

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTIETH LEGISLATIVE DAY**

Helena, Montana  
February 17, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative McKenney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative R. Brown, excused. Quorum present.

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

Bookout-Reinicke, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/17/2001  
Correctly printed: **HB 116, HB 143, HB 151, HB 254, HB 261, HB 282, HB 304, HB 371, HB 374, HB 377, HB 378, HB 397, HB 419, HB 420, HB 439, HB 440, HB 454, HB 461, HB 471, HB 485, HB 496, HB 498, HB 502, HB 517, HB 519, HB 521, HB 531, HB 537, HB 551, HB 552, HB 554, HB 559, HB 578, HB 599, HJR 21, HJR 24, HJR 25, SB 54.**

Correctly engrossed: **HB 442, HB 469, HB 489, HB 490, HB 505, HJR 6.**

Signed by the Speaker at 7:35 p.m., February 16, 2001: **HB 23, HB 37, HB 155, HB 220, HB 246.**

**BUSINESS AND LABOR** (McKenney, Chairman): 2/13/2001  
**HB 515**, introduced bill, be amended as follows:

1. Page 2, line 1.

**Strike:** "is in an"

**Insert:** "may return to"

2. Page 2, line 2.

**Strike:** "status"

**Following:** ".\_"

**Insert:** "The fire chief shall prescribe the duties of any retired volunteer firefighter returning to active service."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence: 2/16/2001

**SB 94**, introduced by Shea

**SB 116**, introduced by Stonington

**SB 257**, introduced by Bohlinger

**SB 259**, introduced by Tester

**SB 282**, introduced by Crismore

**SB 288**, introduced by Christiaens

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**SB 306**, introduced by Cocchiarella  
**SB 317**, introduced by Ellis  
**SB 329**, introduced by Roush  
**SB 330**, introduced by Mahlum  
**SB 334**, introduced by Grosfield  
**SB 356**, introduced by Hargrove  
**SB 386**, introduced by Waterman  
**SB 392**, introduced by Cobb  
**SB 394**, introduced by Shea  
**SB 419**, introduced by Grimes  
**SB 425**, introduced by Glaser

Senate joint resolution passed and transmitted to the House for concurrence:

2/16/2001

**SJR 14**, introduced by Franklin

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 613**, introduced by Vick, referred to Appropriations.

**MOTIONS**

Representative Sliter moved that **HB 559** be taken from the Committee of the Whole and rereferred to the Committee on Business and Labor. Motion carried.

Representative Clancy requested on **HB 442**, second reading yesterday, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Waddill requested on **HB 167, HB 247, HB 387, and HB 392**, third reading today, that his votes be shown as yes. There being no objections, so ordered.

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 3:00 p.m. Motion carried.

House recessed at 8:08 a.m.

House reconvened at 3:00 p.m. All members present, except Representative D. Brown, R. Brown, E. Clark, P. Clark, Thomas, and Witt excused. Quorum present.

Representative Jacobson led the House in singing Happy Birthday to Representative Eggers.

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Shockley, Chairman):  
**HB 465**, introduced bill, be amended as follows:

2/17/2001

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

1. Title, page 1, line 4.

**Following:** "PENALTY"

**Insert:** "AND REPLACING IT WITH LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE"

**Following:** ";

**Insert:** "PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA;"

2. Title, page 1, line 11.

**Strike:** "IMMEDIATE"

3. Page 40, line 1.

**Strike:** "[This act]"

**Insert:** "If approved by the electorate, this act"

**Strike:** "on passage and approval"

**Insert:** "January 1, 2003"

4. Page 40, line 9.

**Insert:** "NEW SECTION. Section 37. Submission to electorate. The question of whether this act will become effective shall be submitted to the qualified electors of Montana at the general election to be held in November 2002 by printing on the ballot the full title of this act and the following:

FOR abolishing the death penalty and replacing it with life imprisonment with no possibility of release.

AGAINST abolishing the death penalty and replacing it with life imprisonment with no possibility of release."

And, as amended, do pass. Report adopted.

**HB 563**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "ADDING"

**Insert:** "INCREASING THE TIME DURING WHICH A PERSON MAY BE CHARGED FOR"

**Strike:** "TO THE LIST OF"

2. Title, page 1, line 5.

**Strike:** "OFFENSES" through "TIME"

3. Page 1, line 13.

**Strike:** "an"

**Insert:** "a felony"

4. Page 1, line 14.

**Strike:** "at any time"

**Insert:** "within 15 years after it is committed, except that it may be commenced within 15 years after the victim reaches 18 years of age if the victim was less than 18 years of age at the time that the offense occurred. A prosecution for a misdemeanor offense under those provisions may be commenced within 1 year after the offense is committed, except that it may be commenced within 5 years after the victim reaches 18 years of

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

age if the victim was less than 18 years of age at the time that the offense occurred"

And, as amended, do pass. Report adopted.

**HB 570**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.

**Strike:** "THE ATTORNEY" on line 4 through "GENERAL OR" on line 5

2. Title, page 1, line 6 through line 7.

**Strike:** "EXTENDING" on line 6 through "COMPLIANCE;" on line 7

3. Title, page 1, line 8 through line 10.

**Strike:** "PROVIDING" on line 8 through "APPROVED;" on line 10

4. Title, page 1, line 11.

**Following:** "85-2-122,"

**Insert:** "AND"

**Strike:** "AND 85-2-302,"

5. Page 2, line 6.

**Strike:** "attorney"

6. Page 2, line 7.

**Strike:** "general or a"

**Following:** "may"

**Insert:** "prosecute under 85-2-122(1) or"

**Following:** "action"

**Insert:** "under 85-2-122(2)"

7. Page 2, line 12.

**Strike:** "30"

**Insert:** "3"

8. Page 2, line 24.

**Strike:** "attorney general or a"

9. Page 2, line 25.

**Strike:** "the state or"

**Strike:** "as appropriate"

10. Page 3, line 5 through line 21.

**Strike:** section 4 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 585**, do pass. Report adopted.

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**HJR 29**, be adopted. 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 Vick in the chair.

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

**HB 353** - Representative Fritz moved **HB 353** do pass.

**HB 353** - Representative Fritz moved **HB 353**, second reading copy, be amended as follows :

1. Title, lines 8 and 9.

**Strike:** "PROVIDING" on line 8 through "APPROPRIATION;" on line 9

2. Page 2, line 3 through line 6.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, 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, Laslovich, Lawson, Lee, 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, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 88

Noes: Balyeat, Curtiss, Laible, Laszloffy, Lehman, Tropila.

Total 6

Excused: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt.

Total 6

Absent or not voting: None.

Total 0

Motion that **HB 353**, as amended, do pass carried as follows:

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Ayes: Andersen, Bales, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rome, Schmidt, Schrupf, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 73

Noes: Adams, Balyeat, Bitney, R. Brown, Brueggeman, Davies, Devlin, Esp, Fisher, Holden, Kasten, Laible, Laszloffy, McCann, Pattison, K. Peterson, Rice, Ripley, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Witt.  
Total 27

Voted Absentee: D. Brown, E. Clark, P. Clark, Thomas, Ayes; R. Brown, Witt, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 16** - Representative Haines moved **HJR 16** be adopted. Motion carried as follows:

Ayes: Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lewis, Lindeen, Matthews, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Rome, Schmidt, Shockley, Sliter, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Whitaker.  
Total 55

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Hedges, Himmelberger, Jackson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lehman, Mangan, Masolo, McCann, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Schrupf, Smith, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.  
Total 45

Voted Absentee: D. Brown, P. Clark, Thomas, Ayes; R. Brown, E. Clark, Witt, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 17** - Representative Newman moved **HJR 17** be adopted. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Davies, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester,

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 85

Noes: Adams, Balyeat, R. Brown, Curtiss, Dale, Devlin, Jayne, Kasten, Laible, Pattison, A. Peterson, Somerville, Story, Waitschies, Walters.  
Total 15

Voted Absentee: D. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes; R. Brown, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 332** - Representative Dale moved **HB 332** 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, Schruppf, 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: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 548** - Representative Jayne moved **HB 548** 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,

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

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: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 315** - Representative Gallik moved **HB 315** do pass.

**HB 315** - Representative Laszloffy moved **HB 315**, second reading copy, be amended as follows :

1. Page 5, line 1.

**Strike:** "shall"

**Insert:** "may"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bookout-Reinicke, Brueggeman, Callahan, Carney, Clancy, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Fisher, Forrester, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Sliter, Smith, Somerville, Steinbeisser, Story, Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Younkin, Mr. Speaker.

Total 66

Noes: Barrett, Bixby, Branae, Buzzas, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lee, Mangan, Newman, Raser, Schmidt, Shockley, Tramelli, Waddill, Wolery.

Total 27

Excused: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt.

Total 6

Absent or not voting: Gillan.

Total 1



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Motion that **HB 315**, as amended, do pass carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Schruppf, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Wolery, Younkin.

Total 55

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Erickson, Esp, Fisher, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, Masolo, Matthews, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Whitaker, Witt, Mr. Speaker.

Total 44

Voted Absentee: P. Clark, Thomas, Ayes; D. Brown, R. Brown, E. Clark, Witt, Noes.

Excused: None.

Total 0

Absent or not voting: Dale.

Total 1

**HB 334** - Representative Lenhart moved **HB 334** do pass. Motion carried as follows:

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

Total 81

Noes: Adams, Balyeat, D. Brown, R. Brown, Brueggeman, Dale, Davies, Fisher, Fuchs, Laible, Masolo, McKenney, Mood, Rice, Somerville, Story, Thomas, Vick, Walters.

Total 19

Voted Absentee: E. Clark, P. Clark, Witt, Ayes; D. Brown, R. Brown, Thomas, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 401** - Representative Lee moved **HB 401** do pass.

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**HB 401** - Representative Lee moved **HB 401**, second reading copy, be amended as follows :

1. Title, line 5.

**Following:** "PROPERTY,"

**Strike:** remainder of line 5 and through the first "PROPERTY," on line 6

2. Page 1, line 12.

**Strike:** "7"

**Insert:** "6"

3. Page 1, line 15.

**Strike:** "7"

**Insert:** "6"

4. Page 1, line 24.

**Strike:** "7"

**Insert:** "6"

5. Page 3, line 28 through page 4, line 16.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

6. Page 5, line 20.

**Strike:** "7"

**Insert:** "6"

7. Page 5, line 22.

**Strike:** "7"

**Insert:** "6"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, 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, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt.

Total 6

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Absent or not voting: None.  
Total 0

Motion that **HB 401**, as amended, do pass carried as follows:

Ayes: Andersen, Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Juneau, Kasten, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, Mood, Musgrove, Newman, A. Peterson, Raser, Schmidt, Schruppf, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Mr. Speaker.  
Total 65

Noes: Adams, Bales, Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Cyr, Dell, Esp, Gallik, Himmelberger, Holden, Jackson, Jent, Kaufmann, Laible, McCann, McKenney, Noennig, Olson, Pattison, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Smith, Story, Vick, Waitschies, Walters, Whitaker, Younkin.  
Total 35

Voted Absentee: E. Clark, P. Clark, Thomas, Witt, Ayes; D. Brown, R. Brown, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 500** - Representative Wanzenried moved **HB 500** do pass.

**HB 500** - Representative Wanzenried moved **HB 500**, second reading copy, be amended as follows :

1. Page 3, line 27.

**Following:** "codes."

**Insert:** "The contractor survey must include information pertaining to the number of skilled craftspersons employed in the employer's peak month of employment and the wages and benefits paid for each craft. In setting the prevailing wages from the survey for each craft, the department shall use the weighted average wage for each craft, except in those cases in which the survey shows that 50% of the craftspersons are receiving the same wage. When the survey shows that 50% of the craftspersons are receiving the same wage, that wage is the prevailing wage for that craft."

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, 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, Tramelli, Tropila,

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: None.  
Total 0

Excused: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt.  
Total 6

Absent or not voting: None.  
Total 0

Motion that **HB 500**, as amended, do pass carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Shockley, Smith, Story, Tramelli, Tropila, Waddill, Wanzenried, Wolery.  
Total 55

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laszloffy, Lehman, Masolo, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Schrupf, Sliter, Steinbeisser, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.  
Total 44

Voted Absentee: P. Clark, Aye; D. Brown, R. Brown, E. Clark, Thomas, Witt, Noes.

Excused: None.  
Total 0

Absent or not voting: Somerville.  
Total 1

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

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, Clancy, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, 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, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Wolery, Younkin, Mr. Speaker.  
Total 86

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Noes: Balyeat, Fuchs, Lee, Sliter, Whitaker.  
Total 5

Excused: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt.  
Total 6

Absent or not voting: Gillan, Jent, Vick.  
Total 3

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):  
**HB 406**, introduced bill, be amended as follows:

2/17/2001

1. Title, line 4 through line 6.

**Following:** "COVERAGE" on line 4

**Strike:** remainder of line 4 through "NECESSARY;" on line 6

**Insert:** "FOR OUTPATIENT SELF-MANAGEMENT TRAINING AND EDUCATION FOR THE TREATMENT OF DIABETES AND A LIMITED BENEFIT FOR CERTAIN DIABETIC EQUIPMENT AND SUPPLIES;"

2. Title, line 6 through line 7.

**Following:** "COVERAGE" on line 6

**Strike:** remainder of line 6 through "DIABETES" on line 7

3. Title, line 8.

**Following:** "ARRANGEMENTS;"

**Insert:** "PROVIDING THAT STATE AND LOCAL GOVERNMENT EMPLOYEE PLANS ARE NOT INCLUDED IF THE PLANS PROVIDE EQUIVALENT OR GREATER COVERAGE;"

4. Title, line 9.

**Following:** "SECTIONS"

**Insert:** "2-18-704,"

**Strike:** "AN"

**Insert:** "A DELAYED"

5. Page 1, line 14.

**Following:** "for"

**Insert:** "outpatient self-management training and education for"

**Following:** "diabetes"

**Insert:** "-- limited benefit for medically necessary equipment and supplies"

**Strike:** "or individual"

6. Page 1, line 16 through line 18.

**Following:** "coverage for"

**Strike:** remainder of line 16 through "control," on line 18

**Insert:** "outpatient self-management training"

**Strike:** "self-management"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**Insert:** "the treatment"

7. Page 1, line 20 through line 26.

**Strike:** subsections (3) and (4) in their entirety

**Insert:** "(2) (a) Coverage must include a \$250 benefit for a person each year for medically necessary and prescribed outpatient self-management training and education for the treatment of diabetes.

(b) Nothing in subsection (2)(a) prohibits an insurer from providing a greater benefit.

(3) Each group disability policy, certificate of insurance, and membership contract that is delivered, issued for delivery, renewed, extended, or modified in this state must provide coverage for diabetic equipment and supplies that is limited to insulin, syringes, injection aids, devices for self-monitoring of glucose levels (including those for the visually impaired), test strips, visual reading and urine test strips, one insulin pump for each warranty period, accessories to insulin pumps, one prescriptive oral agent for controlling blood sugar levels for each class of drug approved by the United States food and drug administration, and glucagon emergency kits.

(4) Annual copayment and deductible provisions are subject to the same terms and conditions applicable to all other covered benefits within a given policy."

8. Page 1.

**Following:** line 28

**Insert:** "(6) (a) This section does not apply to the state employee group insurance program, the university employee group insurance program, or any employee group insurance program of a city, town, county, school district, or other political subdivision of this state that on [the effective date of this act] provides substantially equivalent or greater coverage for outpatient self-management training and education for the treatment of diabetes and certain diabetic equipment and supplies provided for in subsection (3).

(b) The state employee group insurance program, the university employee group insurance program, or any employee group insurance program of a city, town, county, school district, or other political subdivision of this state that reduces or discontinues substantially equivalent or greater coverage after [the effective date of this act] is subject to the provisions of this section."

9. Page 1, line 29.

**Insert:** "**Section 2.** Section 2-18-704, MCA, is amended to read:

**"2-18-704. (Temporary) Mandatory provisions.** (1) An insurance contract or plan issued under this part must contain provisions that permit:

(a) the member of a group who retires from active service under the appropriate retirement provisions provided by law to remain a member of the group until the member becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, unless the member is a participant in another group plan with substantially the same or greater benefits at an equivalent cost or unless the member is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost;

(b) the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (1)(a);

(c) the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

(2) An insurance contract or plan issued under this part must contain the provisions of subsection (1) for remaining a member of the group and also must permit:

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

- (a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);
  - (b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and
  - (c) continued membership in the group by anyone eligible under the provisions of this section, notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.
- (3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain a member of the state's group plan until the legislator becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, if the legislator:
- (i) terminates service in the legislature and is a vested member of a state retirement system provided by law; and
  - (ii) notifies the department of administration in writing within 90 days of the end of the legislator's legislative term.
- (b) A former legislator may not remain a member of the group plan under the provisions of subsection (3)(a) if the person:
- (i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or
  - (ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost.
- (c) A legislator who remains a member of the group under the provisions of subsection (3)(a) and subsequently terminates membership may not rejoin the group unless the person again serves as a legislator.
- (4) (a) A state insurance contract or plan must contain provisions that permit continued membership in the state's group plan by a member of the judges' retirement system who leaves judicial office but continues to be an inactive vested member of the judges' retirement system as provided by 19-5-301. The judge shall notify the department of administration in writing within 90 days of the end of the judge's judicial service of the judge's choice to continue membership in the group plan.
- (b) A former judge may not remain a member of the group plan under the provisions of this subsection (4) if the person:
- (i) is a member of a plan with substantially the same or greater benefits at an equivalent cost;
  - (ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost; or
  - (iii) becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended.
- (c) A judge who remains a member of the group under the provisions of this subsection (4) and subsequently terminates membership may not rejoin the group plan unless the person again serves in a position covered by the state's group plan.
- (5) A person electing to remain a member of the group under subsection (1), (2), (3), or (4) shall pay the full premium for coverage and for that of the person's covered dependents.
- (6) An insurance contract or plan issued under this part that provides for the dispensing of prescription drugs by an out-of-state mail service pharmacy, as defined in 37-7-702:
- (a) must permit any member of a group to obtain prescription drugs from a pharmacy located in Montana that is willing to match the price charged to the group or plan and to meet all terms and conditions, including the same professional requirements that are met by the mail service pharmacy for a drug, without financial penalty to the member; and
  - (b) may only be with an out-of-state mail service pharmacy that is registered with the board under Title 37, chapter 7, part 7, and that is registered in this state as a foreign corporation.
- (7) An insurance contract or plan issued under this part must include coverage for treatment of inborn errors of metabolism, as provided for in 33-22-131.
- (8) An insurance contract or plan issued under this part must include substantially equivalent or greater coverage for outpatient self-management training and education for the treatment of diabetes and certain diabetic equipment and supplies as provided in [section 1].

**2-18-704. (Effective on occurrence of contingency or July 1, 2002, whichever is earlier) Mandatory**

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**provisions.** (1) An insurance contract or plan issued under this part must contain provisions that permit:

(a) the member of a group who retires from active service under the appropriate retirement provisions of a defined benefit plan provided by law or, in the case of the defined contribution plan provided in Title 19, chapter 3, part 21, a member with at least 5 years of service and who is at least age 50 while in covered employment to remain a member of the group until the member becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, unless the member is a participant in another group plan with substantially the same or greater benefits at an equivalent cost or unless the member is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost;

(b) the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (1)(a);

(c) the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

(2) An insurance contract or plan issued under this part must contain the provisions of subsection (1) for remaining a member of the group and also must permit:

(a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);

(b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and

(c) continued membership in the group by anyone eligible under the provisions of this section, notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.

(3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain a member of the state's group plan until the legislator becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, if the legislator:

(i) terminates service in the legislature and is a vested member of a state retirement system provided by law; and

(ii) notifies the department of administration in writing within 90 days of the end of the legislator's legislative term.

(b) A former legislator may not remain a member of the group plan under the provisions of subsection (3)(a) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost.

(c) A legislator who remains a member of the group under the provisions of subsection (3)(a) and subsequently terminates membership may not rejoin the group plan unless the person again serves as a legislator.

(4) (a) A state insurance contract or plan must contain provisions that permit continued membership in the state's group plan by a member of the judges' retirement system who leaves judicial office but continues to be an inactive vested member of the judges' retirement system as provided by 19-5-301. The judge shall notify the department of administration in writing within 90 days of the end of the judge's judicial service of the judge's choice to continue membership in the group plan.

(b) A former judge may not remain a member of the group plan under the provisions of this subsection (4) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost;

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost; or

(iii) becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395,



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

as amended.

(c) A judge who remains a member of the group under the provisions of this subsection (4) and subsequently terminates membership may not rejoin the group plan unless the person again serves in a position covered by the state's group plan.

(5) A person electing to remain a member of the group under subsection (1), (2), (3), or (4) shall pay the full premium for coverage and for that of the person's covered dependents.

(6) An insurance contract or plan issued under this part that provides for the dispensing of prescription drugs by an out-of-state mail service pharmacy, as defined in 37-7-702:

(a) must permit any member of a group to obtain prescription drugs from a pharmacy located in Montana that is willing to match the price charged to the group or plan and to meet all terms and conditions, including the same professional requirements that are met by the mail service pharmacy for a drug, without financial penalty to the member; and

(b) may only be with an out-of-state mail service pharmacy that is registered with the board under Title 37, chapter 7, part 7, and that is registered in this state as a foreign corporation.

(7) An insurance contract or plan issued under this part must include coverage for treatment of inborn errors of metabolism, as provided for in 33-22-131.

(8) An insurance contract or plan issued under this part must include substantially equivalent or greater coverage for outpatient self-management training and education for the treatment of diabetes and certain diabetic equipment and supplies as provided in [section 1]."

**Renumber:** subsequent sections

10. Page 2, line 24.

**Strike:** "medically necessary"

**Insert:** "outpatient self-management training and education for the"

**Strike:** "for"

**Insert:** "of"

**Following:** "diabetes"

**Insert:** "along with certain diabetic equipment and supplies"

11. Page 5, line 30.

**Insert:** "NEW SECTION. Section 6. Application to types of insurance. The provisions of [section 1(1) and (2)] apply if the state employee group insurance program, the university employee group insurance program, or any employee group insurance program of a city, town, county, school district, or other political subdivision of this state reduces or discontinues substantially equivalent or greater coverage for outpatient self-management training and education for the treatment of diabetes and certain diabetic equipment and supplies."

12. Page 6, line 4.

**Strike:** "July 1, 2001"

**Insert:** "January 1, 2002"

And, as amended, do pass. Report adopted.

**HB 448**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "30"

**Insert:** "21"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

2. Title, line 6 through line 8.

**Following:** "PAY;"

**Strike:** "ESTABLISHING" on line 6 through ";" on line 8

3. Title, line 10.

**Strike:** "REPEALING SECTION 28-2-2107, MCA;"

4. Page 1, line 15 through line 19.

**Strike:** "If" on line 15 through "contract" on line 19

**Insert:** "By mutual agreement with a contractor, an owner may make progress payments on construction contracts of less than 60 days. An owner shall make progress payments to a contractor on all other construction contracts. Progress payments must be made on the basis of a duly certified and approved billing or estimate of the work performed and the materials supplied during the preceding monthly billing cycle"

5. Page 1, line 20.

**Strike:** "30"

**Insert:** "21"

6. Page 1, line 30.

**Strike:** "or subcontractor"

7. Page 2.

**Following:** line 4

**Insert:** "(d) The owner or the owner's representative is considered to have received the request for payment when the request for payment is submitted to any person designated by the owner or the owner's representative for the receipt of the request for payment."

**Renumber:** subsequent subsections

8. Page 2, line 8 through line 9.

**Strike:** "contain" on line 8 through "withheld" on line 9

**Insert:** "be furnished to the contractor specifying the conditions pursuant to subsection (1)(c) for withholding approval of the request for payment or a portion of the request for payment and identifying the amount to be withheld for each condition"

9. Page 2.

**Following:** line 11

**Insert:** "(g) If an owner approves all or a portion of a contractor's request for payment as provided for in subsection (1)(b), the owner shall pay the contractor the approved amount within 3 working days after the contractor's request for payment is considered approved."

**Renumber:** subsequent subsection

10. Page 2, line 14.

**Following:** "┆"

**Insert:** "The subcontractor's request must remain in effect for the duration of the subcontractor's work on the project or until the subcontractor has been fully paid."

11. Page 2.

**Following:** line 14

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**Insert:** "(i) Payment is not required under this section unless the contractor provides the owner or the owner's representative with a billing or estimate for the work performed or the material supplied in accordance with the terms of the construction contract."

12. Page 2, line 18.

**Following:** "subcontract."

**Insert:** "Payment is not required under this section unless the subcontractor or material supplier provides to the contractor or the subcontractor a billing or invoice for the work performed or the material supplied in compliance with the terms of the contract between the parties."

13. Page 2, line 22.

**Following:** "subcontract."

**Insert:** "Payment is not required under this section unless the subcontractor or material supplier provides to the contractor or the subcontractor a billing or invoice for the work performed or material supplied in compliance with the terms of the contract between the parties."

14. Page 2, line 23.

**Insert:** "(4) Nothing in this section prevents a contractor or subcontractor from disapproving a subcontractor's request for payment or a portion of the request for payment based upon the claim of:

- (a) unsatisfactory job progress;
- (b) failure to remedy defective construction work or materials;
- (c) disputed work or materials;
- (d) failure to comply with material provisions of the construction contract;
- (e) failure of a contractor or subcontractor to make timely payment for labor, equipment, or materials;
- (f) damage to the contractor or other subcontractors; or (g) the existence of reasonable evidence

that the construction contract cannot be completed for the unpaid balance of the contract sum.

(5) If a contractor or subcontractor disapproves of all or a portion of a subcontractor's or material supplier's payment request, the contractor or subcontractor shall notify the subcontractor or material supplier in writing at the time the contractor's or subcontractor's payment request is made to the owner, the owner's representative, the contractor, or the subcontractor."

15. Page 2, line 24 through page 4, line 17.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

16. Page 4, line 19 through line 21.

**Strike:** "The" on line 19 through "(1) a" on line 21

**Insert:** "A"

17. Page 4, line 24 through line 28.

**Following:** "state" on line 24

**Strike:** ";" through "28-2-2103" on line 28

**Insert:** "is against this state's public policy and is void and unenforceable"

18. Page 4, line 30.

**Strike:** "[Sections 2 and 3] are"

**Insert:** "[Section 2] is"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

19. Page 5, line 2.

**Strike:** "[sections 2 and 3]"

**Insert:** "[section 2]"

20. Page 5, line 4.

**Strike:** section 5 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 479**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "BONDS;"

**Insert:** "PROVIDING THAT VARIABLE RATE BONDS MAY BE SOLD AT A PRIVATE NEGOTIATED SALE IF THE PRINCIPAL AMOUNT IS LESS THAN \$500,000 AND THE BOARD OF COUNTY COMMISSIONERS OR THE GOVERNING BODY OF A MUNICIPALITY OBTAINS A MARKETABILITY OPINION; PROVIDING THAT THE BOARD OF INVESTMENTS REVIEW ITS PARTICIPATION IN VARIABLE RATE BONDS AND RECOMMEND ACTION TO THE 58TH LEGISLATURE;"

2. Page 1, line 15.

**Following:** "(1)"

**Insert:** "(a)"

3. Page 1, line 20.

**Following:** "interest."

**Insert:** "(b) Variable rate bonds may be sold at a private negotiated sale if the principal amount of the bonds is \$500,000 or less and the board of county commissioners obtains separate written opinions from underwriters of Montana rural improvement district bonds stating the bonds are not marketable through a competitive bond sale. Bonds sold in principal amounts below \$250,000 do not require a marketability opinion.

(c)"

4. Page 9, line 18.

**Following:** "(1)"

**Insert:** "(a)"

5. Page 9, line 23.

**Following:** "interest."

**Insert:** "(b) Variable rate bonds may be sold at a private negotiated sale if the principal amount of the bonds is \$500,000 or less and the governing body of the municipality obtains separate written opinions from underwriters of Montana special improvement district bonds stating the bonds are not marketable through a competitive bond sale. Bonds sold in principal amounts below \$250,000 do not require a marketability opinion.

(c)"

6. Page 11, line 13.

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**Insert:** "NEW SECTION. **Section 11. Board of investment participation in bonding -- review.** The board of investments shall review their participation in issuing rural improvement district bonds and special improvement district bonds and provide a report to the 58th legislature with recommendations to increase or decrease the limit under which a marketability opinion is necessary as provided for in 7-12-2171 and 7-12-4203."

And, as amended, do pass. Report adopted.

**HB 497**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "AN ACT"

**Insert:** "PROVIDING THAT A SHOP THAT IS OPERATED BY OR EMPLOYS A MASTER OR JOURNEYMAN ELECTRICIAN OR MASTER OR JOURNEYMAN PLUMBER MAY EMPLOY ONE APPRENTICE;"

**Strike:** "REQUIRING"

**Insert:** "PROVIDING"

**Following:** "THAT"

**Insert:** "FOR EACH ADDITIONAL TWO MASTER OR JOURNEYMAN ELECTRICIANS OR PLUMBERS"

**Following:** "OF"

**Insert:** "MASTER OR"

2. Title, line 5.

**Following:** "AND"

**Strike:** "JOURNEYMEN"

**Insert:** "MASTER OR JOURNEYMAN"

3. Title, line 6.

**Following:** "OF"

**Insert:** "MASTER OR"

4. Title, line 7.

**Following:** "AND"

**Insert:** "MASTER OR"

5. Page 1, line 20 through 21.

**Strike:** "The" on line 20 through "apprentice." on line 21

**Insert:** "Each shop that employs or is operated by a master or journeyman electrician may employ one apprentice electrician."

(b) For each additional two master or journeyman electricians, the shop ratio for employing apprentices is two masters or journeymen to one apprentice unless a waiver is granted by the department of labor and industry pursuant to rules adopted by the department of labor and industry."

6. Page 1, line 22.

**Strike:** "(b)"

**Insert:** "(c)"

7. Page 1, line 30.

**Following:** "licensed"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**Insert:** "master or"

8. Page 2, line 4 through line 5.

**Strike:** "The" on line 4 through "apprentice." on line 5

**Insert:** "Each shop that employs or is operated by a master or journeyman plumber may employ one apprentice plumber.

(b) For each additional two master or journeyman plumbers, the shop ratio for employing apprentices is two masters or journeymen to one apprentice unless a waiver is granted by the department of labor and industry pursuant to rules adopted by the department of labor and industry."

9. Page 2, line 6.

**Strike:** "(b)"

**Insert:** "(c)"

10. Page 3, line 6.

**Following:** "ratio of"

**Insert:** "masters or journeymen to"

**Strike:** "to journeymen"

11. Page 3, line 7 through line 8.

**Strike:** "or" on line 7 through "practice" on line 8

And, as amended, do pass. Report adopted.

**HB 539**, introduced bill, be amended as follows:

1. Page 1, line 23.

**Strike:** the first "or"

**Following:** "institutions"

**Insert:** ", or pawn brokers"

2. Page 1, following line 23.

**Insert:** "(4) [Sections 1 through 19] may not be construed as affecting in any way the method of perfecting security interests on personal property provided for elsewhere in law."

3. Page 2, lines 28 and 29.

**Strike:** "and" on line 28 through "location" on line 29

4. Page 6, lines 10 through 12.

**Strike:** subsection (d) in its entirety

**Insert:** "(d) (i) the title lender may renew the title loan for additional 30-day periods beyond the original term provided that beginning with the sixth extension or continuation, and for each subsequent extension or continuation, the borrower must reduce the principal amount by at least 10% of the original principal amount of the loan; and

(ii) if the borrower fails to reduce the principal amount as required by subsection (2)(d)(i), the title lender may at its option:

(A) declare outstanding principal and any finance charges due and payable; or

(B) solely for the purpose of calculating the finance charge, reduce the amount of the principal balance by

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

10%, with the understanding that that portion of the principal is still owed by the borrower but that portion of the loan may not accrue interest or finance charges after that date;

5. Page 7, line 4.

**Strike:** "(a)"

6. Page 7, line 7.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

7. Page 7, line 8.

**Strike:** "10%"

**Insert:** "18%"

**Strike:** "\$2,000"

**Insert:** "\$4,000"

8. Page 7, line 9.

**Strike:** "3%"

**Insert:** "10%"

**Strike:** "\$2,000"

**Insert:** "\$4,000"

9. Page 7, line 10.

**Strike:** "(b)(i)"

**Insert:** "(2)"

10. Page 7, lines 10 and 11.

**Strike:** ", on" on page 10 through "operations" on line 11

**Insert:** "may charge their actual costs of recording liens on borrowers' certificates of title"

11. Page 7, lines 12 through 24.

**Strike:** "(ii)" on line 12 through "borrower." on line 24

12. Page 11, lines 13 and 14.

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

**Renumber:** subsequent subsections

13. Page 11, line 19.

**Strike:** "in the operation of its business"

**Insert:** "for personal use that was repossessed from the borrower by the title lender"

14. Page 12, line 1.

**Following:** "clause"

**Insert:** ", provided that a title lender is not liable to the borrower or a third party for injuries to or damages sustained by the borrower or a third party as the result of an accident involving personal property to which the title lender holds the certificate of title"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

15. Page 12, lines 3 through 5.

**Strike:** subsections (iii) and (iv) in their entirety

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**HB 559**, introduced bill, be amended as follows:

1. Page 2, line 28.

**Following:** "that"

**Insert:** ":

(a) the rental agreement does not involve a tenant who rents space for a mobile home but does not rent the mobile home; and

(b)"

2. Page 3, line 18.

**Following:** "to the"

**Insert:** "health"

**Following:** "park"

**Insert:** "or its manager or owner"

3. Page 4, line 13.

**Following:** "termination"

**Insert:** "for the final violation"

4. Page 4, line 20.

**Strike:** "(1)(i)"

**Insert:** "(1)(j)"

5. Page 5, line 17.

**Strike:** "has"

**Insert:** "have"

And, as amended, do pass. Report adopted.

**HB 564**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "FUND;"

**Insert:** "PROVIDING FOR THE COLLECTION OF CONTRIBUTIONS TO THE UNIVERSAL SERVICE  
FUND ON A QUARTERLY RATHER THAN A MONTHLY BASIS;"

2. Page 1, line 19.

**Following:** "petition"

**Insert:** "for good cause"

3. Page 3, line 2.

**Strike:** "monthly"



HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**Insert:** "quarterly"  
**Strike:** "July 1 to June 30 fiscal"  
**Insert:** "January 1 to December 31 calendar"

4. Page 3, line 3.  
**Following:** "total"  
**Insert:** "retail"

5. Page 3.  
**Following:** line 23  
**Insert:** "(3) Any funds received by an eligible telecommunications carrier from the state high-cost fund must be used for the provision, maintenance, and upgrading of facilities and services for which the support is intended."  
**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**HB 574**, introduced bill, be amended as follows:

1. Title, line 6.  
**Following:** "CONTRACT;"  
**Insert:** "PROVIDING FOR AN EXCEPTION;"

2. Page 1, line 11.  
**Following:** "**recording**"  
**Insert:** "-- **exception**"  
**Following:** "(1)"  
**Strike:** "An"  
**Insert:** "Except as provided in subsection (2), an"

3. Page 1.  
**Following:** line 17  
**Insert:** "(2) The provisions of subsection (1) do not apply if a party involved in a transfer of real property by contract for deed requests that an escrow agent not record the deed with the county clerk and recorder."  
**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman):  
**HB 510**, introduced bill, be amended as follows:

2/17/2001

1. Title, line 5.  
**Strike:** "JEJUNOTOMY"  
**Insert:** "JEJUNOSTOMY"

2. Page 2, line 6.  
**Strike:** "jejunotomy"  
**Insert:** "jejunostomy"

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

And, as amended, do pass. Report adopted.

**HB 582**, introduced bill, be amended as follows:

1. Page 1, line 8 through line 18.

**Strike:** the preamble in its entirety

And, as amended, do pass. Report adopted.

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

2/17/2001

**HB 492**, introduced bill, be amended as follows:

1. Page 1, line 30.

**Following:** "Parks"

**Insert:** "and the Department of Agriculture"

2. Page 2, line 27.

**Following:** "improvement,"

**Insert:** "control,"

3. Page 3, line 2.

**Following:** "managed"

**Insert:** ", controlled,"

4. Page 3, line 4.

**Following:** "part 11,"

**Strike:** "is"

**Insert:** "and control by the department of natural resources and conservation on state trust lands are"

5. Page 3, line 5.

**Following:** "by"

**Strike:** "both"

**Following:** "department"

**Insert:** ", the department of natural resources and conservation,"

6. Page 3, line 6.

**Following:** "agriculture."

**Insert:** "Nothing in this part may be interpreted to limit a landowner's ability to control prairie dog concentrations in unacceptable locations, as determined by the landowner, on private lands."

And, as amended, do pass. Report adopted.

**HB 569**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

2/17/2001

**HB 423**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**Following:** "ABANDONMENT;"

**Insert:** "REQUIRING A WRITTEN AGREEMENT BETWEEN THE COUNTY AND THE SELECTED AGENCY PRIOR TO ROAD TRANSFER;"

2. Page 1, line 28.

**Following:** "responds"

**Insert:** "stating that it is willing to assume responsibility for the road subject to the provisions of subsection (6)"

3. Page 2, line 2.

**Insert:** "(6) Prior to the transfer of a road under this section, the county and the selected agency shall enter into a written agreement providing that in the event the selected agency fails to maintain or assume liability for the road or to fulfill any other responsibilities pursuant to the agreement, the road must revert to the county and will be, upon reversion, considered abandoned. At that time, the road right-of-way must revert to the adjoining landowners as provided by law. The agreement must also provide that the selected agency will not substantially increase the scope of the use of the right-of-way after transfer of the road."

And, as amended, do pass. Report adopted.

**HJR 31**, be adopted. Report adopted.

**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 442** passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, 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, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrupf, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 84

Noes: Adams, R. Brown, Brueggeman, Clancy, Cyr, Esp, Kasten, Masolo, McCann, Pattison, Rice, Sliter, Story, Vick, Walters, Mr. Speaker.  
Total 16

Voted Absentee: D. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes; R. Brown, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**HB 469** 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: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 489** passed as follows:

Ayes: Adams, Andersen, 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, Eggers, Erickson, 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, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: Bales, Devlin, Esp, Somerville, Story, Waitschies.

Total 6

Voted Absentee: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: A. Peterson.

Total 1

**HB 490** passed as follows:

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, 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, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 95

Noes: Adams, R. Brown, Davies, Lewis, Tropila.  
Total 5

Voted Absentee: D. Brown, E. Clark, P. Clark, Thomas, Witt, Ayes; R. Brown, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 505** passed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, K. Peterson, Raser, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.  
Total 59

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, Clancy, E. Clark, Davies, Devlin, Eggers, Esp, Fisher, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lewis, Masolo, McCann, Mood, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Witt, Mr. Speaker.  
Total 40

Voted Absentee: R. Brown, P. Clark, Thomas, Ayes; D. Brown, E. Clark, Witt, Noes.

Excused: None.  
Total 0

Absent or not voting: Dale.  
Total 1

**HJR 6** adopted as follows:

Ayes: Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jackson, Jacobson,

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, McCann, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Raser, Schmidt, Sliter, Tramelli, Waddill, Wanzenried, Younkin, Mr. Speaker.

Total 51

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Devlin, Esp, Forrester, Fuchs, Hedges, Himmelberger, Holden, Kasten, Keane, Laible, Laszloffy, Lehman, Masolo, Matthews, McKenney, Mood, Olson, Pattison, Price, Rice, Ripley, Rome, Schrupf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery.

Total 47

Voted Absentee: D. Brown, P. Clark, Ayes; R. Brown, E. Clark, Thomas, Witt, Noes.

Excused: None.

Total 0

Absent or not voting: Davies, Tropila.

Total 2

### MOTIONS

Representative Gillan moved that **HB 527** be taken from the Committee on State Administration and rereferred to the Committee of the Whole. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, Clancy, 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, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Brueggeman, Curtiss, Dale, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, 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, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 50

Excused: D. Brown, R. Brown, E. Clark, P. Clark, Thomas, Witt.

Total 6

Absent or not voting: Davies, Holden.

Total 2

### SPECIAL ORDERS OF THE DAY

The following cosponsors were added to **HJR 19**: Bales, Barrett, Devlin, Masolo, and Olson.

The following cosponsors were added to **HJR 22**: Bales, Barrett, Devlin, Masolo, and Olson.

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 17, 2001

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Sunday, February 18, 2001. Motion carried.

House adjourned at 4:53 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House