

**HOUSE JOURNAL  
58TH LEGISLATURE  
FIFTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 20, 2003

House Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-third, fifty-fourth, fifty-fifth, and fifty-sixth legislative days, find the same to be correct.

Bookout-Reinicke, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/19/2003  
Correctly printed: **HB 726, HB 741, SB 114, SB 211, SB 241, SB 249, SB 254, SB 292, SB 341, SB 408, SJR 26.**  
Correctly engrossed: **HB 558, HB 628, HB 685, HB 705, HB 743, HB 744, SB 230, SB 231.**  
Signed by the Speaker at 2:00 p.m., March 19, 2003: **HB 32, HB 55, HB 97, HB 126, HB 164, HB 180, HB 215, HB 240, HB 250, HB 280, HB 311, HB 455, HB 490, HB 493, HB 552, HB 562, HJR 15, HJR 19.**  
Delivered to the Secretary of State at 8:06 a.m., March 20, 2003: **HJR 15, HJR 19.**  
Delivered to the Governor for approval at 9:15 a.m., March 20, 2003: **HB 32, HB 55, HB 97, HB 126, HB 164, HB 180, HB 215, HB 240, HB 250, HB 280, HB 311, HB 455, HB 490, HB 493, HB 552, HB 562.**

**JUDICIARY** (Shockley, Chairman): 3/19/2003  
**SB 35**, be amended as follows:

1. Title, page 1, line 9.  
**Strike:** "EXCLUDES"  
**Insert:** "MAY EXCLUDE"
2. Page 2, line 27.  
**Following:** "53-20-102,"  
**Insert:** "or residential facility, as defined in 53-20-102,"
3. Page 4, line 17.  
**Following:** "53-21-102,"  
**Insert:** "residential facility, as defined in 53-20-102,"
4. Page 4, line 22.  
**Following:** "HEALTH,"  
**Insert:** "residential,"

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

**SB 57**, be amended as follows:

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1. Page 1, line 25 through line 27.

**Following:** "~~rehabilitation~~" on line 25

**Strike:** remainder of line 25 through "PERSON" on line 27

**Insert:** "an organic, mental, or emotional impairment that is manifested by a disorder or disturbance in behavior, feeling, thinking, or judgment to such an extent that the person afflicted"

2. Page 1, line 30.

**Following:** line 29

**Insert:** "["

**Following:** "or"

**Insert:** "]"

3. Page 2, line 3.

**Following:** line 2

**Insert:** "NEW SECTION. Section 2. Coordination instruction. If Senate Bill No. 35 is not passed and approved, the bracketed language in [section 1 of this act] is void."

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

**SB 398**, be concurred in and be placed on the consent calendar. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

3/20/2003

**SB 145**, be concurred in. Report adopted.

**SB 149**, be concurred in. Report adopted.

**SB 262**, be concurred in. Report adopted.

**SB 445**, be concurred in. Report adopted.

**SJR 23**, be concurred in. Report adopted.

**SJR 27**, be concurred in. Report adopted.

**TAXATION** (Fuchs, Chairman):

3/19/2003

**SB 126**, be amended as follows:

1. Title, page 1, line 7.

**Following:** "SECTION;"

**Insert:** "CLARIFYING THE CATEGORIES OF PROPERTY THAT ARE EXEMPT FROM PROPERTY TAXATION; PROVIDING THAT BIOLOGICAL CONTROL INSECTS ARE AN AGRICULTURAL PRODUCT AND RECEIVE AN AGRICULTURAL PRODUCT EXEMPTION;"

**Strike:** the second "SECTION"

**Insert:** "SECTIONS 15-1-101,"

**Following:** "15-6-201,"

**Insert:** "AND 15-6-207,"

2. Page 1, line 11.

**Insert:** "**Section 1.** Section 15-1-101, MCA, is amended to read:

"**15-1-101. Definitions.** (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

(a) The term "agricultural" refers to:

(i) the production of food, feed, and fiber commodities, livestock and poultry, bees, biological control insects,

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fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and

(ii) the raising of domestic animals and wildlife in domestication or a captive environment.

(b) The term "assessed value" means the value of property as defined in 15-8-111.

(c) The term "average wholesale value" means the value to a dealer prior to reconditioning and the profit margin shown in national appraisal guides and manuals or the valuation schedules of the department.

(d) (i) The term "commercial", when used to describe property, means property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except property described in subsection (1)(d)(ii).

(ii) The following types of property are not commercial:

(A) agricultural lands;

(B) timberlands and forest lands;

(C) single-family residences and ancillary improvements and improvements necessary to the function of a bona fide farm, ranch, or stock operation;

(D) mobile homes and manufactured homes used exclusively as a residence except when held by a distributor or dealer as stock in trade; and

(E) all property described in 15-6-135.

(e) The term "comparable property" means property that:

(i) has similar use, function, and utility;

(ii) is influenced by the same set of economic trends and physical, governmental, and social factors; and

(iii) has the potential of a similar highest and best use.

(f) The term "credit" means solvent debts, secured or unsecured, owing to a person.

(g) (i) "Department", except as provided in subsection (1)(g)(ii), means the department of revenue provided for in 2-15-1301.

(ii) In chapters 70 and 71, department means the department of transportation provided for in 2-15-2501.

(h) The terms "gas" and "natural gas" are synonymous and mean gas as defined in 82-1-111(2). The terms include all natural gases and all other fluid hydrocarbons, including methane gas or any other natural gas found in any coal formation.

(i) The term "improvements" includes all buildings, structures, fences, and improvements situated upon, erected upon, or affixed to land. When the department determines that the permanency of location of a mobile home, manufactured home, or housetrailer has been established, the mobile home, manufactured home, or housetrailer is presumed to be an improvement to real property. A mobile home, manufactured home, or housetrailer may be determined to be permanently located only when it is attached to a foundation that cannot feasibly be relocated and only when the wheels are removed.

(j) The term "leasehold improvements" means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification, and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on leasehold improvements are a lien only on the leasehold improvements.

(k) The term "livestock" means cattle, sheep, swine, goats, horses, mules, asses, llamas, alpacas, bison, ostriches, rheas, emus, and domestic ungulates.

(l) The term "manufactured home" means a residential dwelling built in a factory in accordance with the United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards. A manufactured home does not include a mobile home, as defined in 61-1-501 and in subsection (1)(m) of this section, a housetrailer, as defined in 61-1-501, or a mobile home or housetrailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.

(m) The term "mobile home" means forms of housing known as "trailers", "housetrailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, housetrailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

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(n) The term "personal property" includes everything that is the subject of ownership but that is not included within the meaning of the terms "real estate" and "improvements" and "intangible personal property" as that term is defined in 15-6-218.

(o) The term "poultry" includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

(p) The term "property" includes money, credits, bonds, stocks, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. This definition may not be construed to authorize the taxation of the stocks of a company or corporation when the property of the company or corporation represented by the stocks is within the state and has been taxed.

(q) The term "real estate" includes:

(i) the possession of, claim to, ownership of, or right to the possession of land;

(ii) all mines, minerals, and quarries in and under the land subject to the provisions of 15-23-501 and Title 15, chapter 23, part 8;

(iii) all timber belonging to individuals or corporations growing or being on the lands of the United States; and

(iv) all rights and privileges appertaining to mines, minerals, quarries, and timber.

(r) "Recreational" means hunting, fishing, swimming, boating, waterskiing, camping, biking, hiking, and winter sports, including but not limited to skiing, skating, and snowmobiling.

(s) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(t) The term "stock in trade" means any mobile home, manufactured home, or houstrailer that is listed by the dealer as inventory and that is offered for sale, is unoccupied, and is not located on a permanent foundation. Inventory does not have to be located at the business location of a dealer or a distributor.

(u) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

(2) The phrase "municipal corporation" or "municipality" or "taxing unit" includes a county, city, incorporated town, township, school district, irrigation district, or drainage district or a person, persons, or organized body authorized by law to establish tax levies for the purpose of raising public revenue.

(3) The term "state board" or "board" when used without other qualification means the state tax appeal board.""

**Renumber:** subsequent sections

3. Page 4, line 23.

**Following:** "property"

**Insert:** ", except property included in 15-6-135, 15-6-137, 15-6-141, 15-6-145, and 15-6-156,"

4. Page 4, line 25.

**Strike:** "except those included in class five"

5. Page 4, line 29 through line 30.

**Strike:** "EXCEPT" on line 29 through "FIVE" on line 30

6. Page 5, line 1 through line 2.

**Strike:** "except" on line 1 through "five" on line 2

7. Page 5, line 3 through line 4.

**Strike:** ", except" on line 3 through "class" on line 4

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8. Page 5, line 6 through line 7.

**Strike:** "except" on line 6 through "section" on line 7

9. Page 11, line 19.

**Insert:** "**Section 3.** Section 15-6-207, MCA, is amended to read:

**"15-6-207. Agricultural exemptions.** (1) The following agricultural products are exempt from taxation:

- (a) all unprocessed agricultural products on the farm or in storage and owned by the producer;
- (b) all producer-held grain in storage;
- (c) all unprocessed agricultural products;
- (d) all livestock and the unprocessed products of livestock;
- (e) poultry and the unprocessed products of poultry; ~~and~~
- (f) bees and the unprocessed product of bees; and
- (g) biological control insects.

(2) Any beet digger, beet topper, beet defoliator, beet thinner, beet cultivator, beet planter, or beet top saver designed exclusively to plant, cultivate, and harvest sugar beets is exempt from taxation if the implement has not been used to plant, cultivate, or harvest sugar beets for the 2 years immediately preceding the current assessment date and there are no available sugar beet contracts in the sugar beet grower's marketing area."

**Renumber:** subsequent section

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

**MESSAGES FROM THE SENATE**

**House bills** concurred in and returned to the House: 3/19/2003

**HB 246**, introduced by Harris

**HB 252**, introduced by Hedges

**HB 436**, introduced by A. Olson

**HB 621**, introduced by Sinrud

**House joint resolution** concurred in and returned to the House: 3/19/2003

**HJR 25**, introduced by Juneau

**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 602**, from consent calendar, passed as follows:

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

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Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Jent, Raser, Windy Boy.

Total 3

**SB 28**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, 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, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Franklin, Galvin-Halcro, Jayne, Sales, Sinrud.

Total 5

Excused: None.

Total 0

Absent or not voting: Jent, Raser, Windy Boy.

Total 3

**SB 172**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, 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, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Balyeat, D. Brown, Everett, Pattison, Sales, Waitschies.

Total 6

Excused: None.

Total 0

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Absent or not voting: Jent, Raser, Windy Boy.  
Total 3

**SJR 3**, from consent calendar, concurred in as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Sales.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Jent, Raser, Windy Boy.  
Total 3

**SB 137** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, 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, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Jent, Windy Boy.  
Total 2

**HB 604** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester,

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Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 87

Noes: Balyeat, D. Brown, R. Brown, Devlin, Fuchs, Lambert, Laszloffy, Sales, Small-Eastman, Smith, Wagman.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Jent, Windy Boy.  
Total 2

**HB 722** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, 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, Witt, Younkin, Mr. Speaker.  
Total 94

Noes: Balyeat, Everett, Sales, Sinrud.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Jent, Windy Boy.  
Total 2

**SB 183** concurred in as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laszloffy, Lawson, Lenhart, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 79

Noes: Ballantyne, D. Brown, Devlin, Everett, Hawk, Lake, Laslovich, Lehman, Lewis, Malcolm, Morgan, Newman,



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Rice, Rome, Sales, Sinrud, Steinbeisser, Stoker, Wagman.  
Total 19

Excused: None.  
Total 0

Absent or not voting: Jent, Windy Boy.  
Total 2

**SB 216** concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, 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, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Jent, Windy Boy.  
Total 2

Majority Leader Brown moved that the House adjourn until 9:00 a.m. for caucuses. Motion carried.

House adjourned at 8:11 a.m.

House reconvened at 9:00 a.m. All members present. Quorum present.

**MESSAGES FROM THE SENATE**

**HB 224** - The Senate acceded to the request of the House and herewith transmits **HB 224** for reconsideration:  
3/19/2003

**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:

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**HB 2** - Representative Lewis moved **HB 2** do pass.

Representative Lewis gave opening remarks on **HB2**, Global Amendments to Overview.

Representative Gallik moved **HB 2**, second reading copy, be amended as follows:

1. Page A-1.

**Following:** line 4

**Insert:** "a. Employee Pay Increase

95,108 232,699" [general fund FY04 and FY05]

**Insert:** "19,400 47,465" [other funds FY04 and FY05]

2. Page A-1.

**Following:** line 16

**Insert:** "Item 1a includes general fund money of \$95,108 in fiscal year 2004 and \$232,699 in fiscal year 2005 and other funds of \$19,400 in fiscal year 2004 and \$47,465 in fiscal year 2005. This represents a 2.5% pay increase each year of the biennium for legislative branch employees. The branch may reallocate all funds among programs and other funds among nongeneral fund funding sources when developing 2005 biennium operating plans."

3. Page A-1.

**Following:** line 22

**Insert:** "a. Employee Pay Increase

6,400 16,113" [state special revenue FY04 and FY05]

4. Page A-1.

**Following:** line 25

**Insert:** "Item 1a includes state special revenue money of \$6,400 in fiscal year 2004 and \$16,113 in fiscal year 2005. This represents a 2.5% pay increase each year of the biennium for consumer counsel employees."

5. Page A-2.

**Following:** line 5

**Insert:** "b. Employee Pay Increase

292,707 718,773" [general fund FY04 and FY05]

**Insert:** "15,942 39,148" [other funds FY04 and FY05]

6. Page A-2.

**Following:** line 25

**Insert:** "Item 1b includes general fund money of \$292,707 in fiscal year 2004 and \$718,773 in fiscal year 2005 and other funds of \$15,942 in fiscal year 2004 and \$39,148 in fiscal year 2005. This represents a 2.5% pay increase each year of the biennium for judicial branch employees. The branch may reallocate all funds among programs and other funds among nongeneral fund funding sources when developing 2005 biennium operating plans."

7. Page A-4.

**Following:** line 1

**Insert:** "b. Employee Pay Increase

2,875,122 7,051,159" [general fund FY04 and FY05]

**Insert:** "4,280,968 10,498,959" [other funds FY04 and FY05]

8. Page A-4.

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**Following:** line 17

**Insert:** "Item 4b includes general fund money of \$2,875,122 in fiscal year 2004 and \$7,051,159 in fiscal year 2005 and other funds of \$4,280,968 in fiscal year 2004 and \$10,498,959 in fiscal year 2005. This represents a 2.5% pay increase each year of the biennium for executive branch employees. The office may reallocate all funds among programs and other funds among nongeneral fund funding sources when developing 2005 biennium operating plans."

9. Page E-8.

**Following:** line 9

**Insert:** "j. Employee Pay Increase

1,663,332 4,228,147" [general fund FY04 and FY05]

**Insert:** "1,809,397 4,599,441" [other funds FY04 and FY05]

10. Page E-9, line 2.

**Following:** "through 7a,"

**Insert:** " 7j,"

11. Page E-11.

**Following:** line 6

**Insert:** "Item 7j includes general fund money of \$1,663,332 in fiscal year 2004 and \$4,228,147 in fiscal year 2005 and other funds of \$1,809,397 in fiscal year 2004 and \$4,599,441 in fiscal year 2005. This represents a 2.5% pay increase each year of the biennium for university system employees. The board of regents may reallocate all funds among programs and other funds among nongeneral fund funding sources when developing 2005 biennium operating plans."

Amendment **not** adopted as follows:

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

Total 41

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

Total 59

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brueggeman gave opening remarks on **HB 2**, Section A: General Government and Transportation.

Representative Lewis moved **HB 2**, second reading copy, be amended as follows:

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1. Page A-2, line 11.

**Strike:** "24,379,042 25,250,501" [general fund FY04 & FY05]

**Insert:** "26,179,042 27,050,501" [general fund FY04 & FY05]

2. Page A-3.

**Following:** line 3

**Insert:** "Item 4 includes \$1,800,000 of general fund money in fiscal year 2004 and \$1,800,000 of general fund money in fiscal year 2005. If House Bill No. 750 is not passed and approved, then item 4 is reduced by \$1,800,000 of general fund money in fiscal year 2004 and by \$1,800,000 of general fund money in fiscal year 2005."

3. Page B-1.

**Following:** line 20

**Insert:** "c. General Fund Increase -- HB 750 (Biennial)  
2,312,722 2,312,723" [general fund FY04 & FY05]

4. Page B-5.

**Following:** line 24

**Insert:** "The department may reallocate the funding in item 3c among divisions or programs when developing the 2005 biennium operating plans. If House Bill No. 750 is not passed and approved, then item 3c is reduced by \$2,312,722 of general fund money in fiscal year 2004 and by \$2,312,723 of general fund money in fiscal year 2005."

5. Page D-4, line 3.

**Strike:** "52,036,901 51,987,583" [general fund FY04 & FY05]

**Insert:** "54,642,428 56,012,642" [general fund FY04 & FY05]

6. Page D-4.

**Following:** line 15

**Insert:** "Item 3 includes \$2,605,527 of general fund money in fiscal year 2004 and \$4,025,059 of general fund money in fiscal year 2005. The department may reallocate this increase in funding among divisions or programs when developing the 2005 biennium operating plans. If House Bill No. 750 is not passed and approved, then item 3 is reduced by \$2,605,527 of general fund money in fiscal year 2004 and by \$4,025,059 of general fund money in fiscal year 2005."

7. Page E-1, line 10.

**Strike:** "389,833,550" [general fund FY04]

**Insert:** "394,959,998" [general fund FY04]

8. Page E-3.

**Following:** line 1

**Insert:** "Item 2a includes \$5,126,448 of general fund money in fiscal year 2004. The department may reallocate this increase in funding among programs when developing the fiscal year 2004 operating plan. If House Bill No. 750 is not passed and approved, then item 2a is reduced by \$5,126,448 of general fund money in fiscal year 2004."

9. Page E-7, line 16.

**Strike:** "98,363,306 98,598,585" [general fund FY04 & FY05]

**Insert:** "102,518,826 102,637,745" [general fund FY04 & FY05]

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10. Page E-10.

**Following:** line 11

**Insert:** "Item 7 includes \$4,155,520 of general fund money in fiscal year 2004 and \$4,039,160 of general fund money in fiscal year 2005. The board of regents may reallocate this increase in funding among university units, as defined in 17-7-102(13), when developing 2005 biennium operating plans. If House Bill No. 750 is not passed and approved, then item 7 is reduced by \$4,155,520 of general fund money in fiscal year 2004 and by \$4,039,160 of general fund money in fiscal year 2005."

Amendment adopted as follows:

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

Total 53

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

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Mendenhall moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-2, line 3.

**Strike:** "2,732,161 2,743,566" [general fund FY 04 and FY 05]

**Insert:** "3,020,545 3,040,540" [general fund FY 04 and FY 05]

2. Page A-2.

**Following:** line 18

**Strike:** line 19 through line 21

Amendment adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lenhart, Lindeen, Maedje, Matthews, Mendenhall, Newman, Noennig, Parker, Raser, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 51

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin,

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Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Jackson, Jayne, Kasten, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Malcolm, McKenney, Morgan, Musgrove, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 48

Excused: None.  
Total 0

Absent or not voting: Carney.  
Total 1

Representative Bixby moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-3, line 12.  
**Strike:** "1,315,975 1,308,634" [general fund FY04 and FY05]  
**Insert:** "1,300,975 1,293,634" [general fund FY04 and FY05]

2. Page A-3, line 16.  
**Strike:** "688,905 689,575" [general fund FY04 and FY05]  
**Insert:** "673,905 674,575" [general fund FY04 and FY05]

3. Page A-3, line 20.  
**Strike:** "79,521 79,504" [general fund FY04 and FY05]  
**Insert:** "59,521 59,504" [general fund FY04 and FY05]

4. Page E-2.  
**Following:** line 17  
**Insert:** "r. Indian Education for All  
50,000 50,000" [general fund FY04 and FY05]

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 54

Excused: None.  
Total 0

Absent or not voting: None.

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Total 0

Representative Facey moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-10, line 9.

**Strike:** "8,307,564 7,295,036"

**Insert:** "8,107,564 7,095,036"

2. Page B-4, line 5.

**Strike:** "114,972,156 109,719,360" [federal funds FY04 and FY05]

**Insert:** "115,509,619 110,244,786" [federal funds FY04 and FY05]

**Strike:** "0 0" [proprietary funds FY04 and FY05]

**Insert:** "200,000 200,000" [proprietary funds FY04 and FY05]

3. Page B-4, line 19.

**Strike:** "261,917 612,484 278,014 641,057"

**Insert:** "61,917 75,021 78,014 115,631"

4. Page B-6.

**Following:** line 12

**Insert:** "The proprietary fund appropriation in item 11 is contingent upon passage and approval of a bill to amend distribution of net lottery proceeds to provide for inclusion of expenditures unrelated to lottery operations."

Explanation: This amendment moves \$200,000 of proprietary authority annually from lottery appropriations and offsets a like amount of state special revenue appropriations from the Prevention and Stabilization Fund for provider rate increases for Medicaid community service providers in the Senior and Long Term Care Division. Federal matching funds are transferred from the line item for the Prevention and Stabilization Fund to the main division appropriation. The appropriation of lottery proprietary funds is contingent on passage and approval of a bill to amend statute to allow net lottery proceeds to be calculated to include expenditures from lottery proceeds that are unrelated to lottery operations.

Amendment **not** adopted as follows:

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

Total 46

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

Total 54

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

Representative Juneau moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-3, line 12.

**Strike:** "1,315,975 1,308,634" [general fund FY04 and FY05]

**Insert:** "1,310,975 1,303,634" [general fund FY04 and FY05]

2. Page A-3, line 16.

**Strike:** "688,905 689,575" [general fund FY04 and FY05]

**Insert:** "683,905 684,575" [general fund FY04 and FY05]

3. Page A-3, line 20.

**Strike:** "79,521 79,504" [general fund FY04 and FY05]

**Insert:** "64,521 64,504" [general fund FY04 and FY05]

4. Page E-2.

**Following:** line 17

**Insert:** "r. Indian Education for All

25,000 25,000" [general fund FY04 and FY05]

Amendment **not** adopted as follows:

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

Total 44

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

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Juneau moved **HB 2**, second reading copy, be further amended.

Representative Juneau withdrew her amendment.

Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-3, line 12.



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**Strike:** "1,315,975 1,308,634" [general fund in FY04 and FY05]

**Insert:** "1,065,975 1,058,634" [general fund in FY04 and FY05]

2. Page A-4.

**Following:** line 17

**Insert:** "Item 1 includes a reduction in general fund money of \$250,000 in fiscal year 2004 and \$250,000 in fiscal year 2005. The office may reallocate this reduction in funding among programs when developing 2005 biennium operating plans."

3. Page E-7, line 16.

**Strike:** "98,363,306 98,598,585" [general fund in FY04 and FY05]

**Insert:** "98,613,306 98,848,585" [general fund in FY04 and FY05]

Amendment **not** adopted as follows:

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

Total 42

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

Total 56

Excused: None.

Total 0

Absent or not voting: Gutsche, Harris.

Total 2

Representative Shockley moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-6, line 14.

**Strike:** "287,854,080" "341,603,530"

[federal special revenue fiscal 2004 and fiscal 2005]

**Insert:** "286,426,815" "340,119,185"

[federal special revenue fiscal 2004 and fiscal 2005]

2. Page A-6.

**Following:** line 16

**Insert:** "b. Misdemeanor Probation Officers for DUI Offenders

1,427,265 1,484,345"

[federal special revenue fiscal 2004 and fiscal 2005]

3. Page A-7.

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**Following:** line 24

**Insert:** "Item 2b includes federal special revenue funds linked to a transfer of federal highway construction funds to highway safety funds because of Montana not meeting the federal requirements for an open container law. It is the intent of the legislature that the funds in item 2b are to be used by the state highway traffic safety program to provide grants to local governments to fund misdemeanor probation officers as allowed by 23 U.S.C. 402(b)(1)(B) and (b)(1)(C). Grants awarded to local governments with funds in item 2b are contingent upon local governments submitting grant applications that meet national highway traffic safety administration requirements for use of highway safety funds and fulfilling all reporting and documentation requirements established by the department. Funds in item 2b may be used only to fund new misdemeanor probation officers and may not be used to supplant existing misdemeanor probation functions. If Senate Bill No. 39 is passed and approved, item 2b is void and federal special revenue funds in item 2 are increased by \$1,427,265 in fiscal year 2004 and by \$1,484,345 in fiscal year 2005."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Bixby, Bookout-Reinicke, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Everett, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Juneau, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Maedje, Malcolm, Mendenhall, Morgan, Newman, Noennig, A. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ryan, Sales, Schrupf, Shockley, Small-Eastman, Smith, Stoker, Wagman, Younkin.

Total 58

Noes: Balyeat, Becker, Bergren, Bitney, Branae, D. Brown, Brueggeman, E. Clark, Cyr, Devlin, Facey, Fisher, Gallik, Galvin-Halcro, Jackson, Jacobson, Jayne, Jent, Kasten, Keane, Lawson, Lenhart, Lewis, Lindeen, Matthews, McKenney, Musgrove, B. Olson, Pattison, Raser, Rome, Ross, Sinrud, Steinbeisser, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Juneau moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-4.

**Following:** line 17

**Insert:** "The governor's office of economic development shall develop a memorandum of understanding with the Montana tribal governments to outline strategies for communications and collaborative efforts that can be implemented to help strengthen the economic development opportunities for Montana's tribal communities."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser,

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Rice, Ripley, Roberts, Ryan, Sales, Small-Eastman, Smith, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 76

Noes: Barrett, D. Brown, Devlin, Everett, Fisher, Fuchs, Hawk, Hurwitz, Jackson, Maedje, Malcolm, Mendenhall, A. Olson, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman.

Total 21

Excused: None.

Total 0

Absent or not voting: Bixby, Thomas, Mr. Speaker.

Total 3

Representative Cohenour moved **HB 2**, second reading copy, be further amended as follows:

1. Amend amendment HB 2-6 as follows:

**Strike:** "House Bill No. 750" in items 2, 4, 6, 8, and 10

**Insert:** "another bill"

**Following:** "approved"

**Insert:** "that provides specific funding for this purpose"

Amendment **not** adopted as follows:

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

Total 47

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

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brueggeman moved to close Section A. Motion carried.

Speaker Mood moved that the House recess until 2:45 p.m. Motion carried.

House recessed at 2:35 p.m.

House reconvened at 2:45 p.m. All members present. Quorum present.

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Representative E. Clark gave opening remarks on **HB 2**, Section B: Health and Human Services.

Representative Golie moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-4, line 5.

**Strike:** "39,256,170 114,972,156 38,720,653 109,719,360"

**Insert:** "39,430,636 115,441,001 38,913,701 110,226,522"

2. Page B-4.

**Strike:** lines 8 and 9 in their entirety

**Renumber:** subsequent subsections

3. Page B-5, line 18.

**Strike:** "11h"

**Insert:** "11g"

4. Page B-6, following line 12.

**Insert:** "Item 11 includes \$174,466 in general fund money and \$468,845 in federal special revenue in fiscal year 2004 and \$193,048 in general fund money and \$507,162 in federal special revenue in fiscal year 2005 that may be spent only for medicaid hospice services."

5. Page B-6, line 16.

**Strike:** "11f"

**Insert:** "11e"

6. Page B-6, line 17.

**Strike:** "11f"

**Strike:** "11e"

7. Page B-6, line 18.

**Strike:** "11f"

**Following:** "11e"

Amendment **not** adopted as follows:

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

Total 47

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

Total 53

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

Representative Jayne moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1, line 6.

**Strike:** " 0 0" [General Fund FY04 & FY05]

**Insert:** "500,000 500,000" [General Fund FY04 & FY05]

2. Page B-5, line 18.

**Strike:** "Items"

**Insert:** "State special revenue appropriations and federal special revenue appropriations in items"

Amendment **not** adopted as follows:

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

Total 46

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

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Balyeat moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1, line 20.

**Strike:** "8,834,645 8,763,853"

**Insert:** "6,834,645 6,763,853"

2. Page B-5.

**Following:** line 6

**Insert:** "e. Mental Health Prescription Drugs (Restricted)

2,000,000 2,000,000 [general fund FY04 and FY05]

3. Page B-5.

**Following:** line 24

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**Insert:** "Item 3b includes a \$2 million general fund reduction in personal services funding each year of the biennium. The department may allocate this reduction in personal services funding among programs when developing the 2005 biennium operating budgets."

4. Page B-6.

**Following:** line 20

**Insert:** "Funds in item 12e may be used only to pay for prescription drugs for persons who are eligible for programs created and administered pursuant to 53-21-702(2)."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, P. Clark, Erickson, Everett, Facey, Fisher, Fritz, Haines, Hawk, Jackson, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Maedje, Mendenhall, Morgan, Newman, Noennig, Rice, Sales, Schrupf, Sinrud, Small-Eastman, Wagman, Waitschies, Weiss, Younkin, Mr. Speaker.  
Total 36

Noes: Andersen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Forrester, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Jayne, Juneau, Keane, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Musgrove, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Shockley, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Wilson, Windy Boy, Witt.  
Total 64

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Laslovich moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1, line 4.

**Strike:** "21,990,958 21,399,664" [General Fund FY04 and FY05]

**Insert:** "22,640,958 22,049,664" [General Fund FY04 and FY05]

2. Page B-5.

**Following:** line 17

**Insert:** "Item 1 includes \$650,000 in general fund money in fiscal year 2004 and \$650,000 in general fund money in fiscal year 2005 that may be used only to provide child-care subsidies."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 49

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

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kaufmann moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 5.

**Strike:** "3,108,527 3,100,857"

**Insert:** "8,939,887 9,158,457"

2. Page B-5.

**Following:** line 24

**Insert:** "Item 6 includes \$5,831,360 in state special revenue in fiscal year 2004 and \$6,057,600 in state special revenue in fiscal year 2005 from tobacco settlement proceeds allocated by 17-6-606(2), which must be used only for tobacco control and prevention programs."

Explanation: This amendment adds \$11,888,960 tobacco settlement proceeds allocated by I-146 for tobacco prevention and control to HB 2 (codified in section 17-6-602). This amendment brings the total state special revenue appropriation in HB 2 for tobacco prevention and control up to the estimated revenue available under 1-146 - \$18,288,960.

Amendment **not** adopted as follows:

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

Total 45

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

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Representative Juneau moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 5.

**Strike:** "3,108,527 3,100,857"

**Insert:** "4,908,527 6,900,857"

2. Page B-5.

**Following:** line 24

**Insert:** "Item 6 includes \$1,800,000 in state special revenue in fiscal year 2004 and \$3,800,000 in state special revenue in fiscal year 2005 from tobacco settlement proceeds allocated by 17-6-606(2), which must be used only for tobacco control and prevention programs."

Explanation: This amendment adds \$5,600,000 tobacco settlement proceeds allocated by I-146 for tobacco prevention and control to HB 2 (codified in section 17-6-602). This amendment brings the state funding appropriation in HB 2 for tobacco prevention and control up to \$12,000,000 over the biennium.

Amendment **not** adopted as follows:

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

Total 46

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

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Parker moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 21.

**Strike:** "43,340,339 41,044,375" [General Fund FY04 and FY05]

**Insert:** "43,569,105 41,273,141" [General Fund FY04 and FY05]

This amendment adds \$457,532 general fund for the biennium (\$228,766 per year) to the Disability Services Division to continue Independent Living Services at the fiscal 2002 level.

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson,



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Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 48

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

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Franklin moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1.

**Following:** line 14

**Insert:** "c. Family Foster Care Rate Increase (Restricted)

153,172 86,159 153,172 86,159" [General Fund FY04, Federal Special Revenue FY04, General Fund FY05, Federal Special Revenue FY05]

2. Page B-5.

**Following:** line 23

**Insert:** "Funding in item 2c may be used only to provide an increase in the daily rate paid to family foster parents."

Amendment **not** adopted as follows:

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

Total 48

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

Total 52

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

Representative Parker moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 21.

**Strike:** "43,340,339 41,044,375" [General Fund FY04 and FY05]

**Insert:** "43,425,173 41,129,209" [General Fund FY04 and FY05]

This amendment adds \$169,668 general fund for the biennium (\$84,834 per year) to the Disability Services Division to continue the Visual Services Medical Program.

Amendment **not** adopted as follows:

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

Total 46

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

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Franklin moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 7.

**Strike:** "-- Prevention and Stabilization Fund"

**Insert:** "(Restricted)"

2. Page B-3, line 8.

**Strike:** "0 25,000 0 25,000" [General Fund FY04, State Spec Revenue FY04, General Fund FY05, State Spec Revenue FY05]

**Insert:** "25,000 0 25,000 0" [General Fund FY04, State Spec Revenue FY04, General Fund FY05, State Special Revenue FY05]

3. Page B-5, line 18.

**Following:** "9c through"

**Insert:** "9e,"

4. Page B-6.

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**Following:** line 5

**Insert:** "Funding in item 9f may be used only to provide donated dental services to individuals with disabilities."

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Ryan, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 59

Noes: Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, P. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Laszloffy, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Pattison, Peterson, Rice, Ripley, Rome, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: Dickenson.

Total 1

Representative Jayne moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 6.

**Following:** "Fund"

**Insert:** "(Restricted)"

2. Page B-2, line 7.

**Strike:** "0 0" [general fund FY04 and FY05]

**Insert:** "581,379 581,379" [general fund FY04 and FY05]

**Strike:** "581,379 581,379" [state special revenue FY04 and FY05]

**Insert:** "0 0" [state special revenue FY04 and FY05]

3. Page B-5, line 18.

**Strike:** "Items"

**Insert:** "State special revenue appropriations and federal special revenue appropriations in items"

4. Page B-5, following line 24.

**Insert:** "Funds in item 6a may be spent only for the MIAMI/perinatal program."

Explanation: This amendment adds \$581,379 general fund each year of the biennium for MIAMI (Montana Initiative for the Abatement and Mortality in Infants) and reduces state special revenue appropriations from the Prevention and Stabilization fund by a like amount. The amendment also restricts the appropriation and exempts the general fund from the contingency placed on the appropriation from the Prevention and Stabilization Fund. The proposed source of general fund to support the increases in this change are transfers to the general fund from the Workers' Compensation Fund, Old Fund.

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Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 45

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 55

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Laslovich moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 21.

**Strike:** "43,340,339 41,044,375" [general fund FY04 and FY05]

**Insert:** "43,610,990 41,304,036" [general fund FY04 and FY05]

2. Page B-4, line 5.

**Strike:** "6,710,828 114,972,156 6,744,331 109,719,360" [state special and federal revenue FY04 and FY05]

**Insert:** "6,785,812 115,013,006 6,817,796 109,762,333" [state special and federal revenue FY04 and FY05]

3. Page B-4, line 23.

**Strike:** "38,242,924 4,723,714 38,948,846 4,813,319" [general fund and state special revenue FY04 and FY05]

**Insert:** "38,726,514 4,730,705 39,455,186 4,820,824" [general fund and state special revenue FY04 and FY05]

4. Page D-4, line 3.

**Strike:** "52,036,901 1,124,938 51,987,583 1,124,938" [general fund and state special revenue FY04 and 05]

**Insert:** "52,789,160 1,150,515 52,741,126 1,150,565" [general fund and state special revenue FY04 and 05]

5. Page D-4, line 7.

**Strike:** "17,514,200 437,013 316,765 17,529,269 437,013 316,765" [general fund, state special, and federal revenue FY04 and FY05]

**Insert:** "17,698,932 449,703 327,375 17,714,153 449,713 327,383" [general fund, state special, and federal revenue FY04 and 05]

6. Page E-4, line 4.

**Strike:** "1,004,239 1,012,210" [general fund FY04 and FY05]

**Insert:** "1,029,411 1,037,468" [general fund FY04 and FY05]

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Montana School for the Deaf and Blind - This amendment exempts direct care and medical staff in the Student Services Program at the Montana School for the Deaf and Blind from vacancy savings, resulting in an increase in general fund of \$50,430 (\$25,172 in fiscal 2004 and \$25,258 in fiscal 2005).

Amendment **not** adopted as follows:

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

Total 47

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

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Dickenson moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 21.

**Strike:** "43,340,339 41,044,375" [General Fund FY04 and FY05]

**Insert:** "43,610,978 41,315,014" [General Fund FY04 and FY05]

2. Page B-6, following line 5.

**Insert:** "Item 9 includes general fund money of \$270,639 in fiscal year 2004 and \$270,639 in fiscal year 2005 that is contingent on passage and approval of House Bill No. 206."

Amendment **not** adopted as follows:

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

Total 50

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

Total 50

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Jayne moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-4, line 10.

**Strike:** "-- Prevention and Stabilization Fund"

**Insert:** "(Restricted)"

2. Page B-4, line 11.

**Strike:** "0 0" [general fund FY04 and FY05]

**Insert:** "257,000 257,000" [general fund FY04 and FY05]

**Strike:** "257,000 257,000" [state special revenue FY04 and FY05]

3. Page B-5, line 18.

**Following:** "11b"

**Insert:** ", 11d"

4. Page B-6.

**Following:** line 15

**Insert:** "Funds in item 11c may be used only for grants to local providers for aging services."

Amendment **not** adopted as follows:

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

Total 48

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

Total 52

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-4, line 14.

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**Following:** "Services"

**Strike:** "-- Prevention and Stabilization Fund"

**Insert:** "(Restricted)"

2. Page B-4, line 15.

**Strike:** "0 0" [general fund FY04 and FY05]

**Insert:** "34,000 34,000" [general fund FY04 and FY05]

**Strike:** "34,000 34,000" [state special revenue FY04 and FY05]

3. Page B-5, line 18.

**Following:** "11b"

**Insert:** "through 11d, 11f"

4. Page B-6, following line 15.

**Insert:** "Funds in item 11e may be used only to provide in-home therapy services for medicaid eligible persons receiving home-based services."

Explanation: This amendment adds \$34,000 general fund each year of the biennium and reduces state special revenue appropriations from the Prevention and Stabilization Fund by a like amount. The amendment restricts the use of general fund and federal matching funds to provision of in-home therapy services for elderly and physically disabled persons receiving Medicaid home based services.

Amendment **not** adopted as follows:

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

Total 40

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

Total 55

Excused: None.

Total 0

Absent or not voting: Cyr, Erickson, Fritz, Jent, Windy Boy.

Total 5

Representative Kaufmann moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-1, line 10.

**Strike:** "19,761,992 19,984,077" [General Fund FY04 and FY05]

**Insert:** "19,839,633 20,061,718" [General Fund FY04 and FY05]

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2. Page B-5.

**Following:** line 23

**Insert:** "Item 2 includes \$77,641 in general fund money in fiscal year 2004 and \$77,641 in general fund money in fiscal year 2005 that may be used only to support the provision of domestic violence prevention services."

Amendment adopted as follows:

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

Total 52

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

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Becker moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-5, line 2.

**Strike:** "0 0" [general fund FY04 and FY05]

**Insert:** "4,000,000 4,000,000" [general fund FY04 and FY05]

2. Page B-5, line 18.

**Strike:** "Items"

**Insert:** "State special revenue appropriations and federal special revenue appropriations in items"

Amendment **not** adopted as follows:

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

Total 45

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



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Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 5.

**Strike:** "1,973,403            1,984,060"

**Insert:** "1,986,231            1,996,888"

2. Page B-2.

**Strike:** lines 8 and 9 in their entirety

**Renumber:** subsequent subsections

3. Page B-5, line 18.

**Following:** "6a through"

**Strike:** "6d"

**Insert:** "6c"

4. Page B-5.

**Following:** line 24

**Insert:** "Item 6 includes \$12,828 in general fund money each year of the biennium that may be used only for matching funds for the WIC farmer's market voucher program."

Amendment **not** adopted as follows:

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

Total 44

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

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Representative Gillan moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-5.

**Following:** line 9

**Insert:** "If LC 1931 is passed and approved, with the exception of funds necessary to repay the coal severance tax loan, funds allocated to the prevention and stabilization account are sufficient to fully fund all appropriations from that fund."

Amendment **not** adopted as follows:

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

Total 45

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

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Buzzas moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 5.

**Strike:** "1,973,403 1,984,060"

**Insert:** "2,015,403 2,026,060"

2. Page B-2.

**Strike:** lines 12 and 13 in their entirety

**Renumber:** subsequent subsection

3. Page B-5, line 18.

**Following:** "6a through"

**Strike:** "6d"

**Insert:** "6c"

4. Page B-5.

**Following:** line 24

**Insert:** "Item 6 includes \$42,000 in general fund money each year of the biennium that may be used only for AIDS treatment and prevention services."

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Amendment **not** adopted as follows:

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

Total 41

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

Total 56

Excused: None.

Total 0

Absent or not voting: Ballantyne, Franklin, Lenhart.

Total 3

Representative E. Clark moved to close Section B. Motion carried.

Representative R. Brown moved the committee rise and report progress on **HB 2**. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 757**, introduced by Witt, Cyr, DePratu, Devlin, Gallus, Gebhardt, Harrington, Hedges, Keane, Lake, Lambert, Laslovich, Lindeen, Maedje, Mahlum, McCarthy, Newman, A. Olson, Peterson, Rice, Ross, B. Ryan, Shea, Sprague, Tash, Tester, Wilson, referred to Taxation.

**MOTIONS**

Representative R. Brown moved the House accede to the request of the Senate to return **HB 224** for further Senate consideration on this bill. There being no objection, so ordered.

Representative R. Brown moved **SB 271** be taken from the Committee on Taxation and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

The Speaker asked Representative Jacobson to lead the House in singing Happy Birthday to Representative Branae.

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**ANNOUNCEMENTS**

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Friday, March 21, 2003. Motion carried.

House adjourned at 7:33 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House