

**HOUSE JOURNAL
57TH LEGISLATURE
SEVENTH LEGISLATIVE DAY**

Helena, Montana
January 10, 2001

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bookout-Reinicke. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 1/10/2001
Correctly engrossed: HB 20, HR 1, SJR 1.
Correctly enrolled: HR 1.
Signed by the Speaker at 10:20 a.m., January 10, 2001: HR 1.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence: 1/9/2001

SB 55, introduced by Cole

FIRST READING AND COMMITMENT OF BILLS

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

HB 230, introduced by Price, referred to Business and Labor.
HB 231, introduced by Lawson, referred to State Administration.
HB 232, introduced by Lawson, Bixby, R. Brown, DePratu, Glaser, Kitzenberg, Laslovich, Lewis, Mahlum, Masolo, Olson, Ripley, Ryan, Schmidt, Somerville, Tash, referred to Education.
HB 233, introduced by Newman, Bohlinger, Doherty, Ellingson, Facey, Gallik, Gallus, Gutsche, Halligan, Hurdle, Juneau, Kaufmann, Mangan, referred to Judiciary.
HB 234, introduced by Lawson, Cocchiarella, Gallus, Taylor, referred to Business and Labor.
HB 235, introduced by R. Brown (by request of the Secretary of State), referred to Business and Labor.
HB 236, introduced by Himmelberger, referred to Taxation.
HB 237, introduced by Carney, P. Clark, Elliott, R. Erickson, Gutsche, Hurdle, Laslovich, Masolo, Raser, Schrupf, referred to Judiciary.
HB 238, introduced by B. Thomas, referred to Judiciary.
HB 239, introduced by B. Thomas, referred to State Administration.
HB 240, introduced by McKenney, referred to Appropriations.
HB 241, introduced by B. Thomas, referred to State Administration.
HB 242, introduced by R. Brown, referred to Federal Relations, Energy, and Telecommunications.
HB 243, introduced by Dee Brown, Adams, Balyeat, Barrett, Carney, Curtiss, Davies, Jackson, Laszloffy, Lehman, K. Peterson, Ripley, Schrupf, Smith, Vick, Whitaker, referred to Legislative Administration.
HB 244, introduced by R. Erickson, Buzzas, Cocchiarella, Cyr, Ellingson, Halligan, Harris, Toole, referred to Appropriations.
HB 245, introduced by Gallik, Christiaens, Doherty, Ellingson, Facey, Franklin, Gallus, Gillan, Golie, Harrington, Juneau, Kaufmann, Kitzenberg, Mangan, Roush, Shea, Toole, Wanzenried, referred to Business and Labor.

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HB 246, introduced by Bales, Andersen, Barrett, Beck, Butcher, Clancy, E. Clark, Cole, Curtiss, Dale, Davies, Devlin, Ekegren, Ellis, Esp, Hedges, R. Holden, Jayne, Kasten, Laible, Lenhart, McCann, Nelson, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrupf, Steinbeisser, Story, Tash, Tester, B. Thomas, J. Tropila, Waitschies, Wanzenried, Witt, Wolery, 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 Sliter in the chair.

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

HB 19 - Representative Lenhart moved HB 19 do pass. Motion carried as follows:

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

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 20 - Representative Shockley moved HB 20 do pass. Motion carried as follows:

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

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Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 26 - Representative E. Clark moved HB 26 do pass. Motion carried as follows:

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

Total 97

Noes: Dell, Hurdle, McCann.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 34 - Representative Gallik moved HB 34 do pass. Motion carried as follows:

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

Total 99

Noes: Hurdle.

Total 1

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 56 - Representative Lawson moved HB 56 do pass. Motion carried as follows:

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

Total 90

Noes: Davies, Gutsche, Harris, Hurdle, Kasten, Laslovich, Lee, Price, Shockley, Story.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Holden, Price, Shockley.

Total 3

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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 17 passed as follows:

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

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bixby, Davies, Holden.

Total 3

HB 52 passed as follows:

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

Total 96

Noes: Adams, Ripley.

Total 2

Excused: None.

Total 0

Absent or not voting: Carney, Davies.

Total 2

SJR 1 concurred in as follows:

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Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Davies.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 1:35 p.m. for the joint session to receive the Honorable U.S. Senator Conrad Burns. Motion carried.

Majority Leader Sliter moved that following the joint session, the House adjourn and reconvene at 1:00 p.m., Thursday, January 11, 2001. Motion carried.

House recessed at 1:28 p.m.

SPECIAL ORDERS OF THE DAY

House reconvened at 1:38 p.m. Mr. Speaker in the chair. Quorum present.

Sergeant-at-Arms Ahner escorted the Senate into the House Chambers.

Speaker McGee introduced President Beck and yielded the chair to him.

Senator Thomas moved that the body resolve itself into a joint session for the purpose of receiving the address from Montana's U.S. Senator, the Honorable Conrad Burns. Motion carried.

Senator Thomas moved that President Beck be authorized to appoint a committee of six to notify the Honorable U.S. Senator Burns that the House was in joint session and ready to receive his address. Motion carried.

President Beck appointed Senators McNutt, Shea, and Sprague and Representatives R. Brown, Tropila, and Younkin and discharged them to escort the Honorable U.S. Senator to the House Chamber.

Sergeant-at-Arms Cramer announced that the committee was ready to escort U.S. Senator Conrad Burns into the

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House.

U.S. Senator Conrad Burns was escorted to the rostrum by the escort committee.

Pastor Keith Johnson of the Evangelical Covenant Church gave the Invocation.

After being presented to the members of both houses by President Beck, Montana's U.S. Senator the Honorable Conrad Burns delivered the following address:

Congratulations on your election to the Montana House and the Senate. Thank you for serving our state in these halls. You are the latest edition of those who have gone before us. To those who are here for the first time, welcome and good luck to you. Your learning curve will turn up sharply—but knowing a little bit about the folks who seek public office and are successful, you will be up to it.

I can recall the Wednesday after the first Tuesday after the first Monday in November 1988. In the first place, my wife would not believe that we had won until she read it in the newspaper that morning. Can you imagine that! It did not take long for reality to set in. I had 2 years of experience as a county commissioner in Yellowstone County, and I was in deep trouble. I called on a friend - one who was serving in this body - Jack Ramirez. From that point on, through the 101st Congress, it was like trying to drink from a fire hydrant.

Harry Truman had a quote that after being elected to the U. S. Senate, he spent the first months trying to find out how he got there. Then he said, “I spent the next 6 months trying to figure out how everybody else got there...”

Again, I welcome you to the legislative process. Again I thank you for caring about our state enough to place your name and ego on a ballot. There are those who will not - they are just like old hounds that set on a burr and would rather growl about it than get up and move.

There are generations of young folks who are yet to come, that will be affected by what we do here today. After all, isn't that the reason we are all here. We have always been a society who have worked for the next generation, and we still are. We have seen 8 years of unprecedented economic growth in America. It is true that rural states like our own have not enjoyed the degree of growth that other areas of the country have. We were light years away from being in any kind of position to take advantage of the new economy. Today, we have made great strides and we have just seen the tip of the iceberg in our transition to that new economy.

How we learn and how we manage health care in rural areas are changing and will continue to change. But, we are reminded everyday of the importance of our traditional resource based economy, which has sustained us throughout the years. The old and the new can co-exist, and we cannot transition without our traditional industries.

We have a crisis that is of historic proportions. No one here today has ever experienced anything like it – it is energy—it is electricity—it is natural gas—it is oil—it is coal. It is how we irrigate our crops, deliver our state's great agriculture production, how we receive the goods and services. In other words, our surface and air transportation. It is how we make our living. It is a challenge that must be met, as affordable energy has more to do with economic growth than any other factor of our every day life.

At this very moment, there is one law in this country that is working. It is the law of supply and demand. I have always believed that Montana will remain an energy producing state. Clearly we have the resources to help power America's economy and capture the financial advantage of doing so while investing in our local communities.

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We must do more with electricity in our homes. I just returned from attending the consumer electronics association and believe me, the direction we are demanding our appliances to do for us, what we expect our computers to do and what we are demanding on how we entertain ourselves - is it any wonder we have outstripped our ability to generate enough power to satisfy the demand.

It is in times like these we call for conservation, but conservation alone cannot head off this crisis. We can, and will, get serious about conservation. We did it when our gas supplies were threatened some 25 years ago. We conserved. We also accelerated our exploration and lifting capabilities. We were way too successful in our capabilities to explore, find, and produce.

We simply have outgrown our supply and delivery system. The American economy is slowing and it is clear to me the high cost of energy is the determining factor. No segment of the American economy has so much effect on all other segments like affordable energy.

Are there immediate solutions to this crisis? No, there is not, but the American people are not convinced that we are in a true shortage of electrical power. They are not convinced that we cannot generate enough to satisfy the demand. I am convinced when I look at our present day generation capabilities—also our ability to distribute and deliver. We must meet the challenge. We have no other choice.

If we are serious about the working families in Montana who look to us for policies that provide the jobs and economic opportunities, then we need to look at the real world. If we are serious about protecting the most vulnerable among us, our working poor and our elderly, then we need to look at the real world. First of all, Montana has always been an energy producing state. We must assume that leadership once again. We can supply what it takes to power America's economy.

While doing so, we are taking advantage of the financial resources it takes to pay for our schools, our demand for government services, in public safety, in the transportation infrastructure, and the building of a new infrastructure for a new economy and a new brighter future.

The investment costs of siting have sky rocketed. Those costs can be the difference between a new generation or a crisis. The environment is important and no one here would advocate doing anything in a irresponsible manner. Oil and gas development have seen technological advances that greatly reduce the surface impact associated with production - clean coal advances have greatly reduced emissions and are on the verge of being feasible allowing us to utilize Montana's great reserves.

Looking to the future, fuel cell development is coming closer to reality and the money I have earmarked for fuel cell development here in Montana, places the state in a great position to lead the revolution, or as some would put it, this evolution of energy development. Ethanol development has been slow, but we know it will be part of the energy mix of the future. Solar and wind power will also be part of that, and who better to lead the way than Montana.

The latest actions taken by the federal government on forest lands is just one example of how wrong thinking has dealt a fatal blow to us here in Montana on forest health and the forest products industry. It goes way beyond just the forest products industry. It goes to the siting of communications towers necessary for wireless broadband services - and crossing those lands with fiber to serve rural and remote areas.

These actions destroy any opportunity to bring new services and new opportunities to remote areas of Montana.

We have just passed legislation that will enable low power television spectrum to be used to deploy wireless

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broadband services to rural areas where we have a lot of dirt between light bulbs.

Just because you are a kid, born in one of our many small communities in Montana, does not mean that where you live should determine the quality of education and medical care received.

President Beck asked the committee to escort U.S. Senator Burns from the House Chamber.

Senator Thomas moved the joint session be adjourned. Motion carried.

Members of the Senate retired from the House Chamber.

House adjourned at 2:00 p.m.

MARILYN MILLER
Chief Clerk of the House

DAN MCGEE
Speaker of the House