

**HOUSE JOURNAL  
58TH LEGISLATURE  
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 12, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Sinrud. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Gallus, Lindeen, Pattison, and Small-Eastman, excused. Quorum present.

**SPECIAL ORDERS OF THE DAY**

Mr. Angelo Bianco of the Military Order of the Purple Heart presented the Speaker and House members of the 58th Montana Legislature with a plaque for the Distinguished Service Award. This is in honor of HB 250, which recommended a license plate that honored the combat wounded.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/11/2003  
Correctly printed: **HJR 44, SB 155, SB 424, SB 464, SB 487.**  
Correctly engrossed: **SB 474.**  
Examined by the sponsor and found to be correct: **HB 256, HB 289, HB 292, HB 299, HB 315,**  
**HB 480, HB 573, HB 610, HB 618, HB 681, HB 703.**

**TAXATION** (Fuchs, Chairman): 4/12/2003  
**SB 461**, be amended as follows:

1. Title, page 1, line 7 through line 11.  
**Strike:** "PROVIDING" on line 7 through "PROPERTY;" on line 11
2. Title, page 1, line 12.  
**Strike:** "3"  
**Insert:** "3.01"
3. Title, page 1, line 12 through line 15.  
**Strike:** "PROVIDING" on line 12 through "BRACKETS;" on line 15
4. Title, page 1, line 17.  
**Following:** "PROPERTY"  
**Insert:** "AND COMMERCIAL AND INDUSTRIAL PROPERTY"
5. Title, page 1, line 19.  
**Following:** "TAXATION;"  
**Insert:** "PROVIDING FOR AN INTERIM PROPERTY TAX REAPPRAISAL STUDY COMMITTEE AND A  
TAX REFORM STUDY COMMITTEE; PROVIDING AN APPROPRIATION;"  
**Strike:** "5-2-301,"
6. Title, page 1, line 20.  
**Strike:** "7-13-2527,"

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

**Strike:** "15-6-138, 15-6-191,"

**Strike:** "15-7-103,"

**Insert:** "AND"

7. Title, page 1, line 21.

**Strike:** "15-8-111, AND 15-16-102,"

8. Page 2, line 13 through page 6, line 16.

**Strike:** sections 1 and 2 in their entirety

**Renumber:** subsequent sections

9. Page 7, line 22 through page 9, line 24.

**Strike:** sections 3 through 5 in their entirety

**Renumber:** subsequent sections

10. Page 9, line 28.

**Following:** "~~(1)(AA)~~"

**Insert:** "and (1)(aa)"

11. Page 9, line 30.

**Following:** "~~(1)(AA)~~"

**Insert:** "and (1)(aa)"

12. Page 10, line 10.

**Following:** "~~both~~"

**Insert:** "but before deducting depreciation or depletion allowance, or both"

13. Page 10, line 25.

**Strike:** "[SECTION 3], [SECTION 1],"

14. Page 10, line 28.

**Strike:** "3.38%"

**Insert:** "3.40%"

15. Page 11, line 3.

**Strike:** "3%"

**Insert:** "3.01%"

16. Page 13, line 21 through page 17, line 2.

**Strike:** sections 7 through 9 in their entirety

**Renumber:** subsequent sections

17. Page 19, line 22 through line 24.

**Following:** "FOLLOWING" on line 22

**Insert:** "following"

**Strike:** "CLASS" on line 22 through "FOUR" on line 23

**Insert:** "residential"

**Following:** "15-6-134" on line 23

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

**Insert:** "(1)(e) and (1)(f)"

**Strike:** "AND" on line 23 through ";" on line 24

**Insert:** ":",

18. Page 20.

**Following:** line 15

**Insert:** "(i) 31% for tax year 2003;

(ii) 31.4% for tax year 2004;

(iii) 32% for tax year 2005;

(iv) 32.6% for tax year 2006;

(v) 33.2% for tax year 2007;

(vi) 34% for tax year 2008 and succeeding tax years;

(aa) the following percentage of the market value of commercial property as described in 15-6-134(1)(g):

(i) 13% for tax year 2003;

(ii) 13.3% for tax year 2004;

(iii) 13.8% for tax year 2005;

(iv) 14.2% for tax year 2006;

(v) 14.6% for tax year 2007;

(vi) 15% for tax year 2008 and succeeding tax years;"

**Renumber:** subsequent subsections

19. Page 21, line 23.

**Strike:** "(1)(AA)"

**Insert:** "(1)(bb)"

20. Page 24, line 23 through line 25.

**Following:** "FOLLOWING" on line 23

**Insert:** "following"

**Strike:** "CLASS" on line 23 through "FOUR" on line 24

**Insert:** "residential"

**Following:** "15-6-134" on line 24

**Insert:** "(1)(e) and (1)(f)"

**Strike:** "AND" on line 24 through ";" on line 25

**Insert:** ":",

21. Page 25.

**Following:** line 16

**Insert:** "(i) 31% for tax year 2003;

(ii) 31.4% for tax year 2004;

(iii) 32% for tax year 2005;

(iv) 32.6% for tax year 2006;

(v) 33.2% for tax year 2007;

(vi) 34% for tax year 2008 and succeeding tax years;

(aa) the following percentage of the market value of commercial property as described in 15-6-134(1)(g):

(i) 13% for tax year 2003;

(ii) 13.3% for tax year 2004;

(iii) 13.8% for tax year 2005;

(iv) 14.2% for tax year 2006;

(v) 14.6% for tax year 2007;

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

(vi) 15% for tax year 2008 and succeeding tax years;"

**Renumber:** subsequent subsections

22. Page 27, line 7.

**Strike:** "~~(1)(AA)~~"

**Insert:** "(1)(bb)"

23. Page 27, line 21 through page 28, line 13.

**Strike:** section 11 in its entirety

**Renumber:** subsequent sections

24. Page 30, line 25 through page 33, line 14.

**Strike:** sections 13 through 14 in their entirety

**Renumber:** subsequent sections

25. Page 33, line 25.

**Following:** "REAPPRAISAL"

**Insert:** "and tax reform"

**Following:** "STUDY"

**Insert:** "committees"

**Following:** "(1)"

**Insert:** "(a)"

26. Page 33, line 28.

**Strike:** "~~(2)~~"

**Insert:** "(b)"

27. Page 33.

**Following:** line 30

**Insert:** "(2) (a) There is an interim tax reform study committee created to study tax reform that may include revising the existing tax structure and considering alternative forms of taxation. The members must include:

- (i) four senators, two from each political party, appointed by the committee on committees;
- (ii) four representatives, two appointed by the speaker and two appointed by the minority leader; and
- (iii) the following members appointed by the governor:
  - (A) one representative of small business;
  - (B) one representative of large industry;
  - (C) one representative of agriculture; and
  - (D) one representative of labor.

(b) The members of the committee shall select a presiding officer and may appoint other officers as considered necessary.

(c) The committee shall adopt rules of procedure for conducting meetings.

(d) The purpose of the committee is to conduct a comprehensive examination of taxation in Montana. The committee shall:

- (i) develop an inventory of taxes imposed at the state and local level, including but not limited to:
  - (A) the taxation of property;
  - (B) the taxation of income;
  - (C) excise and use taxes; and
  - (D) taxation of natural resource production, including energy production and transmission;
- (ii) provide analyses that evaluate existing taxes in terms of:

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

(A) their adequacy, efficiency, burden or incidence, fairness, ability to be exported, and effect on economic behavior, including their effect on individual and business decisions; and

(B) costs of administration and compliance;

(iii) examine tax expenditures to assess the ongoing merit of each expenditure; and

(iv) examine alternative methods of taxation from existing sources, as well as new sources of revenue, and evaluate the alternative methods and new sources according to the criteria described in subsection (2)(d)(ii).

(e) The committee shall solicit the knowledge and advice of economists, tax policy experts, and representatives of taxpayer groups, local governments, small business organizations, large industry, agriculture, and economic and business development organizations.

(3) The committees created in this section shall coordinate their work and shall report to each other after each meeting. The two committees shall meet together at least once every 6 months.

(4) The committees shall submit written reports to the legislature not later than December 1, 2004, that must include recommendations and proposed legislation, if legislation is considered necessary, to mitigate the effects of cyclical reappraisal and to provide tax reform for Montana."

**Renumber:** subsequent subsection

28. Page 34, line 1.

**Strike:** "COMMITTEE IS"

**Insert:** "committees are"

29. Page 34.

**Following:** line 2

**Insert:** "(6) (a) Nonlegislative members of the tax reform study committee must be reimbursed in accordance with 2-18-501 through 2-18-503 for actual and necessary expenses incurred in attending meetings or conducting committee business.

(b) Legislators serving on the committees must be reimbursed and compensated as provided for in 5-2-302 for actual and necessary expenses incurred in attending meetings or conducting committee business."

**Insert:** "NEW SECTION. Section 6. Appropriation. (1) The committees created in [section 5] may receive gifts, grants, and donations. The money received must be used for fulfilling the duties of the committees, for reimbursing the expenses of committee members, or for providing staff for the committees. The money received must be placed in a special revenue fund account to the credit of the department of revenue.

(2) In addition to any money received pursuant to subsection (1), there is appropriated \$60,000 from the general fund to the committees created in [section 5] for the biennium for the operating expenses and personnel expenses of the committees."

**Renumber:** subsequent sections

30. Page 34, line 4 through line 10.

**Strike:** section 17 in its entirety

**Renumber:** subsequent sections

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

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

**on Senate Bill 57**

Report No. 1, April 11, 2003

Mr. President and Mr. Speaker:

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

We, your Free Conference Committee met and considered **Senate Bill 57** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 57** (reference copy -- salmon) be amended as follows:

1. Page 1, line 27.

**Strike:** "IMPAIRMENT"

**Insert:** "disorder"

2. Page 1, line 28.

**Strike:** "DISORDER OR"

**Insert:** "substantial"

3. Page 1, line 29.

**Strike:** "AFFLICTED"

For the Senate:

Wheat, Chairman  
Keenan  
Mangan

For the House:

B. Thomas, Chairman  
Gallus  
Lange

**MESSAGES FROM THE SENATE**

**House bills** concurred in and returned to the House: 4/11/2003

**HB 9**, introduced by Kasten

**HB 100**, introduced by Jent

**HB 249**, introduced by Barrett

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/11/2003

**HB 5**, introduced by Kasten

**House amendments to Senate bills** concurred in: 4/11/2003

**SB 35**, introduced by Grimes

**SB 95**, introduced by Stonington

**SB 194**, introduced by Tash

**SB 230**, introduced by Cromley

**SB 231**, introduced by Cromley

**SB 232**, introduced by Mahlum

**SB 244**, introduced by Story

**SB 263**, introduced by Grimes

**SB 270**, introduced by Harrington

**SB 275**, introduced by Laible

**SB 282**, introduced by Squires

**SB 288**, introduced by Mangan

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

**SB 321**, introduced by Laible  
**SB 344**, introduced by Laible  
**SB 363**, introduced by McNutt  
**SB 401**, introduced by Wheat  
**SB 423**, introduced by Black  
**SB 441**, introduced by D. Ryan  
**SB 447**, introduced by Grimes

**House amendments to Senate bills not concurred in:**

4/11/2003

**SB 62**, introduced by D. Ryan  
**SB 130**, introduced by McGee  
**SB 252**, introduced by Squires  
**SB 304**, introduced by Johnson  
**SB 330**, introduced by Mangan  
**SB 347**, introduced by Keenan  
**SB 349**, introduced by Anderson  
**SB 360**, introduced by F. Thomas  
**SB 362**, introduced by Grimes  
**SB 375**, introduced by Elliott  
**SB 395**, introduced by Perry

**HB 404** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 404**:

4/11/2003

Senator Grimes, Chair  
Senator Cromley  
Senator Perry

**HB 433** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 433**:

4/11/2003

Senator Grimes, Chair  
Senator McCarthy  
Senator Tash

**HB 304** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 304**:

4/11/2003

Senator Johnson, Chair  
Senator Stapleton  
Senator Tropila

**HB 509** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 509**:

4/11/2003

Senator Johnson, Chair  
Senator McCarthy

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

Senator F. Thomas

**HB 536** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 536**:

4/11/2003

Senator Perry, Chair  
Senator Black  
Senator Mangan

**HB 564** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 564**:

4/11/2003

Senator Mahlum, Chair  
Senator Anderson  
Senator Cocchiarella

**HB 689** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 689**:

4/11/2003

Senator Gebhardt, Chair  
Senator McNutt  
Senator Squires

**HB 720** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 720**:

4/11/2003

Senator Tash, Chair  
Senator Bales  
Senator Nelson

**SB 326** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 326**:

4/11/2003

Senator McGee, Chair  
Senator Grimes  
Senator Wheat

**MESSAGES FROM THE GOVERNOR**

April 11, 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 160** sponsored by Representative Haines, **House Bill 417**



HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

sponsored by Representative Golie et al., **House Bill 445** sponsored by Representative Pattison et al., **House Bill 546** sponsored by Representative Wagman et al., **House Bill 617** sponsored by Representative Mendenhall et al., and **House Bill 678** sponsored by Representative Lindeen on April 11, 2003.

Sincerely,

JUDY MARTZ  
Governor

**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 Ballantyne in the chair.

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

Representative Pattison present at this time.

**HB 190 - Senate Amendments** - Representative Younkin moved Senate amendments to **HB 190** be concurred in. Motion **failed** as follows:

Ayes: Everett, Fuchs, Hawk, Hedges, Maedje, Mendenhall, Pattison, Steinbeisser, Witt.  
Total 9

Noes: 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, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 90

Voted Absentee: Gallus, Lindeen, Small-Eastman, Noes.

Excused: None.  
Total 0

Absent or not voting: Malcolm.  
Total 1

**HB 701 - Senate Amendments** - Representative Newman moved Senate amendments to **HB 701** be concurred in. Motion carried as follows:

Ayes: Andersen, 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,

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

Everett, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, 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, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Fuchs, Jent, Shockley.  
Total 3

Voted Absentee: Gallus, Lindeen, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Ballantyne, Facey, Malcolm.  
Total 3

**HJR 36** - Representative Pattison moved **HJR 36** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, 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, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 84

Noes: Bergren, Bixby, Buzzas, Callahan, Cyr, Erickson, Fritz, Gutsche, Harris, Jayne, Juneau, Kaufmann, Windy Boy.  
Total 13

Voted Absentee: Gallus, Lindeen, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: E. Clark, Gallik, Malcolm.  
Total 3

**HR 4** - Representative Wanzenried moved **HR 4** be adopted.

Representative Wagman moved **HR 4**, second reading copy, be amended as follows:

1. Page 1, line 21.  
**Strike:** "."

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

**Insert:** "; and"

2. Page 1.

**Following:** line 22

**Insert:** "WHEREAS, President George W. Bush, as Commander-in-Chief of the Armed Forces of the United States, is always in our prayers."

Amendment **not** adopted as follows:

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

Total 48

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lehman, Lenhart, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Rome, Ryan, Shockley, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Excused: Gallus, Lindeen, Small-Eastman.

Total 3

Absent or not voting: Malcolm.

Total 1

Motion that **HR 4** be adopted 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, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Sinrud, Wagman.

Total 2

Voted Absentee: Gallus, Lindeen, Small-Eastman, Ayes.

Excused: None.

Total 0

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

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

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 78

Noes: Bergren, Bixby, R. Brown, Callahan, Erickson, Everett, Franklin, Fuchs, Gillan, Gutsche, Harris, Jayne, Juneau, Sinrud, Wagman, Windy Boy.  
Total 16

Excused: Gallus, Lindeen, Small-Eastman.  
Total 3

Absent or not voting: Ballantyne, Malcolm, Musgrove.  
Total 3

**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 89** 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, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, 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, Maedje, 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, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Gallus, Lindeen, Small-Eastman.  
Total 3

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

Absent or not voting: Malcolm.  
Total 1

**SB 243** 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, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, 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, Maedje, 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, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Gallus, Lindeen, Small-Eastman.  
Total 3

Absent or not voting: Malcolm.  
Total 1

**SB 454** concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, Bergren, Lawson, Lewis, B. Olson, Sales, Shockley, Wanzenried.  
Total 8

Excused: Gallus, Lindeen, Small-Eastman.  
Total 3

Absent or not voting: Malcolm.  
Total 1

**SB 458** concurred in as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange,

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrupf, Sinrud, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lawson, Musgrove, Noennig, Parker, Raser, Ryan, Sales, Shockley, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

Excused: Gallus, Lindeen, Small-Eastman.

Total 3

Absent or not voting: Malcolm.

Total 1

**MOTIONS**

Representative R. Brown moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 190**. Motion carried.

The Speaker appointed the following members:

Representative Younkin, Chairman

Representative Hurwitz

Representative Windy Boy

Representative Laszloffy moved to **suspend the rules** for the late drafting, introduction, and transmittal of a bill to correct the language in HB 188. 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, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Schrupf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Lambert, Lewis, Maedje, Ryan, Sales, Witt.

Total 7

Excused: Gallus, Lindeen, Small-Eastman.

Total 3

Absent or not voting: Malcolm, Rome.

Total 2

HOUSE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 12, 2003

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 10:30 a.m., Monday, April 14, 2003. Motion carried.

House adjourned at 9:27 a.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House