

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

Helena, Montana  
August 7, 2002

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative K. Peterson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Lee and Mangan, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

Correctly printed: **HB 14, HB 16.**

Correctly engrossed: **HB 11, HB 21.**

Tabled: **HB 22, HB 25.**

**APPROPRIATIONS** (Lewis, Chairman):

8/7/2002

**HB 14**, do pass. Report adopted.

**HB 16**, do pass. Report adopted.

**HB 21**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Following:** "COSTS;"

**Insert:** "PROVIDING AN EXCEPTION FOR UNITS OF THE UNIVERSITY SYSTEM AND INTRAAGENCY GRANTS AND CONTRACTS;"

2. Page 1, line 18.

**Strike:** "including"

**Insert:** "except for"

3. Page 1, line 21.

**Strike:** "including"

**Insert:** "except for"

4. Page 1, line 23.

**Following:** "program"

**Insert:** ", except for intraagency grants or contracts"

And, as amended, do pass. Report adopted.

**TAXATION** (Story, Chairman):

8/7/2002

**HB 11**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "DISTRIBUTION"

**Insert:** "AMOUNT"

**Following:** "FUNDS"

**Insert:** "AVAILABLE FOR DISTRIBUTION TO COUNTIES IN FISCAL YEAR 2003"

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2. Page 1, line 16.

**Strike:** "\$24,164,000"

**Insert:** "\$21,671,000"

3. Page 1, line 17.

**Strike:** "5%"

**Insert:** "12.5%"

4. Page 1, line 18.

**Following:** "thereafter"

**Insert:** "and each fiscal year thereafter"

5. Page 1, line 19.

**Strike:** "10%"

**Insert:** "25%"

6. Page 1, line 19 through line 21.

**Strike:** "At" on line 19 through "(3)." on line 21

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 30**, introduced by Harris, referred to Appropriations.

**ANNOUNCEMENTS**

Caucus meetings were announced.

Majority Leader Brown moved that the House recess until 1:10 p.m., today. Motion carried.

House recessed at 12:10 p.m.

House reconvened at 1:10 p.m.

Roll Call. All members present. Quorum present.

**MOTIONS**

Representative Brown moved that **HB 13** be placed at the top of the 2nd reading board today. Without objections, so ordered.

Representative Brown moved that **HB 18** be placed second on the 2nd reading board today. Without objections, so ordered.

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

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

**HB 13** - Representative Lewis moved **HB 13** do pass. Motion carried 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, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, 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, 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 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 18** - Representative Story moved **HB 18** do pass.

**HB 18** - Representative Lewis moved **HB 18**, second reading copy, be amended as follows :

1. Title, page 1, line 30.

**Following:** "15-35-108,"

**Insert:** "15-65-121,"

2. Page 19, line 16.

**Insert:** "**Section 8.** Section 15-65-121, MCA, is amended to read:

**"15-65-121. (Temporary) Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a) through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount of \$400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004. For the fiscal year ending June 30, 2003, the amount of \$1.7 million must be deposited in the state general fund. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies, or deposited in the heritage preservation and development account is statutorily appropriated, as provided in 17-7-502, and must be transferred

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to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

- (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;
- (b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;
- (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;
- (d) 67.5% to be used directly by the department of commerce; and
- (e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and  
(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district.

(2) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials. (Terminates July 1, 2007--sec. 3, Ch. 469, L. 2001.)

**15-65-121. (Effective July 1, 2007) Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a) through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation or deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

- (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;
- (b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;
- (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;
- (d) 67.5% to be used directly by the department of commerce; and
- (e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to regional

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nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district.

(2) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials."

**Renumber:** subsequent sections

3. Page 39, line 21.

**Insert:** "NEW SECTION. Section 33. Lodging facility use tax - - intent. The \$1.7 million in lodging facility use tax allocated to the general fund in 15-65-121 is intended to be transferred to the general fund from money held in a reserve account in the department of commerce."

**Renumber:** subsequent sections

4. Page 39, line 28.

**Strike:** "30"

**Insert:** "31"

5. Page 39, line 30.

**Strike:** "14, 15, 17, 19, 20, AND 32"

**Insert:** "15, 16, 18, 20, 21, and 34"

6. Page 40, lines 2 and 3.

**Following:** "5," on line 2

**Strike:** remainder of line 2 through "29" on line 3

**Insert:** "8, 12, 17, 19, 22, 23, and 25 through 30"

Amendment adopted as follows:

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

Total 62

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

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Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 18** - Representative Wanzenried moved **HB 18**, second reading copy, be further amended as follows :

1. Title, page 1, line 28 through line 29.

**Strike:** "CORRECTING" on line 28 through "GRANTS;" on line 29

2. Title, page 2, line 2.

**Strike:** "245, 246,"

3. Page 34, line 4 through page 38, line 15.

**Strike:** section 25 through section 26 in their entirety

**ReNUMBER:** subsequent sections

4. Page 38, line 19.

**Strike:** "\$52,407,206"

**Insert:** "\$54,183,000"

5. Page 38, line 22.

**Strike:** "\$9,863,479"

**Insert:** "\$11,003,234"

6. Page 38, line 25.

**Strike:** "\$1,637,437"

**Insert:** "\$1,828,551"

7. Page 39, line 28.

**Strike:** "30"

**Insert:** "28"

8. Page 39, line 30.

**Strike:** "32"

**Insert:** "30"

9. Page 40, line 3.

**Strike:** "29"

**Insert:** "27"

Representative Hedges moved to call for the previous question. The motion was ruled out of order.

Representative Wanzenried moved to withdraw his amendment. There being no objections, so ordered.

Speaker McGee moved to place **HB 18** at the bottom of the second reading board today. There being no objections,

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so ordered.

Speaker McGee moved to place **HB 21** at the top of the second reading board today. There being no objections, so ordered.

**HB 21** - Representative Balyeat moved **HB 21** do pass.

**HB 21** - Representative Buzzas moved **HB 21**, second reading copy, be amended as follows :

1. Title, line 9.

**Following:** "CONTRACTS;"

**Insert:** "REQUIRING THE DEPARTMENT OF ADMINISTRATION TO PROVIDE ASSISTANCE TO AGENCIES;"

2. Page 1.

**Following:** line 30

**Insert:** "(4) The department shall provide technical assistance to an agency on how to build indirect costs into a grant."

**Renumber:** subsequent subsection

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, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, 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, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sinrud, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Esp, Somerville.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Schmidt excused at this time.

**HB 21** - Representative Balyeat moved **HB 21**, as amended, do pass. Motion carried 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, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche,

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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, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 97

Noes: Gallus, Smith, Mr. Speaker.  
Total 3

Voted Absentee: Schmidt, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 11** - Representative Hedges moved **HB 11** 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, Jackson, Jent, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Ripley, Rome, Schrumpf, Shockley, Sinrud, Sliter, Somerville, Story, Thomas, Waddill, 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, Holden, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Matthews, McCann, Musgrove, Newman, Rice, Schmidt, Smith, Steinbeisser, Tramelli, Tropila, Wanzenried.  
Total 42

Voted Absentee: Schmidt, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 14** - Representative Bookout-Reinicke moved **HB 14** do pass. Motion carried as follows:

Ayes: Bookout-Reinicke, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Davies, Dell, Eggers, Everett, Forrester, Fuchs, Gillan, Haines, Himmelberger, Jackson, Jacobson, Jayne, Kasten, Keane, Laszloffy, Lawson, Lee, Lenhart, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sinrud, Smith, Somerville, Thomas, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Mr. Speaker.  
Total 54



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Noes: Andersen, Bales, Barrett, Bitney, Bixby, Branae, D. Brown, Buzzas, Curtiss, Cyr, Dale, Devlin, Erickson, Esp, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jent, Juneau, Kaufmann, Keating, Laible, Laslovich, Lehman, Mangan, Matthews, J. Peterson, Shockley, Sliter, Steinbeisser, Story, Tramelli, Walters, Witt, Wolery, Younkin.  
Total 45

Voted Absentee: Schmidt, Aye.

Excused: None.  
Total 0

Absent or not voting: Balyeat.  
Total 1

**HB 16** - Representative Dee Brown moved **HB 16** do pass. Motion carried 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, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, 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, 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 100

Noes: None.  
Total 0

Voted Absentee: Schmidt, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 18** - Representative Story moved **HB 18**, as amended, do pass.

**HB 18** - Representative Wanzenried moved **HB 18**, second reading copy, be further amended as follows :

1. Page 38, line 19.  
**Strike:** "\$52,407,206"  
**Insert:** "\$54,183,000"

Amendment failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz,

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Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Raser, Rice, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 47

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, Lewis, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Ripley, Rome, Schruppf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 53

Voted Absentee: Schmidt, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 18** - Representative Story moved **HB 18**, as amended, do pass.

Representative Laible moved for cloture. Motion **failed** as follows:

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

Total 57

Noes: Bixby, Branae, Buzzas, Callahan, Carney, 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, McCann, Musgrove, Newman, Raser, Smith, Tramelli, Tropila, Wanzenried.

Total 40

Excused: Schmidt.

Total 1

Absent or not voting: Hedges, Sinrud.

Total 2

Motion that **HB 18**, as amended, do pass carried as follows:

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

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Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 53

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Raser, Rice, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 46

Voted Absentee: Schmidt, No.

Excused: None.  
Total 0

Absent or not voting: Hurdle.  
Total 1

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

Ayes: Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Everett, Fisher, Forrester, Fuchs, Gillan, 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 62

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Smith, Tramelli, Tropila, Wanzenried.  
Total 36

Excused: Schmidt.  
Total 1

Absent or not voting: Balyeat.  
Total 1

**REPORTS OF STANDING COMMITTEES**

Correctly printed: **HB 11, HB 13, HB 14, HB 16.**  
Correctly engrossed: **HB 18, HB 21.**

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

8/7/2002

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**SB 6**, introduced by Cobb

**SB 17**, introduced by Christiaens

**THIRD READING OF BILLS**

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

**HB 11** 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, Jackson, Jent, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Ripley, Rome, Schruppf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Noes: 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, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Rice, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 43

Voted Absentee: Schmidt, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 13** passed 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, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, 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, Olson, Pattison, J. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Schmidt, Aye.

Excused: None.

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Total 0

Absent or not voting: Davies, K. Peterson.

Total 2

**HB 14** passed as follows:

Ayes: Balyeat, Bookout-Reinicke, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Davies, Dell, Everett, Fisher, Forrester, Fuchs, Gillan, Haines, Harris, Himmelberger, Jackson, Jacobson, Jayne, Kasten, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Musgrove, Noennig, Pattison, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Sinrud, Somerville, Thomas, Waddill, Waitschies, Wanzenried, Whitaker, Younkin, Mr. Speaker.

Total 51

Noes: Andersen, Bales, Barrett, Bitney, Bixby, Branae, D. Brown, Buzzas, P. Clark, Cyr, Dale, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Hedges, Holden, Hurdle, Jent, Juneau, Kaufmann, Keane, Keating, Laible, Laslovich, Lee, Mangan, Matthews, Newman, Olson, J. Peterson, K. Peterson, Shockley, Sliter, Smith, Steinbeisser, Story, Tramelli, Tropila, Walters, Witt, Wolery.

Total 49

Voted Absentee: Schmidt, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 16** passed 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, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, 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, 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 98

Noes: None.

Total 0

Voted Absentee: Schmidt, Aye.

Excused: None.

Total 0

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Absent or not voting: Gallus, Harris.  
Total 2

**HB 18** passed as follows:

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

Total 54

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

Total 46

Voted Absentee: Schmidt, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 21** passed 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, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, 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, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Smith.  
Total 1

Voted Absentee: Schmidt, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**MOTIONS**

Representative Raser requested on **HB13**, on 3rd reading today, that her vote be recorded as yes. There being no objections, so ordered.

Representative Musgrove requested on **HB 13**, on 3rd reading today, that his vote be recorded as yes. There being no objections, so ordered.

Representative Lenhart requested on the Lewis amendment for **HB 18**, on 2nd reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Holden requested on **HB 11**, on 3rd reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Mangan requested on **HB 16**, on 2nd reading today, that his vote be recorded as yes. There being no objections, so ordered.

Representative Golie moved that the house reconsider its action on **HB 14**, 3rd reading today and place it on 3rd reading on the 4th Legislative Day. Motion to reconsider carried as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Everett, Facey, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lenhart, Lindeen, Mangan, Matthews, McKenney, Newman, Olson, J. Peterson, K. Peterson, Raser, Schrupf, Shockley, Sinrud, Smith, Tramelli, Tropila, Waitschies, Walters, Whitaker, Witt, Wolery.  
Total 59

Noes: Andersen, Balyeat, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Fisher, Forrester, Haines, Himmelberger, Jackson, Jacobson, Kasten, Keating, Laible, Lawson, Lehman, Masolo, McCann, Mood, Musgrove, Noennig, Pattison, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Wanzenried, Younkin, Mr. Speaker.  
Total 39

Excused: Schmidt.  
Total 1

Absent or not voting: Lewis.  
Total 1

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 6**, introduced by Cobb, referred to Appropriations.

**SB 17**, introduced by Christiaens, referred to Judiciary.

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**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Brown moved that the House adjourn until 10:20 a.m., Thursday, August 8, 2002. Motion carried.

House adjourned at 5:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House