

HOUSE JOURNAL
57TH LEGISLATURE / SPECIAL SESSION AUGUST 2002
FIFTH LEGISLATIVE DAY

Helena, Montana
August 9, 2002

House Chambers
State Capitol

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

Roll Call. All members present, Representatives Rome and Schmidt, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Lewis, Chairman): 8/9/2002
HB 22, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "ELIMINATING"

Insert: "REDUCING"

2. Page 1, line 14.

Strike: "\$8,336,799"

Insert: "\$3 million"

3. Page 1, line 22.

Following: "8,240,751"

Insert: "5,240,751" [General Fund]

Strike: "432,194"

Insert: "5,672,945" [Total]

And, as amended, do pass. Report adopted.

JUDICIARY (Shockley, Chairman): 8/9/2002
SB 17, be concurred in. Report adopted.

Correctly engrossed: **HB 22**.

Correctly printed: **SB 17**.

Tabled: **HB 23, HB 24**. 8/9/2002

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 8/9/2002

HB 6, introduced by Bookout-Reinicke

HB 12, introduced by Kasten

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 8/9/2002

HB 3, introduced by Kasten

HOUSE JOURNAL
FIFTH LEGISLATIVE DAY - AUGUST 9, 2002

FIRST READING AND COMMITMENT OF BILLS

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

HB 31, introduced by Olson, Sliter, referred to Appropriations.

HB 32, introduced by Olson, Sliter, referred to Appropriations.

HB 33, introduced by Mangan, referred to Taxation.

SPECIAL ORDERS OF THE DAY

Representative Gallus introduced the Montana Firefighters Association who escorted visiting New York City firefighters into the House Chamber. Following short remarks and expressions of regard, the firefighters were escorted from the House Chamber.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Brown moved that the House recess until 2:00 p.m. Motion carried.

House recessed at 1:15 p.m.

House reconvened at 2:00 p.m.

Roll Call. All members present, Representatives Rome, Schmidt, and Tramelli 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 McKenney in the chair.

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

HB 3 - Senate Amendments - Representative Kasten moved Senate amendments to **HB 3** be concurred in. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Everett, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schrupf, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, 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, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Shockley, Smith, Tramelli, Tropila, Wanzenried, Younkin.

HOUSE JOURNAL
FIFTH LEGISLATIVE DAY - AUGUST 9, 2002

Total 43

Voted Absentee: Rome, Aye; Schmidt, Tramelli, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 22 - Representative Lewis moved **HB 22** do pass.

Speaker McGee moved to table **HB 22**. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Esp, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Keating, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Schruppf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 89

Noes: Buzzas, Erickson, Gallik, Gutsche, Hurdle, Tropila.

Total 6

Excused: Rome, Schmidt, Tramelli.

Total 3

Absent or not voting: Golie, Lindeen.

Total 2

Motion to table **HB 22** was ruled out of order.

Speaker McGee moved that **HB 22** be passed for the day. Motion failed as follows:

Ayes: Andersen, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Forrester, Fuchs, Golie, Haines, Hedges, Himmelberger, Kasten, Laible, Laszloffy, Lehman, Masolo, McKenney, Mood, Noennig, Olson, Pattison, Rice, Schruppf, Shockley, Sinrud, Sliter, Story, Waddill, Walters, Whitaker, Younkin, Mr. Speaker.
Total 37

Noes: Bales, Balyeat, Barrett, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Davies, Dell, Eggers, Erickson, Esp, Everett, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Keating, Laslovich, Lawson, Lee, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, J. Peterson, K. Peterson, Raser, Ripley, Smith, Somerville, Steinbeisser, Thomas, Tropila, Waitschies, Wanzenried, Witt, Wolery.

Total 60

Excused: Rome, Schmidt, Tramelli.

HOUSE JOURNAL
FIFTH LEGISLATIVE DAY - AUGUST 9, 2002

Total 3

Absent or not voting: None.

Total 0

Representative Tropila made a substitute motion that **HB 22 do not pass**. 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, Esp, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Keating, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Schrumpf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

Noes: Hurdle.

Total 1

Excused: Rome, Schmidt, Tramelli.

Total 3

Absent or not voting: None.

Total 0

SB 17 - Representative Newman moved **SB 17** be concurred in. Motion carried as follows:

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

Total 87

Noes: Balyeat, Curtiss, Davies, Esp, Fuchs, Himmelberger, Jayne, Kasten, Laible, Sinrud, Story, Waitschies, Mr. Speaker.

Total 13

Voted Absentee: Rome, Schmidt, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
FIFTH LEGISLATIVE DAY - AUGUST 9, 2002

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

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Everett, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Keane, Keating, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Schrumpf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 81

Noes: Balyeat, Buzzas, P. Clark, Eggers, Erickson, Facey, Fuchs, Gallik, Jacobson, Jayne, Juneau, Kaufmann, Lee, Mangan.

Total 14

Excused: Rome, Schmidt, Tramelli.

Total 3

Absent or not voting: Hurdle, McKenney.

Total 2

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 3, as amended by the Senate, passed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Everett, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Keating, Laible, Laszloffy, Lawson, Lehman, Lewis, McCann, McKenney, Mood, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Shockley, Sinrud, Sliter, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, 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, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Younkin.

Total 43

Voted Absentee: Rome, Aye; Schmidt, Tramelli, Noes.

Excused: None.

Total 0

Absent or not voting: None.

HOUSE JOURNAL
FIFTH LEGISLATIVE DAY - AUGUST 9, 2002

Total 0

SB 17 concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Keating, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 85

Noes: Balyeat, R. Brown, Curtiss, Davies, Esp, Fuchs, Himmelberger, Hurdle, Jayne, Kasten, Laszloffy, Pattison, Story, Waitschies, Mr. Speaker.

Total 15

Voted Absentee: Rome, Schmidt, Tramelli, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Committee meetings were announced by committee chairmen.

Majority Leader Brown moved that the House recess until 7:00 p.m. Motion carried.

House recessed at 3:05 p.m.

House reconvened at 7:00 p.m.

Roll Call. All members present, Representatives Raser, Rome, Schmidt, and Tramelli, excused. Quorum present.

MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

8/9/2002

HB 2, introduced by Lewis

HB 7, introduced by Lewis

HB 9, introduced by Fisher

Senate bills passed and transmitted to the House for concurrence:

8/9/2002

SB 18, introduced by Christiaens

SB 26, introduced by Christiaens

SB 27, introduced by Stapleton

HOUSE JOURNAL
FIFTH LEGISLATIVE DAY - AUGUST 9, 2002

FIRST READING AND COMMITMENT OF BILLS

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

- SB 18**, introduced by Christiaens, referred to Judiciary.
SB 26, introduced by Christiaens, referred to Appropriations.
SB 27, introduced by Stapleton, referred to Appropriations.

**SECOND READING
(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 McKenney in the chair.

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

Representatives Bixby, Juneau, and Rice excused at this time.

HB 2 - Senate Amendments - Representative Lewis moved Senate amendments to **HB 2** be not 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, Esp, Everett, 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, Keating, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bixby, Juneau, Raser, Rice, Rome, Schmidt, Tramelli, 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 McKenney moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, 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, Everett,

HOUSE JOURNAL
FIFTH LEGISLATIVE DAY - AUGUST 9, 2002

Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Keating, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, J. Peterson, K. Peterson, Ripley, Schrupf, Shockley, Sinrud, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: Bixby, Juneau, Raser, Rice, Rome, Schmidt, Tramelli.

Total 7

Absent or not voting: None.

Total 0

MOTIONS

Representative Brown moved that the Speaker be authorized to appoint a free conference committee on **HB 2**. Motion carried. Speaker McGee appointed the following members:

Representative Lewis, Chair

Representative McCann

Representative Story

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Brown moved that the House adjourn until 10:00 a.m., Saturday, August 10, 2002. Motion carried.

House adjourned at 7:50 p.m.

MARILYN MILLER
Chief Clerk of the House

DAN MCGEE
Speaker of the House