

**HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY**

Helena, Montana
January 23, 1999

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative E. Clark. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Curtiss, Ewer, Fisher, Johnson, Soft, and Swanson. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Rehbein, Chairman): 1/23/1999
Correctly printed: **HB 20, HB 59, HB 66, HB 77, HB 83, HB 120, HB 145, HB 194, HB 197, HB 198, HB 220, HJR 4, SJR 1.**
Correctly engrossed: **HB 58, HB 70, HB 85, HB 90, HB 95, HB 172, HB 176, HB 187, HB 255.**

AGRICULTURE (Barnett, Chairman): 1/22/1999
HB 254, introduced bill, be amended as follows:

1. Page 1, line 25.
Strike: "comparable"
Insert: "compatible"

And, as amended, do pass. Report adopted.

HB 284, do pass. Report adopted.

APPROPRIATIONS (Zook, Chairman): 1/22/1999
HB 69, introduced bill, be amended as follows:

1. Title, line 6.
Following: "SECTIONS"
Insert: "3-7-204, 3-7-222, 3-7-302,"
2. Title, page 1, line 7.
Strike: "15-36-326," and "20-9-104," on page 1, line 7
3. Title, page 1, line 8.
Strike: "20-9-161," on page 1, line 8 through "20-9-507," on page 1, line 8
4. Title, line 8, through line 9.
Strike: "23-7-301," through "23-7-402," on line 9
5. Title, line 10.
Following: "80-2-103,"
Insert: "85-2-123, 85-2-213, 85-2-225, 85-2-232,"
6. Title, page 1, line 11.

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Strike: "15-36-325"
Insert: "85-2-241"

7. Page 1, line 15.

Following: line 14

Insert: "**Section 1.** Section 3-7-204, MCA, is amended to read:

"3-7-204. Supervision and administration by supreme court. (1) The Montana supreme court shall supervise the activities of the water judges, water masters, and associated personnel in implementing this chapter and Title 85, chapter 2, part 2.

(2) The supreme court shall pay the expenses of the water judges and the salaries and expenses of the water judges' staffs and the salaries and expenses of the water masters and the water masters' staffs, from ~~the water right adjudication account established by 85-2-241~~ appropriations made for that purpose. "Salaries and expenses" as used in this section include but are not limited to the salaries and expenses of personnel, the cost of office equipment and office space, and ~~such~~ other necessary expenses ~~as that~~ may be incurred in the administration of this chapter and Title 85, chapter 2, part 2."

Insert: "**Section 2.** Section 3-7-222, MCA, is amended to read:

"3-7-222. Salary -- office space. (1) The chief water judge is entitled to receive the same salary and expense allowance as provided for district judges in 3-5-211.

(2) The office of the chief water judge ~~shall~~ must be at the location that the chief justice of the Montana supreme court shall designate. The Montana supreme court shall provide in its budget for the salary, expenses, and office and staff requirements of the chief water judge, which money may be appropriated by the legislature from the ~~water right adjudication account~~ general fund."

Insert: "**Section 3.** Section 3-7-302, MCA, is amended to read:

"3-7-302. Salary, expenses, and retirement of water masters. (1) The water judges shall set a uniform salary for water masters. Water masters ~~shall~~ must receive expenses as provided in 2-18-501 through 2-18-503.

(2) A water master shall participate in the Montana Public Employees' Retirement System established in Title 19, chapter 3.

~~(3) The salary and expenses of a water master shall be paid from the water right adjudication account established in 85-2-241."~~

Renumber: subsequent sections

8. Page 7, line 11 through line 22.

Strike: Section 6 in its entirety

Renumber: subsequent sections

9. Page 11, line 29.

Following: "~~15-36-325;~~"

Insert: "15-36-325;"

10. Page 12, line 3.

Following: "~~23-7-402;~~"

Insert: "23-7-301; 23-7-402;"

11. Page 12, line 27.

Following: "~~15-36-325;~~"

Insert: "15-36-325;"

12. Page 13, line 1.

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Following: "~~23-7-402;~~"

Insert: "23-7-301; 23-7-402;"

13. Page 14, line 5 through page 21, line 2.

Strike: Sections 12 through 17 in their entirety

Renumber: subsequent sections

14. Page 22, line 12 through page 24, line 16.

Strike: section 21 through section 22 in their entirety

Renumber: subsequent sections

15. Page 28, lines 18 through 20.

Following: "499." on line 18

Strike: "Expenditures" on line 18 through "purpose." on line 20

16. Page 28, line 21.

Insert: "**Section 26.** Section 85-2-123, MCA, is amended to read:

"85-2-123. Deposit of fees and penalties. Except as provided in 85-2-124 and ~~85-2-241~~, all fees and penalties collected under this chapter ~~shall~~ must be deposited in the water right appropriation account established in 85-2-318. Except for fines collected by a district court under 85-2-122, all penalties or fines imposed by any court other than a justice's court for a violation of this chapter ~~shall~~ must be deposited in the general fund of the county where the court presides and ~~shall~~ must be disposed of in the same manner as any other penalty or fine."

Insert: "**Section 27.** Section 85-2-213, MCA, is amended to read:

"85-2-213. Notice of order --additional filing period. (†) To ~~assure~~ ensure that all persons who may claim an existing water right are notified of the requirement to file a claim of that right, the Montana supreme court shall give notice of the order as follows:

(~~a~~)(1) It shall cause the order, printed in not less than 10-point type, to be placed in a prominent and conspicuous place in all daily newspapers of the state and in at least one newspaper published in each county of the state within 30 days after the Montana supreme court order as provided in 85-2-212 and ~~in April of 1980, 1981, 1982, and 1983.~~

(~~b~~)(2) It shall cause the order, in writing, to be placed in a prominent and conspicuous location in each county courthouse in the state within 30 days after the Montana supreme court order as provided in 85-2-212.

(~~c~~) It shall ~~provide a sufficient number of copies of the order to the county treasurers before October 15, 1979, 1980, 1981, and 1982, and the county treasurers shall enclose a copy of the order with each statement of property taxes mailed in 1979, 1980, 1981, and 1982. In the implementation of this subsection, the department shall provide reimbursement to each county treasurer for the reasonable additional costs incurred by the treasurer arising from the inclusion of the order required by this section. The department shall be reimbursed for such costs from the water right adjudication account created by 85-2-241.~~

(~~d~~)(3) It shall provide copies of the order, in writing, to the press services with offices located in Helena within 30 days after the Montana supreme court order as provided in 85-2-212, and ~~in April of 1980, 1981, 1982, and 1983.~~

(~~e~~)(4) It shall, under authority granted to the states by 43 U.S.C. 666, provide for service of the petition and order upon the United States attorney general or ~~his~~ the attorney general's designated representative.

(~~f~~)(5) It may also in its discretion give notice of the order in any other manner that will carry out the purposes of this section.

(~~g~~)(6) It may also in its discretion order that the department or the water judge assist the Montana supreme court in the carrying out of this section.

(2) (~~a~~) To ~~ensure that all persons who failed to file a claim of existing right under 85-2-221(1) are provided~~

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notice of the opportunity to file a claim on or before July 1, 1996, as provided in 85-2-221(3), the department shall provide notice as follows:

~~(i) It shall, in October 1993, April and October 1994, April and October 1995, and April 1996, cause a notice of the right to file a claim in accordance with 85-2-221(3) to be published in all daily newspapers in the state and in at least one newspaper in each county in the state.~~

~~(ii) It shall, in October 1993, April and October 1994, April and October 1995, and April 1996, provide copies of the notice, in writing, to the press services with offices located in Helena.~~

~~(iii) It shall, by October 1993, provide copies of the notice to the United States attorney general and to all Indian tribes in Montana.~~

~~(iv) It shall cause copies of the notice to be posted in a conspicuous location in each county courthouse and department field office in the state and to be maintained in that location through July 1, 1996.~~

~~(v) It may also, in its discretion, provide notice in any other manner that will effectuate the purposes of 85-2-221(3).~~

~~(b) The water court shall include notice of 85-2-221(3) in all notices, decrees, or orders issued pursuant to 85-2-231 or 85-2-232 after July 1, 1993, until July 1, 1996.~~

~~(3) Notice given in accordance with subsection (2) must at a minimum indicate that any claim of existing right not filed with the department before April 30, 1982, may be filed by physically filing it with the department on or before July 1, 1996, or sending it by United States mail, postmarked on or before July 1, 1996. Additionally, the notice must indicate that under 85-2-226, a failure to file or mail the claim results in the forfeiture for all time of any existing rights to the use of water that are not claimed in accordance with the provisions of 85-2-221."~~

Insert: "Section 28. Section 85-2-225, MCA, is amended to read:

"85-2-225. Filing fee -- processing fee for remitted claims. (1) Each claim filed under 85-2-221 or 85-2-222 must be accompanied by a filing fee in the amount of \$40, subject to the following exceptions:

(a) the total filing fees for all claims filed by one person in any one water court division may not exceed \$480; and

(b) ~~no~~ a filing fee is not required accompanying a claim of an existing right that is included in a decree of a court in the state of Montana and that is accompanied by a copy of that decree or pertinent portion ~~thereof~~ of the decree.

(2) A claim that is exempt from the filing requirements of 85-2-221(1) but that is voluntarily filed must be accompanied by a filing fee in the amount of \$40. Exempt claims for a single development with several uses if filed simultaneously may be accompanied by a filing fee in the amount of \$40.

(3) (a) Except as provided in subsection (3)(c), in addition to the filing fee set forth in subsection (1), each statement of claim filed under 85-2-221(3) must be accompanied by a processing fee in the amount of \$150, which must be deposited in the ~~water rights adjudication account for the examination of late claims by the department and for the publication of notices by the department as required under 85-2-213(2)~~ general fund.

(b) The water judge shall assess against the late claimant all reasonable administrative costs and expenses that may be incurred by the court due to the filing of the late claim and the consideration of the objection, which assessment must be deposited in the ~~water rights adjudication account~~ general fund.

~~(c) For a statement of claim that was filed after April 30, 1982, but prior to July 1, 1993, or for a statement of claim filed by a state agency, the processing fee provided for in subsection (3)(a) must be paid on or before a date to be established by the department by rule, but no later than July 1, 1999."~~

Insert: "Section 29. Section 85-2-232, MCA, is amended to read:

"85-2-232. Availability of temporary preliminary or preliminary decree. (1) (a) The water judge shall send to the department a copy of a temporary preliminary decree or preliminary decree issued for a basin.

(b) The water judge shall serve by mail a notice of availability of the temporary preliminary decree or preliminary decree to each person who has filed a claim of existing right within the decreed basin or to that person's successor as documented in the department's records.

(c) The water judge shall also serve by mail a notice of availability of the temporary preliminary decree

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or preliminary decree to the purchaser under contract for deed, as defined in 70-20-115, of property in connection with which a claim of existing right has been filed within the decreed basin.

(d) In the Powder River basin, the water judge shall serve by mail a notice of availability of the temporary preliminary decree or preliminary decree to each person or to that person's successor as documented in the department's records, who has filed a declaration of an existing right.

(e) The water judge shall enclose with a notice required under subsections (1)(b) through (1)(d) an abstract of the disposition of the claimed or declared existing right of a person identified in this section or that person's successor as documented in the department's records.

(f) The notice of availability required under this section must also be served upon:

(i) those issued or having applied for and not having been denied a permit to beneficially use water within the decreed basin pursuant to Title 85, chapter 2, part 3;

(ii) those granted a reservation within the decreed basin pursuant to 85-2-316; or

(iii) other interested persons who request service of the notice from the water judge.

(2) The clerk or person designated by the water judge to mail the notice shall make a general certificate of mailing certifying that a copy of the notice has been placed in the United States mail, postage prepaid, addressed to each party required to be served notice of the temporary preliminary decree or preliminary decree. The certificate is conclusive evidence of legal notice of entry of decree.

(3) Notice of the availability of a preliminary decree must also be published at least once each week for 3 consecutive weeks in at least three newspapers of general circulation that cover the water division or divisions in which the decreed basin is located. This notice must be provided before the final decree for the basin is issued.

(4) A person may obtain a copy of the temporary preliminary decree or preliminary decree upon payment of a fee of \$20 or the cost of printing, whichever is greater, to the water judge. The fee must be deposited in the state general fund."

Renumber: subsequent sections

17. Page 32, line 10.

Strike: "15-36-325"

Insert: "85-2-241"

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Simon, Chairman):

1/22/1999

HB 98, introduced bill, be amended as follows:

1. Page 1, line 15.

Following: "dealer"

Insert: "or a manufactured housing dealer"

Following: "home"

Insert: "or a manufactured house"

2. Page 1, line 19.

Strike: "building that is not a residence and is"

3. Page 1, line 20.

Following: "systems"

Strike: " ; "

Insert: ". For the purposes of this subsection (1)(c), a "farm or ranch" means the same as in 39-3-402."

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4. Page 2, line 13 and line 14.

Strike: "performing" on line 13 through "work" on line 14

Insert: "working at the field of plumbing"

And, as amended, do pass. Report adopted.

HB 136, introduced bill, be amended as follows:

1. Title, line 5 and line 6.

Following: the second "ACT" on line 5

Strike: the remainder of line 5 through "ASSOCIATION;" on line 6

2. Title, page 1, line 13.

Following: "BOARD;"

Insert: "PROVIDING A NOTIFICATION REQUIREMENT FOR HEALTH MAINTENANCE ORGANIZATIONS;"

3. Title, page 1, line 15.

Following: "ASSOCIATION;"

Strike: "AND"

4. Title, page 1, line 16.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

5. Page 3, line 23 and line 24.

Following: "societies,"

Strike: "health maintenance organizations,"

6. Page 4, line 18 and line 19.

Following: "contracts"

Strike: the remainder of line 18 through "agreements," on line 19

7. Page 11, following line 22.

Insert: "NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 1999."

And, as amended, do pass. Report adopted.

HB 155, introduced bill, be amended as follows:

1. Title, line 7 and line 8.

Following: "INSURED;" on line 7

Strike: "AND"

Following: "AMENDING" on line 7

Strike: "SECTION 33-18-210" on line 7 and line 8

Insert: "SECTIONS 33-15-1103 AND 33-15-1105"

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

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2. Page 1, line 12 through line 28 on page 3.

Strike: section 1 in its entirety

Insert: "**Section 1.** Section 33-15-1103, MCA, is amended to read:

"33-15-1103. Midterm cancellation. (1) An insurer may not cancel an insurance policy before either the expiration of the agreed term or 1 year from the effective date of the policy or renewal date, whichever is less, except:

(a) for reasons specifically allowed by statute;
(b) for failure to pay a premium when due; or
(c) on grounds stated in the policy which pertain to the following:
(i) material misrepresentation;
(ii) substantial change in the risk assumed, except to the extent that the insurer should reasonably have foreseen the change or contemplated the risk when the contract was written;
(iii) substantial breaches of contractual duties, conditions, or warranties;
(iv) determination by the commissioner that continuation of the policy would place the insurer in violation of this code;

(v) financial impairment of the insurer; or
(vi) any other reason approved by the commissioner.

(2) Cancellation under subsection (1) is not effective until 10 days after a notice of cancellation is either delivered or mailed to the insured.

(3) Subsections (1) and (2) do not apply to a newly issued insurance policy if the policy has been in effect less than 60 days at the time the notice of cancellation is mailed or delivered. No cancellation under this subsection is effective until 10 days after the notice is delivered or mailed to the insured.

(4) If a policy has been issued for a term longer than 1 year and if either the premium is prepaid or an agreed term is guaranteed for additional premium consideration, the insurer may not cancel the policy except:

(a) for reasons specifically allowed by statute;
(b) for failure to pay a premium when due; or
(c) on grounds stated in the policy which pertain to those grounds listed in subsection (1)(c).

(5) An insurer may not cancel a property, casualty, or surety insurance policy on the basis of a single loss occurring during the policy period unless the insurer has previously disclosed in writing to the insured, at the time that the insured applied for the insurance or prior to the insured's renewal, that a single loss is among the insurer's criteria for cancellation."

Insert: "**Section 2.** Section 33-15-1105, MCA, is amended to read:

"33-15-1105. Nonrenewal -- renewal premium. (1) (a) An insured has a right to reasonable notice of nonrenewal. Unless otherwise provided by statute or unless a longer term is provided in the policy, at least 30 days prior to the expiration date provided in the policy, an insurer who does not intend to renew a policy beyond the agreed expiration date shall mail or deliver to the insured a notice of such intention. The insurer shall also mail or deliver a copy to the insured's insurance producer.

(b) Notification or nonrenewal to the insured's insurance producer via electronic transfer of data or by electronic data retrieval device meets the requirement of a mailed or delivered copy.

(2) An insurer shall give notice of premium due not more than 60 days or less than 10 days before the due date of a renewal premium. The notice must clearly state the effect of nonpayment of the premium on or before the due date.

(3) Subsections (1) and (2) do not apply if:

(a) the insured has obtained insurance elsewhere, has accepted replacement coverage, or has requested or agreed to nonrenewal; or

(b) the policy is expressly designated as nonrenewable.

(4) An insurer may not refuse to renew a property, casualty, or surety insurance policy on the basis of a single loss occurring during the policy period unless the insurer has previously disclosed in writing to the insured, at the time that the insured applied for the insurance or prior to the insured's renewal, that a single loss is among

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the insurer's criteria for nonrenewal."

Insert: "NEW SECTION. Section 3. Applicability. [This act] applies to new or renewed property, casualty, or surety insurance policies in effect on or after January 1, 2000."

And, as amended, do pass. Report adopted.

HB 186, do pass. Report adopted.

HB 216, introduced bill, be amended as follows:

1. Title, line 4.

Following: "PLAY"

Strike: "ANY GAME"

Insert: "THE GAME OF PING PONG PAVVY,"

2. Page 1, line 13 and line 14.

Following: "allowable" on line 13

Strike: "similar" on line 13 through "games" on line 14

Insert: "game"

3. Page 1, line 20.

Following: "play"

Strike: "a game, including"

Insert: "the game called ping pong pavvy and"

And, as amended, do pass. Report adopted.

HB 264, introduced bill, be amended as follows:

1. Page 9, line 23 and line 24.

Following: "issue" on line 23

Strike: "or the increase in the number of shares that it will have authority to issue,"

2. Page 10, line 8.

Following: "(3)"

Insert: "If the domestic corporation is increasing the number of authorized shares either by amendment or by merger, the domestic corporation shall pay the difference in license fee between the fee based on the initial number of authorized shares and the amended number of shares.

(4)"

And, as amended, do pass. Report adopted.

HB 277, do pass. Report adopted.

SB 26, be concurred in. Report adopted.

SB 51, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Wagner, Chairman):

1/22/1999

HB 26, introduced bill, be amended as follows:

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1. Title, line 5.

Following: "FISH"

Strike: "THROUGHOUT THE STATE"

Insert: "IN DESIGNATED WATERS"

2. Title, page 1, line 6, through page 1, line 7.

Following: "REVENUE" on line 6

Strike: "TO" on page 1, line 6 through "DAM" on page 1, line 7

3. Page 1, line 16.

Following: "fish"

Insert: "in waters listed in subsection (8)"

4. Page 1, line 21.

Following: "stamp"

Strike: "expires" through "affixed"

Insert: "is valid for the license year in which it is purchased"

5. Page 2, line 5.

Strike: "exclusively" on page 2, line 5

6. Page 2, line 8.

Following: "hatchery" on line 8

Insert: ", and beginning October 1, 2005, for the costs incurred in eradicating illegally introduced warm water species from Montana waters. No more than 15% of available revenue may be dedicated to eradication efforts"

7. Page 2, line 9.

Insert: "(8) The department shall prepare a list of all waters into which fish from the Fort Peck multispecies fish hatchery will be planted. The waters designated in the list are the only waters for which a warm water game fish stamp is required."

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

1/22/1999

HB 47, introduced bill, be amended as follows:

1. Page 2, line 1.

Strike: "5"

Insert: "3"

Following: "violation"

Insert: ", except that an action based on fraud or concealment may not be commenced by the department unless it is brought within 5 years of the date of the violation"

And, as amended, do pass. Report adopted.

HB 149, introduced bill, be amended as follows:

1. Title, line 8.

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Following: "FIREARMS;"
Insert: "PROVIDING EXCEPTIONS;"

2. Page 1, line 17 through line 19.
Strike: "state" on line 17 through "including" on line 19
Insert: "the following persons"

3. Page 1, line 23.
Following: line 22
Insert: "(d) probation and parole officers;
(e) uniformed employees of the department of transportation;
(f) staff and enrolled students of the Montana law enforcement academy;
(g) a person inside a corrections facility;
(h) a person inside a building owned or leased by the state;"
Renumber: subsequent subsections

4. Page 1, line 24.
Following: "(e)"
Insert: "a member of"

And, as amended, do pass. Report adopted.

HB 203, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "45-9-113,"
Insert: "46-18-201, 46-18-231,"

2. Page 3, line 24.
Following: "~~or~~"
Insert: "or"

3. Page 3, line 25 through line 27.
Strike: " ; or" on line 25 through "older" on line 27

4. Page 3, line 28.
Following: line 27
Insert: "(3) A person commits the offense of felony assault if, when the victim is under 14 years of age and the offender is 18 years of age or older, the offender:
(a) purposely or knowingly causes bodily injury to the victim;
(b) negligently causes bodily injury to the victim with a weapon;
(c) purposely or knowingly makes physical contact of an insulting or provoking nature with the victim; or
(d) purposely or knowingly causes reasonable apprehension of bodily injury in the victim."

Renumber: subsequent subsections

5. Page 3, line 30.

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Strike: "(3)(b)"

Insert: "(4)(b)"

6. Page 4, line 1.

Strike: "(a) or (2)(b)"

7. Page 4, line 3.

Strike: "(2)(c)"

Insert: "(3)"

8. Page 7, line 9.

Following: line 8

Insert: "**Section 9.** Section 46-18-201, MCA, is amended to read:

"46-18-201. Sentences that may be imposed. (1) Whenever a person has been found guilty of an offense upon a verdict or a plea of guilty, the court may:

(a) defer imposition of sentence, except as provided in 61-8-734 for sentences for driving under the influence of alcohol or drugs or as provided in 61-6-304, for a period, except as otherwise provided, not exceeding 1 year for any misdemeanor or for a period not exceeding 3 years for any felony. The sentencing judge may impose upon the defendant any reasonable restrictions or conditions during the period of the deferred imposition. Reasonable restrictions or conditions may include:

(i) jail base release;

(ii) jail time not exceeding 180 days;

(iii) conditions for probation;

(iv) payment of the costs of confinement;

(v) payment of a fine as provided in 46-18-231;

(vi) payment of costs as provided in 46-18-232 and 46-18-233;

(vii) payment of costs of court-appointed counsel as provided in 46-8-113;

(viii) with the approval of the facility or program, an order that the offender be placed in a community corrections facility or program as provided in 53-30-321;

(ix) with the approval of the prerelease center or prerelease program and confirmation by the department of corrections that space is available, an order that the offender be placed in a prerelease center or prerelease program for a period not to exceed 1 year;

(x) community service;

(xi) home arrest as provided in Title 46, chapter 18, part 10;

(xii) any other reasonable conditions considered necessary for rehabilitation or for the protection of society;

(xiii) payment of expenses for use of a judge pro tempore or special master as provided in 3-5-116; or

(xiv) any combination of the restrictions or conditions in subsections (1)(a)(i) through (1)(a)(xiii).

(b) suspend execution of sentence for a period up to the maximum sentence allowed or for a period of 6 months, whichever is greater, for each particular offense. The sentencing judge may impose on the defendant any reasonable restrictions or conditions during the period of suspended sentence. Reasonable restrictions or conditions may include any of those listed in subsection (1)(a).

(c) impose a fine as provided by law for the offense;

(d) require payment of costs as provided in 46-18-232 or payment of costs of court-appointed counsel as provided in 46-8-113;

(e) impose a county jail or state prison sentence, as provided in Title 45, for the offense or commit the defendant to the department of corrections for a period not to exceed 5 years for placement in an appropriate correctional facility or program;

(f) with the approval of the facility or program, order the offender to be placed in a community corrections facility or program as provided in 53-30-321;

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(g) with the approval of the prerelease center or prerelease program and confirmation by the department of corrections that space is available, order the offender to be placed in a prerelease center or prerelease program for a period not to exceed 1 year; or

(h) impose any combination of subsections (1)(b) through (1)(g).

(2) In addition to any penalties imposed pursuant to subsection (1), if the court finds that the victim of the offense has sustained a pecuniary loss, the court shall require payment of full restitution to the victim as provided in 46-18-241 through 46-18-249.

(3) If a financial obligation is imposed as a condition under subsection (1)(a), sentence may be deferred for a period not exceeding 2 years for a misdemeanor or for a period not exceeding 6 years for a felony, regardless of whether any other conditions are imposed.

(4) If any restrictions or conditions imposed under subsection (1)(a) or (1)(b) are violated, the court shall consider any elapsed time and either expressly allow part or all of it as a credit against the sentence or reject all or part as a credit. The court shall state its reasons in the order. Credit, however, must be allowed for jail or home arrest time already served.

(5) Except as provided in 45-9-202 and 46-18-222, the imposition or execution of the first 2 years of a sentence of imprisonment imposed under the following sections may not be deferred or suspended: 45-5-103, 45-5-202~~(3)~~ (4) relating to aggravated assault, 45-5-302(2), 45-5-303(2), 45-5-401(2), 45-5-502(3), 45-5-503(2) and (3), 45-9-101(2), (3), and (5)(d), 45-9-102(4), and 45-9-103(2).

(6) Except as provided in 46-18-222, the imposition or execution of the first 10 years of a sentence of imprisonment imposed under 45-5-102 may not be deferred or suspended.

(7) Except as provided in 46-18-222, imposition of sentence in a felony case may not be deferred in the case of a defendant who has been convicted of a felony on a prior occasion, whether or not the sentence was imposed, imposition of the sentence was deferred, or execution of the sentence was suspended.

(8) If the victim was less than 16 years old, the imposition or execution of the first 30 days of a sentence of imprisonment imposed under 45-5-503, 45-5-504, 45-5-505, or 45-5-507 may not be deferred or suspended. Section 46-18-222 does not apply to the first 30 days of the imprisonment.

(9) In imposing a sentence on a defendant convicted of a sexual or violent offense as defined in 46-23-502, the court may not waive the registration requirement provided in Title 46, chapter 23, part 5.

(10) A person convicted of a sexual offense, as defined in 46-23-502, and sentenced to imprisonment in the state prison shall enroll in and complete the educational phase of the prison's sexual offender program. If the person is subject to the provisions of 45-5-512, the person shall also, as provided in 45-5-512, undergo medically safe medroxyprogesterone acetate treatment or its chemical equivalent or other medically safe drug treatment that reduces sexual fantasies, sex drive, or both, paid for by and for a period of time determined by the department of corrections. The period may not exceed the period of state supervision of the person.

(11) In sentencing a nonviolent felony offender, the court shall first consider alternatives to imprisonment of the offender in the state prison, including placement of the offender in a community corrections facility or program or a prerelease center or prerelease program. In considering alternatives to imprisonment, the court shall examine the sentencing criteria contained in 46-18-225. If the court subsequently sentences the offender to a state prison, the court shall state the reasons why it did not select an alternative to imprisonment, based on the criteria contained in 46-18-225.

(12) If a felony sentence includes probation, the department of corrections shall supervise the defendant unless the court specifies otherwise.

(13) Except as provided in 46-18-222, a provision of this section that conflicts with 46-18-219 does not apply to a person sentenced under 46-18-219."

Insert: "Section 10. Section 46-18-231, MCA, is amended to read:

"46-18-231. Fines in felony and misdemeanor cases. (1) Whenever, upon a verdict or a plea of guilty, a person has been found guilty of an offense for which a felony penalty of imprisonment could be imposed, the court may impose a fine, only in accordance with subsection (3), and in lieu of or in addition to a sentence of imprisonment. For those crimes for which penalties are provided in 45-5-103, 45-5-202~~(3)~~ (4), 45-5-302(2), 45-5-

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303(2), 45-5-401(2), 45-5-502(3), 45-5-503(2) and (3), 45-9-101(2), (3), and (5)(d), 45-9-102(4), 45-9-103(2), and 45-9-109, a fine may be imposed in accordance with subsection (3) in addition to a sentence of imprisonment.

(2) Whenever, upon a verdict or plea of guilty, a person has been found guilty of an offense for which a misdemeanor penalty of a fine could be imposed, the court may impose a fine only in accordance with subsection (3).

(3) The court may not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine. In determining the amount and method of payment, the court shall take into account the nature of the crime committed, the financial resources of the defendant, and the nature of the burden that payment of the fine will impose.

(4) Any fine levied under this section in a felony case shall be in an amount fixed by the court not to exceed \$50,000."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 214, do pass. Report adopted.

HB 283, do pass. Report adopted.

SB 6, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

1/22/1999

SB 14, be concurred in. Report adopted.

SB 15, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/22/1999

SB 22, introduced by Mohl

SB 33, introduced by Thomas

SB 140, introduced by Nelson

SB 172, introduced by Waterman

SB 187, introduced by Tester

FIRST READING AND COMMITMENT OF BILLS

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

HB 361, introduced by J. Shockley, referred to Judiciary.

HB 362, introduced by T. Schmidt, referred to State Administration.

HB 363, introduced by D. Wyatt, referred to Local Government.

HB 364, introduced by M. Lindeen, S. Bartlett, A. Bishop, P. Clark, T. Dell, S. Doherty, E. Franklin, B. Glaser, T. Hagener, D. Hedges, C. Juneau, S. Kitzenberg, R. Lenhart, L. McCulloch, B. Pavlovich, R. Peck, J. Quilici, B. Ryan, D. Shea, F. Smith, E. Swanson, J. Tester, F. Thomas, C. Williams, D. Wyatt, referred to Business and Labor.

HB 365, introduced by J. Cobb, referred to Taxation.

HB 366, introduced by B. Kasten, C. Ahner, B. Barnhart, M. Guggenheim, M. Halligan, R. Johnson, L. Soft, M. Waterman, referred to Judiciary.

HB 367, introduced by B. Barnhart, referred to Business and Labor.

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HB 368, introduced by B. Barnhart, referred to Business and Labor.

HB 369, introduced by B. Barnhart, referred to Business and Labor.

HB 370, introduced by B. Barnhart, referred to Business and Labor.

**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 75 - Representative Ahner moved **HB 75** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, 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, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Thomas, Trexler, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 87

Noes: Adams, E. Bergsagel, P. Bergsagel, Bookout-Reinicke, Cobb, Jore, Orr, Rehbein, Taylor, Vick.

Total 10

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Hurdle, Menahan, Tropila.

Total 3

HB 116 - Representative McGee moved **HB 116** do pass.

HB 116 - Representative McGee moved **HB 116**, second reading copy, be amended as follows :

1. Title, lines 6 through 8.

Strike: "PROVIDING" on line 6 through the first "OR" on line 8

Insert: "ALLOWING AN OFFENDER TO SERVE INITIAL IMPRISONMENT IN"

2. Title, lines 9 and 10.

Strike: "INTENSIVE OUTPATIENT"

Insert: "APPROPRIATE"

Following: "TREATMENT"

Strike: the remainder of line 9 through "CENTER" on line 10

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3. Page 1, line 20.

Strike: ", except as provided in subsection (6)"

4. Page 2, line 2.

Following: "center"

Insert: "or, upon acceptance by the facility, a state-approved public or private treatment facility that provides the appropriate level of chemical dependency treatment"

5. Page 2, line 29 through page 3, line 8.

Strike: subsection (6) in its entirety

Amendment passed as follows:

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

Total 87

Noes: Hagener, Jore.

Total 2

Excused: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson.

Total 6

Absent or not voting: P. Bergsagel, McGee, McKenney, Menahan, Tropila.

Total 5

Motion that **HB 116**, as amended, do pass carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Buzzas, 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, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Wyatt, Younkin, Zook, Mr. Speaker.

Total 85

Noes: Adams, P. Bergsagel, Brainard, Brown, E. Clark, Jore, Lawson, Molnar, Mood, Orr, Smith, Somerville, Story, Wagner, Witt.

Total 15

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 64 - Representative McCann moved **HB 64** 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, 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, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 99

Noes: None.

Total 0

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Williams.

Total 1

HB 154 - Representative Gallus moved **HB 154** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, Barnett, Barnhart, Beck, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 80

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, R. Clark, Davies, Hedges, Jore, Kasten, McGee, Molnar, Mood, Orr, Rehbein, Somerville, Story, Vick, Wagner.
Total 18

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: S. Anderson, Bitney.

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Total 2

HB 156 - Representative Simon moved that **HB 156** be passed for the day. Motion carried.

SJR 1 - Representative Grinde moved **SJR 1** be adopted. Motion carried as follows:

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

Total 89

Noes: Brainard, Cobb, Facey, Harper, Hurdle, McCulloch, Peck, Wagner, Wyatt.

Total 9

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Gutsche, Noennig.

Total 2

HB 196 - Representative Cobb moved **HB 196** 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, 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 100

Noes: None.

Total 0

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 227 - Representative Molnar moved **HB 227** do pass.

HB 227 - Representative Lawson moved **HB 227**, second reading copy, be amended as follows :

1. Title, line 4 through line 10.

Following: "ACT" on line 4

Strike: remainder of line 4 through "z" on line 10

2. Page 1, lines 17 through 24.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 2, lines 27 through 29.

Strike: section 4 in its entirety

HB 227 - Representative Molnar made a substitute motion that **HB 227** be passed for the day. Motion carried.

HB 229 - Representative Harrington moved that **HB 229** be passed for the day. Motion carried.

HB 250 - Representative Rehbein moved **HB 250** do pass.

HB 250 - Representative Rehbein moved **HB 250**, second reading copy, be amended as follows :

1. Page 1, line 23.

Following: "employee"

Insert: "or organization"

2. Page 1, line 25.

Following: "coverage"

Insert: "of the employee of the organization"

Amendment passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Dale, Davies, Dell, Eggers, Erickson, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, 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, Somerville, Squires, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 86

Noes: Adams, Brainard, R. Clark, Grinde, Jore, Smith, Wagner.

Total 7

Excused: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson.

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Total 6

Absent or not voting: Mood.

Total 1

Motion that **HB 250**, as amended, do pass carried as follows:

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

Total 83

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, R. Clark, Grinde, Jore, Kasten, Orr, Rose, Ryan, Smith, Vick, Wagner, Zook.

Total 15

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Mood, Mr. Speaker.

Total 2

HB 200 - Representative Cobb moved **HB 200** do pass.

HB 200 - Representative Cobb moved **HB 200**, second reading copy, be amended as follows :

1. Page 1, line 11.

Following: "(1)"

Insert: "(a)"

2. Page 1, lines 13 and 14.

Strike: "or 5%" on line 13

Following: "price" on line 13

Strike: remainder of line 13 through "\$10,000." on line 14

3. Page 1, line 17.

Following: line 16

Insert: "(b) If a person, firm, or corporation fails to comply with the provisions of this part due to gross negligence, as determined by the commissioner, the commissioner may retain up to an additional \$10,000 above the amount provided for in subsection (1)(a) as a penalty for the violation of the terms of the public works contract. The money retained pursuant to this subsection (1)(b) must be credited to the proper funds of the state, county, municipality, school district, or other political subdivision."

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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, Dale, Davies, Dell, Eggers, Erickson, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lindeen, Mangan, Matthews, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Somerville, Squires, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 82

Noes: Adams, E. Bergsagel, P. Bergsagel, Jore, Lenhart, Masolo, McCann, Rehbein, Smith, Story, Wagner.

Total 11

Excused: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson.

Total 6

Absent or not voting: Walters.

Total 1

Motion that **HB 200**, as amended, do pass carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, 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, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 86

Noes: Adams, P. Bergsagel, Davies, Jackson, Jore, Masolo, McGee, Orr, Rehbein, Story, Vick, Wagner.

Total 12

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Bitney, Walters.

Total 2

HB 53 - Representative R. Clark moved **HB 53** be passed for the day. Motion carried.

HB 115 - Representative McGee moved **HB 115** 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, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Erickson,

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Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, 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, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.
Total 94

Noes: Buzzas, Eggers, Gillan, Jore, Wyatt.
Total 5

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.
Total 0

Absent or not voting: Tuss.
Total 1

HB 91 - Representative Simon moved **HB 91** do pass.

HB 91 - Representative Pavlovich moved for cloture. Motion carried.

Motion that **HB 91** do pass carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, R. Clark, Cobb, Dale, Davies, Fuchs, Grinde, Haines, Hanson, Hedges, Holden, Jackson, Jore, Kasten, Masolo, McCann, McCulloch, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Rehbein, Shockley, Simon, Sliter, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tuss, Vick, Wagner, Walters, Younkin, Zook, Mr. Speaker.
Total 51

Noes: Barnhart, Beck, Buzzas, E. Clark, P. Clark, Curtiss, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hibbard, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, Menahan, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Smith, Soft, Somerville, Squires, Swanson, Tropila, Williams, Witt, Wyatt.
Total 49

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 123 - Representative Menahan moved **HB 123** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, Barnett, Beck, E. Bergsagel, P. Bergsagel, Bookout-Reinicke, Brainard, Brown, Buzzas,

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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, 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 95

Noes: Adams, S. Anderson.

Total 2

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Barnhart, Bitney, Kasten.

Total 3

HB 201 - Representative Cobb moved **HB 201** 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, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, 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, 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 96

Noes: Jore.

Total 1

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: P. Clark, Grinde, Kasten.

Total 3

HB 151 - Representative Witt moved **HB 151** 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, Eggers, 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,

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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, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 97

Noes: Adams, Erickson, Squires.

Total 3

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 212 - Representative Hagener moved **HB 212** do pass.

HB 212 - Representative Hagener moved **HB 212**, second reading copy, be amended as follows :

1. Title, page 1, line 4 through line 6.

Strike: "AUTHORIZING" on line 4 through "GOVERNMENTS;" on line 6

2. Page 1, line 20.

Strike: "may"

Insert: "shall, except as provided in subsection (2),"

Amendment passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, Cobb, Dale, Dell, Eggers, Erickson, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, 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, Simon, Sliter, Smith, Somerville, Squires, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook.

Total 87

Noes: Adams, R. Clark, Davies, Jore, Kasten.

Total 5

Excused: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson.

Total 6

Absent or not voting: Barnhart, Mr. Speaker.

Total 2

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Motion that **HB 212**, as amended, do pass 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, 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, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Mr. Speaker.

Total 94

Noes: R. Clark, Molnar, Orr, Sliter, Zook.

Total 5

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Holden.

Total 1

HB 36 - Representative Quilici moved **HB 36** 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, 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 100

Noes: None.

Total 0

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 175 - Representative Gillan moved **HB 175** do pass.

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HB 175 - Representative Gillan moved **HB 175**, second reading copy, be amended as follows :

1. Page 3, line 20.

Following: first "administrator"

Insert: "or by the secretary of state"

Following: second "administrator"

Insert: "or to the secretary of state"

Amendment passed 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, Dale, Davies, Dell, Eggers, Erickson, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Hurdle, Jackson, 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, Smith, Somerville, Squires, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 90

Noes: None.

Total 0

Excused: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson.

Total 6

Absent or not voting: Cobb, Grinde, Holden, Sliter.

Total 4

Motion that **HB 175**, as amended, do pass carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, 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, 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: E. Bergsagel.

Total 1

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 138 - Representative Harper moved **HB 138** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, 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, 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: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.
Total 0

Absent or not voting: E. Bergsagel.
Total 1

HB 139 - Representative Harper moved **HB 139** 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, 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 100

Noes: None.
Total 0

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 266 - Representative Guggenheim moved **HB 266** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, 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, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, 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, Witt, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Adams, P. Bergsagel, Jore, Kasten, Molnar, Orr.

Total 6

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Williams, Younkin.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Tropila moved the Committee of the Whole report be adopted. Report adopted 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, Dale, Davies, Dell, Eggers, Erickson, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, 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, Somerville, Squires, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson.

Total 6

Absent or not voting: Haines.

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

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following manner:

HB 255 passed as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, 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, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, 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, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 95

Noes: Brainard, Lawson, Molnar, Wagner.

Total 4

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: P. Bergsagel.

Total 1

HB 90 passed 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, 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, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 93

Noes: Adams, Jore, Molnar, Orr, Story, Taylor.

Total 6

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Lindeen.

Total 1

HB 70 passed as follows:

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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, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, 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, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 97

Noes: Cobb.

Total 1

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Haines, Story.

Total 2

HB 85 passed as follows:

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

Total 82

Noes: Barnhart, Beck, Bitney, Bookout-Reinicke, Buzzas, R. Clark, Eggers, Facey, Guggenheim, Hanson, Matthews, Ryan, Sliter, Squires, Stovall, Tuss, Wyatt.

Total 17

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

HB 58 passed 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,

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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 100

Noes: None.

Total 0

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 95 passed 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, 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, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Wyatt, Younkin, Zook, Mr. Speaker.

Total 97

Noes: Curtiss, Wagner.

Total 2

Voted Absentee: Ewer, Fisher, Johnson, Soft, Swanson, Ayes; Curtiss, No.

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

HB 172 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bookout-Reinicke, Brainard, Brown, Buzzas, E. 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, McGee, McKenney, Menahan, Molnar,

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Mood, 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 92

Noes: Adams, P. Bergsagel, P. Clark, Jore, Orr, Vick.

Total 6

Voted Absentee: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Bitney, Noennig.

Total 2

HB 187 passed as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. 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, 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: Curtiss, Ewer, Fisher, Johnson, Soft, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Bitney.

Total 1

MOTIONS

Representative Grinde moved that **HB 115**, having passed 2nd reading, be rereferred to the Committee on Appropriations. Motion carried.

Representative Grinde moved that **HB 227** be taken from the 2nd reading board today and be rereferred to the Judiciary Committee. Motion carried.

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Representative Grinde moved that **HB 323** be taken from the Committee on Local Government and be rereferred to the Committee on Transportation. Motion carried.

Representative R. Clark requested on **HB 91**, 2nd reading today, his vote be shown as yes. Motion carried.

Representative Somerville requested on **HB 64** and **HB 212**, 2nd reading today, his votes be shown as yes. Motion carried.

Representative Bitney requested on **HB 85**, 3rd reading today, his vote be changed from yes to no. Motion carried.

Representative Buzzas requested on **HB 139**, 2nd reading today, her vote be shown as yes. Motion carried.

Representative Gutsche requested on **HB 123**, 2nd reading today, her vote be shown as yes. Motion carried.

SPECIAL ORDERS OF THE DAY

Mr. Speaker introduced the honorary pages for the day:

Elise Anderson, Kalispell
Jennifer Lynch, Butte
Kaitlin Lynch, Butte

The following cosponsor was added to **HB 133**: Senator Mahlum.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Grinde moved that the House adjourn until 1:00 p.m., Monday, January 25, 1999. Motion carried.

House adjourned at 11:10 a.m.

MARILYN MILLER
Chief Clerk of the House

JOHN MERCER
Speaker of the House