

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

Helena, Montana
March 6, 2001

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives Bixby, Bookout-Reinicke, and Juneau, excused. Quorum present.

Mr. Speaker introduced the pages for the week:

Blake Rasmussen, Antelope
John Cummings, Butte
Caitlin Newman, Butte
Austin Adams, Columbia Falls
Brady Smith, Boulder
David Stepler, Brockton
Jaclyn Hein, Missoula
Clayton Zerbe, Frazer
Katy Sparks, Plevna
Britney Younkin, Laurel

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 3/6/2001
Correctly printed: **SB 6, SB 7, SB 97, SB 252, SB 260, SB 425.**
Correctly engrossed: **HB 525.**
Correctly enrolled: **HB 19, HB 40, HB 83, HB 132, HB 138, HB 176, HB 234, HB 271, HB 308, HB 369, HJR 30.**
Examined by the sponsor and found to be correct: **HB 40, HB 132, HB 138, HB 141, HB 176, HB 308, HB 369, HJR 7, HJR 30.**
Signed by the Speaker at 8:00 a.m., March 6, 2001: **HB 20, HB 80, HB 97, HB 113, HB 145, HB 185, HB 191, HB 192.**

BUSINESS AND LABOR (McKenney, Chairman): 3/5/2001
SB 78, be concurred in. Report adopted.
SB 80, be concurred in. Report adopted.
SB 97, be amended as follows:

1. Title, line 9.

Following: "REIMBURSEMENT;"

Insert: "EXEMPTING INSURERS FROM LIABILITY FOR INJURIES SUFFERED BY THE CLAIMANT RESULTING FROM AN ACCIDENT THAT OCCURS DURING TRAVEL OR TREATMENT; MAINTAINING INSURER LIABILITY FOR COMPENSABLE INJURIES FOR WHICH TRAVEL AND TREATMENT WAS REQUIRED;"

2. Page 2, line 5.

Following: "month"

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

Insert: "unless the travel is requested or required by the insurer pursuant to 39-71-605"

3. Page 2, line 11 through line 12.

Following: "FOR"

Strike: "ANY" on line 11 through "(1)(D)" on line 12

Insert: "injuries or conditions that result from an accident that occurs during travel or treatment, except that the insurer retains liability for the compensable injuries and conditions for which the travel and treatment was required"

And, as amended, be concurred in. Report adopted.

SB 211, be concurred in. Report adopted.

SB 252, be amended as follows:

1. Page 1, line 22.

Following: "capacity"

Insert: "Temporary total disability benefits may be terminated on the date that the worker has been released to return to work in some capacity."

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Younkin, Chairman):

3/6/2001

SB 103, be concurred in. Report adopted.

TRANSPORTATION (Somerville, Chairman):

3/6/2001

SB 58, be concurred in. Report adopted.

SB 150, be concurred in. Report adopted.

SB 153, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

HB 29 - The Senate acceded to the request of the House and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **HB 29**:

3/5/2001

Senator Grimes, Chairman

Senator Halligan

Senator K. Miller

House bills concurred in and returned to the House:

3/5/2001

HB 83, introduced by Matthews

HB 138, introduced by Mangan

HB 176, introduced by Jent

HB 234, introduced by Lawson

HB 271, introduced by Jayne

HB 308, introduced by Younkin

HB 369, introduced by Laslovich

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

House joint resolution concurred in and returned to the House: 3/5/2001

HJR 30, introduced by Story

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/5/2001

HB 21, introduced by Eggers

HB 71, introduced by Gallik

FIRST READING AND COMMITMENT OF BILLS

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

HB 626, introduced by McCann, Beck, Grosfield, Jergeson, Kitzenberg, McGee, Musgrove, Pattison, Tester, Wolery, referred to Appropriations.

**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 McKenney in the chair.

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

SB 4 - Representative Adams moved **SB 4** be concurred in.

SB 4 - Representative Lee moved **SB 4**, second reading copy, be amended as follows :

1. Page 2, line 9.

Strike: "6"

Insert: "3"

Amendment **not** adopted as follows:

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

Total 43

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

Total 54

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

Excused: Bixby, Bookout-Reinicke, Juneau.
Total 3

Absent or not voting: None.
Total 0

Motion that **SB 4** be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 70

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila.
Total 30

Voted Absentee: Bookout-Reinicke, Aye; Bixby, Juneau, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 29 - Representative Younkin moved **SB 29** be concurred in. 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, 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: Bixby, Bookout-Reinicke, Juneau, Ayes.

Excused: None.
Total 0

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

Absent or not voting: None.
Total 0

SB 41 - Representative E. Clark moved **SB 41** be concurred in. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Whitaker, Wolery, Younkin.
Total 61

Noes: Adams, Bales, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Fisher, Fuchs, Haines, Holden, Hurdle, Jackson, Jayne, Kasten, Laible, Laszloffy, Lenhart, Masolo, McCann, Mood, Olson, Pattison, Rice, Ripley, Shockley, Sliter, Smith, Steinbeisser, Story, Vick, Waitschies, Wanzenried, Witt, Mr. Speaker.
Total 39

Voted Absentee: Bixby, Bookout-Reinicke, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 122 - Representative Laible moved **SB 122** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Bixby, Bookout-Reinicke, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

SB 142 - Representative Himmelberger moved **SB 142** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

Noes: Adams, Buzzas, Cyr, Dell, Eggers, Erickson, Gutsche, Harris, Hurdle, Jayne, Jent, Kaufmann, Lee, Lindeen, Newman, K. Peterson, Shockley, Wanzenried.

Total 18

Voted Absentee: Bixby, Bookout-Reinicke, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Dale excused at this time.

SB 149 - Representative Younkin moved **SB 149** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrupf, Shockley, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 81

Noes: Adams, Brueggeman, Clancy, Davies, Forrester, Fuchs, Gillan, Jayne, Kasten, Laszloffy, Pattison, Ripley, Sliter, Thomas, Vick, Waddill, Walters, Mr. Speaker.

Total 18

Voted Absentee: Bixby, Bookout-Reinicke, Dale, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

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

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

Total 86

Noes: Erickson, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Laslovich, Newman, Sliter.

Total 9

Excused: Bixby, Bookout-Reinicke, Dale, Juneau.

Total 4

Absent or not voting: Carney.

Total 1

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 18, as amended by the Senate, 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, Schrumpf, 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: Bixby, Bookout-Reinicke, Dale, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

Total 0

HB 111, as amended by the Senate, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, 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, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Brueggeman, Davies, Fisher, Fuchs, Kasten, Laible, Laszloffy, Pattison, Sliter, Vick, Waitschies.

Total 11

Voted Absentee: Bixby, Bookout-Reinicke, Dale, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 112, as amended by the Senate, passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, 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, Mr. Speaker.

Total 92

Noes: R. Brown, Erickson, Galvin-Halcro, Golie, Hurdle, Pattison.

Total 6

Voted Absentee: Bixby, Bookout-Reinicke, Dale, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Mood, Younkin.

Total 2

MOTIONS

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 6, 2001

Representative Sliter moved that **SB 260** be taken from the Committee of the Whole and rereferred to the Committee on Education. There being no objections, so ordered.

Representative Sliter moved that **HB 626** be taken from the Committee on Appropriations and rereferred to the Committee on Natural Resources. There being no objections, so ordered.

Representative Tropila requested on **SB 157**, third reading yesterday, that his vote be shown as yes. There being no objections, so ordered.

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Thomas, Chairman):
SB 34, be concurred in. Report adopted.

3/5/2001

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Wednesday, March 7, 2001. Motion carried.

House adjourned at 2:17 p.m.

MARILYN MILLER
Chief Clerk of the House

DAN MCGEE
Speaker of the House