

**HOUSE JOURNAL
SEVENTH LEGISLATIVE DAY**

Helena, Montana
January 11, 1999

House Chambers
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Lieutenant Governor Judy Martz. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representative Harrington. Quorum present.

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

Rehbein, Chairman

COMMUNICATIONS AND PETITIONS

The following members were appointed by Speaker Mercer to the Legislative Council:

Representative Krenzler
Representative Menahan
Representative Ohs
Representative Sliter

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Simon, Chairman): 1/11/1999
HB 88, do pass. Report adopted.
HB 101, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/9/1999

SB 28, introduced by DePratu
SB 52, introduced by DePratu
SB 53, introduced by DePratu

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

HB 1, introduced by Zook

FIRST READING AND COMMITMENT OF BILLS

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

HB 245, introduced by B. Simon, referred to Business and Labor.
HB 246, introduced by R. Peck, D. Harrington, C. Juneau, G. Roush, S. Stang, referred to Appropriations.
HB 247, introduced by D. Harrington, B. Barnhart, S. Bartlett, G. Beck, B. Eggers, K. Galvin-Halcro, H. Harper, J. Hurdle, C. Juneau, J. Lynch, B. McCarthy, L. McCulloch, B. Ryan, D. Shea, B. Simon, F. Smith, C. Tuss, C. Williams, B. Wilson, D. Wyatt, referred to Business and Labor.

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HB 248, introduced by D. Harrington, G. Beck, S. Gallus, K. Gillan, J. Lynch, B. McCarthy, B. Pavlovich, J. Quilici, D. Shea, B. Tash, J. Tropila, referred to Taxation.

HB 249, introduced by D. Harrington, S. Bartlett, G. Beck, R. Erickson, S. Gallus, M. Halligan, C. Juneau, J. Lynch, B. McCarthy, L. McCulloch, B. Pavlovich, J. Quilici, B. Ryan, D. Shea, C. Squires, J. Tropila, C. Williams, referred to Business and Labor.

HB 250, introduced by B. Rehbein, C. Hibbard, R. Lenhart, D. Mood, L. Nelson, G. Roush, referred to Business and Labor.

HB 251, introduced by R. Jore, referred to Judiciary.

HB 252, introduced by D. Mood, B. DePratu, L. Grosfield, K. Ohs, B. Simon, E. Swanson, M. Taylor, J. Tester, C. Tuss, M. Waterman, referred to Joint Select Committee on Jobs and Income.

HB 253, introduced by R. Jore, referred to Taxation.

HB 254, introduced by R. Somerville, referred to Agriculture.

HB 255, introduced by S. Anderson, referred to Judiciary.

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

SB 28, introduced by B. DePratu (by request of the Department of Revenue), referred to Taxation.

SB 52, introduced by B. DePratu (by request of the Department of Revenue), referred to Taxation.

SB 53, introduced by B. DePratu (by request of the Department of Revenue), referred to Taxation.

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

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

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

HB 32 - Representative Johnson moved **HB 32** do pass.

HB 32 - Representative Ewer expressed a conflict of interest and abstained from voting.

HB 32 - Representative Bergsagel moved **HB 32**, second reading copy, be amended as follows :

1. Title, line 8.

Strike: "ELIMINATING"

Insert: "REVISING"

2. Page 3, line 30.

Following: "architect"

Insert: "; (d) expend funds needed to cover costs of necessary repairs to property owned by the board as an investment upon compliance with 18-2-103(4)"

3. Page 5, line 26.

Following: "architect"

Insert: "; (d) expend funds needed to cover costs of necessary repairs to property owned by the board as an investment upon compliance with 18-2-103(4)"

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Amendment passed as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, P. Bergsagel, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Harrington, Aye.

Excused: None.

Total 0

Absent or not voting: None

Total 0

Abstained: Ewer.

Total 1

HB 32 - Representative Johnson moved **HB 32**, as amended, do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, P. Bergsagel, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 91

Noes: Brainard, Golie, Grinde, Jore, McCann, Vick, Wyatt.

Total 7

Voted Absentee: Harrington, Aye.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

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Abstained: Ewer.
Total 1

HB 38 - Representative Peck moved **HB 38** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, P. Bergsagel, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 95

Noes: Adams, Davies, Fuchs, Jore, Vick.
Total 5

Voted Absentee: Harrington, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 55 - Representative Peck moved **HB 55** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 82

Noes: Adams, P. Bergsagel, E. Bergsagel, Brainard, Brown, Curtiss, Davies, Fuchs, Grinde, Jore, Lawson, McGee, Molnar, Mood, Orr, Rehbein, Vick, Wagner.
Total 18

Voted Absentee: Harrington, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 73 - Representative Rose moved **HB 73** do pass.

HB 73 - Representative Rose moved **HB 73**, second reading copy, be amended as follows :

1. Title, page 1, line 13.

Following: "MCA;"

Insert: "PROVIDING FOR LICENSING AND PERMITTING BY THE DEPARTMENT OF REVENUE RATHER THAN THE DEPARTMENT OF ENVIRONMENTAL QUALITY OF UNDERGROUND STORAGE TANKS PURSUANT TO THE PROVISIONS OF TITLE 30, CHAPTER 16, MCA;"

2. Page 6, line 26.

Following: "Title 75,"

Strike: "CHAPTER 11"

Insert: "chapters 1 through 3, 5 through 7, 10, 15, 16, and 20"

Amendment passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 93

Noes: Adams, P. Bergsagel, E. Bergsagel, Jore, McGee, Orr, Vick.

Total 7

Voted Absentee: Harrington, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 73 - Representative Rose moved **HB 73**, as amended, do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt,

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Younkin, Zook, Mr. Speaker.
Total 90

Noes: Adams, P. Bergsagel, E. Bergsagel, Brainard, Curtiss, Jore, McGee, Orr, Rehbein, Wagner.
Total 10

Voted Absentee: Harrington, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Ayes: Adams, Ahner, J. Andersen, S. Anderson, P. Bergsagel, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 95

Noes: Molnar, Rehbein.
Total 2

Excused: Harrington.
Total 1

Absent or not voting: E. Bergsagel.
Total 1

Abstained: Ewer.
Total 1

MOTIONS

Representative Grinde moved that Representative S. Bookout-Reinicke be removed from **HB 89** and Representative M. Guggenheim be added as the chief sponsor. Motion passed.

SPECIAL ORDERS OF THE DAY

The following cosponsors were added to **HB 111**: Representative L. Soft and Senator D. Grimes.

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The following cosponsors were added to **HB 244**: Senators D. Berry, M. Halligan, D. Mahlum, B. McCarthy, and F. Thomas.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Grinde moved that the House adjourn until 1:30 p.m., Tuesday, January 12, 1999. Motion carried.

House adjourned at 2:00 p.m.

MARILYN MILLER
Chief Clerk of the House

JOHN MERCER
Speaker of the House