

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

Helena, Montana  
April 25, 2003

House Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventy-ninth, eightieth, eighty-first, eighty-second, and eighty-third legislative days, find the same to be correct.  
Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/25/2003  
Correctly printed: **HB 483, HB 493.**  
Correctly enrolled: **HB 42, HB 56, HB 90, HB 190, HB 197, HB 201, HB 206, HB 211, HB 259, HB 261, HB 277, HB 283, HB 298, HB 403, HB 489, HB 509, HB 536, HB 539, HB 564, HB 608, HB 642, HB 680, HB 689, HB 720, HB 722, HB 727, HB 736, HB 767, HJR 2, HJR 31.**  
Examined by the sponsor and found to be correct: **HB 42, HB 56, HB 90, HB 190, HB 197, HB 201, HB 206, HB 211, HB 259, HB 261, HB 277, HB 283, HB 298, HB 403, HB 489, HB 539, HB 564, HB 608, HB 642, HB 680, HB 689, HB 720, HB 727, HB 736, HJR 2, HJR 31, HJR 37.**  
Signed by the Speaker at 9:35 a.m., April 24, 2003: **HB 452, HB 721, HB 722, HB 744, HB 748, HB 767, HJR 36.**  
Signed by the Speaker at 12:35 p.m., April 24, 2003: **HB 190.**  
Signed by the Speaker at 10:35 a.m., April 25, 2003: **HB 261, HB 539, HJR 2.**  
Signed by the Speaker at 2:25 p.m., April 25, 2003: **HB 42.**  
Delivered to the Governor for approval at 10:15 a.m., April 24, 2003: **HB 452, HB 721, HB 722, HB 744, HB 748, HB 767.**  
Delivered to the Governor for approval at 2:10 p.m., April 24, 2003: **HB 190.**  
Delivered to the Governor for approval at 11:22 a.m., April 25, 2003: **HB 261, HB 539.**  
Delivered to the Governor for approval at 2:37 p.m., April 25, 2003: **HB 42.**  
Delivered to the Secretary of State at 10:30 a.m., April 24, 2003: **HJR 36.**  
Delivered to the Secretary of State at 11:30 a.m., April 25, 2003: **HJR 2.**

**APPROPRIATIONS** (Lewis, Chairman): 4/24/2003  
**SB 483**, be concurred in. Report adopted.  
**SB 493**, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 107**  
Report No. 1, April 15, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 107** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 107** (reference copy -- salmon) be amended as follows:

1. Page 4, line 20 through line 21.

**Strike:** subsection (8) in its entirety

**Renumber:** subsequent subsection

2. Page 4, line 30 through page 5, line 1.

**Strike:** section 6 in its entirety

**Renumber:** subsequent section

For the House:

A. Olson, Chairman  
Galvin-Halcro  
Lehman

For the Senate:

Glaser, Chairman  
Black  
Elliott

**FREE CONFERENCE COMMITTEE**  
on House Amendments to **Senate Bill 461**  
Report No. 1, April 24, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 461** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 461** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 15.

**Following:** "BRACKETS;"

**Insert:** "PROVIDING RATE ADJUSTMENTS TO CLASS FOUR PROPERTY TAX RATES FOR CERTAIN RESIDENCES WITH EXTRAORDINARY INCREASES IN MARKET VALUE;"

**Following:** "FOUR"

**Strike:** "AND CLASS ELEVEN"

2. Title, page 1, line 18.

**Strike:** "ADJUSTS"

**Insert:** "ADJUST"

3. Title, page 1, line 23.

**Strike:** "AN IMMEDIATE"

**Strike:** "DATE AND A RETROACTIVE"

**Insert:** "DATES,"

4. Title, page 1, line 24.

**Strike:** "DATE"

**Insert:** "DATES, AND A TERMINATION DATE"

5. Page 9, line 28.

**Insert:** "NEW SECTION. Section 1. Extended property tax assistance -- phasein.(1) For the purpose of mitigating extraordinary market value increases during the revaluation cycle that ended December 31, 2002, the rate of taxation of class four residential dwellings and appurtenant land not to exceed 5 acres otherwise set in 15-6-134(2)(a) is adjusted in this section for properties with extraordinary increases in market value with owners that meet income requirements.

(2) An annual application on a form provided by the department is required to receive a tax rate adjustment under this section. The application must be signed under oath. A tax rate adjustment may be granted only for the current tax year and may not be granted for a previous year.

(3) A rate adjustment may not be granted for:

(a) any property that was sold or for which the ownership was changed after December 31, 2002, unless the change in ownership is between husband and wife or parent and child with only nominal actual consideration or the change is pursuant to a divorce decree;

(b) the value of new construction, including remodeling, on the property occurring after December 31, 2002, that is greater than 25% of the market value of the improvements; or

(c) a land use change occurring after December 31, 2002, that increases the market value of the land by more than 25%.

(4) For the purposes of determining the adjustment in the class four property tax rate in this section, the following provisions apply:

(a) The change in taxable value before reappraisal is the 2002 tax year value adjusted for any new construction or destruction that occurred in the 2002 tax year. The taxable value before reappraisal for the 2003 tax year and subsequent years is the same as the 2002 tax year value if no new construction, destruction, land splits, land use changes, land reclassifications, land productivity changes, improvement grade changes, or other changes are made to the property during 2002 or subsequent tax years.

(b) The percentage increase in taxable value is measured as the percentage change in taxable value before reappraisal to the taxable value after reappraisal. The taxable value before reappraisal is calculated by multiplying the value before reappraisal in 2003 times 0.69 times 0.0346. The taxable value after reappraisal is calculated by multiplying the 2003 market value after reappraisal times 0.66 times 0.0301.

(c) The dollar increase in tax liability is measured as the change in tax liability before reappraisal to the tax liability after reappraisal. The tax liability before reappraisal is calculated by multiplying the value before reappraisal in 2003 times 0.69 times 0.0346 times the tax year 2002 mill levy applied to the property. The tax liability after reappraisal is calculated by multiplying the 2003 market value after reappraisal times 0.66 times 0.0301 times the tax year 2002 mill levy applied to the property. The tax year 2002 mill levy is the total of all mills applied to the property for fiscal year 2003.

(d) Total household income is the sum of the income of all members of the household and all other persons who are owners of the property. Income, as used in this section, includes income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home. Net business income is gross income less ordinary expenses but before deducting depreciation or depletion allowance, or both. For an entity, as defined in subsection (8), income also includes the income of any natural person or entity that is a trustee of or controls 25% or more of the entity. A household is an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses. For single-family rental dwellings, total household income does not include the income of the tenant.

(e) The phase-in value is the valuation change made pursuant to 15-7-111(3) since the last reappraisal.

(5) (a) If total household income is \$25,000 or less, the percentage increase in taxable value is greater than 24%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate as follows:

(i) For tax year 2003, the tax rate is 0.03598 times the value before reappraisal divided by the 2003 phase-in value.

(ii) For tax year 2004, the tax rate is 0.03759 times the value before reappraisal divided by the 2004 phase-in value.

(iii) For tax year 2005, the tax rate is 0.03932 times the value before reappraisal divided by the 2005 phase-in value.

(iv) For tax year 2006, the tax rate is 0.04109 times the value before reappraisal divided by the 2006 phase-in value.

(v) For tax year 2007, the tax rate is 0.04289 times the value before reappraisal divided by the 2007 phase-in value.

(vi) For tax year 2008 and after, the tax rate is 0.04485 times the value before reappraisal divided by the 2008 phase-in value.

(b) If total household income is greater than \$25,000 but less than or equal to \$50,000, the percentage increase in taxable value is greater than 30%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate as follows:

(i) For tax year 2003, the tax rate is 0.03633 times the value before reappraisal divided by the 2003 phase-in value.

(ii) For tax year 2004, the tax rate is 0.03828 times the value before reappraisal divided by the 2004 phase-in value.

(iii) For tax year 2005, the tax rate is 0.04038 times the value before reappraisal divided by the 2005 phase-in value.

(iv) For tax year 2006, the tax rate is 0.04251 times the value before reappraisal divided by the 2006 phase-in value.

(v) For tax year 2007, the tax rate is 0.04467 times the value before reappraisal divided by the 2007 phase-in value.

(vi) For tax year 2008 and after, the tax rate is 0.04702 times the value before reappraisal divided by the 2008 phase-in value.

(c) If total household income is greater than \$50,000 but less than or equal to \$75,000, the percentage increase in taxable value is greater than 36%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate as follows:

(i) For tax year 2003, the tax rate is 0.03668 times the value before reappraisal divided by the 2003 phase-in value.

(ii) For tax year 2004, the tax rate is 0.03898 times the value before reappraisal divided by the 2004 phase-in value.

(iii) For tax year 2005, the tax rate is 0.04143 times the value before reappraisal divided by the 2005 phase-in value.

(iv) For tax year 2006, the tax rate is 0.04392 times the value before reappraisal divided by the 2006 phase-in value.

(v) For tax year 2007, the tax rate is 0.04646 times the value before reappraisal divided by the 2007 phase-in value.

(vi) For tax year 2008 and after, the tax rate is 0.04919 times the value before reappraisal divided by the 2008 phase-in value.

(d) The adjusted tax rate computed under this subsection (5) must be rounded to the nearest 1/100 of 1%.

(6) A person who applies for a tax rate adjustment under this section shall provide the department with documentation of total household income and other information that the department considers necessary to determine the person's eligibility for the tax rate adjustment. Documents provided to the department to determine eligibility for a tax rate adjustment are subject to the confidentiality provisions in 15-30-303.

(7) A person who applies for a tax rate adjustment and submits a false or fraudulent application for a tax rate adjustment is guilty of false swearing under 45-7-202.

(8) For the purposes of this section, "entity" means:

(a) a corporation, fiduciary, or pass-through entity, as those terms are defined in 15-30-101; and

(b) an association, joint-stock company, syndicate, trust or estate, or any other nonnatural person."

**Insert: "NEW SECTION. Section 2. Extended property tax assistance -- phasein.** (1) For the purpose of mitigating extraordinary market value increases during revaluation cycles that begin after December 31, 2008, the rate of taxation of class four residential dwellings and appurtenant land not to exceed 5 acres otherwise set in 15-6-134(2)(a) is adjusted in this section for properties with extraordinary increases in market value with owners that meet income requirements.

(2) An annual application on a form provided by the department is required to receive a tax rate adjustment under this section. The application must be signed under oath. A tax rate adjustment may be granted only for the current tax year and may not be granted for a previous year.

(3) A rate adjustment may not be granted for:

(a) any property that was sold or for which the ownership was changed after December 31 of the last year of the previous revaluation cycle, unless the change in ownership is between husband and wife or parent and child with

only nominal actual consideration or the change is pursuant to a divorce decree;

(b) the value of new construction, including remodeling, on the property occurring after December 31 of the last year of the previous revaluation cycle that is greater than 25% of the market value of the improvements; or

(c) a land use change occurring after December 31 of the last year of the previous revaluation cycle that increases the market value of the land by more than 25%.

(4) For the purposes of determining the adjustment in the class four property tax rate in this section, the following provisions apply for revaluation cycles beginning after December 31, 2008:

(a) (i) The percentage increase in taxable value is measured as the percentage change in taxable value before reappraisal to the taxable value after reappraisal. The taxable value before reappraisal is calculated by multiplying the value before reappraisal times the result of 1.00 minus the homestead exemption before reappraisal times the tax rate before reappraisal. The taxable value after reappraisal is calculated by multiplying the market value after reappraisal times the result of 1.00 minus the homestead exemption after reappraisal times the tax rate after reappraisal.

(ii) The tax rate before reappraisal is the tax rate that was in effect during the last year of the previous reappraisal cycle.

(iii) The tax rate after reappraisal is the tax rate that will be in effect during the last year of the current reappraisal cycle.

(iv) The homestead exemption before reappraisal is the homestead exemption that was in effect during the last year of the previous reappraisal cycle.

(v) The homestead exemption after reappraisal is the homestead exemption that will be in effect during the last year of the current reappraisal cycle.

(b) The dollar increase in tax liability is measured as the percentage change in tax liability before reappraisal to the tax liability after reappraisal. The tax liability before reappraisal is calculated by multiplying the value before reappraisal times the result of 1.00 minus the homestead exemption before reappraisal times the tax rate before reappraisal times the mill levy applied to the property before reappraisal. The tax liability after reappraisal is calculated by multiplying the market value after reappraisal times the result of 1.00 minus the homestead exemption after reappraisal times the tax rate after reappraisal times the mill levy applied to the property before reappraisal. The mill levy applied to property before reappraisal is the total of all mills applied to the property in the last year of the previous reappraisal cycle.

(c) Total household income is the sum of the income of all members of the household and all other persons who are owners of the property. Income, as used in this section, includes income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home. Net business income is gross income less ordinary expenses but before deducting depreciation or depletion allowance, or both. For an entity, as defined in subsection (8), income also includes the income of any natural person or entity that is a trustee of or controls 25% or more of the entity. A household is an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses. For single-family rental dwellings, total household income does not include the income of the tenant.

(d) The phase-in value is the valuation change made pursuant to 15-7-111(3) since the last reappraisal.

(5) (a) If total household income is \$25,000 or less, the percentage increase in taxable value is greater than 24%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate must be calculated such that the total increase in taxable value over the reappraisal cycle is 24% and such that the change in taxable value is phased in over the reappraisal cycle in equal increments.

(b) If total household income is greater than \$25,000 but less than or equal to \$50,000, the percentage increase in taxable value is greater than 30%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate must be calculated such that the total increase in taxable value over the reappraisal cycle is 30% and such that the change in taxable value is phased in over the reappraisal cycle in equal increments.

(c) If total household income is greater than \$50,000 but less than or equal to \$75,000, the percentage increase in taxable value is greater than 30%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate will be calculated such that the total increase in taxable value over the reappraisal cycle is 36% and such that the change in taxable value is phased in over the reappraisal cycle in equal increments.

(d) The adjusted tax rate computed under this subsection (5) must be rounded to the nearest 1/100 of 1%.

(6) A person who applies for a tax rate adjustment under this section shall provide the department with documentation of total household income and other information that the department considers necessary to determine the person's eligibility for the tax rate adjustment. Documents provided to the department to determine eligibility for a tax rate adjustment are subject to the confidentiality provisions in 15-30-303.

(7) A person who applies for a tax rate adjustment and submits a false or fraudulent application for a tax rate adjustment is guilty of false swearing under 45-7-202.

(8) For the purposes of this section, "entity" means:

(a) a corporation, fiduciary, or pass-through entity, as those terms are defined in 15-30-101; and

(b) an association, joint-stock company, syndicate, trust or estate, or any other nonnatural person."

**Renumber:** subsequent sections

6. Page 36.

**Following:** line 21

**Insert:** "(7) The members of the committees created in this section must be appointed by July 1, 2003."

7. Page 36, line 23.

**Strike:** "5"

**Insert:** "7"

8. Page 36, line 29.

**Strike:** "5"

**Insert:** "7"

9. Page 37, line 9.

**Insert:** "NEW SECTION. Section 9. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 15, chapter 6, part 1, and the provisions of Title 15, chapter 6, part 1, apply to [sections 1 and 2]."

**Insert:** "NEW SECTION. Section 10. Coordination instruction. If Senate Bill No. 126 and [this act] are both passed and approved, then the amendments contained in 15-6-201(1)(z) and (1)(aa) in [section 2 of Senate Bill No. 126] are void."

**Insert:** "NEW SECTION. Section 11. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent sections

10. Page 37, line 10.

**Strike:** "date"

**Insert:** "dates"

**Following:** "date."

**Insert:** "(1)"

**Strike:** "[This act]"

**Insert:** "Except as provided in subsections (2) and (3), [this act]"

11. Page 37.

**Following:** line 10

**Insert:** "(2) [Section 8] is effective July 1, 2003.

(3) [Section 2] is effective January 1, 2009."

12. Page 37, line 12.

**Strike:** "Retroactive applicability"

**Insert:** "Applicability"

**Following:** "applicability."

**Insert:** "(1)"

**Strike:** "[This act] applies"

**Insert:** "[Sections 1 and 3 through 5] apply"

13. Page 37, line 14.

**Insert:** "(2) [Section 2] applies to tax years beginning after December 31, 2008."

**Insert:** "NEW SECTION. **Section 14. Termination.** [Section 1] terminates December 31, 2008."

For the Senate:

Story, Chairman  
Stonington

For the House:

Devlin, Chairman  
Forrester  
Lake

### MESSAGES FROM THE SENATE

April 24, 2003

Marilyn Miller, Chief Clerk  
House of Representatives

I am directed by the Senate to inform the House that Senate, by motion duly passed on Thursday April 24, requests the return of House Bill 42 by Debby Barrett, "TO REQUIRE WILDLIFE MANAGEMENT IN A SUSTAINABLE MANNER" for further consideration.

Because of the shortness of time left in the session, we ask that you give this matter your highest priority.

Sincerely,

Rosana Skelton  
Secretary of the Senate

**SB 46** - The Senate, on motion duly carried, overrode the Governor's veto on **SB 46** by a vote of 34-15, and request the House to do likewise.

4/24/2003

**HB 363** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 363**:

4/24/2003

Senator Barkus, Chair  
Senator Cocchiarella  
Senator F. Thomas

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

4/24/2003

Senator Johnson, Chair  
Senator Bales  
Senator Tropila

April 24, 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 7** sponsored by Representative Witt, **House Bill 159** sponsored by Representative Haines, **House Bill 190** sponsored by Representative Younkin, **House Bill 517** sponsored by Representative Wilson, **House Bill 538** sponsored by Representative Rome, and **House Bill 734** sponsored by Representative Lawson on April 24, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 24, 2003

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

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

***Re: House Bill No. 701***

Dear Senator Keenan and Representative Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill No. 701, "AN ACT REVISING PROVISIONS OF THE JUDICIAL BRANCH PERSONNEL PLAN TO EXCLUDE PERSONAL STAFF OF A JUSTICE, JUDGE, AND THE CLERK OF THE SUPREME COURT; PROVIDING THAT A JUSTICE, JUDGE, OR THE CLERK OF THE SUPREME COURT MAY APPOINT UP TO THREE PERSONAL STAFF MEMBERS; AMENDING SECTIONS 3-1-130 AND 3-2-501, MCA; AND PROVIDING AN EFFECTIVE DATE," for the following reasons.

**House Bill No. 701 has significant long-term fiscal impacts.** This bill's fiscal impact cannot be determined, but likely will be significant. House Bill No. 701 would allow hiring authorities--all District Court judges, Supreme Court justices, and the Clerk of the Supreme Court--to set the salary for up to 3 employees each at any level within the salary range for the employees' position classification, including the maximum salary available. Currently, most of the potentially affected employee positions are not at or near the maximum salary available for the position classification--this bill clearly gives very broad discretion to significantly increase the personal services portion of the Judicial Branch's budget. The Judicial Branch is unable to predict the salary increases that might result from this legislation. At my request, however, the Judicial Branch provided the salary ranges for the potentially affected positions. The narrowest of the ranges is approximately \$14,000, and the broadest range is approximately \$23,000. This legislation would permit each hiring authority to move up to 3 employees to the maximum salary for their position.

**House Bill No. 701 strips employee rights.** House Bill No. 701 would remove up to 150 Judicial Branch employees from the current Judicial Branch personnel policies. This could result in approximately 44 percent of court employees



being deprived of the usual employee rights to progressive discipline, termination only with cause, and, ultimately, wrongful discharge recourse. This is not acceptable. The Legislative Branch, which is like the Judicial Branch in having many elected officials across the state, has only 2 employees (1.7%) who are totally exempt from all employment rights.

By way of background, Section 59, Ch. 585, L. 2001, provides that all but 2 non-elected Judicial Branch employees, including district court employees, become subject to the overall judicial plan of personnel administration adopted by the Supreme Court as required by [section 1] [3-1-130]. The plan must include, but is not limited to, classification and pay, recruitment and selection, performance appraisal, training and promotion. In compliance with Section 3-1-130, MCA, the Supreme Court adopted a classification and compensation plan, and separately adopted personnel policies. It is these two pieces that make-up the overall judicial personnel plan.

Clearly, House Bill No. 701 impacts on both areas, as discussed briefly above. The fiscal impact will be substantial and Judicial Branch employee rights, some of which existed before state assumption when the employees were county employees, will be overturned. Neither aspect of the bill is acceptable to me.

For these reasons, I veto House Bill No. 701.

Sincerely,

JUDY MARTZ  
Governor

April 23, 2003

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

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

***Re: Senate Bill 46***

Dear Senator Keenan and Representative Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill No. 46, "AN ACT REMOVING THE REQUIREMENT THAT A COUNTY MUST ENTER INTO A CONTRACT FOR CERTAIN LARGE PURCHASES OR CONSTRUCTION CONTRACTS; AMENDING SECTION 7-5-2301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendment for the following reason.

I have no concerns with the objectives of Senate Bill No. 46, or with its specific measures. I recommend, however, that Section 7-5-2301, MCA, be amended to include an additional provision: (4) A person who wishes to challenge a county's determination to perform work or purchase the items referred to in subsection (1) without entering into a contract may request the financial information relied upon by the county in making the decision.

I have enclosed my amendment to that effect. Please be advised that Senator Gebhardt, the sponsor of the bill, has been informed of my recommendation and has no objections.

I urge your concurrence in the amendment.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 46

1. Page 1, line 19.

**Insert:** "(4) A person who wishes to challenge a county's determination to perform work or purchase the items referred to in subsection (1) without entering into a contract may request the financial information relied upon by the county in making the decision."

April 24, 2003

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

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

***Re: Senate Bill 473***

Dear President Keenan and Speaker Mood:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with an amendment Senate Bill 473, "A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PRESCRIPTION DRUG EXPANSION PROGRAM UNDER MEDICAID; AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO IMPLEMENT THE PRESCRIPTION DRUG EXPANSION PROGRAM UNDER MEDICAID; PROVIDING AN ANNUAL ~~ENROLLMENT~~ APPLICATION FEE FOR THE PROGRAM; AUTHORIZING A LOAN FROM THE BOARD OF INVESTMENTS FOR THE STARTUP COST OF THE PROGRAM; AND PROVIDING AN EFFECTIVE DATE," for the following reason:

I have no concerns with the objectives of Senate Bill No. 473, or with its specific measures. I recommend, however, that Section 2 (4) regarding prescription drug Expansion program rules be amended to read that the rules may be based upon rules adopted in *other states* to administer similar *programs*.

Further, I recommend that additional language be included in Section 4; and, I recommend that a termination date be included as new Section 13.

I have enclosed my amendments to that effect. Please be advised that Senator Elliott, the sponsor of the bill, has been informed of my recommendation and has no objection.

I urge your concurrence in the amendments.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 473

1. Title, line 9.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 3, line 3.

**Strike:** "MAINE"

**Insert:** "other states"

**Strike:** "a"

**Strike:** "program"

**Insert:** "programs"

3. Page 4, line 1.

**Following:** "program."

**Insert:** "(1)"

4. Page 4, line 6.

**Following:** line 5

**Insert:** "(2) Information disclosed by manufacturers during negotiations and all terms and conditions negotiated between the director and manufacturers and all information requested or required under the program must be kept confidential, except as the department determines is necessary to carry out the program. The department shall comply with the budget neutrality provisions required by the United States department of health and human services for the granting of any waivers.

(3) The department may not use access restrictions, supplemental rebates, or a preferred drug list to comply with the budget neutrality provisions when negotiating with the federal government for this waiver. These restrictions do not apply to other components of the medicaid or mental health services plan or drugs provided in those programs. These restrictions apply only to the prescription drug expansion program provided for in [section 2]."

5. Page 5, line 7.

**Insert:** "NEW SECTION. **Section 13. {standard} Termination.** [Section 4(3)] terminates June 30, 2005."

**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 11, as amended by the Senate,** passed 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.  
Total 0

**HB 206, as amended by the Senate**, passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 83

Noes: Balyeat, Bergren, P. Clark, Dowell, Franklin, Galvin-Halcro, Gillan, Golie, Jayne, Juneau, Morgan, Raser, Rice, Wanzenried, Weiss, Wilson.  
Total 16

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**HB 489, as amended by the Senate**, passed 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, 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 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**HB 559, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Balyeat, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cyr, Dowell, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Haines, Harris, Hawk, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Ripley, Roberts, Ross, Ryan, Schrupf, Shockley, Thomas, Wagman, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 63

Noes: Ballantyne, Barrett, Bixby, Branae, Callahan, Cohenour, Devlin, Dickenson, Erickson, Everett, Facey, Franklin, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Hedges, Hurwitz, Jackson, Jayne, Kaufmann, Laslovich, Lawson, Raser, Rice, Rome, Sales, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Waitschies, Wanzenried, Wilson.  
Total 36

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**HB 608, as amended by the Senate**, passed as follows:

Ayes: Andersen, 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, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrupf, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 83

Noes: Balyeat, Barrett, Everett, Fisher, Fuchs, Hawk, Jackson, Lake, Malcolm, Mendenhall, Peterson, Ripley, Sales, Shockley, Steinbeisser, Witt.  
Total 16

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**HB 736, as amended by the Senate**, passed 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, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake,

Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Franklin, Golie, Keane, Sales, Weiss.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**SB 271, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 57

Noes: Ballantyne, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.  
Total 42

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**SB 336, Conference Committee Report No. 1**, adopted 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, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Lake, Lambert, Lange, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 79

Noes: Balyeat, D. Brown, Devlin, Everett, Fuchs, Gallus, Gutsche, Harris, Jackson, Jayne, Kasten, Keane, Laslovich, Laszloffy, Lawson, Newman, Pattison, Sales, Wagman, Waitschies.  
Total 20

Excused: None.

Total 0

Absent or not voting: Maedje.

Total 1

**SB 362, Free Conference Committee Report No. 1**, adopted as follows:

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

Total 83

Noes: Bergren, Bixby, Callahan, P. Clark, Cyr, Gallus, Jayne, Keane, Lambert, Musgrove, Newman, Rice, Ripley, Smith, Wanzenried, Witt.

Total 16

Excused: None.

Total 0

Absent or not voting: Maedje.

Total 1

**SB 487, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, 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, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Becker, Bergren, Lindeen, Sales, Shockley, Sinrud.

Total 7

Excused: None.

Total 0

Absent or not voting: Maedje.

Total 1

**MOTIONS**

Representative R. Brown moved that the House accede to the request of the Senate and return **HB 42** back to the Senate.

Minority Leader Wanzenried asked for a ruling from the Chair if this motion requires a 2/3 vote.

The Speaker ruled the motion required a majority vote.

Minority Leader Wanzenried questioned the ruling of the Chair.

The Speaker called for a meeting of the Rules Committee.

The Rules Committee upheld the ruling of the Chair.

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

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

Total 44

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

Total 55

Excused: None.

Total 0

Absent or not voting: Maedje.

Total 1

The motion to accede to the request of the Senate to return **HB 42** carried as follows:

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

Total 52

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

Total 46

Excused: None.

Total 0

Absent or not voting: Maedje, Matthews.

Total 2



Majority Leader Brown moved that the House recess until 10:00 a.m. for caucuses. Motion carried.

House recessed at 8:45 a.m.

House reconvened at 10:02 a.m. All members present. Quorum present.

## REPORTS OF SELECT COMMITTEES

### CONFERENCE COMMITTEE on Senate Amendments to **House Bill 558** Report No. 1, April 24, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 558** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 558** (reference copy -- salmon) be amended as follows:

1. Page 2, line 15.

**Strike:** "\$16"

**Insert:** "\$15"

2. Page 3, line 1.

**Strike:** "\$1.50"

**Insert:** "50 cents"

3. Page 3, line 18.

**Strike:** "\$16"

**Insert:** "\$15"

4. Page 4, line 5.

**Strike:** "\$1.50"

**Insert:** "50 cents"

For the House:

D. Brown, Chairman  
Keane  
Maedje

For the Senate:

Barkus, Shea, Chairman

## MESSAGES FROM THE SENATE

**House joint resolution** concurred in and returned to the House:

4/25/2003

**HJR 37**, introduced by Noennig

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

4/25/2003

**SB 407**, introduced by DePratu

**SB 490**, introduced by Grimes

**Senate joint resolution** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/25/2003  
**SJR 17**, introduced by Tester

**Governor's amendments to House bill** concurred in and returned to the House: 4/25/2003

**HB 247**, introduced by Harris

Conference Committee Report No.1 adopted: 4/25/2003

**SB 336**, introduced by Mahlum

Free Conference Committee Report No.1 adopted: 4/25/2003

**HB 559**, introduced by Gallus  
**SB 271**, introduced by Stapleton  
**SB 487**, introduced by Pease

### MESSAGES FROM THE GOVERNOR

April 24, 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 12** sponsored by Representative Kasten, **House Bill 577** sponsored by Representative Brueggeman, and **House Bill 741** sponsored by Representative Lindeen et al. on April 24, 2003.

Sincerely,

JUDY MARTZ  
Governor

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

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

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

**SB 314** - Representative E. Clark moved consideration of **SB 314** be postponed until April 30, 2003. Motion carried.

**SB 483** - Representative R. Brown moved consideration of **SB 483** be placed below **SB 270** on the second reading board. Motion carried.

**SB 493** - Representative Brueggeman moved **SB 493** be concurred in.

**SB 493** - Representative Jayne moved **SB 493**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

**Following:** "ACCOUNT;"

**Insert:** "PROVIDING APPROPRIATIONS;"

2. Page 1, line 24.

**Following:** "transfer"

**Insert:** "-- appropriation

**Following:** "transfer."

**Insert:** "(1)"

3. Page 1, lines 25 and 26.

**Following:** "2003." on line 25

**Strike:** the remainder of line 25 through line 26 in its entirety

**Insert:** "(2) The following amounts of general fund money are appropriated to the department of public health and human services:

(a) \$500,000 in fiscal year 2005 for part C services for developmentally disabled children;

(b) \$257,000 in fiscal year 2004 and \$257,000 in fiscal year 2005 for aging services meals on wheels programs; and

(c) \$2,686,000 over the biennium beginning July 1, 2003, for medicaid services for persons eligible under the medically needy category of medicaid eligibility."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, 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 46

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

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 493** be concurred in **failed** as follows:

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

Total 45

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

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 107 - Conference Committee Report No. 1** - Representative A. Olson moved the Conference Committee report to **HB 107** be adopted. Motion carried as follows:

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

Total 89

Noes: Balyeat, Bixby, Buzzas, Everett, Hawk, Juneau, Morgan, Rice, Sales, Sinrud, Wanzenried.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 701 - Governor's Veto** - Representative Newman moved consideration of **HB 701** be placed at the bottom of the second reading board. Motion carried.

**SB 483** - Representative Lewis moved **SB 483** be concurred in.

Representative Buzzas moved **SB 483**, second reading copy, be amended as follows:

1. Title, line 11 through line 12.

**Following:** "BIENNIUM;" on line 11

**Strike:** remainder of line 11 through "DEFICIT";" on line 12

2. Title, line 12.

**Following:** "~~17-7-111~~;"

**Insert:** "AND"

3. Title, line 12 through line 13.

**Following:** "17-7-131," on line 12

**Strike:** remainder of line 12 through "17-7-140," on line 13

4. Page 8, line 16 through page 10, line 10.

**Strike:** section 4 in its entirety

Amendment **not** adopted as follows:

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

Total 44

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

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 483** be concurred in carried as follows:

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

Total 57

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

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 270 - Governor's Amendments** - Representative Galvin-Halcro moved Governor's amendments to **SB 270** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, 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, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Barrett, Everett, Fuchs, Laszloffy, Sales.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Erickson, Fritz, Jent.  
Total 3

Representative Brown moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallus moved the Committee of the Whole report be adopted.

Representative Brueggeman made a **substitute motion** that **SB 493** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, 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, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ross, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

## MESSAGES FROM THE GOVERNOR

April 25, 2003

The Honorable Doug Mood  
Speaker of the House  
State Capitol

Helena, MT 59620

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

***Re: Senate Bill No. 484***

Dear Senator Keenan and Representative Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill No. 484, " AN ACT AUTHORIZING MUNICIPALITIES, CONSOLIDATED LOCAL GOVERNMENTS, AND COUNTIES TO CREATE EMPOWERMENT ZONES TO ENCOURAGE THE CREATION OF JOBS WITHIN THE ZONES; AND ALLOWING A TAX CREDIT AGAINST INDIVIDUAL INCOME TAXES, CORPORATION INCOME OR LICENSE TAXES, OR INSURANCE PREMIUM TAXES FOR QUALIFYING 3-YEAR JOBS CREATED IN AN EMPOWERMENT ZONE," without my signature and recommend the attached amendments.

I have no concerns with the objectives of Senate Bill No. 484 but the legislation in its current form could lead to inconsistent criteria being used to establish empowerment zones around the state. Without several changes the law would also potentially allow empowerment zones to be established, with resulting tax credits applied, that would not be within the spirit of this legislation, which is to assist economically disadvantaged areas. Accordingly, I recommend that:

In Section 3, an additional subsection (4) be inserted, that reads each governing body may create a maximum of one empowerment zone, either wholly or partially within its limits, in any seven year period. This amendment will require each governing body to carefully consider where best to establish an empowerment zone and will also help ensure we only establish empowerment zones for our most needy areas.

In Section 4 (3) additional language be inserted to restrict empowerment zones to area that have a population of at least 1,000 people. Without a minimum population requirement, empowerment zones could be established in areas where they are used more for tax avoidance than for helping our disadvantaged citizens. It is also extremely difficult to find meaningful economic data in an area with very few people. As currently written, for example, it could be possible to establish an empowerment zone in an area with two resident citizens, one of whom is unemployed, in an otherwise prosperous area.

Further, I recommend that an additional subsection (4) be included in Section 4 that requires a governing body to gather the necessary data for an area where the state or federal government does not have the required data. For example, the state generally maintains county-level data for unemployment. Should a governing body wish to create an empowerment zone in an area other than a whole county or Metropolitan Statistical Area (MSA) the governing body should be responsible for collecting the necessary information to qualify that area as an empowerment zone.

Finally, I recommend that a new Section 9 be inserted to authorize the Department to adopt rules in the implementation of this act. Many of the terms and criteria that are used in this legislation to define and qualify an empowerment zone could be interpreted in multiple ways. Rule making authority is necessary to ensure consistent application of the law and to ensure clear criteria are available to each governing body.

I have enclosed amendments to address each of these issues. Please be advised that the Department of Labor and Industry concurs with my amendments. Further, please be advised that Senator Mangan, the sponsor of the bill, also concurs.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 484

1. Title, line 6.

**Strike:** "AND"

2. Title, line 8.

**Following:** "ZONE"

**Insert:** "; AND AUTHORIZING THE DEPARTMENT TO ADOPT RULES"

3. Page 2, line 12.

**Insert:** "(4) Each governing body may create a maximum of one empowerment zone, either wholly or partially within its limits, in any 7-year period."

4. Page 2, line 21.

**Following:** "identity and"

**Insert:** "the empowerment zone must include an area in which there is an annual average population of at least 1,000 residents. Boundaries"

**Strike:** "use"

**Insert:** "be based on"

5. Page 2, line 24.

**Insert:** "(4) The governing body has the burden of establishing that the proposed empowerment zone meets the requirements of this section."

6. Page 7, line 10.

**Insert:** "NEW SECTION. Section 9. Rulemaking authority. The department may adopt rules to implement [sections 1 through 5]."

**Renumber:** subsequent section

7. Page 7, line 11.

**Following:** "5"

**Insert:** "and 9"

8. Page 7, line 13.

**Following:** "5"

**Insert:** "and 9"

**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 247**. Motion carried.

The Speaker appointed the following members:

Representative Noennig, Chair  
Representative Lange



Representative Harris

Representative Devlin moved the House override the Governor's veto on **SB 46**.

The House, after referring to the rules and the constitution, agreed that only those "present and voting" may be counted to override a Governor's veto.

Motion to override the Governor's veto on **SB 46** carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Small-Eastman, Smith, Steinbeisser, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.  
Total 73

Noes: Balyeat, Bitney, R. Brown, Brueggeman, Everett, Fisher, Fuchs, Haines, Hawk, Laslovich, Laszloffy, Lewis, Matthews, McKenney, Mendenhall, Morgan, Pattison, Rome, Sales, Schrupf, Shockley, Sinrud, Stoker, Wagman, Younkin, Mr. Speaker.  
Total 26

Excused: None.  
Total 0

Absent or not voting: Keane.  
Total 1

Majority Leader Brown moved that the House recess until 1:30 p.m. Motion carried.

House recessed at 11:34 a.m.

House reconvened at 1:32 p.m.

#### **MESSAGES FROM THE SENATE**

**House bill not** concurred in and returned to the House:

4/25/2003

**HB 19**, introduced by Kasten

Majority Leader Brown moved that the House recess until 1:50 p.m. for caucuses. Motion carried.

House recessed at 1:33 p.m.

House reconvened at 1:56 p.m. All members present. Quorum present.

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

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

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

**SB 381 - Governor's Amendments** - Representative Fisher moved Governor's amendments to **SB 381** 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, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, 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, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Cohenour, Gallik, Weiss.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Smith.  
Total 1

**SB 381 - Governor's Amendments** - Representative Forrester moved Governor's amendments to **SB 381** be concurred in. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Bergren, Cohenour, Franklin, Gallik, Jayne, Kaufmann, Ryan, Wilson.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Buzzas.  
Total 1

**SB 406 - Governor's Amendments** - Representative Noennig moved Governor's amendments to **SB 406** 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, Everett, Facey, Fisher, Forrester, Franklin, Fritz, 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, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Erickson, Fuchs, Wanzenried, Weiss.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 558 - Conference Committee Report No. 1** - Representative D. Brown moved the Conference Committee report to **HB 558** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, 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, 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, Wilson, Windy Boy, Witt, Younkin.  
Total 89

Noes: Bixby, Buzzas, Callahan, Dowell, Erickson, Jayne, Juneau, Lindeen, Weiss.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Maedje, Mr. Speaker.  
Total 2

**SB 461 - Free Conference Committee Report No. 1** - Representative Devlin moved the Free Conference Committee report to **SB 461** be adopted. Motion carried as follows:

Ayes: Andersen, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gillan, Gutsche, Haines, Hurwitz, Jackson, Jent, Kasten, Kaufmann, Lake, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, A. Olson, B. Olson, Pattison, Peterson, Ripley, Roberts, Rome, Ross, Schruppf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Witt, Younkin, Mr. Speaker.  
Total 62

Noes: Ballantyne, Balyeat, Becker, Bergren, Bixby, R. Brown, Buzzas, Cohenour, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Harris, Hawk, Hedges, Jacobson, Jayne, Juneau, Keane, Lange, Laszloffy, Lindeen,

Mendenhall, Noennig, Parker, Raser, Rice, Ryan, Sales, Shockley, Small-Eastman, Smith, Waitschies, Wilson, Windy Boy.  
Total 38

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 473 - Governor's Amendments** - Representative Roberts moved Governor's amendments to **SB 473** 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, 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 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Newman.  
Total 1

Representative Brown moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Fuchs, Gallik, Galvin-Halcro, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 77

Noes: Bergren, Cohenour, Erickson, Franklin, Gillan, Golie, Jayne, Juneau, Keane, Mendenhall, Parker, Ryan, Smith, Wanzenried, Weiss, Wilson.  
Total 16

Excused: None.  
Total 0

Absent or not voting: Bixby, Forrester, Fritz, Gallus, Gibson, Gutsche, Jent.  
Total 7

## REPORTS OF SELECT COMMITTEES

### FREE CONFERENCE COMMITTEE on **House Bill 247** Report No. 1, April 25, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 247** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 247** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

**Following:** "VAGRANCY;"

**Insert:** "CLARIFYING THAT VAGRANCY DOES NOT INCLUDE AGGRESSIVE SOLICITATION THAT IS INCLUDED IN THE OFFENSE OF DISORDERLY CONDUCT;"

2. Page 2, line 15.

**Following:** "(14)"

**Insert:** "subject to 7-32-4304,"

3. Page 3, line 14.

**Following:** "conduct"

**Insert:** "and aggressive solicitation, as defined by ordinance, that is included in the offense of disorderly conduct"

For the House:

Noennig, Chairman  
Harris  
Lange

For the Senate:

Grimes, Chairman  
Mangan

## MESSAGES FROM THE SENATE

**House bill** concurred in as amended and returned to the House in form originally received from the House for concurrence in Senate amendments:

4/25/2003

**HB 42**, introduced by Barrett

**HB 247** - 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 247**:

4/25/2003

Senator Grimes, Chair  
Senator Mangan  
Senator McGee

**Free** Conference Committee Report No.1 **not** adopted:

4/25/2003

**HB 13**, introduced by Lewis

MESSAGES FROM THE GOVERNOR

April 25, 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 4** sponsored by Representative Brueggeman, **House Bill 10** sponsored by Representative Maedje, **House Bill 18** sponsored by Representative Shockley, **House Bill 588** sponsored by Representative Matthews, and **House Bill 735** sponsored by Representative Fisher on April 25, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 25, 2003

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

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

Dear Speaker Mood and President Keenan:

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 House Bill 744, **"AN ACT DIRECTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO SEEK FEDERAL FUNDS TO OFFSET GENERAL FUND EXPENDITURES TO THE MAXIMUM EXTENT POSSIBLE; DIRECTING THE DEPARTMENT TO EVALUATE THE PROPOSED MEDICAID BLOCK GRANT AS PART OF REFINANCING ACTIVITIES AND REPORT FINDINGS AT EACH REGULAR MEETING OF THE LEGISLATIVE FINANCE COMMITTEE; DIRECTING THAT THE GOVERNOR MAY NOT OPT TO ACCEPT A MEDICAID BLOCK GRANT WITHOUT LEGISLATIVE CONSENT IF THE DECISION TO ACCEPT THE GRANT CAN BE DELAYED UNTIL THE NEXT REGULAR SESSION OF THE LEGISLATURE; PROVIDING FOR THE USE OF FUNDING OBTAINED PURSUANT TO THE DIRECTIVE; AUTHORIZING THE DEPARTMENT TO REINSTATE SERVICES IF AUTHORIZED BY THE OFFICE OF BUDGET AND PROGRAM PLANNING; AMENDING SECTIONS 17-2-108 AND 53-6-101, MCA; AND PROVIDING AN EFFECTIVE DATE"** for the following reasons.

House Bill No. 744, Section 2 (4) violates the Doctrine of Separation of Powers. I have no concerns with the objectives of House Bill No. 744, or with its specific measures. Specifically, in regard to the evaluation of proposed Medicaid block grant and the acceptance of said grant, I will consider the recommendation of the legislative finance

committee and will provide written rationale if the committee's recommendation is not followed. My objections in this case are based solely on my desire to respect the integrity of our multi-branch form of government and to maintain the clear lines of authority drawn between our respective branches.

Article III, Section 1 of the Montana Constitution provides:

The power of the government of this state is divided into three distinct branches--legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted.

I has been said that the principle of the separation of powers is fundamental to the existence of constitutional government. *National Mut. Ins. Co. v. Tidewater Transfer Co.*, 337 U.S. 582, 590 (1949).

I recommend that Section 2 (4) be deleted in its entirety--in its current form, this subsection violates the Doctrine of Separation of Powers.

I have enclosed my amendment to that effect. Please be advised that the Department of Public Health and Human Services concur with my amendment. Further, Representative Clark, the sponsor of the bill, has been informed of my recommendation and concurs.

Sincerely,

JUDY MARTZ

Governor

#### GOVERNOR'S AMENDMENTS TO HOUSE BILL 744

1. Title, lines 10 through 12.

**Following:** "COMMITTEE;" ON LINE 10

**Strike:** remainder of line 10 through "LEGISLATURE;" on line 12

2. Page 2, lines 16 through 18.

**Strike:** subsection (4) in its entirety

#### MOTIONS

Representative Newman moved the House override the Governor's veto on **HB 701**. Motion carried as follows:

Ayes: Andersen, Balyeat, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 74

Noes: Ballantyne, Barrett, Bookout-Reinicke, R. Brown, E. Clark, Dickenson, Everett, Fisher, Fuchs, Golie, Haines, Hawk, Jackson, Jayne, Jent, Kasten, Laszloffy, Lehman, McKenney, Mendenhall, Pattison, Rice, Shockley, Sinrud, Wagman, Waitschies.

Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Majority Leader Brown moved that the House recess until 4:17 p.m. Motion carried.

House recessed at 2:46 p.m.

House reconvened at 4:20 p.m. All members present. Quorum present.

## REPORTS OF SELECT COMMITTEES

### CONFERENCE COMMITTEE on Senate Amendments to **House Bill 363** Report No. 1, April 25, 2003

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 363** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 363** (reference copy -- salmon) be amended as follows:

1. Title, lines 9 and 10.

**Following:** "MONEY" on line 9

**Strike:** remainder of line 9 through "AMOUNT" on line 10

2. Title, lines 11 and 12.

**Strike:** line 11 through "1990;" on line 12

3. Page 2, line 27.

**Strike:** ":",

**Insert:** ":",

4. Page 2, line 28.

**Strike:** "(I)"

5. Page 2, line 29 through page 3, line 1.

**Following:** "FUND" on line 29

**Strike:** remainder of line 29 through "1990" on line 1

6. Page 3, line 8.

**Strike:** "EXCEPT" through "IF"

**Insert:** "If"

7. Page 3, line 22.

**Following:** "remainder"

**Insert:** "as follows:

- (1) \$3,522,295 to the state general fund; and
- (2) the remainder"



8. Page 3, lines 23 and 24.

**Following:** "FUND." on line 23

**Strike:** remainder of line 23 through "39-71-2352(5)(C)(II)." on line 24

For the House:

R. Brown, Chairman  
Gillan  
Sales

For the Senate:

Barkus, Chairman  
Cocchiarella  
F. Thomas

#### MESSAGES FROM THE SENATE

**House joint resolutions not** concurred in by the Committee of the Whole and returned to the House:

4/25/2003

**HJR 38**, introduced by Erickson

**HJR 44**, introduced by Fritz

#### MESSAGES FROM THE GOVERNOR

April 25, 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 3** sponsored by Representative Brueggeman and **House Bill 100** sponsored by Representative Jent on April 25, 2003.

Sincerely,

JUDY MARTZ  
Governor

April 25, 2003

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

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

***Re: House Bill No. 42***

Dear Senator Keenan and Representative Mood:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill No. 42, "A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO CALCULATE THE AMOUNT OF HABITAT AVAILABLE FOR ELK, DEER, AND ANTELOPE IN MONTANA; REQUIRING A DETERMINATION OF SUSTAINABLE POPULATIONS BASED ON THE HABITAT CALCULATION; REQUIRING THE DEPARTMENT TO ENSURE THAT POPULATIONS OF ELK, DEER, AND ANTELOPE ARE AT OR BELOW THE POPULATION ESTIMATE; PROVIDING A FUNDING SOURCE ~~AND A STATUTORY APPROPRIATION~~; PROVIDING FOR ADJUSTMENTS BASED ON MANAGEMENT PROVISIONS IN THE MAXIMUM LICENSE NUMBERS THAT CAN BE ALLOCATED FOR RESIDENTS; AMENDING SECTIONS ~~17-7-502~~, 87-1-201, ~~87-1-268~~; 87-1-301, 87-2-104, 87-2-501, ~~87-2-504~~, ~~87-2-505~~, ~~87-2-510~~, ~~87-2-511~~, ~~87-2-512~~, AND 87-2-513, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendments for the following reason.

I have no concerns with general objectives of House Bill No. 42. However, I recommend that the following amendments that were removed from House Bill No. 42 are paramount to achieving the overall objectives of the bill, with the ultimate goal of making the provisions of the bill workable.

I have enclosed my amendments to that effect. Representative Barrett has been informed of my recommendation. Please be advised that the Department of Fish, Wildlife and Parks concur with my amendments.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 42

1. Title, line 9.

**Strike:** "ENSURE"

**Insert:** "MANAGE WITH THE OBJECTIVE"

2. Title, line 10.

**Strike:** "AND A STATUTORY APPROPRIATION"

3. Title, line 11.

**Following:** "FOR RESIDENTS"

**Insert:** "FOR RESIDENTS"

**Strike:** "17-7-502,"

**Strike:** "87-1-268,"

4. Title, lines 12 and 13.

**Following:** "87-2-512," on line 12

**Strike:** remainder of line 12 through "87-2-512," on line 13

5. Page 2, line 18.

**Strike:** "to ensure"

**Insert:** "with the objective"

6. Page 2, line 27.

**Strike:** "ensure"

**Insert:** "manage with the objective"

7. Page 3, lines 5 through 7.

**Following:** "~~17-7-502:~~" on line 5

**Strike:** remainder of line 5 through line 7 in its entirety

8. Page 4, line 17 through page 5, line 15.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

9. Page 8, lines 18 through 28.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

10. Page 22, line 4 through page 30, line 3.

**Strike:** sections 12 through 16 in their entirety

**Renumber:** subsequent sections

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

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

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

**HB 363 - Conference Committee Report No. 1** - Representative R. Brown moved the Conference Committee report to **HB 363** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Devlin, Everett, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 69

Noes: Becker, Bergren, Bixby, Branae, Buzzas, P. Clark, Cyr, Dickenson, Dowell, Erickson, Forrester, Franklin, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lindeen, Musgrove, Newman, Parker, Ryan, Small-Eastman, Smith, Weiss, Wilson.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 493** - Representative Brueggeman moved **SB 493** be concurred in.

Representative Jayne moved **SB 493**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

**Following:** "ACCOUNT;"

**Insert:** "PROVIDING APPROPRIATIONS;"

2. Page 1, line 24.

**Following:** "transfer"

**Insert:** "-- appropriation

**Following:** "transfer."

**Insert:** "(1)"

3. Page 1, lines 25 and 26.

**Following:** "2003." on line 25

**Strike:** the remainder of line 25 through line 26 in its entirety

**Insert:** "(2) The following amounts of general fund money are appropriated to the department of public health and human services:

(a) \$500,000 in fiscal year 2005 for part C services for developmentally disabled children;

(b) \$257,000 in fiscal year 2004 and \$257,000 in fiscal year 2005 for aging services meals on wheels programs; and

(c) \$2,686,000 over the biennium beginning July 1, 2003, for medicaid services for persons eligible under the medically needy category of medicaid eligibility."

Amendment **not** adopted as follows:

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

Total 47

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

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 493** be concurred in carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, 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, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 53

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

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

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, 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, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 56

Noes: 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, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 44

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

## MESSAGES FROM THE GOVERNOR

April 25, 2003

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

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

***Re: House Bill No. 452***

Dear Senator Keenan and Representative Mood:

n accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill No. 452, "AN ACT PROVIDING A TAX CREDIT FOR CONTRIBUTIONS TO AN ACCOUNT TO BE USED FOR PROVIDING SERVICES TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES; PROVIDING FOR THE USE OF MONEY IN THE ACCOUNT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE," without my signature and recommend the attached amendment for the following reason.

I have no concerns with the objectives of House Bill No. 452. As the bill stands, however, there is a mismatch of years for reconciling general fund receipts and credit offsets. This amendment rectifies this mismatch by clarifying reconciliation, for credits taken, does not begin until calendar year 2004. The calendar year 2004 is the first year that credits will be taken for contributions made in 2003. This amendment ensures that there is no negative general fund impact for any year.

I have enclosed my amendment to that effect. Please be advised that the Department of Revenue concur with my amendments. Further, Representative Raser, the sponsor of the bill, has been informed of my recommendation and concurs.

Sincerely,

JUDY MARTZ  
Governor

#### GOVERNOR'S AMENDMENTS TO HOUSE BILL 452

1. Page 1, line 22.

**Strike:** "AT THE END OF EACH"

**Insert:** "In"

**Strike:** "YEAR"

**Insert:** "years 2004, 2005, and 2006"

2. Page 1, line 23.

**Following:** "CLAIMED"

**Insert:** ", "

3. Page 1, line 24.

**Following:** "TAKEN"

**Insert:** "for donations made"

#### MOTIONS

Representative Jent moved to **dissolve** the conference committee on **HB 424**. 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, 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.

Total 98

Noes: Fuchs, Mr. Speaker.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Jent moved to **suspend the rules** to reconsider House action on the rejection of Senate amendments to **HB 424**. Motion (requiring 2/3 vote) 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, 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, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 95

Noes: Fuchs, Sales, Shockley, Wagman, Mr. Speaker.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Jent moved to **reconsider** House action on the rejection to Senate amendments to **HB 424**. 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, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 90

Noes: Fisher, Fuchs, Jackson, Pattison, Sales, Shockley, Sinrud, Wagman, Witt, Mr. Speaker.

Total 10

Excused: None.

Total 0

Absent or not voting: None.  
Total 0

Representative Jent moved that **HB 424** be placed on second reading Legislative Day 89. 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, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.  
Total 91

Noes: Balyeat, Fisher, Fuchs, Pattison, Sales, Sinrud, Witt, Mr. Speaker.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Forrester.  
Total 1

#### ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Saturday, April 26, 2003. Motion carried.

House adjourned at 5:21 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House