

**HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana
February 5, 1999

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

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

Rehbein, Chairman

Speaker Mercer introduced the pages of the week:

Megan Dell, Billings
Mead Brant, Missoula
Melissa Ross, Laurel
Kevin Halverson, Pendroy
Jon Wagner, Hungry Horse
Christi Crowley, Helena
Marques Jones, Polson
Casey Halcro, Great Falls
Karly Billstein, Missoula

REPORTS OF STANDING COMMITTEES

BILLS (Rehbein, Chairman): 2/5/1999
Correctly printed: **HB 56, HB 118, HB 119, HB 142, HB 228, HB 236, HB 300, HB 310, HB 331, HB 405, SB 11, SB 136.**
Correctly engrossed: **HB 205, HB 361, HB 371, HB 392, SB 93.**

JUDICIARY (Clark, Chairman): 2/5/1999
SB 8, be amended as follows:

1. Page 2, line 2.

Following: "."

Insert: "The use of a pen register or trap and trace device that has the ability to record conversations is prohibited."

And, as amended, be concurred in. Report adopted.

SB 32, be amended as follows:

1. Title, line 9.

Following: "SEARCH;"

Insert: "PROVIDING A PENALTY FOR SEXUAL INTERCOURSE WITHOUT CONSENT COMMITTED UNDER THOSE CIRCUMSTANCES;"

Strike: the second "AND"

Insert: ", "

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Following: "45-5-502,"
Insert: "AND 45-5-503,"

2. Page 2, line 15.

Insert: "**Section 3.** Section 45-5-503, MCA, is amended to read:

"45-5-503. Sexual intercourse without consent. (1) A person who knowingly has sexual intercourse without consent with another person commits the offense of sexual intercourse without consent. A person may not be convicted under this section based on the age of the person's spouse, as provided in 45-5-501(1)(b)(iii).

(2) A person convicted of sexual intercourse without consent shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 2 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222.

(3) (a) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual intercourse without consent, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222.

(b) If two or more persons are convicted of sexual intercourse without consent with the same victim in an incident in which each offender was present at the location where another offender's offense occurred during a time period in which each offender could have reasonably known of the other's offense, each offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 5 years or more than 100 years and may be fined not more than \$50,000, except as provided in 46-18-219 and 46-18-222.

(c) If the offender was previously convicted of an offense under this section or of an offense under the laws of another state or of the United States that if committed in this state would be an offense under this section and if the offender inflicted serious bodily injury upon a person in the course of committing each offense, the offender shall be:

- (i) punished by death as provided in 46-18-301 through 46-18-310; or
- (ii) punished as provided in 46-18-219.

(d) If the victim was incarcerated in an adult or juvenile correctional, detention, or treatment facility at the time of the offense and the offender had supervisory or disciplinary authority over the victim, the offender shall be punished by imprisonment in the state prison for a term of not more than 5 years or fined an amount not to exceed \$50,000, or both.

(4) In addition to any sentence imposed under subsection (2) or (3), after determining the financial resources and future ability of the offender to pay restitution as required by 46-18-242, the court shall require the offender, if able, to pay the victim's reasonable medical and counseling costs that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244.

(5) As used in subsection (3), an act "in the course of committing sexual intercourse without consent" includes an attempt to commit the offense or flight after the attempt or commission."

And, as amended, be concurred in. Report adopted.

RULES (Grinde, Chairman):

2/4/1999

SB 11, be concurred in. Report adopted.

STATE ADMINISTRATION (Brainard, Chairman):

2/4/1999

HB 56, do pass. Report adopted.

HB 118, introduced bill, be amended as follows:

1. Title, page 1, line 18.

Following: "19-20-412,"

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Insert: "19-20-413,"

2. Page 2, line 6.

Following: "with the"

Insert: "teachers' or"

3. Page 3, line 22 through line 25.

Strike: "Except as provided in" on line 22

Insert: "Unless included pursuant to"

Following: "include" on line 22

Strike: the remainder of line 22 through "employment" on line 25

Insert: "termination pay"

4. Page 3.

Following: line 28

Insert: "(e) Earned compensation does not include compensation paid to a member from a plan for the deferral of compensation under section 457(f) of the Internal Revenue Code."

5. Page 5, line 2 through line 5.

Following: "(20)" on line 2

Insert: "(a)"

Following: the first "of" on line 2

Strike: the remainder of line 2 through "death;" on line 3

Insert: "bona fide vacation leave, sick leave, severance pay, amounts provided under a window or early retirement incentive plan, or other"

Following: "employment" on line 3

Strike: the remainder of line 3 through "absence" on line 5

Insert: ". (b) Termination pay does not include:

(i) amounts that are not wages under section 3121 of the Internal Revenue Code, determined without regard to the wage base limitation; and

(ii) amounts that are payable to a member from a plan for the deferral of compensation under section 457(f) of the Internal Revenue Code"

6. Page 5, line 9 through line 10.

Strike: "signed" on line 9 through "member" on line 10

Insert: "properly executed"

7. Page 5, line 18.

Strike: "(h)"

Insert: "(d)"

8. Page 5, line 22.

Strike: "each"

Insert: "the"

9. Page 11, line 11.

Strike: "by"

Insert: "that"

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Following: "member"
Insert: "is purchasing"

10. Page 16, line 18.
Strike: "revert"
Insert: "convert"
Strike: "full"

1. Page 16, line 22.
Strike: "revert"
Insert: "convert"
Strike: "full"

12. Page 16, line 28.
Strike: "relying upon"
Insert: "receiving"

13. Page 16, line 30.
Strike: "convert"
Insert: "revert"

14. Page 18, line 14.
Strike: "(3)"
Insert: "(4)"

15. Page 19.
Following: line 11
Insert: "(3) Pursuant to subsection (2), contributions required under subsection (1)(a) or (1)(b) must be:
 (a) deducted from the portion of termination pay that:
 (i) constitutes wages for the purposes of section 3121 of the Internal Revenue Code, determined without regard to the wage base limitation; and
 (ii) can be included in the member's gross income for federal tax purposes; and
 (b) picked up by the employer."
Renumber: subsequent subsection

16. Page 24, line 1.
Following: "19-20-412,"
Insert: "19-20-413,"

17. Page 24, line 20 and line 24.
Following: "on" on line 20 and on line 24
Insert: "the later of July 1, 1999, or"

And, as amended, do pass. Report adopted.

HB 119, introduced bill, be amended as follows:

1. Page 5, line 18.
Following: "means"

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Insert: "a plan year, which is"

2. Page 10, line 24.

Following: " _ "

Insert: "The pickup may not apply to any contributions made before the effective date or to any contributions related to compensation earned for services rendered before the effective date."

3. Page 15, line 15.

Strike: "plan"

Insert: "calendar"

4. Page 15, line 16.

Strike: "July 1 and ending June 30"

Insert: "each January 1 and ending December 31"

5. Page 18, line 1.

Following: "employer"

Insert: ", except that a nonprofit mental corporation established pursuant to 53-21-204 may not be an employer with regard to employees hired after June 30, 1999"

6. Page 19.

Following: line 5

Insert: "(4) If an employee or official fails to file with the board an irrevocable written application within the time allowed in this section, the employee or official waives membership."

7. Page 37.

Following: line 20

"NEW SECTION. Section 46. Coordination instruction. If House Bill No. 79 and [this act] are both passed and approved, then:

(1) subsection (32) in [section 4] of [this act], amending the definition of "Retirement system" in 19-2-303, must read as follows: "(32) "Retirement system" or "system" means one of the public employee retirement systems enumerated in 19-2-302."

(2) [section 23], amending 19-2-1001, in House Bill No. 79 is void.

(3) [section 15] of [this act], amending 19-2-1006, must read as follows:

"Section 15. Section 19-2-1006, MCA, is amended to read:

"19-2-1006. Use of forfeitures. A retirement ~~system~~ plan subject to this chapter may not apply forfeitures of benefits resulting from the member's termination of employment, the death of the member, or any other reason to increase the benefits of any member in a manner not permitted in Internal Revenue Code section 401(a)(8). However, forfeitures may be used to reduce the costs of administration of a retirement plan subject to this chapter."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 228, introduced bill, be amended as follows:

1. Page 1, line 16.

Following: "~~election~~."

Insert: "The election may be held in conjunction with a regular or primary election."

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2. Page 1.

Following: line 22

Insert: "(4) If the first election of officers is not held in conjunction with a regular or primary election, the offices filled in the election may be occupied only until the next election regularly scheduled for those offices."

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

2/4/1999

HB 405, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "PROPERTY;"

Insert: "DISTINGUISHING BETWEEN GOLF COURSES AND MINIATURE GOLF COURSES FOR PROPERTY TAX PURPOSES;"

2. Page 1, line 27.

Following: "yards"

Strike: "; and"

Insert: ". For the purposes of this subsection, enterprises generally recognized as miniature golf courses are not golf courses."

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

HB 507, introduced by B. Lawson, referred to Business and Labor.

HB 508, introduced by D. Harrington, referred to State Administration.

HB 509, introduced by G. Gutsche, R. Buzzas, P. Clark, V. Cocchiarella, J. Ellingson, T. Facey, K. Galvin-Halcro, R. Johnson, S. Kitzenberg, B. Lawson, M. Lindeen, L. McCulloch, S. Rose, P. Sliter, F. Thomas, C. Younkin, referred to Education.

HB 510, introduced by P. Bergsagel, C. Ahner, J. Andersen, J. Barnett, S. Bookout-Reinicke, M. Brainard, E. Clark, R. Clark, J. Cobb, B. Crippen, A. Curtiss, B. DePratu, A. Ellis, S. Fisher, D. Fuchs, D. Grimes, L. Grinde, D. Haines, M. Hanson, D. Hargrove, V. Jackson, R. Johnson, B. Kasten, B. Keenan, J. McKenney, J. Mercer, K. Miller, B. Molnar, D. Mood, K. Ohs, C. Swysgood, L. Taylor, B. Thomas, F. Thomas, J. Wells, referred to Taxation.

HB 511, introduced by D. Ewer, referred to Taxation.

HB 512, introduced by L. Soft, S. Bartlett, D. Berry, A. Bishop, R. Buzzas, C. Christiaens, B. DePratu, D. Eck, E. Franklin, T. Hagener, D. Hargrove, C. Hibbard, B. Krenzler, L. McCulloch, referred to Business and Labor.

HB 513, introduced by J. Witt, E. Bergsagel, E. Clark, J. Ellingson, G. Golie, T. Hagener, D. Haines, D. Hedges, J. Holden, T. Keating, S. Kitzenberg, R. Lenhart, M. McCann, B. McCarthy, J. McKenney, L. Nelson, K. Ohs, R. Peck, S. Rose, G. Roush, B. Story, B. Tash, L. Taylor, J. Tester, J. Tropila, referred to Taxation.

HB 514, introduced by R. Somerville, G. Masolo, referred to Business and Labor.

HB 515, introduced by L. Grinde, C. Ahner, J. Barnett, T. Beck, E. Bergsagel, P. Bergsagel, A. Bishop, S. Bookout-Reinicke, M. Brainard, R. Brown, J. Cobb, M. Cole, B. Crippen, B. DePratu, G. Devlin, S. Fisher, D. Fuchs, D. Grimes, M. Hanson, D. Hargrove, J. Harp, D. Hedges, J. Hertel, D. McGee, J. Mercer, B. Molnar, D. Mood, K. Ohs, B. Raney, B. Simon, P. Sliter, R. Somerville, M. Sprague, C. Swysgood, B. Tash, M. Taylor, F. Thomas, J. Witt, referred to Business and Labor.

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HB 516, introduced by L. Grinde, J. Barnett, T. Beck, P. Bergsagel, A. Bishop, M. Brainard, R. Brown, J. Cobb, M. Cole, B. DePratu, G. Devlin, S. Fisher, D. Fuchs, D. Grimes, M. Hanson, D. Hargrove, J. Harp, D. Hedges, J. Hertel, D. Mood, P. Sliter, M. Sprague, C. Swysgood, B. Tash, M. Taylor, F. Thomas, J. Witt, referred to Business and Labor.

HB 517, introduced by L. Grinde, referred to Business and Labor.

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HB 520, introduced by R. Erickson, A. Bishop, J. Bohlinger, C. Christiaens, D. Ewer, T. Facey, G. Gutsche, H. Harper, J. Hurdle, B. Raney, J. Tester, referred to Natural Resources.

HB 521, introduced by S. Vick, C. Ahner, E. Bergsagel, D. Berry, B. Davies, G. Devlin, A. Ellis, D. Grimes, L. Grinde, L. Grosfield, J. Harp, T. Keating, B. Keenan, J. McKenney, W. McNutt, J. Mercer, K. Mesaros, A. Mohl, D. Mood, K. Ohs, P. Sliter, L. Taylor, M. Taylor, F. Thomas, J. Wells, referred to Business and Labor.

HB 522, introduced by B. Pavlovich, S. Gallus, D. Harrington, B. McCarthy, R. Menahan, J. Quilici, J. Tropila, referred to Business and Labor.

HB 523, introduced by J. McKenney, D. Ewer, referred to Business and Labor.

HB 524, introduced by B. Eggers, J. Harp, H. Harper, R. Jabs, G. Jergeson, C. Juneau, A. Mohl, B. Raney, G. Roush, F. Thomas, referred to Appropriations.

HB 525, introduced by R. Menahan, referred to Transportation.

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

HR 2, introduced by J. Hurdle, T. Beck, V. Cocchiarella, B. Crippen, G. Devlin, H. Harper, D. Hedges, C. Hibbard, B. Raney, E. Swanson, J. Tester, D. Toews, referred to Agriculture.

**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 Bitney in the chair.

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

HB 296 - Representative Shockley moved **HB 296** do pass. Motion carried as follows:

Ayes: J. Andersen, Barnett, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, 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, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook.

Total 81

Noes: Adams, Ahner, S. Anderson, E. Bergsagel, P. Bergsagel, Brainard, Fuchs, Jore, Krenzler, Lawson, McCann, Molnar, Rehbein, Smith, Story, Taylor, Tropila.

Total 17

Excused: None.

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Total 0

Absent or not voting: Barnhart, Mr. Speaker.

Total 2

HJR 2 - Representative Story moved **HJR 2** be adopted. Motion carried as follows:

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

Total 75

Noes: Adams, Barnhart, E. Bergsagel, P. Bergsagel, Buzzas, P. Clark, Cobb, Curtiss, Davies, Eggers, Ewer, Harper, Jore, Mangan, McCann, Molnar, Orr, Raney, Rehbein, Schmidt, Tuss, Vick, Wagner, Wyatt.

Total 24

Excused: None.

Total 0

Absent or not voting: Bitney.

Total 1

HB 135 - Representative Stovall moved **HB 135** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, 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, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 91

Noes: Adams, E. Bergsagel, P. Bergsagel, Jore, Kasten, Rehbein, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: P. Clark, Walters.

Total 2

HB 89 - Representative Guggenheim moved **HB 89** do pass. Motion carried as follows:

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Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, 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, 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, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 97

Noes: Kasten.

Total 1

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Soft.

Total 2

HB 92 - Representative Somerville moved **HB 92** do pass. Motion carried as follows:

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

Total 82

Noes: Adams, P. Bergsagel, Bitney, Brainard, Brown, R. Clark, Curtiss, Davies, Jackson, Jore, Kasten, McGee, Orr, Rehbein, Vick, Wagner, Walters, Wyatt.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 103 - Representative Peck moved **HB 103** do pass. Motion carried as follows:

Ayes: Ahner, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Buzzas, E. Clark, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hibbard, Holden, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, McKenney, Menahan, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook.

Total 66

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Noes: Adams, J. Andersen, S. Anderson, E. Bergsagel, P. Bergsagel, Brainard, Brown, R. Clark, Curtiss, Dale, Davies, Hanson, Hedges, Jackson, Jore, Kasten, Masolo, McGee, Molnar, Mood, Noennig, Ohs, Orr, Rehbein, Rose, Sliter, Story, Taylor, Vick, Wagner, Walters.

Total 31

Excused: None.

Total 0

Absent or not voting: Fisher, Fuchs, Mr. Speaker.

Total 3

HB 346 - Representative Raney moved **HB 346** 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, Cobb, Curtiss, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Noennig, Ohs, Pavlovich, Peck, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Williams, Witt, Wyatt, Younkin, Zook.

Total 87

Noes: Adams, R. Clark, Dale, Davies, Fuchs, Jore, Mood, Orr, Smith, Walters.

Total 10

Excused: None.

Total 0

Absent or not voting: Harrington, Quilici, Mr. Speaker.

Total 3

HB 231 - Representative Witt moved **HB 231** 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, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, 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, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 96

Noes: Jore, Orr, Rehbein, Story.

Total 4

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

SB 17 - Representative Peck moved **SB 17** be concurred in. 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, 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: Jore.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 50 - Representative Zook moved **SB 50** be concurred in. 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

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

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as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, 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: Dale, Fuchs, Rehbein.

Total 3

Excused: None.

Total 0

Absent or not voting: Bitney, Bookout-Reinicke.

Total 2

THIRD READING OF BILLS

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

HB 132 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, E. Clark, Cobb, Curtiss, Dale, Davies, Eggers, Erickson, Facey, Fisher, Gallus, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Lenhart, Lindeen, Masolo, McCann, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Schmidt, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 72

Noes: Adams, Beck, P. Bergsagel, Brainard, Buzzas, P. Clark, R. Clark, Dell, Fuchs, Galvin-Halcro, Gillan, Golie, Jore, Krenzler, Lawson, Mangan, Matthews, McCulloch, Orr, Rehbein, Ryan, Tuss, Wagner, Williams, Wyatt.

Total 25

Excused: None.

Total 0

Absent or not voting: Barnhart, Ewer, Shockley.

Total 3

HB 204 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, Curtiss, Dale, Davies, Dell, Eggers, Erickson,

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Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gutsche, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Juneau, Kitzenberg, Lenhart, Lindeen, Mangan, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Ryan, 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 83

Noes: P. Bergsagel, Fuchs, Gillan, Golie, Guggenheim, Hagener, Hurdle, Kasten, Krenzler, Lawson, Masolo, Matthews, Molnar, Rose, Schmidt, Vick.
Total 16

Excused: None.
Total 0

Absent or not voting: Grinde.
Total 1

HB 205 passed 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, 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

Excused: None.
Total 0

Absent or not voting: Barnhart.
Total 1

HB 301 passed as follows:

Ayes: Adams, Ahner, S. Anderson, Barnett, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Curtiss, Dale, Davies, Eggers, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Grinde, Hagener, Haines, Hanson, Harrington, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Kitzenberg, Lawson, Lenhart, Mangan, Masolo, McCann, McGee, McKenney, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Quilici, Rehbein, Rose, Ryan, Shockley, Simon, Sliter, Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.
Total 73

Noes: J. Andersen, Barnhart, Buzzas, Cobb, Dell, Erickson, Ewer, Gillan, Golie, Guggenheim, Gutsche, Harper,

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Hedges, Hurdle, Juneau, Krenzler, Lindeen, Matthews, McCulloch, Noennig, Raney, Schmidt, Squires, Swanson, Tuss, Williams, Wyatt.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 371 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, 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

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 392 passed as follows:

Ayes: 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, 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, 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, E. Bergsagel, Jore, Orr.

Total 4

Excused: None.

Total 0

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Absent or not voting: Fisher.
Total 1

SB 93 concurred in 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, 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, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 92

Noes: Adams, P. Bergsagel, Brainard, Curtiss, Jore, Molnar, Orr, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Representative Grinde moved that **HB 92** and **HB 135** be rereferred to the Committee on Appropriations. Motion carried.

Representative Gillan requested on **HJR 2**, 2nd reading today, her vote be shown as yes. There being no objections, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Grinde moved that the House adjourn until 8:00 a.m., Saturday, February 6, 1999. Motion carried.

House adjourned at 3:10 p.m.

MARILYN MILLER
Chief Clerk of the House

JOHN MERCER
Speaker of the House