

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

Helena, Montana  
April 17, 2003

House Chambers  
State Capitol

House convened at 10:03 a.m. Mr. Speaker in the Chair. Invocation sung by the Capitol Harmony Choir and directed by Jean Stoker. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/17/2003  
Correctly printed: **SB 485, SB 489, SB 491.**  
Correctly engrossed: **HJR 45, SB 415, SB 490.**  
Correctly enrolled: **HB 5.**  
Examined by the sponsor and found to be correct: **HB 5.**  
Signed by the Speaker at 2:08 p.m., April 16, 2003: **HB 7, HB 9, HB 10, HB 12, HB 100, HB 159, HB 185, HB 538, HB 677, HB 701.**  
Signed by the Speaker at 3:40 p.m., April 16, 2003: **HB 94, HB 408, HB 441.**  
Signed by the Speaker at 8:35 a.m., April 17, 2003: **HB 5.**  
Delivered to the Governor for approval at 7:35 a.m., April 17, 2003: **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.**  
Delivered to the Governor for approval at 10:15 a.m., April 17, 2003: **HB 5.**

**JUDICIARY** (Shockley, Chairman): 4/17/2003  
**SB 490**, be amended as follows:

1. Page 8, line 7.  
**Strike:** "50%"  
**Insert:** "25%"

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

**SJR 31**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman): 4/17/2003  
**HJR 45**, introduced joint resolution, be amended as follows:

1. Page 1, line 25.  
**Strike:** ", Gail Norton,"
2. Page 2, line 7.  
**Following:** "100-year-old"  
**Strike:** "federal"  
**Following:** "error"  
**Insert:** "by the federal government"
3. Page 2, line 15.  
**Following:** "that"

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

**Insert:** "no member of"

4. Page 2, line 16.

**Following:** "has"

**Strike:** "not"

5. Page 2, line 22 through line 24.

**Following:** "Delegation" on line 22

**Strike:** ", consisting" on line 22 through "legislation"" on line 24

**Insert:** "be hereby urged to promptly enact federal legislation"

And, as amended, be adopted. Report adopted.

**TAXATION** (Fuchs, Chairman):

4/17/2003

**SJR 29**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence:

4/16/2003

**SB 492**, introduced by Johnson

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

4/16/2003

**SB 336**, introduced by Mahlum

**SB 407**, introduced by DePratu

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/16/2003

**HB 206**, introduced by Younkin

**HB 727**, introduced by E. Clark

**HB 736**, introduced by R. Brown

**SB 336** - 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 336**:

4/16/2003

Senator Mahlum, Chair

Senator Shea

Senator Sprague

**SB 407** - 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 407**:

4/16/2003

Senator DePratu, Chair

Senator Ellingson

Senator Glaser

**SB 362** - The Senate acceded to the request of the House, dissolved the Conference Committee on Senate amendments to **SB 362**, and authorized the President to appoint the following **Free** Conference Committee to confer on **SB 362**:

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

4/16/2003  
Senator Grimes, Chair  
Senator Mangan  
Senator Perry

Conference Committee Report No.1 adopted: 4/16/2003

**HB 680**, introduced by Noennig

Free Conference Committee Report No.1 adopted: 4/16/2003

**HB 197**, introduced by Becker  
**HB 298**, introduced by Younkin  
**HB 536**, introduced by Brueggeman  
**HB 564**, introduced by Lindeen  
**HB 689**, introduced by A. Olson  
**SB 126**, introduced by Story  
**SB 326**, introduced by McGee

**MESSAGES FROM THE GOVERNOR**

April 16, 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 17** sponsored by Representative Newman, **House Bill 76** sponsored by Representative McKenney, **House Bill 105** sponsored by Representative B. Olson, **House Bill 134** sponsored by Representative Weiss, **House Bill 210** sponsored by Representative Shockley, **House Bill 224** sponsored by Representative Shockley, **House Bill 237** sponsored by Representative Brueggeman et al., **House Bill 437** sponsored by Representative A. Olson et al., **House Bill 451** sponsored by Representative E. Clark, **House Bill 453** sponsored by Representative Raser, and **House Bill 527** sponsored by Representative Mendenhall on April 16, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 16, 2003

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Keenan and Speaker Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 325, "**AN ACT REVISING THE RESTRICTIONS ON SUBDIVISION ACTIVITIES UNDER THE SANITATION IN SUBDIVISIONS LAWS; AMENDING SECTION 76-4-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

Section 76-4-121, MCA, of the Sanitation in Subdivisions Act provides that a person may sell, build on, or occupy any lot in a subdivision only if the county clerk and recorder has recorded the plat or survey of the subdivision. Section 76-4-122 provides the clerk and recorder cannot record the plat or survey unless one of three prerequisites has been met. Before filing, the clerk must determine either that (1) the local health officer and the reviewing authority under the Sanitation in Subdivisions Act has approved the subdivision, (2) the local governing body has certified that the subdivision is within a jurisdiction that has adopted a growth policy and the subdivision will be provided with adequate municipal facilities and adequate storm drainage, or (3) the plat contains a certification that it is exempt from review under the Sanitation in Subdivisions Act.

As passed, Senate Bill No. 325 amends section 76-4-121 by replacing the requirement that the clerk and recorder must have recorded the plat or survey with a requirement that either: (1) the reviewing authority under the Sanitation in Subdivisions Act must have approved the subdivision, or (2) the local governing body must have certified that the subdivision is within a jurisdiction that has adopted a growth policy and the subdivision will be provided with adequate municipal facilities and adequate storm drainage. Unfortunately, the bill does not allow the person to sell, build on, or occupy a lot in the situation in which the subdivision is exempt from review under the Act.

The amendments I am proposing would correct this oversight by amending 76-4-121 to provide that the prohibition in the Sanitation in Subdivisions Act on sale, construction, and occupation of lots does not apply if the subdivision is exempt from review under that act. Please be advised that Senator McGee, the sponsor of the bill, has been informed of my recommendation and has no objections.

I urge your concurrence in the amendments.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 325

1. Page 1, line 19.

**Strike:** "or"

2. Page 1, line 23.

**Following:** "drainage"

**Insert:** "; or

(3) the subdivision is otherwise exempt from review under 76-4-125"

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 492**, introduced by Johnson (by request of the Senate Finance Standing Committee), referred to Appropriations.

**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 Laslovich in the chair.

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

**SB 384** - Representative Parker moved **SB 384** 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, 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, 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.  
Total 97

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Bookout-Reinicke, Lehman, Mr. Speaker.  
Total 3

**HB 744 - Senate Amendments** - Representative E. Clark moved Senate amendments to **HB 744** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, 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, 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 92

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

Noes: Dickenson, Gallik, Golie, Wanzenried.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Balyeat, Branae, Gillan, Laszloffy.  
Total 4

**HB 748 - Senate Amendments** - Representative Devlin moved Senate amendments to **HB 748** 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, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, 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, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Golie, Juneau.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Gillan, Keane, Sinrud.  
Total 3

**HB 452 - Senate Amendments** - Representative Raser moved Senate amendments to **HB 452** 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, 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

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

Absent or not voting: None.  
Total 0

**HB 558 - Senate Amendments** - Representative D. Brown moved Senate amendments to **HB 558** be **not** concurred in. Motion carried as follows:

Ayes: Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cyr, Devlin, Erickson, Everett, Facey, Fisher, Franklin, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Hawk, Hurwitz, Jackson, Jacobson, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 64

Noes: Andersen, Balyeat, Bergren, Bixby, Branae, Buzzas, Callahan, Cohenour, Dickenson, Dowell, Forrester, Fritz, Gibson, Gillan, Gutsche, Harris, Hedges, Jayne, Jent, Juneau, Kasten, Laslovich, Lindeen, Matthews, Morgan, A. Olson, Pattison, Raser, Rice, Sales, Shockley, Sinrud, Smith, Wanzenried, Weiss.  
Total 35

Excused: None.  
Total 0

Absent or not voting: Fuchs.  
Total 1

**HB 693 - Governor's Amendments** - Representative Sinrud moved Governor's amendments to **HB 693** 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, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, 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, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Balyeat, Hurwitz, Jayne, Shockley.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 721 - Senate Amendments** - Representative Erickson moved Senate amendments to **HB 721** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

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, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, 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, Ryan, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Hawk, Kasten, Laszloffy, Rice, Sales, Shockley, Wagman.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 399** - Representative R. Brown moved **SB 399** 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, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, 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, 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, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 95

Noes: Dickenson, Galvin-Halcro, Golie, Malcolm, Newman.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 446** - Representative Brueggeman moved **SB 446** 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, 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, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas,



HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Newman, Wanzenried.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Jent, Sales.  
Total 2

**HJR 35** - Representative Bixby moved **HJR 35** be adopted. 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, 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, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Everett, Lake, Mendenhall, Wagman, Waitschies.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 37** - Representative Noennig moved **HJR 37** be adopted. 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, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, 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, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Balyeat, P. Clark, Jayne, Newman, Sales, Waitschies.  
Total 6

Excused: None.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

Total 0

Absent or not voting: Gillan, Schrumpf.

Total 2

**HJR 40** - Representative Younkin moved **HJR 40** be adopted. 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, 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, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: Waitschies.

Total 1

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**HJR 41** - Representative Lindeen moved **HJR 41** be adopted. 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, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Waitschies.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 42** - Representative Lindeen moved **HJR 42** be adopted. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 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, 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, 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, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Everett, Hawk, Steinbeisser, Waitschies.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 43** - Representative Windy Boy moved **HJR 43** be adopted. 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, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Everett, Hawk, Lake, Malcolm, Mendenhall, Morgan, Steinbeisser, Waitschies.

Total 8

Excused: None.

Total 0

Absent or not voting: Gallik, Juneau, Lewis.

Total 3

**HJR 44** - Representative Fritz moved **HJR 44** be adopted.

Representative Fritz moved **HJR 44**, second reading copy, be amended as follows:

1. Page 2, line 9.

**Strike:** "actuarial"

**Insert:** "consulting"

Amendment adopted as follows:

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

Ayes: Andersen, Ballantyne, Balyeat, 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, 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, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Buzzas, Lambert, Lange, B. Olson, Ripley.

Total 5

Excused: None.

Total 0

Absent or not voting: Wilson.

Total 1

Motion that **HJR 44**, as amended, be adopted 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, Forrester, Franklin, Fritz, Fuchs, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Lake, Laslovich, Laszloffy, Lehman, Lenhart, Lindeen, Maedje, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Schrupf, Shockley, Sinrud, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Balyeat, Everett, Fisher, Kasten, Lambert, Lange, Lawson, Lewis, Malcolm, McKenney, B. Olson, Rome, Sales, Steinbeisser, Waitschies.

Total 15

Excused: None.

Total 0

Absent or not voting: Gallus, Kaufmann, Small-Eastman.

Total 3

**SJR 13** - Representative Dowell moved **SJR 13** be concurred in. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Ryan, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 58

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Everett, Fisher, Fuchs, Gillan, Hawk, Hedges, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Maedje, Malcolm, Mendenhall, Morgan, B. Olson, Pattison, Rice, Ripley, Rome, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Fritz.

Total 2

**SJR 17** - Representative Bitney moved **SJR 17** 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, Golie, Gutsche, 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, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 89

Noes: Balyeat, Everett, Gillan, Haines, Jayne, Sales, Thomas, Waitschies.

Total 8

Excused: None.

Total 0

Absent or not voting: Noennig, Ripley, Sinrud.

Total 3

**SB 473** - Representative Roberts moved **SB 473** be concurred in.

**SB 473** - Representative Lake moved **SB 473**, second reading copy, be amended as follows:

1. Page 2, line 7 through line 8.

**Strike:** "BY" on line 7 through "UPON" on line 8

**Insert:** "Upon"

Amendment **not** adopted as follows:

Ayes: Andersen, Balyeat, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hawk, Hedges, Kasten, Lake, Laszloffy, Lewis, Malcolm, Mendenhall, Morgan, A. Olson, Pattison, Rice, Rome, Ross, Sales, Schrupf, Sinrud, Steinbeisser, Waitschies, Witt, Younkin, Mr. Speaker.

Total 32

Noes: Ballantyne, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Callahan, Carney, P. Clark, Cohenour, Cyr,

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ryan, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy.

Total 67

Excused: None.

Total 0

Absent or not voting: Buzzas.

Total 1

Motion that **SB 473** be concurred in 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, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, 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, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, Everett, Fuchs, Hawk, Kasten, Lake, Laszloffy, Malcolm, Sales.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 45** - Representative Small-Eastman moved **HJR 45** be adopted. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, R. Brown, 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, Juneau, Keane, Laslovich, Lenhart, Lewis, Lindeen, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Schruppf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

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

Total 50

Excused: None.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

Total 0

Absent or not voting: Buzzas, Kaufmann.

Total 2

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

Representative Small-Eastman made a **substitute motion** that **HJR 45** be segregated from the Committee of the Whole report and the remainder of the report be adopted.

Report adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lenhart, Lewis, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Raser, Ripley, Roberts, Rome, Ryan, Schrupf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.

Total 60

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

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**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 3, as amended by the Senate**, passed as follows:

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

Total 78

Noes: Ballantyne, Bixby, Callahan, Cohenour, Cyr, Dowell, Erickson, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche,

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

Harris, Jayne, Keane, Laslovich, Musgrove, Raser, Ryan, Sales, Smith, Wanzenried.  
Total 22

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 4, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Balyeat, Bergren, Bixby, Callahan, Dowell, Everett, Gallik, Gibson, Hawk, Kasten, Laszloffy, Mendenhall, Musgrove, Raser, Sales, Sinrud, Wanzenried, Weiss.  
Total 18

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 18, as amended by the Senate**, passed as follows:

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

Noes: Balyeat, Bergren, D. Brown, Dowell, Golie, Jayne, Juneau, Laszloffy, Lindeen, Maedje, Morgan, Sinrud, Wanzenried.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.



HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

Total 0

**HJR 38** adopted as follows:

Ayes: Andersen, Ballantyne, 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, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Roberts, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 77

Noes: Balyeat, Barrett, R. Brown, Everett, Hawk, Jackson, Jayne, Lake, Lange, Laszloffy, Malcolm, Mendenhall, Morgan, B. Olson, Rice, Ripley, Rome, Sales, Sinrud, Steinbeisser, Wagman, Waitschies, Younkin.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 464** concurred in 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, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, R. Brown, Hawk, Kasten, Laszloffy, Lawson, Maedje, Mendenhall, Rice, Ryan, Schrupf, Wagman.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**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 558**. Motion carried.

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

The Speaker appointed the following members:

Representative D. Brown, Chair  
Representative Maedje  
Representative Keane

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 720**  
Report No. 1, April 17, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 720** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 720** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

**Following:** "PERMIT"

**Strike:** "IS"

**Insert:** "AND AN OBJECTION TO AN APPLICATION FOR A WATER USE PERMIT ARE"

2. Title, line 13.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "~~85-2-308~~"

**Insert:** "AND 85-2-308"

3. Page 3, line 10.

**Insert:** "**Section 2.** Section 85-2-308, MCA, is amended to read:

**"85-2-308. Objections.** (1) (a) An objection to an application for a permit must be filed by the date specified by the department under 85-2-307(2).

(b) The objection to an application for a permit must state the name and address of the objector and facts indicating that one or more of the criteria in 85-2-311 are not met.

(2) For an application for a change in appropriation rights, the objection must state the name and address of the objector and facts indicating that one or more of the criteria in 85-2-402 are not met.

(3) A person has standing to file an objection under this section if the property, water rights, or interests of the objector would be adversely affected by the proposed appropriation.

(4) For an application for a reservation of water, the objection must state the name and address of the objector and facts indicating that one or more of the criteria in 85-2-316 are not met.

(5) An objector to an application under this chapter shall file a correct and complete objection on a form prescribed by the department within the time period stated on the public notice associated with the application. In order to assist both applicants and objectors, the department shall adopt rules in accordance with this chapter delineating the components of a correct and complete objection. For instream flow water rights for fish, wildlife, and recreation, the rules must require the objector to describe the reach or portion of the reach of the stream or river subject to the instream flow water right and the beneficial use that is adversely affected and to identify the point or points where the instream flow water right is measured and monitored. The department shall notify the objector of

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

any defects in an objection. An objection not corrected or completed within 15 days from the date of notification of the defects is terminated.

(6) An objection is valid if the objector has standing pursuant to subsection (3), has filed a correct and complete objection within the prescribed time period, and has stated the applicable information required under subsection (1), (2), or (4) this section and rules of the department.""

**Renumber:** subsequent section

For the House:

Hurwitz, Chairman  
Jent  
Younkin

For the Senate:

Tash, Chairman  
Bales  
Nelson

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 360**  
Report No. 2, April 17, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 360** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 360** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

**Following:** "STATE FUND"

**Insert:** "FOR CLAIMS FOR INJURIES OCCURRING ON OR AFTER JULY 1, 1990,"

2. Title, page 1, line 9.

**Strike:** "A DELAYED"

**Insert:** "AN IMMEDIATE"

3. Page 3, line 1.

**Following:** the second "fund"

**Insert:** "for claims for injuries occurring on or after July 1, 1990,"

4. Page 3, line 26 through line 27.

**Strike:** "JULY" on line 26 through "2005" on line 27

**Insert:** "on passage and approval"

For the Senate:

F. Thomas, Chairman  
Cocchiarella  
Johnson

For the House:

McKenney, Chairman  
Fisher  
Wilson

**SPECIAL ORDERS OF THE DAY**

Mr. Speaker and Representative Jacobson led the House in singing Happy Birthday to Representatives Erickson and

HOUSE JOURNAL  
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 17, 2003

McKenney.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Tuesday, April 22, 2003. Motion carried.

House adjourned at 12:24 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House