

**HOUSE JOURNAL  
THIRTIETH LEGISLATIVE DAY**

Helena, Montana  
February 6, 1999

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by honorary page Tyler Stockton. Pledge of Allegiance to the Flag.

Roll Call. All members present except Ahner, Eggers, Holden, Johnson, Pavlovich, and Story. Quorum present.

Speaker Mercer introduced the honorary pages of the day:

Ben Peterson, Laurel  
Tyler Stockton, Helena  
Marissa Stockton, Helena  
Kevin Love, Polson  
Beth Janney, Butte

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

Rehbein, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Rehbein, Chairman): 2/6/1999  
Correctly printed: **SB 8, SB 32.**  
Correctly printed: **SB 10.** 1/20/1999  
Correctly engrossed: **HB 89, HB 92, HB 103, HB 135, HB 231, HB 296, HB 346, HJR 2.**

**AGRICULTURE** (Barnett, Chairman): 2/5/1999  
**SB 18**, be concurred in. Report adopted.

**BUSINESS AND LABOR** (Simon, Chairman): 2/5/1999  
**HB 396**, introduced bill, be amended as follows:

1. Page 1, line 24.

**Following:** "a"

**Insert:** "movable, portable, or nonpermanent structure that features or employs a"

2. Page 1, line 26.

**Following:** "."

**Insert:** "This definition applies to amusement rides that are set up and operate in any location in Montana for not more than 30 days."

3. Page 2, line 10.

**Strike:** " ;"

**Insert:** ". For the purposes of this section, one adequately staffed first-aid station and a single location for reporting injuries and accidents on a site where multiple operators are grouped in a fair or carnival formation are sufficient."

4. Page 2, lines 12 and 13.

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**Following:** "drugs" on line 12

**Strike:** the remainder of line 12 through "diminished" on line 13

5. Page 2, line 25.

**Following:** "prohibitions"

**Insert:** "-- assumption of risk"

6. Page 2, line 26 through line 28.

**Strike:** subsection (a) in its entirety

**Renumber:** subsequent subsections

7. Page 3, line 19.

**Insert:** "(3) A passenger who is 15 years of age or older is conclusively assumed to have knowledge of the risks and assumes the risks associated with amusement rides if those risks are open and obvious to a reasonable person."

And, as amended, do pass. Report adopted.

**HB 430**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Strike:** "Except for an initial treating physician, a"

**Insert:** "A"

2. Page 2.

**Following:** line 3

**Insert:** "(5) Posting of managed care requirements in the workplace on bulletin boards, in personnel policies, in company manuals, or by other general or broadcast means does not constitute individual written notice. To constitute written notice under this section, information regarding managed care requirements must be provided to the worker in written form by mail or in person after the date of injury. The notice must advise the worker of the worker's right to choose the initial treating physician under this section."

And, as amended, do pass. Report adopted.

**HB 442**, do pass. Report adopted.

**HJR 15**, be adopted. Report adopted.

**SB 77**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Brainard, Chairman):

2/5/1999

**HB 334**, do pass. Report adopted.

**HJR 12**, introduced joint resolution, be amended as follows:

1. Page 1, line 23.

**Strike:** "Montana Tribal Chairman's Association"

**Insert:** "Montana-Wyoming Tribal Leaders Council"

And, as amended, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

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Senate bills passed and transmitted to the House for concurrence:

2/5/1999

**SB 36**, introduced by Keenan  
**SB 75**, introduced by Halligan  
**SB 108**, introduced by Berry  
**SB 203**, introduced by Bartlett  
**SB 221**, introduced by Doherty  
**SB 246**, introduced by Mahlum  
**SB 288**, introduced by Nelson  
**SB 291**, introduced by Crismore

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 526**, introduced by J. Mangan, T. Beck, J. Bohlinger, E. Clark, D. Harrington, S. Kitzenberg, J. Lynch, R. Menahan, B. Pavlovich, R. Peck, J. Quilici, S. Rose, referred to Business and Labor.  
**HB 527**, introduced by H. Harper, S. Bartlett, C. Christiaens, T. Facey, D. Grimes, M. Halligan, D. Mahlum, D. McGee, B. Wilson, referred to Judiciary.  
**HB 528**, introduced by C. Juneau, S. Doherty, D. Eck, B. Eggers, J. Ellingson, D. Ewer, E. Franklin, S. Gallus, K. Galvin-Halcro, K. Gillan, G. Gutsche, H. Harper, J. Hurdle, G. Jergeson, S. Kitzenberg, B. McCarthy, L. Nelson, G. Roush, D. Shea, F. Smith, E. Swanson, referred to Education.  
**HB 529**, introduced by C. Juneau, S. Doherty, D. Eck, B. Eggers, J. Ellingson, D. Ewer, E. Franklin, S. Gallus, K. Galvin-Halcro, K. Gillan, G. Gutsche, H. Harper, J. Hurdle, G. Jergeson, S. Kitzenberg, B. McCarthy, G. Roush, D. Shea, F. Smith, referred to Business and Labor.  
**HB 530**, introduced by D. McGee, D. Grimes, S. Orr, L. Soft, referred to Judiciary.  
**HB 531**, introduced by K. Gillan, referred to Agriculture.  
**HB 532**, introduced by S. Anderson, referred to Appropriations.  
**HB 533**, introduced by S. Gallus, G. Beck, R. Clark, W. Crismore, B. Eggers, T. Facey, K. Galvin-Halcro, K. Gillan, G. Golie, J. Harp, H. Harper, D. Harrington, C. Hibbard, M. Lindeen, J. Mangan, L. McCulloch, R. Menahan, B. Pavlovich, J. Quilici, B. Raney, P. Sliter, R. Somerville, C. Williams, referred to Fish, Wildlife and Parks.  
**HB 534**, introduced by S. Gallus, referred to Fish, Wildlife and Parks.  
**HB 535**, introduced by B. Davies, D. Adams, C. Ahner, E. Bergsagel, P. Bergsagel, M. Brainard, E. Clark, J. Cobb, A. Curtiss, R. Dale, D. Fuchs, L. Grinde, D. Haines, V. Jackson, R. Jore, G. Masolo, B. Molnar, B. Rehbein, P. Sliter, J. Witt, referred to State Administration.  
**HB 536**, introduced by B. Kasten, S. Anderson, S. Bartlett, T. Beck, E. Bergsagel, C. Christiaens, G. Devlin, D. Eck, D. Ewer, E. Franklin, D. Grimes, L. Grosfield, M. Guggenheim, J. Harp, H. Harper, D. Harrington, C. Hibbard, T. Keating, B. Keenan, S. Kitzenberg, D. Mahlum, B. McCarthy, D. McGee, R. Peck, J. Quilici, P. Sliter, L. Soft, S. Stang, E. Swanson, J. Tester, F. Thomas, M. Waterman, B. Wilson, referred to Appropriations.  
**HB 537**, introduced by B. Kasten, S. Anderson, S. Bartlett, T. Beck, E. Bergsagel, C. Christiaens, G. Devlin, D. Eck, D. Ewer, E. Franklin, D. Grimes, L. Grosfield, M. Guggenheim, J. Harp, H. Harper, D. Harrington, C. Hibbard, T. Keating, B. Keenan, S. Kitzenberg, D. Mahlum, B. McCarthy, D. McGee, R. Peck, J. Quilici, P. Sliter, L. Soft, S. Stang, E. Swanson, J. Tester, F. Thomas, M. Waterman, B. Wilson, referred to Appropriations.  
**HB 538**, introduced by B. Kasten, S. Anderson, S. Bartlett, T. Beck, E. Bergsagel, C. Christiaens, G. Devlin, D. Eck, D. Ewer, E. Franklin, D. Grimes, L. Grosfield, M. Guggenheim, J. Harp, H. Harper, D. Harrington, C. Hibbard, T. Keating, B. Keenan, S. Kitzenberg, D. Mahlum, B. McCarthy, D. McGee, R. Peck, J. Quilici, P. Sliter, L. Soft, S. Stang, E. Swanson, J. Tester, F. Thomas, M. Waterman, B. Wilson, referred to Appropriations.  
**HB 539**, introduced by P. Sliter, R. Bitney, S. Fisher, V. Jackson, B. Lawson, R. Somerville, referred to Natural

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Resources.

**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 89** passed as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, 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, 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 98

Noes: None.

Total 0

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes.

Excused: None.

Total 0

Absent or not voting: Barnett, Bookout-Reinicke.

Total 2

**HB 103** passed as follows:

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

Total 63

Noes: Adams, J. Andersen, S. Anderson, E. Bergsagel, P. Bergsagel, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fuchs, Grinde, Hanson, Jackson, Johnson, Jore, Kasten, Lawson, Masolo, McGee, McKenney, Molnar, Noennig, Orr, Rehbein, Rose, Shockley, Sliter, Story, Taylor, Trexler, Vick, Wagner, Walters, Witt.

Total 37

Voted Absentee: Ahner, Eggers, Holden, Pavlovich, Ayes; Johnson, Story, Noes.

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 231** 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, 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

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Ayes; Story, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 296** passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, 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, 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, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 88

Noes: Adams, P. Bergsagel, Brainard, Fuchs, Jackson, Jore, Krenzler, Lawson, McCann, Molnar, Rehbein, Taylor.  
Total 12

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 346** passed as follows:

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Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, 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, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 92

Noes: Adams, R. Clark, Curtiss, Davies, Fuchs, Jore, Orr, Walters.

Total 8

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 361** 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, 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, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 97

Noes: Lawson, Sliter.

Total 2

Voted Absentee: Ahner, Holden, Johnson, Pavlovich, Story, Ayes.

Excused: Eggers.

Total 1

Absent or not voting: None.

Total 0

**HJ 2** adopted as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Beck, Bitney, Brainard, Brown, E. Clark, R. Clark, Dale, Dell, Erickson, Facey, Fisher, Fuchs, Gallus, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harrington, Hedges, Hibbard, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart,

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Lindeen, Masolo, Matthews, McCulloch, McKenney, Menahan, Noennig, Ohs, Pavlovich, Quilici, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 72

Noes: Adams, Barnhart, E. Bergsagel, P. Bergsagel, Buzzas, P. Clark, Cobb, Curtiss, Davies, Eggers, Ewer, Galvin-Halcro, Harper, Jore, Mangan, McCann, McGee, Molnar, Orr, Peck, Raney, Rehbein, Vick, Wagner, Wyatt.

Total 25

Voted Absentee: Ahner, Johnson, Pavlovich, Story, Ayes; Eggers, No.

Excused: Holden.

Total 1

Absent or not voting: Bookout-Reinicke, Mood.

Total 2

**SB 17** concurred in 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: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 50** concurred in 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,

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McCulloch, 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, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 98

Noes: McGee.  
Total 1

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes.

Excused: None.  
Total 0

Absent or not voting: Tuss.  
Total 1

**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 Golie in the chair.

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

**SB 55** - Representative Vick moved **SB 55** 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, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, 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, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Ahner, Holden, Pavlovich, Story, Ayes.

Excused: Eggers, Johnson.  
Total 2

Absent or not voting: None.  
Total 0

**SB 4** - Representative Trexler moved **SB 4** be concurred in. Motion carried 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, Cobb, Curtiss, Dale, Davies, Dell, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, 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 94

Noes: Jore, Rehbein.

Total 2

Voted Absentee: Ahner, Holden, Ayes.

Excused: Eggers, Johnson, Pavlovich, Story.

Total 4

Absent or not voting: None.

Total 0

**SB 51** - Representative Trexler moved **SB 51** be concurred in. Motion carried as follows:

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

Total 86

Noes: Barnhart, E. Bergsagel, P. Bergsagel, Cobb, McGee, Mood, Peck, Vick, Wagner, Zook.

Total 10

Voted Absentee: Ahner, Holden, Pavlovich, Ayes.

Excused: Eggers, Johnson, Story.

Total 3

Absent or not voting: Molnar.

Total 1

**SB 62** - Representative Simon moved **SB 62** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, 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,

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Total 98

Noes: Jore.

Total 1

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes.

Excused: None.

Total 0

Absent or not voting: S. Anderson.

Total 1

**SJR 2** - Representative Grinde moved that **SJR 2** be passed for the day. Motion carried.

**HB 310** - Representative Grinde moved consideration of **HB 310** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 348** - Representative Facey moved **HB 348** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, 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, 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, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 96

Noes: Brainard, Walters.

Total 2

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes.

Excused: None.

Total 0

Absent or not voting: Barnhart, Cobb.

Total 2

**HB 421** - Representative Younkin moved **HB 421** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Dale, Eggers, Erickson, Facey, Fuchs, Gallus, Galvin-Halcro,

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Gillan, Golie, Grinde, Guggenheim, Gutsche, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 83

Noes: Adams, E. Bergsagel, P. Bergsagel, Davies, Fisher, Hagener, Jore, Kasten, McGee, Orr, Peck, Rehbein, Vick, Wagner.  
Total 14

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes.

Excused: None.  
Total 0

Absent or not voting: Cobb, Dell, Ewer.  
Total 3

**HB 344** - Representative Raney moved **HB 344** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, P. Clark, Cobb, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Williams, Wyatt, Younkin.  
Total 78

Noes: Adams, S. Anderson, E. Bergsagel, P. Bergsagel, Brainard, E. Clark, R. Clark, Curtiss, Fuchs, Jackson, Jore, Orr, Rehbein, Smith, Walters, Witt, Zook.  
Total 17

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes.

Excused: None.  
Total 0

Absent or not voting: Fisher, Grinde, Molnar, Sliter, Mr. Speaker.  
Total 5

**HB 267** - Representative Grinde moved consideration of **HB 267** be passed for the day. Motion carried.

**SB 141** - Representative Lindeen moved **SB 141** 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,

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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: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 300** - Representative Ohs moved **HB 300** 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, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 94

Noes: Jore, McGee, Orr, Wagner.

Total 4

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes.

Excused: None.

Total 0

Absent or not voting: Gallus, Somerville.

Total 2

**HB 142** - Representative Anderson moved consideration of **HB 142** be placed at the bottom of the second reading board. Motion carried.

**HB 331** - Representative Younkin moved **HB 331** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers,

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

Total 93

Noes: Adams, Brainard, Jore, Orr, Rehbein, Wagner.

Total 6

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

Representative Curtiss excused at this time.

**SB 30** - Representative Soft moved **SB 30** be concurred in.

**SB 30** - Representative Mangan moved for cloture. Motion carried as follows:

Ayes: Adams, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Dale, Davies, Dell, Erickson, Facey, Fisher, 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, McCann, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 78

Noes: P. Bergsagel, Bitney, Brainard, R. Clark, Cobb, Grinde, Molnar, Sliter, Tropila, Tuss, Williams, Wyatt.

Total 12

Excused: Ahner, Eggers, Holden, Johnson, Pavlovich, Story.

Total 6

Absent or not voting: Curtiss, Ewer, Matthews, McCulloch.

Total 4

Motion that **SB 30** be concurred in carried as follows:

Ayes: Ahner, S. Anderson, Barnhart, Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hibbard, Holden, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, Menahan, Noennig, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Soft, Squires, Story, Stovall, Swanson,

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Tash, Tropila, Williams, Wyatt, Younkin, Zook.  
Total 54

Noes: Adams, J. Andersen, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Jackson, Jore, Kasten, Masolo, McGee, McKenney, Molnar, Mood, Ohs, Orr, Rehbein, Rose, Shockley, Simon, Sliter, Somerville, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Mr. Speaker.  
Total 45

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes; Curtiss, No.

Excused: None.  
Total 0

Absent or not voting: Tuss.  
Total 1

**SB 76** - Representative Grinde moved consideration of **SB 76** be placed at the bottom of the second reading board. Motion carried.

**HB 306** - Representative Anderson moved **HB 306** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, 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, 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, Wagner, Walters, Williams, Witt, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Adams, P. Bergsagel, Bookout-Reinicke, Brainard, Brown, Curtiss, Jackson, Jore, Orr, Vick.  
Total 10

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes; Curtiss, No.

Excused: None.  
Total 0

Absent or not voting: Younkin.  
Total 1

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Golie moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Buzzas, P. Clark, R. Clark, Dale, Dell, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Grinde,

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Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Hedges, Hibbard, Hurdle, Jackson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Younkin, Zook, Mr. Speaker.

Total 77

Noes: E. Bergsagel, P. Bergsagel, Brown, E. Clark, Cobb, Davies, Jore, Molnar, Rehbein, Vick, Wagner, Witt.

Total 12

Excused: Ahner, Eggers, Holden, Johnson, Pavlovich, Story.

Total 6

Absent or not voting: Curtiss, Golie, Harrington, Swanson, Wyatt.

Total 5

Representative Grinde moved that the House stand at ease to await the Senate and the State of the Education Address. Motion carried.

**SPECIAL ORDERS OF THE DAY**

House reconvened at 10:00 a.m. Mr. Speaker in the chair.

Representative Grinde moved that following the joint session, the House recess and reconvene at 12:00 p.m. Motion carried.

Sergeant-at-Arms Meuli escorted the Senate into the House Chamber.

Speaker Mercer introduced President Crippen and yielded the Chair to him.

Senator Harp moved that the body resolve itself into a joint session for the purpose of receiving the State of Education Address from the Superintendent of Public Instruction and the Commissioner of Higher Education. Motion carried.

Senator Harp moved that President Crippen be authorized to appoint a committee of four to notify the Superintendent of Public Instruction and the Commissioner of Higher Education that the House was in joint session and ready to receive the State of Education Address. Motion carried.

President Crippen appointed Senators Shea and Toews and Representatives Harrington and Masolo and discharged them to escort the Superintendent of Public Instruction and the Commissioner of Higher Education into the House Chamber.

Sergeants-at-Arms Meuli and Cramer escorted the Superintendent of Public Instruction and the Commissioner of Higher Education into the House Chamber.

Pastor Keith Johnson of the Evangelical Covenant Church gave the Invocation.

Pledge of Allegiance to the Flag.

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After being presented by President Crippen, the Hawthorne Children's Choir from Bozeman performed two songs under the direction of Liza Smania.

After being introduced by President Crippen, Superintendent Nancy Keenan delivered the following address:

**State of Education Address to the Montana Legislature  
February 6, 1999  
Superintendent of Public Instruction Nancy Keenan**

"Mr. President, Mr. Speaker, distinguished members of the House and Senate, Commissioner Crofts, honored guests, my friends.

I'm glad to be back. My thanks for giving me the opportunity to report on the status of Montana's school children and our public schools.

I was tempted to spend a little time reminiscing, but I've been at this job for a while and I've learned that there is no point in looking back because the next century is just 328 days away.

If the pages are still in the chamber, I'd like you to stand up for a minute. Take a good look at these young folks and then take a look around at each other. The average age in this chamber is 54. Our life experiences and school experiences are so different than theirs are. Just to give us a little perspective of how young they really are, they were born in the early '80s. They have no meaningful recollection of the Reagan era and they were spared the horror of seeing him shot. They were ten or younger when the Soviet Union broke apart and do not remember the Cold War. They have never feared a nuclear war. They are too young to remember the space shuttle blowing up, and Tiananmen Square means nothing to them. Their lifetime has always included AIDS. They have never had a polio shot and likely do not know what it is. They have never owned a record player. They may have heard of an eight-track player but have never actually seen or heard one. The compact disc was invented before they were born. The Vietnam War is ancient history to them as are WWI and WWII. Popcorn has always been cooked in the microwave and they have never heard the terms "Where's the beef," "I'd walk a mile for a Camel," or "De plane, de plane!"

We're not feeling old are we? Our challenge, yours and mine, is to make sure these young people and their little brothers and sisters have the best education available to them as they step into this 21<sup>st</sup> century.

We have much to be proud of. Throughout the past decade, 94% of our students graduated from high school. Over 70% of Montana's high school graduates participated in the ACT or SAT exam. The results of both tests show Montana students consistently ranking among the top-scoring students in the nation. Our students consistently exceed the national average in reading, math, and science proficiency. In both the National Assessment of Education Progress (NAEP) and the Third International Mathematics and Science Study (TIMMS), Montana students have outperformed students in 40 of the 41 countries (all but Singapore) in science, and 35 of the 41 countries in math. We have hard working students, dedicated teachers, and families and communities that understand the only sure-fire way to assure economic growth and better quality of life for their kids is through education. Again this session, the Governor and I have forwarded a school improvement package that continues the work on raising the bar for academic standards and provides for professional development opportunities for our teachers. At the same time, we continue to be accountable to the people of Montana through thoughtful assessment and an education profile that provides the public with the means of measuring the quality and achievements of our schools.

I know that there are many of you in this chamber who see dollar signs every time you look at me. Well, I feel



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very strongly about the importance of public education and have always viewed my job as being the chief advocate for children and making sure there is enough money to get the job done.

There are some absolute truths about education funding that are borne out by the facts and plain common sense. Montanans want quality education. I know you have heard from many of them. They are your neighbors, colleagues, constituents, and friends. They sit on your school boards, have children and grandchildren attending your local schools, and they are your teachers. Listen carefully to them.

Some things in life we know to be absolutely true. The earth rotates around the sun, water runs down hill, and our public school enrollments are declining. When enrollments decline, the general fund budget of the district also declines. 95 of our school districts have already hit their caps and have had to cut budgets, eliminate programs, consolidate services, terminate staff, and in some cases, close schools. In addition, 71 districts are within 5% of the caps. Without a doubt, our public school system has reached critical mass in terms of the number of school districts that are under duress at the current level of funding. Our elementary districts as a group are pushing up against the budget caps in greater numbers than our high schools.

There seems to be confusion around the fact that if there are fewer students, then schools should need less money. An absolute truth is that costs do not drop in direct proportion to enrollment decline. In other words, the teachers still need to be paid, the building still needs to be heated, the lights must still be turned on, and the buses must continue to run. If all students that are leaving would do so from one grade or just one school, it would make it a lot simpler. Students that leave are across the school system, making it very difficult to reduce those fixed costs. In our larger districts where schools have been closed, they are experiencing overcrowded classrooms. In our smaller districts, school closure is not an option, so entire programs, services, and staff have been eliminated.

It is an absolute truth that the state share of funding for schools has declined steadily over the past eight years from 71% in FY91 to 62% in FY99. In 1991 the state share of the per pupil expenditure was \$2,626 and now in 1999, the amount is \$2,637, an increase of only \$11. When the state share declines, district taxpayers pick up the tab for funding public schools through their property tax increases. These tax increases require voter approval and about 90% of school levies have passed, demonstrating the desire and willingness of Montanans to preserve the quality of their schools. Adequately funding schools at the state level translates into reducing local property taxes. It is that simple.

Let me touch briefly on the need to also increase the special education appropriation this session. The state appropriation for special education has not increased since 1989. How are districts making up the shortfall? They are allocating resources from their general fund to meet the growing needs of our students with special needs. Some would like to believe that schools serve special education students because of federal mandates. We serve special education students because they are our precious children who deserve our commitment, compassion, and our vigilance in providing them a quality education.

The truth is not complicated. I am here with the same truthful message. Your schools desperately need \$36 million in their base budgets and they need \$5 million for their special education programs. It is not an outrageous request. Yesterday you adopted a revenue estimate of some \$120 million. Even if the tobacco settlement money and the Montana Power Company settlement dollars do not materialize, there is \$70 million available.

I would respectfully request that you do not use the school funding bill as a pawn in your deliberations around tax policy. The children in your classrooms don't sit on any particular side of the aisle. They sit in your rural and urban schools; there are some whose families are wealthy and others that are poor; they come from diverse

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family backgrounds and occupations; they are all gifted in their own unique way; and they are all our children.

As we close the chapter on this century, let us set our priorities with the children in mind. Over the years, people have had the opportunity to impact or even change the course of history. I want the history book to report that the need was great, the debate was civil, and that each of you, without hesitation, stepped forward on behalf of Montana's school children."

Superintendent Keenan introduced the 1999 Teacher of the Year, advanced biology teacher at Helena High School, Terry Beaver, who addressed the joint session:

"Wow! Neat classroom: --somebody takes roll, -- somebody to get everybody seated, -- guards. How many of you brought money for hot lunch? As the senate came in, it reminded me of combining classes in grade school so we could all see a film - marching in - carrying our own chairs - brings back old memories.

As I look at this assembly, I see some classmates from grade school and high school. I see some I taught - some with whom I taught - and some very close friends.

I am a teacher, so I expect you to listen - take notes - and be ready for a test on Monday. I notice we may have to create a new seating chart -- it appears there are a couple of cliques that might learn better if we separate them.

I ran into Representative Dick Haines after a hearing a couple of weeks ago - we reminisced about growing up in Helena. We played hide-and-go-seek in the Capitol in the early 50's. It was a great place to play - thousands of places to hide. The big challenge was to keep from being caught by security. At that time, I think the only security were the janitors.

As Superintendent Keenan said, I am Terry Beaver, Montana's Teacher of the Year for 1999. I teach advanced biology at Helena High School and have done so for the past 33 years. I coach track and coached basketball for 25 years. I have taught about 4,000 students. I also hold a second job, as you do, and many other Montanans. I have worked for the Forest Service for 39 summers. This opportunity to represent teachers, children, and education in Montana is a great honor.

Children are our future. Literally. I want you to know that Montana's public schools and teachers are producing a highly sought-after product. Strong basic skills, a desire to succeed, and a strong work-ethic - those are the characteristics our children and grandchildren express as the future of Montana.

As we end this millennium and this century, the greatest impact we can have is to keep Montana's kids close to our hearts as we make decisions. We must make a concerted effort to ensure our children will have the opportunities they need to prosper in a world yet unimaginable to us.

You could leave a legacy from the 20th Century. You could be recognized as the legislature responsible for ensuring the success of Montana's future.

Governor Marc Racicot, in his State of the State Address last month, emphasized that we are struggling through an economic slump. He said we will work together diligently to remediate that. "Together" means you and I and every other Montanan. Governor Racicot often refers to the philosophy ascribed to by his father. I was honored to know Bill Racicot quite well. I began my coaching career as Bill was concluding his. I am sure Coach Racicot would have expressed a solution to our present dilemma. There is an old coaching adage that says "If you ever get to the Ball - dance with the one who brung ya!"

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We, in Montana are now at the Ball. The one who brung ya, is your education. Our education created endless opportunities for each of us. Our education is a primary reason for our success.

I want you to think for just a minute about the teacher who made the biggest impact on your life. For me, it was a high school teacher, Amsel Green. I used to cut up in her class a little, and one day she said, "Terry, do YOU want to teach this class?" I hung my head and said, "No." But that was the day I began to think about teaching as a career. Mrs. Green later challenged me to go to college - before that, it never crossed my mind. Her influence made all the difference in my life.

Who was that teacher for you? Think about that person for a moment. Think about the knowledge and skills you gained from all your teachers. Now, think about some other people who contributed to your education - most of whom you never even knew. People in your town, your country, across the state, who pitched in to make your education possible - because this state and this nation believe in education. That's what created our public school system. Previous generations made our education possible. Now it's our turn.

Public education offers Montana the most viable opportunity for success in the 21st Century. Public education needs your support. Your decisions this session will affect 161,000 students in our public schools. They depend on you. You are the voice of nearly 20% of our population who are too young to vote or voice their needs and aspirations to become Montana's future.

Public education is even more important to our children today than it was in the past. Good-paying jobs require much more education today than they did just 25 years ago. Public education cannot be under-funded and still provide viable opportunities for our children and grandchildren. Please keep Montana's kids close to your heart as you make your decisions on school funding. House Bill 133 is a small step in the right direction -- but it's an important step.

Montana students consistently rank among the top in the nation in standardized test scores. One example: According to the National Center for Education Statistics, Montana's 8th grade science scores are 2nd highest in the world. In the world! As a science teacher, that makes me pretty proud.

Student excellence is directly equated with teacher excellence. Montana's teachers devote enormous energy, time, and effort to develop students who succeed in national and international endeavors. These teachers have proven their commitment to Montana and have earned the support of Montana's people. With the establishment of a GABA (guaranteed annual benefit adjustment) in their teachers retirement plan, Montana's teachers' would receive a minimal adjustment in their now fixed retirement benefit. Those who have retired - the devoted teachers who taught us -- are struggling to exist on \$970 average monthly check from their teacher's retirement system. House Bill 72 provides a small improvement, a greatly needed improvement.

A couple of weeks ago I went to Dallas, Texas for a gathering of Teachers of the Year from each state and territory in America. I found a group of fantastic people - all devoted to providing the best possible education for kids across the nation. The biggest impact on me was recognizing that I teach with teachers of world-class ability and dedication every day in my own building, in our communities, and throughout Montana. The most important integral in the education of a child's education stands between the students and the blackboard every day.

One topic we discussed in Dallas was the impending national teacher shortage. America will need 2.2 million new teachers in the next eight years. This doesn't impact us greatly in Montana yet, but it will. We are producing excellent teachers in Montana, but we're losing them to areas of the country willing to pay well for their services. We are recruiting top-quality students into the teaching profession. We used to see them go to

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engineering, architecture, law, and medicine, but now they are looking for a different kind of satisfaction in life. Unfortunately, right now, going out of state to teach provides high satisfaction and better pay for their services. As the drain continues, Montana will feel the significance of the teacher shortage.

Even as we produce good teachers, we find it difficult to retain them in the teaching profession. They want to teach but find it an extremely demanding job. They can make much more money doing something easier, and are doing so.

15% leave after the 1st year.

25% leave after the 3rd year.

50% are out of teaching at the 5th year.

As you can tell, I am proud of Montana's public schools, my teacher colleagues, and our terrific students. I am proud of the partnership and support we have from parents and communities. Our communities recognize the excellence in their public schools - they are willing to support them, but state legislation limits how much financial support they can provide.

If Montana is to maintain excellence in education, we need continuing commitment on the part of the state. Montana's excellent public schools are the state's top economic asset. If we are going to maintain the excellence Montanans expect and deserve, we must invest in this asset.

Ladies and gentlemen, they are playing our song. Let's dance with the one who brung us! Thank you.

President Crippen introduced Commissioner of Higher Education Dr. Richard Crofts who gave the following address:

It is a pleasure and honor for me to have the opportunity to address you this morning on one of my favorite topics - public higher education in the State of Montana. It has been my privilege to serve in the Montana University System for nearly five years, and I have great pride in what we have accomplished and the quality of our programs.

I hope to convince you this morning to share that pride by talking about what we have heard in recent years from the Legislature and the public, and what we have done about it. We have taken seriously the messages we have received and been responsive to those expectations.

We were told that we must control costs and be more efficient. Since 1985 we have kept the increases in the cost of educating students below the increases in the consumer price index. Our per student expenditures are 25% below the average of our peer institutions in neighboring states. In 1998 we spent \$6700 per student - North Dakota State spent \$7000, Utah State spent \$7800, New Mexico State spent \$9300, the University of Idaho spent \$9500, and the University of Wyoming spent \$11,500.

We were told that it was taking too long for students to graduate. We have streamlined our programs, reducing duplication in the curriculum in order to reduce the number of hours required for degrees. We have guaranteed access to classes so that students are able to graduate in four years and, if they can't get the classes they need to graduate in four years, we pay the additional tuition. In three years we have increased by 29% the number of students earning credit by exam and increased by 22% the number of credit hours earned by exam. As a result of these steps, in the last two years the State of Montana has saved \$1.7 million in general fund, and Montana's resident students have saved almost \$700,000 in tuition costs. That's what you said - that's what we did.

We were told that we could not expect all of the needs of the university system to be met by dollars from the

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State of Montana. Last year our research enterprise brought in over \$80 million from the federal government and private sources so that our students could have more faculty, our laboratories could have more equipment, and our students could be earning money on research projects applying their classroom learning, instead of earning minimum wage in the service economy. The last two years have also seen record-setting levels of gifts to the foundations of the campuses of the university system. That's what you said - - that's what we did.

We were told that more students should be enrolled in two-year programs. We have expanded course and program opportunities at the colleges of technology, and in the last four years enrollments in two-year programs have increased by over 25%. We have added new associate degree transfer programs in Helena and Great Falls, and we have added a new bachelor of applied science degree program for graduates of the colleges of technology who wish to return for a four-year degree without starting all over. That's what you said - - that's what we did.

We were told that faculty members at Missoula and Bozeman were not teaching enough. In the last four years, teaching loads at Missoula and Bozeman have increased by 20%, largely in undergraduate education.

We were told that we had too much duplication of programs. Our first round of program review resulted in the elimination of 100 programs and options and the second round review is now in process. That's what you said - - that's what we did.

We were told that we had units unfairly competing with the private sector. We appointed a task force dominated by representatives of the private sector, and the Regents approved the policy drafted by the task force which outlines the limits placed on campus units engaged in activities which might compete with the private sector and which includes a fast-track appeal process for those who believe they have been a victim of unfair competition.

We were told that we had to bring to public light more information about our relationships with the campus foundations. The Regents adopted a new policy on foundations which for the first time publicly outlines the nature of the relationships among the Board of Regents, the campuses, and the foundations. Agreements between the campuses and their affiliated foundations will for the first time be contained in contracts publicly reviewed and approved by the Regents. That's what you said - - that's what we did.

We were told that students encounter too many problems transferring courses. We have published a course-by-course transfer agreement among every public institution in the state. We have agreed that campuses within the Montana University System will accept the general education program from every other campus in the system. We have published articulation agreements so that students attending two-year institutions know exactly what courses they should take to transfer to their intended four-year major. We require each campus to have a well-published appeal process so that students know they have a place to present their complaints. Our dealing with the so-called transfer problem is a model for other states, and complaints from students have dramatically decreased, though we still have the occasional student who wants full transfer of diesel mechanics courses into his nursing program. That's what you said - - that's what we did.

We were told that tuition was increasing too fast. The Board of Regents has given tentative approval to cutting tuition increases in the next biennium to about half of what they have been in recent years if the Legislature will fund the executive budget for the university system.

We were told that we should make more effective use of technology to deliver courses to students who don't live in campus communities. Last year we used interactive television and the Internet to deliver 211 courses across the state of Montana. On the average, those courses enrolled over 21 students and comprised the equivalent of about 450 full-time students. That equals a student body almost half the size of Western Montana College. Those students did not have to waste precious time and money driving to one of our campuses to take a course.

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Students studying in the nursing program in Billings no longer have to move to Bozeman for one semester of courses. A highly successful MBA program offered by the University of Montana in Billings will shortly be available at sites throughout Montana. That's what you said - - that's what we did.

It is, of course, not enough to brag about the past. What is our vision for the future?

We will balance quality, access, cost, and accountability in a unified higher education system focused on educational outcomes and committed to preparing Montana citizens for the future. We will aggressively pursue the use of technology to provide high-quality educational experiences to students, broaden access to programs, promote lifelong learning, and more efficiently manage resources. We will develop an educated citizenry prepared to meet the challenges of the 21st century and lead productive lives. We will focus on learning over teaching, delivering programs when and where students need them, and at a price students and Montana's taxpayers can afford. We will operate with a consumer orientation, driven by market considerations and promoting entrepreneurial behavior in a diverse campus environment.

It would surprise you and disappoint my colleagues if I bragged about the past and shared a vision for the future without talking about what we need from you to accomplish that vision. I will briefly mention only two things. First, retain the flexibility in the current system to allow the Board of Regents to manage the resources you provide us. Second, help us stem the tide which has transferred to students a greater share of the cost of a university education through tuition increases. There is one simple measure of the State's investment in its higher education students, as there is for its K-12 students. For the university system, the measure is dollars of state support for each full-time equivalent student. In 1992 that figure stood at \$4,487 per year. In 1999, that number is \$4,124. With the funding projected in the executive budget, that figure would increase to \$4,363 -- and we would still be \$124 per student per year below where we were in 1992. The Regents have offered to cut tuition increases to half of their recent rate, if the State will increase its investment in our students.

I have heard it said that the State cannot afford this kind of investment in the university system because of the need to cut taxes. I would only point out that the citizens of Montana had an opportunity this last November to cut their taxes without requiring the vote of any member of the Legislature. But by an almost two-to-one vote they renewed the six-mill levy for the university system, refusing to lower their taxes at the expense of the budget of their universities.

In sum, higher education in Montana has an enviable record. Students are attending and graduating in record numbers. By every standardized measure of achievement we can be proud of their accomplishments. More of them are finding employment opportunities to achieve their goal of remaining in Montana. The quality of education we provide makes the Montana University System one of higher education's great bargains. We hope you will join with us in investing in an even brighter future.

Dr. Crofts introduced Dr. Gregory Francis from the Department of Physics at MSU in Bozeman who addressed the joint session:

The fun thing about being a physics professor is that you get to play with all the neatest toys. I am not your typical physics professor. I am a geek - I'm not denying that - I am just a different kind of geek. I hold a special appointment as a professional practice professor at MSU, which means that I spend much more time with our undergraduate students in the classroom and less time working with graduate students in the laboratory. There are two of us in the Physics Department. Jeff Adams also holds a professional practice appointment, and between the two of us we typically teach ten classes and over 1200 students each year. Like other professors, we also have an obligation to engage in scholarly creative activities (research). But we have a special stewardship and an opportunity to focus our creative activities directly on our teaching. We study the science of

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teaching science. We interview students, we give pre-tests and post-tests, looking for stumbling blocks that are keeping our students from clear understanding, and developing activities that allow students to successfully confront and resolve those difficulties.

You have all been in the classroom where the teacher writes everything on the blackboard, you copy it frantically into your notes, and memorize it for the exam. Three weeks later do you remember any of it and are you any better off? None of my colleagues aspire to this kind of teaching, but faced with 200 students in a classroom, figuring out how to do any better is one of the most daunting problems we face as academics. Contributing a solution to this problem is what Jeff and I have devoted our careers to.

If you were a student in our course you would come into class on the first day and, instead of finding out about us, you would introduce yourself to your neighbor, because you would be doing a lot of in-class activities with your neighbor during each lecture. Rather than copying notes down from the board, you would find yourself thinking deeply with your neighbor about a few challenging problems...and not just problems that we happen to like, but special problems that physics education research has shown to be particularly helpful in guiding students to new understanding. You also would not fall asleep in our class! We have discovered a secret to keeping students focused on the lecture. The closer the professor comes to death, the more likely the students are to pay attention. That is why I lay on a bed of nails and allow Jeff to crush a cinder block on my chest with a large sledgehammer. Almost everyone has seen a flower shattered after it's been frozen in liquid nitrogen. That no longer excites our students. They are the Nintendo generation and they've seen everything ...well, perhaps not everything. No one sleeps in class when we do this demo (liquid nitrogen demonstration).

In the lecture portion of our class we can introduce you to the key concepts, we can motivate you to study, we might even be able to help you see more of the big picture, but your real learning would take place in the two hours each week that you spend in the interactive tutorial. Here you would work in teams of four students on activities designed through 25 years of research to first confront and then resolve fundamental misconceptions that otherwise block further learning. If you are typical of 85% of our students, you would report that this tutorial experience was critical to your success.

Of course, nothing comes for free. However, compared to some nationally recognized efforts that rely on small classes and expensive equipment, our costs are quite modest. What makes our interactive tutorials work is the dozen or so top students from the previous year who we hire back as peer instructors to maintain a 7:1 student/staff ratio. These staff members are carefully trained to help you overcome your conceptual difficulties, not by telling you the answers, but by asking you just the right questions.

How do we know this works? For the last six years we have been using the most widely accepted exam in the physics education community for measuring gains in conceptual understanding. This exam has been given on the first and last day in hundreds of classes around the world. One of the things revealed by this exam is that most traditional instruction (chalk-and-talk at the blackboard) results in very low gains - the students learn how to use the formulas but they don't understand the ideas behind the formulas. It has also been shown that high gains can be achieved on this exam if you are willing to pay for small classes with lots of one-on-one contact with the professor. At Montana State University, teaching 200 students at a time, we have consistently achieved among the highest gains in the nation. Moreover, we recently invited our students to return three and a half years after finishing the course to again take this exam. The results: there was virtually no reduction in their score from the last day of class.

Ladies and gentlemen: One of the stewardships you hold is to protect the natural resources of Montana. Let me speak briefly of the greatest resource we have -- our children. Before coming to MSU I taught undergraduates at MIT and the University of Washington in Seattle. Frankly, the students at MIT and UW are more advanced.

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But I have never taught better people than here in Montana. The students at MSU are hard working and honest, people of integrity. During my first semester at MSU, I was handing back an exam at the beginning of class. My staff and I had been up most of the night grading the exam, and the scores were added at 4:00 in the morning. Mistakes were made. Two students complained that their scores were added wrong and they should receive more points. I made the corrections. A third student, a woman by the name of Elizabeth Lyons, approached me and said that we had given her ten points too many. I was stunned! This had never happened at MIT. I told her it was my mistake so she could keep the points, and she returned to her seat. At the end of the lecture she again approached me with tears in her eyes and said, "I didn't earn the points...I can't keep them." At that moment I fell in love with Montana and I fell in love with the parents of Elizabeth Lyons. These are the kind of people I want as neighbors. I have college age children of my own. I hope that I have done as good a job as the parents of Elizabeth Lyons...and the parents of David McKay, and the parents of Todd Rambur, and many others. For you see, this same story has played itself out several times each semester for the past seven years.

These students of Montana deserve the best we can afford to give them. May God bless you to do the right thing for these, our children.

The committee escorted the Superintendent of Public Instruction, the Commissioner of Higher Education, Mr. Beaver, Dr. Francis and other dignitaries from the House Chamber.

Senator Harp moved that the joint session of the 56th legislature be adjourned. Motion carried.

House recessed at 11:20 a.m.

House reconvened at 12:00 p.m.

Roll call. All members present except Representatives Ahner, Curtiss, Eggers, Gillan, Holden, Johnson, Krenzler, Pavlovich, Story, and Wagner. Quorum present.

**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 Golie in the chair.

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

**HB 391** - Representative Hedges moved **HB 391** 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, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Zook, Mr. Speaker.

Total 97



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Noes: Gutsche, Hurdle.  
Total 2

Voted Absentee: Ahner, Curtiss, Eggers, Holden, Johnson, Pavlovich, Story, Wagner, Ayes.

Excused: None.  
Total 0

Absent or not voting: Younkin.  
Total 1

**SB 34** - Representative Peck moved **SB 34** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, 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, 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 93

Noes: Adams, Brainard, R. Clark, Curtiss, Rehbein.  
Total 5

Voted Absentee: Ahner, Eggers, Holden, Johnson, Pavlovich, Story, Ayes; Curtiss, No.

Excused: Wagner.  
Total 1

Absent or not voting: Cobb.  
Total 1

**SB 6** - Representative Grinde moved consideration of **SB 6** be placed at the bottom of the second reading board. Motion carried.

**SB 20** - Representative Facey moved **SB 20** be concurred in.

**SB 20** - Representative Menahan moved **SB 20**, second reading copy, be amended as follows :

1. Page 2

**Following:** "~~MEMBERS~~." on line 19

**Insert:** "Any decision may be rendered by a board member and a board designated hearings officer or by two or more board members."

Amendment failed as follows:

Ayes: Barnhart, Beck, P. Clark, Dell, Erickson, Facey, Gallus, Golie, Grinde, Guggenheim, Hagener, Harper,

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Harrington, Juneau, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, Menahan, Peck, Quilici, Raney, Ryan, Smith, Squires, Swanson, Tropila, Williams.  
Total 30

Noes: Adams, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, R. Clark, Cobb, Dale, Davies, Ewer, Fisher, Fuchs, Galvin-Halcro, Gillan, Gutsche, Haines, Hanson, Hedges, Hibbard, Hurdle, Jackson, Jore, Kasten, Kitzenberg, Lawson, Masolo, McGee, McKenney, Mood, Noennig, Orr, Rehbein, Rose, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Stovall, Tash, Taylor, Thomas, Trexler, Tuss, Vick, Walters, Witt, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 58

Excused: Ahner, Curtiss, Eggers, Holden, Johnson, Pavlovich, Story, Wagner.  
Total 8

Absent or not voting: Bitney, Krenzler, Molnar, Ohs.  
Total 4

Motion that **SB 20** be concurred in carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bookout-Reinicke, Brown, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McGee, McKenney, Mood, Noennig, Pavlovich, Peck, Raney, Rehbein, Rose, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 78

Noes: Adams, P. Bergsagel, Brainard, Buzzas, Davies, Fisher, Fuchs, Gallus, Grinde, Jore, McCulloch, Menahan, Orr, Quilici, Ryan, Sliter, Squires, Vick.  
Total 18

Voted Absentee: Ahner, Curtiss, Eggers, Gillan, Holden, Johnson, Krenzler, Pavlovich, Story, Ayes.

Excused: Wagner.  
Total 1

Absent or not voting: Bitney, Molnar, Ohs.  
Total 3

**SB 28** - Representative Jackson moved **SB 28** 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,

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

Total 99

Noes: None.

Total 0

Voted Absentee: Ahner, Curtiss, Eggers, Gillan, Holden, Johnson, Krenzler, Pavlovich, Story, Ayes.

Excused: Wagner.

Total 1

Absent or not voting: None.

Total 0

**SB 106** - Representative Holden moved **SB 106** be concurred in. Motion carried 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, 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 90

Noes: Adams, P. Bergsagel, Brainard, Curtiss, Fuchs, Jore, Orr.

Total 7

Voted Absentee: Ahner, Eggers, Gillan, Holden, Johnson, Krenzler, Pavlovich, Story, Ayes; Curtiss, No.

Excused: Wagner.

Total 1

Absent or not voting: Gallus, Molnar.

Total 2

**HB 310** - Representative Molnar moved **HB 310** do pass.

**HB 310** - Representative Molnar moved **HB 310**, second reading copy, be amended as follows :

1. Page 2, line 10.

**Following:** "PRESENT SCHOOL,"

**Insert:** "OR"

2. Page 2, line 15.

**Following:** "ATTENDS"

**Insert:** ", "

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**Following:** "OR"

**Insert:** "THE SCHOOL DISTRICT THAT THE YOUTH"

**Following:** "ATTEND"

**Insert:** ", "

Amendment passed as follows:

Ayes: J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Brown, Buzzas, E. Clark, R. Clark, Dale, Davies, Dell, Facey, Fisher, Fuchs, Gallus, Golie, Grinde, Gutsche, Hager, Haines, Hanson, Hedges, Hibbard, Jackson, Kasten, Lawson, Lenhart, Lindeen, Masolo, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Peck, Quilici, Raney, Rehbein, Rose, Shockley, Simon, Soft, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Vick, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 64

Noes: P. Clark, Ewer, Galvin-Halcro, Harper, Harrington, Hurdle, Juneau, Mangan, Matthews, Orr, Ryan, Smith, Tropila, Tuss, Wyatt.

Total 15

Excused: Ahner, Curtiss, Eggers, Holden, Johnson, Pavlovich, Story, Wagner.

Total 8

Absent or not voting: Adams, Bookout-Reinicke, Brainard, Cobb, Erickson, Gillan, Guggenheim, Jore, Kitzenberg, Krenzler, Schmidt, Sliter, Somerville.

Total 13

Motion that **HB 310**, as amended, do pass carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, R. Clark, Dale, Davies, Dell, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Holden, Jackson, Johnson, Jore, Lawson, Lenhart, Lindeen, Masolo, McCann, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Peck, Raney, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Zook, Mr. Speaker.

Total 57

Noes: Barnhart, Beck, Buzzas, P. Clark, Cobb, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Golie, Guggenheim, Gutsche, Hager, Harper, Harrington, Hibbard, Hurdle, Juneau, Kasten, Mangan, Matthews, McCulloch, Menahan, Orr, Pavlovich, Quilici, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt, Younkin.

Total 38

Voted Absentee: Ahner, Holden, Johnson, Story, Wagner, Ayes; Eggers, Pavlovich, Noes.

Excused: Curtiss.

Total 1

Absent or not voting: E. Clark, Gillan, Kitzenberg, Krenzler.

Total 4

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Representative Williams excused at this time.

**HB 142** - Representative Anderson moved **HB 142** do pass.

**HB 142** - Representative Quilici moved for cloture. Motion carried as follows:

Ayes: Adams, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Dale, Davies, Dell, Fisher, Fuchs, Gallus, Grinde, Haines, Hanson, Harrington, Hedges, Hibbard, Jackson, Jore, Juneau, Kasten, Kitzenberg, Lawson, Lenhart, Masolo, Matthews, McCann, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Peck, Quilici, Rehbein, Rose, Ryan, Shockley, Simon, Sliter, Smith, Soft, Somerville, Stovall, Tash, Thomas, Trexler, Tropila, Vick, Walters, Witt, Zook, Mr. Speaker.

Total 63

Noes: Barnhart, Bookout-Reinicke, Buzzas, P. Clark, Cobb, Erickson, Ewer, Facey, Galvin-Halcro, Golie, Gutsche, Hagener, Harper, Hurdle, Lindeen, Mangan, Raney, Schmidt, Squires, Swanson, Tuss, Wyatt, Younkin.

Total 23

Excused: Ahner, Curtiss, Eggers, Gillan, Holden, Johnson, Krenzler, Pavlovich, Story, Wagner, Williams.

Total 11

Absent or not voting: Guggenheim, McCulloch, Taylor.

Total 3

Motion that **HB 142** do pass carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Cobb, Dale, Davies, Dell, Fisher, Fuchs, Grinde, Hagener, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Kitzenberg, Lawson, Masolo, Matthews, McCann, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 61

Noes: Barnhart, Buzzas, P. Clark, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Harper, Harrington, Hurdle, Juneau, Lenhart, Lindeen, Mangan, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.

Total 35

Voted Absentee: Ahner, Holden, Johnson, Story, Ayes; Eggers, Gillan, Pavlovich, Williams, Noes.

Excused: Curtiss, Krenzler, Wagner.

Total 3

Absent or not voting: Bookout-Reinicke.

Total 1

**SB 76** - Representative Soft moved **SB 76** be concurred in. Motion carried as follows:

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Ayes: Ahner, S. Anderson, Barnett, Barnhart, Beck, Brown, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Simon, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Thomas, Tropila, Tuss, Williams, Wyatt, Younkin, Zook.

Total 62

Noes: Adams, J. Andersen, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Fuchs, Golie, Grinde, Haines, Hanson, Jackson, Jore, Kasten, McGee, McKenney, Molnar, Mood, Orr, Rehbein, Shockley, Sliter, Smith, Taylor, Trexler, Vick, Walters, Witt, Mr. Speaker.

Total 37

Voted Absentee: Ahner, Eggers, Gillan, Holden, Johnson, Krenzler, Pavlovich, Story, Williams, Ayes; Curtiss, No.

Excused: Wagner.

Total 1

Absent or not voting: None.

Total 0

**SB 6** - Representative Anderson moved **SB 6** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. 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, 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, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 93

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

Total 4

Voted Absentee: Ahner, Curtiss, Eggers, Gillan, Holden, Johnson, Krenzler, Pavlovich, Story, Williams, Ayes.

Excused: Wagner.

Total 1

Absent or not voting: P. Clark, Vick.

Total 2

**HB 142** - Representative Ewer made a substitute motion that **HB 142** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion failed as follows:

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Ayes: Barnhart, P. Bergsagel, Bookout-Reinicke, Buzzas, P. Clark, Cobb, Dell, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Golie, Guggenheim, Gutsche, Harper, Harrington, Hurdle, Juneau, Lenhart, Lindeen, Mangan, McCann, McCulloch, Menahan, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Wyatt.

Total 36

Noes: Adams, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Dale, Davies, Fisher, Fuchs, Grinde, Hagener, Haines, Hedges, Hibbard, Jackson, Jore, Kasten, Kitzenberg, Lawson, Masolo, Matthews, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Stovall, Tash, Thomas, Trexler, Vick, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 51

Excused: Ahner, Curtiss, Eggers, Gillan, Holden, Johnson, Krenzler, Pavlovich, Story, Wagner, Williams.

Total 11

Absent or not voting: Hanson, Taylor.

Total 2

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

Ayes: Adams, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Dale, Davies, Dell, Fisher, Fuchs, Grinde, Hagener, Haines, Hedges, Hibbard, Jackson, Kasten, Kitzenberg, Lawson, Masolo, Matthews, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Peck, Quilici, Rehbein, Rose, Shockley, Simon, Smith, Soft, Somerville, Stovall, Tash, Thomas, Trexler, Vick, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 53

Noes: Barnhart, P. Bergsagel, Bookout-Reinicke, Buzzas, P. Clark, Cobb, Erickson, Ewer, Facey, Gallus, Golie, Guggenheim, Gutsche, Harper, Harrington, Hurdle, Jore, Juneau, Lenhart, Lindeen, Mangan, McCann, McCulloch, Menahan, Raney, Ryan, Schmidt, Sliter, Swanson, Tropila, Tuss.

Total 31

Excused: Ahner, Curtiss, Eggers, Gillan, Holden, Johnson, Krenzler, Pavlovich, Story, Wagner, Williams.

Total 11

Absent or not voting: Galvin-Halcro, Hanson, Squires, Taylor, Wyatt.

Total 5

**MOTIONS**

Representative Dale requested on 3rd reading today his votes be shown as yes on all bills except **HB 103**, where his vote is no. There being no objections, so ordered.

Representative Beck requested on **SB 50**, 3rd reading today, his vote be shown as yes. There being no objections, so ordered.

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Representative Mangan requested on **HB 361**, 3rd reading today, his vote be changed from no to yes. There being no objections, so ordered.

Representative P. Clark requested on **HB 421**, 2nd reading today, his 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 1:00 p.m., Monday, February 8, 1999. Motion carried.

House adjourned at 2:20 p.m.

MARILYN MILLER  
Chief Clerk of the House

JOHN MERCER  
Speaker of the House