

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

Helena, Montana  
January 14, 2003

House Chambers  
State Capitol

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

Roll Call. All members present, except Representatives Forrester and Gillan, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/14/2003  
Correctly printed: **HB 39**.  
Correctly engrossed: **HB 45, HB 182**.

**BUSINESS AND LABOR** (McKenney, Chairman): 1/13/2003  
**HB 72**, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

**Strike:** "DEFINING" on line 6 through "PHYSICIAN";" on line 8

2. Title, line 9.

**Following:** "EMPLOYMENT";"

**Insert:** "REMOVING THE TIME LIMITATIONS FOR EXPENDITURES OF FUNDS RECEIVED PURSUANT TO SECTIONS 903 AND 904 OF THE SOCIAL SECURITY ACT FOR ADMINISTRATIVE EXPENSES;"

3. Title, line 13.

**Strike:** "39-51-201,"

**Following:** "39-51-204,"

**Insert:** "39-51-404,"

4. Page 1, line 18 through page 5, line 21.

**Strike:** strike section 1 in its entirety

**Renumber:** subsequent sections

5. Page 9, following line 24.

**Insert:** "**Section 2.** Section 39-51-404, MCA, is amended to read:

**"39-51-404. Administrative expenses.** (1) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States pursuant to sections 903 and 904 of the Social Security Act (42 U.S.C. 1103 and 1104), as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this chapter pursuant to a specific appropriation by the legislature if the expenses are incurred and the money is requisitioned after the enactment of an appropriation law that:

(a) specifies the purposes for which the money is appropriated and the amounts appropriated; and

~~(b) limits the period within which the money may be expended to a period ending not more than 2 years after the date of the enactment of the appropriation law; and~~

~~(c)~~(b) limits the amount that may be used during any 12-month period beginning on July 1 and ending on the next June 30 to an amount not exceeding the amount by which the aggregate of the amounts credited to the account of this state pursuant to sections 903 and 904 of the Social Security Act (42 U.S.C. 1103 and 1104), as amended, during the same 12-month period and the 34 preceding 12-month periods exceeds the aggregate of the amounts used pursuant to this

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section and charged against the amounts credited to the account of this state during any of the 35 12-month periods.

(2) For the purposes of this section, amounts used during any 12-month period must be charged against equivalent amounts that were first credited and that are not already charged, except that an amount used for administration during any 12-month period may not be charged against any amount credited during a 12-month period earlier than the 34th preceding period. Money requisitioned for the payment of expenses of administration pursuant to this section must be deposited in the unemployment insurance administration account but, until expended, must remain a part of the unemployment insurance fund.

(3) The department shall maintain a separate record of the deposit, obligation, expenditure, and return of funds deposited. If any money deposited is for any reason not to be expended for the purpose for which it was appropriated or if it remains unexpended at the end of the period specified by the law appropriating the money, it must be withdrawn and returned to the secretary of the treasury of the United States for credit to this state's account in the unemployment trust fund.

(4) An assessment equal to 0.13% of all taxable wages provided for in 39-51-1108 and 0.05% of total wages paid by employers not covered by an experience rating must be levied against and paid by all employers. All assessments and investment income must be deposited in the employment security account provided for in 39-51-409."

**Renumber:** subsequent sections

6. Page 10, line 2.

**Strike:** "medical provider"

**Insert:** "physician"

7. Page 10, line 3.

**Strike:** "medical provider"

**Insert:** "physician"

And, as amended, do pass. Report adopted.

**HB 79**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "A PERSON OR"

**Insert:** "AN INDIVIDUAL OR A"

2. Title, line 5.

**Strike:** "PERSON'S"

**Insert:** "INDIVIDUAL'S"

3. Title, line 7.

**Following:** "PUBLIC"

**Insert:** "; PROVIDING CRITERIA FOR THE PLACEMENT OF THE SIGNS OR MARKERS; AND REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO INFORM THE PUBLIC OF THE PLACEMENT, USE, AND SIGNIFICANCE OF WATER HAZARD SIGNS AND MARKERS"

4. Page 1, line 12.

**Following:** "limitation"

**Insert:** "-- role of department"

5. Page 1, line 12.

**Strike:** "A person or"

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**Insert:** "Unless acting with gross negligence, an individual or a"

6. Page 1, line 13.

**Strike:** "person's"

**Insert:** "individual's"

7. Page 1, line 14.

**Following:** "public"

**Strike:** "."

**Insert:** "as long as:

(a) the sign or marker is a white plastic milk bottle attached by a cord to the hazard or is a sign or marker approved by the department;

(b) the sign or marker contains or bears the name and telephone number of the individual or nonprofit organization that placed it;

(c) the individual or nonprofit organization maintains or removes the sign or marker when dictated by changing water conditions or seasonal changes; and

(d) the individual or nonprofit organization places the sign or marker only for the purpose of identifying hazards."

8. Page 1, line 15 through line 17.

**Strike:** "Section" on line 15 through "public." on line 17

**Insert:** "(a) The provisions of this section are not intended to prohibit the placement of nonhazard signs or markers for water skiing, diving, safe channels, or swimming areas or for posting speed limits.

(b) The department shall inform members of the public involved in the recreational use of the waters of this state of the placement, use, and significance of signs or markers warning of hazards in the water that are placed by individuals or nonprofit organizations pursuant to the provisions of this section."

9. Page 1, following line 17.

**Insert:** "NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 1]."

And, as amended, do pass. Report adopted.

**HB 179**, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

1/13/2003

**HB 34**, do pass. Report adopted.

**HB 35**, do pass. Report adopted.

1/14/2003

**HB 37**, do pass. Report adopted.

**HB 38**, introduced bill, be amended as follows:

1. Page 1, line 28.

**Following:** "hearing" on line 28

**Insert:** "-- suspension of penalty"

2. Page 2, line 8.

**Following:** "6." on line 8

**Insert:** "Upon the filing of a timely request for a hearing, the imposition of the daily civil penalty provided for in this section must be suspended until the commissioner issues a decision."

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And, as amended, do pass. Report adopted.

**HB 41**, do pass. Report adopted.

**HB 91**, do pass. Report adopted.

**TRANSPORTATION** (Waitschies, Chairman):  
**HB 67**, introduced bill, be amended as follows:

1/14/2003

1. Title, line 13.

**Following:** "BLIND PEDESTRIANS"

**Insert:** "ON CERTAIN HIGHWAYS"

2. Page 6, line 18.

**Following:** "public"

**Insert:** "within the limits of an incorporated or unincorporated city or town"

And, as amended, do pass. Report adopted.

**HB 68**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

**Strike:** "GENERALLY" on line 5 through "ROADS;" on line 6

2. Title, line 7 through line 11.

**Strike:** "DEFINING" on line 7 through "ROADS;" on line 10

**Strike:** "23-2-821, 61-5-104," on line 10

**Following:** "61-8-102"

**Strike:** ", "

**Insert:** "AND"

**Strike:** "61-8-110" on line 10 through "61-8-112," on line 11

3. Page 1, line 15 through page 3, line 9.

**Strike:** sections 1 and 2 in their entirety

**Renumber:** subsequent sections

4. Page 3, line 27 through page 5, line 2.

**Strike:** section 5 through section 7 in their entirety

And, as amended, do pass. Report adopted.

**HB 80**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 310**, introduced by Fisher, Bookout-Reinicke, Dowell, Haines, Hawk, Laslovich, Lehman, Lewis, A. Olson, B. Olson, Pattison, Witt, referred to Taxation.

**HB 311**, introduced by Stoker, referred to Agriculture.

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**HB 312**, introduced by Lindeen, referred to Business and Labor.

**HB 313**, introduced by Younkin, Cohenour, Cooney, Jacobson, Lawson, Lehman, A. Olson, Ripley, Tester, referred to Appropriations.

**HB 314**, introduced by Morgan, referred to Business and Labor.

**HB 315**, introduced by Lawson, referred to Business and Labor.

**HB 316**, introduced by Shockley, referred to Judiciary.

**HB 317**, introduced by Shockley, referred to Agriculture.

**HB 318**, introduced by Fisher, Haines, Hedges, B. Thomas, referred to Taxation.

**HB 319**, introduced by Lawson, referred to Business and Labor.

**HB 320**, introduced by Jent, referred to Appropriations.

**HB 321**, introduced by Younkin, Hurwitz, Ross, Schrupf, B. Thomas, referred to Business and Labor.

**HB 322**, introduced by Gallik, referred to Agriculture.

**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 Galvin-Halcro in the chair.

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

**HB 46** - Representative Haines moved **HB 46** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, 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, 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, Kasten, 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, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Balyeat.

Total 1

Voted Absentee: Forrester, Gillan, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 172** - Representative Gallik moved **HB 172** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D.

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Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, 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, Kasten, 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, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Forrester, Gillan, Ayes.

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 Galvin-Halcro 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, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, 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, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Forrester, Gillan.

Total 2

Absent or not voting: Jent.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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**HB 39** passed 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, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, 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, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Forrester, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**HB 65** passed 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, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, 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, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Forrester, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 1:00 p.m., Wednesday, January 15, 2003. Motion

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carried.

House adjourned at 1:25 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House