

**HOUSE JOURNAL
TENTH LEGISLATIVE DAY**

Helena, Montana
January 14, 1999

House Chambers
State Capitol

House convened at 1:00 p.m. Speaker Pro Tempore D. Mood in the Chair. Invocation by Representative Hagener. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Guggenheim and Simon. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Rehbein, Chairman): 1/14/1999
Correctly printed: **HB 51, HB 65, HB 76, HB 80, HB 94, HB 109, HB 130, HB 171, HB 179, HB 196, HB 201, HR 1**

Correctly engrossed: **HB 27, HB 48.**

Signed by the Speaker at 4:30 p.m., January 13, 1999: **HB 1.**

Delivered to the Governor for his approval at 12:35 p.m., January 14, 1999: **HB 1.**

HUMAN SERVICES (Soft, Chairman): 1/14/1999
HB 44, do pass. Report adopted.

JUDICIARY (Clark, Chairman): 1/13/1999
HB 65, do pass. Report adopted.
HB 76, do pass. Report adopted.
HB 94, do pass. Report adopted.

RULES (Grinde, Chairman): 1/13/1999
HR 1, introduced resolution, be amended as follows:

1. Page 2, line 2.

Following: ". "

Insert: "The Speaker may appoint an additional at-large member to the Rules Committee from either party."

2. Page 5, line 24.

Strike: "as" through "Chairman"

3. Page 7, lines 22 and 23.

Following: "proceed" on line 22

Strike: remainder of line 22 through "appropriate" on line 23

4. Page 7, line 24.

Following: line 23

Insert: "(4) If a member is called to order, the matter may be referred to the Rules Committee by the minority or majority leader. The Committee may recommend to the House that the member be censured or be subject to other action. The House shall act upon the recommendation of the Committee."

5. Page 8, line 24.

Strike: "are" through "they"

6. Page 9, line 10.

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Strike: "or"

Insert: "of"

7. Page 11, line 12.

Strike: the third "of"

Insert: "or"

8. Page 26, line 13 through line 14.

Strike: "and decisions" on line 13

Following: "to" on line 13

Strike: "the" through "and" on line 14

9. Page 26, line 24.

Following: "and"

Insert: "and"

10. Page 26, line 25 through line 27.

Strike: line 25 through line 27 in their entirety

Renumber: subsequent subsection

11. Page 29, line 13.

Strike: "shall"

Insert: "may consider and"

And, as amended, be adopted. Report adopted.

EDUCATION (Masolo, Chairman):

1/14/1999

HB 45, do pass. Report adopted.

HB 71, introduced bill, be amended as follows:

1. Page 3, line 19.

Strike: "budget authority"

Insert: "levy"

2. Page 3, line 20.

Following: "impose"

Insert: "to impose"

Strike: "tax" through "impose"

Insert: "definition of tax increase"

3. Page 3, lines 20 and 21.

Strike: "The" on line 20 through "(a)" on line 21

4. Page 3, line 23 through line 27.

Strike: "an" on line 23 through "(2)" on line 27

Renumber: subsequent subsections

5. Page 3, line 27.

Strike: "voted amount"

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Following: "financing"

Insert: "tax increase"

6. Page 3, line 28.

Strike: "adopt the"

7. Page 3, lines 28 and 29.

Strike: "voted" on line 28 through "of" on line 29

Insert: "authorize the tax increase for the"

8. Page 3, line 29.

Strike: "budget authority"

9. Page 3, line 30.

Strike: "upon"

Insert: "on"

Following: "proposition"

Insert: "at the tax election"

10. Page 3, line 30 through page 4, line 3.

Strike: "The" on line 30 through "expended." on line 3

11. Page 4, line 6 through line 9.

Strike: "district" on line 6 through "made)" on line 9

Insert: "general fund levy tax be increased annually by (state the number of mills) in the following manner"

12. Page 4, line 10.

Strike: "budget authority"

Following: "levy"

Insert: "increasing the district levy by (state the number of mills) to support the district's general fund budget"

13. Page 4, line 11.

Strike: "budget authority"

Following: "levy"

Insert: "increasing the district levy by (state the number of mills) to support the district's general fund budget"

14. Page 4, line 12.

Strike: "budget authority"

Insert: "levy"

15. Page 4, line 14.

Following: "trustees"

Insert: "may use any portion or all of the authorized amount in adopting the final general fund budget. The trustees"

16. Page 4, line 15.

Strike: "the budget authority"

Insert: "any additional levy amount"

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Strike: "special"

17. Page 4, lines 16 and 17.

Strike: "submit" on line 16 through "on" on line 17

Insert: "levy"

18. Page 4, line 19 through line 28.

Strike: "The" on line 19 through "year." on line 28

ReNUMBER: subsequent subsection

19. Page 5, line 1 through line 5.

Strike: "If" on line 1 through "(4)" on line 5

Insert: "As used in this section, "tax increase" has the meaning provided in Article VIII, section 17, of the Montana constitution"

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

1/14/1999

HB 82, introduced bill, be amended as follows:

1. Page 4, line 26.

Strike: "filed"

Insert: "the"

And, as amended, do pass. Report adopted.

HB 138, do pass. Report adopted.

HB 139, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/13/1999

SB 9, introduced by McNutt

SB 29, introduced by Hertel

SB 120, introduced by Bartlett

FIRST READING AND COMMITMENT OF BILLS

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

HB 278, introduced by J. Hurdle, R. Buzzas, C. Christiaens, D. Eck, S. Gallus, H. Harper, R. Peck, J. Tropila (by request of the House Agriculture Standing Committee), referred to Judiciary.

HB 279, introduced by J. Hurdle, R. Buzzas, C. Christiaens, D. Eck, D. Ewer, S. Gallus, R. Peck, referred to Judiciary.

HB 280, introduced by J. Tropila, C. Tuss, referred to State Administration.

HB 281, introduced by R. Johnson, referred to Business and Labor.

HB 282, introduced by R. Johnson, referred to Business and Labor.

HB 283, introduced by C. Younkin, referred to Judiciary.

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HB 284, introduced by B. Story, M. Cole, L. Grosfield, G. Jergeson, M. McCann, L. Nelson, K. Ohs, S. Rose, B. Tash, J. Tester, referred to Agriculture.

HB 285, introduced by R. Jore, referred to Fish, Wildlife and Parks.

HB 286, introduced by S. Anderson, C. Ahner, S. Bartlett, T. Beck, E. Bergsagel, R. Clark, M. Cole, B. Crippen, B. DePratu, A. Ellis, L. Grinde, M. Hanson, J. Harp, D. Harrington, D. Hedges, C. Hibbard, B. Kasten, J. Lynch, D. Mahlum, J. Mercer, K. Ohs, J. Quilici, B. Rehbein, S. Rose, G. Roush, P. Sliter, R. Somerville, S. Stang, B. Story, C. Swysgood, B. Tash, J. Tester, F. Thomas, B. Wilson, C. Younkin, T. Zook, referred to Taxation.

HB 287, introduced by S. Anderson, S. Bartlett, E. Bergsagel, L. Grinde, D. Mahlum, K. Ohs, S. Rose, S. Stang, referred to Taxation.

HB 288, introduced by D. Wagner, referred to Local Government.

HB 289, introduced by D. Wagner, referred to Local Government.

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

SB 9, introduced by W. McNutt (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

SB 29, introduced by J. Hertel (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

SB 120, introduced by S. Bartlett (by request of the Department of Administration), referred to State Administration.

**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 Harrington in the chair.

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

HB 81 - Representative Menahan moved **HB 81** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, P. Bergsagel, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Erickson, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, 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, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 92

Noes: Buzzas, Eggers, Ewer, Hurdle, Tuss, Wyatt.

Total 6

Voted Absentee: Guggenheim, Aye.

Excused: Simon.

Total 1

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Absent or not voting: Dell.
Total 1

HB 29 - Representative Ohs moved **HB 29** 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, Curtiss, Dale, 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, 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, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 88

Noes: Adams, P. Bergsagel, E. Bergsagel, Brainard, Cobb, Davies, Jore, Kasten, Vick, Walters.
Total 10

Voted Absentee: Guggenheim, Aye.

Excused: Simon.
Total 1

Absent or not voting: Dell.
Total 1

HB 93 - Representative Pavlovich moved **HB 93** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Erickson, Ewer, 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, 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: P. Bergsagel, E. Bergsagel.
Total 2

Voted Absentee: Guggenheim, Aye.

Excused: Simon.
Total 1

Absent or not voting: Dell, Eggers.
Total 2

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HB 171 - Representative Matthews moved **HB 171** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, 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, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 86

Noes: P. Bergsagel, E. Bergsagel, Grinde, Jore, McGee, Molnar, Orr, Rehbein, Sliter, Story, Vick, Wagner.

Total 12

Voted Absentee: Guggenheim, Aye.

Excused: Simon.

Total 1

Absent or not voting: Dell.

Total 1

HB 189 - Representative Barnett moved **HB 189** do pass. Motion carried as follows:

s, 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, 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, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, 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 96

Noes: E. Bergsagel.

Total 1

Voted Absentee: Guggenheim, Aye.

Excused: Simon.

Total 1

Absent or not voting: Dell, Menahan.

Total 2

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

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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, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, 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, Rose, Ryan, Schmidt, Shockley, 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 96

Noes: Rehbein.

Total 1

Excused: Guggenheim, Simon.

Total 2

Absent or not voting: Dell.

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:

HB 27 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, Ewer, 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, McKenney, Menahan, Molnar, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, 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 97

Noes: McGee.

Total 1

Voted Absentee: Guggenheim, Aye.

Excused: Simon.

Total 1

Absent or not voting: Mood.

Total 1

HB 48 passed as follows:

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Ayes: Adams, Ahner, J. Andersen, P. Bergsagel, Barnett, Barnhart, Beck, E. Bergsagel, 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, 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, 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 97

Noes: None.

Total 0

Voted Absentee: Guggenheim, Aye.

Excused: Simon.

Total 1

Absent or not voting: S. Anderson, Bitney.

Total 2

SPECIAL ORDERS OF THE DAY

The following cosponsors were added to **HB 149**: Representatives D. Adams, J. Andersen, C. Ahner, P. Bergsagel, R. Clark, R. Dale, D. Fuchs, L. Grinde, R. Haines, D. Hedges, V. Jackson, R. Lenhart, B. Molnar, K. Ohs, B. Rehbein, J. Shockley, P. Sliter, R. Story, B. Thomas, A. Walters, C. Younkin.

The following cosponsor was added to **HB 266**: Representative W. Menahan.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Grinde moved that the House adjourn until 1:00 p.m., Friday, January 15, 1999. Motion carried.

House adjourned at 1:30 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker Pro Tempore of the House