(b)"

6. Page 1, line 27 through line 28.

Strike: subsection (b) in its entirety

7. Page 1, line 30 through page 2, line 3.

Strike: section 2 in its entirety

Renumber: subsequent section

8. Page 4.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Following: line 11

Insert: "NEW SECTION. Section 3. Coordination instruction. If Senate Bill No. 326 and [this act] are both passed and approved and both bills amend 76-1-605, then [section 7] of Senate Bill No. 326, amending 76-1-605, is void."

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

SB 370, be amended as follows:

1. Page 2, line 10.

Following: "If"

Strike: " " through "administrator."

2. Page 2, line 22.

Following: "costs"

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

3. Page 2, line 26.

Following: "FROM THE"

Insert: "inmate or"

4. Page 2, line 28.

Following: "AT"

Insert: ": (i)"

Following: "RATE"

Insert: "or at a rate that is 70% of the provider's customary charges, whichever is greater; or
(ii) a negotiated rate"

5. Page 3, line 5.

Following: "expenses"

Insert: "and the provisions of this section apply"

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

STATE ADMINISTRATION (Barrett, Chairman):
SB 239, be amended as follows:

4/2/2003

1. Page 1, line 11.

Following: "state"

Insert: "agency"

2. Page 1, line 14.

Strike: "state"

Insert: "employer's"

3. Page 1, line 15.

Following: "SPECIFIED"

Strike: "WAS BECAUSE OF"

Insert: "in this section results in"

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

4. Page 1, line 17.

Following: "5"

Insert: "full"

Following: "employee's"

Insert: "state of Montana"

Following: "service"

Insert: ", irrespective of any break in service"

5. Page 1, line 17 through line 19.

Strike: "OR" on line 17 through "2-18-704(1)(A)" on line 19

6. Page 1, line 28.

Following: "**VOIDNESS**"

Insert: "-- coordination instruction"

7. Page 2, line 2.

Strike: "[THIS ACT] IS VOID"

Insert: "[section 1 of this act] must read as follows:

"NEW SECTION. Section 1. Retirement incentive -- continuation of health insurance. Upon termination of employment between July 1, 2003, and October 1, 2003, a university system employee who is eligible for normal retirement by having reached normal retirement age, as defined under the retirement system in which the employee is a member, and who is eligible, pursuant to 2-18-704, to remain on the employer's group health insurance plan or a university system employee whose termination of employment within the time period specified in this section results in a disability retirement is entitled to a continuation of the employer contributions under 2-18-703 or payment of the retiree-only premium, whichever is less, for a time period equal to 1 year for every 5 full years of the employee's state of Montana public service, irrespective of any break in service."

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

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:

SB 150 concurred in as follows:

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

Total 97

Noes: None.

Total 0

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Excused: Steinbeisser.
Total 1

Absent or not voting: Barrett, Forrester.
Total 2

SB 163 concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Small-Eastman, Smith, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 87

Noes: Balyeat, Bitney, D. Brown, Forrester, Franklin, Fuchs, Jent, Kasten, Sales, Shockley, Sinrud, Wagman.
Total 12

Excused: Steinbeisser.
Total 1

Absent or not voting: None.
Total 0

SB 166 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 84

Noes: Becker, Callahan, Cyr, Erickson, Gutsche, Harris, Kaufmann, Keane, Laslovich, Lindeen, Musgrove, Newman, Wanzenried, Weiss.
Total 14

Excused: Steinbeisser.
Total 1

Absent or not voting: Forrester.
Total 1

SJR 9 concurred in as follows:

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

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

Total 98

Noes: None.

Total 0

Excused: Steinbeisser.

Total 1

Absent or not voting: Forrester.

Total 1

SB 115 concurred in as follows:

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

Total 92

Noes: Balyeat, Bixby, Everett, Fisher, Lewis, Sales.

Total 6

Excused: Steinbeisser.

Total 1

Absent or not voting: Forrester.

Total 1

HB 381 passed as follows:

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

Total 59

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

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

Total 39

Excused: Steinbeisser.

Total 1

Absent or not voting: Forrester.

Total 1

SB 152 concurred in as follows:

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

Total 88

Noes: P. Clark, Cyr, Hawk, Juneau, Keane, Lawson, Newman, Thomas, Wanzenried, Windy Boy.

Total 10

Excused: Steinbeisser.

Total 1

Absent or not voting: Forrester.

Total 1

SB 220 concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Smith, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 79

Noes: Balyeat, Buzzas, P. Clark, Cohenour, Dowell, Erickson, Franklin, Gallik, Gutsche, Jent, Kaufmann, Laslovich, Lewis, Parker, Sales, Small-Eastman, Wanzenried, Weiss, Windy Boy.

Total 19

Excused: Steinbeisser.

HOUSE JOURNAL
SEVENTIETH LEGISLATIVE DAY - APRIL 2, 2003

Total 1

Absent or not voting: Forrester.

Total 1

SPECIAL ORDERS OF THE DAY

The following cosponsors were added to **HR 4**: Ballantyne, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Gallik, Galvin-Halcro, Haines, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Laslovich, Lehman, Lenhart, Lindeen, Maedje, Matthews, Morgan, Musgrove, Newman, A. Olson, B. Olson, Raser, Ripley, Roberts, Schrumpf, Wagman, Wilson, Witt.

Mr. Speaker led the House in singing Happy Birthday to Representative Brueggeman.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Thursday, April 3, 2003. Motion carried.

House adjourned at 3:28 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House