

**HOUSE JOURNAL
FOURTEENTH LEGISLATIVE DAY**

Helena, Montana
January 19, 1999

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives Curtiss, Mercer, and Tuss. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the thirteenth legislative day, find the same to be correct.

Rehbein, Chairman

SPECIAL ORDERS OF THE DAY

Representative Simon was honored as State Official of the Year by the National Association of Home Builders and State Official of the Year by the Montana Building Industry Association.

REPORTS OF STANDING COMMITTEES

BILLS (Rehbein, Chairman): 1/19/1999
Correctly printed: **HB 3, HB 41, HB 58, HB 176, HB 207, HB 255, HJR 9.**
Correctly engrossed: **HB 99, HB 210.**
Correctly enrolled: **HR 1.**

EDUCATION (Masolo, Chairman): 1/19/1999
HB 90, do pass. Report adopted.

HUMAN SERVICES (Soft, Chairman): 1/19/1999
HB 70, introduced bill, be amended as follows:

1. Title, lines 9 and 10.
Strike: "ALLOWING" on line 9 through "PARTY;" on line 10

2. Page 1, line 22.
Strike: "residential service"
Insert: "private home or other facility"
Following: "offers"
Insert: ", except as provided in 50-5-216, only"

3. Page 1, line 24.
Strike: "operator"
Insert: "owner or manager"

4. Page 1, line 25.
Strike: "operator"
Insert: "owner or manager"

5. Page 7, line 8, through page 8, line 28.

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Strike: section 2 in its entirety

Insert: "Section 2. Section 50-5-216, MCA, is amended to read:

"50-5-216. Limitation on care provided in adult foster care home. (1) Except as provided in this section, the types of care offered by adult foster care homes are limited to light personal care or custodial care and may not include skilled nursing care.

(2) An adult foster care home may be licensed to provide care for an adult receiving state-funded services through the developmental disabilities program of the department or for an adult who resided in the home for at least 1 year before reaching 18 years of age, even though the adult is:

- (a) in need of skilled nursing care;
- (b) in need of medical, physical, or chemical restraint;
- (c) nonambulatory or bedridden;
- (d) incontinent to the extent that bowel or bladder control is absent; or
- (e) unable to self-administer medications.

(3) An adult foster care home that applies for a license under subsection (2) ~~must have a signed statement from a physician agreeing that the care needed by the adult may be provided in the home~~ shall provide the department with a copy of the statement required in subsection (4).

(4) A resident of an adult foster care home licensed under subsection (2) must have a certification in the form of a signed statement, renewed on an annual basis, from a physician, a physician assistant-certified, a nurse practitioner, or a registered nurse, whose work is unrelated to the operation of the home and who:

~~(a) has actually visited the home within the year covered by the statement; and certifies that:~~

~~(b) has certified that the particular needs of the resident can be adequately met in the home (a) the services available to the resident in the home or in the community, or services that may be brought into the home from the community, including nursing services or therapies, are appropriate for meeting the health care or other needs of the resident; and~~

~~(c) has certified that there has been no significant change in health care status that would require another level of care (b) the health care status of the resident does not necessitate placing the resident in a more intensive residential service setting.~~

(5) As used in this section, "skilled nursing care" means 24-hour care supervised by a registered nurse or a licensed practical nurse under the orders of an attending physician."

And, as amended, do pass. Report adopted.

HB 85, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: ", excluding the use of surgery,"

2. Page 1, line 23.

Strike: ", excluding surgery"

3. Page 2.

Following: line 1

Insert: "(3) Subsection (1) does not allow an optometrist to perform surgery or laser surgery for any purpose."

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

1/18/1999

HB 176, do pass. Report adopted.

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HB 255, do pass. Report adopted.

NATURAL RESOURCES (Tash, Chairman):
HB 95, introduced bill, be amended as follows:

1/19/1999

1. Title, page 1, lines 6 and 7.
Strike: "CLARIFYING" on line 6 through "LAW;" on line 7
2. Title, page 1, line 11.
Following: "SECTIONS"
Strike: "85-2-102,"
3. Page 1, line 16 through page 7, line 27.
Strike: Section 1 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

TRANSPORTATION (Anderson, Chairman):
HB 172, introduced bill, be amended as follows:

1/19/1999

1. Title, lines 5 and 6.
Strike: "SPECIFYING" on line 5 through "USED" on line 6
Insert: "PROVIDING FOR THE USE OF ELECTRONIC FUNDS TRANSFER"
2. Title, line 6.
Following: " ;"
Insert: "ALLOWING AN EXTRA 3 DAYS FOR PAYMENT IF ELECTRONIC FUNDS TRANSFER IS USED;"
3. Title, line 9.
Strike: "AND"
Following: "15-70-115,"
Insert: "15-70-205, 15-70-344, AND 15-70-352,"
4. Page 1, lines 26 through 28.
Strike: "for" on line 26 through "\$100,000" on line 28
Renumber: subsequent subsection
5. Page 2.
Following: line 1
Insert: "(3) If the payment of the tax due on gasoline or special fuel pursuant to 15-70-205 and 15-70-344 is made by electronic funds transfer, the payment due date is the 28th day of each calendar month."
6. Page 2.
Following: line 19

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Insert: "Section 5. Section 15-70-205, MCA, is amended to read:

"15-70-205. (Temporary) Distributor's statement and payment -- confidentiality. (1) Each distributor shall, not later than the 25th day of each calendar month, except as provided in 15-70-113(3), render a true signed statement to the department of transportation of all gasoline distributed and received by the distributor in this state during the preceding calendar month and containing any other information that the department may reasonably require in order to administer the gasoline license tax law. The statement must be accompanied by a payment in an amount equal to the tax imposed by 15-70-204 less any refund credit issued under 15-70-226 and less 1% of the total tax that may be deducted by the distributor as an allowance for collecting the tax. An allowance may not be deducted from the 3-cent tax on aviation fuel.

(2) A distributor engaged in or carrying on a business at more than one place or location in this state may include all places of business in one statement.

(3) The department or a deputy, assistant, agent, clerk, or other employee of the department may not publish or otherwise disseminate information contained in a statement required under this section in a form that allows identification of a distributor or a purchaser of gasoline. This section ~~may not be construed to~~ does not prohibit:

(a) the delivery to a distributor or the distributor's authorized representative of a certified copy of any return or report filed in connection with the tax;

(b) the inspection by the attorney general or other legal representative of the state of the report or return of a distributor who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of Title 15;

(c) the publication of statistics classified to prevent the identification of particular reports or returns and the items in the reports or returns;

(d) the inspection by the commissioner of internal revenue of the United States or the proper officer or any representative of either officer of the report or return of any distributor or the furnishing to the officer or authorized representative of an abstract of the report or return, but permission must be granted or information must be furnished to the officer or the officer's representative if the statutes of the United States or the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter or in compliance with 15-70-121 and 15-70-122; or

(e) the compliance of the department with any order of a court of competent jurisdiction. (Terminates on occurrence of contingency--sec. 17, Ch. 642, L. 1993.)

15-70-205. (Effective on occurrence of contingency) Distributor's statement and payment -- confidentiality. (1) Each distributor shall, not later than the 25th day of each calendar month, except as provided in 15-70-113(3), render a true signed statement to the department of transportation of all gasoline distributed and received by the distributor in this state during the preceding calendar month and containing any other information that the department may reasonably require in order to administer the gasoline license tax law. The statement must be accompanied by a payment in an amount equal to the tax imposed by 15-70-204 less any refund credit issued under 15-70-226 and less 1% of the total tax that may be deducted by the distributor as an allowance for collecting the tax. An allowance may not be deducted from the 2-cent tax on aviation fuel.

(2) A distributor engaged in or carrying on a business at more than one place or location in this state may include all places of business in one statement.

(3) The department or a deputy, assistant, agent, clerk, or other employee of the department may not publish or otherwise disseminate information contained in a statement required under this section in a form that allows identification of a distributor or a purchaser of gasoline. This section ~~may not be construed to~~ does not prohibit:

(a) the delivery to a distributor or the distributor's authorized representative of a certified copy of any return or report filed in connection with the tax;

(b) the inspection by the attorney general or other legal representative of the state of the report or return of a distributor who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of Title 15;

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(c) the publication of statistics classified to prevent the identification of particular reports or returns and the items in the reports or returns;

(d) the inspection by the commissioner of internal revenue of the United States or the proper officer or any representative of either officer of the report or return of any distributor or the furnishing to the officer or authorized representative of an abstract of the report or return, but permission must be granted or information must be furnished to the officer or the officer's representative if the statutes of the United States or the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter or in compliance with 15-70-121 and 15-70-122; or

(e) the compliance of the department with any order of a court of competent jurisdiction."

Insert: "Section 6. Section 15-70-344, MCA, is amended to read:

"15-70-344. Distributor's statement and payment -- confidentiality. (1) Each distributor shall, not later than the 25th day of each calendar month, except as provided in 15-70-113(3), render to the department of transportation a signed statement that specifies all special fuel distributed and received by the distributor in this state during the preceding calendar month and that contains other information the department may reasonably require in order to administer the special fuel license tax law. The statement must be accompanied by a payment in an amount equal to the tax imposed by 15-70-343, less any refund credit issued under 15-70-356 and less 1% of the total tax that may be deducted by the distributor as an allowance for collection.

(2) A distributor engaged in or carrying on a business at more than one location in this state may include all places of business in one statement.

(3) The department or a deputy, assistant, agent, clerk, or other employee of the department may not publish or otherwise disseminate information contained in a statement required under this section in a form that allows identification of a distributor or a purchaser of special fuel. This section ~~may not be construed to~~ does not prohibit:

(a) the delivery to a distributor or a distributor's authorized representative of a certified copy of any return or report filed in connection with the distributor's tax;

(b) the inspection by the attorney general or by another legal representative of the state of the report or return of a distributor who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of Title 15;

(c) the publication of statistics classified to prevent the identification of particular reports or returns and the items in the reports or returns;

(d) the inspection by the commissioner of internal revenue of the United States or by the proper officer of any state imposing a tax on special fuel or by any representative of either officer of the report or return of any distributor or the furnishing to the officer or authorized representative of an abstract of the report or return, but permission must be granted or information must be furnished to the officer or the officer's representative only if the statutes of the United States or the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter or in compliance with 15-70-121 and 15-70-122; or

(e) the compliance of the department with any order of a court of competent jurisdiction."

Insert: "Section 7. Section 15-70-352, MCA, is amended to read:

"15-70-352. Penalties for delinquency. (1) Any license tax not paid within the time provided in 15-70-113(3) and 15-70-344 is delinquent, a penalty of 10% is added to the tax, and the tax bears interest at the rate of 1% on the tax due for each calendar month or fraction of a month. Upon a showing of good cause by the distributor, the department of transportation may waive penalty.

(2) If any distributor or other person subject to the payment of the license tax willfully fails, neglects, or refuses to make any statement required by this part or willfully fails to make payment of the license tax within the time provided, the department may revoke any license issued under this part.

(3) The department shall set forth the information it requires in the statement and determine the amount of the license tax due from the distributor and shall add a penalty of \$25 or 10% of the amount due, whichever is greater, together with an interest rate of 1% per month or fraction of a month from the date the statements should

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have been made and the license tax should have been paid.

(4) The department shall proceed to collect the license tax, with penalties and interest. At the request of the department, the attorney general shall commence and prosecute to final determination in any court of competent jurisdiction an action to collect the license tax."

And, as amended, do pass. Report adopted.

HB 187, introduced bill, be amended as follows:

1. Title, line 8.

Following: " ;"

Insert: "REQUIRING REMOVAL OR COVERING OF SIGNS WHEN NO WORK IS IN PROGRESS AND NO HAZARD EXISTS;"

2. Page 2.

Following: line 11

Insert: "(d) The department of transportation, the local authority, the utility company, or the private contractor shall remove or cover the signs when no work is in progress and no hazard exists."

And, as amended, do pass. Report adopted.

SB 10, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

JOINT SELECT COMMITTEE ON JOBS AND INCOME (DePratu, Chairman):

1/19/1999

HB 237, introduced bill, be amended as follows:

1. Page 1, line 23.

Following: "economy"

Insert: ", including raising the per capita income of Montana jobholders"

2. Page 2, line 5.

Following: "basis"

Insert: "or raise salaries, wages, and business incomes of existing employees and employers"

3. Page 2, line 27.

Following: "purposes;"

Strike: "and"

Insert: "(d) the amount of increased salaries, wages, and business incomes of existing jobholders and businesses;
and"

4. Page 2, line 28.

Strike: "(d)"

Insert: "(e)"

And, as amended, do pass. Report adopted.

HB 239, introduced bill, be amended as follows:

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1. Title, line 6.

Strike: "75"

Insert: "50"

Following: "PERCENT"

Insert: ", UP TO A MAXIMUM OF \$8,250,000,"

2. Page 1, line 28.

Strike: "25% of the"

Insert: "except as provided in 15-31-803,"

3. Page 2, line 26 through line 27.

Following: "to"

Strike: remainder on line 26 through "fund" on line 27

Insert: "50%, up to a maximum amount of \$8,250,000, must be deposited into the account in the state special revenue fund established in [section 3]"

4. Page 2, line 28 through line 29.

Following: "deposited" on line 28

Strike: remainder on line 28 through "]" on line 29

Insert: "into the general fund"

5. Page 3, line 3.

Following: "(2)" on line 3

Strike: remainder on line 3 through line 4

Insert: "Of the money in the account:

(a) 90%, up to a maximum of \$8 million, may be appropriated to the department of commerce for economic development programs pursuant to recommendations from the Montana jobs and income commission provided for in [section 6 of House Bill No. 238]; and

(b) the amount remaining after the appropriation under subsection (2)(a), up to a maximum of \$250,000, may be appropriated to the department of commerce to administer the foreign capital depository.

(3) The amount of money in the account that is not appropriated reverts to the general fund."

6. Page 3, line 9.

"NEW SECTION. Section 5. Coordination instruction. (1) If House Bill No. 238 is not passed and approved, then [section 3] must read as follows:

"NEW SECTION. Section 3. Account -- special revenue fund -- economic development. (1) There is an account in the special revenue fund.

(2) Of the money in the account:

(a) 90%, up to a maximum of \$8 million, may be appropriated to the department of commerce for economic development programs; and

(b) the amount remaining after the appropriation under subsection (2)(a), up to a maximum of \$250,000, may be appropriated to the department of commerce to administer the foreign capital depository.

(3) The amount of money in the account that is not appropriated reverts to the general fund."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 240, introduced bill, be amended as follows:

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1. Title, line 6.

Strike: "3-YEAR"

Insert: "5-YEAR"

2. Page 1, line 17.

Strike: "3-year"

Insert: "5-year"

3. Page 2, line 3.

Strike: "."

Insert: "; (d) the credit in the fourth tax year is an amount equal to 25% of the premium payments not in excess of \$200 paid for the benefit of each employee in each month of the tax year; and

(e) the credit in the fifth tax year is an amount equal to 25% of the premium payments not in excess of \$200 paid for the benefit of each employee in each month of the tax year."

4. Page 2, line 7.

Strike: "fourth"

Insert: "sixth"

5. Page 2, line 9.

Strike: "trust fund"

6. Page 2, line 10.

Strike: "trust fund"

7. Page 2, line 14.

Strike: "trust fund"

8. Page 2, line 15.

Strike: "trust fund"

9. Page 2, line 17.

Strike: "trust fund"

10. Page 3, line 12.

Strike: "3-year"

Insert: "5-year"

11. Page 3, line 28.

Strike: "."

Insert: "; (d) the credit in the fourth year is an amount equal to 25% of the premium payments not in excess of \$200 paid for the benefit of each employee in each month of the tax year; and

(e) the credit in the fifth tax year is an amount equal to 25% of the premium payments not in excess of \$200 paid for the benefit of each employee in each month of the tax year."

12. Page 3, line 29.

Strike: "fourth"

Insert: "sixth"

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And, as amended, do pass. Report adopted.

HB 252, introduced bill, be amended as follows:

1. Page 4, lines 1 and 2.

Strike: "technical" on line 1 through "system" on line 2

Insert: "distance learning technology"

2. Page 5, line 26.

Insert: "NEW SECTION. Section 13. Montana jobs and income commission-- appropriation. (1) There is appropriated to the Montana jobs and income commission \$2,170,000 from the general fund for the biennium ending July 1, 2001, for the purposes described in subsections (2) and (3).

(2) Of the fund appropriated in subsection (1), the Montana jobs and income commission shall use up to:

(a) \$530,200 for personal services;

(b) \$166,450 for operating expenses; and

(c) \$12,750 for equipment.

(3) Of the remaining amount appropriated and unexpended, the Montana jobs and income commission shall provide local assistance, including:

(a) funding the certified communities program established in 90-1-116;

(b) providing grants to local leadership programs; and

(c) providing matching funds to federal small business innovation research funds."

Renumber: subsequent sections

3. Page 6, line 24.

Insert: "NEW SECTION. Section 15. Coordination instructions. (1) If [this act] is passed and approved but does not contain a section that appropriates funds to the Montana jobs and income commission for the biennium ending July 1, 2001, then House Bill No. 238 is void on July 1, 1999.

(2) If [this act] is not passed and approved, then House Bill No. 238 is void on July 1, 1999.

(3) If House Bill No. 238 is not passed and approved, then [section 13 of this act] is void."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 260, introduced bill, be amended as follows:

1. Title, lines 11 and 12.

Strike: "ALLOCATING" through "FUND;" on line 12

2. Page 2, line 12.

Following: "means"

Insert: "the campuses of"

3. Page 2, line 13.

Strike: "Montana - Missoula,"

Insert: "Montana or"

Strike: "university - Bozeman,"

Insert: "university"

4. Page 2, line 27.

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Strike: "LC 1224"

Insert: "House Bill No. 238"

5. Page 3, line 3.

Following: "Montana."

Insert: "At least 20% of the investments made must be directed toward projects that enhance production agriculture."

6. Page 3, line 18.

Strike: "and"

7. Page 3, line 20.

Following: "source"

Insert: "; and

(i) whether the project includes research opportunities for students"

8. Page 5, lines 2 through 6.

Following: "fund."

Strike: remainder of line 2 through "." on line 6

9. Page 6, line 10.

Following: "Montana"

Insert: "jobs and income"

Strike: "on jobs and income"

10. Page 6, line 11.

Strike: "LC 1224"

Insert: "House Bill No. 238"

11. Page 8, line 18.

Following: "Montana"

Insert: "jobs and income"

Strike: "on jobs and income"

12. Page 8, line 19.

Strike: "LC 1224"

Insert: "House Bill No. 238"

13. Page 10, line 27 through 29.

Strike: section 8 in its entirety

Renumber: subsequent sections

14. Page 11, line 5.

Strike: "[LC 1224]"

Insert: "House Bill No. 238"

And, as amended, do pass. Report adopted.

HJR 9, be adopted. Report adopted.

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MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/18/1999

SB 2, introduced by Toews
SB 7, introduced by Jabs
SB 8, introduced by Hargrove
SB 18, introduced by Nelson
SB 20, introduced by Shea
SB 63, introduced by Nelson
SB 64, introduced by Mohl
SB 72, introduced by Keenan
SB 76, introduced by Beck
SB 93, introduced by Hargrove
SB 98, introduced by Mesaros
SB 106, introduced by Ekegren
SB 109, introduced by Ellis

Senate joint resolution passed and transmitted to the House for concurrence: 1/18/1999

SJR 3, introduced by Cocchiarella

FIRST READING AND COMMITMENT OF BILLS

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

HB 313, introduced by B. Raney, referred to Human Services.
HB 320, introduced by D. Ewer, G. Golie, R. Peck, J. Quilici, B. Rehbein, S. Rose, R. Somerville, referred to Business and Labor.
HB 321, introduced by D. Fuchs, C. Squires, referred to Business and Labor.
HB 322, introduced by D. Fuchs, C. Squires, referred to Business and Labor.
HB 323, introduced by M. Brainard, R. Clark, referred to Local Government.
HB 324, introduced by M. Brainard, referred to State Administration.
HB 325, introduced by M. Brainard, referred to Local Government.
HB 326, introduced by M. Brainard, referred to Local Government.
HB 327, introduced by M. Brainard, referred to Judiciary.
HB 328, introduced by C. Ahner, referred to Business and Labor.
HB 329, introduced by R. Clark, referred to Transportation.
HB 330, introduced by J. Cobb, D. Wyatt, referred to Appropriations.
HB 331, introduced by C. Ahner, referred to Natural Resources.
HB 332, introduced by A. Walters, referred to Fish, Wildlife and Parks.
HB 333, introduced by J. Cobb, referred to Agriculture.
HB 334, introduced by J. Quilici, G. Beck, J. Harp, J. Lynch, D. Mahlum, W. McNutt, R. Menahan, S. Rose, D. Shea, referred to State Administration.
HB 335, introduced by S. Vick, referred to State Administration.

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

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SB 2, introduced by D. Toews (by request of the Joint Committee on Postsecondary Education Policy and Budget), referred to Education.

SB 7, introduced by R. Jabs (by request of the Department of Natural Resources and Conservation), referred to Agriculture.

SB 8, introduced by D. Hargrove, referred to Judiciary.

SB 18, introduced by L. Nelson, K. Ohs, referred to Agriculture.

SB 20, introduced by D. Shea (by request of the Board of Pardons and Parole), referred to Judiciary.

SB 61, introduced by A. Ellis (by request of the Interim Property Tax Committee), referred to Taxation.

SB 63, introduced by L. Nelson (by request of the Board of Crime Control), referred to Judiciary.

SB 64, introduced by A. Mohl (by request of the Department of Environmental Quality), referred to Natural Resources.

SB 72, introduced by B. Keenan (by request of the Department of Environmental Quality), referred to Natural Resources.

SB 76, introduced by T. Beck (by request of the Department of Public Health and Human Services), referred to Human Services.

SB 93, introduced by D. Hargrove (by request of the Department of Public Health and Human Services), referred to Human Services.

SB 98, introduced by K. Mesaros, V. Cocchiarella, L. Grosfield, K. Ohs, S. Stang, B. Tash (by request of the Environmental Quality Council), referred to Natural Resources.

SB 106, introduced by P. Ekegren (by request of the Department of Revenue), referred to Taxation.

SB 109, introduced by A. Ellis (by request of the Department of Revenue), referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 3, introduced by V. Cocchiarella, L. Grosfield, K. Ohs (by request of the Environmental Quality Council), referred to Natural Resources.

MOTIONS

Representative Grinde moved that **HB 135** be passed for the day. Motion carried.

Representative Menahan moved that **HB 52** be passed for the day. Motion carried.

**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 Tropila in the chair.

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

HB 170 - Representative Masolo moved **HB 170** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, 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, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan,

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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.
Total 95

Noes: Adams, Jore, Rehbein.
Total 3

Voted Absentee: Curtiss, Tuss, Ayes.

Excused: Mr. Speaker.
Total 1

Absent or not voting: Eggers.
Total 1

HB 190 - Representative Soft moved **HB 190** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. 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, McGee, McKenney, Menahan, Molnar, 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.
Total 98

Noes: None.
Total 0

Voted Absentee: Curtiss, Tuss, Ayes.

Excused: Mr. Speaker.
Total 1

Absent or not voting: Mood.
Total 1

HB 180 - Representative Soft moved **HB 180** do pass.

HB 180 - Representative Molnar moved **HB 180**, second reading copy, be amended as follows :

1. Title, line 8.

Following: "GUARDIANSHIPS;"

Insert: "PROVIDING FOR A JURY TRIAL ON A PETITION FOR TERMINATION OF PARENTAL RIGHTS;"

2. Page 7, line 29.

Strike: "no"

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3. Page 8, line 18.

Strike: "no"

Insert: "a"

4. Page 8, line 19.

Following: "relationship."

Insert: "For purposes of this subsection, Article II, section 26, of the Montana constitution must be liberally construed."

Amendment passed as follows:

Ayes: Adams, Ahner, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Cobb, Dale, Davies, Ewer, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Holden, Jackson, Jore, Kitzenberg, Lawson, Masolo, Matthews, McGee, McKenney, Molnar, Mood, Ohs, Orr, Pavlovich, Raney, Rehbein, Shockley, Simon, Sliter, Smith, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Zook.

Total 54

Noes: J. Andersen, S. Anderson, Barnhart, Beck, Buzzas, Dell, Eggers, Erickson, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hibbard, Hurdle, Johnson, Juneau, Kasten, Krenzler, Lenhart, Lindeen, Mangan, McCann, McCulloch, Menahan, Noennig, Peck, Quilici, Rose, Ryan, Schmidt, Soft, Squires, Swanson, Tropila, Williams, Wyatt, Younkin.

Total 43

Excused: Curtiss, Tuss, Mr. Speaker.

Total 3

Absent or not voting: None.

Total 0

HB 180 - Representative Soft moved **HB 180**, as amended, do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, 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, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook.

Total 92

Noes: Barnhart, Curtiss, Guggenheim, Jore, Juneau, Orr, Wyatt.

Total 7

Voted Absentee: Tuss, Aye; Curtiss, No.

Excused: Mr. Speaker.

Total 1

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Absent or not voting: None.
Total 0

HB 215 - Representative Ewer moved **HB 215** do pass. Motion carried as follows:

Ayes: J. Andersen, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Zook.
Total 70

Noes: Adams, Ahner, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Brown, Cobb, Dale, Davies, Fuchs, Grinde, Hanson, Hedges, Jore, Kasten, Lindeen, Molnar, Mood, Noennig, Orr, Rehbein, Rose, Story, Tash, Taylor, Vick, Wagner, Younkin.
Total 29

Voted Absentee: Curtiss, Tuss, Ayes.

Excused: Mr. Speaker.
Total 1

Absent or not voting: None.
Total 0

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

Ayes: Adams, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, 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, Vick, Walters, Williams, Witt, Younkin, Zook.
Total 85

Noes: Ahner, Barnhart, Cobb, Fuchs, Lindeen, Mangan, Rehbein, Wagner, Wyatt.
Total 9

Excused: Curtiss, Tuss, Mr. Speaker.
Total 3

Absent or not voting: Bookout-Reinicke, Jackson, Mood.
Total 3

THIRD READING OF BILLS

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

HB 99 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, 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, McGee, McKenney, Menahan, 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, Walters, Williams, Witt, Wyatt, Younkin, Zook.

Total 89

Noes: Adams, P. Bergsagel, Brainard, Curtiss, Jore, Molnar, Rehbein, Vick, Wagner.

Total 9

Voted Absentee: Tuss, Aye; Curtiss, No.

Excused: Mr. Speaker.

Total 1

Absent or not voting: Mood.

Total 1

HB 210 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Dale, 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, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McKenney, Menahan, Molnar, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook.

Total 84

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, Cobb, Curtiss, Davies, Jore, Kasten, McCann, McGee, Rehbein, Story, Vick.

Total 14

Voted Absentee: Tuss, Aye; Curtiss, No.

Excused: Mr. Speaker.

Total 1

Absent or not voting: Mood.

Total 1

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SPECIAL ORDERS OF THE DAY

The following cosponsors were added to **HB 133**: Representatives Barnhart, Beck, Clark, Dell, Eggers, Erickson, Ewer, Facey, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Juneau, Kitzenberg, Krenzler, Lindeen, Mangan, Matthews, McCulloch, Peck, Quilici, Rose, Ryan, Schmidt, Swanson, Tuss, Williams, Wyatt, and Senators Bartlett, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Nelson, Roush, Stang, Tester, and Waterman.

The following cosponsors were added to **HB 305**: Representative Brainard and Senator Bishop.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Grinde moved that the House adjourn until 1:00 p.m., Wednesday, January 20, 1999. Motion carried.

House adjourned at 2:15 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker Pro Tempore of the House