

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

Helena, Montana
January 11, 2001

House Chambers
State Capitol

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

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

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 1/11/2001
Correctly printed: **HB 19, HB 20, HB 26, HB 34, HB 56, HB 141.**
Correctly engrossed: **HB 84, HB 117.**

BUSINESS AND LABOR (McKenney, Chairman): 1/10/2001
HB 84, introduced bill, be amended as follows:

1. Title, line 4.

Following: "COMPANIES"

Insert: "AND INTEREXCHANGE CARRIERS"

2. Page 1.

Following: line 18

Insert: "(4) "Interexchange carrier" means a telecommunications carrier that provides interstate or intrastate long-distance services."

Renumber: subsequent subsections

3. Page 2, line 25.

Following: "companies"

Insert: "and interexchange carriers"

4. Page 3, line 17.

Following: "companies"

Insert: "and interexchange carriers to the extent not otherwise prohibited or limited by applicable federal law or Montana public service commission regulations"

5. Page 3, line 21.

Following: "companies"

Insert: "and interexchange carriers"

6. Page 4, line 5.

Following: "companies"

Insert: "and interexchange carriers to the extent not otherwise prohibited or limited by applicable federal law or Montana public service commission regulations"

And, as amended, do pass. Report adopted.

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HB 141, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Fuchs, Chairman): 1/10/2001

HB 39, do pass. Report adopted.

JUDICIARY (Shockley, Chairman): 1/10/2001

HB 29, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.

Strike: "AN INTERNAL" on line 5 through "SECTION" on line 7

Insert: "CONFLICTS IN THE LAW AND CLARIFYING THE RIGHTS AND DUTIES OF A LANDLORD AND TENANT WITH REGARD TO THE RETURN OF THE SECURITY DEPOSIT OF A DEPARTING TENANT; AND AMENDING SECTIONS 70-25-202 AND"

2. Page 1, line 25.

Strike: section 1 in its entirety

Insert: ""Section 1. Section 70-25-202, MCA, is amended to read:

"70-25-202. List of damages and refund -- delivery to departing tenant. (1) Every landlord, within 30 days subsequent to the termination of a tenancy or within 30 days subsequent to a surrender and acceptance of the leasehold premises, whichever occurs first, shall provide the departing tenant with a written list of any rent due and any damage and cleaning charges, brought after the provisions of 70-25-201 have been followed, with regard to the leasehold premises that the landlord alleges are the responsibility of the tenant. Delivery of ~~such~~ the list shall ~~must~~ be accompanied by payment of the difference, if any, between the security deposit and the permitted charges set forth in 70-25-201. Delivery ~~shall~~ must be accomplished by mailing the list and refund to ~~the tenant's last-known address or~~ the new address provided by the tenant or, if a new address is not provided, to the tenant's last-known address.

(2) If after inspection there are no damages to the premises, no cleaning required, and no rent unpaid and if the tenant can demonstrate that no utilities are unpaid by the tenant, the landlord shall return the security deposit within 10 days by mailing it to the new address provided by the tenant or, if a new address is not provided, to the tenant's last-known address.

(3) It is not a wrongful withholding of security deposit funds if the landlord mails the funds to the last-known address of a tenant who has departed and the tenant does not receive the funds because the tenant has not given the landlord the tenant's new address, but the landlord remains liable to the tenant for the amount due the tenant."

Insert: "Section 2. Section 70-25-205, MCA, is amended to read:

"70-25-205. Failure of departing tenant to furnish new address. Failure by the departing tenant to provide the landlord with a new address in writing upon termination of the tenancy or upon surrender and acceptance of the leasehold premises, whichever occurs first, ~~relieves the landlord from liability as imposed by 70-25-204. The failure may not, however,~~ does not bar the tenant from recovering the ~~actual~~ amount owing to the tenant by the landlord."

And, as amended, do pass. Report adopted.

HB 104, introduced bill, be amended as follows:

1. Title, page 1, line 10 through line 11

Strike: "PROVIDING" on line 10 through "PRONOUNCEMENT;" on line 11

2. Page 1, line 20.

Following: "record."

Insert: "At the time that the judgment is entered on the record, the court shall give the defendant a copy of the

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judgment and a copy of subsection (2)."

3. Page 1, line 24.

Following: "pronouncement"

Insert: "at a hearing, and the defendant must be present at the hearing unless the defendant waives the right to be present"

4. Page 1, line 26.

Following: "judgment"

Insert: "in the sentencing court"

5. Page 1, line 27 through line 28.

Strike: subsection (3) in its entirety

6. Page 2, line 1.

Strike: "Except" through "the"

Insert: "The"

7. Page 2, line 3.

Following: "court."

Insert: "An erroneous sentence or erroneous disposition is one that is erroneous as a matter of law."

And, as amended, do pass. Report adopted.

HB 117, introduced bill, be amended as follows:

1/9/2001

1. Page 1, line 19.

Strike: "the"

Insert: "a"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Walters, Chairman):

1/11/2001

HB 25, do pass. Report adopted.

HB 112, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

HB 247, introduced by Lewis, Cocchiarella, Cole, Crismore, Ekegren, Fisher, Forrester, Fuchs, Kitzenberg, Lindeen, Matthews, Mood, Shea, Steinbeisser, Wanzenried, referred to Taxation.

HB 248, introduced by Tropila, E. Clark, Galvin-Halcro, Gillan, Lenhart, Shea, Story, Witt, referred to Taxation.

HB 249, introduced by Laslovich, Harrington, Kitzenberg, Lawson, Lewis, Mahlum, Mood, Olson, Ripley, Tash, Tester, Wanzenried, referred to Education.

HB 250, introduced by Balyeat, Adams, Barrett, Bitney, D. Brown, Butcher, Clancy, Curtiss, Dale, Davies, Esp, Fuchs, Hedges, Jackson, Kasten, Laible, O'Neil, Pattison, A. Peterson, K. Peterson, Schrupf, Sliter, Vick, Waddill, Walters, Wells, referred to Judiciary.

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- HB 251**, introduced by Keane, Fritz, Newman, Olson, Raser, Rome, Wanzenried, referred to State Administration.
- HB 252**, introduced by Davies, Adams, Fisher, Haines, Pattison, A. Peterson, Rice, Wells, referred to Judiciary.
- HB 253**, introduced by Davies, Adams, Curtiss, A. Peterson, Rice, B. Thomas, Walters, Wells, Vick, referred to Natural Resources.
- HB 254**, introduced by Davies, Adams, Fisher, Haines, Lewis, Pattison, A. Peterson, Rice, Wells, referred to Judiciary.
- HB 255**, introduced by Harris, referred to Business and Labor.
- HB 256**, introduced by Younkin, Newman, referred to Judiciary.
- HB 257**, introduced by Younkin, referred to Local Government.
- HB 258**, introduced by Vick, Cyr, Davies, Fuchs, Golie, Wells, Zook, referred to Fish, Wildlife and Parks.
- HB 259**, introduced by Mood, referred to Natural Resources.
- HB 260**, introduced by Mood, referred to Natural Resources.
- HB 261**, introduced by Jent, Branae, Callahan, Laslovich, Newman, Raser (by request of the Attorney General), referred to Judiciary.
- HB 262**, introduced by Walters, Adams, D. Brown, Curtiss, Davies, Hedges, L. Holden, Jackson, Laible, Lehman, Shockley, B. Thomas, Waddill, Wells, Wolery, referred to Judiciary.
- HB 263**, introduced by Jent, referred to Judiciary.
- HB 264**, introduced by Lewis, Sliter, referred to Fish, Wildlife and Parks.
- HB 265**, introduced by Facey, Mahlum, K. Peterson, referred to Education.
- HB 266**, introduced by Clancy, Adams, Balyeat, Barrett, Brueggeman, Davies, Lewis, Masolo, Sliter, referred to Judiciary.
- HB 267**, introduced by Juneau, Bixby, Buzzas, Cyr, Doherty, Eggers, Jayne, Kaufmann, Mangan, Pease, Smith, referred to Education.
- HB 268**, introduced by Ripley, Christiaens, Jacobson, Kitzenberg, Lehman, Lenhart, McNutt, Newman, Olson, B. Thomas, Tropila, Whitaker, Wolery, referred to Education.
- HB 269**, introduced by Carney, Buzzas, P. Clark, Cocchiarella, Cyr, Fritz, Galvin-Halcro, Jent, Schmidt, Tropila, referred to Human Services.
- HB 270**, introduced by Wanzenried, Bohlinger, Buzzas, Carney, Fritz, Galvin-Halcro, Kitzenberg, Laslovich, Mahlum, Musgrove, referred to Taxation.
- HB 271**, introduced by Jayne, Bixby, Christiaens, Cocchiarella, Erickson, Forrester, Golie, Halligan, Jacobson, Juneau, Mangan, Pease, Raser, Roush (by request of the Attorney General), referred to Federal Relations, Energy, and Telecommunications.
- HB 272**, introduced by Olson, Dale, Davies, Fuchs, Lehman, McGee, Miller, Pattison, A. Peterson, K. Peterson, Ripley, Schrupf, Sliter, Walters, referred to Education.
- HB 273**, introduced by Erickson, Bishop, Bohlinger, Buzzas, Christiaens, Fritz, Galvin-Halcro, Gutsche, Halligan, Kaufmann, Wanzenried, Waterman, referred to Human Services.

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 19 passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, 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,

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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 99

Noes: None.

Total 0

Voted Absentee: Kasten, Aye.

Excused: None.

Total 0

Absent or not voting: Bitney.

Total 1

HB 20 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, 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 99

Noes: None.

Total 0

Voted Absentee: Kasten, Aye.

Excused: None.

Total 0

Absent or not voting: Bixby.

Total 1

HB 26 passed 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, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,

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Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 99

Noes: Hurdle.
Total 1

Voted Absentee: Kasten, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 34 passed 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

Voted Absentee: Kasten, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 56 passed 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, 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, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 92

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Noes: Davies, Gutsche, Harris, Hurdle, Kasten, Price, Shockley, Story.
Total 8

Voted Absentee: Kasten, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Representative Noennig requested on **HB 17**, third reading yesterday, his vote be shown as yes. Motion carried.

SPECIAL ORDERS OF THE DAY

The following cosponsors were added to **HB 62**: McKenney, Sprague, and Tester.

The following cosponsors were added to **HB 164**: Bixby, Cyr, Lawson, Lehman, Lenhart, Pattison, Ripley, and Ryan.

The following cosponsors were added to **HB 165**: Bixby, Cobb, Doherty, Eggers, Grosfield, Halligan, Jayne, Juneau, and Smith.

The following cosponsors were added to **HJR 3**: Bohlinger, Grosfield, Hargrove, Mahlum, and Miller.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Friday, January 12, 2001. Motion carried.

House adjourned at 1:16 p.m.

MARILYN MILLER
Chief Clerk of the House

DAN MCGEE
Speaker of the House