

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

Helena, Montana  
February 12, 2001

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Roy Brown. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bitney and A. Peterson, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/12/2001  
Correctly printed: **HB 390, HB 405, HB 434, HJR 13, HJR 14, HJR 15.**  
Correctly engrossed: **HB 126, HB 281, HB 294, HB 346, HB 359, HB 368, HB 379, HB 393, HB 402, HB 411, HB 412, HB 444, HB 458.**  
Delivered to the Governor for her approval at 2:50 p.m., February 12, 2001: **HB 22, HB 50, HB 93, HB 180.**

**HUMAN SERVICES** (Thomas, Chairman): 2/12/2001  
**HB 395**, introduced bill, be amended as follows:

1. Page 1, line 22.  
**Strike:** "\$171,959"  
**Insert:** "\$119,683"

And, as amended, do pass. Report adopted.

**HJR 17**, be adopted. Report adopted.

**JUDICIARY** (Shockley, Chairman): 2/9/2001  
**HB 219**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.  
**Strike:** "PROVIDING" on line 6 through "DRIVER;"  
on line 7  
**Strike:** "45-6-301," on line 7

2. Title, page 1, line 8.  
**Following:** "61-5-205"  
**Strike:** ", "

3. Page 1, line 12 through page 3, line 5.  
**Strike:** section 1 in its entirety  
**Renumber:** subsequent sections

4. Page 3, line 26.  
**Strike:** "misdemeanor"  
**Strike:** "punishable"

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**Strike:** "45-6-301(9)"

**Insert:** "45-6-301 "

5. Page 3, line 27.

**Following:** "final"

**Insert:** "if the theft consisted of theft of motor vehicle fuel and a motor vehicle was used in the commission of the offense. The suspension must be for 30 days for a first offense, 6 months for a second offense, and 1 year for a third or subsequent offense"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Younkin, Chairman):

2/12/2001

**HB 421**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "MAY NOT BE USED"

**Insert:** "BY THE CONDEMNOR"

2. Page 1, line 16.

**Following:** "condemned properly"

**Insert:** "is taken in fee simple title or"

3. Page 1, line 17.

**Following:** "may not be used"

**Insert:** "by the condemnor"

And, as amended, do pass. Report adopted.

**HB 462**, do pass. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):

2/12/2001

**HB 392**, do pass. Report adopted.

**HB 430**, introduced bill, be amended as follows:

1. Page 2, line 13.

**Following:** "(4)"

**Insert:** "(a)"

2. Page 2, lines 14 and 15.

**Strike:** "\$1 million" on line 14 through "occurrence" on line 15

**Insert:** "\$750,000 for each claim and \$1.5 million for each occurrence, as provided in 2-9-108"

3. Page 2.

**Following:** line 15

**Insert:** "(b) Claims and actions against the sponsor are subject to and are governed by Title 2, chapter 9, part 3."

And, as amended, do pass. Report adopted.

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**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 2/10/2001

**SB 80**, introduced by Mahlum  
**SB 260**, introduced by Mahlum  
**SB 337**, introduced by Berry  
**SB 342**, introduced by Berry

Senate joint resolutions passed and transmitted to the House for concurrence: 2/10/2001

**SJR 9**, introduced by Cocchiarella  
**SJR 10**, introduced by Kitzenberg

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 549**, introduced by Gutsche, Bixby, Buzzas, Carney, Cobb, Franklin, Galvin-Halcro, Gillan, Harris, Hurdle, Juneau, Kaufmann, Keane, Lee, Lenhart, Lindeen, McCarthy, Newman, A. Peterson, Raser, Schmidt, Stonington, Waddill, Wanzenried, referred to Human Services.

**HB 550**, introduced by Gutsche, Bohlinger, P. Clark, Cobb, Ellingson, Facey, Waddill, Wanzenried, referred to Taxation.

**HB 551**, introduced by Forrester, referred to Business and Labor.

**HB 552**, introduced by Shockley, referred to Judiciary.

**HB 553**, introduced by Raser, referred to Human Services.

**HB 554**, introduced by Sliter, F. Thomas, referred to Fish, Wildlife and Parks.

**HB 555**, introduced by Balyeat, Adams, Butcher, Curtiss, Dale, Davies, Fuchs, Haines, Jackson, Kasten, Laible, McGee, A. Peterson, Rome, Steinbeisser, Vick, Walters, Wells, Whitaker, referred to Taxation.

**HB 556**, introduced by Esp, Bales, D. Brown, Dale, Devlin, Ellis, Fuchs, Grosfield, Hedges, Jent, Kasten, Lehman, Lewis, Mangan, Masolo, Mood, Pattison, Rice, Ripley, Schrupf, Somerville, Story, Tash, B. Thomas, Waitschies, Witt, Wolery, Younkin, Zook, referred to Agriculture.

**HB 557**, introduced by Facey, Erickson, Galvin-Halcro, Gutsche, Harrington, referred to Education.

**HB 558**, introduced by Raser, Schrupf, referred to Education.

**HB 559**, introduced by Noennig, Bitney, Christiaens, R. Holden, Laible, Miller, Whitaker, referred to Business and Labor.

**HB 560**, introduced by Noennig, Shockley, referred to Judiciary.

**HB 561**, introduced by Schmidt, Forrester, Gillan, referred to Taxation.

**HB 562**, introduced by Forrester, referred to Appropriations.

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

**HJR 23**, introduced by Wanzenried, Bookout-Reinicke, Dell, Grosfield, Keane, Lewis, Lindeen, Schrupf, referred to Transportation.

**HJR 24**, introduced by Wanzenried, Raser, Waddill, referred to Local Government.

Majority Leader Sliter moved that the House recess until 12:40 p.m. Motion carried.

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House recessed at 12:08 p.m.

House reconvened at 12:40 p.m. All members present, except Representatives Bitney and A. Peterson, excused. Quorum present.

**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 Tropila in the chair.

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

Representative Sliter moved consideration of **HB 146** and **HB 376** be passed for the day. Motion carried.

**HB 131** - Representative Somerville moved **HB 131** do pass.

**HB 131** - Representative Somerville moved **HB 131**, second reading copy, be amended as follows :

1. Page 3, lines 1 and 2.

**Strike:** "at sites designated by the department of transportation,"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, 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, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 87

Noes: Barrett, E. Clark, Devlin, Laslovich, Pattison, Rice, Smith.  
Total 7

Excused: Bitney, A. Peterson.  
Total 2

Absent or not voting: Balyeat, Lee, Mood, Vick.  
Total 4

Representative A. Peterson present at this time.

Motion that **HB 131**, as amended, do pass failed as follows:

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Ayes: Bitney, Bookout-Reinicke, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Erickson, Facey, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Harris, Hedges, Jackson, Jent, Keane, Lawson, Lee, Lewis, Matthews, McKenney, Newman, Noennig, A. Peterson, Price, Raser, Rome, Schmidt, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waitschies, Wanzenried, Whitaker, Wolery, Younkin.

Total 43

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Branae, D. Brown, R. Brown, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Gallik, Gutsche, Haines, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lehman, Lenhart, Lindeen, Mangan, Masolo, McCann, Mood, Musgrove, Olson, Pattison, K. Peterson, Rice, Ripley, Schruppf, Shockley, Smith, Story, Vick, Waddill, Walters, Witt, Mr. Speaker.

Total 57

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 186** - Representative L. Holden moved **HB 186** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Davies, Devlin, Esp, Forrester, Fritz, Gallus, Galvin-Halcro, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 67

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Dale, Dell, Eggers, Erickson, Facey, Fisher, Fuchs, Gallik, Gillan, Golie, Gutsche, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lee, A. Peterson, K. Peterson, Raser, Schmidt, Tramelli, Vick, Waddill.

Total 32

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Mangan.

Total 1

**HB 201** - Representative Davies moved **HB 201** do pass.

**HB 201** - Representative Davies moved **HB 201**, second reading copy, be amended as follows :

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1. Title, line 6.

**Following:** "~~PENALTY~~;" on line 6

**Insert:** "PROVIDING A PENALTY;"

2. Page 2, line 28.

**Strike:** "A"

**Insert:** "Except as provided in subsection (8)(c), a"

3. Page 3.

**Following:** line 4

**Insert:** "(c) A person convicted of the offense of theft of property exceeding \$1,000 in value by embezzlement shall be fined an amount not to exceed \$50,000 or be imprisoned in a state prison for a term of not less than 1 year or more than 10 years, or both."

Amendment **not** adopted as follows:

Ayes: Adams, Bales, Balyeat, Barrett, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Lewis, Masolo, Matthews, McKenney, Mood, Olson, A. Peterson, Rice, Ripley, Rome, Schrupf, Sliter, Somerville, Thomas, Tropila, Walters, Whitaker, Mr. Speaker.

Total 40

Noes: Andersen, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Noennig, Pattison, K. Peterson, Price, Raser, Schmidt, Shockley, Smith, Steinbeisser, Story, Tramelli, Vick, Waddill, Waitschies, Wanzenried, Witt, Wolery, Younkin.

Total 59

Excused: Bitney.

Total 1

Absent or not voting: None.

Total 0

Motion that **HB 201**, do pass carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Forrester, Fuchs, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Laslovich, Laszloffy, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schrupf, Somerville, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin.

Total 58

Noes: Adams, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Dell, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Hurdle, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Lawson, Lenhart, Mood, Price, Schmidt, Shockley, Sliter, Smith, Steinbeisser, Story, Tramelli, Wanzenried, Witt, Mr. Speaker.

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Total 41

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

**HB 213** - Representative Newman moved **HB 213** do pass.

**HB 213** - Representative Newman moved **HB 213**, second reading copy, be amended as follows :

1. Page 4, line 22.

**Strike:** "and criminal"

Amendment **adopted** 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, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, 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, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Bitney.

Total 1

Absent or not voting: Forrester, Haines, Waddill.

Total 3

**HB 213** - Representative Shockley moved **HB 213**, second reading copy, be further amended as follows :

1. Page 3, line 11.

**Strike:** "there is probable cause to believe that"

2. Page 3, line 14.

**Strike:** "constitutes probable cause to believe"

**Insert:** "is sufficient evidence"

3. Page 3, line 19.

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**Following:** "information"

**Insert:** "provided by government agencies of any state"

**Strike:** "there is probable cause to believe that"

Amendment **not** adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jent, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Smith, Story, Thomas, Tropila, Vick, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 48

Noes: Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Newman, K. Peterson, Raser, Schmidt, Sliter, Somerville, Steinbeisser, Tramelli, Waddill, Wanzenried, Wolery, Younkin.

Total 50

Excused: Bitney.

Total 1

Absent or not voting: Davies.

Total 1

Motion that **HB 213**, as amended, do pass carried 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, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, K. Peterson, Raser, Ripley, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin.

Total 79

Noes: Adams, Curtiss, Davies, Haines, Hedges, Holden, Kasten, Laible, Laszloffy, Pattison, A. Peterson, Price, Rice, Rome, Shockley, Smith, Vick, Waitschies, Walters, Witt, Mr. Speaker.

Total 21

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0



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**HB 292** - Representative Fuchs moved **HB 292** 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, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Masolo, McCann, Smith, Vick.

Total 4

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 320** - Representative Laible moved **HB 320** do pass. Motion carried as follows:

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

Total 65

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

Total 34

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Rome.

Total 1

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

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follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, 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, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 84

Noes: Bixby, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Galvin-Halcro, Golie, Gutsche, Juneau, Raser, Schmidt, Wanzenried.

Total 15

Excused: Bitney.

Total 1

Absent or not voting: None.

Total 0

**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 126** 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, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Schrupf, Smith.

Total 2

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**HB 281** 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, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 294** 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, 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 97

Noes: Kasten, Steinbeisser, Story.

Total 3

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 346** 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, 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: Bitney, Aye.

Excused: None.  
Total 0

Absent or not voting: Cyr.  
Total 1

**HB 359** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. 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, 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 97

Noes: R. Brown, Jayne.  
Total 2

Voted Absentee: Bitney, Aye.

Excused: None.  
Total 0

Absent or not voting: Branae.  
Total 1

**HB 368** 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,

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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, 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: Kasten.

Total 1

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 393** 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, 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: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: McKenney.

Total 1

**HB 402** 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,

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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, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bitney, Aye.

Excused: None.

Total 0

Absent or not voting: Walters.

Total 1

**HB 411** 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, 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: None.

Total 0

Excused: Bitney.

Total 1

Absent or not voting: None.

Total 0

**HB 412** passed as follows:

Ayes: Adams, Andersen, Bales, 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, 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, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

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Total 96

Noes: Balyeat, Lawson, Steinbeisser.

Total 3

Excused: Bitney.

Total 1

Absent or not voting: None.

Total 0

**HB 458** passed as follows:

Ayes: Adams, Andersen, Bales, 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, 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 98

Noes: Balyeat.

Total 1

Excused: Bitney.

Total 1

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):

2/9/2001

**HB 499**, do pass. Report adopted.

**HB 500**, introduced bill, be amended as follows:

1. Page 3, line 27.

**Following:** "of"

**Insert:** "construction"

**Following:** "employers"

**Insert:** "and the biennial survey of nonconstruction service employers"

And, as amended, do pass. Report adopted.

**HB 504**, introduced bill, be amended as follows:

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1. Page 2, line 12.

**Following:** "request"

**Insert:** "from domestic insurers"

2. Page 2.

**Following:** line 13

**Insert:** "(a) insurers provided for in Title 33, chapter 3;"

**Renumber:** subsequent subsections

3. Page 5, line 1.

**Following:** "₂"

**Insert:** "A service contract does not include motor club service as defined in 61-12-301."

4. Page 47, line 16.

**Following:** "and"

**Insert:** "and"

5. Page 47, line 18.

**Strike:** "₂"

**Following:** "or"

**Insert:** "is licensed or approved by the state where the facility is located."

6. Page 47, line 19.

**Strike:** "subsection (c)" in its entirety

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

2/12/2001

**HB 315**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 9.

**Strike:** "EXPANDING" on line 6 through "RESULT OF" on line 9

**Insert:** "CHANGING THE FINE AND IMPRISONMENT PENALTIES FOR"

**Following:** "CRIME;" on line 9

**Insert:** "EXPANDING THE LIST OF EXEMPT ACTIVITIES AND PRACTICES;"

2. Page 1, line 14.

**Strike:** "this part"

**Insert:** "45-8-210, 45-8-211, and [section 2]"

3. Page 1, line 25 through page 2, line 12.

**Strike:** "under court-imposed" on page 1, line 25 through "health" on page 2, line 12

4. Page 2, line 14 through page 4, line 6.

**Strike:** section 3 in its entirety

**Insert:** "**Section 3.** Section 45-8-211, MCA, is amended to read:

"**45-8-211. Cruelty to animals -- exception exceptions.** (1) A person commits the offense of cruelty to animals if without justification the person knowingly or negligently subjects an animal to mistreatment or neglect by:



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- (a) ~~overworking~~, beating, tormenting, injuring, or killing ~~any~~ the animal;
  - (b) carrying or confining ~~any~~ the animal in a cruel manner;
  - (c) failing to provide an animal in the person's custody with:
    - (i) proper food, drink, or shelter; or
    - (ii) in cases of immediate, obvious, serious illness or injury, licensed veterinary or other appropriate medical care;
  - (d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or
  - (e) promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles, except a sanctioned endurance race.
- (2) (a) A person convicted of the offense of cruelty to animals shall be fined not to exceed \$500 ~~or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a second or subsequent offense of cruelty to animals shall be fined not to exceed \$1,000 or be imprisoned~~ incarcerated in the state prison county jail for a term not to exceed ~~2 years~~ 1 year, or both.
- (b) If the convicted person is the owner, the person may be required to forfeit any animal affected to the county in which the person is convicted ~~any animal affected~~. This provision does not affect the interest of any secured party or other person who has not participated in the offense.
- (3) In addition to the sentence provided in subsection (2), the court ~~may~~:
- (a) ~~shall~~ require the defendant to pay ~~all reasonable costs incurred in providing necessary veterinary attention and treatment for any animal affected~~ reimbursement to a person, including a local humane society, a person providing veterinary services, a county or municipal pound or animal shelter, or a law enforcement agency or officer, for any financial loss or investigative costs suffered as a result of the crime; and
- (b) may prohibit or limit the defendant's ownership, possession, or custody of animals, as the court believes appropriate during the term of the sentence.
- (4) A monetary award of the court under subsection (3) constitutes a judgment enforceable under Title 25 by the party in whose favor the award is entered.
- ~~(4)(5) Nothing in this section prohibits~~ The following are exempt from this section unless gross negligence is shown:
- (a) a person ~~from~~ humanely destroying an animal for just cause; ~~or~~
  - (b) the use of commonly accepted agricultural and livestock practices on livestock;
  - (c) rodeo activities;
  - (d) lawful fishing, hunting, and trapping activities;
  - (e) lawful wildlife management practices;
  - (f) lawful scientific or agricultural research or teaching that involves the use of animals;
  - (g) services performed by a licensed veterinarian; or
  - (h) lawful control of rodents and predators and other lawful animal damage control activities, including but not limited to poisoning, trapping, and shooting."

5. Page 4, line 9.

**Following:** "provisions of Title 45"

**Strike:** ", chapter 8, part 2,"

And, as amended, do pass. Report adopted.

**MOTIONS**

Representative Erickson requested on **HB 186**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

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Representative Newman moved that **HB 233** be taken from the table in the Committee on Judiciary and rereferred to the Committee of the Whole. Motion failed as follows:

Ayes: Bixby, Branae, D. Brown, 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, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 47

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, 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, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 52

Excused: Bitney.

Total 1

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Tuesday, February 13, 2001. Motion carried.

House adjourned at 2:50 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House