

**HOUSE JOURNAL
58TH LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana
April 16, 2003

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 4/16/2003
Correctly engrossed: **HB 775**.
Correctly enrolled: **HB 9, HB 10, HB 12, HB 94, HB 100, HB 159, HB 185, HB 408, HB 441, HB 538, HB 677, HB 701**.
Examined by the sponsor and found to be correct: **HB 7, HB 9, HB 10, HB 12, HB 94, HB 100, HB 159, HB 185, HB 408, HB 441, HB 538, HB 677, HB 701**.
Signed by the Speaker at 1:00 p.m., April 15, 2003: **HB 152, HB 199, HB 249, HB 484, HB 512, HB 517, HB 545, HB 609, HB 631, HB 640, HB 641, HB 648, HB 667, HB 669, HB 676, HB 698, HB 733, HB 734, HB 761**.
Delivered to the Governor for approval at 7:35 a.m., April 16, 2003: **HB 152, HB 199, HB 249, HB 484, HB 512, HB 517, HB 545, HB 609, HB 631, HB 640, HB 641, HB 648, HB 667, HB 669, HB 676, HB 698, HB 733, HB 734, HB 761**.

APPROPRIATIONS (Lewis, Chairman): 4/16/2003
SB 489, be concurred in. Report adopted.

TAXATION (Fuchs, Chairman): 4/16/2003
HB 775, introduced bill, be amended as follows:

1. Page 2, line 15.

Following: "37-54-403."

Insert: "The appraisal must be conducted within 1 year of the reappraisal base year provided for in 15-7-103(5) and must establish a separate market value for each improvement and the land."

And, as amended, do pass. Report adopted.

SB 491, be concurred in and be placed on the consent calendar. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 509**
Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 509** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

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And, recommend that **House Bill 509** (reference copy -- salmon) be amended as follows:

1. Page 15, line 25.

Strike: "90" through "ACT"

Insert: "December 31, 2003"

2. Page 17, line 6.

Strike: "customer choice"

Insert: "transition"

For the House:

A. Olson, Chairman
Matthews
Mendenhall

For the Senate:

Johnson, Chairman
McCarthy
F. Thomas

MESSAGES FROM THE SENATE

Senate joint resolution passed and transmitted to the House for concurrence: 4/15/2003

SJR 32, introduced by Grimes

House amendments to Senate joint resolution concurred in: 4/15/2003

SJR 18, introduced by Harrington

House amendments to Senate bills not concurred in: 4/15/2003

SB 314, introduced by McCarthy

SB 424, introduced by Nelson

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/15/2003

HB 11, introduced by Kasten

HB 42, introduced by Barrett

HB 261, introduced by Haines

HB 363, introduced by R. Brown

HB 559, introduced by Gallus

HB 722, introduced by E. Clark

HB 767, introduced by Brueggeman

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments: 4/15/2003

HJR 2, introduced by Devlin

Conference Committee Report No.1 adopted: 4/15/2003

HB 277, introduced by Lindeen

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Free Conference Committee Report No.1 adopted: 4/15/2003

HB 201, introduced by Jent
HB 259, introduced by Maedje
SB 57, introduced by Keenan

HB 2 - 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 2**:

4/15/2003

Senator Zook, Chair
Senator Keenan
Senator Nelson

HB 190 - 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 190**:

4/15/2003

Senator Cobb, Chair
Senator Sprague
Senator Squires

SB 349 - 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 **SB 349**:

4/15/2003

Senator Andersen, Chair
Senator Cocchiarella
Senator Grimes

SB 375 - 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 375**:

4/15/2003

Senator Stapleton, Chair
Senator Elliott
Senator Perry

Governor's amendments to **House bills** concurred in and returned to the House: 4/15/2003

HB 94, introduced by Lawson
HB 408, introduced by Peterson
HB 441, introduced by Cyr

Governor's amendments to **Senate bill** concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/15/2003

SB 101, introduced by Mahlum

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MESSAGES FROM THE GOVERNOR

April 15, 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 20** sponsored by Representative Golie, **House Bill 40** sponsored by Representative Newman, **House Bill 54** sponsored by Representative Newman, **House Bill 87** sponsored by Representative Jent, **House Bill 123** sponsored by Representative P. Clark, **House Bill 127** sponsored by Representative Fritz, **House Bill 170** sponsored by Representative Parker, **House Bill 171** sponsored by Representative Parker, **House Bill 203** sponsored by Representative A. Olson, **House Bill 303** sponsored by Representative A. Olson et al., **House Bill 384** sponsored by Representative McKenney, **House Bill 388** sponsored by Representative Lake et al., **House Bill 431** sponsored by Representative Lawson, **House Bill 435** sponsored by Representative Sinrud et al., **House Bill 524** sponsored by Representative Mendenhall et al., **House Bill 532** sponsored by Representative Stoker, and **House Bill 602** sponsored by Representative Galvin-Halcro on April 15, 2003.

Sincerely,

JUDY MARTZ
Governor

FIRST READING AND COMMITMENT OF BILLS

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

SJR 32, introduced by Grimes (by request of the Senate Judiciary Standing Committee), referred to Human Services.

THIRD READING OF BILLS

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

HB 5, as amended by the Senate, passed 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, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

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Noes: Balyeat, Dowell, Everett, Harris, Laszloffy, Morgan, Ripley, Sales, Sinrud, Wanzenried.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 112 concurred in as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lawson, Lenhart, Matthews, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Raser, Roberts, Ryan, Schrupf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Weiss, Wilson, Windy Boy, Witt.
Total 62

Noes: Balyeat, Barrett, D. Brown, E. Clark, Everett, Fuchs, Haines, Hawk, Hurwitz, Jackson, Jayne, Jent, Kasten, Lake, Lange, Laszloffy, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Waitschies, Wanzenried, Younkin, Mr. Speaker.
Total 38

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 294 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, 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

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

SB 408 concurred in 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, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

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

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 414 concurred in 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, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Steinbeisser, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, Devlin, Everett, Hawk, Lake, Laslovich, Lenhart, Matthews, Morgan, Sales, Sinrud, Smith, Stoker.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 461 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, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,

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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, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 474 (requiring 2/3 vote) **failed** as follows:

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

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 46

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 478 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, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 96

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Noes: Fisher, Golie, Sales, Shockley.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 480 concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Gibson, Gillan, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lehman, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Roberts, Rome, Ryan, Schrupf, Small-Eastman, Smith, Steinbeisser, Wagman, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 68

Noes: Balyeat, D. Brown, Everett, Fisher, Fuchs, Galvin-Halcro, Golie, Hawk, Jackson, Jayne, Kasten, Lange, Laszloffy, Lawson, Lenhart, Lewis, Maedje, Malcolm, Mendenhall, Morgan, B. Olson, Pattison, Rice, Ripley, Ross, Sales, Shockley, Sinrud, Stoker, Thomas, Waitschies, Wilson.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 484 concurred in as follows:

Ayes: Ballantyne, 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, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ryan, Schrupf, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 78

Noes: Andersen, Balyeat, Barrett, Everett, Fuchs, Hawk, Jackson, Jayne, Kasten, Laszloffy, Lewis, Malcolm, Morgan, Pattison, Ripley, Rome, Ross, Sales, Shockley, Sinrud, Steinbeisser, Stoker.
Total 22

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

SB 487 concurred in as follows:

Ayes: Andersen, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Cyr, Devlin, Everett, Forrester, Fuchs, Gallus, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Ballantyne, Balyeat, Becker, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Musgrove, Parker, Raser, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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

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

HJR 38 - Representative Erickson moved **HJR 38** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. 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, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Rome, Ross, Ryan, Schruppf, Sinrud, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 81

Noes: Balyeat, R. Brown, Everett, Fuchs, Hawk, Jackson, Jayne, Lange, Mendenhall, Morgan, Ripley, Roberts, Sales, Shockley, Steinbeisser, Stoker, Wagman, Weiss.

Total 18

Excused: None.

Total 0

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Absent or not voting: Golie.
Total 1

SB 470 - Representative Peterson moved **SB 470** be concurred in.

Representative Erickson moved **SB 470**, second reading copy, be amended as follows:

1. Page 53, line 8.

Strike: "2%"

Insert: "1%"

Amendment **not** adopted as follows:

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

Total 45

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

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Laszloffy moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, 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, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, Becker, Bixby, R. Brown, Cohenour, Gallik, Jayne, Juneau, Sales, Steinbeisser.

Total 10

Excused: None.

Total 0

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Absent or not voting: P. Clark, Dowell, Newman.
Total 3

Motion that **SB 470** be concurred in **failed** as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Fisher, Forrester, Fuchs, Haines, Hedges, Hurwitz, Jackson, Lake, Lambert, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrupf, Small-Eastman, Steinbeisser, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 45

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lange, Laslovich, Laszloffy, Malcolm, Musgrove, Newman, Parker, Pattison, Raser, Ryan, Sales, Shockley, Sinrud, Smith, Stoker, Wanzenried, Weiss, Wilson, Windy Boy.
Total 55

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 464 - Representative Brueggeman moved **SB 464** be concurred in.

Representative Brueggeman moved **SB 464**, second reading copy, be amended as follows:

1. Title, line 5 through line 6.
Following: "FEES;" on line 5
Strike: remainder of line 5 through "ESTABLISHMENTS;" on line 6

2. Title, line 8 through line 9.
Following: "SANITARIAN;" on line 8
Strike: remainder of line 8 through "FOOD;" on line 9

3. Title, line 11.
Strike: "50-50-201,"

4. Page 4, line 2 through line 4.
Strike: subsection (18) in its entirety
Renumber: subsequent subsection

5. Page 4, line 26 through page 5, line 3.
Strike: section 3 in its entirety
Renumber: subsequent sections

6. Page 5, line 12 through line 13.
Following: "YEAR" on line 12

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

7. Page 5, line 29 through line 30.

Strike: "Except" on line 29 through "for" on line 30

Insert: "For"

8. Page 6, line 8 through line 9.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

9. Page 6, line 11.

Strike: "subsections"

Insert: "subsection"

Strike: "through (3)"

10. Page 6, line 13.

Strike: "through (3)"

Insert: "and (2)"

11. Page 6, line 18 through line 19.

Strike: "Except" on line 18 through "for" on line 19

Insert: "For"

12. Page 6, line 27 through line 28.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

13. Page 6, line 30.

Strike: "subsections"

Insert: "subsection"

Strike: "through (3)"

14. Page 7, line 2.

Strike: "through (3)"

Insert: "and (2)"

15. Page 7, line 15.

Strike: "5, 7, AND 9"

Insert: "4, 6, and 8"

16. Page 7, line 17.

Strike: "6"

Insert: "5"

17. Page 7, line 19.

Strike: "5"

Insert: "4"

Amendment adopted as follows:

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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, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Younkin, Mr. Speaker.

Total 96

Noes: Windy Boy.

Total 1

Excused: None.

Total 0

Absent or not voting: Juneau, Peterson, Witt.

Total 3

Representative Morgan moved **SB 464**, second reading copy, be further amended as follows:

1. Page 5, line 29.

Following: "(1)"

Insert: "(a)"

2. Page 5, line 30.

Strike: "FOR"

Insert: "Except as provided in subsection (1)(b), for"

3. Page 6, following line 3.

Insert: "(b) For each license issued to an establishment that does not have more than two employees working at any one time, the department shall collect a fee of \$60, which must be deposited in accordance with the percentages provided in subsection (1)(a)."

4. Page 6, line 18.

Following: "(1)"

Insert: "(a)"

5. Page 6, line 19.

Strike: "FOR"

Insert: "Except as provided in subsection (1)(b) for"

6. Page 6, following line 22.

Insert: "(b) For each license issued to an establishment that does not have more than two employees working at any one time, the department shall collect a fee of \$60, which must be deposited in accordance with the percentages provided in subsection (1)(a)."

Amendment adopted as follows:

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Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.
Total 84

Noes: Ballantyne, Bergren, Callahan, Cohenour, Cyr, Gallik, Galvin-Halcro, Jayne, Keane, Lenhart, Musgrove, Parker, Ripley, Smith, Weiss, Windy Boy.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion that **SB 464**, as amended, be concurred in carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.
Total 87

Noes: R. Brown, Hawk, Jayne, Kasten, Lambert, Rice, Ryan, Wagman, Windy Boy.
Total 9

Excused: None.
Total 0

Absent or not voting: Buzzas, Franklin, Gallik, Gallus.
Total 4

HB 3 - Senate Amendments - Representative Brueggeman moved Senate amendments to **HB 3** be concurred in. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, Devlin, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

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Total 73

Noes: Ballantyne, Balyeat, Bergren, Bixby, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Erickson, Gallik, Galvin-Halcro, Gutsche, Jayne, Keane, Laslovich, Musgrove, Newman, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 26

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

HB 4 - Senate Amendments - Representative Brueggeman moved Senate amendments to **HB 4** 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, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Dowell, Everett, Gallik, Hawk, Kasten, Mendenhall, Musgrove, Sales, Sinrud, Weiss.

Total 11

Excused: None.

Total 0

Absent or not voting: Peterson.

Total 1

HB 13 - Senate Amendments - Representative Lewis moved Senate amendments to **HB 13** be concurred in.

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

Total 88

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Noes: Balyeat, Buzzas, Cohenour, Dowell, Franklin, Gallik, Gutsche, Jacobson, Juneau, Parker, Wilson.
Total 11

Excused: None.
Total 0

Absent or not voting: Stoker.
Total 1

Motion that Senate Amendments to **HB 13** be concurred in **failed** as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Laszloffy, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Noennig, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Weiss, Witt, Mr. Speaker.
Total 48

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Matthews, Newman, A. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wagman, Wanzenried, Wilson, Windy Boy, Younkin.
Total 52

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 18 - Senate Amendments - Representative Shockley moved Senate amendments to **HB 18** 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, 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, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 96

Noes: Franklin, Keane, Laslovich, Newman.
Total 4

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 559 - Senate Amendments - Representative Gallus moved Senate amendments to **HB 559** be concurred in. Motion **failed** as follows:

Ayes: Balyeat, Bixby, D. Brown, R. Brown, Brueggeman, Buzzas, P. Clark, Dowell, Gallus, Galvin-Halcro, Jackson, Jacobson, Juneau, Kasten, Keane, Lake, Lenhart, Lindeen, Malcolm, Matthews, Morgan, Newman, Noennig, A. Olson, Pattison, Rome, Ryan, Smith, Wanzenried, Younkin, Mr. Speaker.
Total 31

Noes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jayne, Jent, Kaufmann, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, McKenney, Mendenhall, Musgrove, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt.
Total 69

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Fuchs, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin.
Total 78

Noes: Buzzas, Cohenour, Dowell, Fritz, Gallik, Galvin-Halcro, Juneau, Maedje, Smith, Wanzenried.
Total 10

Excused: None.
Total 0

Absent or not voting: Andersen, Cyr, Erickson, Franklin, Gallus, Gillan, Jent, Lambert, Lehman, Rice, Small-Eastman, Mr. Speaker.
Total 12

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REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (McKenney, Chairman):
SB 415, be amended as follows:

4/16/2003

1. Title, line 7.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 1, line 16.

Strike: "18"

Insert: "9"

Strike: "6,000"

Insert: "2,500"

3. Page 1, line 18.

Strike: "1 MILE"

Insert: "5 miles"

Strike: "and"

4. Page 1, line 20.

Strike: "OR"

Insert: "and"

(iv) the applicant shall pay an initial application fee of \$20,000; or"

5. Page 1, line 24.

Strike: "3"

Insert: "5"

6. Page 2, following line 16.

Insert: "NEW SECTION. **Section 3. Applicability.** [This act] applies to license applications filed on or after [the effective date of this act]."

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

SB 485, be concurred in. Report adopted.

MOTIONS

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **HB 13**. Motion carried.

The Speaker appointed the following members:

Representative A. Olson, Chair
Representative Barrett
Representative Kaufmann

Representative R. Brown moved the Speaker be authorized to dissolve the conference committee and appoint a Free

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Conference Committee to meet with a like committee from the Senate to confer on **SB 375**. Motion carried.

The Speaker appointed the following members:

Representative Barrett, Chair
Representative Brueggeman
Representative Harris

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 559**. Motion carried.

The Speaker appointed the following members:

Representative Gallus, Chair
Representative Waitchies
Representative Andersen

Representative Shockley moved the Speaker be authorized to dissolve the conference committee and appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **SB 356**. Motion carried.

The Speaker appointed the following members:

Representative Shockley, Chair
Representative Sales
Representative Parker

Representative R. Brown moved the Speaker be authorized to appoint a Free Conference Committee to meet with a like committee from the Senate to confer on **SB 336**. Motion carried.

The Speaker appointed the following members:

Representative Brueggeman, Chair
Representative Lange
Representative Golie

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 190**
Report No. 1, April 16, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 190** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 190** (reference copy -- salmon) be accepted by the House.

For the House:

For the Senate:

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Younkin, Chairman
Hurwitz

Cobb, Chairman
Sprague

FREE CONFERENCE COMMITTEE
on **Senate Bill 130**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 130** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 130** (reference copy -- salmon) be amended as follows:

1. Title, line 16.

Following: "PERCENT"

Strike: "ALL"

Insert: "10 PERCENT OF THE GROSS REVENUE RECEIVED AS A RESULT OF THE AGREEMENT BE DEPOSITED IN THE STATE LANDS RECREATIONAL USE ACCOUNT AND 90 PERCENT"

2. Page 3, line 14.

Following: "~~90%~~"

Strike: "ALL" through "AGREEMENT"

Insert: "Ten percent of the gross receipts from the agreement must be deposited in the state lands recreational use account established in 77-1-808. The remaining 90%"

3. Page 3, line 16 through line 18.

Following: "trusts"

Strike: ", IN ACCORDANCE" on line 16 through "TRUSTS" on line 18

4. Page 8, line 28.

Strike: "AND"

5. Page 9.

Following: line 1

Insert: "(b) 10% of the revenue received as a result of an agreement with the department of fish, wildlife, and parks for the use and impacts of hunting, fishing, and trapping as provided in [section 1]; and"

Renumber: subsequent subsection

6. Page 12, line 14.

Strike: "50-CENT"

7. Page 12, line 16.

Strike: "50-CENTS"

Insert: "the amount of that surcharge"

For the Senate:

McGee, Chairman

For the House:

Peterson, Chairman

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Barkus
Cooney

Lawson
Matthews

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 304**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered **Senate Bill 304** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 304** (reference copy -- salmon) be amended as follows:

1. Title, line 8 through line 9.

Strike: "REQUIRING" on line 8 through "COMMITTEE:" on line 9

2. Page 2, line 3.

Strike: "DEPARTMENT OF LABOR AND INDUSTRY"

Insert: "state fund"

For the Senate:

Johnson, Chairman
Anderson

For the House:

Lewis, Chairman
Morgan
Wilson

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 330**
Report No. 1, April 15, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 330** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 330** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

Strike: "PRODUCTIVITY" through "OUTCOMES"

Insert: "BENEFITS"

2. Page 1, line 26 through line 27.

Strike: "ECONOMIC" on line 26 through "OUTCOMES" on line 27

Insert: "statewide economic benefits"

For the Senate:

Stapleton, Chairman

For the House:

Bitney, Chairman

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Johnson
Mangan

Fuchs
B. Ryan

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 347**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 347** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 347** (reference copy -- salmon) be amended as follows:

1. Page 1, line 29 through line 30.

Following: "THAT"

Strike: ";" on line 29 through "(A)" on line 30

2. Page 2, line 1 through line 10.

Following: "AUTHORITIES" on line 1

Strike: ";" on line 1 through "ILLNESSES" on line 10

3. Page 5, line 23.

Following: "PLAN"

Insert: ", subject to approval of the federal waivers as provided for in [section 15]"

4. Page 7, line 26.

Following: "AUTHORITIES"

Insert: ". If the provisions of the plan requiring federal approval, as provided in [section 15], are approved, the department shall implement the plan"

Following: "2004"

Insert: ", or upon approval of the federal waivers"

5. Page 8, line 2 through line 3.

Following: "DESIGNATION" on line 2

Strike: "BY" on line 2 through "STATE" on line 3

6. Page 16, line 20.

Following: "SECTION 15."

Strike: "LEGISLATIVE"

Insert: "Agreements with federal government pertaining to medicaid funding of services -- legislative"

Following: "INTENT."

Insert: "(1) The department of public health and human services is directed to pursue agreements with the United States department of health and human services, as provided for in Title XIX of the federal Social Security Act, 42 U.S.C. 1396, et seq., and implementing regulations, for the provision of increased medicaid funding for mental health services and for more flexible administration of mental health services funded with medicaid money. Agreements may be for waivers, demonstrations, or other programs as allowed for in Title XIX and its implementing regulations governing the provision of medicaid funding to the states.

(2)"

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For the Senate:

Esp, Chairman
Keenan
Stonington

For the House:

E. Clark, Chairman
Franklin
Gallus

FREE CONFERENCE COMMITTEE
on **Senate Bill 375**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 375** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 375** (reference copy -- salmon) be amended as follows:

1. Page 1, line 9.

Strike: "Waste tire bales"

Insert: "Baled waste tires"

Following: "exception"

Insert: " -- department rules"

2. Page 1, line 13.

Following: "PURPOSE"

Insert: "within 500 feet of any road, commercial business, or private residence without the consent of the owner of the business or residence"

3. Page 1, line 14.

Following: "IN"

Strike: "CONCRETE OR A SIMILAR"

Insert: "a"

4. Page 1, line 15.

Following: "DEVICES."

Insert: "Notwithstanding any other provision of law, the department shall adopt rules authorizing other aboveground uses for baled waste tires, whether or not they are defined as solid waste."

5. Page 1, line 16.

Following: "(2)"

Strike: "Waste tire bales"

Insert: "Baled waste tires"

6. Page 1, line 19.

Following: "CIRCUMSTANCES"

Insert: "or in a location where they are likely to enter any state waters.

(3) A bale of waste tires that loses its integrity is solid waste and is subject to disposal requirements and penalties as provided in this part"

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For the Senate:

Stapleton, Chairman
Elliott
Perry

For the House:

Barrett, Chairman
Brueggeman
Harris

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 395**
Report No. 1, April 16, 2003

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 395** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 395** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

Strike: "BY RESIDENTS"

2. Page 1, line 29.

Strike: "TO RESIDENTS"

3. Page 5, line 22.

Following: "\$1,000"

Strike: "\$200"

Insert: "\$75; nonresident, \$750"

4. Page 6, line 8.

Following: "\$1,000"

Strike: "\$200"

Insert: "\$75; nonresident, \$750"

For the Senate:

Perry, Chairman
Barkus
Shea

For the House:

Balyeat, Chairman
Golie
Wagman

SPECIAL ORDERS OF THE DAY

April 16, 2003

To: Representatives Wanzenried, Lindeen, Dowell and Juneau

I have reviewed Chapter 13 of *Mason's Manual of Legislative Procedure*. Chapter 13 contains Section 126 (2) that is referenced in your letter of April 15th. The Chapter deals with the conduct of members during debate and specifically references "disorderly words" as well as general rules of members' conduct during debate.

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Section 126 (2) reads as follows:

"Complaint of the conduct of the presiding officer should be presented directly for action by the house, in which case the presiding officer should vacate the chair and call a member to preside until the matter is settled."

Section 126 (2) specifically provides a remedy for replacing a presiding officer in the event that the presiding officer has used "improper conduct" or disorderly words. That remedy is that the presiding officer be replaced by another member.

Your letter of April 15 specifically suggests that Rep. Younkin has committed a violation of "conduct unbecoming a presiding officer," and "ethical misconduct."

I have reviewed MCA 2-2-101 thru 2-2-135. These are the sections of Code that delineate the Code of Ethics for legislators and other officers and employees of state government. I can find nothing in these statutes that would lead me to the conclusion that Rep. Younkin, by her action on April 14, has violated any ethical standards.

As to the assertion that Rep. Younkin engaged in "conduct unbecoming a presiding officer," I would point out the following:

1. The Senate has a board which includes a running, real time tally of the vote.
2. It could be argued that Article II, Section 9 of the Montana Constitution gives everyone the right to know, in real time, what the vote is on second and third reading in the House.
3. When the House did third reading on SB 195, I held the board open and announced several times how many votes were needed to pass the bill. There were no resulting accusations of unethical conduct, or conduct unbecoming a presiding officer. I, therefore, have to conclude that in your complaint of April 15, the real complaint is not with the conduct, but with the result.

Lastly, you state that "well-established standards of the House hold that the role of the Chair of the Committee of the Whole should be at all times fair and impartial." While I agree with the assertion that the Chair of the Day should be fair, if we were to expect the Chair to be impartial, we would not allow that person to come from the members or vote.

As of the writing of this letter, I do not intend to request a meeting of the House Rules Committee. However, if you can show me the rule you believe has been violated, I would be glad to see that that happens.

Sincerely,

Doug Mood
Speaker of the House

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 10:00 a.m., Thursday, April 17, 2003. Motion carried.

House adjourned at 4:20 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House