

**HOUSE JOURNAL
58TH LEGISLATURE
FOURTH LEGISLATIVE DAY**

Helena, Montana
January 9, 2003

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 1/8/2003
Correctly engrossed: **HB 49, HR 1.**
Delivered to the Secretary of State at 2:00 p.m., January 13, 2003: **HJR 1.**

APPROPRIATIONS (Lewis, Chairman): 1/9/2003
HB 16, do pass. Report adopted.

BUSINESS AND LABOR (McKenney, Chairman): 1/9/2003
HB 36, do pass. Report adopted.
HB 50, do pass. Report adopted.
HB 65, introduced bill, be amended as follows:

1. Title, line 5.

Following: "DENTISTRY"

Strike: ", "

Insert: "AND"

Following: "HYGIENE"

Strike: ", AND"

2. Title, line 6.

Strike: "DENTURITRY"

3. Title, lines 12 through 14.

Strike: "PROVIDING" on line 12 through "CHARGE;" on line 14

4. Title, line 14.

Following: "DENTISTS"

Strike: ", "

Insert: "AND"

Following: "HYGIENISTS"

Strike: ", AND"

5. Title, line 15.

Strike: "DENTURISTS"

6. Title, line 17.

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Following: "DENTISTS"

Strike: ", "

Insert: "AND"

Following: "HYGIENISTS"

Strike: ", AND DENTURISTS"

7. Page 3, line 15.

Following: "hygienist"

Strike: "whose license has been lapsed for 5 years or less"

8. Page 3, line 17.

Following: "areas."

Insert: "An applicant for licensure under this subsection (1) may be required by the board to establish that the applicant is competent to practice before the board grants the applicant a license."

9. Page 3, line 27 through page 4, line 14.

Strike: section 3 and section 4 in their entirety

Renumber: subsequent sections

10. Page 4, line 16.

Strike: "(1)"

11. Page 4, lines 18 and 19.

Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

HB 117, do pass. Report adopted.

STATE ADMINISTRATION (Barrett, Chairman):

1/8/2003

HB 21, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

HB 264, introduced by Gibson, referred to Local Government.

HB 265, introduced by Roberts, referred to Business and Labor.

HB 266, introduced by Jacobson, Gallus, Galvin-Halcro, Glaser, Golie, Laslovich, Parker, B. Ryan, Story, Wilson, referred to Federal Relations, Energy, and Telecommunications.

HB 267, introduced by Galvin-Halcro, referred to Taxation.

HB 268, introduced by Erickson, referred to Taxation.

HB 269, introduced by Bergren, Matthews, referred to State Administration.

HB 270, introduced by Bergren, referred to Transportation.

HB 271, introduced by Gallik, referred to Business and Labor.

HB 272, introduced by Gillan, Buzzas, Forrester, Harrington, Jent, Lenhart, Mahlum, Smith, referred to Local Government.

HB 273, introduced by Gillan, Branae, Buzzas, Forrester, Franklin, Harrington, Lenhart, Smith, referred to Appropriations.

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HB 274, introduced by Juneau, Bixby, referred to Education.

HB 275, introduced by Facey, Bookout-Reinicke, Erickson, referred to Taxation.

HB 276, introduced by Lindeen, referred to Appropriations.

HB 277, introduced by Lindeen, Barkus, Branae, R. Brown, Buzzas, Cocchiarella, Esp, Fisher, Gebhardt, Gibson, Haines, Hedges, Laible, Matthews, McCarthy, Mood, Nelson, Pattison, D. Ryan, Shea, Smith, referred to State Administration.

HB 278, introduced by Witt, Brueggeman, E. Clark, Devlin, Hedges, Nelson, Peterson, Tash, referred to Agriculture.

HB 279, introduced by Becker, referred to Human Services.

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

HJR 7, introduced by Barrett, Bales, Maedje, B. Olson, referred to Natural Resources.

HJR 8, introduced by Juneau, Bixby, Smith, referred to Federal Relations, Energy, and Telecommunications.

Majority Leader Brown moved that the House recess until 1:30 p.m. for caucuses. Motion carried.

House recessed at 1:05 p.m.

House reconvened at 1:30 p.m. Mr. Speaker in the chair. All members present, except Representatives Fisher, Hedges, Windy Boy excused. Quorum present.

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

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

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

HB 49 - Representative Haines moved **HB 49** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Barrett, Kasten, Pattison, Ripley, Sales.

Total 5

Voted Absentee: Fisher, Hedges, Ayes.

Excused: None.

Total 0

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Absent or not voting: Brueggeman, Dickenson, Windy Boy.
Total 3

Representative Malcolm excused at this time.

HR 1 - Representative R. Brown moved **HR 1** be adopted.

Representative Jent moved **HR 1**, second reading copy, be amended as follows :

1. Page 25, line 3.

Strike: subsection (5) in its entirety

Amendment **not** adopted as follows:

Ayes: Andersen, Ballantyne, Bitney, Bookout-Reinicke, D. Brown, Callahan, E. Clark, Cyr, Dowell, Erickson, Facey, Forrester, Haines, Jackson, Jayne, Jent, Juneau, Kasten, Lake, Lambert, Laslovich, Laszloffy, Lehman, Lenhart, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Pattison, Peterson, Rice, Roberts, Rome, Schrupf, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 47

Noes: Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Carney, P. Clark, Cohenour, Devlin, Dickenson, Everett, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hawk, Hurwitz, Jacobson, Kaufmann, Keane, Lange, Lawson, Lewis, Lindeen, Mendenhall, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Ross, Ryan, Sales, Shockley, Small-Eastman, Wanzenried, Weiss, Wilson.
Total 50

Voted Absentee: Windy Boy, Aye.

Excused: Fisher, Hedges.
Total 2

Absent or not voting: Malcolm.
Total 1

Representative Harris moved **HR 1**, second reading copy, be amended as follows :

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

Following: "remove the" on page 1, line 28

Insert: "majority party"

Following: "committees" on page 1, line 28

Strike: remainder of line 28 through "rule" on page 1, line 29

Insert: ", including conference committees"

Following: "." on page 1, line 29

Strike: remainder of line 29 through "." on page 2, line 3

Insert: "The minority leader shall appoint and may remove the minority party members of all standing and select committees, including conference committees."

Amendment **not** adopted as follows:

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Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Voted Absentee: Windy Boy, Aye.

Excused: Fisher, Hedges.

Total 2

Absent or not voting: Malcolm.

Total 1

Representative Harris moved **HR 1**, second reading copy, be amended as follows :

1. Page 2, line 3.

Following: "."

Insert: " The membership of committees must reflect the percentage of each party's membership in the House. When the Speaker determines the classification of a committee, then all committees with that classification must have the same party division."

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 51

Voted Absentee: Windy Boy, Aye; Malcolm, No.

Excused: Fisher, Hedges.

Total 2

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Absent or not voting: None.
Total 0

Representative Kaufmann moved **HR 1**, second reading copy, be amended as follows :

1. Page 22, line 1.

Strike: "(a)"

Strike: "Except as provided in subsection (3)(b), no"

Insert: "No"

2. Page 22, line 3.

Strike: subsection (b) in its entirety

Amendment **not** adopted as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 52

Voted Absentee: Windy Boy, Aye; Fisher, Hedges, Malcolm, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion that **HR 1** be adopted carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Everett, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.
Total 83

Noes: Carney, Cohenour, Dowell, Erickson, Facey, Franklin, Fritz, Galvin-Halcro, Gibson, Gutsche, Jacobson, Jayne, Jent, Juneau, Kaufmann, Smith, Windy Boy.

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Total 17

Voted Absentee: Fisher, Hedges, Malcolm, Ayes; Windy Boy, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Erickson, Facey, Fritz, Galvin-Halcro, Jacobson, Jayne, Jent, Juneau, Kaufmann, Small-Eastman, Smith.

Total 11

Excused: Fisher, Hedges.

Total 2

Absent or not voting: Laszloffy, Malcolm, A. Olson, Windy Boy.

Total 4

MOTIONS

Representative R. Brown moved **HB 247** be taken from the Committee on Local Government and be rereferred to the Committee on Judiciary. There being no objection, so ordered.

Representative R. Brown moved that a **Joint Select Committee on Redistricting** be appointed.

Representative Facey moved to table the motion. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy,

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Lawson, Lehman, Lewis, Maedje, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 52

Excused: None.

Total 0

Absent or not voting: Malcolm, Windy Boy.

Total 2

Motion to appoint a **Joint Select Committee on Redistricting** passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 54

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.

Total 44

Excused: None.

Total 0

Absent or not voting: Malcolm, Windy Boy.

Total 2

Mr. Speaker appointed the following committee:

Barrett, Chair

Lange

Jayne

SPECIAL ORDERS OF THE DAY

The following cosponsors were added to **HB 52**: Bohlinger and Erickson.

The following cosponsors were added to **HB 107**: Andersen, Cocchiarella, Devlin, Forrester, Fuchs, Galvin-Halcro, Gillan, Hurwitz, Keane, Kitzenberg, Lawson, Lehman, Lenhart, Mangan, McCarthy, Parker, Ripley, Ross, Ryan, Shea, Steinbeisser, Toole, Wheat, and Witt.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Brown moved that the House adjourn until 1:00 p.m., Friday, January 10, 2003. Motion carried.

House adjourned at 3:15 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House