

**HOUSE JOURNAL
57TH LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
January 26, 2001

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives Bitney, Eggers, and Hurdle, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Andrew Rae, Laurel
Daniel Turvey, Bozeman
Carl Fauth, Malta
Kathryn McGee, Vacaville, California
Jim Gallagher, Anaconda
Tricia Gallagher, Anaconda

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 1/26/2001
Correctly printed: **HB 139, HB 224, HB 238, HB 333, HJR 4.**
Correctly engrossed: **HB 21, HB 41, HB 74, HB 94, HB 109, HB 165.**
Correctly enrolled: **HB 25, HB 45, HB 98.**

AGRICULTURE (Hedges, Chairman): 1/25/2001
HB 246, introduced bill, be amended as follows:

1. Page 1, lines 5 through 6.

Following: "PROPERTY" on line 5

Strike: "IN AN OPEN RANGE OR A HERD DISTRICT"

2. Page 1, lines 6 through 7.

Following: "HIGHWAYS" on line 6

Strike: "IN OPEN RANGE OR IN A HERD DISTRICT"

3. Page 1, line 8 through 9.

Following: "PROPERTY" on line 8

Strike: "IN AN OPEN RANGE OR HERD DISTRICT"

4. Page 1, line 9.

Following: "IS NOT"

Strike: "LIABLE"

Insert: "SUBJECT TO LIABILITY"

5. Page 1, line 10.

Following: "LIVESTOCK"

Insert: "UNLESS THE OWNER OF THE LIVESTOCK OR PROPERTY WAS GROSSLY NEGLIGENT OR

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ENGAGED IN INTENTIONAL MISCONDUCT"

Strike: "AMENDING SECTION 81-4-203, MCA;"

6. Page 1, line 15 through Page 2, line 7.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

7. Page 2, lines 9 through 10.

Following: "owner" on line 9

Strike: "open range or herd district"

Insert: "accidents involving motor vehicles and livestock"

8. Page 2, line 12.

Strike: ", as defined in 60-1-103(19),"

Following: "not"

Strike: "liable"

Insert: "subject to liability"

9. Page 2, line 14.

Strike: "as provided in 60-7-203 and [sections 1 and 2]"

Insert: "unless the owner of the livestock or property was grossly negligent or engaged in intentional misconduct"

10. Page 2, line 15.

Following: "section,"

Insert: "the following definitions apply:

(a) "Highway" has the meaning provided in 60-1-103(19);

(b) "Livestock" has the meaning provided in 15-1-101; and

(c)"

Strike: ""person""

Insert: ""Person""

11. Page 2, line 16.

Following: "company,"

Insert: "limited liability partnership,"

12. Page 2, lines 18 through 22.

Strike: section 4 in its entirety

Renumber: subsequent sections

13. Page 2, lines 24 through 28.

Strike: subsections (1) and (2) in their entirety

14. Page 2, line 29.

Strike: "(3)[Section 3]"

Insert: "[Section 1]"

15. Page 2, line 30.

Strike: "[section 3]"

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Insert: "[section 1]"

And, as amended, do pass. Report adopted.

EDUCATION (Masolo, Chairman): 1/25/2001
HB 268, do pass. Report adopted.

JUDICIARY (Shockley, Chairman): 1/25/2001
HB 224, introduced bill, be amended as follows:

1. Title, page 1, line 9 through line 10.

Strike: "REQUIRING" on line 9 through "REQUIRING" on line 10

Insert: "ALLOWING"

2. Page 2, line 28 through line 29.

Strike: "and take" on line 28 through "child" on line 29

3. Page 4, line 11.

Strike: "shall"

Insert: "may"

4. Page 4, line 13.

Strike: "the"

Insert: "a"

5. Page 4, line 20.

Strike: "The"

Insert: "A"

Strike: "consists"

Insert: "must consist"

6. Page 4, line 21 through line 23.

Strike: "frequent" on line 21 through "inmates" on line 23

Insert: "structured programming between incarcerated parents and their children, with a focus on parenting skills"

7. Page 4, line 25.

Strike: "(c)"

Insert: "(b)"

8. Page 4, line 30.

Strike: "the"

Insert: "a"

And, as amended, do pass. Report adopted.

HB 238, introduced bill, be amended as follows:

1. Page 1, line 22.

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Following: "(3)(a)"

Insert: ", unless the county attorney or designee is unable to contact the victim after making a good faith effort to contact the victim"

And, as amended, do pass. Report adopted.

HB 276, do pass. Report adopted.

STATE ADMINISTRATION (Walters, Chairman):

1/26/2001

HB 176, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "THAT"

Insert: "CERTAIN INACTIVE VESTED"

Strike: "RETIRE"

Insert: "LEAVE SERVICE"

2. Title, page 1, line 5.

Strike: "QUALIFIED"

Insert: "ELIGIBLE"

3. Title, page 1, line 6.

Strike: "DISTRICT COURT"

Following: "JUDGES"

Insert: "OR JUSTICES"

4. Title, page 1, line 8.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1, line 14.

Following: "after"

Insert: "at least"

6. Page 1, line 18.

Following: "judge's"

Insert: "or justice's"

7. Page 1, line 20.

Following: "judge"

Insert: "or justice"

8. Page 1, line 25.

Following: "(2)"

Insert: "(a)"

9. Page 1, line 26.

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Following: "call"
Insert: "(b)"

10. Page 1, line 28.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

11. Page 2, line 7 through line 8.

Strike: "subsections" on line 7 through "to" on line 8

Insert: "subsection (2)(a) and compensated as provided in subsection (2)(b)(i) regardless of"

12. Page 2.

Following: line 8

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

And, as amended, do pass. Report adopted.

HB 342, do pass. Report adopted.

HB 354, introduced bill, be amended as follows:

1. Page 3, line 15.

Following: "including"

Insert: "American"

And, as amended, do pass. Report adopted.

TRANSPORTATION (Somerville, Chairman):

1/23/2001

HB 127, introduced bill, be amended as follows:

1. Page 2.

Following: line 18

Insert: "(6) The owner of a commercial motor vehicle that is engaged in transporting fuel for a distributor is not subject to the provisions of this section."

2. Page 3.

Following: line 27

Insert: "(7) The owner of a commercial motor vehicle that is engaged in transporting special fuel for a distributor is not subject to the provisions of this section."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/25/2001

SB 34, introduced by R. Johnson

SB 42, introduced by McCarthy

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SB 108, introduced by Franklin
SB 135, introduced by Waterman
SB 143, introduced by Ekegren
SB 194, introduced by Nelson
SB 205, introduced by Cobb
SB 211, introduced by Shea
SB 229, introduced by Cocchiarella
SB 236, introduced by Grimes

House bills concurred in and returned to the House:

1/25/2001

HB 25, introduced by Sliter
HB 45, introduced by Witt
HB 98, introduced by Lewis

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

1/25/2001

HB 44, introduced by Haines

FIRST READING AND COMMITMENT OF BILLS

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

HB 401, introduced by Lee, Cocchiarella, Cole, Facey, referred to Transportation.
HB 402, introduced by Mangan, Bohlinger, Johnson, referred to Judiciary.
HB 403, introduced by Gillan, Grimes, Haines, B. Thomas, referred to Transportation.
HB 404, introduced by Wanzenried, Raser, F. Thomas, Waddill, referred to Local Government.
HB 405, introduced by Younkin, Bishop, Christiaens, Crismore, Doherty, Forrester, Halligan, Hargrove, Harrington, Lenhart, Mahlum, Raser, Roush, Ryan, Stonington, Tash, referred to Judiciary.
HB 406, introduced by Gillan, Bohlinger, Johnson, referred to Business and Labor.
HB 407, introduced by K. Peterson, Schrumpf, referred to Federal Relations, Energy, and Telecommunications.
HB 408, introduced by Schmidt, referred to Local Government.
HB 409, introduced by A. Peterson, referred to Local Government.
HB 410, introduced by Haines, referred to Transportation.
HB 411, introduced by Harris, Carney, Dell, Eggers, Gutsche, Hurdle, Jacobson, Jayne, Keane, Laslovich, Lee, Lenhart, Raser, Schmidt, Wolery, referred to Human Services.
HB 412, introduced by Wolery, Harris, referred to Judiciary.
HB 413, introduced by Davies, referred to Business and Labor.
HB 414, introduced by E. Clark, Christiaens, Erickson, referred to Appropriations.
HB 415, introduced by Somerville, Cole, Dale, DePratu, Gallus, Mahlum, McCarthy, Mood, Shea, Sliter, referred to Taxation.
HB 416, introduced by Juneau, Bixby, Eggers, Gutsche, Hurdle, Jayne, Raser, Smith, referred to Education.
HB 417, introduced by Price (by request of the State Auditor), referred to Business and Labor.

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

HJR 12, introduced by Harris, Callahan, Carney, Dell, Eggers, Gallik, Gutsche, Hurdle, Jacobson, Jayne, Keane, Laslovich, Lee, Lenhart, Matthews, Raser, Schmidt, referred to Taxation.

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HJR 13, introduced by Wolery, E. Clark, Devlin, Somerville, Witt, referred to Federal Relations, Energy, and Telecommunications.

Majority Leader Sliter moved the House recess until 1:45 p.m. Friday, January 26, 2001 for caucuses. Motion carried.

House reconvened at 1:45 p.m. Mr. Speaker in the chair. All members present except Representatives Eggers and Hurdle excused. Quorum present.

REPORTS OF STANDING COMMITTEES

FISH, WILDLIFE AND PARKS (Fuchs, Chairman):

1/26/2001

HB 215, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

Following: second "AN ACT" on line 4

Strike: remainder of line 4 through first "SITES;" on line 5

2. Title, line 5.

Following: "AT"

Strike: "DESIGNATED PRIMITIVE"

Insert: "CERTAIN"

3. Title, line 7.

Following: first "SITES"

Strike: "AS PRIMITIVE FISHING ACCESS SITES"

Insert: "FOR LIMITED DEVELOPMENT"

Following: "FEES"

Strike: ", "

Insert: "AND"

4. Title, line 8.

Following: "HOSTS"

Strike: ", AND ALL-TERRAIN VEHICLE USE"

Following: "AT"

Strike: "PRIMITIVE"

Insert: "DESIGNATED"

5. Title, line 9.

Strike: "PRIMITIVE"

Insert: "DESIGNATED"

6. Page 1, line 12 through line 24.

Strike: lines 12 through 24 in their entirety

7. Page 1, line 28 through line 29.

Strike: section 1 in its entirety

Renumber: subsequent sections

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8. Page 2, line 1.

Strike: "Primitive fishing"

Insert: "Fishing"

Following: "established"

Insert: "for limited development"

9. Page 2, line 2.

Following: "as"

Strike: "primitive"

10. Page 2, line 3.

Following: "sites"

Strike: "and"

Insert: "that"

Following: "through"

Strike: "5"

Insert: "4"

11. Page 2, line 4.

Strike: "Beaver Lake, Blanchard Lake, Bootjack Lake,"

Following: "Ducharme,"

Strike: "Frank Lake,"

12. Page 2, line 5.

Strike: "Horseshoe Lake-Ferndale, Loon Lake-Eureka, Loon Lake-Ferndale, Marle Lake,"

13. Page 2, line 6.

Following: "Landing,"

Strike: "Moran Lake,"

Following: "Pressentine,"

Strike: "Savage Lake, Skyles Lake,"

14. Page 2, line 13.

Strike: "Meadow Lake,"

15. Page 2, line 17.

Strike: "Lower Carter Pond,"

16. Page 2, line 18.

Strike: "Upper Carter Pond,"

17. Page 2, line 22.

Following: "Bridge"

Strike: remainder of line 22 through second "Reservoir" on line 22

18. Page 2, line 24.

Following: "Depot,"

Insert: "and"

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Following: "Sisters"
Strike: ", and Twelve Mile Dam"

19. Page 2, line 26.
Following: "as a"
Strike: "primitive"
Following: "access site"
Insert: "subject to limited development"

20. Page 2, line 30.
Strike: "primitive"
Insert: "designated"

21. Page 3, line 1.
Strike: "primitive"
Following: "section"
Strike: "2"
Insert: "1"

22. Page 3, line 10.
Strike: "primitive"

23. Page 3, line 13.
Strike: "primitive"

24. Page 3, line 16.
Strike: "primitive"

25. Page 3, line 18.
Strike: "primitive"

26. Page 3, line 21.
Strike: "primitive"
Following: "fishing"
Insert: "access"

27. Page 3, line 23.
Following: "(i)"
Insert: "erosion control, streambank stabilization, and weed control;
(j) erection of natural barriers necessary to preserve riparian vegetation and habitat;
(k)"

Renumber: subsequent subsection

28. Page 3, line 28.
Following: "of"
Strike: "designated primitive"
Following: "sites"
Insert: "designated in [section 1]"

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29. Page 4, line 7.

Strike: "primitive"
Insert: "designated"

30. Page 4, line 8.

Following: "use"
Strike: "primitive"
Insert: "certain"

31. Page 4, line 10.

Strike: "primitive"
Following: "section"
Strike: "2"
Insert: "1"

32. Page 4, line 12.

Strike: "primitive"
Insert: "certain"

33. Page 4, line 13.

Strike: "designated primitive"
Following: "sites"
Insert: "designated in [section 1]"

34. Page 4, line 14.

Strike: "designated primitive"

35. Page 4, line 15.

Following: "sites"
Insert: "designated in [section 1]"

36. Page 4, line 16 through line 17.

Strike: subsection (3) in its entirety

37. Page 4, line 19.

Following: "through"
Strike: "5"
Insert: "4"

38. Page 4, line 21.

Following: "through"
Strike: "5"
Insert: "4"

And, as amended, do pass. Report adopted.

HB 258, introduced bill, be amended as follows:

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1. Title, line 4 through line 7.

Following: second "AN ACT"

Strike: "PROVIDING" on line 4 through "STATUTORILY" on line 7

2. Title, line 7.

Following: "MONEY"

Strike: "IN THE ACCOUNT"

3. Title, line 10.

Following: "PROGRAM;"

Strike: "AMENDING SECTION 17-7-502, MCA;"

4. Page 1, line 15 through page 3, line 16.

Strike: section 1 through section 2 in their entirety

Insert: "NEW SECTION. Section 1. Appropriation. There is appropriated \$60,000 for the biennium ending June 30, 2003, from the state special revenue fund of the department of fish, wildlife, and parks, for the purpose of making grants to qualified shooting range facilities under 87-1-276 through 87-1-279. This appropriation is in addition to the appropriation in House Bill No. 2 for the shooting range grant program."

Renumber: subsequent sections

5. Page 3, line 20 through line 22.

Strike: section 4 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 325, do pass. Report adopted.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

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

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

HB 157 - Representative Gallus moved **HB 157** do pass.

HB 157 - Representative Gallus moved **HB 157**, second reading copy, be amended as follows :

1. Page 1, line 15.

Strike: the first "thing"

Insert: "weapon"

Strike: the second "thing"

Insert: "weapon"

2. Page 1, line 17.

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Following: "articles"
Insert: "or a weapon"

3. Page 1, lines 18 and 19.

Following: "the" on line 18
Strike: remainder of line 18 through "article" on line 19
Insert: "item transferred"

4. Page 1, line 30.

Strike: "or thing"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, 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, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Bixby, Erickson, Jayne, Lee.

Total 4

Excused: Bitney, Eggers, Hurdle.

Total 3

Absent or not voting: D. Brown, Witt.

Total 2

HB 157 - Representative Sliter moved consideration of **HB 157** be passed for the day. Motion carried.

HB 166 - Representative Lee moved **HB 166** do pass. Motion carried as follows:

Ayes: Andersen, Bales, 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, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Adams, Balyeat, Fuchs, Jackson, Laible, Mood, Pattison, Rice, Ripley, Vick.

Total 10

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Voted Absentee: Bitney, Eggers, Hurdle, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 198 - Representative Gallik moved **HB 198** do pass. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Price, Raser, Rome, Schmidt, Smith, Thomas, Tramelli, Tropila, Wanzenried.

Total 45

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 55

Voted Absentee: Eggers, Hurdle, Ayes; Bitney, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 40 - Representative Witt moved **HB 40** 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, Schrupf, 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

Voted Absentee: Bitney, Eggers, Ayes; Hurdle, No.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 78 - Representative E. Clark moved **HB 78** 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, Schrupf, 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

Voted Absentee: Bitney, Eggers, Ayes; Hurdle, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 108 - Representative Noennig moved **HB 108** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 90

Noes: Adams, Barrett, P. Clark, Gillan, Holden, Juneau, Waitschies, Wanzenried.
Total 8

Voted Absentee: Bitney, Eggers, Hurdle, Ayes.

Excused: None.
Total 0

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Absent or not voting: Fisher, A. Peterson.
Total 2

HB 110 - Representative Noennig moved **HB 110** 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, 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

Voted Absentee: Bitney, Eggers, Hurdle, Ayes.

Excused: None.
Total 0

Absent or not voting: Gillan.
Total 1

HB 114 - Representative Story moved **HB 114** 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, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 99

Noes: Wanzenried.
Total 1

Voted Absentee: Bitney, Eggers, Hurdle, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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Representative Sliter 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.

Representative Gallik made a substitute motion that **HB 198** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 55

Excused: Bitney, Eggers, Hurdle.

Total 3

Absent or not voting: Thomas, Waddill.

Total 2

Report **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 62

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

Total 34

Excused: Bitney, Eggers, Hurdle.

Total 3

Absent or not voting: Shockley.

Total 1

THIRD READING OF BILLS

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

HB 21 passed as follows:

Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Schmidt, Schrupf, Shockley, Smith, Story, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery.

Total 68

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Clancy, Curtiss, Dale, Davies, Esp, Himmelberger, Jackson, Kasten, Laible, Lewis, McKenney, Mood, K. Peterson, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Vick, Waitschies, Witt, Younkin, Mr. Speaker.

Total 31

Voted Absentee: Eggers, Hurdle, Ayes; Bitney, No.

Excused: None.

Total 0

Absent or not voting: Thomas.

Total 1

HB 41 passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Erickson, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Laible, Laszloffy, Lehman, Lewis, Lindeen, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 64

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Eggers, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Mangan, Masolo, Newman, Raser, Schmidt, Tramelli, Tropila, Wanzenried.

Total 34

Voted Absentee: Bitney, Aye; Eggers, Hurdle, Noes.

Excused: None.

Total 0

Absent or not voting: Cyr, Waddill.

Total 2

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HB 74 passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Davies, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, 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, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Dale, Dell, Kasten, Steinbeisser, Story.

Total 5

Voted Absentee: Bitney, Eggers, Hurdle, Ayes.

Excused: None.

Total 0

Absent or not voting: Balyeat, Branae, Erickson, Fritz.

Total 4

HB 94 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: Bitney, Eggers, Hurdle, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 109 passed 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, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, 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, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Fritz, Wanzenried.

Total 2

Voted Absentee: Bitney, Eggers, Hurdle, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 165 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, 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, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Bitney, K. Peterson, Rice, Ripley.

Total 4

Voted Absentee: Eggers, Hurdle, Ayes; Bitney, No.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

REPORTS OF STANDING COMMITTEES

JUDICIARY (Shockley, Chairman):

1/26/2001

HB 174, do pass. Report adopted.

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HB 256, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "IMPRISONMENT FOR UP TO 5 YEARS"

Insert: "INCARCERATION FOR UP TO 1 YEAR"

2. Title, page 1, line 6.

Following: "SERIOUS"

Insert: "BODILY"

3. Page 2, line 20.

Following: "serious"

Insert: "bodily"

Strike: "is guilty of a felony and"

4. Page 2, line 21.

Strike: "imprisonment for a term not exceeding 5 years"

Insert: "incarceration for a term not to exceed 1 year"

Following: "both."

Insert: "Section 61-8-351(6) does not apply to a prosecution under 61-8-301(1)(c) that is punishable under this subsection."

5. Page 2, line 27.

Following: "whose"

Insert: "purposeful"

Following: "serious"

Insert: "bodily"

6. Page 2, line 28.

Strike: "is guilty of a felony and"

7. Page 2, line 29.

Strike: "imprisonment for a term not exceeding 5 years"

Insert: "incarceration for a term not to exceed 1 year"

And, as amended, do pass. Report adopted.

HB 263, do pass. Report adopted.

HB 317, do pass. Report adopted.

MOTIONS

Representative Juneau moved that **HB 53** be taken from the Committee on Education, printed and placed on second reading.

Representative Golie moved that discussion of the motion be limited to fifteen minutes. Motion carried.

After discussion, Representative Mood moved the previous motion. Motion carried.

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Motion to take **HB 53** from the Committee on Education and place on second reading failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Sliter, Smith, Tramelli, Tropila, Wanzenried.

Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Somerville, Steinbeisser, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 53

Excused: Bitney, Eggers, Hurdle.

Total 3

Absent or not voting: Gallus, Thomas.

Total 2

Representative Sliter requested that Representative Gallus be shown not present and voting because he was not at his desk. There being no objections, so ordered.

Representative Sliter moved that **HB 399** be taken from the Committee on Taxation and rereferred to the Committee on Business and Labor. Motion carried.

Representative Sliter moved that **HB 392** be taken from the Committee on Taxation and rereferred to the Committee on Transportation. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, January 27, 2001. Motion carried.

House adjourned at 3:10 p.m.

MARILYN MILLER
Chief Clerk of the House

DAN MCGEE
Speaker of the House