

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 20, 2001

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Tropila. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Juneau, excused. Quorum present.

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

Bookout-Reinicke, Chairman

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

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 4/20/2001  
Correctly enrolled: **HB 14, HB 118, HB 119, HB 214, HB 216, HB 266, HB 324, HB 543, HB 572, HB 603, HB 605, HJR 32, HJR 40.**

Signed by the Speaker at 9:52 a.m., April 20, 2001: **HB 14.**

Delivered to the Governor for approval at 10:10 a.m., April 20, 2001: **HB 33, HB 63, HB 87, HB 94, HB 186, HB 201, HB 218, HB 239, HB 353, HB 362, HB 368, HB 375, HB 381, HB 387, HB 390, HB 401, HB 405, HB 406, HB 412, HB 430, HB 455, HB 472, HB 498, HB 510, HB 564, HB 596.**

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE

on Senate Bill 508

Report No. 1, April 19, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 508** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 508** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 8.

**Strike:** "75"

**Insert:** "50"

**Strike:** "FOR IN-STATE USE"

2. Title, page 1, line 11.

**Strike:** "INFRASTRUCTURE"

**Insert:** "GOVERNMENTAL UNITS"

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

3. Title, page 1, line 12.

**Following:** " ;"

**Insert:** "PROVIDING FOR INTERLOCAL IMPACT AGREEMENTS;"

4. Title, line 12.

**Following:** "PROVIDING"

**Strike:** "A DELAYED"

**Insert:** "AN IMMEDIATE"

5. Page 1, line 17.

**Following:** "(1)"

**Insert:** "(a)"

**Strike:** "An"

**Insert:** "Except as provided in subsections (1)(b) and (3), an"

6. Page 1, line 18.

**Following:** "act]"

**Insert:** "and before January 1, 2006,"

7. Page 1, line 22.

**Strike:** "75%"

**Insert:** "50%"

8. Page 1, line 23.

**Strike:** "for use within the state of Montana"

9. Page 1.

**Following:** line 24

**Insert:** "(b) The property tax exemption allowed under subsection (1)(a) is limited to a 5-year period for generation facilities powered by oil or gas turbines."

10. Page 1, line 25.

**Strike:** "75%"

**Insert:** "50%"

11. Page 1, line 26.

**Strike:** "Montana"

**Following:** "extending"

**Insert:** "5 years to"

**Following:** "facility,"

**Insert:** "as determined by the owner, surplus capacity must be offered on a declining contract term basis for the remainder of the contract period at a cost-based rate that includes a rate of return not to exceed 12%. Surplus capacity that is not contracted for in this fashion may be sold at market rates."

12. Page 1.

**Strike:** lines 27 and 28 in their entirety

13. Page 1, line 29.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**Strike:** "(3)(b)"

**Insert:** "(3)(c)"

**Following:** "operator"

**Insert:** "of property exempt from taxation under subsection (1)(a)"

14. Page 1, line 30.

**Strike:** "within the state"

15. Page 2.

**Following:** line 2

**Insert:** "(b) Except as provided in subsection (3)(c), if an owner or operator of property exempt from taxation under subsection (1)(b) signs a contract to sell power as required in subsection (1) and then fails to perform the contract during the first 5-year period, the 5-year property tax exemption in subsection (1) is void and the property is subject to a rollback tax as provided in [section 2]."

**Renumber:** subsequent subsections

16. Page 2, line 5.

**Strike:** "10-year"

**Strike:** "[section 1]"

**Insert:** "subsection (1)(a) or (1)(b)"

17. Page 2, line 11.

**Strike:** "includes but"

**Strike:** "not"

18. Page 2, line 12 through line 13.

**Following:** "gas turbines," on line 12

**Strike:** "wind" on line 12 through "cells," on line 13

19. Page 2, line 22.

**Strike:** "75%"

**Insert:** "50%"

20. Page 2, line 23.

**Strike:** "in Montana"

21. Page 2.

**Following:** line 23

**Insert:** "(5) The department shall appraise exempt electrical generation facilities for each year that the property is exempt and determine the taxable value of the property as if it were subject to property taxation. The taxable value determined by the department must be included as taxable valuation for the purposes of county classification under 7-1-2111."

22. Page 3, line 4.

**Strike:** "land"

**Insert:** "electrical generation property"

23. Page 3, line 10.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**Following:** "(1)"

**Insert:** "(a)"

24. Page 3, lines 12 through 15.

**Strike:** "infrastructure" on line 12

**Following:** "fee" on line 12

**Strike:** the remainder of line 12 through "[section 1]" on line 15

**Following:** "." on line 15

**Insert:** "In the first 2 years of construction, the impact fee may not exceed 0.75% of the total cost of constructing the electrical generation facility.

(b) In the case of a generation facility powered by oil or gas turbines, the impact fee may not exceed 0.1% of the total construction cost in the remaining 3 years of the tax exemption period as provided in [section 1].

(c) In the case of any other generation facility, the impact fee may not exceed 0.1% of the total construction cost in the subsequent 4 years and may not exceed 0.08% of the total construction cost in the remaining 4 years of the tax exemption period as provided in [section 1]."

25. Page 3, line 19.

**Following:** "Thirty"

**Strike:** "FIFTY percent of the"

**Insert:** "The"

26. Page 3, line 20.

**Strike:** "infrastructure"

**Insert:** "local"

**Following:** "70%"

**Strike:** "50% of the impact fee must be distributed to"

27. Page 3, line 22.

**Strike:** "If"

**Insert:** "Subject to the conditions of subsection (5) and [section 4], if"

28. Page 3, line 22.

**Following:** "units"

**Insert:** "of the county or contiguous counties"

29. Page 3, line 24.

**Strike:** "which" through "and"

30. Page 3, line 26.

**Following:** "."

**Insert:** "The county in which the electrical generation facility is located is authorized to assess the fee under the interlocal agreement."

31. Page 3, line 27.

**Following:** "."

**Insert:** "If an exempt electrical generation facility is located within a tax increment financing district, the tax increment financing district is considered a local government unit and is entitled to the distribution of impact fees under this section. A tax increment financing district may not receive a distribution of impact fees if an

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

exempt electrical generation facility is not located within the district."

32. Page 3.

**Following:** line 27

**Insert:** "(6) Impact fees imposed under subsection (4) must be deposited in the county electrical energy generation reserve account established in [section 4] for the county in which the electrical generation facility is located. Money in the account may not be expended until the multiple local governments have entered into an interlocal agreement."

**Insert:** "NEW SECTION. Section 4. Electrical energy generation impact fee reserve account. (1) The governing body of a county receiving impact fees under [section 3(4)] shall establish an electrical energy generation impact fee reserve account to be used to hold the collections. Money held in the account may not be considered as cash balance for the purpose of reducing mill levies.

(2) Money may be expended from the account for any purpose of an interlocal agreement provided for in [section 3]. The county treasurer shall distribute money in the account to each local government unit according to the terms of the interlocal agreement.

(3) Money in the account must be invested as provided by law. Interest and income from the investment of the electrical energy generation reserve account must be credited to the account."

**Insert:** "NEW SECTION. Section 5. Electrical generation impact fund. (1) A local government unit, as defined in [section 3], and a school district that receives impact fees pursuant to [section 3(2)] or [section 4] shall establish an electrical generation impact fund for the deposit of the fees. A local government unit or school district may retain the money in the fund for any time period considered appropriate by the governing body of the local government unit or school district. Money retained in the fund may not be considered as fund balance for the purpose of reducing mill levies.

(2) Money may be expended from the fund for any purpose allowed by law.

(3) Money in the fund must be invested as provided by law. Interest and income earned on the investment of money in the fund must be credited to the fund.

(4) The fund must be financially administered as a nonbudgeted fund by a county under the provisions of Title 7, chapter 6, part 23, by a city or town under the provisions of Title 7, chapter 6, part 42, or by a school district under the provisions of Title 20, chapter 9, part 5."

**Renumber:** subsequent sections

33. Page 3, line 29.

**Strike:** "3"

**Insert:** "5"

34. Page 3, line 30.

**Strike:** "6" in both places

**Insert:** "24" in both places

**Strike:** "part 2,"

**Strike:** the third "part"

35. Page 4, line 1.

**Strike:** "2,"

**Strike:** "3"

**Insert:** "5"

36. Page 4, line 3.

**Following:** "effective"

**Strike:** "January 1, 2002"

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**Insert:** "on passage and approval"

For the Senate:

Cole, Chairman  
DePratu  
Halligan

For the House:

Story, Chairman  
Devlin  
Forrester

**MESSAGES FROM THE SENATE**

Conference committee report #1 adopted: 4/19/2001

**HB 226**, introduced by Bales  
**HB 290**, introduced by Waddill  
**HB 359**, introduced by P. Clark  
**HB 360**, introduced by P. Clark

Free conference committee report #1 **not** adopted: 4/19/2001

**HB 573**, introduced by Bales

Free conference committee report #1 adopted: 4/19/2001

**SB 322**, introduced by Shea  
**SB 398**, introduced by Miller

**MESSAGES FROM THE GOVERNOR**

April 19, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 179, "**AN ACT GENERALLY REVISING LAWS GOVERNING BUDGETING AND APPROPRIATIONS; CLARIFYING THE MAXIMUM EXPENDITURE FOR AN EMERGENCY OR DISASTER; REVISING THE LAW GOVERNING ACCRUALS; PROVIDING THAT**

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**AGENCY PROGRAM BUDGET REDUCTION PLANS APPLY TO THE BASE BUDGET FOR THE GENERAL APPROPRIATIONS ACT AND THE STATE PAY PLAN; PROVIDING THAT AGENCY GOALS AND OBJECTIVES MAY BE MADE AVAILABLE ELECTRONICALLY; CLARIFYING THE RECORDING OF UNIVERSITY FUNDS UNDER AN OPERATING BUDGET; ALLOWING THE RETRANSFER OF MONEY TRANSFERRED FOR SPRING FIRE COSTS; CLARIFYING THE LAWS GOVERNING THE REVERSION OF FUNDS; CLARIFYING THE PROCEDURE FOR A PROPOSED SUPPLEMENTAL APPROPRIATION TO TRANSFER FUNDS BETWEEN FISCAL YEARS; EXTENDING THE DURATION OF A BUDGET AMENDMENT FOR FEDERAL FUNDS TO THE END OF THE FEDERAL FISCAL YEAR; PROVIDING THAT CHARGES FOR SERVICES AND SUPPLIES BETWEEN AGENCIES ARE VALID CLAIMS; AMENDING SECTIONS 10-3-312, 17-1-102, 17-7-111, 17-7-123, 17-7-138, 17-7-139, 17-7-304, 17-7-311, 17-7-402, AND 17-8-101, MCA; AND PROVIDING AN EFFECTIVE DATE"** for the following reasons.

My concerns regarding SB 179 are limited to Section 2, which I understand was intended to exempt equipment for highway maintenance from certain provisions governing accruals. I have been advised, however, that the exclusion of the MDT maintenance program will not technically accomplish that objective, as equipment is purchased in a separate equipment program. As a second concern, the proposed revision to the law governing accruals would apply to the current fiscal year, even though agencies may have entered into contracts or purchase orders that will not be completed or delivered prior to July 1, 2001. It is my understanding that, at a minimum, agencies must have at least a year in which to implement any new accrual provisions.

As I'm sure you're aware, agencies must manage their total budget responsibly. Under tight financial circumstances, that means achieving vacancy savings, delivering priority services, paying off vacation and sick leave for retirees, and meeting other priorities before ordering authorized replacement equipment towards the end of the fiscal year. Many extenuating circumstances beyond the control of an agency may cause equipment not to be delivered prior to July 1st -- weather, transportation problems and manufacturing problems, just to name a few.

We are working with the Department of Administration to implement a new SABHRS financial system functionality that will eliminate the expenditures of concern under Section 2 of SB 179 from the budget that we will present to the 58th Legislature. We are confident that the new SABHRS functionality will improve our management practices and will adequately respond to all of the objections that were driven by our former state accounting system (SBAS).

In the meantime, in an effort to address both our concerns and the concerns of the Legislature, I am recommending an amendment to Section 2 of SB 179 that will restrict general fund accruals, require written plans to the Department of Administration, and authorize the Department to delete an encumbrance at fiscal year end. In addition, my amendment will also require the preparation and submission of a fiscal year end report to both OBPP and the Legislative Finance Committee on each general fund encumbrance remaining at fiscal year end.

The sponsor of SB 179, Senator Zook, has been advised of my amendatory recommendation.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 179

1. Title, line 18.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

2. Page 2, line 24.

**Following:** "encumbrances"

**Strike:** "other than those for equipment"

3. Page 2, line 26.

**Strike:** " "

4. Page 2, line 28 through page 3, line 1.

**Following:** "records"

**Strike:** "The exclusion for equipment does not apply to equipment for goods and services related to the maintenance of highway infrastructure in the department of transportation maintenance program to be paid from the highways state special revenue fund."

**Insert:** "in accordance with the following requirements:

(a) Goods and services, grants, and local assistance that are paid for with the general fund, in whole or in part, may be encumbered. The general fund encumbrances must be reviewed by the department, and a specific extension plan must be presented by the encumbering agency to the department prior to the fiscal yearend. If a valid extension plan is not received and approved, the department shall delete the encumbrance at fiscal yearend. The department shall present a fiscal yearend report to the office of budget and program planning and to the legislative finance committee on each general fund encumbrance remaining at fiscal yearend.

(b) Non-general fund encumbrances also require a valid extension plan approved by the department at the end of each fiscal year. After three years, approved extensions will be included by the department in its fiscal year end report to the office of budget and program planning and to the legislative finance committee."

5. Page 15, following line 10.

**Insert:** "NEW SECTION. Section 15. Applicability. [Section 2] applies to fiscal year 2002 and thereafter."

April 19, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby



HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

return with amendments Senate Bill 282, **"AN ACT CREATING THE ASBESTOS CLAIMS COURT; PROVIDING FOR THE APPOINTMENT OF THE ASBESTOS CLAIMS JUDGE; PROVIDING FOR THE PROCEDURES TO BE USED FOR TRYING AN ASBESTOS-RELATED CLAIM; AMENDING SECTIONS 3-5-113, 3-5-115, 3-15-104, 3-15-204, AND 3-15-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"** for the following reasons.

I have no concerns with the objectives of SB 282, or with its specific measures. It is, as you know, intended to address the large number of asbestos-related claims that have arisen and will likely continue to arise in the Nineteenth Judicial District. As you are also aware, however, the recent bankruptcy filing by W.R. Grace has raised numerous questions as to the extent to which, if at all, asbestos-related claims against W.R. Grace will be allowed to proceed in a state court forum. It is my understanding that, at least for the present, all actions arising from exposure to asbestos indirectly or directly caused by Grace and/or its affiliated entities (including those pending in Montana state courts) have been enjoined by the bankruptcy court.

The bankruptcy filing has thus created numerous uncertainties as to the ultimate need for the asbestos claims court. In the event that all asbestos-related claims against Grace and its affiliates have to be litigated in the context of the bankruptcy proceeding, the need for the special court may not arise. On the other hand, it is at least possible that the bankruptcy court may allow some or all of the Montana cases to proceed in state court, or perhaps allow cases to proceed against Grace insurers in state court. In that event, the asbestos court may well prove to be necessary. At this point, however, it is impossible to speculate as to what the future holds.

In light of that uncertainty, I recommend that the bill's effective date be made contingent upon a determination by the Montana Supreme Court that, based on decisions made in the federal bankruptcy proceeding and other circumstances that the Court deems advisable to consider, there is sufficient need to implement the provisions of SB 282. I have enclosed my amendment to that effect.

The sponsor of this bill, Senator Crismore, as well as the Montana Supreme Court have been advised of my amendatory recommendation and have no objections.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 282

1. Title, line 8

**Strike:** "AN IMMEDIATE"

**Insert:** "A CONTINGENT"

2. Page 6, line 8

**Following:** "12."

**Strike:** "Effective"

**Insert:** " Contingent effective"

3. Page 6, line 8

**Following:** "[This act]"

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

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

**Insert:** "is effective contingent on a determination by the Montana supreme court that, based on decisions reached in the federal bankruptcy proceedings involving W.R. Grace and other circumstances that the court deems advisable to consider, there exists sufficient need to implement the provisions of [this act]. The court shall notify the secretary of state and the code commissioner when this contingency is met"

April 19, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 313, **"AN ACT AUTHORIZING A DISTRICT TO DEPRECIATE TECHNOLOGICAL EQUIPMENT AS AN AUTHORIZED USE OF THE TECHNOLOGY ACQUISITION AND DEPRECIATION FUND; REQUIRING VOTER APPROVAL FOR A LEVY TO INCREASE THE DISTRICT'S FUNDS TO SUPPORT TECHNOLOGY; AMENDING SECTIONS 20-9-375 AND 20-9-533, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"** for the following reasons.

As you know, SB 313 authorizes school districts to depreciate technological equipment as a permissible use of the already-existing technology fund under §20-9-533, MCA. By virtue of that change, however, districts will also be authorized to impose a voter-approved levy to assist in funding that depreciation.

My recommended amendments to SB 313 are intended to (1) avoid any potential conflict with SB 117, which I've already signed into law and (2) clarify that SB 313 contemplates only one levy, which is subject to voter approval. In terms of the first item, SB 117 broadly removes all school levies under Title 20, MCA from the operation of § 15-10-420, MCA. It is my understanding (and the understanding of the sponsor, Senator Thomas), however, that the proponents of SB 313 intended that its voter-approved levy remain subject to § 15-10-420, MCA. Accordingly, amendments 2 and 4 on the attached are intended to clarify that the levy contemplated by SB 313 remains subject to Title 15, MCA, notwithstanding the general language of SB 117.

In terms of the second issue, the bill in its current form arguably creates both a permissive levy (i.e., non-voted) and an additional voted levy. Again, it is my and Senator Thomas' understanding that the bill was always intended to contemplate only one levy, subject to voter approval and to the 20%/150% limits of Section 2(3). Accordingly, my amendments 1 and 3 on the attached are intended to make that clear.

Finally, I am also recommending a coordination instruction to ensure that the voted levy contemplated under SB 313 will be conducted in conformity with HB 179, which establishes uniform procedures for local governments to follow

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

in conducting voted mill levy elections. House Bill 179 contemplates that voted school levies of the type embodied in SB 313 will be conducted under its new provisions.

The sponsor of SB 313, Senator Thomas, has been advised of and agrees with my amendatory recommendations.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 313

1. Page 2, line 12

**Following:** "BUDGET,"

**Insert:** "contingent upon voter approval of a levy under subsection (6) and"

2. Page 2, line 19

**Following:** second "AND"

**Strike:** "SUBJECT TO 15-10-420,"

3. Page 2, line 24

**Following:** "subsection (2)"

**Strike:** "AND THE AMOUNT LEVIED PURSUANT TO SUBSECTION (4)"

4. Page 3, line 3

**Following:** first "levy."

**Strike:** "Upon approval by the electors, any additional levy increasing the amount approved by the electors is subject to the provisions of 15-10-420."

**Insert:** "Notwithstanding any other provision of law, the levy under subsection (6) is subject to 15-10-420."

5. Page 5, following line 27

**Insert:** "NEW SECTION. Section 3. Coordination instruction. If House Bill No. 179 is passed and approved, then [Section 2(6) of this act] must read as follows:

"(6) In addition to the funds received pursuant to subsection (2) ~~and the amount levied pursuant to subsection (4)~~, the trustees of a school district may submit a proposition to the qualified electors of the district to approve an additional levy to fund the depreciation of technological equipment authorized under this section. The election must be called and conducted in the manner prescribed by this title for school elections and in the manner prescribed by [Section 1 of House Bill No. 179]. ~~The ballot for a proposition must provide for and against provisions stating whether the trustees are authorized to impose a levy of (state the approximate number of mills and dollars) dollars and (state the approximate number of mills) mills and dollars to fund the depreciation of technological equipment in the school district.~~"

April 19, 2001

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 442, "**AN ACT CREATING A REVOLVING FUND FOR LOANS FOR LOW-INCOME FAMILIES, USING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT FUNDS**" for the following reasons.

I have no concerns with the objectives of SB 442 or with its specific provisions. As you know, the bill creates a revolving loan account in the Department of Public Health and Human Services [DPHHS] to provide loans to individuals eligible for TANF-funded programs for various purposes, including job training expenses, weatherization/energy conservation work on homes, business start-up costs, etc.

I would, however, recommend that the current language in Section 1(2) of the bill mandating that DPHHS access TANF funds for purposes of the program be amended to allow the Department the discretion to make the threshold determination as to the viability of the program. That objective can be accomplished by simply changing the word "must" to "may", which I've proposed in the attached amendment. That change will afford DPHHS the flexibility to determine whether there is in fact a demand for this type of program before having to access the TANF funds.

The sponsor of SB 442, Senator Cobb, has been advised of my amendatory recommendation and it is my understanding that he has no objection.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 442

1. Page 1, line 12  
**Following:** "department"  
**Strike:** "shall"  
**Insert:** "may"

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 11:30 a.m., Saturday, April 21, 2001. Motion carried.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

House adjourned at 11:07 a.m.

House reconvened at 11:31 a.m. All members present, except Representative Juneau, excused. Quorum present.

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on House Bill 142  
Report No. 2, April 20, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 142**, met April 20, 2001, and considered:

1. Senate Committee on Fish and Game amendments to third reading copy, dated March 9, 2001.

We recommend that **House Bill 142** (reference copy – salmon) be amended as follows:

1. Title, line 7.

**Following:** "~~REGION 1~~"

**Insert:** "IN ADMINISTRATIVE REGION 1"

2. Page 1.

**Following:** line 8

**Insert:** "WHEREAS, the Legislature finds that there are unique and special circumstances associated with lion hunting in Region 1 that have created intense hunting pressure, competition, and biological management problems that are unacceptable to the general public."

3. Page 2, line 22.

**Following:** "~~REGION 1~~"

**Insert:** "in the administrative region designated by the department as region 1"

4. Page 2, line 24.

**Following:** "~~REGION 1~~"

**Insert:** "in the administrative region designated by the department as region 1"

5. Page 2, lines 26 and 27.

**Strike:** "Rules" on line 26 through "." on line 27

6. Page 4, line 10.

**Following:** "~~REGION 1~~"

**Insert:** "in the administrative region designated by the department as region 1"

7. Page 4, line 12.

**Following:** "~~REGION 1~~"

**Insert:** "in the administrative region designated by the department as region 1"

8. Page 4, lines 14 and 15.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**Strike:** "Rules" on line 14 through "." on line 15

For the House:

Fuchs, Chairman  
P. Clark  
Laszloffy

For the Senate:

Crismore, Chairman  
Ekegren  
Roush

**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 Laible in the chair.

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

**HB 247 - Governor's Amendments** - Representative Lewis moved Governor's amendments to **HB 247** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 90

Noes: Buzzas, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Hurdle, Mangan.  
Total 10

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 436 - Governor's Amendments** - Representative Olson moved Governor's amendments to **SB 436** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

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 94

Noes: Buzzas, Eggers, Erickson, Galvin-Halcro, Hurdle, Kaufmann.

Total 6

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 637 - Free Conference Committee Report No. 1** - Representative Younkin moved the Free Conference Committee report to **HB 637** be adopted. 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, 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: Esp.

Total 1

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 645 - Free Conference Committee Report No. 1** - Representative Mood moved the Free Conference Committee report to **HB 645** be adopted. 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,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

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: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 176 - Free Conference Committee Report No. 1** - Representative Esp moved the Free Conference Committee report to **SB 176** be adopted. 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, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, 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, Schrumpf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Davies, Holden, Laszloffy, Lawson, Pattison, Shockley, Somerville, Vick.

Total 8

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 242 - Free Conference Committee Report No. 2** - Representative Haines moved the Free Conference Committee report to **SB 242** be adopted.

Representative Lee moved for cloture.

Motion that the free conference committee report to **SB 242** be adopted carried as follows:



HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Musgrove, Olson, Pattison, Price, Raser, Rice, Ripley, Rome, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Wanzenried, Wolery, Younkin, Mr. Speaker.

Total 54

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Devlin, 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, Newman, Noennig, A. Peterson, K. Peterson, Schmidt, Schrupf, Smith, Somerville, Tramelli, Tropila, Whitaker, Witt.

Total 46

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 432 - Free Conference Committee Report No. 2** - Representative McKenney moved the Free Conference Committee report to **SB 432** be adopted. Motion carried as follows:

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

Total 68

Noes: Balyeat, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Shockley, Smith.

Total 32

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 506 - Free Conference Committee Report No. 1** - Representative Story moved the Free Conference Committee report to **SB 506** be adopted. Motion carried as follows:

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

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: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Laible moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 72

Noes: Bixby, Branae, Carney, Cyr, Erickson, Facey, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Kaufmann, Keane, Laslovich, Lee, Mangan, Schmidt, Smith, Tramelli, Wanzenried.

Total 24

Excused: Juneau.

Total 1

Absent or not voting: Dell, McCann, Musgrove.

Total 3

**REPORTS OF SELECT COMMITTEES**

FREE CONFERENCE COMMITTEE  
on House Bill 573  
Report No. 2, April 20, 2001

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 573**, met April 20, 2001, and considered:

1. Senate Committee on Natural Resources amendments to third reading copy, dated March 29, 2001; and
2. Senate Committee of the Whole amendments to second house, second reading copy, dated March 30, 2001.

We recommend that **House Bill 573** (reference copy – salmon) be amended as follows:

1. Title, line 5 through line 6.

**Strike:** "THE" on line 5 through "WELLS" on line 6

**Insert:** "COAL BED METHANE WELLS THAT INVOLVE PRODUCTION OF GROUND WATER; PROVIDING THAT CERTAIN MANAGEMENT PRACTICES FOR GROUND WATER PRODUCED IN ASSOCIATION WITH A COAL BED METHANE WELL MAY NOT BE CONSTRUED AS WASTE; AMENDING SECTION 85-2-505, MCA"

**Strike:** "A" through "DATE" on line 6

**Insert:** "EFFECTIVE DATES"

2. Page 1, line 10.

**Strike:** "4"

**Insert:** "3"

3. Page 1, line 13 through line 15.

**Strike:** "the" on line 13 through the second "development" on line 15

**Insert:** "a delay in the development of certain coal bed methane wells"

4. Page 1, line 20 through line 24.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

5. Page 1, line 25.

**Following:** "legislature"

**Insert:** "further"

6. Page 2, line 7.

**Following:** "program"

**Insert:** "and [section 4]"

7. Page 2, line 13 through line 18.

**Strike:** "authorized" on line 13 through "2" on line 18

**Insert:** "that involve the production of ground water must comply with this section"

8. Page 2, line 20.

**Strike:** "The" through "ground"

**Insert:** "Ground"

**Strike:** "the development of"

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

9. Page 2, line 23.

**Following:** "3"

**Strike:** ", if" through "PURPOSE"

10. Page 2, line 27 through line 28.

**Strike:** "rules" through "82-11-111"

**Insert:** "applicable law"

11. Page 2, line 30.

**Strike:** "75-5-401"

**Insert:** "Title 75, chapter 5"

12. Page 3, line 1.

**Strike:** "DISPOSAL"

**Strike:** "AS PROVIDED"

**Insert:** "allowed"

13. Page 3.

**Following:** line 1

**Insert:** "(3) (a) Prior to the development of a coal bed methane well that involves the production of ground water from an aquifer that is a source of supply for appropriation rights or permits to appropriate under this chapter, the developer of the coal bed methane well shall notify and offer a reasonable mitigation agreement to each appropriator of water who holds an appropriation right or a permit to appropriate under this chapter that is for ground water and for which the point of diversion is within:

(i) 1 mile of the coal bed methane well; or

(ii) one-half mile of a well that is adversely affected by the coal bed methane well.

(b) The mitigation agreement must address the reduction or loss of water resources and must provide for prompt supplementation or replacement of water from any natural spring or water well adversely affected by the coal bed methane well. The mitigation agreement is not required to address a loss of water well productivity that does not result from a reduction in the amount of available water because of production of ground water from the coal bed methane well."

**Insert:** "**Section 5.** Section 85-2-505, MCA, is amended to read:

**"85-2-505. Waste and contamination of ground water prohibited.** (1) No ground water may be wasted. The department shall require all wells producing waters ~~which that~~ contaminate other waters to be plugged or capped. It shall also require all flowing wells to be so capped or equipped with valves that the flow of water can be stopped when the water is not being put to beneficial use. Likewise, both flowing and nonflowing wells ~~shall~~ must be so constructed and maintained as to prevent the waste, contamination, or pollution of ground water through leaky casings, pipes, fittings, valves, or pumps either above or below the land surface, ~~provided, however,~~ However, in the following cases the withdrawal or use of ground water ~~shall~~ may not be construed as waste under this part:

(a) the withdrawal of reasonable quantities of ground water in connection with the construction, development, testing, or repair of a well or other means of withdrawal of ground water;

(b) the inadvertent loss of ground water owing to breakage of a pump, valve, pipe, or fitting, if reasonable diligence is shown by the person in effecting the necessary repair;

(c) the disposal of ground water without further beneficial use that must be withdrawn for the sole purpose of improving or preserving the utility of land by draining the same or that must be removed from a mine to permit mining operations or to preserve the mine in good condition;

(d) the disposal of ground water used in connection with producing, reducing, smelting, and milling metallic ores and industrial minerals or that displaced from an aquifer by the storage of other mineral resources; and

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

(e) the management, discharge, or reinjection of ground water produced in association with a coal bed methane well in accordance with [section 4(2)(b) through (2)(d)].

(2) The department at any time may hold a hearing on its own motion or upon petition signed by a representative body of users of ground water in any area or subarea to determine whether the water supply within ~~such~~ that area or subarea is used in compliance with this part.""

**Renumber:** subsequent sections

14. Page 3, line 3.

**Following:** "Notification to"

**Insert:** "federal and"

15. Page 3, line 4.

**Strike:** "and"

**Insert:** ", "

16. Page 3, line 5.

**Following:** "Chippewa"

**Insert:** ", and to the U.S. secretary of the interior"

17. Page 3, line 7.

**Following:** "instruction."

**Insert:** "(1)"

**Strike:** "4"

**Insert:** "3"

18. Page 3, line 9.

**Strike:** "4"

**Insert:** "3"

**Following:** line 9

**Insert:** "(2) [Section 4] is intended to be codified as an integral part of Title 85, chapter 2, part 5, and the provisions of Title 85, chapter 2, part 5, apply to [section 4]."

19. Page 3.

**Following:** line 9

**Insert:** "NEW SECTION. Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent section

20. Page 3, line 11.

**Strike:** "CONTINGENT" through "date"

**Insert:** "Effective dates -- contingency"

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

**Insert:** "(1) Except as provided in subsection (2), [this act]"

21. Page 3, line 12.

**Following:** "2002"

**Insert:** "on passage and approval."

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

(2) [Section 3] is effective"

For the House:

Bales, Chairman  
Olson

For the Senate:

Cole, Chairman  
Crismore  
Roush

**MESSAGES FROM THE GOVERNOR**

April 20, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 459** sponsored by Representative Mood et al. and **House Bill 473** sponsored by Representative Younkin et al. on April 20, 2001.

Sincerely,

JUDY MARTZ  
Governor

April 20, 2001

The Honorable Tom Beck  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 77, "**AN ACT GENERALLY REVISING THE LAWS GOVERNING PUBLIC ASSISTANCE; DEFINING FINANCIAL ASSISTANCE AND NONFINANCIAL ASSISTANCE TO COMPORT WITH FEDERAL LAW; REMOVING AUTHORITY FOR ONE-TIME-ONLY INCOME EXCLUSIONS FOR SPECIAL EMPLOYMENT-RELATED NEEDS; AUTHORIZING THE ADOPTION OF**

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**RULES GOVERNING THE DURATION OF BENEFITS AND ELIGIBILITY FOR NONFINANCIAL ASSISTANCE; CLARIFYING SANCTIONS FOR FAILURE OR REFUSAL TO COMPLY WITH FAMILY INVESTMENT AGREEMENTS; REMOVING REFERENCES TO PATHWAYS AND THE COMMUNITY SERVICES PROGRAM; REMOVING THE DESIGNATED COMPONENTS OF THE FAIM PROGRAM; AMENDING SECTIONS 23-1-303, 39-7-303, 39-71-118, 39-71-123, 40-4-215, 40-5-242, 40-5-248, 53-2-201, 53-2-211, 53-2-606, 53-2-610, 53-2-613, 53-2-901, 53-2-902, 53-2-903, 53-2-904, 53-2-1103, 53-4-201, 53-4-202, 53-4-212, 53-4-214, 53-4-231, 53-4-233, 53-4-241, 53-4-246, 53-4-602, 53-4-606, 53-4-611, 53-4-612, 53-4-613, 53-4-702, 53-4-704, 53-4-705, 53-4-706, 53-4-717, 53-6-101, 53-6-113, 53-6-131, 53-6-132, 53-6-134, AND 53-24-106, MCA; REPEALING SECTIONS 53-4-247, 53-4-603, 53-4-607, 53-4-608, AND 53-4-701, MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE" for the following reasons.**

With the exception of one specific provision, I have no concerns with the objectives or contents of SB 77, which generally revises our public assistance laws. I do, however, disagree with that discrete provision in Section 22 that extends, under certain conditions, public assistance eligibility to individuals who have been convicted of a felony involving controlled substances, as that term is defined by federal law. I recommend that specific provision be stricken from SB 77 and that the current prohibition against such an extension of eligibility remain in place. I have attached my amendment to that effect.

The sponsor of SB 77, Senator Hargrove, has been advised of my amendatory recommendations.

Sincerely,

JUDY MARTZ  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 77

1. Page 27, lines 16 through 25.

**Strike:** Subsection (3) in its entirety

**Renumber:** subsequent subsections

2. Page 28, line 15

**Following:** "608;"

**Strike:** "and"

3. Page 28, line 21.

**Following:** "~~802(6).~~"

**Insert:** " (j) an individual convicted after August 22, 1996, of any offense that is classified as a felony and that has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the Controlled Substance Act, 21 U.S.C. 802(6)."

**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 41, Free Conference Committee Report No. 1,** adopted as follows:

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

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

Total 89

Noes: Bixby, Carney, Cyr, Eggers, Erickson, Gallik, Golie, Jayne, Jent, Kaufmann, Raser.

Total 11

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 124, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Bitney, Branae, D. Brown, R. Brown, Buzzas, Callahan, Clancy, E. Clark, Cyr, Dale, Dell, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lee, Lehman, Lewis, Mangan, Matthews, Mood, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Mr. Speaker.

Total 66

Noes: Adams, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Brueggeman, Carney, P. Clark, Curtiss, Davies, Devlin, Eggers, Fisher, Forrester, Fuchs, Jackson, Laszloffy, Lawson, Lenhart, Lindeen, Masolo, McCann, McKenney, Musgrove, Olson, Pattison, Shockley, Sliter, Smith, Somerville, Vick, Wolery, Younkin.

Total 34

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 146, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher,



HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. 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 91

Noes: Barrett, Bixby, R. Brown, Gallus, Jayne, Laslovich, K. Peterson, Tropila.

Total 8

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Mangan.

Total 1

**HB 208, Free Conference Committee Report No. 1**, adopted 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: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 226, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallus, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Buzzas, Dell, Fisher, Gallik, Galvin-Halcro, Golie, Hurdle, Jayne, Lee, Raser.

Total 10

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 290, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, 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, 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, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Adams, Balyeat, Laible, Waitschies.

Total 4

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 359, Conference Committee Report No. 1**, adopted 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, 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,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 96

Noes: R. Brown, Jayne, Vick, Mr. Speaker.

Total 4

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 360, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, 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, 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, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Newman, Shockley.

Total 2

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: Andersen, Fisher.

Total 2

**HB 554, as amended by the Senate**, passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Erickson, Esp, Facey, 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, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 83

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Noes: Adams, Bales, Bixby, Buzzas, E. Clark, Devlin, Eggers, Fisher, Kasten, Mood, Pattison, Rice, Ripley, Smith, Story, Wanzenried, Whitaker.

Total 17

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 600, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Kasten, 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, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 82

Noes: Bixby, Cyr, Eggers, Erickson, Facey, Gallik, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Lee, Shockley, Smith, Tropila, Wanzenried.

Total 16

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: Buzzas, Jent.

Total 2

**HB 625, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, 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, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Adams, Balyeat, Davies, Fisher, Hurdle, Juneau, Kasten, Vick, Walters.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Total 9

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 644, Conference Committee Report No. 1**, adopted as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Dale, Devlin, Fisher, Forrester, Gallus, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 69

Noes: Balyeat, Bixby, R. Brown, Buzzas, Carney, Cyr, Davies, Dell, Eggers, Erickson, Esp, Facey, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Keane, Laslovich, Lee, Newman, Shockley, Somerville, Vick, Walters, Wanzenried.

Total 31

Voted Absentee: Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 19, Free Conference Committee Report No. 1**, adopted 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, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Erickson, Harris, Hurdle, Lee.

Total 4

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 274, as amended by the Governor**, concurred in 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: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 82, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, 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, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 89

Noes: Adams, Bales, Balyeat, Lawson, Lewis, Pattison, Rice, Ripley, Rome, Vick, Waitschies.  
Total 11

Voted Absentee: Juneau, Aye.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 322, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Bales, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Schmidt, Schrupf, Shockley, Smith, Somerville, Story, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Younkin.  
Total 73

Noes: Adams, Balyeat, Barrett, Brueggeman, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Jackson, Laszloffy, Lehman, McCann, Pattison, K. Peterson, Ripley, Rome, Sliter, Steinbeisser, Thomas, Vick, Waitschies, Walters, Whitaker, Mr. Speaker.  
Total 27

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 386, Free Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, 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, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 86

Noes: Adams, Bales, Barrett, R. Brown, Brueggeman, Jackson, Kasten, Laible, Pattison, Ripley, Somerville, Story, Mr. Speaker.  
Total 13

Voted Absentee: Juneau, Aye.

Excused: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Absent or not voting: Mangan.  
Total 1

**SB 398, Free Conference Committee Report No. 1**, adopted 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, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Kasten, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 76

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Hurdle, Jayne, Jent, Juneau, Kaufmann, Lee, Mangan, Musgrove, Raser, Smith, Tropila, Wanzenried.  
Total 24

Voted Absentee: Juneau, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 494, as amended by the Governor**, concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Devlin, Esp, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, A. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Walters, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 53

Noes: Adams, Balyeat, Branae, Brueggeman, Buzzas, Callahan, Cyr, Davies, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lindeen, Newman, Pattison, K. Peterson, Raser, Schmidt, Steinbeisser, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Witt.  
Total 47

Voted Absentee: Juneau, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**SB 521, Free Conference Committee Report No. 1**, adopted as follows:

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

Total 92

Noes: Buzzas, Harris, Hurdle, Jayne, Lee, Shockley, Smith, Vick.

Total 8

Voted Absentee: Juneau, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Musgrove requested on the conference committee report to **HB 625**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Schmidt requested on the conference committee report to **HB 290**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Shockley requested on the free conference committee report to **SB 176**, second reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Golie moved that the free conference committee report to **HB 573** be postponed until April 23, 2001.

Representative Sliter made a **substitute motion** that Representative Golie's motion be tabled. Motion carried as follows:

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

Total 57

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Kaufmann, Keane, Laslovich,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 42

Excused: Juneau.

Total 1

Absent or not voting: None.

Total 0

Speaker Pro Tempore Mood assumed the chair.

Speaker McGee moved that the House reconsider its action on **SB 338** and that it be placed on second reading today. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, R. 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, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, A. Peterson, Raser, Schmidt, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Mr. Speaker.

Total 49

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

Total 47

Excused: Juneau.

Total 1

Absent or not voting: Bitney, Lewis, McCann.

Total 3

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 3:00 p.m., Saturday, April 21, 2001. Motion carried.

House adjourned at 1:18 p.m.

House reconvened at 3:00 p.m. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/20/2001

Correctly enrolled: **HB 559, HB 612.**

Examined by the sponsor and found to be correct: **HB 14, HB 118, HB 119, HB 214, HB 216, HB 266, HB 324, HB 543, HB 572, HB 603, HB 605, HJR 32, HJR 40.**

Signed by the Speaker at 1:25 p.m., April 20, 2001: **HB 118, HB 119, HB 214, HB 216, HB 266, HB 324, HB 543,**

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

**HB 572, HB 603, HB 605, HJR 32, HJR 40.**

**MESSAGES FROM THE SENATE**

House joint resolution concurred in and returned to the House: 4/20/2001

**HJR 44**, introduced by Curtiss

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments: 4/20/2001

**HJR 42**, introduced by Kaufmann

Governor's amendments to House bills concurred in and transmitted to the House for concurrence in the Governor's amendments: 4/20/2001

**HB 47**, introduced by Price

**HB 348**, introduced by Shockley

**HB 456**, introduced by Gutsche

**HB 609**, introduced by Story

Free conference committee report #1 adopted: 4/20/2001

**HB 41**, introduced by Witt

**HB 124**, introduced by Story

**HB 208**, introduced by Harris

Conference committee report #1 adopted: 4/20/2001

**HB 644**, introduced by Pattison

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House recess until 3:45 p.m. Motion carried.

House recessed at 3:04 p.m.

House reconvened at 3:45 p.m. All members present. Quorum present.

**MESSAGES FROM THE GOVERNOR**

April 20, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 8** sponsored by Representative McCann on April 20, 2001.

Sincerely,

JUDY MARTZ  
Governor

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

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

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

**HB 142 - Free Conference Committee Report No. 2** - Representative Fuchs moved the Free Conference Committee report to **HB 142** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, 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 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Gillan, McCann, Tropila.

Total 3

**HB 573 - Free Conference Committee Report No. 2** - Representative Bales moved the Free Conference Committee report to **HB 573** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 60

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 40

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 179 - Governor's Amendments** - Representative Vick moved Governor's amendments to **SB 179** 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, 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.  
Total 98

Noes: Mangan.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**SB 282 - Governor's Amendments** - Representative Curtiss moved Governor's amendments to **SB 282** 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, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill,

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 97

Noes: Eggers, Gallik.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Erickson.  
Total 1

**SB 313 - Governor's Amendments** - Representative Laible moved Governor's amendments to **SB 313** be concurred in. Motion 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, Curtiss, Cyr, 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, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 94

Noes: Adams, Esp, Kasten, Pattison, Story, Vick.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 442 - Governor's Amendments** - Representative Lee moved Governor's amendments to **SB 442** 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, 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, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.  
Total 95

Noes: Jackson, Pattison, Rice, Ripley, Younkin.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 508 - Free Conference Committee Report No. 1** - Representative Story moved the Free Conference Committee report to **SB 508** be adopted. Motion carried as follows:

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

Total 64

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Shockley, Smith, Tropila, Waddill, Wanzenried.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 338 - Governor's Amendments** - Representative Lewis moved Governor's amendments to **SB 338** be **not** concurred in. Motion carried as follows:

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

Total 52

Noes: Bixby, Bookout-Reinicke, Branae, R. 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, Masolo, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Sliter, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried.

Total 48

Excused: None.

Total 0

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Absent or not voting: None.  
Total 0

Representative Sliter moved consideration of the free conference committee report to **SB 512** be placed at the bottom of the second reading board. Motion carried.

**HJR 42 - Senate Amendments** - Representative Kaufmann moved Senate amendments to **HJR 42** be concurred in. Motion carried 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, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, 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, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.  
Total 92

Noes: R. Brown, Esp, Fisher, Fuchs, Himmelberger, Jackson, Ripley, Whitaker.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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

Representative Lee made a substitute motion that the Governor's amendments to **SB 338** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.  
Total 42

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 53

Excused: None.



HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Total 0

Absent or not voting: Clancy, P. Clark, Eggers, Jent, Rice.

Total 5

Motion to adopt the report carried as follows:

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

Total 60

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

Total 38

Excused: None.

Total 0

Absent or not voting: Davies, Waitschies.

Total 2

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

4/20/2001

Examined by the sponsor and found to be correct: **HB 559, HB 612.**

Signed by the Speaker at 4:40 p.m., April 20, 2001: **HB 559, HB 612.**

Signed by the Speaker at 5:40 p.m., April 20, 2001: **HB 124.**

**MOTIONS**

Representative Facey requested on Senate amendments to **HJR 42**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Keane requested on the free conference committee report to **SB 508**, second reading today, that his vote be shown as no. There being no objections, so ordered.

Representative Waddill requested on the conference committee report to **HB 226**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Thomas requested on the free conference committee report to **HB 573**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Wolery requested on the free conference committee report to **HB 573**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

HOUSE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 20, 2001

Representative Witt requested on the free conference committee report to **HB 573**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 9:00 a.m., Saturday, April 21, 2001. Motion carried.

House adjourned at 5:14 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House