

**HOUSE JOURNAL  
57TH LEGISLATURE / SPECIAL SESSION AUGUST 2002  
FIRST LEGISLATIVE DAY**

Helena, Montana  
August 5, 2002

House Chambers  
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Tropila. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**COMMUNICATIONS AND PETITIONS**

**AMENDED PROCLAMATION**

Call to the 57th Legislature  
for a Special Session

WHEREAS, Article V, section 6, of the Montana Constitution and section 5-3-101, MCA, provide that the Legislature may be convened in special session by the Governor; and

WHEREAS, Article VI, section 11, of the Montana Constitution provides that whenever the Governor considers it in the public interest, the Governor may convene the Legislature; and

WHEREAS, general fund revenues are anticipated to fall short of Legislative projections for FY2003; and

WHEREAS, in an effort to ensure that the expenditure of appropriations do not exceed available revenue, the provisions of section 17-7-140, MCA, were invoked directing agencies to reduce spending in an amount that ensures that the projected ending general fund balance for the biennium will be at least 1% of all general fund appropriations during the biennium ending June 30, 2003; and

WHEREAS, based upon the revenue estimates available at the time that the budget director notified the legislative fiscal analyst, the legislative finance committee, and the revenue and finance committee pursuant to the requirements of section 17-7-140, MCA, the budget director recommended a 3 ½ % reduction in general fund expenditures; and

WHEREAS, a 3 ½ % reduction in general fund expenditures is being implemented based upon the information available at the time of commencing the process required under section 17-7-140, MCA; and

WHEREAS, based upon a continuing review and analysis of declining revenues to the state general fund, the budget director projects a general fund budget deficit that may not be met by a further directive to reduce spending beyond the current 3 ½ % reduction because of the limitations in section 17-7-140, MCA; and

WHEREAS, it is in the public interest of all Montanans that the programs funded through general fund expenditures by the Fifty-Seventh Legislature be considered at a special session of the Legislature; and

WHEREAS, it is in the public interest of all Montanans that a special session of the Legislature be called for the limited purpose of approving fund balance transfers, reducing general fund expenditures, reducing non-general fund appropriations and nonbudgeted transfers, reducing the general fund shortfall in revenue to meet the declining revenue projections for the 2003 biennium, and providing a guarantee account in the state special revenue fund.

NOW, THEREFORE I, Judy Martz, Governor of the State of Montana, pursuant to the authority vested in me by the Constitution and laws of the state of Montana do hereby call the Fifty-Seventh Legislature into Special Session in Helena, at the Capitol Complex at the hour of 9:00 a.m., the 5<sup>th</sup> day of August, 2002, and hereby direct the Special Session of the Fifty-Seventh Legislature to consider action limited to the following subjects.

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

1. Legislation approving fund balance transfers as submitted by the Office of Budget and Program Planning.
2. Legislation reducing general fund expenditures, including general fund expenditures exempted by section 17-7-140, MCA, House Bill 2, any other appropriation bill, statutory appropriation, or language appropriation.
3. Legislation reducing non-general fund appropriations and nonbudgeted transfers when the reduction will increase the general fund balance and any necessary statutory amendments to effectuate the legislative reductions.
4. Legislation reducing the general fund shortfall in revenue.
5. Legislation amending House Bill 41 and Senate Bill 495 to provide for a guarantee account in the state special revenue fund.
6. Confirmation by the Montana Senate of the water judge appointed by the Montana Supreme Court and agency heads appointed since the regular legislative session.
7. Legislation amending Montana's Sexual & Violent Offender Act to bring Montana into compliance with federal law which will restore lost federal funds for the current state fiscal year as well as ensure that Montana receives full federal fund allocation in future years.

Dated this 1<sup>st</sup> day of August, 2002.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Montana to be affixed. DONE at the City of Helena, the Capitol, this 1st day of August, in the year of our Lord, two thousand and two.

JUDY MARTZ  
Governor

Secretary of State Bob Brown administered the oath of office to the following newly appointed members: Representatives George Everett, Tom Keating, Jim Peterson, John Sinrud, and Elaine Sliter.

Representative Brown moved that the Speaker appoint a committee to escort the governor into the House Chamber. Motion carried. Speaker McGee appointed Representatives Lindeen and Sliter. The committee escorted Governor Martz into the House Chamber.

After being introduced by Speaker McGee, Governor Martz delivered the following address:

Mr. Speaker, members of the House - good morning. Please accept my sincere gratitude for your dedication and public service, especially under these incredibly challenging circumstances.

This is the 28th special session in our state's history. In 1921, the 17<sup>th</sup> Special Session of our state's legislature was convened by then-Governor Dixon for the very same purpose.

In his opening remarks, he said, "The proclamation calling you into special session was issued by me with reluctance. But a knowledge of the critical condition of the state treasury ... coupled with the belief on my part that a fuller appreciation of the situation by you might lead to immediate action in bringing legislative relief ... determined my action."

I echo Governor Dixon's comments today. These are difficult times, and difficult times call for strong leadership and cooperation.

As we begin today, I want to reiterate the focus of my call for this session.

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

The last time we were together, in the spring of 2001, the budget was in structural imbalance. This is nothing new. For several years, our state has been run in a structurally imbalanced manner, counting on increasing revenues to compensate for increases in expenditures.

And in the past, they have. But in 2001, an economy already in recession took another severe hit when terrorists attacked our nation on September 11. The economic recession affects government as surely as it affects businesses and individuals. The net effect has been a decline in state revenues.

We are not alone in this dilemma. On average across this country, state tax revenue has dropped eight percent from comparable months of 2001, and personal income tax payments plummeted a full 26 percent. States like Connecticut, Illinois, and Massachusetts are facing budget deficits of one to two billion dollars each. Idaho's legislature has reduced state spending by one hundred and ten million dollars. According to the National Conference of State Legislatures, across the nation, state budget deficits are at \$58 billion, and nearly every state is reporting budget gaps.

Here at home, as income and corporate tax returns have come in throughout the spring, we have seen a trend toward increased refund amounts and lower tax payments. This indicates a loss in income for both individuals and corporations in our state.

Based on current projections, we have fallen well short of the revenues projected when you left the session last year. As you know, this legislative body gave the Governor's Office the statutory obligation to reduce budgets in order to keep the state's budget in balance.

Given the level of reductions that we faced to address those revenue shortfalls, my budget office recommended, and I concurred, that there was no way that our administration could recommend the level of reduction needed while remaining within the statutory parameters outlined.

It was based on that information that I called you for this special session.

The budget office has extensively researched all available options, and has provided those recommendations to you as a base for your deliberations.

You know as well as I that these are painful decisions that affect everyone's lives. I ask that you focus on reductions that have the most limited impact possible while at the same time assuring that the state remains fiscally responsible.

Our state is already 46<sup>th</sup> in per capita income. **I do not believe** that increasing taxes on Montanans is the way to realign our budgets. I will, of course, give due consideration to all proposals that you bring forward.

Businesses and families must operate within their means, and I commit to the people of Montana that our government will do the same.

One final note. As you move forward in this session, it is my sincere hope and belief that we will serve Montanans best by putting aside partisan politics for the common good of our state.

I hope – I trust – that you will see fit to do the right thing for the future of our state and its families. Thank you again for your service, and may God bless and guide your deliberations.

The committee escorted the Governor from the House Chamber.

After being recognized by Speaker McGee, House Minority Leader Gillan addressed the assembly.

Speaker McGee introduced Trina Palmer, the Journal Clerk from the Oregon House of Representatives.

Representative Brown moved that the following Joint rules as proposed be adopted as the operating rules of the Special Session of the 57th Legislature:

**Temporary Joint Rule Changes for Special Session**

**10-150. Recording and publication of voting.** (1) Every vote of each member on each substantive question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the names entered on the journal.

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

(2) (a) Roll call votes must be taken by ayes and noes and the names entered on the journal on adopting an adverse committee report and on those motions made in Committee of the Whole to:

- (i) amend;
- (ii) recommend passage or nonpassage;
- (iii) recommend concurrence or nonconcurrence; or
- (iv) indefinitely postpone.

(b) The text of all ~~proposed~~ adopted amendments must be recorded.

(3) A roll call vote must be taken on nonsubstantive questions on the request of two members who may, on any vote, request that the ayes and noes be spread upon the journal.

(4) Roll call votes and other votes that are to be made public but are not specifically required to be spread upon the journal must be entered in the minutes of the appropriate committee or of the appropriate house (Montana Constitution, Art. V, Sec. 11(2)). A copy of the minutes must be filed with the Montana Historical Society.

~~**30-50. Committee consideration of appropriation bills.** (1) All bills providing for an appropriation of public money may first be considered by a joint committee composed of the members of the Senate Finance Committee and the House Appropriations Committee, and then by each separately.~~

~~(2) Meetings of the joint committee must be held upon call of the chair of the House Appropriations Committee, who is chair of the joint committee.~~

~~(3) The committee chair of the Senate Finance Committee or of the House Appropriations Committee may be a voting member in the joint subcommittees if:~~

- ~~(a) either house has fewer members on the joint subcommittees;~~
- ~~(b) the chair represents the house with fewer members on the subcommittees; and~~
- ~~(c) the chair is present for the vote.~~

~~**30-60. Estimation of revenue.** The Revenue and Taxation Committee shall introduce a House joint resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature.~~

~~**40-40. Bill requests and introduction -- limits and procedures.** (1) Prior to a regular the special session, a person entitled to serve in that session, hereafter referred to as a "member", is entitled to request bill drafting services from the Legislative Services Division, subject to the following limits: for bills within the call of the special session.~~

~~(a) Prior to 5 p.m. on December 5 preceding a regular session of the Legislature, a member may request an unlimited number of bills and resolutions to be prepared by the Legislative Services Division for introduction in the regular session:~~

~~(b) After 5 p.m. on December 5, a member may request no more than seven bills or resolutions to be prepared by the Legislative Services Division. At least five of the seven bills or resolutions must be requested before the regular session convenes:~~

~~(c) After December 5, a member, in the member's discretion, may grant to any other member any of the remaining bill or resolution requests the granting member has not used. A bill requested by an individual may not be transferred to another legislator but may be introduced by another legislator.~~

~~(d) These limitations on bill and resolution requests do not apply to:~~

- ~~(i) Code Commissioner bills;~~
- ~~(ii) a bill or resolution requested by a standing committee; and~~
- ~~(iii) a bill or resolution requested by a member at the request of a newly elected state official if so designated.~~

~~(2) The staff of the Legislative Services Division shall work on bill draft requests in the order received. After a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of that member must receive a lower drafting priority than all other bills of members not in excess of five per member. A bill requested pursuant to subsection (5) must receive a lower drafting priority than all bills requested by members, unless the requesting member assigns that request to the member's five-request priority. A legislator draft must receive priority at each step of the drafting process. A legislator draft must be delivered to the Legislative Services Division by the 20th legislative day or the request is canceled. The Speaker of the House, the minority leader of the House, the President of the Senate, and the minority leader of the Senate may each direct the staff of the Legislative~~

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

Services Division to assign a higher priority to 10 draft requests. The staff of the Legislative Services Division shall assign a higher priority to any bill draft request when jointly directed by:

- ~~\_\_\_\_\_ (a) the President of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House; or~~
- ~~\_\_\_\_\_ (b) the House and the Senate.~~

~~(3)~~ (2) Bills and resolutions must be reviewed by the staff of the Legislative Services Division prior to introduction for proper format, style, and legal form. The staff of the Legislative Services Division shall store bills on the automated bill drafting equipment and shall print and deliver them to the requesting members. The original bill cover must be signed to indicate review by the Legislative Services Division. A bill may not be introduced unless it is so signed.

~~(4)~~ (3) During a session, a bill may be introduced by endorsing it with the name of a member and presenting it to the Chief Clerk of the House of Representatives or the Secretary of the Senate. Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill must be introduced in the house in which the member whose name appears first on the bill is a member. The chief joint sponsor's name must appear immediately to the right of the first sponsor's name. In each session of the Legislature, bills, joint resolutions, and simple resolutions must be numbered consecutively in separate series in the order of their receipt.

~~(5)~~ (4) (a) Any bill proposed by an interim or statutory legislative committee or introduced by request of an administrative or executive agency or department must be so indicated by placing after the names of the sponsors the phrase "By Request of the..... (Name of committee or agency)". The phrase may not be added to an introduced bill and may not be placed on a bill whose subject matter was requested by an agency or statutory or interim committee prior to the convening of the session. ~~Unless requested by an individual member, a bill draft request submitted at the request of an agency must be submitted to, reviewed by, and requested by the appropriate interim or statutory committee. A bill draft request submitted at the request of an agency or committee prior to December 23 must be requested by an individual member by December 23 or the request is placed on hold. After December 23, an agency or committee bill must be requested by an individual member. Except as provided in subsection (5)(b), an agency or committee bill request must be preintroduced or the request is canceled. Preintroduction must occur no later than 5 p.m. on the fifth working day prior to the convening of a legislative session. Preintroduction is accomplished when the Legislative Services Division receives a signed preintroduction form.~~

~~\_\_\_\_\_ (b) The preintroduction requirement does not apply to an office held by an elected official during the official's first year in that office or to bills requested by a joint select or joint special committee appointed prior to the convening of the legislative session to address a specific issue.~~

~~(6)~~ (5) Bills may be preintroduced, numbered, and reproduced prior to a legislative session by the staff of the Legislative Services Division. Actual signatures of persons entitled to serve as members in the ensuing session may appear on the face of the preintroduced bill, or signatures may be obtained on a consent form from the Legislative Services Division and the sponsor's name printed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded to the Legislative Services Division to be included on the face of the bill following standing committee approval.

~~**40-50. Schedules for drafting requests and bill introduction.** The following schedules must be followed for submission of drafting requests and introduction of bills and resolutions:~~

	Request Deadline
	5:00 P.M.
	Legislative Day
<del>! General Bills and Resolutions</del>	<del>10</del>
<del>! Revenue Bills</del>	<del>17</del>
<del>! Committee Bills and Resolutions</del>	<del>36</del>
<del>! Committee Revenue Bills</del>	<del>62</del>
<del>! Committee Bills implementing provisions of a general appropriation act</del>	<del>75</del>

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

! Bills and Resolutions must be introduced within 2 legislative days after delivery:	
! Appropriation Bills	No Deadline
! Interim study resolutions	75
! Resolutions to express confirmation of appointments	No Deadline
! Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules	No Deadline

**40-100. Fiscal notes.** (1) As provided in Title 5, chapter 4, part 2, MCA, all bills reported out of a committee of the Legislature having a potential effect on the revenues, expenditures, or fiscal liability of the state, local governments, or public schools, except appropriation measures carrying specific dollar amounts, must include a fiscal note incorporating an estimate of the fiscal effect. The Legislative Services Division staff shall indicate at the top of each bill prepared for introduction that a fiscal note may be necessary under this rule. Fiscal notes must be requested by the presiding officer of either house, who, at the time of introduction or after adoption of substantive amendments to an introduced bill, shall determine the need for the note, based on the Legislative Services Division staff recommendation:

(2) Unless the chief sponsor directs otherwise, the Legislative Services Division shall make available an electronic copy of any bill for which it has been determined a fiscal note may be necessary to the Budget Director immediately after the bill has been prepared for introduction and delivered to the requesting member. The Budget Director may proceed with the preparation of a fiscal note in anticipation of a subsequent formal request. A bill with financial implications for a local government or school district must comply with subsection (4):

(3) The Budget Director, in cooperation with the governmental entity or entities affected by the bill, is responsible for the preparation of the fiscal note. Except as provided in subsection (4), the Budget Director shall return the fiscal note within 6 days unless further time is granted by the presiding officer or committee making the request, based upon a written statement from the Budget Director that additional time is necessary to properly prepare the note:

(4) (a) A bill that may require a local government or school district to perform an activity or provide a service or facility that requires the direct expenditure of additional funds without a specific means to finance the activity, service, or facility in violation of section 1-2-112 or 1-2-113, MCA, must be accompanied, at the time that the bill is presented for introduction, by an estimate of all direct and indirect fiscal impacts on the local government or school district. The estimate of the fiscal impacts must be prepared by the Budget Director in cooperation with a local government or school district affected by the bill:

(b) The Budget Director has 8 days to prepare the estimate unless further time is granted by the presiding officer, based upon a written statement from the Budget Director that additional time is necessary to properly prepare the estimate. Upon completion of the estimate, the Budget Director shall submit it to the presiding officer and the chief sponsor of the bill:

(5) A completed fiscal note must be submitted by the Budget Director to the presiding officer who requested it. The presiding officer shall notify the bill's chief sponsor of the completed fiscal note and request the chief sponsor's signature. The chief sponsor has 1 legislative day after delivery to review the fiscal note and to discuss the findings with the Budget Director, if necessary. After the legislative day has elapsed, all fiscal notes must be reproduced and placed on the members' desks, either with or without the chief sponsor's signature:

(6) A fiscal note must, if possible, show in dollar amounts:

(a) the estimated increase or decrease in revenues or expenditures;

(b) costs that may be absorbed without additional funds; and

(c) long-range financial implications.

(7) The fiscal note may not include any comment or opinion relative to merits of the bill. However, technical or mechanical defects in the bill may be noted:

(8) A fiscal note also may be requested, through the presiding officer, on a bill and on an amended bill by:

(a) a committee considering the bill;

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

~~\_\_\_\_\_ (b) a majority of the members of the house in which the bill is to be considered, at the time of second reading; or~~

~~\_\_\_\_\_ (c) the chief sponsor.~~

~~\_\_\_\_\_ (9) The Budget Director shall make available on request to any member of the Legislature all background information used in developing a fiscal note.~~

~~\_\_\_\_\_ (10) If a bill requires a fiscal note, the bill may not be reported from a committee for the fiscal note must be available for second reading unless the bill is accompanied by the fiscal note.~~

~~\_\_\_\_\_ **40-140. Second reading -- bill reproduction.** (1) If the majority of a house adopts a recommendation for the passage of a bill originating in that house after the bill has been returned from a committee with amendments, the bill must be reproduced on yellow paper with all amendments incorporated into the copies.~~

~~\_\_\_\_\_ (2) If a bill has been returned from a committee without amendments, only the first sheet must be reproduced on yellow paper, and the remainder of the text may be incorporated by reference to the preceding version of the entire bill.~~

~~\_\_\_\_\_ (3) A bill requested by and heard by a joint select or joint special committee, as provided in 40-40(5)(b), may be referred directly to second reading. If the bill is passed by the house of origin, the bill must be transmitted to the other house, and if the bill was not amended, it may be placed on second reading without the need for referral to a committee.~~

~~\_\_\_\_\_ **40-150. Engrossing.** (1) When a bill has been reported favorably by Committee of the Whole of the house in which it originated and the report has been adopted, the bill must be engrossed. Committee of the Whole amendments must be included in the engrossed bill. The bill must be placed on the calendar for third reading on the legislative day after receipt.~~

~~\_\_\_\_\_ (2) Copies of the engrossed bill to be distributed to members are reproduced on blue paper. If a bill is unamended by the Committee of the Whole and contains no clerical errors, it is not required to be reprinted. Only the first sheet must be reproduced on blue paper, with the remainder of the text incorporated by reference to the preceding version of the entire bill.~~

~~\_\_\_\_\_ (3) If a bill is amended by a standing committee in the second house, the amendments must be included in a tan-colored bill and distributed in the second house for second reading consideration. If the bill is amended in Committee of the Whole, the amendments must be included in a salmon-colored reference bill and distributed in the second house for third reading. If the bill passes on third reading, copies of the reference bill must be distributed in the original house. The original house may request from the second house a specified number of copies of the amendments to be printed.~~

Motion carried.

Representative Brown moved that the following House rules as proposed be adopted as the operating rules of the Special Session of the 57th Legislature:

**Temporary House Special Session Rule Changes**

**H40-60. One reading per day.** ~~Except on the final legislative day, legislation Legislation may receive no more than one reading per legislative day. On the final legislative day, legislation may receive more than one reading.~~

**H40-140. Second reading.** (1) Legislation returned from committee may be placed on second reading unless otherwise ordered by the House.

(2) The House shall form itself into a Committee of the Whole to consider business on second reading. The Committee of the Whole may debate legislation, attach amendments, and recommend approval or disapproval of legislation.

(3) ~~Except on the final legislative day, at least 1 legislative day must elapse between the time legislation is Legislation reported from committee and the time it is may be considered on second reading at any time.~~

(4) If a motion to recommend that a bill "do pass" or "be concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do not pass" or "be not concurred in", is considered to have passed. If a motion to recommend that a bill "do not pass" or "be not concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do pass" or "be concurred in", is considered to have passed.

(5) An amendment attached to legislation by the Committee of the Whole remains unless removed by further legislative action.

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

(6) When the Committee of the Whole reports to the House, the House shall adopt or reject the Committee of the Whole report. If the House rejects the Committee of the Whole report, the legislation remains on second reading, as amended by the Committee of the Whole, unless the House orders otherwise.

(7) A representative may move to segregate legislation from the Committee of the Whole report before the report is adopted. Segregated legislation, as amended by the Committee of the Whole, must be placed on second reading unless the House orders otherwise.

**H40-150. Amendments in the Committee of the Whole.** (1) All Committee of the Whole amendments must be checked by the House amendments coordinator for format, style, clarity, consistency, and other factors, in accordance with the most recent Bill Drafting Manual published by the Legislative Services Division, before the amendment may be accepted at the rostrum. The amendment form must include the date and time the amendment is submitted for that check. The amendment coordinator shall make a determination that the amendment does not change the purpose of the bill, that the amendment is reasonably germane to the bill, and that the amendment is within the scope of the call of the special session. The amendment coordinator's determination, along with a copy of the proposed amendment must be provided to the majority leader and the minority leader.

(2) An amendment submitted to the rostrum for consideration by the Committee of the Whole must be marked as checked by the amendments coordinator and signed by a representative. Unless the majority leader, the minority leader, and sponsor agree, amendments must be printed and placed on the members' desks prior to consideration.

(3) An amendment may not be proposed until the sponsor has opened on a bill.

(4) A copy of every amendment rejected by the Committee of the Whole must be kept as part of the official records.

(5) An amendment may not change the original purpose of the bill.

**H40-190. Engrossing.** (1) ~~After legislation is passed on second reading, it must be engrossed within 48 hours under the direction of the Speaker. The Speaker may grant additional time for engrossing.~~

~~—————~~(2) ~~When the legislation~~ Legislation that has passed second reading has been correctly engrossed, it may be placed on third reading on the following same legislative day. On the final legislative day, the correctly engrossed legislation may be placed on third reading on the same legislative day.

**H40-200. Third reading.** (1) All bills, joint resolutions, and Senate amendments to House bills and resolutions passing second reading must be placed on third reading ~~the day following the receipt of the engrossing or other appropriate printing report.~~

(2) Legislation on third reading may not be amended or debated.

(3) The Speaker shall state the question on legislation on third reading. If a majority of the representatives voting does not approve the legislation, it fails to pass third reading.

**H40-240. Enrolling.** (1) When House legislation has passed both houses, it must be enrolled ~~within 48 hours~~ under the direction of the Speaker. ~~The Speaker may grant additional time for enrolling.~~

(2) The chief sponsor of the legislation shall examine the enrolled legislation and, if it has no enrolling errors, shall, within 1 legislative day, certify the legislation as correctly enrolled.

(3) The correctly enrolled legislation must be delivered to the Speaker, who shall sign the legislation.

(4) After the legislation has been reported correctly enrolled but before it is signed, any representative may examine the legislation.

**H50-10. Attendance.** (1) A representative, unless excused, is required to be present at every sitting of the House.

(2) A representative may request in writing to be excused for a specified cause by the representative's party leader. ~~This excused absence is not a leave with cause from a call of the House.~~

~~—————~~**H50-30. Call of the House without a quorum.** (1) ~~In the absence of a quorum, a majority of the representatives present may compel the attendance of absent representatives through a call of the House without a quorum. The motion for the call is nondebatable, may not be amended, and is in order at any time it has been established that a quorum is not present.~~

~~—————~~(2) ~~During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.~~



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

~~\_\_\_\_\_ (3) When a quorum has been achieved under the call, the call is automatically lifted. The call may also be lifted by adjournment or by two-thirds of the representatives present and voting.~~

~~\_\_\_\_\_ **H50-40. Call of the House with a quorum.** (1) If a quorum is present but at least one representative is excused or absent, one-third of the representatives present and voting may order a call of the House with a quorum.~~

~~\_\_\_\_\_ (2) The motion for a call is nondebatable, may not be amended, and is in order at any time a vote is not being taken, except that a call of the House with a quorum is not allowed in the Committee of the Whole.~~

~~\_\_\_\_\_ (3) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.~~

~~\_\_\_\_\_ (4) When all representatives are present, except those on leave with cause, the call is automatically lifted. The call may also be lifted by adjournment or by two-thirds of the representatives present and voting.~~

~~\_\_\_\_\_ **H50-50. Leave with cause.** (1) During a call of the House, a representative with an overriding medical or personal reason may request a leave with cause.~~

~~\_\_\_\_\_ (2) If the representative is present at the time of the call, the Speaker may approve a request for a leave with cause.~~

~~\_\_\_\_\_ (3) If the representative is not present at the time of the call, two-thirds of the representatives present and voting may approve a request for leave with cause.~~

~~\_\_\_\_\_ (4) During a call of the House, a representative on leave with cause may not cast an absentee vote.~~

~~\_\_\_\_\_ **H50-80. Nondebatable motions.** (1) A representative has the right to understand any question before the House and, usually under the administration of the presiding officer, may ask questions to exercise this right.~~

~~\_\_\_\_\_ (2) The following motions are nondebatable:~~

~~\_\_\_\_\_ (a) to adjourn;~~

~~\_\_\_\_\_ (b) for a call of the House;~~

~~\_\_\_\_\_ (c) to recess or rise;~~

~~\_\_\_\_\_ (d) for parliamentary inquiry;~~

~~\_\_\_\_\_ (e) to table or take from the table;~~

~~\_\_\_\_\_ (f) to call for the previous question or cloture;~~

~~\_\_\_\_\_ (g) to amend a nondebatable motion;~~

~~\_\_\_\_\_ (h) to divide a question;~~

~~\_\_\_\_\_ (i) to postpone consideration to a day certain;~~

~~\_\_\_\_\_ (j) to suspend the rules;~~

~~\_\_\_\_\_ (k) all incidental motions, such as motions relating to voting or of a general procedural nature; and~~

~~\_\_\_\_\_ (l) to appeal a call to order.~~

~~\_\_\_\_\_ **H50-100. Amending motions -- limitations.** (1) A representative may move to amend the specific provisions of a motion without changing its substance.~~

~~\_\_\_\_\_ (2) No more than one motion to amend a motion is in order at any one time.~~

~~\_\_\_\_\_ (3) A motion for a call of the House, for the previous question, to table, or to take from the table may not be amended.~~

~~\_\_\_\_\_ **H50-110. Substitute motions.** (1) When a question is before the House, no substitute motion may be made except the following, which have precedence in the order listed:~~

~~\_\_\_\_\_ (a) to adjourn;~~

~~\_\_\_\_\_ (b) for a call of the House;~~

~~\_\_\_\_\_ (c) to recess or rise;~~

~~\_\_\_\_\_ (d) for a question of privilege;~~

~~\_\_\_\_\_ (e) to table;~~

~~\_\_\_\_\_ (f) to call for the previous question or cloture;~~

~~\_\_\_\_\_ (g) to postpone consideration to a day certain;~~

~~\_\_\_\_\_ (h) to refer to a committee; and~~

~~\_\_\_\_\_ (i) to propose amendments.~~

~~\_\_\_\_\_ (2) Nothing in this section allows a motion that would not otherwise be allowed under a particular order of business.~~

~~\_\_\_\_\_ (3) No more than one substitute motion is in order at any one time.~~

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

**H50-150. Questions requiring other than a majority vote.** The following questions require the vote specified for each condition:

100 House Members

- (1) a motion to override the Governor's veto (two-thirds);
- (2) a motion to approve a bill to appropriate the principal of the coal severance tax trust fund

(three-fourths);

(3) a motion to approve a bill to appropriate highway revenue, as described in Article VIII, section 6, of the Montana Constitution, for purposes other than therein described (three-fifths);

(4) a motion to approve a bill to authorize creation of state debt (two-thirds);

(5) a motion to temporarily suspend a joint rule governing the procedure for handling bills (two-thirds).

Members Present and Voting

~~(1) a call of the House with a quorum (one-third);~~

~~(2) a motion to lift a call of the House (two-thirds);~~

(3) a motion to rerefer a bill from one committee to another pursuant to Rule 40-80(1) (three-fifths);

(4) a motion to withdraw a bill from a committee (three-fifths);

(5) a motion to add legislation to the second or third reading agenda (three-fifths);

(6) a motion to remove legislation from its normal progress through the House as provided under these rules and reassign it unless otherwise specifically provided by these rules (three-fifths);

(7) a motion to change a vote (unanimous);

(8) a motion to call for cloture (two-thirds);

(9) a motion to take from the table in Committee of the Whole (three-fifths).

Members Voting

(1) a motion to amend or suspend rules (two-thirds);

(2) a motion to overturn an adverse committee report (three-fifths);

(3) a motion to record a vote (one representative);

(4) a motion to spread a vote on the journal (two representatives);

(5) an appeal of the ruling of the presiding officer (three representatives);

(6) a motion to speak more than once on a debatable motion (unanimous vote);

(7) a motion to appeal the presiding officer's interpretation of the rules to the House Rules Committee (15 representatives).

Entire Legislature

(1) a motion to approve a bill proposing to amend the Montana Constitution (two-thirds of the entire Legislature).

**H60-20. Nondebatable motions.** The following motions, in addition to any other motion specifically designated, must be decided without debate:

(1) to adjourn;

~~(2) for a call of the House;~~

(3) to recess or rise;

(4) for parliamentary inquiry;

(5) to table or to take from the table;

(6) to call for the previous question or for cloture;

(7) to amend a nondebatable motion;

(8) to divide a question;

(9) to postpone consideration to a day certain;

(10) to suspend the rules; and

(11) all incidental motions, such as motions relating to voting or of a general procedural nature.

**H60-30. Motions allowed during debate.** (1) When a question is under debate, only the following motions are in order. The motions have precedence in the following order:

(a) to adjourn;

~~(b) for a call of the House;~~

(c) to recess or rise;

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

- (d) for a question of privilege;
- (e) to table or take from the table;
- (f) to call for the previous question or cloture;
- (g) to postpone consideration to a day certain;
- (h) to refer or rerefer; and
- (i) to propose amendments.

(2) This section does not allow a motion that would not otherwise be allowed under a particular order of business.

- (3) Only one substitute motion is in order at any time.

**H70-10. House rules.** (1) The House may adopt, through a House resolution passed by a majority of its members, rules to govern its proceedings.

(2) After adoption of the House rules, ~~two-thirds~~ a majority of the representatives voting must vote in favor of the question to amend the rules.

- (3) The Speaker shall refer to the House Rules Committee all resolutions for House rules.

(4) The House Rules Committee shall report all resolutions for House rules within 1 legislative day of referral.

**H70-20. Tenure of rules.** Rules adopted by the House for a regular session remain in effect until removed by House resolution or until a new House is elected and takes office.

Motion to adopt rules carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Everett, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schruppf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 61

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Waddill, Wanzenried.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved that the Speaker appoint a committee of four members to notify the Senate that the House is now organized and ready for business. Motion carried. Mr. Speaker appointed the following members: Representatives Balyeat, Fuchs, Laslovich, and McCann.

Representative Brown moved that the Speaker appoint a committee of four members to notify the Supreme Court by phone that the House is now organized and ready for business. Motion carried. Mr. Speaker appointed the following members: Representatives Barrett, Hurdle, Raser, and Rice.

Mr. Speaker discharged the committees and announced that the House would stand at ease to await the reports from the committees.

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

Sergeant-at-Arms Ahner escorted the committee from the Supreme Court into the House Chamber. Representatives Barrett, Hurdle, Raser, and Rice reported that the Supreme Court had been notified that the House was ready for business.

Sergeant-at-Arms Ahner escorted the committee from the Senate into the House Chamber. Representatives Balyeat, Fuchs, Laslovich, and McCann reported that the Senate had been notified that the House was ready for business. The committees were thanked and discharged.

**FIRST READING AND COMMITMENT OF BILLS**

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

- HB 1**, introduced by Lewis, referred to Appropriations.
- HB 2**, introduced by Lewis, referred to Appropriations.
- HB 3**, introduced by Kasten, referred to Appropriations.
- HB 4**, introduced by Kasten, referred to Appropriations.
- HB 5**, introduced by Lewis, referred to Appropriations.
- HB 6**, introduced by Bookout-Reinicke, referred to Appropriations.
- HB 7**, introduced by Lewis, referred to Appropriations.
- HB 8**, introduced by Lewis, referred to Appropriations.
- HB 9**, introduced by Fisher, referred to Appropriations.
- HB 10**, introduced by Balyeat, referred to Appropriations.
- HB 11**, introduced by Haines, referred to Taxation.
- HB 12**, introduced by Kasten, referred to Appropriations.
- HB 13**, introduced by Lewis, referred to Appropriations.
- HB 14**, introduced by Bookout-Reinicke, referred to Appropriations.
- HB 15**, introduced by Buzzas, referred to Appropriations.
- HB 16**, introduced by Dee Brown, referred to Appropriations.
- HB 17**, introduced by Waddill, referred to Taxation.
- HB 18**, introduced by Story, referred to Taxation.
- HB 19**, introduced by Waddill, referred to Taxation.
- HB 20**, introduced by Waddill, referred to Appropriations.
- HB 21**, introduced by Balyeat, referred to Appropriations.
- HB 22**, introduced by Lewis, referred to Appropriations.
- HB 23**, introduced by Waddill, referred to Taxation.
- HB 24**, introduced by Balyeat, referred to Appropriations.

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

- HJR 1**, introduced by Devlin, referred to Taxation.

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Lewis, Chairman):  
**HB 5**, introduced bill, be amended as follows:

7/25/2002

1. Page 5, line 7.

**Following:** "₂"

**Strike:** "For the fiscal year beginning"

**Insert:** "Beginning"

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

**Following:** "transferred"

**Insert:** "annually"

And, as amended, do pass. Report adopted.

**HB 9**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "ELIMINATING"

**Insert:** "REDUCING"

2. Title, line 7.

**Following:** "MANAGEMENT"

**Insert:** "TO \$300,000"

3. Title, line 7.

**Following:** the first ";"

**Insert:** "TRANSFERRING \$1 MILLION FROM THE RESOURCE INDEMNITY TRUST FUND TO THE RECLAMATION AND DEVELOPMENT GRANTS ACCOUNT; TRANSFERRING \$1 MILLION FROM THE ORPHAN SHARE FUND TO THE GENERAL FUND;"

4. Title, line 8.

**Following:** "15-38-202"

**Insert:** ", 75-10-743,"

5. Page 1, line 14.

**Following:** line 13

**Insert:** "NEW SECTION. Section 1. Transfer to reclamation and development grants account. There is transferred to the reclamation and development grants account, as provided in 90-2-1104, in the fiscal year ending June 30, 2003, \$1 million from the resource indemnity trust fund, as provided in 15-38-202, from the first money paid into the resource indemnity trust fund that exceeds \$100 million."

**Renumber:** subsequent sections

6. Page 8, line 26.

**Strike:** "Thirty percent"

**Insert:** "For the fiscal year beginning July 1, 2002, through the fiscal year ending June 30, 2005, 25.5% and for fiscal years beginning on or after July 1, 2005, 30%"

7. Page 8, line 28.

**Strike:** "Twenty-six percent"

**Insert:** "For the fiscal year beginning July 1, 2002, through the fiscal year ending June 30, 2005, 22% and for fiscal years beginning on or after July 1, 2005, 26%"

8. Page 8, line 30.

**Strike:** "Thirty-five percent"

**Insert:** "For the fiscal year beginning July 1, 2002, through the fiscal year ending June 30, 2005, 45% and for fiscal years beginning on or after July 1, 2005, 35%"

9. Page 9, line 2.

**Strike:** "Nine percent"

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

**Insert:** "For the fiscal year beginning July 1, 2002, through the fiscal year ending June 30, 2005, 7.5% and for fiscal years beginning on or after July 1, 2005, 9%"

10. Page 11, line 28.

**Following:** line 27

**Insert:** "**Section 7.** Section 75-10-743, MCA, is amended to read:

**"75-10-743. (Temporary--effective July 1, 2002) Orphan share state special revenue account -- reimbursement of claims -- payment of department costs.** (1) There is an orphan share account in the state special revenue fund established in 17-2-102 that is to be administered by the department. Money in the account is available to the department by appropriation and must be used to reimburse remedial action costs claimed pursuant to 75-10-742 through 75-10-752 and to pay costs incurred by the department in defending the orphan share.

(2) There must be deposited in the orphan share account:

(a) money allocated from the metalliferous mines license tax pursuant to 15-37-117;

(b) all penalties assessed pursuant to 75-10-750(12);

(c) funds received from the interest income of the resource indemnity trust fund pursuant to 15-38-202;

(d) funds allocated from the resource indemnity and ground water assessment tax proceeds provided for in 15-38-106;

(e) unencumbered funds remaining in the abandoned mines state special revenue account;

(f) interest income on the account;

(g) funds received from settlements pursuant to 75-10-719(7); and

(h) funds received from reimbursement of the department's orphan share defense costs pursuant to subsection (6).

(3) If the orphan share fund contains sufficient money, valid claims must be reimbursed subsequently in the order in which they were received by the department. If the orphan share fund does not contain sufficient money to reimburse claims for completed remedial actions, a reimbursement may not be made and the orphan share fund, the department, and the state are not liable for making any reimbursement for the costs. The department and the state are not liable for any penalties if the orphan share fund does not contain sufficient money to reimburse claims, and interest may not accrue on outstanding claims.

(4) Except as provided in subsection (8), claims may not be submitted and remedial action costs may not be reimbursed from the orphan share fund until all remedial actions, except for operation and maintenance, are completed at a facility.

(5) Reimbursement from the orphan share fund must be limited to actual documented remedial action costs incurred after the date of petition provided in 75-10-745. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs.

(6) (a) The department's costs incurred in defending the orphan share must be paid by the persons participating in the allocation under 75-10-742 through 75-10-752 in proportion to their allocated shares. The orphan share fund is responsible for a portion of the department's costs incurred in defending the orphan share in proportion to the orphan share's allocated share, as follows:

(i) If sufficient funds are available in the orphan share fund, the orphan share fund must pay the department's costs incurred in defending the orphan share in proportion to the share of liability allocated to the orphan share.

(ii) If sufficient funds are not available in the orphan share fund, persons participating in the allocation under 75-10-742 through 75-10-752 shall pay all the orphan share's allocated share of the department's costs incurred in defending the orphan share in proportion to each person's allocated share of liability.

(b) A person who pays the orphan share's proportional share of costs has a claim against the orphan share fund and must be reimbursed as provided in subsection (3).

(7) If any money remains in the orphan share fund after June 30, 2005, and after outstanding claims are paid, the money must be deposited in the general fund.

(8) If the lead liable person under 75-10-746 presents evidence to the department that the person cannot complete the remedial actions without partial reimbursement and that a delay in reimbursement will cause undue financial hardship on the person, the department may allow the submission of claims and may reimburse the claims

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

prior to the completion of all remedial actions. A person is not eligible for early reimbursement unless the person is in substantial compliance with all department-approved remedial action plans.

(9) A person participating in the allocation process who received funds under the mixed funding pilot program provided for in sections 14 through 20, Chapter 584, Laws of 1995, may not claim or receive reimbursement from the orphan share fund for the amount of funds received under the mixed funding pilot program that are later attributed to the orphan share under the allocation process.

**75-10-743. (Temporary--effective July 1, 2002) Orphan share state special revenue account -- reimbursement of claims -- payment of department costs.** (1) There is an orphan share account in the state special revenue fund established in 17-2-102 that is to be administered by the department. Money in the account is available to the department by appropriation and must be used to reimburse remedial action costs claimed pursuant to 75-10-742 through 75-10-752 and to pay costs incurred by the department in defending the orphan share.

(2) There must be deposited in the orphan share account:

- (a) all penalties assessed pursuant to 75-10-750(12);
- (b) funds received from the interest income of the resource indemnity trust fund pursuant to 15-38-202;
- (c) funds allocated from the resource indemnity and ground water assessment tax proceeds provided for in 15-38-106;
- (d) unencumbered funds remaining in the abandoned mines state special revenue account;
- (e) interest income on the account;
- (f) funds received from settlements pursuant to 75-10-719(7); and
- (g) funds received from reimbursement of the department's orphan share defense costs pursuant to subsection (6).

(3) If the orphan share fund contains sufficient money, valid claims must be reimbursed subsequently in the order in which they were received by the department. If the orphan share fund does not contain sufficient money to reimburse claims for completed remedial actions, a reimbursement may not be made and the orphan share fund, the department, and the state are not liable for making any reimbursement for the costs. The department and the state are not liable for any penalties if the orphan share fund does not contain sufficient money to reimburse claims, and interest may not accrue on outstanding claims.

(4) Except as provided in subsection (8), claims may not be submitted and remedial action costs may not be reimbursed from the orphan share fund until all remedial actions, except for operation and maintenance, are completed at a facility.

(5) Reimbursement from the orphan share fund must be limited to actual documented remedial action costs incurred after the date of petition provided in 75-10-745. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs.

(6) (a) The department's costs incurred in defending the orphan share must be paid by the persons participating in the allocation under 75-10-742 through 75-10-752 in proportion to their allocated shares. The orphan share fund is responsible for a portion of the department's costs incurred in defending the orphan share in proportion to the orphan share's allocated share, as follows:

(i) If sufficient funds are available in the orphan share fund, the orphan share fund must pay the department's costs incurred in defending the orphan share in proportion to the share of liability allocated to the orphan share.

(ii) If sufficient funds are not available in the orphan share fund, persons participating in the allocation under 75-10-742 through 75-10-752 shall pay all the orphan share's allocated share of the department's costs incurred in defending the orphan share in proportion to each person's allocated share of liability.

(b) A person who pays the orphan share's proportional share of costs has a claim against the orphan share fund and must be reimbursed as provided in subsection (3).

(7) (a) On [the effective date of this act], \$1,000 is transferred from the orphan share fund to the general fund. If sufficient money remains in the orphan share fund on June 29, 2003, \$999,000 must be transferred to the general fund.

(b) If any money remains in the orphan share fund after June 30, 2005, and after outstanding claims are paid, the money must be deposited in the general fund.

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

(8) If the lead liable person under 75-10-746 presents evidence to the department that the person cannot complete the remedial actions without partial reimbursement and that a delay in reimbursement will cause undue financial hardship on the person, the department may allow the submission of claims and may reimburse the claims prior to the completion of all remedial actions. A person is not eligible for early reimbursement unless the person is in substantial compliance with all department-approved remedial action plans.

(9) A person participating in the allocation process who received funds under the mixed funding pilot program provided for in sections 14 through 20, Chapter 584, Laws of 1995, may not claim or receive reimbursement from the orphan share fund for the amount of funds received under the mixed funding pilot program that are later attributed to the orphan share under the allocation process. (Terminates June 30, 2005--sec. 30, Ch. 415, L. 1997.)"

**Renumber:** subsequent sections

11. Page 11, line 30.

**Following:** "(+)"

**Insert:** "(1)"

12. Page 12.

**Following:** line 5

**Insert:** "(2) There is a one-time transfer in fiscal year 2003 of up to \$300,000 from the resource indemnity trust fund, as provided in 15-38-202, from the first money paid into the resource indemnity trust fund that exceeds \$100 million for the purposes provided in 80-7-705."

And, as amended, do pass. Report adopted.

**HB 10**, introduced bill, be amended as follows:

1. Page 1, lines 20, 21, 23, and 24.

Page 2, lines 1, 7, and 17.

Page 5, lines 26, 28, and 30.

Page 6, lines 10, 12, 14, 25, 27, and 29.

**Strike:** "2005"

**Insert:** "2003"

2. Page 1, line 24.

**Strike:** "4.18%"

**Insert:** "5%"

3. Page 2, line 17.

**Strike:** "\$700,000"

**Insert:** "\$750,000"

4. Page 2, line 18.

**Following:** "9;"

**Insert:** "and"

5. Page 2, line 19 through page 2, line 26.

**Strike:** line 19 through line 26 in their entirety

6. Page 2, line 27.

**Strike:** "(v)"



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

**Insert:** "(iii)"

7. Page 14, line 12 in 2 places.

**Strike:** "2005"

**Insert:** "2003"

8. Page 14, line 19.

**Strike:** "2005"

**Insert:** "2003"

And, as amended, do pass. Report adopted.

**HB 1**, do pass. Report adopted.

7/26/2002

**HB 3**, introduced bill, be amended as follows:

1. Page 1, line 26.

**Strike:** "9,285,141"

**Insert:** "9,176,095"

**Strike:** "18,259,051"

**Insert:** "18,320,702"

2. Page 2, line 5.

**Strike:** "1,300,000"

**Insert:** "1,275,000"

And, as amended, do pass. Report adopted.

**HB 4**, do pass. Report adopted.

**HB 6**, do pass. Report adopted.

**HB 7**, do pass. Report adopted.

**HB 8**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "\$223,575"

**Insert:** "\$198,575"

2. Page 1, line 18.

**Strike:** "\$223,575"

**Insert:** "\$198,575"

And, as amended, do pass. Report adopted.

**HB 12**, do pass. Report adopted.

**TAXATION** (Story, Chairman):

7/31/2002

**HJR 1**, introduced joint resolution, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "THE"

**Insert:** "AN ESTIMATED"

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

2. Title, page 1, line 6 through line 7.

**Following:** "BALANCE" on line 6

**Strike:** "THAT" on line 6 through "PRINCIPLES" on line 7

3. Page 3, line 10.

**Strike:** "\$1,258,757,000"

**Insert:** "\$1,262,478,000"

4. Page 3.

**Following:** line 10

**Insert:** "BE IT FURTHER RESOLVED, that the Legislature accept for budget purposes, a fiscal year 2002 fund balance for the general fund that is determined by adding fiscal year 2002 general fund revenue collections to the 2001 fund balance for the general fund and subtracting from that amount fiscal year 2002 general fund expenditures."

5. Page 4, line 2.

**Strike:** "\$527.919"

**Insert:** "\$531.370"

**Strike:** "\$1,045.487"

**Insert:** "\$1,048.938"

6. Page 4, line 4.

**Strike:** "59.636"

**Insert:** "63.095"

**Strike:** "127.809"

**Insert:** "131.268"

7. Page 4, line 6.

**Strike:** "50.228"

**Insert:** "48.801"

**Strike:** "99.166"

**Insert:** "97.739"

8. Page 4, line 7.

**Strike:** "48.799"

**Insert:** "47.793"

**Strike:** "96.090"

**Insert:** "95.084"

9. Page 4, line 10.

**Strike:** "21.558"

**Insert:** "20.358"

**Strike:** "63.997"

**Insert:** "62.797"

10. Page 4, line 15.

**Strike:** "7.812"

**Insert:** "9.299"

**Strike:** "21.628"

**Insert:** "23.115"

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

11. Page 4, line 16.

**Strike:** "12.588"

**Insert:** "13.819"

**Strike:** "25.490"

**Insert:** "26.721"

12. Page 4, line 18.

**Strike:** "18.606"

**Insert:** "16.332"

**Strike:** "32.889"

**Insert:** "30.615"

13. Page 5, line 18.

**Strike:** "\$1,258.757"

**Insert:** "\$1,262.478"

**Strike:** "\$2,524.468"

**Insert:** "\$2,528.189"

And, as amended, be adopted. Report adopted.

**SPECIAL ORDERS OF THE DAY**

Representative Cindy Younkin addressed the assembly about friends who have passed away since the 2001 Legislature: House Majority Leader Paul Sliter, Senator Dale Berry, Representative Art Peterson's wife, Connie, Representative Gay Ann Masolo's son and daughter-in-law, David and Pam, and Representative Gail Gutsche's life partner, Matt Thomas. White roses were presented to Representative Elaine Sliter, Representative Gail Gutsche, and Representative Gay Ann Masolo. Members and guests observed a moment of silence in honor of these departed friends.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Brown moved that the House stand in recess until 3:00 p.m., Monday, August 5, 2002. Motion carried.

House recessed at 9:50 a.m.

Committee meetings were announced by committee chairmen.

**REPORTS OF STANDING COMMITTEES**

Correctly printed: **HB 1, HB 4, HB 6, HB 7, HB 12.**

Correctly engrossed: **HB 3, HB 5, HB 8, HB 9, HB 10, HJR 1.**

Tabled: **HB 15.**

**APPROPRIATIONS**

**HB 2**, introduced bill, be amended as follows:

**Strike:** everything after the enacting clause and insert attached

8/5/2002

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

Add amendment:

Title, line 5

**Strike:** "SECTIONS 2, 7, 10, AND 16,"  
(per clerical)

And, as amended, do pass. Report adopted.

**HB 13**, do pass. Report adopted.

**UNFINISHED BUSINESS**

Representative Mood clarified the rule changes for the Special Session of the 57th Legislature.

Speaker McGee introduced the pages of the week:

Jessica Miller, Helena  
Shayla Schmitz, Helena  
Ann Kilzer, Missoula

**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 Laszloffy in the chair.

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

**HJR 1** - Representative Devlin moved **HJR 1** be adopted.

**HJR 1** - Representative Wanzenried moved **HJR 1**, second reading copy, be amended as follows :

1. Title, page 1, line 6.

**Strike:** "AN ESTIMATED"

**Insert:** "THE"

2. Title, page 1, line 7.

**Following:** "PRINCIPLES"

**Insert:** "THAT WAS ESTABLISHED BASED ON GENERALLY ACCEPTED ACCOUNTING PRINCIPLES"

3. Page 3, line 11.

**Strike:** "A"

**Insert:** "the unreserved"

4. Page 3, line 11 through page 3, line 13.

**Following:** "BALANCE"

**Strike:** "FOR" on line 11 through "EXPENDITURES" ON LINE 13

**Insert:** "of \$84,105,211 for the general fund, prepared according to generally accepted accounting principles"

Amendment adopted as follows:

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Keating, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 98

Noes: Fuchs, Olson.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 1** - Representative Wanzenried moved **HJR 1**, second reading copy, be further amended as follows :

1. Page 3, line 10.  
**Strike:** "\$1,262,478,000"  
**Insert:** "\$1,259,027,000"

2. Page 4, line 6.  
**Strike:** "\$531.370"  
**Insert:** "\$527.919"  
**Strike:** "\$1,048.938"  
**Insert:** "\$1,045.487"

3. Page 6, line 9.  
**Strike:** "\$1,262.478"  
**Insert:** "\$1,259.027"  
**Strike:** "\$2,528.189"  
**Insert:** "\$2,524.738"

Amendment adopted as follows:

Ayes: Andersen, Balyeat, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Esp, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Keating, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Pattison, Raser, Rice, Schmidt, Schrupf, Shockley, Sinrud, Smith, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Younkin, Mr. Speaker.  
Total 78

Noes: Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, E. Clark, Devlin, Holden, Jackson, Kasten, Mood, Olson, K. Peterson, Ripley, Rome, Sliter, Somerville, Steinbeisser, Story, Witt, Wolery.

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

Total 21

Excused: None.

Total 0

Absent or not voting: J. Peterson.

Total 1

**HJR 1** - Representative Devlin moved **HJR 1**, as amended, be adopted. Motion **adopted** as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Everett, Fisher, Forrester, Fritz, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keane, Keating, Laible, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Laszloffy, Lawson, Lindeen, McCann, Musgrove, Newman, Raser, Tramelli, Waddill.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 1** - Representative Lewis moved **HB 1** do pass. Motion **passed** as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Everett, Facey, Fisher, Forrester, Gallus, Gillan, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Keating, Laible, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

Noes: Balyeat, Cyr, Fritz, Fuchs, Gallik, Galvin-Halcro, Golie, Harris, Hurdle, Jacobson, Lawson, Lee, Musgrove, Newman, Schruppf, Smith, Waddill.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

**HB 3** - Representative Kasten moved **HB 3** do pass.

**HB 3** - Representative Kasten moved **HB 3**, second reading copy, be amended as follows :

1. Page 2, line 7.

**Strike:** "1,275,000"

**Insert:** "1,100,000"

Amendment adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Everett, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schrupf, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Schmidt, Shockley, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 3** - Representative Kasten moved **HB 3**, as amended, do pass. Motion **passed** as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Everett, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schrupf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

**HB 4** - Representative Kasten moved **HB 4** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Everett, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keating, Laible, Laszloffy, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 52

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, Raser, Schmidt, Schrupf, Shockley, Smith, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 5** - Representative Lewis moved **HB 5** do pass.

**HB 5** - Representative Haines moved **HB 5**, second reading copy, be amended as follows :

1. Page 5, line 6.

**Following:** "(7)(b)"

**Strike:** "\$3.165"

**Insert:** "\$4.165"

Amendment failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Smith, Thomas, Tramelli, Tropila, Waddill.

Total 42

Noes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Everett, Fisher, Fuchs, Himmelberger, Holden, Jackson, Kasten, Keane, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Excused: None.

Total 0

Absent or not voting: None.

Total 0



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

**HB 5** - Representative Lewis moved **HB 5** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Everett, Fisher, Forrester, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 41

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 6** - Representative Bookout-Reinicke moved **HB 6** do pass.

**HB 6** - Representative Bookout-Reinicke moved **HB 6**, second reading copy, be amended as follows :

1. Page 1, line 19.

**Following:** "employee"

**Insert:** ", including a legislator on legislative business,"

2. Page 1, line 23 and line 24.

**Following:** the second "the" on line 23

**Strike:** remainder of line 23 through "needed" on line 24

**Insert:** "rate of 52% of the low mileage rate allowed by the United States internal revenue service for the current year"

3. Page 1, line 27.

**Following:** "unavailability"

**Strike:** "from the state motor pool"

**Insert:** "of a government-owned or leased motor vehicle"

4. Page 1, line 30.

**Following:** "legislature"

**Insert:** ", while traveling between their residence and Helena"

Amendment adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keating,

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Cyr, Galvin-Halcro, Golie, Keane.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 6** - Representative Bookout-Reinicke moved **HB 6**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Keating, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Buzzas, Callahan, Galvin-Halcro, Golie, Lee.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 7** - Representative Lewis moved **HB 7** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schrupf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 67

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Mangan, McCann, Musgrove, Newman, Schmidt, Smith, Tramelli, Wanzenried.  
Total 33

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 8** - Representative Lewis moved **HB 8** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schruppf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 78

Noes: Bixby, Buzzas, Eggers, Erickson, Facey, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Musgrove, Newman, Schmidt, Wanzenried.  
Total 22

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 9** - Representative Fisher moved **HB 9** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Everett, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schruppf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 40

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

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

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Everett, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keating, Laible, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schruppf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 37

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

Majority Leader Brown moved that the House stand in recess until 7:15 p.m., Monday, August 5, 2002. Motion carried.

House recessed at 5:55 p.m.

House reconvened at 7:15 p.m. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**TAXATION** (Story, Chairman):

8/5/2002

**HB 18**, introduced bill, be amended as follows:

1. Title, page 1, line 10.

**Strike:** "REQUIRING"

**Insert:** "ALLOWING"

2. Title, page 1, line 29.

**Strike:** "3-2-714,"

3. Page 2, line 9 through line 19.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

4. Page 11, line 21.

**Strike:** "calculating"

**Insert:** "applying"

**Following:** "2004"

**Insert:** "to determine the fiscal year 2004 entitlement share pool"

**Following:** "add"

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

**Insert:** "to the fiscal year 2003 entitlement share pool"

5. Page 11, line 23.

**Following:** "46-23-1031"

**Insert:** "(2)(b)"

6. Page 16, line 19.

**Strike:** "a percentage"

**Insert:** "2%"

7. Page 16, line 20.

**Strike:** "." through "must be"

**Insert:** "unless a different percentage of money to be withheld is"

8. Page 23, line 14.

**Following:** "Any"

**Insert:** "filing"

9. Page 39, line 25.

**Strike:** "31"

**Insert:** "30"

10. Page 39, line 27.

**Strike:** "[" through "]"

**Insert:** "[Sections 3, 4, 7, 14, 15, 17, 19, 20, and 32]"

11. Page 39, line 29.

**Strike:** "[" through "]"

**Insert:** "[Sections 1, 2, 5, 11, 16, 18, 21, 22, and 24 through 29]"

And, as amended, do pass. Report adopted.

Correctly engrossed: **HB 3, HB 6, HB 18, HJR 1.**

Tabled: **HB 11, 17.**

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 25**, introduced by Shockley, referred to Judiciary.

**HB 26**, introduced by Waddill, Harris, referred to Appropriations.

**HB 27**, introduced by Sinrud, referred to Appropriations.

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

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

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

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

**HB 12** - Representative Kasten moved **HB 12** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Everett, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schrupf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 63

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 10** - Representative Balyeat moved **HB 10** do pass.

**HB 10** - Representative Kasten moved **HB 10**, second reading copy, be amended as follows :

1. Page 2, line 18.

**Strike:** "AND"

2. Page 2, following line 26.

**Insert:** "(iii) to the department of commerce:

(A) \$125,000 for a small business development center;

(B) \$50,000 for a small business innovative research program; and"

**Renumber:** subsequent subsection

Amendment adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Everett, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: R. Brown, Keating, McCann.

Total 3

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

Excused: None.  
Total 0

Absent or not voting: Forrester.  
Total 1

**HB 10** - Representative Balyeat moved **HB 10**, second reading copy, be further amended as follows :

1. Title, line 10.

**Following:** the first "DATE"

**Strike:** "AND"

**Insert:** ", "

**Following:** the second "DATE"

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

2. Page 1, line 20.

**Following:** "For the fiscal year"

**Strike:** "beginning July 1, 2002, through the fiscal year"

3. Page 1, line 21.

**Following:** "and for"

**Strike:** "the"

**Following:** "fiscal"

**Strike:** "year"

**Insert:** "years"

**Following:** "beginning"

**Insert:** "on or after"

4. Page 1, line 23.

**Following:** "For the fiscal year"

**Strike:** "beginning July 1, 2002, through the fiscal year"

5. Page 1, line 24.

**Following:** "and for"

**Strike:** "the"

**Following:** "fiscal"

**Strike:** "year"

**Insert:** "years"

**Following:** "beginning"

**Insert:** "on or after"

6. Page 2, line 1.

**Following:** "For"

**Strike:** "the"

**Following:** "fiscal"

**Strike:** "year"

**Insert:** "years"

**Following:** "beginning"

**Insert:** "on or after"

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

7. Page 2, line 7.

**Following:** "For"

**Strike:** "the"

**Following:** "fiscal"

**Strike:** "year"

**Insert:** "years"

**Following:** "beginning"

**Insert:** "on or after"

8. Page 2, line 16.

**Following:** "million"

**Strike:** "and"

**Insert:** ", "

9. Page 2, line 17.

**Strike:** "through the fiscal year ending June 30, ~~2005~~ 2003,"

**Following:** "\$750,000"

**Insert:** ", and for fiscal years beginning on or after July 1, 2003, \$1.25 million"

10. Page 5, line 26.

**Following:** the first "fiscal year"

**Strike:** "beginning July 1, 2002, through the fiscal year"

11. Page 6, line 10.

**Following:** the first "fiscal year"

**Strike:** "beginning July 1, 2002, through the fiscal year"

12. Page 6, line 25.

**Following:** the first "fiscal year"

**Strike:** "beginning July 1, 2002, through the fiscal year"

13. Page 14, line 11.

**Following:** "fiscal"

**Strike:** "years beginning July 1, 2002, and"

**Insert:** "year"

14. Page 23, line 13.

**Following:** line 12

**Insert:** "NEW SECTION. Section 8. Termination. (1) [Section 1] terminates June 30, 2005.

(2) [Section 2] terminates June 30, 2011."

Amendment adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Keating, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schumpf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.



HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

Total 86

Noes: Bixby, Eggers, Erickson, Galvin-Halcro, Gillan, Golie, Gutsche, Jayne, Juneau, Lee, Raser, Schmidt, Tramelli, Wanzenried.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 10** - Representative Lindeen moved **HB 10**, second reading copy, be further amended as follows :

1. Page 2, line 18.

**Following:** "9"

**Strike:** "AND"

**Insert:** "(iii) to the department of commerce \$300,000 for export trade enhancement; and"

**Renumber:** subsequent subsections

Amendment failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Jacobson, Jayne, Jent, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Schrupf, Smith, Tramelli, Tropila, Wanzenried, Younkin.

Total 43

Noes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Everett, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Juneau, Kasten, Kaufmann, Keating, Laible, Laszloffy, Lawson, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: Hurdle.

Total 1

**HB 10** - Representative Lindeen moved **HB 10**, second reading copy, be further amended as follows :

1. Page 1, line 24.

**Strike:** "5%"

**Insert:** "5.61%"

Amendment failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann,

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 40

Noes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Everett, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schruppf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 60

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 10** - Representative Lindeen moved **HB 10**, second reading copy, be further amended as follows :

1. Page 1, line 24.

**Strike:** "5%"

**Insert:** "6.38%"

Amendment failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 39

Noes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Everett, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schruppf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 61

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 10** - Representative Lindeen moved **HB 10**, second reading copy, be further amended as follows :

1. Page 1, line 24.

**Strike:** "5%"

**Insert:** "5.31%"

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

Amendment failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 45

Noes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Everett, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Keating, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schruppf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 55

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion that **HB 10**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Everett, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schruppf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.  
Total 41

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

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Everett, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schruppf,

HOUSE JOURNAL  
FIRST LEGISLATIVE DAY - AUGUST 5, 2002

Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 63

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

Correctly printed: **HB 1, HB 4, HB 5, HB 7, HB 8, HB 9, HB 12, HB 13.**

Correctly engrossed: **HB 2, HB 10, HB 18.**

**ANNOUNCEMENTS**

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Tuesday, August 6, 2002. Motion carried.

House adjourned at 9:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House