

**HOUSE JOURNAL
58TH LEGISLATURE
TWENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
February 5, 2003

House Chambers
State Capitol

House convened at 1:15 p.m. Mr. Speaker in the Chair.

Invocation sung by Page Magen Stanley and piano accompaniment by Representative Schrupf.

Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Fuchs, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman):

2/4/2003

Correctly printed: **HB 284**.

Correctly engrossed: **HB 178, HB 331, HB 350**.

Correctly enrolled: **HB 31, HB 58, HB 62, HB 70, HB 83, HB 153, HR 3**.

Examined by the sponsor and found to be correct: **HB 31, HB 58, HB 62, HB 70, HB 83, HB 153, HR 3**.

Signed by the Speaker at 11:04 a.m., February 4, 2003: **HB 188, HB 309**.

Signed by the Speaker at 3:50 p.m., February 4, 2003: **HR 3**.

Delivered to the Governor for approval at 1:40 p.m., February 4, 2003: **HB 188, HB 309**.

Delivered to the Secretary of State at 4:11 p.m., February 4, 2003: **HR 3**.

FISH, WILDLIFE AND PARKS (Balyeat, Chairman):

2/5/2003

HB 55, do pass. Report adopted.

HB 101, introduced bill, be amended as follows:

1. Title, line 11 through line 12.

Strike: line 11 through "PERMITHOLDER;" on line 12

2. Title, line 21.

Strike: "87-2-109,"

3. Page 5, line 22 through line 30.

Strike: section 5 in its entirety

Renumber: subsequent sections

4. Page 7, line 5.

Strike: "[SECTION 7]"

Insert: "[Section 6]"

5. Page 7, line 7.

Strike: "[SECTION 7]"

Insert: "[section 6]"

And, as amended, do pass. Report adopted.

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JUDICIARY (Shockley, Chairman):

2/4/2003

HB 17, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

Strike: the first "ABUSE" on line 5 through "MAKING" on line 6

2. Page 3, line 3.

Strike: "CRIME AND"

Insert: "misdemeanor and upon a first conviction may be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. Upon a second or subsequent conviction, the individual"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Younkin, Chairman):

2/4/2003

HB 292, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "CITIZENS APPOINTED BY A DISTRICT COURT JUDGE"

Insert: "A CERTIFIED GENERAL REAL ESTATE APPRAISER"

2. Page 1, line 18.

Strike: "\$2,500"

Insert: "\$10,000"

3. Page 1, line 19 through line 20.

Following: "by"

Strike: "three disinterested citizens of the county appointed by ~~the~~ a district judge"

Insert: "a certified general real estate appraiser and a review of the appraisal is conducted by a disinterested certified general real estate appraiser selected by the county commission, county attorney, and landowner"

4. Page 1, line 20.

Strike: "The"

Insert: "A"

5. Page 1, line 21.

Strike: "determined by the citizen panel"

And, as amended, do pass. Report adopted.

HB 351, do pass. Report adopted.

TRANSPORTATION (Waitschies, Chairman):

2/4/2003

HB 226, introduced bill, be amended as follows:

1. Title, line 9.

Following: "PURPOSES;"

Insert: "MAKING A VIOLATION OF THE DRIVING RESTRICTIONS A SECONDARY OFFENSE;"

2. Page 2.

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Following: line 9

Insert: "NEW SECTION. Section 2. Secondary offense. A peace officer may not stop a motor vehicle to determine if the driver is in violation of [section 1] except upon reasonable cause to believe that the driver has violated another traffic regulation or that the vehicle is unsafe or not equipped as required by law."

Renumber: subsequent sections

3. Page 3, line 9.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

4. Page 3, line 10.

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

And, as amended, do pass. Report adopted.

HB 369, introduced bill, be amended as follows:

1. Title, line 5.

Strike: the second "AND"

2. Title, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1.

Following: line 25

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 385, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/4/2003

SB 101, introduced by Mahlum

SB 222, introduced by Bohlinger

House bills concurred in and returned to the House:

2/4/2003

HB 16, introduced by Haines

HB 25, introduced by Galvin-Halcro

HB 34, introduced by Jacobson

HB 38, introduced by A. Olson

HB 39, introduced by Gallik

HB 46, introduced by Haines

HB 48, introduced by Newman

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HB 68, introduced by Kaufmann
HB 69, introduced by Smith
HB 78, introduced by Branae
HB 84, introduced by Newman
HB 106, introduced by Erickson
HB 132, introduced by Musgrove
HB 162, introduced by Callahan

MESSAGES FROM THE GOVERNOR

February 4, 2003

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

Dear Representative Mood:

Please be informed that I have signed **House Bill 309** sponsored by Representative R. Brown on February 4, 2003.

Sincerely,

JUDY MARTZ
Governor

FIRST READING AND COMMITMENT OF BILLS

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

HB 518, introduced by Lindeen, Barkus, Brueggeman, Cooney, Laible, Sinrud, referred to State Administration.
HB 519, introduced by Golie, Carney, Dickenson, Gillan, Matthews, referred to Business and Labor.
HB 520, introduced by Erickson, Fritz, referred to Local Government.
HB 521, introduced by Balyeat, Shockley, referred to Judiciary.
HB 522, introduced by Lenhart, Butcher, Tester, referred to Agriculture.
HB 523, introduced by Balyeat, Bookout-Reinicke, Everett, Harris, Hurwitz, Kaufmann, Lake, Rice, Schrupf, Sinrud, Wagman, Waitschies, referred to State Administration.
HB 524, introduced by Mendenhall, Grimes, referred to Human Services.

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

HJR 17, introduced by Peterson, Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, Cyr, Devlin, Dickenson, Fritz, Fuchs, Galvin-Halcro, Golie, Haines, Hawk, Hedges, Jacobson, Jent, Kasten, Lake, Laszloffy, Lehman, Lewis, Lindeen, Malcolm, Mendenhall, Morgan, Musgrove, Newman, Pattison, Raser, Rice, Ross, Sales, Schrupf, Sinrud, Shockley, Small-Eastman, Wanzenried, Waitschies, Windy Boy, Witt, Younkin, referred to Agriculture.
HJR 18, introduced by Waitschies, Andersen, Anderson, Bales, Ballantyne, Barkus, Becker, Bergren, Bixby, Bohlinger, Bookout-Reinicke, Branae, Butcher, Callahan, E. Clark, P. Clark, Cobb, Curtiss, Dowell, Facey, Fisher, Forrester, Fritz,

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Galvin-Halcro, Gebhardt, Gibson, Gillan, Glaser, Golie, Grimes, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kitzenberg, Laible, Lake, Laslovich, Laszloffy, Lawson, Lehman, Malcolm, Matthews, McNutt, Mendenhall, Musgrove, Newman, A. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Roush, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Taylor, F. Thomas, Wagman, Wanzenried, Witt, referred to Agriculture.

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

SB 8, introduced by Sprague, referred to State Administration.

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

SJR 8, introduced by Tester, referred to Agriculture.

**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 P. Clark in the chair.

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

HB 131 - Representative R. Brown moved consideration of **HB 131** be passed for the day. Motion carried.

HB 218 - Representative Bookout-Reinicke moved **HB 218** do pass. Motion carried as follows:

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

Total 100

Noes: None.

Total 0

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 363 - Representative R. Brown moved **HB 363** do pass.

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Representative Branae moved consideration of **HB 363** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 403 - Representative Keane moved **HB 403** do pass. Motion carried as follows:

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

Total 89

Noes: Balyeat, Fisher, Fuchs, Gallik, Hawk, Jackson, McKenney, Sales, Sinrud, Witt, Younkin.

Total 11

Voted Absentee: Fuchs, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 404 - Representative D. Brown moved **HB 404** do pass.

Representative D. Brown moved **HB 404**, second reading copy, be amended as follows :

1. Page 2, line 4.

Following: "it may"

Insert: ", under the procedure contained in subsection (2),"

Amendment adopted as follows:

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

Total 97

Noes: Jayne, Small-Eastman.

Total 2

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Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: Bixby.

Total 1

Motion that **HB 404**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Haines, Hawk, Hedges, Jackson, Jacobson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Ross, Schrumpf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 75

Noes: Balyeat, Barrett, Bixby, Branae, R. Brown, Buzzas, Dowell, Erickson, Fuchs, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jayne, Juneau, Kaufmann, Laszloffy, Mendenhall, Rome, Ryan, Sales, Small-Eastman, Wanzenried.

Total 25

Voted Absentee: Fuchs, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 406 - Representative Waitschies moved **HB 406** do pass. Motion carried as follows:

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

Total 96

Noes: Buzzas, Gallus, Jacobson, Weiss.

Total 4

Voted Absentee: Fuchs, Aye.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HJR 1 - Representative Harris moved **HJR 1** be adopted. Motion carried as follows:

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

Total 93

Noes: Balyeat, R. Brown, Franklin, Fuchs, Sales, Shockley, Younkin.

Total 7

Voted Absentee: Fuchs, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 5 - Representative Lewis moved **HJR 5** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 81

Noes: Balyeat, Barrett, D. Brown, R. Brown, Everett, Fisher, Franklin, Gillan, Golie, Jayne, Lange, Laszloffy, Sales, Sinrud, Small-Eastman, Wagman, Waitschies, Weiss, Witt.

Total 19

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HJR 6 - Representative R. Brown moved **HJR 6** be adopted. Motion carried as follows:

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

Total 96

Noes: Balyeat, R. Brown, Everett, Sales.

Total 4

Voted Absentee: Fuchs, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 363 - Representative R. Brown moved **HB 363** do pass.

Representative Branae moved **HB 363**, second reading copy, be amended as follows :

1. Title, page 1, line 10.

Strike: "THE TEACHER SIGNING BONUS PROGRAM"

Insert: "AND FOR PAYMENT OF PER-EDUCATOR ENTITLEMENTS"

2. Page 3, lines 1 and 2.

Following: "to"

Strike: "the" on line 1 through "1542]" on line 2

Insert: "pay for per-educator entitlements established in House Bill No. 193"

3. Page 3, line 4.

Strike: "___ Bill No. ___ [LC 1542]"

Insert: "House Bill No. 193"

Amendment **not** adopted as follows:

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

Total 41

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Noes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.
Total 59

Voted Absentee: Fuchs, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HB 363** do pass carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gutsche, Haines, Hawk, Hedges, Hurwitz, Jacobson, Jent, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.
Total 78

Noes: Balyeat, Barrett, Dickenson, Everett, Franklin, Gallik, Galvin-Halcro, Gillan, Golie, Harris, Jackson, Jayne, Juneau, Kasten, Lawson, Pattison, Rice, Ripley, Sales, Sinrud, Waitschies, Windy Boy.
Total 22

Voted Absentee: Fuchs, Aye.

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

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

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Total 85

Noes: Balyeat, Bixby, Buzzas, Cohenour, Franklin, Gallik, Galvin-Halcro, Golie, Juneau, Ryan, Small-Eastman, Smith.
Total 12

Excused: Fuchs.

Total 1

Absent or not voting: Jent, Morgan.

Total 2

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 99 passed as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 69

Noes: Andersen, Barrett, D. Brown, R. Brown, E. Clark, Devlin, Fisher, Hawk, Hurwitz, Jackson, Kasten, Lambert, Lange, Laszloffy, Lehman, Maedje, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Steinbeisser, Stoker, Waitschies, Witt.
Total 29

Excused: Fuchs.

Total 1

Absent or not voting: Hedges.

Total 1

HB 223 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 81

Noes: E. Clark, Cyr, Devlin, Franklin, Gallus, Galvin-Halcro, Jayne, Jent, Keane, Laslovich, Laszloffy, Malcolm,

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Morgan, Newman, Parker, Ryan, Weiss.
Total 17

Excused: Fuchs.
Total 1

Absent or not voting: Everett.
Total 1

HB 246 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: Fuchs.
Total 1

Absent or not voting: Lambert.
Total 1

HB 340 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 98

Noes: Younkin.
Total 1

Excused: Fuchs.
Total 1

Absent or not voting: None.

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Total 0

HB 354 passed as follows:

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

Total 92

Noes: D. Brown, Forrester, Gillan, Jayne, Kasten, Pattison.

Total 6

Excused: Fuchs.

Total 1

Absent or not voting: Malcolm.

Total 1

HB 366 passed as follows:

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

Total 99

Noes: None.

Total 0

Excused: Fuchs.

Total 1

Absent or not voting: None.

Total 0

HB 389 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,

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Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 98

Noes: Mendenhall.
Total 1

Excused: Fuchs.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Representative R. Brown moved **HB 131** be taken from second reading this day and be rereferred to the Committee on Federal Relations, Energy, and Telecommunications. There being no objection, so ordered.

Representative R. Brown moved **HB 363** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Thursday, February 6, 2003. Motion carried.

House adjourned at 3:04 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House