

**HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY**

Helena, Montana
February 17, 1999

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Rehbein, Chairman): 2/17/1999

Correctly printed: **HB 429, HB 432, HB 458, HB 485, HB 539, HB 551, HB 563, HB 583, HB 584, HJR 22.**

Correctly engrossed: **HB 227, HB 379, HB 459, HB 492, HB 558, SB 171.**

Correctly enrolled: **HB 85, HB 137**

Examined by the sponsor and found to be correct: **HB 93, HB 138, HB 139, HB 175, HB 194.**

2/16/1999

Examined by the sponsor and found to be correct: **HB 85, HB 137.**

2/17/1999

APPROPRIATIONS (Zook, Chairman): 2/17/1999

HB 115, introduced bill, be amended as follows:

1. Title, page 1, lines 25 and 26.

Following: "PROGRAM;" on line 25

Strike: the remainder of line 25 through "CENTERS;" on line 26

2. Page 8, line 1.

Following: the second "and"

Strike: "59th"

Insert: "58th"

3. Page 12, line 2.

Following: "death"

Insert: ", except as provided in 46-18-201(1)(a)(xiv)"

4. Page 12, line 25 through line 27.

Strike: section 12 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 48, be concurred in. Report adopted.

SB 49, be concurred in. Report adopted.

BUSINESS AND LABOR (Simon, Chairman): 2/17/1999

HB 598, introduced bill, be amended as follows:

1. Page 1, line 19.

Following: "customer"

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Insert: "from being placed on the customer's telephone bill"

2. Page 1, line 22.

Strike: "honor a"

3. Page 1, line 23.

Strike: "by any person other than a customer to"

Insert: "a"

Following: "change"

Strike: "the"

Insert: "in a"

Strike: "carriers"

Insert: "carrier"

4. Page 2, line 7.

Strike: "cause"

Insert: "initiate"

5. Page 2, line 23.

Following: "to"

Insert: "a"

6. Page 3, line 6.

Following: "initiates"

Strike: "billing"

Insert: "charges to be billed on a customer's telephone bill"

Following: "services"

Insert: "or products"

7. Page 3, line 11.

Following: "initiated"

Strike: "billing"

Insert: "charges to be billed on a customer's telephone bill"

8. Page 3, line 13.

Following: "violation"

Insert: ", which must be deposited in the general fund"

9. Page 3, line 14.

Following: "If"

Insert: ", after a hearing held pursuant to the Montana Administrative Procedure Act,"

10. Page 3, line 15.

Following: "charges"

Insert: "to be billed on a customer's telephone bill"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Brainard, Chairman):

2/16/1999

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HB 244, introduced bill, be amended as follows:

1. Page 1, line 21.

Strike: "for each day of duty,"

2. Page 1, line 22.

Following: "to"

Insert: ": (a)"

Following: "~~monthly~~"

Insert: "daily"

3. Page 1, line 24.

Following: "rendered"

Insert: ", up to a total of 180 days in a calendar year; and

(b) for each day of duty after 180 days in a calendar year, one-twentieth of the monthly salary then currently applicable to the judicial position in which the duty is rendered minus an amount equal to one-twentieth of the monthly retirement benefit that the retired justice or judge is receiving, if any"

And, as amended, do pass. Report adopted.

STATE/FEDERAL RELATIONS (Curtiss, Chairman):

2/17/1999

HJR 5, be adopted. Report adopted.

HJR 10, introduced joint resolution, be amended as follows:

1. Page 1, line 13.

Strike: "328"

Insert: "at least 352"

Following: "in"

Insert: "at least"

2. Page 3, line 17.

Strike: "55th"

Insert: "56th"

And, as amended, be adopted. Report adopted.

HJR 11, introduced joint resolution, be amended as follows:

1. Page 2, line 3.

Strike: line 3 in its entirety

Insert: "conflict with the state's responsibility for water programs."

2. Page 2, line 7.

Following: "That"

Insert: "Montana's Congressional Delegation be respectfully requested to advocate to the appropriate federal agencies that"

3. Page 2, line 9.

Following: "states"

Following: "and"

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Insert: "that"

4. Page 2, lines 15 and 16.

Following: "and" on line 15

Strike: "without" through "of" on line 16

Insert: "in support of"

5. Page 2, line 17.

Following: "(4)"

Strike: "not interfere"

Insert: "recognize and cooperate"

And, as amended, be adopted. Report adopted.

HJR 19, introduced joint resolution, be amended as follows:

1. Page 1, line 23.

Following: "now"

Strike: "undermining that commitment by"

2. Page 1, line 26.

Strike: "attempting to redefine"

Insert: "redefining"

3. Page 1, line 28 through line 29.

Following: "irreparable" on line 28

Insert: "financial"

Following: "governments," on line 28

Strike: "has" through "harm" on line 29

Following: the first "and" on line 29

Strike: "has" through "of"

4. Page 2, line 8.

Following: "to the"

Insert: "President of the United States, the Secretary of State of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Western Governors' Association, and the"

And, as amended, be adopted. Report adopted.

HJR 26, introduced joint resolution, be amended as follows:

1. Page 1, line 28.

Strike: "one"

Insert: "another"

And, as amended, be adopted. Report adopted.

TAXATION (Hibbard, Chairman):

2/17/1999

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HB 567, introduced bill, be amended as follows:

1. Page 1, line 30.

Following: "the"

Insert: "same or a similar"

And, as amended, do pass. Report adopted.

SB 274, be amended as follows:

1. Page 3, lines 16 through 19.

Strike: "and" on line 16

Insert: "or"

Strike: "that" on line 16 through "MAINTENANCE" on line 19

Insert: "in proportion to the amount of gross income attributable to the property used in the design, manufacture, launch, repair, or maintenance of space vehicles to the total gross income attributable to the property"

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

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/16/1999

SB 111, introduced by DePratu

SB 387, introduced by Wilson

House bills concurred in and returned to the House: 2/16/1999

HB 85, introduced by Simon

HB 137, introduced by Anderson

FIRST READING AND COMMITMENT OF BILLS

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

HB 637, introduced by M. Brainard, D. Ewer, H. Harper, J. Mercer, referred to State Administration.

HB 638, introduced by R. Somerville, referred to Taxation.

HB 639, introduced by B. Simon, referred to Business and Labor.

HB 640, introduced by B. Simon, referred to Business and Labor.

HB 641, introduced by C. Squires (by request of the House Business and Labor Committee), referred to Business and Labor.

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

HJR 32, introduced by P. Sliter, J. Barnett, R. Bitney, S. Bookout-Reinicke, R. Brown, D. Ewer, C. Juneau, B. Krenzler, B. Lawson, G. Masolo, G. Matthews, J. McKenney, B. Pavlovich, B. Simon, C. Squires, J. Stovall, C. Trexler, C. Tuss (by request of the House Business and Labor Committee), referred to Business and Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

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Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Masolo in the chair.

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

HJR 21 - Representative Lawson moved **HJR 21** be adopted. Motion carried 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, 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, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 89

Noes: Adams, E. Bergsagel, Curtiss, Jore, McGee, Molnar, Orr, Shockley, Trexler, Wagner.

Total 10

Excused: None.

Total 0

Absent or not voting: Masolo.

Total 1

HJR 20 - Representative Quilici moved **HJR 20** be adopted. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, 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, Matthews, McCann, McCulloch, McKenney, Menahan, 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, Mr. Speaker.

Total 91

Noes: E. Bergsagel, P. Bergsagel, Jore, McGee, Molnar, Orr, Rehbein, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: Masolo.

Total 1

HB 571 - Representative McCann moved **HB 571** 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, 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, 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: Grinde.
Total 1

HB 480 - Representative Johnson moved **HB 480** 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, Holden, Hurdle, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 97

Noes: Hibbard, Jackson, Wagner.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 557 - Representative Ewer moved **HB 557** do pass.

HB 557 - Representative Ewer moved **HB 557**, second reading copy, be amended as follows :

1. Page 2, line 7.

Following: "benefits."

Insert: "This subsection may not be construed to restrict the scope of discovery of health care information as allowed under the rules of civil procedure, rules of the workers' compensation court, or as otherwise provided by law."

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Amendment passed as follows:

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

Total 92

Noes: McGee, Orr, Rehbein, Shockley, Trexler, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: Hanson, Williams.

Total 2

Motion that **HB 557**, as amended, do pass carried as follows:

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

Total 95

Noes: Brainard, McGee, Wagner.

Total 3

Excused: None.

Total 0

Absent or not voting: Bitney, Molnar.

Total 2

HB 581 - Representative Cobb moved **HB 581** do pass. Motion carried as follows:

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

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McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 98

Noes: Molnar.
Total 1

Excused: None.
Total 0

Absent or not voting: Tuss.
Total 1

HB 454 - Representative Soft moved **HB 454** 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, 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, 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 91

Noes: Adams, E. Bergsagel, P. Bergsagel, Curtiss, Jore, Kasten, Orr, Rehbein, Story.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 411 - Representative Ewer moved **HB 411** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, 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, 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, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 92

Noes: Adams, Fuchs, Jore, Kasten, McGee, Orr, Wagner.
Total 7

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Excused: None.
Total 0

Absent or not voting: Fisher.
Total 1

HB 241 - Representative Ryan moved **HB 241** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, 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, 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, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 90

Noes: E. Bergsagel, P. Bergsagel, Curtiss, Jore, Kasten, McCann, McGee, Orr, Rehbein, Wagner.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 362 - Representative Schmidt moved **HB 362** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, 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, 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, Mr. Speaker.
Total 92

Noes: E. Bergsagel, P. Bergsagel, Davies, Jore, McGee, Orr, Rehbein, Wagner.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 502 - Representative Ohs moved **HB 502** do pass. Motion carried as follows:

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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, 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, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 97

Noes: P. Bergsagel, Jore, Orr.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 130 - Representative Story moved **HB 130** do pass.

HB 130 - Representative Story moved **HB 130**, second reading copy, be amended as follows :

1. Title, line 8 through line 9.

Strike: "SUBMITTING" on line 8 through "PROVISION;" on line 9

2. Title, line 10.

Following: "PROVIDING"

Insert: "CONTINGENT"

3. Page 1, line 19 through line 27.

Strike: section 2 in its entirety

Renumber: subsequent sections

4. Page 2, line 5 through line 7.

Strike: section 5 in its entirety

Renumber: subsequent section

5. Page 2, line 9 through line 13.

Strike: "Effective" on line 9

Insert: "Contingent effective"

Strike: "If" on line 9 through "1999" on line 13

Insert: "If Constitutional Initiative No. 75, enacting Article VIII, section 17, of the Montana constitution, is declared invalid, including the provision requiring a public vote on tax increases, then [this act] is effective on the date of declared invalidity"

6. Page 2, line 14.

Strike: "[Sections 3 and 4]"

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Insert: "Subject to the contingency in subsection (1), [sections 2 and 3]"

Amendment passed as follows:

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

Motion that **HB 130**, as amended, do pass carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, 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, Vick, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 96

Noes: Jore, Orr, Wagner, Wyatt.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HR 2 - Representative Hurdle moved **HR 2** be adopted. Motion carried as follows:

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

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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, 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, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 95

Noes: P. Bergsagel, Lawson, McGee, Vick.

Total 4

Excused: None.

Total 0

Absent or not voting: Barnhart.

Total 1

HB 514 - Representative Somerville moved **HB 514** do pass. Motion carried as follows:

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

Total 91

Noes: Adams, Jore, Orr, Rehbein, Shockley, Sliter, Vick.

Total 7

Excused: None.

Total 0

Absent or not voting: Gillan, Tuss.

Total 2

HB 553 - Representative Thomas moved **HB 553** do pass. Motion failed as follows:

Ayes: Ahner, J. Andersen, Brainard, E. Clark, R. Clark, Dale, Fisher, Fuchs, Galvin-Halcro, Grinde, Guggenheim, Haines, Hedges, Jackson, Mangan, Masolo, McKenney, Menahan, Mood, Noennig, Ohs, Rose, Ryan, Simon, Sliter, Somerville, Tash, Thomas, Tuss, Wyatt, Mr. Speaker.

Total 31

Noes: Adams, S. Anderson, Barnett, Barnhart, Beck, P. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, P. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Gillan, Golie, Gutsche, Hagener, Hanson, Harper, Harrington, Hibbard, Holden, Hurdle, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Matthews, McCann, McCulloch, McGee, Molnar, Orr, Pavlovich, Peck, Quilici, Raney,

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Rehbein, Schmidt, Shockley, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook.

Total 68

Excused: None.

Total 0

Absent or not voting: E. Bergsagel.

Total 1

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

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, 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, 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, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Wyatt, Younkin, Zook, Mr. Speaker.

Total 95

Noes: Rehbein.

Total 1

Excused: None.

Total 0

Absent or not voting: Masolo, Swanson, Thomas, Witt.

Total 4

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 275 passed as follows:

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

Total 74

Noes: Adams, S. Anderson, E. Bergsagel, P. Bergsagel, Brainard, Brown, R. Clark, Curtiss, Davies, Fisher,

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Hanson, Jore, Kasten, McGee, McKenney, Mood, Rehbein, Sliter, Somerville, Story, Taylor, Trexler, Vick, Wagner, Walters.

Total 25

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

HB 459 passed as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Gillan, Golie, Grinde, Guggenheim, 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, Quilici, Raney, Rehbein, Rose, Ryan, 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 93

Noes: Buzzas, Galvin-Halcro, Gutsche, Peck, Schmidt, Tuss.

Total 6

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

HB 492 passed as follows:

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

Total 87

Noes: E. Bergsagel, P. Bergsagel, Davies, Jore, McGee, Mood, Noennig, Orr, Rehbein, Story, Vick, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: Cobb.

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Total 1

HB 558 passed as follows:

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

Total 88

Noes: Adams, Galvin-Halcro, Hurdle, Jore, McCann, McGee, Orr, Peck, Rehbein, Wagner, Wyatt.

Total 11

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

SB 10, as amended by the House, concurred in as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, 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, Mr. Speaker.

Total 90

Noes: Adams, Galvin-Halcro, Hurdle, Jore, McGee, Molnar, Orr, Rehbein, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

MOTIONS

Representative Ryan requested on **HB 502**, 2nd reading today, that his vote be shown as yes. There being no objections, so ordered.

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Representative Gallus requested on **HJR 21**, 2nd reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Noennig requested on **HB 379**, 2nd reading on Legislative Day 38, that his vote be shown as yes. There being no objections, so ordered.

Representative Thomas requested on **HJR 16**, 3rd reading on Legislative Day 38, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Kitzenberg requested on **SB 171**, 2nd reading on Legislative Day 38, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Grinde moved that **SB 131** be taken from the Committee on Fish, Wildlife and Parks and be rereferred to the Committee on Business and Labor. Motion carried.

SPECIAL ORDERS OF THE DAY

The following cosponsors have been added to **HB 637**: Representatives R. Clark, Davies, Facey, Kitzenberg, Molnar, Mood, Orr, Rehbein, and Walters.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Grinde moved that the House adjourn until 9:00 a.m., Thursday, February 18, 1999. Motion carried.

House adjourned at 2:55 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker Pro Tempore of the House