

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
TWENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
January 31, 2001

House Chambers  
State Capitol

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

Roll Call. All members present, except Representatives Fisher and Pattison, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twentieth, twenty-first, and twenty-second legislative days, find the same to be correct.

Bookout-Reinicke, Chairman

**MOTIONS**

Representative Sliter moved that **HB 356** be taken from the Committee on Natural Resources and rereferred to the Committee on Local Government. Motion carried.

Representative Sliter moved consideration of **HB 189** be passed for the day. Motion carried.

Representative Sliter moved that **HB 258** be taken from third reading and rereferred to second reading today. Motion carried.

Representative Gallik moved that **HB 445** be taken from the Committee on Appropriations and rereferred to the Committee on Federal Relations, Energy, and Telecommunications.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/30/2001

**SB 50**, introduced by Waterman

**SB 57**, introduced by Johnson

**SB 90**, introduced by Ekegren

**SB 161**, introduced by Hargrove

**SB 162**, introduced by Grosfield

**SB 240**, introduced by McNutt

**SB 262**, introduced by Wells

**SB 279**, introduced by McNutt

**MESSAGES FROM THE GOVERNOR**

January 30, 2001

The Honorable Dan McGee  
Speaker of the House

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State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 17** sponsored by Representative Haines on January 30, 2001.

Sincerely,

JUDY MARTZ  
Governor

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/31/2001  
Correctly printed: **HB 266, HB 286, HB 369, SB 40.**  
Correctly engrossed: **HB 215, HB 258, HB 263, HB 268, HB 308, HB 317, HB 342, HB 354.**  
Delivered to the Governor for her approval at 3:25 p.m., January 31, 2001: **HB 39, HB 52.**

**APPROPRIATIONS** (Vick, Chairman): 1/31/2001  
**HB 73**, introduced bill, be amended as follows:

1. Page 3, line 22.

**Strike:** "WATER PROTECTION BUREAU"

**Insert:** "plan and specification review program of the public water supply section"

2. Page 4, line 19.

**Following:** "committee"

**Insert:** ", the legislative finance committee,"

And, as amended, do pass. Report adopted.

**EDUCATION** (Masolo, Chairman): 1/31/2001  
**HB 272**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "STUDENT"

**Insert:** "SCHOOL DISTRICT"

**Following:** "TO"

**Insert:** "DETERMINE THE AMOUNT OF TIME FOR WHICH A STUDENT MAY"

2. Title, line 5.

**Strike:** "ONE" through "FOR"

3. Page 1, line 11.

**Strike:** "an elementary or high"

**Insert:** "a"

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4. Page 1, lines 13 and line 14.

**Strike:** "for" on line 13 through "day" on line 14

5. Page 1, line 15.

**Following:** "guardian."

**Insert:** "The trustees shall determine the amount of time for which a pupil may be released for religious instruction."

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fuchs, Chairman):

1/31/2001

**HB 365**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 446**, introduced by Mood, Bales, Barrett, Bookout-Reinicke, R. Brown, Brueggeman, Curtiss, Fisher, Fuchs, Haines, Hedges, Jackson, Lehman, McGee, Olson, Pattison, K. Peterson, Sliter, Somerville, B. Thomas, Waitschies, Whitaker, referred to Natural Resources.

**HB 447**, introduced by Lewis, referred to Appropriations.

**HB 448**, introduced by Forrester, Glaser, referred to Business and Labor.

**HB 449**, introduced by Younkin, Buzzas, Juneau, Laszloffy, referred to Appropriations.

**HB 450**, introduced by Lawson, referred to State Administration.

**HB 451**, introduced by Golie, Callahan, Carney, Christiaens, P. Clark, Dell, Eggers, Facey, Galvin-Halcro, Gillan, Harris, Lindeen, Mangan, Newman, Ripley, Schmidt, Shockley, Smith, Tramelli, Tropila, Wanzenried, referred to Fish, Wildlife and Parks.

**HB 452**, introduced by Whitaker, Lewis, Mood, Newman, Olson, referred to State Administration.

**HB 453**, introduced by Wanzenried, Raser, Waddill, referred to Local Government.

**HB 454**, introduced by P. Clark, Fuchs, Golie, Hedges, Newman, Tramelli, referred to Fish, Wildlife and Parks.

**HB 455**, introduced by Lewis, referred to Natural Resources.

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

**HJR 15**, introduced by Lawson, Lenhart, Matthews, referred to State Administration.

**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 Gallus in the chair.

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

**HB 42** - Representative Masolo moved **HB 42** do pass.

**HB 42** - Representative Buzzas moved **HB 42**, second reading copy, be further amended from second reading

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yesterday as follows :

1. Page 2, line 25.

**Following:** "THE"

**Strike:** "FEDERAL SPECIAL REVENUE"

**Insert:** "general"

Amendment **not** adopted as follows:

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

Total 41

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, 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, Matthews, McKenney, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 58

Voted Absentee: Fisher, No.

Excused: Pattison.

Total 1

Absent or not voting: None.

Total 0

Motion that **HB 42**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, 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, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Buzzas, Erickson, Gillan, Golie, Juneau, Kaufmann, Raser, Wanzenried.

Total 8

Voted Absentee: Fisher, Pattison, Ayes.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

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

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

Total 84

Noes: Bixby, Buzzas, Erickson, Galvin-Halcro, Golie, Gutsche, Juneau, Kaufmann, Smith, Wanzenried.

Total 10

Excused: Fisher, Pattison.

Total 2

Absent or not voting: Balyeat, Bookout-Reinicke, Fuchs, Raser.

Total 4

**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 215** passed as follows:

Ayes: Adams, Balyeat, Branae, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rome, Shockley, Smith, Tramelli, Tropila, Vick, Waitschies, Walters, Wanzenried, Mr. Speaker.

Total 60

Noes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Esp, Fisher, Golie, Hedges, Himmelberger, Jackson, Jent, Keane, Lawson, Masolo, Matthews, Mood, Pattison, K. Peterson, Rice, Ripley, Schmidt, Schrupf, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Whitaker, Witt, Wolery, Younkin.

Total 39

Voted Absentee: Fisher, Pattison, Noes.

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Excused: None.  
Total 0

Absent or not voting: Gallik.  
Total 1

**HB 263** 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, 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, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Gallik, Olson, Ripley, Thomas.  
Total 4

Voted Absentee: Fisher, Pattison, Ayes.

Excused: None.  
Total 0

Absent or not voting: Schmidt.  
Total 1

**HB 268** passed as follows:

Ayes: 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, 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, 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, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 96

Noes: Adams, Forrester, McCann.  
Total 3

Voted Absentee: Fisher, Pattison, Ayes.

Excused: None.  
Total 0

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Absent or not voting: Tropila.

Total 1

**HB 308** passed as follows:

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

Total 87

Noes: Adams, Buzzas, Davies, Esp, Himmelberger, Jackson, Lawson, Mangan, Ripley, Tropila, Waitschies, Mr. Speaker.

Total 12

Voted Absentee: Fisher, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: Forrester.

Total 1

**HB 317** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, 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 96

Noes: E. Clark, Devlin.

Total 2

Voted Absentee: Fisher, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Carney.

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Total 2

**HB 342** 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: Fisher, Pattison, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 354** passed 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, Davies, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, 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, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Adams, Balyeat, Dale, Esp, Fuchs, Himmelberger, Kasten, Pattison, Rice, Vick, Waitschies.

Total 11

Voted Absentee: Fisher, Aye; Pattison, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0



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**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Shockley, Chairman):  
**HB 336**, do pass. Report adopted.

1/31/2001

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Thursday, February 1, 2001. Motion carried.

House adjourned at 1:56 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House