

**HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY**

Helena, Montana
February 18, 1999

House Chambers
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Facey. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Dale, Davies, and Molnar. Quorum present.

COMMUNICATIONS AND PETITIONS

**A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA**

WHEREAS, Mindi Kimp, an esteemed resident of Corvallis, Montana and a senior at Hamilton High School, has achieved national recognition for exemplary volunteer service by receiving a 1999 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America, who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Mindi Kimp earned this award by coordinating a "senior citizen prom" the night before her high school prom for seniors living in Missoula and Ravalli counties. Mindi, a 4-H member and junior class president, enjoys a very close relationship with her grandparents. While planning her high school prom, the idea of hosting one for senior citizens struck her as a great way to honor grandparents and help restore their faith in today's younger generation. In addition to convincing the student council that it was a worthwhile cause, Mindi had to work closely with the local Council on Aging for its ideas and assistance. Determined that no senior citizen would be charged to attend, Mindi solicited donations for prizes, decorations and flowers so every woman would receive a rose. She promoted the event through local newspapers and radio stations and hired a local band to play big band music. "It was truly enchanting to see senior citizens dancing with high school students," said Mindi. The event was so successful that Mindi has been asked to speak at the State Student Council Convention to advise others on how to plan a senior citizen prom, an event that will now be held annually at Hamilton High School.

WHEREAS, the success of the State of Montana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Mindi Kimp who use their considerable talents and resources to serve others, the Montana State Legislature is pleased to recognize and honor her talents and generosity.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the congratulations of all Montanans be extended to Mindi Kimp as a recipient of a Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership and community spirit, and extends best wishes for her continued success and happiness.

Signed by Representatives Mercer, Shockley, Swanson, Trexler, and Walters, and Senators Berry, Crippen, Doherty, and Thomas.

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REPORTS OF STANDING COMMITTEES

BILLS (Rehbein, Chairman): 2/18/1999
Correctly printed: **HB 244, HB 373, HB 503, HB 527, HB 531, HB 567, HB 598, HB 615, HB 639, HB 640, HJR 5, HJR 10, HJR 11, HJR 19, HJR 26, HJR 27, SB 48, SB 49, SB 274.**
Correctly engrossed: **HB 115, HB 130, HB 241, HB 362, HB 411, HB 454, HB 480, HB 502, HB 514, HB 557, HB 571, HB 581, HJR 20, HJR 21.**
Correctly enrolled: **HB 36, HB 141, HJR 2.**
Examined by the sponsor and found to be correct: **HB 36, HB 141, HR 2.**
Signed by the Speaker at 4:47 p.m., February 17, 1999: **HB 85, HB 93, HB 137, HB 138, HB 139, HB 175, HB 194.**

AGRICULTURE (Barnett, Chairman): 2/17/1999
HB 345, introduced bill, be amended as follows:

1. Title, line 7 and line 8.
Strike: "REQUIRING" on line 7 through "SERVICES;" on line 8
2. Title, line 8.
Strike: "AN"
Insert: "CERTAIN"
Strike: "OPERATION"
Insert: "OPERATIONS"
3. Title, line 10.
Strike: "AN"
Insert: "A DELAYED"
4. Page 1, line 18.
Strike: "certified" through "weeds"
Insert: "obtained from a source operating in accordance with an approved noxious weed management plan approved"
5. Page 1, line 19 and line 20.
Strike: "are" on line 19 through "materials" on line 20
Insert: "will be used"
6. Page 1, line 21.
Following: "a"
Insert: "statewide"
7. Page 1, line 22.
Following: "7-22-2121(2)"
Insert: "and 7-22-2151. The department shall incorporate the noxious weed management plan into county agreements for gravel yards, stock piles, or other soils or aggregates used in road construction and maintenance"

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8. Page 1, line 30.

Strike: "does not have"

Insert: "provides gravel yards, stock piles, or other soils or aggregates for use in the construction and maintenance of a federal-aid highway or a state highway, until the operator has "

9. Page 2, line 1 through line 3.

Strike: "The" on line 1 through "board." on line 3

10. Page 3, line 23.

Following: "(e)"

Insert: "if the operator provides gravel yards, stock piles, or other soils or aggregates used in road construction and maintenance,"

Following: "operator's"

Insert: "approved"

11. Page 3, line 23 through line 25.

Strike: "with" on line 23 through "site" on line 25

12. Page 4, line 16.

Strike: "1999"

Insert: "2001"

And, as amended, do pass. Report adopted.

HB 373, do pass. Report adopted.

HB 499, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AND TRESPASS PROBLEMS"

2. Title, line 8.

Strike: "AND A TRESPASS CONTROL PLAN"

3. Title, line 9.

Strike: "PLANS"

Insert: "PLAN"

4. Title, line 12.

Strike: "AND TRESPASS CONTROL PLANS ARE"

Insert: "PLAN IS"

5. Title, line 13.

Following: "OF"

Insert: "A "

Strike: "AND TRESPASS CONTROL PLANS"

Insert: "PLAN"

6. Title, line 14 through line 15.

Strike: "PROVIDING" on line 14 through "IS" on line 15

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Insert: "CLARIFYING THE RESPONSIBILITY FOR PROPERTY THAT IS"

7. Page 1, line 19.

Strike: "and trespass control plans"

Insert: "plan"

8. Page 1, line 20.

Strike: "and trespass control plans"

Insert: "plan"

9. Page 1, line 21.

Strike: "and a plan for trespass control"

10. Page 1, line 27 through line 28.

Strike: the second "and" on line 27 through "plan" on line 28

11. Page 1, line 29.

Strike: "plans"

Insert: "plan"

12. Page 1, line 29 through line 30.

Strike: "and" on line 29 through "measures" on line 30

13. Page 2, line 2 through line 3.

Strike: "The" on line 2 through "vehicles." on line 3

14. Page 2, line 5 through line 7.

Strike: "conducted" on line 5 through "process" on line 7

15. Page 2, line 8.

Strike: "and trespass problems"

16. Page 2, line 10.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

17. Page 2, line 15 through line 16.

Strike: subsection (e) in its entirety

Renumber: subsequent subsections

18. Page 2, line 18.

Following: "techniques;"

Insert: "and"

19. Page 2, line 19.

Strike: subsection (g) in its entirety

Renumber: subsequent subsection

20. Page 2, line 20 through line 21.

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Strike: ", trespass" on line 20 through "activities," on line 21

Strike: "and trespass" on line 21

Strike: the forth "and" on line 21

21. Page 2, lines 22 through 23.

Strike: "trespass" on line 22

Strike: "a record of complaints," on line 22

Following: "infestations," on line 22

Strike: "erosion" on line 22 through "damage" on line 23

22. Page 2, line 25.

Strike: "and erosion control"

23. Page 2, line 26.

Strike: "-- categorical" through "prohibited"

Strike: "(1)"

24. Page 2, line 30 through page 3, line 3.

Strike: subsections (2) and (3) in their entirety

25. Page 3, line 7.

Following: "of"

Insert: "a"

Strike: "and trespass control plans"

Insert: "plan"

26. Page 3, line 9.

Strike: "and trespass control"

27. Page 3, line 12.

Strike: "(1)"

28. Page 3, line 17 through line 19.

Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

HB 503, do pass. Report adopted.

HB 531, do pass. Report adopted.

HB 577, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AGRICULTURAL"

Insert: "AGRICULTURE"

2. Page 3, lines 10, 12, and 14.

Strike: "agricultural"

Insert: "agriculture"

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3. Page 4, line 3.

Strike: "agricultural"

Insert: "agriculture"

And, as amended, do pass. Report adopted.

HJR 27, be adopted. Report adopted.

APPROPRIATIONS (Zook, Chairman):

2/18/1999

HB 185, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 10.

Following: the second "AUTHORITY;" on line 8

Strike: the remainder of line 8 through "PROGRAM;" on line 10

2. Page 1, line 18.

Strike: "citizens"

Insert: "inmates"

3. Page 9, line 8 through line 10.

Strike: section 12 in its entirety

Renumber: subsequent sections

4. Page 9, line 16.

Strike: "13"

Insert: "12"

5. Page 9, line 19.

Strike: line 19 in its entirety

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Simon, Chairman):

2/18/1999

HB 181, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Following: "TO" on line 5

Strike: the remainder of line 5 through "CONSENTED" on line 6"

Insert: "OBTAIN A CONSUMER'S CONSENT"

2. Title, line 7.

Following: "MANUFACTURER"

Insert: "; AND ALLOWING INSURERS TO REQUIRE A CONSUMER TO PAY THE ADDITIONAL COST OF PARTS MADE BY THE MANUFACTURER FOR THE REPAIR OF A MOTOR VEHICLE THAT IS OVER 5 MODEL YEARS OLD"

3. Page 1, line 11.

Following: "through"

Strike: "6"

Insert: "5"

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4. Page 1, line 12.

Strike: "Disclosure and"

5. Page 1, line 14.

Strike: "6"

Insert: "5"

6. Page 1, lines 15 and 16.

Following: "by" on line 15

Strike: the remainder of line 15 through "before" on line 16

Insert: "establishing that"

Following: "may"

Insert: "not"

7. Page 1, line 18.

Following: "manufacturer"

Insert: "without the express written consent of the insured if the insured's motor vehicle is 5 model years old or newer"

8. Page 1, line 20.

Strike: "6"

Insert: "5"

9. Page 1, lines 22 and 23.

Strike: subsection (1) in its entirety

ReNUMBER: subsequent subsections

10. Page 1, line 27 through line 1 on page 2.

Strike: subsections (4) and (5) in their entirety

Insert: "(3) "Original manufacturer's equipment part" means a replacement crash part that has been manufactured by the original manufacturer of the motor vehicle or by a licensed affiliate of the original manufacturer.

(4) "Replacement crash part" is a replacement for the nonmechanical sheet metal, fiberglass, or plastic parts that generally constitute the exterior of a motor vehicle, including inner and outer panels."

11. Page 2, line 3.

Following: "requirements."

Insert: "(1)"

12. Page 2, line 4.

Following: "any"

Strike: "after market, recycled, or remanufactured"

Insert: "crash repair"

Following: "part"

Insert: "that is not an original manufacturer's equipment part"

13. Page 2, line 6 through line 15.

Strike: subsections (1) through (4) in their entirety

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Insert: "(a) for a motor vehicle that is 5 model years old or newer, the consumer has given express written consent; or

(b) for a motor vehicle that is older than 5 model years, the consumer has signed a consent form that lists the specific nonoriginal manufacturer's equipment parts that are being consented to by the consumer.

(2) If a consumer does not consent to the use of any parts that are not original manufacturer's equipment parts in the repair of a motor vehicle that is older than 5 model years, the insurer may require the consumer to pay the cost difference between original manufacturer's equipment parts and parts recommended by the insurer."

14. Page 2, lines 17 through 29.

Strike: section 5 in its entirety

Renumber: subsequent sections

15. Page 3, line 1.

Strike: "5"

Insert: "4"

16. Page 3, line 9.

Strike: "6"

Insert: "5"

17. Page 3, line 11.

Strike: "6"

Insert: "5"

And, as amended, do pass. Report adopted.

HB 395, introduced bill, be amended as follows:

2/17/1999

1. Title, page 1, lines 5 and 6.

Following: "39-51-2101" on line 5

Strike: ", 39-51-2104,"

Insert: "AND"

Strike: "AND 39-51-2304," on line 6

2. Page 1, line 17 through page 2, line 22.

Strike: section 2 in its entirety

Renumber: subsequent sections

3. Page 3, line 1 through page 4, line 6.

Strike: section 4 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 506, introduced bill, be amended as follows:

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1. Page 2, line 27.
Strike: "lowest"
2. Page 3, line 5.
Strike: "Lowest prevailing"
Insert: "Prevailing"
3. Page 3, lines 6 and 7.
Strike: "lowest" in 3 places
4. Page 3, line 19.
Strike: "lowest"
5. Page 4, line 6.
Following: "insured"
Insert: "or a claimant"
6. Page 4, line 8.
Following: "person"
Insert: "or a claimant"
7. Page 4, line 9.
Following: "person"
Insert: "or a claimant"
8. Page 4, lines 20, 21, and 23.
Strike: "customer" in 3 places
Insert: "claimant" in 3 places
9. Page 4, line 22.
Following: " ; "
Insert: "or"
10. Page 4, line 24.
Strike: "customer"
Insert: "claimant"
11. Page 4, lines 25 through 28.
Following: "safety" on line 25
Strike: the remainder of line 25 through "insurer" on line 28
12. Page 4, line 29.
Following: "insurer"
Strike: "provides"
Insert: "elects to provide"
13. Page 4, line 29.
Following: "person"

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Insert: "or a claimant"

14. Page 5, line 1.

Strike: "file in writing with the commissioner"

Insert: "upon the request of any automobile repair business or location, make available"

15. Page 5, line 3.

Following: "standards"

Strike: "must be available to the public and may not include as criteria"

Insert: "may not exclude a business or location from being on the list solely on the basis of"

16. Page 5, lines 7 and 8.

Following: second "location" on line 7

Strike: "intends" on line 7 through "and" on line 8

Insert: "meets the standards and desires to"

17. Page 5, line 13.

Strike: "60"

Insert: "30"

18. Page 5, line 21.

Following: second "location"

Strike: "at least"

Insert: "a maximum of"

19. Page 5, line 24.

Strike: "filed with the commissioner for public inspection"

Insert: "promptly given to each automobile repair business or location on the list"

20. Page 5, line 27.

Following: "insured's"

Insert: "or claimant's"

Following: "discretion"

Strike: ", and the"

Insert: ". The"

21. Page 5, line 30.

Strike: "lowest"

22. Page 6, line 1.

Following: "person"

Insert: "or claimant"

Following: "person's"

Insert: "or claimant's"

23. Page 6, line 2.

Following: "subsection"

Strike: "and may not mention a particular automobile repair business or location"

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24. Page 6, line 3.

Following: "person"

Insert: "or claimant"

25. Page 6.

Following: line 22

Insert: "NEW SECTION. Section 7. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 526, introduced bill, be amended as follows:

2/17/1999

1. Title, line 5.

Strike: "AND"

Following: "LICENSURE,"

Insert: "LICENSE AND EXAMINATION FEES,"

2. Title, line 7.

Following: "PENALTIES"

Insert: "; AMENDING SECTION 32-5-103, MCA; AND PROVIDING AN EFFECTIVE DATE"

3. Page 1, lines 11, 14, 17, and 22.

Strike: "14"

Insert: "15"

4. Page 2, lines 10, 12, and 23.

Strike: "14"

Insert: "15"

5. Page 2.

Following: line 19

Insert: "(2) An applicant for a license to engage in the business of making deferred deposit loans shall pay to the department a license application fee of \$375.

(3)"

Renumber: subsequent subsections

6. Page 2, line 25.

Following: the second "applicant"

Strike: the remainder of line 25 in its entirety

7. Page 2, line 27.

Following: "deferred"

Strike: "payment"

Insert: "deposit"

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8. Page 3, lines 1, 4, 16, 27, and 30.

Strike: "14"

Insert: "15"

9. Page 3, lines 8 through 11.

Strike: subsection (5) in its entirety

10. Page 3, line 12.

Insert: "NEW SECTION. Section 6. Annual examinations -- fee. (1) The department shall conduct annually an examination of each licensee's deferred deposit lending operation to ensure that the licensee is in compliance with the provisions of [sections 1 through 15].

(2) A licensee shall pay the department a fee in the amount of \$300 a day for each examiner required to conduct an annual examination.

(3) A licensee shall make available to a department examiner the information required under [section 9] or as required by rule.

(4) Completion of an annual examination must, in the absence of the department's finding just cause to revoke or suspend a license, constitute grounds for license renewal."

Renumber: subsequent sections

11. Page 4, lines 1 and 5.

Strike: "14"

Insert: "15"

12. Page 4, lines 22 and 23.

Strike: subsection (f) in its entirety

Renumber: subsequent subsections

13. Page 5, line 4.

Strike: "14"

Insert: "15"

14. Page 5, line 9.

Following: "of the"

Strike: "contract"

Insert: "disclosure documents"

Strike: "9"

Insert: "10"

15. Page 5, lines 14 through 17.

Following: "loan" on line 14

Strike: the remainder of line 14 through "charge." on line 17

Insert: "may not have a term that exceeds 31 days."

16. Page 5, line 18.

Strike: "(3)"

Insert: "(2)"

Following: "loan"

Insert: ", exclusive of the fee allowed in [section 12(2)],"

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17. Page 5, lines 19 and 20.

Strike: "subsection (4) in its entirety"

ReNUMBER: subsequent subsections

18. Page 5, lines 24 through 27.

Strike: subsection (7) in its entirety

ReNUMBER: subsequent subsections

19. Page 5, line 29.

Strike: "10"

Insert: "11"

20. Page 6, line 16.

Strike: "name and title of"

Insert: "initials or other written means of identifying"

21. Page 6, line 18.

Strike: "subsection (c) in its entirety"

ReNUMBER: subsequent subsections

22. Page 6, line 19.

Following: "loan;"

Insert: "and"

23. Page 6, lines 20 through 22.

Strike: subsection (e) in its entirety

ReNUMBER: subsequent subsection

24. Page 6, line 30.

Following: "charge"

Strike: "more than a \$5 administrative"

Insert: "a"

25. Page 7, line 1.

Following: "consumer"

Insert: "that exceeds 25% of the face amount of the check against which the delayed deposit loan is advanced"

26. Page 7, lines 2 through 8.

Strike: subsection (3) in its entirety

ReNUMBER: subsequent subsections

27. Page 7, line 10 and 11.

Following: "exceed" on line 10

Strike: the remainder of line 10 through "institution" on line 11

Insert: "\$15"

28. Page 7, lines 14 and 15.

Strike: "subsection (5) in its entirety"

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Insert: "(4) If the disclosure documents in [section 11] require, reasonable attorney fees and court costs may be awarded to the party in whose favor a final judgment is rendered in any action on a deferred deposit loan entered into pursuant to [sections 1 through 15]."

29. Page 7, line 26.

Strike: "14"

Insert: "15"

30. Page 8, lines 2 and 3.

Following: "consumer's"

Insert: "monthly"

Following: "income"

Strike: "for the term of the loan"

31. Page 8, line 9.

Strike: subsection (10) in its entirety

Renumber: subsequent subsections

32. Page 8, line 11.

Following: "to"

Strike: "another"

Insert: "the"

Following: "licensee,"

Insert: "exclusive of the fee allowed in [section 12(2)],"

33. Page 8, lines 12 and 13.

Following: "loan." on line 12

Strike: the remainder of line 12 and line 13 in their entirety

34. Page 8, line 15.

Following: "outstanding"

Insert: "with the licensee"

35. Page 8, lines 17 through 20.

Following: "consumer." on line 17

Strike: the remainder of line 17 through "days." on line 20

36. Page 8, lines 24 and 28.

Strike: "14"

Insert: "15"

37. Page 8, line 24.

Strike: ":"

Insert: "charges for insurance."

38. Page 8.

Strike: lines 25 and 26 in their entirety

39. Page 9, line 1.

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Strike: "9"
Insert: "10"

40. Page 9, lines 10, 15, 16, 20, 24, 25, 27, and 30.
Strike: "14"
Insert: "15"

41. Page 9, line 10.
Strike: ";"
Insert: "."

42. Page 9, lines 11 and 12.
Strike: subsection (18) in its entirety

43. Page 9, lines 17 through 19.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

44. Page 10, line 3.
Insert: "**Section 16.** Section 32-5-103, MCA, is amended to read:

"32-5-103. Engaging in business of making consumer loans restricted. (1) Except as provided in subsection (5), a person may not engage in the business of making consumer loans or advances of money on credit in any amount and contract for, charge, or receive directly or indirectly on or in connection with any loan or advance any charges, whether for interest, compensation, consideration, or expense, except as provided in and authorized by this chapter. A person engaged in business as a licensed pawnbroker may not become a licensee under this chapter. The provisions of this chapter do not apply to any exempted person.

(2) A licensee may sell its business and assets to a bank, building and loan association, savings and loan association, trust company, credit union, credit association, development credit corporation, or bank holding company organized pursuant to state or federal statutory authority and subject to supervision, control, or regulation by an agency of the state of Montana or an agency of the federal government. All contracts for loans and all other contracts entered into by the licensee pursuant to the provisions of this chapter that are sold and transferred to an acquiring organization continue to be governed by the provisions of this chapter.

(3) The provisions of subsection (1) apply to any person who seeks to evade its applications by any device, subterfuge, or pretense.

(4) Any act by a licensee in the making of a contract or in the collection of a loan made under the contract that violates the provisions of this chapter is void. The licensee has no right to collect, receive, or retain any principal, interest, or charges.

(5) A consumer loan licensee or a person who seeks a regulated lender exemption under 31-1-112 as a consumer loan licensee shall fully comply with this chapter. A regulated lender as defined in 31-1-111, other than a consumer loan licensee, or a lender who complies with the provisions of Title 31, chapter 1, part 1, is not required to comply with this chapter. A deferred deposit lender, as defined in [section 3], who complies with the provisions of [sections 1 through 15] is not required to comply with this chapter."

Renumber: subsequent sections

44. Page 10, lines 4 and 6.
Strike: "14"
Insert: "15"

45. Page 10, line 12.

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Insert: "NEW SECTION. Section 19. Contingent voidness. (1) If [LC 1841] or [LC 1842] is submitted to and not approved by the electorate, then [sections 1 through 15 of this act] are void.

(2) If Constitutional Initiative No. 75, enacting Article VIII, section 17, of the Montana constitution, is declared invalid, then [LC 1841], [LC 1842], and this section are void."

Renumber: subsequent sections

Insert: "NEW SECTION. Section 20. Effective date. [This act] is effective July 1, 1999."

And, as amended, do pass. Report adopted.

HB 529, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "PARTIALLY OR"

2. Title, line 6.

Following: "RESERVATION"

Insert: "OR THAT HAVE AN ENROLLMENT OF GREATER THAN 50 PERCENT INDIAN STUDENTS"

3. Page 1, line 13.

Following: "located"

Strike: "partially or"

4. Page 1, line 14.

Following: "reservation"

Insert: "or that has an enrollment composed of greater than 50% Indian students"

And, as amended, do pass. Report adopted.

HB 592, introduced bill, be amended as follows:

2/18/1999

1. Title, lines 9 through 11.

Following: "WAGES;" on line 9

Strike: the remainder of line 9 through "COURT;" on line 11

2. Title, line 20.

Strike: "39-51-201,"

3. Title, line 21.

Strike: "39-51-301, 39-51-603," "39-51-2403, 39-51-2405, 39-51-2407, 39-51-2410, 39-51-3101,"

4. Title, line 22.

Strike: "39-51-3104,"

5. Title, line 24.

Following: "SECTIONS"

Strike: "2-15-1704,"

6. Title, line 25.

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Strike: "EFFECTIVE DATES,"

Insert: "AN IMMEDIATE EFFECTIVE DATE AND AN"

7. Title, line 26.

Following: "APPLICABILITY"

Strike: "DATES, AND A TERMINATION"

8. Page 6, line 3 through page 12, line 1.

Strike: sections 8, 9, and 10 in their entirety

Renumber: subsequent sections

9. Page 12, line 19 through page 16, line 14.

Strike: sections 12 through 18 in their entirety

Renumber: subsequent sections

10. Page 31, line 29.

Strike: "2-15-1704,"

11. Page 32, lines 6 through 12.

Strike: section 37 in its entirety

Insert: "NEW SECTION. **Section 27. Effective date.** [This act] is effective on passage and approval."

12. Page 32, line 10.

Strike: "(1)"

13. Page 32, line 11.

Strike: "sections 3 and 5"

Insert: "this act"

14. Page 32, line 12.

Strike: subsection (2) in its entirety

15. Page 32, line 18.

Strike: "30 through 34"

Insert: "20 through 24"

16. Page 32, line 19.

Following: "occurring"

Strike: "on or after"

Insert: "before"

Strike: "sections 30 through 34"

Insert: "this act"

Following: "34]"

Insert: "unless a party elects, after notification by the department of labor and industry, to remain in the contested case process"

17. Page 32, line 21.

Strike: section 40 in its entirety

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And, as amended, do pass. Report adopted.

HB 615, do pass. Report adopted.

2/17/1999

HB 639, do pass. Report adopted.

HB 640, do pass. Report adopted.

EDUCATION (Masolo, Chairman):

2/18/1999

HB 588, introduced bill, be amended as follows:

1. Title, line 5.

Following: "TEACHER"

Strike: "OR"

Insert: ", "

Following: "SPECIALIST"

Insert: ", OR ADMINISTRATIVE"

2. Page 1, line 12.

Following: "teacher"

Strike: "or"

Insert: ", "

Following: "specialist"

Insert: ", or administrative"

Following: "certificate"

Insert: ", classes one through seven, and for any other certificate established after [the effective date of this act] who has never previously been issued a certificate of any kind by the superintendent of public instruction in the state of Montana"

3. Page 1, line 24 and line 26.

Strike: "\$35" in both places

Insert: "\$60"

4. Page 1, line 25 and 27.

Following: "teacher"

Strike: "or"

Insert: ", "

Following: "specialist"

Insert: ", or administrative"

And, as amended, do pass. Report adopted.

HB 590, introduced bill, be amended as follows:

1. Title, line 13.

Following: "CHECK;"

Insert: "AUTHORIZING A BUSINESS OR ORGANIZATION THAT PROVIDES SERVICES TO CHILDREN TO REQUIRE CONSENT TO FINGERPRINTING AND A BACKGROUND CHECK BY AN APPLICANT FOR A PAID OR VOLUNTEER POSITION; AUTHORIZING A BUSINESS OR ORGANIZATION TO IMPOSE A FEE FOR FINGERPRINTING AND CONDUCTING A

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BACKGROUND CHECK;"

2. Page 2, line 5.

Strike: "2-4-110"

Insert: "20-4-110(1)(e)"

3. Page 2, line 7.

Strike: "license"

Insert: "certification"

4. Page 2, line 13.

Strike: "license" in two places

Insert: "certificate"

5. Page 2, line 15 through line 17.

Strike: subsection (d) in its entirety

6. Page 2, line 18.

Strike: "\$35"

Insert: "\$60"

7. Page 2, line 19.

Following: "check."

Insert: "The fee must be deposited in the special revenue account established in [section 2]."

8. Page 2.

Following: line 19

Insert: "NEW SECTION. Section 2. Special revenue account -- use of funds. (1) There is an account in the state special revenue fund for the purpose of processing fingerprints and conducting background checks of applicants for certification under [section 1]. Money from fees for fingerprinting and conducting background checks required in [section 1] must be deposited in the account.

(2) Money in the account must be used for the additional personnel that are necessary to carry out the superintendent of public instruction's obligation to process fingerprints and conduct background checks of applicants for certification under [section 1] and to defray the expenses of the superintendent of public instruction in discharging the administrative duties in relation to [section 1].

(3) Any excess fees must be deposited in the general fund."

Renumber: subsequent sections

9. Page 2, line 30.

Strike: "\$35"

Insert: "\$32"

Following: "check"

Insert: "and shall deposit the fee in the special revenue account established in [section 5]"

10. Page 3.

Following: line 2

Insert: "NEW SECTION. Section 4. Fingerprinting and background checks for businesses or organizations providing services to children -- fee. (1) A business or organization that provides care,

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treatment, education, training, instruction, supervision, or recreation for children may require an applicant for a paid or volunteer position with the business or organization to consent to fingerprinting and a background check as a condition of application.

(2) The business or organization may assess a fee of \$32 for fingerprinting and conducting the background check. The fee must be deposited in the special revenue account established in [section 5]."

Insert: "NEW SECTION. Section 5. Special revenue account -- use of funds. (1) There is an account in the state special revenue fund for the purpose of processing fingerprints received under [sections 1, 3, and 4]. Fees paid for the processing of fingerprints by the department of justice for any public or private agency, organization, or business under the provisions of [sections 1, 3, and 4] must be deposited in the account.

(2) Money in the account must be used for the additional personnel that are necessary to carry out the department of justice's obligation to process fingerprints received under [sections 1, 3, and 4] and to defray the expenses of the department of justice in discharging its administrative duties in relation to fingerprint processing under [sections 1, 3, and 4].

(3) At the end of each fiscal year, any excess fees must be deposited in the general fund that exceed a 60-day working capital reserve."

Renumber: subsequent sections

11. Page 3, line 20.

Following: ".₁"

Insert: "and"

12. Page 3, line 21.

Strike: "licensing"

Insert: "certification"

13. Page 3, line 22.

Following: "20"

Strike: ".₁"

Insert: ", subject to the limitations in [section 1]."

14. Page 3, line 23.

Strike: "(c) the"

Insert: "(3)(a) The"

Strike: "for" through "to"

Insert: "under [section 3] may submit fingerprints to the department of justice of"

15. Page 3, line 26.

Strike: "; and"

Insert: ". In submitting the fingerprints for processing, the trustees shall include a signed statement of the applicant whose fingerprints are submitted that includes:

(i) the name, address, and date of birth of the applicant; (ii) confirmation that the applicant claims to not have been convicted of any crime or a complete description of the circumstances if the prospective employee or volunteer admits to having been convicted of a crime;

(iii) notification to the applicant that the trustees may request a background check;

(iv) notification to the applicant of the right to obtain a copy of the report and challenge its accuracy;

and

(v) notification to the applicant that prior to the completion of the check, regular unsupervised access to children may be limited or denied.

(b) Upon receipt of a set of fingerprints and the additional information required under this subsection

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(3), the department of justice shall review state and federal records through the federal bureau of investigation. The department of justice shall report to the trustees whether the applicant has been convicted of or is under pending charges for any crime involving violence, a sexual offense, the sale or distribution of illegal drugs, theft, or fraud."

16. Page 3, line 27.

Strike: "(d) a"

Insert: "(4)(a) A"

17. Page 3, line 27 and line 28.

Strike: "provides" on line 27 through "voluntary" on line 28

Insert: "qualifies under [section 4] may submit fingerprints to the department of justice of applicants for paid or volunteer positions. In submitting the fingerprints for processing, the business or organization shall include a signed statement of the applicant whose fingerprints are submitted that includes:

(i) the name, address, and date of birth of the applicant;

(ii) confirmation that the applicant claims to not have been convicted of any crime or a complete description of the circumstances if the applicant admits to having been convicted of a crime;

(iii) notification to the applicant that the business or organization may request a background check;

(iv) notification to the applicant of the right to obtain a copy of the report and challenge its accuracy;

and

(v) notification to the applicant that prior to the completion of the background check, regular unsupervised access to children may be limited or denied.

(b) Upon receipt of a set of fingerprints and the additional information required under this subsection

(4), the department of justice shall review state and federal records through the federal bureau of investigation. The department of justice shall report to the business or organization whether the applicant has been convicted of or is under pending charges for any crime involving violence, a sexual offense, the sale or distribution of illegal drugs, theft, or fraud."

18. Page 3, line 30.

Strike: "Section"

Insert: "Sections"

Following: "1"

Insert: " and 2"

Strike: "is"

Insert: "are"

19. Page 4, line 2.

Strike: "section"

Insert: "sections"

Following: "1"

Insert: "and 2"

20. Page 4, line 3 and line 4.

Strike: "2" in both places

Insert: "3"

21. Page 4.

Following: line 4

Insert: "(3) [Section 4] is intended to be codified as an integral part of Title 52, chapter 2, and the provisions of

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Title 52, chapter 2, apply to [section 4].

(4) [Section 5] is intended to be codified as an integral part of Title 44, chapter 5, and the provisions of Title 44, chapter 5, apply to [section 5]."

22. Page 4, line 13.

Strike: "5(1)"

Insert: "8(1)"

And, as amended, do pass. Report adopted.

HB 608, do pass. Report adopted.

HJR 28, be adopted. Report adopted.

HUMAN SERVICES (Soft, Chairman):

2/18/1999

HB 580, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

2/17/1999

HB 59, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AND OFFENSES"

2. Title, line 6 through line 7.

Strike: "SECTIONS" on line 6 through "AND" on line 7

Insert: "SECTION"

3. Page 1, line 11 through page 5, line 13.

Strike: section 1 through section 2 in their entirety

Insert: "NEW SECTION. Section 1. Plea bargain agreeing to compliance with this part. A defendant may agree to comply with this part as part of a plea bargain, and a court accepting the plea bargain may order the defendant to comply with this part."

Renumber: subsequent section

4. Page 6, line 9.

Strike: "currently"

5. Page 6, line 10.

Strike: "or violent offense"

6. Page 6, line 10 through line 11.

Strike: "this part" on line 10 through "sentencing" on line 11

Insert: "the court did not apply a level designation"

7. Page 6, line 12 through line 13.

Strike: "If" on line 12 through "subsection." on line 13

8. Page 6, line 15.

Insert: "NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 46, chapter 23, part 5, and the provisions of Title 46, chapter 23, part 5, apply to [section 1]."

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And, as amended, do pass. Report adopted.

HB 104, introduced bill, be amended as follows:

1. Title, line 5 through line 6.

Strike: "EXTENDING" on line 5 through "ELIMINATING" on line 6

Insert: "SUBMITTING TO THE ELECTORATE THE ELIMINATION OF"

2. Page 1, line 14.

Strike: "-- termination date"

Strike: "(1)"

3. Page 1, line 15.

Strike: "(2)" through "2001."

4. Page 1, line 17 through line 19.

Strike: section 2 in its entirety

Insert: "NEW SECTION. Section 2. Submission to electorate of extension of court information technology surcharge. This act shall be submitted to the qualified electors of Montana at the tax election to be held in 1999 by printing on the ballot the full title of this act and the following:

SHALL THE COURT INFORMATION TECHNOLOGY USER SURCHARGE TAX BE INCREASED ANNUALLY BY \$5 IN THE FOLLOWING MANNER?

- FOR continuing the user surcharge in criminal, civil, and probate proceedings for state funding of court information technology.
- AGAINST continuing the user surcharge in criminal, civil, and probate proceedings for state funding of court information technology."

5. Page 1, line 24 through line 27.

Strike: "and" on line 24 through "+999:"" on line 27

Insert: "."

6. Page 1, line 29.

Strike: "[This act]"

Insert: "This act"

And, as amended, do pass. Report adopted.

HB 127, introduced bill, be amended as follows:

2/18/1999

1. Title, line 6 through line 7.

Strike: "CONFORMING" on line 6 through "REQUIREMENTS;" on line 7

2. Title, line 9 through line 13.

Strike: "PROVIDING" on line 9 through "ORDER;" on line 13

3. Title, line 18.

Strike: "40-4-210,"

Strike: "40-5-225,"

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4. Title, line 20 through line 21.

Strike: "PROVIDING" on line 20 through "PROVISION;" on line 21

5. Page 1, line 25 through page 2, line 27.

Strike: section 1 in its entirety

Renumber: subsequent sections

6. Page 7, line 6.

Following: "602(a)(26)"

Insert: "or 42 U.S.C. 608(a)(3)"

7. Page 9, line 19.

Strike: "under this section"

Insert: "on a claim that property is exempt from execution"

8. Page 10, line 13.

Following: "may"

Insert: "not"

Strike: "each"

Insert: "a"

9. Page 10, line 13 through line 14.

Strike: "on behalf" on line 13 through "of any" on line 14

Insert: "and distributed to an"

10. Page 10, line 14 through line 18.

Strike: "The department" on line 14 through "support." on line 18

11. Page 12, line 13 through page 15, line 3.

Strike: section 7 in its entirety

Renumber: subsequent sections

12. Page 17, line 20.

Strike: "any of its employees"

Insert: "its director"

13. Page 18, line 6.

Following: "obligee."

Insert: "If service is by certified mail, the department must receive a return receipt signed by the person to whom the notice was mailed for the service to be effective."

14. Page 18, line 15.

Following: "conducted."

Insert: "If service is by certified mail, the department must receive a return receipt signed by the person to whom the order was mailed for the service to be effective."

15. Page 31, line 23 through line 27.

Strike: section 18 in its entirety

Renumber: subsequent sections

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16. Page 31, line 29.

Strike: "subsections"

Insert: "subsection"

Strike: "and (3)"

17. Page 32, line 1.

Strike: "4"

Insert: "2"

Strike: "8"

Insert: "6"

Strike: "11"

Insert: "9"

18. Page 32, line 2 through line 3.

Strike: subsection (3) in its entirety

And, as amended, do pass. Report adopted.

HB 366, introduced bill, be amended as follows:

1. Title, line 7.

Following: "41-3-102,"

Insert: "41-3-108,"

2. Title, line 8.

Following: "41-3-202,"

Insert: "41-3-203,"

3. Page 3, line 18.

Following: "(i)"

Insert: "actual"

4. Page 3, line 19.

Strike: "threatened"

Insert: "substantial risk of"

5. Page 3, line 20.

Strike: "harm or threatened harm to a child's health or welfare"

Insert: "actual harm or substantial risk of harm"

6. Page 4, line 25.

Following: "means"

Insert: "an intentional act, an intentional omission, or gross negligence resulting in"

7. Page 4, line 26.

Strike: "intentional"

8. Page 4, line 27.

Strike: "if the injury or death is not accidental"

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9. Page 4, line 28 through line 29.

Strike: "an act" on line 28 through "is" on line 29

Insert: "acts or omissions that are"

Strike: "an act" on line 29

Insert: "acts"

10. Page 5, line 17.

Strike: "or is receiving education or training"

11. Page 5, line 21 through line 22.

Strike: subsection (20) in its entirety

ReNUMBER: subsequent subsections

12. Page 5, line 27.

Insert: "(21) "Unfounded" means that after an investigation, the investigating person has determined that the reported abuse, neglect, or exploitation has not occurred."

ReNUMBER: subsequent subsections

13. Page 6, line 16.

Strike: "is"

Insert: "has been adjudicated or determined, after a hearing, to be or to have been"

14. Page 6, line 17.

Insert: "**Section 3.** Section 41-3-108, MCA, is amended to read:

41-3-108. Child protective teams. The county attorney, county commissioners, or ~~the~~ department of public health and human services may convene one or more temporary or permanent interdisciplinary child protective teams. These teams may assist in assessing the needs of, formulating and monitoring a treatment plan for, and coordinating services to the child and the child's family. The supervisor of child protective services in a local service area or the supervisor's designee shall serve as the team's coordinator. Members ~~shall~~ must include:

(1) a social worker;

(2) a member of a local law enforcement agency;

(3) a representative of the medical profession;

(4) a representative of a public school system;

~~(4)~~(5) a county attorney; and

~~(5)~~(6) if an Indian child or children are involved, someone, preferably an Indian person, knowledgeable about Indian culture and family matters. "

ReNUMBER: subsequent section

15. Page 7, line 6.

Following: "If"

Insert: "a child interview is"

Strike: "appropriate by"

Insert: "necessary,"

16. Page 7, line 6 through line 7.

Strike: "conducting" on line 6 through "in any" on line 7

Insert: "may conduct an"

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17. Page 7, line 8.

Following: "child."

Insert: "With the child's consent, the interview may be conducted in the presence of the parent or guardian or an employee of the school or day-care facility attended by the child."

18. Page 7, line 9.

Strike: "If"

Insert: "Subject to 41-3-205(3), if"

Following: "is"

Insert: "audiotaped or"

Following: "unedited"

Insert: "audiotape or"

19. Page 8, line 2.

Insert: "**Section 5.** Section 41-3-203, MCA, is amended to read:

"41-3-203. Immunity from liability. (1) Anyone investigating or reporting any incident of child abuse or neglect under 41-3-201 or 41-3-202, participating in resulting judicial proceedings, or furnishing hospital or medical records as required by 41-3-202 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed unless the person was grossly negligent or acted in bad faith or with malicious purpose or provided information knowing the information to be false.

(2) A person who provides information pursuant to 41-3-201 that is substantiated by the department or a person who uses information received pursuant to 41-3-205 that is substantiated by the department to refuse to hire or to discharge a prospective or current employee, volunteer, or other person who through employment or volunteer activities may have unsupervised contact with children is immune from civil liability unless the person acted in bad faith or with malicious purpose."

Renumber: subsequent sections

20. Page 10, line 29.

Insert: "(7) Copies of records, evaluations, reports, or other evidence obtained or generated pursuant to this section that are provided to the parent, the guardian, or the parent or guardian's attorney must be provided without cost."

21. Page 11, lines 5 through 6.

Strike: ". The" on line 5 through "has" on line 6

Insert: "and shall perform"

22. Page 11, line 7.

Strike: "that the guardian ad litem considers necessary"

23. Page 11, line 21.

Insert: "(4) Any interested person may petition the court for the removal and replacement of the guardian ad litem if the guardian ad litem fails to perform the duties of the appointment."

24. Page 11, line 28.

Following: "~~necessary.~~"

Insert: "The petition must be accompanied by an affidavit by the department alleging that the child appears to have been abused, neglected, or abandoned and stating the basis for the allegation."

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25. Page 13, line 25.

Strike: "a show cause"

Insert: "an emergency placement"

26. Page 13, lines 25 through 26.

Strike: "show" on line 25 through "cause" on line 26

Insert: "emergency placement"

27. Page 13, line 28.

Page 14, lines 7 and 9.

Page 16, line 11.

Strike: "show cause"

Insert: "emergency placement"

28. Page 14, line 12.

Strike: "a show cause"

Insert: "an emergency placement"

29. Page 22, line 21.

Insert: "NEW SECTION. Section 15. Treatment plan -- contents -- changes. (1) Upon the declaration that a child is a youth in need of care, the court may order a treatment plan.

(2) Every treatment plan must contain the following information:

(a) the identification of the problems or conditions that resulted in the abuse or neglect of a child;

(b) the treatment goals and objectives for each condition or requirement established in the plan. If the child has been removed from the home, the treatment plan must include but is not limited to the conditions or requirements that must be established for the safe return of the child to the family.

(c) the projected time necessary to complete each of the treatment objectives;

(d) the specific treatment objectives that clearly identify the separate roles and responsibilities of all parties addressed in the treatment plan; and

(e) the signature of the parent or parents or guardian, unless the plan is ordered by the court.

(3) A treatment plan may include but is not limited to any of the following remedies, requirements, or conditions:

(a) the right of entry into the child's home for the purpose of assessing compliance with the terms and conditions of a treatment plan;

(b) the requirement of either the child or the child's parent or guardian to obtain medical or psychiatric diagnosis and treatment through a physician or psychiatrist licensed in the state of Montana;

(c) the requirement of either the child or the child's parent or guardian to obtain psychological treatment or counseling;

(d) the requirement of either the child or the child's parent or guardian to obtain and follow through with alcohol or substance abuse evaluation and counseling, if necessary;

(e) the requirement that either the child or the child's parent or guardian be restricted from associating with or contacting any individual who may be the subject of a department investigation;

(f) the requirement that the child be placed in a temporary medical facility or a facility for protection of the youth;

(g) the requirement that the parent, guardian, or other person having physical or legal custody furnish services that the court may designate.

(4) A treatment plan may not be altered, amended, continued, or terminated without the approval of the parent or parents or guardian, after a hearing, in the absence of a court order."

Renumber: subsequent sections

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30. Page 28, line 10.

Strike: "11"

Insert: "13"

31. Page 28, line 12.

Strike: "11"

Insert: "13"

32. Page 28, line 13.

Strike: "12"

Insert: "14"

33. Page 28, line 14.

Strike: "12"

Insert: "14"

34. Page 28, line 15.

Insert: "(3) [Section 15] is intended to be codified as an integral part of Title 41, chapter 3, part 4, and the provisions of Title 41, chapter 3, part 4, apply to [section 15]."

And, as amended, do pass. Report adopted.

HB 527, do pass. Report adopted.

2/17/1999

HB 530, introduced bill, be amended as follows:

1. Page 2, line 27.

Following: first "life"

Insert: "or preserve the health, as defined in 50-20-109(4),"

Following: second "life"

Insert: "or health"

2. Page 2, line 28.

Following: "life-endangering"

Insert: "or health-endangering"

3. Page 2, line 29.

Following: "life"

Insert: "or preserve the health"

4. Page 3, line 21.

Insert: "NEW SECTION. Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And, as amended, do pass. Report adopted.

HB 566, introduced bill, be amended as follows:

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1. Title, line 4.

Strike: "REVISING FIREARMS LAWS RELATING TO"

Insert: "AUTHORIZING AN INTERIM STUDY OF METHODS FOR A STATE LAW ALTERNATIVE METHOD FOR FIREARMS"

2. Title, line 5.

Following: "PURCHASERS"

Strike: ", "

Insert: "; REVISING LAWS RELATING TO"

3. Title, line 7.

Following: "45-8-337,"

Insert: "AND"

Strike: "AND 61-5-114,"

4. Page 1, line 24 through page 2, line 8.

Strike: section 1 in its entirety

Insert: "NEW SECTION. Section 1. Interim study for state law alternative method of complying with national instant criminal background check system. (1) An interim study is authorized to recommend legislation for the 57th regular legislative session to implement a valid state law alternative method of complying with the national instant criminal background check system requirements prior to transfer of a firearm. The study should focus on the development of cost-effective, minimally intrusive options for implementation of a state law alternative method that would comply with the exception provided under 27 CFR 178.102(d) pursuant to the federal Brady Handgun Violence Prevention Act.

(2) The legislative council shall assign the interim study required under this section to the appropriate interim committee."

5. Page 4, line 25.

Strike: line 25 in its entirety

6. Page 7, line 21.

Following: "of"

Insert: "unregistered silencer or of"

7. Page 7, line 22.

Following: "or"

Insert: "of a silencer that is not registered under federal law or"

8. Page 8, line 19 through line 20.

Following: "or" on line 19

Insert: "or"

Strike: ", or" on line 19 through "weapon" on line 20

Insert: ". The term also includes any other article or instrument"

9. Page 8, line 22 through line 30.

Strike: section 6 through section 7 in their entirety

And, as amended, do pass. Report adopted.

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HB 593, introduced bill, be amended as follows:

1. Page 1, line 21 through line 22.

Strike: "for" on line 21 through "purposes" on line 22

2. Page 2, line 10.

Strike: "or"

3. Page 2, line 12.

Following: "mediator"

Insert: "; or"

(d) during the mediation, unless a party objects to disclosure

4. Page 2, line 17 through line 18.

Strike: "for" on line 17 through "purposes" on line 18

And, as amended, do pass. Report adopted.

HB 614, introduced bill, be amended as follows:

2/18/1999

1. Page 1, line 10 through page 2, line 2.

Strike: section 1 in its entirety

Insert: "NEW SECTION. Section 1. Disposition of abandoned mobile home occupying a mobile home park space. (1) If a tenancy terminates and the landlord reasonably believes that the tenant has abandoned a mobile home occupying a mobile home park space and a period of time of at least 5 days has elapsed since the occurrence of events upon which the landlord formed that belief, the landlord may remove the mobile home from the premises.

(2) If the landlord moves the mobile home from the premises, the landlord shall store the mobile home in a place of safekeeping and shall exercise reasonable care for the mobile home. The landlord may charge the mobile home owner a reasonable removal and storage charge.

(3) If the landlord stores the mobile home, the landlord shall:

(a) notify the local law enforcement office of the removal and storage;

(b) make a reasonable effort to determine if the mobile home is secured or otherwise encumbered; and

(c) send a notice by certified mail to the last-known address of the mobile home owner and to any person or entity found by the landlord to have an interest referred to in subsection (3)(b), stating that at a specified time, not less than 15 days after mailing the notice, the mobile home will be disposed of if the mobile home owner does not respond and remove the mobile home under subsection (4).

(4) If the mobile home owner, within 15 days after receipt of the notice provided for in subsection (3)(c), responds in writing to the landlord that the owner intends to remove the mobile home from storage and does not do so within 20 days after delivery of the owner's response, the mobile home is conclusively presumed to be abandoned. A landlord is entitled to payment of the removal and storage costs allowed under subsection (2) before the owner may remove the mobile home.

(5) The landlord may dispose of the mobile home after complying with subsection (3) by:

(a) selling the mobile home at a public or private sale; or

(b) destroying or otherwise disposing of the mobile home if the landlord reasonably believes that the value of the mobile home is so low that the cost of a sale would exceed the reasonable value of the mobile home. Disposal may include having the mobile home removed to an appropriate disposal site, including but not limited to a solid waste disposal facility serving the area in which the mobile home is located. If the county in which the

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mobile home is located has adopted a plan for abandoned and deserted mobile home removal, recycling, and disposal, the landlord may inform the county of the abandoned mobile home and the county shall take possession of the mobile home and dispose of it as provided in the county plan.

(6) A public or private sale authorized by this section must be conducted under the provisions of 30-9-504(3) or the sheriff's sale provisions of Title 25, chapter 13, part 7.

(7) The landlord may deduct from the proceeds of a sale the reasonable costs of removal, storage, notice, and sale and any delinquent rent or damages owing on the premises and shall remit to the mobile home owner the remaining proceeds, if any. If the owner cannot after due diligence be found, the remaining proceeds must be deposited in the general fund of the county in which the sale occurred and, if not claimed within 3 years, are forfeited to the county.

2. Page 2, line 9.

Following: "then"

Insert: "the last sentence of"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Ahner, Chairman):
HB 325, introduced bill, be amended as follows:

2/17/1999

1. Title, page 1, line 4 through line 5.

Strike: "WITHIN" on line 4 through "NEIGHBORHOODS" on line 5

2. Title, page 1, line 5 through line 6.

Strike: ";" on line 5 through "PENALTY" on line 6

3. Page 1, line 10.

Strike: "-- penalty -- exceptions"

Strike: "(1)"

4. Page 1, line 12 through line 13.

Strike: "within" on line 12 through "nuisance" on line 13

5. Page 1, line 14 through line 19.

Strike: subsections (2) and (3) in their entirety

And, as amended, do pass. Report adopted.

HB 336, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "MAINTENANCE"

Insert: "AND CLARIFYING THE DEFINITION OF 'IMPROVEMENTS'"

2. Title, page 1, line 5 through line 7.

Strike: "ALLOWING" on line 5 through ";" on line 7

Insert: "CLARIFYING NOTICE REQUIREMENTS FOR ASSESSMENTS;"

3. Title, page 1, line 7.

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Following: "7-12-4401"

Insert: ", "

Strike: " AND 7-12-4422"

Insert: ", 7-12-4405, AND 7-12-4426"

4. Page 1, line 16.

Strike: "the"

5. Page 1, line 20 through line 21.

Strike: "installation" on line 20 through the first "and" on line 21

6. Page 1, line 21.

Following: "markings,"

Insert: "and"

Following: "repair"

Strike: " ˆ "

7. Page 1, line 22.

Strike: "new curb and gutter construction, and widening of existing paved streets"

8. Page 1, line 24 through page 2, line 15.

Strike: Section 2 in its entirety

Insert: "**Section 2.** Section 7-12-4405, MCA, is amended to read:

"7-12-4405. Improvements within maintenance districts -- ordinance required. (1) (a) Cities and towns ~~are hereby authorized and empowered to~~ may prepare and improve streets, avenues, and alleys within the maintenance districts so that the maintenance will be of a durable and continuing benefit. The city or town council shall provide by ordinance a method or methods of doing ~~said~~ the work and improvements.

(b) For the purposes of this section, "improvements" includes but is not limited to the installation of traffic signs, new curb and gutter construction, and widening of existing streets.

(2) Cities and towns are authorized to maintain the work and improvements made under subsection (1).

(3) At least 12 days must elapse between the day on which ~~said~~ the proposed ordinance is introduced and the day on which final action ~~thereon~~ on the ordinance is taken. "

Insert: "**Section 3.** Section 7-12-4426, MCA, is amended to read:

"7-12-4426. Notice of resolution for assessment. (1) A notice, signed by the city clerk, stating that the resolution levying a special assessment or changing the method of assessment to defray the cost of maintenance in the district or districts is on file in ~~his~~ the city clerk's office and subject to inspection for a period of 5 days, ~~shall~~ must be published at least once in a newspaper published in the city or town.

(2) The notice ~~shall~~ must state the time and place at which objections to the final adoption of the resolution will be heard by the council and must contain a statement setting out the method of assessment being proposed for adoption or the change in the method of assessment that is being proposed for adoption. The time for the hearing ~~shall~~ must be not less than 5 days after the publication of the notice. "

And, as amended, do pass. Report adopted.

HB 363, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 8.

Strike: "IN" on line 5 through "MCA" on line 8

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2. Page 1, line 12 through page 4, line 2.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Park and forestry maintenance districts. (1) A city or town may create a park and forestry district for the purposes of, but not limited to, mowing, irrigation, turf repair and maintenance, recreation facility and equipment maintenance, tree trimming and removal, garbage removal, general cleaning, and leaf debris removal.

(2) A parks and forestry maintenance district authorized by this section must be created and assessments and improvements must be undertaken and carried out in accordance with procedures established in Title 7, chapter 12, part 44, for street maintenance districts. "

Insert: "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 12, and the provisions of Title 7, chapter 12, apply to [section 1]."

And, as amended, do pass. Report adopted.

HB 408, introduced bill, be amended as follows:

1. Page 1, line 26.

Strike: "4"

Insert: "3"

2. Page 2, line 23.

Following: "facilities"

Insert: ", to taverns or the tavern portion of an establishment containing both a restaurant and a tavern if the tavern does not allow persons under the age of 21 on the premises, or to home-based businesses"

And, as amended, do pass. Report adopted.

HB 431, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "CHIEF"

Strike: the second "AND"

2. Title, page 1, line 6.

Following: "MCA"

Insert: "; AND PROVIDING A CONTINGENT VOIDNESS PROVISION"

3. Page 1, line 12.

Strike: "by the court"

Insert: "pursuant to [section 3]"

4. Page 1, line 13 through page 2, line 2.

Strike: line 13 on page 1 through line 2 on page 2 in their entirety

5. Page 2, line 3.

Strike: "(c)"

Insert: "(b)"

Strike: "The"

Insert: "Subject to [section 4], the"

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6. Page 2, line 7.

Strike: "(3)"

Insert: "(2)"

Strike: "subsections (1) and (2)"

Insert: "subsection (1)"

7. Page 2, line 9 through line 11.

Strike: "However" on line 9 through "increase." on line 11

8. Page 2, line 12.

Following: "installments."

Insert: "The longevity allowance to which a chief probation officer is entitled includes all longevity allowances earned during any service as a deputy probation officer and is transferable from one county to another. Funding responsibility for longevity allowances under this subsection is subject to the provisions of [section 4]."

9. Page 2, line 13 through line 16.

Strike: line 13 through line 16 in their entirety

10. Page 2, line 17.

Strike: "(5)"

Insert: "(3)"

11. Page 2, line 25 through line 26.

Strike: "fixed" on line 25 through "year" on line 26

Insert: "as provided in [section 3]"

12. Page 2, line 27 through page 3, line 16.

Strike: line 27 on page 2 through line 16 on page 3 in their entirety

13. Page 3, line 17.

Strike: "(c) The"

Insert: "(b) Subject to [section 4], the"

14. Page 3, line 21.

Strike: "(3)"

Insert: "(2)"

Strike: "subsections (1) and (2)"

Insert: "subsection (1)"

Renumber: subsequent subsections

15. Page 3, line 23 through line 24.

Strike: "However" on line 23 through "increase." on line 24

16. Page 3, line 26.

Following: "installments."

Insert: "The longevity allowance to which a deputy probation officer is entitled is transferable from one county to another. Funding responsibility for longevity allowances under this subsection is subject to the provisions of [section 4]."

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17. Page 3, line 27 through line 29.

Strike: line 27 through line 29 in their entirety

18. Page 3, line 30.

Strike: "(5)"

Insert: "(3)"

19. Page 4.

Following: line 2

Insert: "NEW SECTION. Section 3. Classification and pay progression -- rulemaking. (1) The department of administration shall, in consultation with the office of the supreme court administrator, classify each chief and deputy county probation officer position and assign each position to a pay grade in the state pay schedule in 2-18-312.

(2) Each chief and deputy probation officer shall progress through the classification and pay plan as provided for under 2-18-303.

(3) The compensation of a chief or deputy probation officer may not be reduced as a result of implementation of this section.

(4) The department of administration may adopt rules to implement this section.

(5) The department of administration shall establish procedures to provide for the collection of position descriptions, personnel rosters, salary information, and other information required by the department of administration to implement this section."

Insert: "NEW SECTION. Section 4. State assumption of certain costs. (1) Each county is responsible for funding the salaries and longevity allowances of the county's chief and deputy probation officers up to the aggregate amount paid for salary and longevity allowances as of the first full pay period immediately preceding [the effective date of this act].

(2) Beginning the first full pay period immediately following [the effective date of this act], the office of the supreme court administrator shall reimburse each county an amount equal to any costs incurred by the county for funding the salaries and longevity allowances of chief or deputy probation officers that is in excess of the aggregate funding level that is the county's responsibility under subsection (1)."

NEW SECTION. Section 5. Codification instruction. [Sections 3 and 4] are intended to be codified as an integral part of Title 41, chapter 5, and the provisions of Title 41, chapter 5, apply to [sections 3 and 4]."

NEW SECTION. Section 6. Contingent voidness. If House Bill No. 2 does not appropriate funds to the office of the supreme court administrator to cover the cost of the state assumption of payroll obligations above current levels as provided in [section 4], then [this act] is void."

And, as amended, do pass. Report adopted.

HB 476, do pass. Report adopted.

NATURAL RESOURCES (Tash, Chairman):

2/18/1999

HB 298, do pass. Report adopted.

HB 596, introduced bill, be amended as follows:

1. Page 3, line 8.

Following: "facility"

Insert: ";

(d) the provisions of this subsection (3) may not limit an applicant's ability to alter a proposed project that is otherwise in conformance with applicable laws, rules, standards, and criteria"

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And, as amended, do pass. Report adopted.

HB 617, do pass. Report adopted.

HJR 23, be adopted. Report adopted.

STATE ADMINISTRATION (Brainard, Chairman):

2/17/1999

HB 188, introduced bill, be amended as follows:

1. Title, line 6.

Following: "STATE AGENCIES"

Insert: "AND LOCAL GOVERNMENT UNITS"

2. Title, page 1, line 12.

Following: "PENALTY;"

Insert: "PROVIDING A CONTINGENT VOIDNESS PROVISION;"

3. Page 1, line 17.

Following: "State Agencies"

Insert: "and Local Government Units"

4. Page 1, lines 22, 24, 26, and 28.

Following: "state agencies"

Insert: "and local government units"

5. Page 3.

Following: line 2

Insert: "(10) "Local government unit" means a city, county, town, unincorporated municipality or village, or a special taxing district and any commission, board, bureau, or other office of any of them."

Renumber: subsequent subsections

6. Page 3, line 3.

Following: "agency"

Insert: "or local government unit"

7. Page 3, line 5.

Following: "state agency,"

Insert: "local government unit,"

8. Page 3, line 14.

Following: first "agency"

Insert: "or local government unit"

Strike: second "agency"

Insert: "entity"

9. Page 4, line 13.

Following: "state agencies"

Insert: "or local government units"

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10. Page 4, line 22.

Following: "(a)"

Strike: the remainder of line 22 through "signed" on line 27

Insert: "when application of [sections 1 through 11] is clearly inconsistent with the manifest intent of another rule of law. However, a requirement of a rule of law that information must be "in writing", "written", "printed", "signed", or by any other word or phrase specifies written communication for a certain purpose is not by itself sufficient to prohibit the use of an electronic record or electronic signature, as applicable, for that purpose"

11. Page 5, line 4.

Following: "State agency"

Insert: "or local government unit"

12. Page 5, line 5.

Following: "[Sections 1 through 11]"

Insert: "strongly encourage but"

13. Page 5, lines 5, 6, 9, and 13.

Following: "a state agency"

Insert: "or local government unit"

14. Page 8.

Following: line 9

Insert: "(3) A certification authority registered with the secretary of state pursuant to this section shall comply with all applicable requirements of Title 35.

(4) In addition to a filing fee that may be required by Title 35, the secretary of state shall charge and collect from each certification authority a license fee of \$300 annually."

15. Page 8, line 24.

Strike: "[Sections 10 and "

Insert: "[Section"

16. Page 8, line 26.

Strike: "9"

Insert: "8"

17. Page 8.

Following: line 26

Insert: "(3) [Sections 9 and 10] are effective upon the occurrence of the contingency provided for in [section 14(1)]."

18. Page 8.

Following: line 26

Insert: "NEW SECTION. Section 14. Contingent voidness. (1) If Constitutional Initiative No. 75, enacting Article VIII, section 17, of the Montana constitution, is declared invalid, then [sections 9 and 10] are effective on the date of the determination of invalidity.

(2) If LC 1674 is submitted to and is not approved by the electorate, then [sections 9 and 10 of this act] are void."

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And, as amended, do pass. Report adopted.

HB 342, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "PUBLIC"

Insert: "THROUGH THE VOTER INFORMATION PAMPHLET"

2. Page 2, line 26.

Following: "public"

Insert: "through the voter information pamphlet, provided for in Title 13, chapter 27, part 4,"

And, as amended, do pass. Report adopted.

HB 468, do pass. Report adopted
2/18/1999

HB 490, introduced bill, be amended as follows:
2/17/1999

1. Title, page 1, line 9 through line 10.

Strike: "ALLOWING" on line 9 through "BALLOTS;" on line 10

2. Page 5, line 24.

Strike: "(1)" through "the"

Insert: "The"

3. Page 5, line 27 through line 28.

Strike: subsection (2) in its entirety

4. Page 7, line 16.

Strike: "The" through "."

And, as amended, do pass. Report adopted.

HB 494, do pass. Report adopted.
2/18/1999

HB 508, introduced bill, be amended as follows:
2/17/1999

1. Title, page 1, line 8.

Following: "CONCLUSION;"

Insert: "ALLOWING 30 DAYS FOR THE ATTORNEY GENERAL'S SUBMISSION TO THE SECRETARY OF STATE OF A DETERMINATION REGARDING LEGAL SUFFICIENCY;"

2. Page 2, line 2.

Following: "the second "the""

Strike: "secretary of state"

Insert: "county election administrator"

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3. Page 2, line 6.

Strike: " " through "statutes"

4. Page 2, line 7.

Strike: "the purpose" through "of"

5. Page 2, line 8.

Strike: "unlawful or otherwise"

6. Page 2, line 9.

Following: "petitioner"

Insert: "within the time provided in 13-27-312(8)"

7. Page 2, line 10.

Strike: "approved"

Insert: "given final approval"

8. Page 2, line 11.

Following: " "

Insert: "As used in this section, "legal sufficiency" means that the petition complies with the statutory prerequisites to submission of the proposed measure to the electors and that the text of the proposed measure complies with constitutional requirements governing submission of ballot measures to the electorate. Review of a petition for legal sufficiency does not include consideration of the merits or application of the measure if adopted by the voters."

9. Page 2, line 15.

Following: "(4)"

Insert: "(a)"

10. Page 2, line 17.

Following: "."

Insert: "(b)"

11. Page 2, line 18.

Following: "rejection"

Insert: "of the form of the petition"

Following: "."

Insert: "The secretary of state shall send written notice to the person who submitted the petition sheet of the final approval or rejection of the petition within 5 days of:

(i) the date on which a final court decision is entered under 13-27-316 if a challenge to the attorney general's review of the petition is filed pursuant to that section; or

(ii) the expiration of the time for filing a challenge to the attorney general's review under 13-27-316 if no challenge is filed."

12. Page 2, line 25.

Following: "."

Insert: "The petition may be circulated upon approval of the form of the petition by the secretary of state and the attorney general pending a final determination of its legal sufficiency."

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13. Page 2, line 29.

Following: the second "the"

Insert: "final"

14. Page 3, line 17.

Following: "form"

Insert: "form"

15. Page 4, line 4.

Strike: "or legal sufficiency"

16. Page 4, line 6.

Strike: "and legal sufficiency"

17. Page 4.

Following: line 8

Insert: "(8) If the petition is approved as to form, within 30 days of the approval, the attorney general shall forward to the secretary of state the determination regarding legal sufficiency, as provided in 13-27-202."

18. Page 4, line 15.

Following: "state"

Insert: "or of the attorney general's determination regarding legal sufficiency"

And, as amended, do pass. Report adopted.

HB 559, do pass. Report adopted.

HB 570, do pass. Report adopted.

HB 578, introduced bill, be amended as follows:

1. Page 1, line 21 through line 22.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 585, do pass. Report adopted.

HB 613, introduced bill, be amended as follows:

2/18/1999

1. Title, page 1, line 5.

Strike: "WALKER'S"

2. Page 1, line 17.

Strike: "Walker's"

And, as amended, do pass. Report adopted.

HB 616, do pass. Report adopted.

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2/17/1999

HB 620, introduced bill, be amended as follows:

1. Page 2, line 10.

Following: "secrets"

Insert: ", as defined in 30-14-402,"

And, as amended, do pass. Report adopted.

HB 623, introduced bill, be amended as follows:

2/18/1999

1. Title, page 1, line 7.

Strike: "RESCINDED"

Insert: "TO BE REVIEWED FOR CURRENT NEED"

2. Title, page 1, line 6.

Strike: "ALL"

3. Page 1, line 26.

Strike: "rescind"

Insert: "review"

4. Page 2, line 1.

Strike: "All emergency"

Insert: "Emergency"

5. Page 2, line 3.

Strike: "are rescinded"

Insert: "will be reviewed for current need"

6. Page 2, line 7.

Strike: "all"

7. Page 2, line 9.

Following: "emergency"

Insert: ", as appropriate"

And, as amended, do pass. Report adopted.

HB 625, do pass. Report adopted.

HB 632, introduced bill, be amended as follows:

1. Page 3, line 15.

Strike: "who"

Insert: "whose name"

And, as amended, do pass. Report adopted.

HJR 31, be adopted. Report adopted.

2/17/1999

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TAXATION (Hibbard, Chairman):
HB 273, introduced bill, be amended as follows:

2/18/1999

1. Title, line 6.

Strike: "THE UNIVERSITY SYSTEM AND TO"

2. Title, page 1, lines 8 and 9.

Following: "INFRASTRUCTURE," on line 8

Insert: "AND"

Following: "SERVICES" on line 8

Strike: ", " through "COSTS" on line 9

3. Title, line 9.

Following: "COSTS;"

Insert: "PROVIDING FOR THE CREATION OF COMMITTEES TO RECOMMEND PROJECTS;
PROVIDING FOR GRANTS TO CERTAIN LOCAL GOVERNMENTS;"

Following: "SECTIONS"

Insert: "2-15-1816,"

Following: "15-65-101"

Insert: ", "

4. Page 1, line 14.

Following: line 13

Insert: **Section 1.** Section 2-15-1816, MCA, is amended to read:

"2-15-1816. Tourism advisory council. (1) There is created a tourism advisory council.

(2) The council is composed of not less than 12 members appointed by the governor from Montana's private sector travel industry and includes at least one member from Indian tribal governments, ~~with representation from each tourism region initially established by executive order of the governor and as may be modified by the council under subsection (5).~~

(3) Members of the council shall serve staggered 3-year terms, subject to replacement at the discretion of the governor. ~~The governor shall designate four of the initial members to serve 1-year terms and four of the initial members to serve 2-year terms.~~

(4) The council shall:

~~(a) oversee distribution of funds to regional nonprofit tourism corporations for tourism promotion and to nonprofit convention and visitors bureaus in accordance with Title 15, chapter 65, part 1, and this section;~~

~~(b)~~(a) advise the department of commerce relative to tourism promotion;

~~(c)~~(b) advise the governor on significant matters relative to Montana's travel industry; and

~~(d) prescribe allowable administrative expenses for which accommodation tax proceeds may be used by regional nonprofit tourism corporations and nonprofit convention and visitors bureaus;~~

~~(e) direct the university system regarding Montana travel research;~~

~~(f) approve all travel research programs prior to their being undertaken; and~~

~~(g)~~(c) encourage regional nonprofit tourism corporations to promote tourist activities on Indian reservations in their regions administer the grant program provided for in [section 6].

~~(5) The council may modify the tourism regions established by executive order of the governor.~~

~~(6)~~(5) The department of commerce shall adopt ~~such~~ rules as that may be necessary to implement and administer Title 15, chapter 65, part 1, and this section."

Renumber: subsequent sections

5. Page 2, line 10.

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Following: "governor."

Insert: "(4) "Tourism-related infrastructure" includes visitor centers, rest areas, restrooms, parking facilities, signs, museums, trails, zoos, parks, and other facilities and infrastructure used by travelers or that attract travelers to an area."

6. Page 2, line 18.

Strike: "\$300,000"

Insert: "\$150,000"

7. Page 2, line 20.

Strike: "(1)(d)"

Insert: "(1)(e)"

8. Page 3, line 2.

Following: "system,"

Insert: "to the university system,"

9. Page 3, line 3.

Strike: "\$700,000"

Insert: "\$150,000"

10. Page 3, line 8.

Following: line 7

Insert: "(b) \$250,000 to the institute for travel research at the university of Montana-Missoula for the establishment and maintenance of a Montana travel research program;"

Renumber: subsequent subsections

11. Page 3, line 21.

Following: ". "

Insert: "The allocation in subsections (2) and (3) may be made only if the county, including cities and towns within the county, has generated at least \$15,000 in lodging facility use tax revenue in the previous calendar year. The funds that are not allocated to a county, city, or town because the local governments did not generate the required amount of lodging facility use tax must be allocated to an account in the state special revenue fund to be used as provided in [section 6]."

12. Page 4, line 7.

Strike: "(a)" through funds

Insert: "Funds"

13. Page 4, lines 11 and 12.

Strike: subsection (b) in its entirety

14. Page 4, line 18.

Strike: "\$300,000"

Insert: "\$150,000"

15. Page 4, line 20.

Strike: "(1)(d)"

Insert: "(1)(e)"

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16. Page 4, line 28.

Following: "system,"

Insert: "to the university system,"

17. Page 4, line 29.

Strike: "\$700,000"

Insert: "\$150,000"

18. Page 5, line 4.

Following: line 3

Insert: "(b) \$250,000 to the institute for travel research at the university of Montana-Missoula for the establishment and maintenance of a Montana travel research program;"

Renumber: subsequent subsections

19. Page 5, line 17.

Following: "."

Insert: "The allocation in subsections (2) and (3) may be made only if the county, including cities and towns within the county, has generated at least \$15,000 in lodging facility use tax revenue in the previous calendar year. The funds that are not allocated to a county, city, or town because the local governments did not generate the required amount of lodging facility use tax must be allocated to an account in the state special revenue fund to be used as provided in [section 6]."

20. Page 6, line 3.

Strike: "(a)" through "funds"

Insert: "Funds"

21. Page 6, lines 7 and 8.

Strike: subsection (b) in its entirety

22. Page 6, line 9.

Insert: "NEW SECTION. Section 4. Local tourism resource panel -- membership -- functions. (1)(a) A local government receiving funds under 15-65-121 shall create a local tourism resource panel. The panel must consist of five members appointed by the governing body and must include the following:

(i) a member representing the lodging industry in that jurisdiction;

(ii) a nonelected employee of the local government familiar with local tourism-related infrastructure needs;

(iii) a local retail business person;

(iv) a person familiar with area attractions and the infrastructure and service needs of those attractions;

and

(v) a person familiar with local promotional needs.

(b) Only one local government employee may serve on the panel.

(2) The panel shall accept applications for grants to fund requests under this part from any person or nonprofit entity or the local government. The panel shall evaluate applications to determine those that meet the intent of this part, prioritize the applications, and forward the applications to the local government for review, approval, and the granting of money. The panel may not submit an application for approval unless it is approved by at least three members of the panel.

(3) The local government may not award a grant unless the application has been reviewed and approved by the panel. However, the local government is not required to approve grants recommended by the panel."

Insert: "NEW SECTION. Section 5. Institute for travel research -- committee. (1) There is an institute for

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travel research at the university of Montana-Missoula.

(2) The commissioner of higher education shall appoint a nine-member committee to recommend travel research projects to the institute. The committee must consist of representatives of:

- (a) the tourism advisory council;
- (b) the department of fish, wildlife, and parks;
- (c) the Montana historical society;
- (d) the cooperative extension service;
- (e) the bureau of business and economic research;
- (f) the lodging industry;
- (g) the environmental studies graduate program at the university of Montana-Missoula;
- (h) Montana resident recreationists; and
- (i) resident landowners whose property is impacted by tourism."

Insert: "NEW SECTION. Section 6. Visitor center and primitive camping grants. 1) The tourism advisory council shall use the funds allocated under 15-65-121(2) for the purpose of making grants to counties, cities, and towns that do not receive an allocation of lodging facility use taxes.

(2) Grants must be used for visitor information centers or for the development and operation of primitive campgrounds. Primitive campgrounds are subject to the limits on development provided for primitive parks in 23-1-117.

(3) The tourism advisory council shall develop procedures for the application for and awarding of grants."

Renumber: subsequent sections

23. Page 6, line 11.

Insert: "NEW SECTION. Section 8. Codification instruction. [Sections 4 through 6] are intended to be codified as an integral part of Title 15, chapter 65, part 1, and the provisions of Title 15, chapter 65, part 1, apply to [sections 4 through 6]."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

TRANSPORTATION (Anderson, Chairman):

2/18/1999

HB 329, do pass. Report adopted.

HB 561, do pass. Report adopted.

HB 575, introduced bill, be amended as follows:

1. Page 1, line 22.

Strike: "A" through "."

And, as amended, do pass. Report adopted.

HB 601, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "DRIVER"

Insert: "TRAFFIC"

2. Page 2, line 3.

Following: "(2)"

Insert: "(a)"

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3. Page 2, line 4.

Strike: "driver"

Insert: "traffic"

Strike: "The"

Insert: "Except as provided in subsection (2)(b), the"

4. Page 2, line 6.

Strike: "driver"

Insert: "traffic"

5. Page 2.

Following: line 6

Insert: "(b) The superintendent of public instruction may not require in the rules developed pursuant to subsection (2)(a) that a private traffic education instructor have a valid Montana teaching certificate."

And, as amended, do pass. Report adopted.

HB 606, introduced bill, be amended as follows:

1. Page 4, line 9.

Strike: "within 150 miles of farm headquarters"

2. Page 5, line 8.

Strike: "within 150 miles of farm headquarters"

And, as amended, do pass. Report adopted.

HB 633, do pass. Report adopted.

HB 635, introduced bill, be amended as follows:

1. Page 3, line 6.

Following: "right-of-way"

Insert: "on land that is owned by the federal government on [the effective date of this act] that was established"

2. Page 4, line 17.

Strike: "within this state"

3. Page 4, line 30 through page 5, line 1.

Strike: the first ", " on page 4, line 30 through "proper" on page 5, line 1

And, as amended, do pass. Report adopted.

HJR 25, be adopted. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/17/1999

SB 123, introduced by Crismore

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SB 125, introduced by Crismore
SB 126, introduced by Crismore
SB 235, introduced by Wells
SB 293, introduced by Bishop
SB 359, introduced by Franklin
SB 383, introduced by Hargrove
SB 397, introduced by Stang
SB 410, introduced by Keenan

House bills concurred in and returned to the House:

2/17/1999

HB 36, introduced by Quilici
HB 141, introduced by Hagener

FIRST READING AND COMMITMENT OF BILLS

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

HB 642, introduced by B. Tash, C. Swysgood, referred to Fish, Wildlife and Parks.
HB 643, introduced by G. Gutsche, R. Buzzas, B. Eggers, R. Erickson, J. Hurdle, C. Juneau, B. Raney, J. Tropila, referred to Agriculture.

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

SB 111, introduced by B. DePratu (by request of the Revenue Oversight Committee), referred to Taxation.
SB 123, introduced by W. Crismore (by request of the Department of Environmental Quality), referred to Business and Labor.
SB 125, introduced by W. Crismore (by request of the Department of Environmental Quality), referred to Business and Labor.
SB 126, introduced by W. Crismore (by request of the Department of Environmental Quality), referred to Business and Labor.
SB 235, introduced by Wells, G. Beck, T. Beck, D. Haines, B. McCarthy, R. Menahan, E. Swanson, C. Swysgood, C. Younkin, referred to Natural Resources.
SB 293, introduced by A. Bishop, referred to Fish, Wildlife and Parks.
SB 359, introduced by E. Franklin, M. Halligan, referred to Appropriations.
SB 383, introduced by D. Hargrove, C. Ahner, T. Beck, D. Berry, J. Bohlinger, S. Bookout-Reinicke, C. Christiaens, V. Cocchiarella, W. Crismore, B. DePratu, D. Eck, E. Franklin, D. Grimes, L. Grosfield, T. Hagener, J. Hertel, C. Hibbard, R. Jabs, S. Kitzenberg, D. Mahlum, J. Mangan, W. McNutt, K. Mesaros, K. Ohs, M. Sprague, S. Stang, B. Tash, J. Tester, F. Thomas, M. Waterman, D. Wyatt, C. Younkin, referred to Natural Resources.
SB 387, introduced by B. Wilson, G. Jergeson, referred to Business and Labor.
SB 397, introduced by S. Stang, referred to Transportation.
SB 410, introduced by B. Keenan, referred to Business and Labor.

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:

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HB 241 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. 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, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McKenney, Menahan, Molnar, 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 87

Noes: Adams, E. Bergsagel, P. Bergsagel, Curtiss, Jore, McCann, McGee, Mood, Orr, Wagner.

Total 10

Voted Absentee: Dale, Davies, Molnar, Ayes.

Excused: Cobb, Kasten.

Total 2

Absent or not voting: Rehbein.

Total 1

HB 362 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, 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, 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 90

Noes: E. Bergsagel, P. Bergsagel, Davies, Harper, Jore, McGee, Orr.

Total 7

Voted Absentee: Dale, Molnar, Ayes; Davies, No.

Excused: Cobb, Kasten.

Total 2

Absent or not voting: Rehbein.

Total 1

HB 379 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke,

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Brainard, Brown, Buzzas, E. Clark, R. Clark, Curtiss, Dale, Dell, Eggers, Fisher, Fuchs, Gallus, Gillan, Golie, Grinde, Hagener, Haines, Hanson, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Quilici, Raney, Rose, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.
Total 79

Noes: Adams, P. Bergsagel, P. Clark, Davies, Erickson, Ewer, Facey, Galvin-Halcro, Guggenheim, Gutsche, Harper, Hurdle, Jore, McCulloch, Peck, Ryan, Vick, Wyatt.
Total 18

Voted Absentee: Dale, Molnar, Ayes; Davies, No.

Excused: Cobb, Kasten.
Total 2

Absent or not voting: Rehbein.
Total 1

HB 411 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, 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, 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 92

Noes: Adams, Fuchs, Jore, McGee, Orr, Rehbein.
Total 6

Voted Absentee: Dale, Davies, Molnar, Ayes.

Excused: Cobb, Kasten.
Total 2

Absent or not voting: None.
Total 0

HB 454 passed as follows:

Ayes: Ahner, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, 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, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo,

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

Total 85

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, Jore, Orr, Rehbein, Story, Vick, Wagner.

Total 10

Voted Absentee: Dale, Davies, Molnar, Ayes.

Excused: Cobb, Kasten.

Total 2

Absent or not voting: J. Andersen, Fuchs, Jackson.

Total 3

HB 480 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, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Dale, Davies, Molnar, Ayes.

Excused: Cobb, Kasten.

Total 2

Absent or not voting: None.

Total 0

HB 502 passed as follows:

Ayes: Adams, Ahner, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, 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, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon,

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Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 92

Noes: P. Bergsagel, Jore, Orr.
Total 3

Voted Absentee: Dale, Davies, Molnar, Ayes.

Excused: Cobb, Kasten.
Total 2

Absent or not voting: J. Andersen, Peck, Trexler.
Total 3

HB 514 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 88

Noes: Adams, P. Bergsagel, Bitney, Fuchs, Grinde, Jore, Orr, Rehbein, Sliter, Vick.
Total 10

Voted Absentee: Dale, Davies, Molnar, Ayes.

Excused: Cobb, Kasten.
Total 2

Absent or not voting: None.
Total 0

HB 571 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, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

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Total 98

Noes: None.
Total 0

Voted Absentee: Dale, Davies, Molnar, Ayes.

Excused: Cobb, Kasten.
Total 2

Absent or not voting: None.
Total 0

HB 581 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, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, 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 97

Noes: Molnar.
Total 1

Voted Absentee: Dale, Davies, Ayes; Molnar, No.

Excused: Cobb, Kasten.
Total 2

Absent or not voting: None.
Total 0

HJ 20 adopted 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, 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, 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, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 90

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Noes: E. Bergsagel, P. Bergsagel, Jore, McGee, Orr, Rehbein, Story, Vick.
Total 8

Voted Absentee: Dale, Davies, Molnar, Ayes.

Excused: Cobb, Kasten.
Total 2

Absent or not voting: None.
Total 0

HJ 21 adopted 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, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, 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, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 89

Noes: Adams, E. Bergsagel, Jore, McGee, Orr, Shockley, Trexler, Vick.
Total 8

Voted Absentee: Dale, Davies, Molnar, Ayes.

Excused: Cobb, Kasten.
Total 2

Absent or not voting: Hurdle.
Total 1

SB 171, as amended by the House, concurred in as follows:

Ayes: Adams, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Grinde, Haines, Hanson, Harrington, Hedges, Hibbard, Holden, Jackson, Jore, Kitzenberg, Lindeen, Masolo, Matthews, McCann, McGee, McKenney, Mood, Ohs, Orr, Raney, Rehbein, Rose, Simon, Sliter, Somerville, Story, Stovall, Tash, Taylor, Thomas, Tuss, Vick, Wagner, Witt, Younkin, Zook, Mr. Speaker.
Total 53

Noes: Ahner, Barnhart, Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Hurdle, Johnson, Juneau, Krenzler, Lawson, Lenhart, Mangan, McCulloch, Menahan, Molnar, Noennig, Pavlovich, Peck, Quilici, Ryan, Schmidt, Shockley, Smith, Soft, Squires, Swanson, Trexler, Tropila, Walters, Williams, Wyatt.
Total 45

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Voted Absentee: Dale, Davies, Ayes; Molnar, No.

Excused: Cobb, Kasten.
Total 2

Absent or not voting: None.
Total 0

**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 McGee in the chair.

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

Representative Simon excused at this time.

HB 584 - Representative Juneau moved **HB 584** 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, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, 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, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 94

Noes: Jore, Orr, Story.
Total 3

Voted Absentee: Dale, Davies, Molnar, Simon, Ayes.

Excused: Cobb, Kasten.
Total 2

Absent or not voting: Fisher.
Total 1

HB 444 - Representative Thomas moved **HB 444** do pass. Motion carried as follows:

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

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Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook.

Total 89

Noes: Adams, P. Bergsagel, Jore, McCann, Rehbein.

Total 5

Voted Absentee: Dale, Davies, Molnar, Simon, Ayes.

Excused: Cobb, Kasten.

Total 2

Absent or not voting: Masolo, Orr, Squires, Mr. Speaker.

Total 4

HB 551 - Representative Sliter moved consideration of **HB 551** be placed at the bottom of the second reading board. Motion carried.

Representatives Cobb and Kasten present at this time.

HB 314 - Representative Raney moved **HB 314** do pass. Motion carried as follows:

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

Total 80

Noes: Adams, J. Andersen, Barnett, Brainard, Brown, E. Clark, Curtiss, Hagener, Haines, Hanson, Kasten, Kitzenberg, Mood, Rose, Smith, Tash, Taylor, Walters, Witt.

Total 19

Voted Absentee: Dale, Davies, Molnar, Simon, Ayes; Haines, No.

Excused: None.

Total 0

Absent or not voting: Bitney.

Total 1

Representative Grinde excused at this time.

Representative Davies present at this time.

HB 488 - Representative Wagner moved **HB 488** do pass. Motion carried as follows:

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Ayes: Adams, Ahner, J. Andersen, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Eggers, Fisher, Fuchs, Gallus, Golie, Guggenheim, Gutsche, Harper, Hurdle, Jackson, Jore, Juneau, Kitzenberg, Lawson, Lenhart, Mangan, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Orr, Peck, Raney, Ryan, Shockley, Simon, Sliter, Somerville, Story, Stovall, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Witt, Mr. Speaker.
Total 57

Noes: S. Anderson, Barnett, Buzzas, Dell, Erickson, Ewer, Facey, Galvin-Halcro, Gillan, Hagener, Hanson, Harrington, Hedges, Hibbard, Holden, Johnson, Kasten, Krenzler, Lindeen, Masolo, Matthews, McCann, McCulloch, Ohs, Pavlovich, Quilici, Rehbein, Rose, Schmidt, Smith, Soft, Squires, Swanson, Tash, Taylor, Tuss, Williams, Wyatt, Younkin, Zook.
Total 40

Voted Absentee: Dale, Molnar, Simon, Ayes.

Excused: Grinde, Haines.
Total 2

Absent or not voting: Bitney.
Total 1

HB 533 - Representative Gallus moved **HB 533** do pass. Motion carried as follows:

Ayes: Ahner, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Buzzas, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hurdle, Jackson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Matthews, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Ohs, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Simon, Sliter, Soft, Squires, Swanson, Tash, Thomas, Tropila, Tuss, Wagner, Williams, Witt, Wyatt, Younkin, Mr. Speaker.
Total 69

Noes: Adams, J. Andersen, E. Bergsagel, P. Bergsagel, Brown, E. Clark, Davies, Hanson, Hibbard, Holden, Johnson, Jore, Kasten, Lawson, Masolo, McCann, Noennig, Orr, Rehbein, Rose, Shockley, Smith, Somerville, Story, Stovall, Taylor, Trexler, Vick, Walters, Zook.
Total 30

Voted Absentee: Dale, Haines, Molnar, Simon, Ayes.

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

HB 583 - Representative Thomas moved **HB 583** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, Barnhart, Beck, E. Bergsagel, Bookout-Reinicke, Buzzas, E. Clark, P. Clark, R. Clark, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Hurdle, Jackson, Juneau,

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Kitzenberg, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 74

Noes: Adams, S. Anderson, Barnett, P. Bergsagel, Bitney, Brainard, Brown, Cobb, Curtiss, Fisher, Hanson, Holden, Johnson, Jore, Kasten, Krenzler, Lawson, McCann, Orr, Shockley, Smith, Taylor, Vick, Wagner, Walters.

Total 25

Voted Absentee: Dale, Haines, Molnar, Simon, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

HB 486 - Representative Anderson moved **HB 486** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Fuchs, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Jore, Kasten, Masolo, McGee, McKenney, Mood, Noennig, Ohs, Orr, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 52

Noes: Barnhart, Beck, P. Bergsagel, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Vick, Williams, Wyatt.

Total 47

Voted Absentee: Dale, Haines, Simon, Ayes; Molnar, No.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

HB 487 - Representative Anderson moved **HB 487** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Fuchs, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Masolo, Matthews, McCann, McGee, McKenney, Mood, Noennig, Ohs, Orr, Peck, Quilici, Rehbein, Rose, Ryan,

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Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Taylor, Thomas, Trexler, Tropila, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 66

Noes: E. Bergsagel, P. Bergsagel, Buzzas, Dell, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hurdle, Jore, Krenzler, Lawson, Lenhart, Lindeen, Mangan, McCulloch, Menahan, Molnar, Pavlovich, Raney, Smith, Tuss, Vick, Wagner, Williams, Wyatt.

Total 31

Voted Absentee: Dale, Haines, Simon, Ayes; Molnar, No.

Excused: Grinde.

Total 1

Absent or not voting: Eggers, Tash.

Total 2

HB 528 - Representative Juneau moved **HB 528** do pass. Motion carried as follows:

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

Total 71

Noes: Adams, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Brainard, R. Clark, Davies, Fisher, Hanson, Jackson, Johnson, Jore, Kasten, Lawson, Masolo, Molnar, Mood, Orr, Rehbein, Shockley, Story, Taylor, Vick, Wagner, Walters.

Total 27

Voted Absentee: Dale, Haines, Simon, Ayes; Molnar, No.

Excused: Grinde.

Total 1

Absent or not voting: Bookout-Reinicke.

Total 1

HB 534 - Representative Gallus moved **HB 534** do pass. Motion carried as follows:

Ayes: Ahner, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Dale, Dell, Eggers, Erickson, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Matthews, McCulloch, McGee, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Simon, Soft, Somerville, Squires, Swanson, Tash, Thomas, Tropila, Tuss, Wagner, Williams, Witt, Wyatt, Younkin, Mr.

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Speaker.
Total 73

Noes: Adams, J. Andersen, E. Bergsagel, P. Bergsagel, Cobb, Davies, Hanson, Jore, Kasten, Lawson, Masolo, McCann, McKenney, Orr, Rehbein, Shockley, Sliter, Smith, Story, Stovall, Taylor, Trexler, Vick, Walters, Zook.
Total 25

Voted Absentee: Dale, Haines, Molnar, Simon, Ayes.

Excused: Grinde.
Total 1

Absent or not voting: Ewer.
Total 1

HB 313 - Representative Raney moved **HB 313** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, P. Bergsagel, Bitney, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Hanson, Harper, Harrington, 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, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 88

Noes: Adams, Davies, Haines, Hedges, Jore, Kasten, Orr, Rehbein, Vick.
Total 9

Voted Absentee: Dale, Molnar, Simon, Ayes; Haines, No.

Excused: Grinde.
Total 1

Absent or not voting: E. Bergsagel, Bookout-Reinicke.
Total 2

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McGee 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, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Sliter, Smith,

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Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 89

Noes: Jore, Rehbein, Wyatt.

Total 3

Excused: Dale, Grinde, Haines, Molnar, Simon.

Total 5

Absent or not voting: Hagener, McGee, Tuss.

Total 3

Representative Sliter moved that the House recess until 1:00 p.m. when the body will resolve itself into a joint session for the purpose of receiving the address from U.S. Senator Max Baucus and that upon adjournment the body will resolve itself into the committee of the whole for the purpose of 2nd reading. Motion carried.

House recessed at 11:50 a.m.

SPECIAL ORDERS OF THE DAY

House reconvened at 1:00 p.m. Mr. Speaker in the chair.

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 address from Montana's Senior U.S. Senator Max Baucus. Motion carried.

Senator Harp moved that President Crippen be authorized to appoint a committee of six to notify Senator Baucus that the House was in joint session and ready to receive his address. Motion carried.

President Crippen appointed Senators Franklin, Halligan, Mahlum, and Taylor, and Representatives Hibbard and Krenzler and discharged them to escort Senator Baucus into the House Chamber.

Sergeants-at-Arms Meuli and Cramer escorted Senator Baucus and the committee into the House Chamber.

After being introduced by President Crippen, U.S. Senator Max Baucus delivered the following address:

Speaker Mercer, President Crippen, Minority Leader Doherty, Minority Leader Swanson and members of the 56th Legislative Assembly, good afternoon. Thank you for once again welcoming me home to this chamber. It is indeed a great privilege to be here today to share with you some of my thoughts about the challenges faced by our state and our nation.

I am blessed to have many friends in this chamber on both sides of the aisle. Some of whom I served with when I was in the legislature, like Red Menahan, Joe Quilici and J.D. Lynch. And many others of you with whom I've worked side-by-side over the past 20 years. Folks like Dorothy Eck, Chase Hibbard, Carolyn Squires and Tom Zook. For many, due to term limits, this will be your last session in this body.

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So let me take this opportunity, on behalf of a grateful state, to thank those of you who will not be returning to the Legislature for your service, for your leadership, and for your friendship.

Even after all these years, I walk up the Capitol steps to work for you in the United States Senate and I am awed by the trust Montanans have bestowed on me. I believe public office is a sacred trust to put partisanship and division aside and work for the good of our state and our nation. I'm sure you feel the same way.

Sure, my job, a lot like yours does, has its difficulties, its frustrations. You might even say its trials and tribulations. But I get my energy for the job from Montana. For every time I get off the plane, I realize I am home. Truly home. There is a sense of place here in our state -- a sense of belonging -- that is distinct and powerful. It binds us together as a community and gives our lives strength and meaning.

By the time I get back on the plane to head off to Washington, I am re-charged and ready to tackle the challenges that face us as a people. I'm sure you all feel the same way about your transmittal break.

There is much we have accomplished -- and much yet to do. Important things: Bringing opportunities for prosperity to our rural communities -- so that the economic boom is felt not just on Wall Street, but on Main Street. Working to simplify the tax code to help small businesses and working families get ahead. Expanding access to health care, especially for children whose parents work hard but can't afford adequate coverage. And protecting the natural heritage of hunting, fishing and outdoor recreation that makes Montana, truly, the last best place.

There is much to do on a range of issues. And today I believe there is one challenge that is so important to the future of our state that it calls for us to make a special effort to work with courage, creativity, and cooperation.

This is about making a difference in the lives of our children, about preparing the next generation for the unique challenges of a new century, and about leaving a meaningful legacy for future generations. My friends, the time has come to bring the promise of a world-class education to every Montanan.

Some of my most vivid memories of youth are about my teachers.

I went to kindergarten right here in Helena, in the basement of the First Christian Church. I was lucky enough to be taught by Mrs. Foote -- a wonderful, kind woman who got me off to a good start and made sure that I understood the value of hard work. As a five-year-old, I wasn't great at keeping in touch with people. I lost track of Mrs. Foote, but never forgot her -- or the important lessons she taught me.

Now as most of you know, every month or so I work in a different job right here at home. Some days I stock shelves, other days I work on a construction crew, and just this last Monday I worked at a children's health clinic in Kalispell. I love it.

A couple of years ago, I was working with the meals on wheels program -- serving seniors who have difficulty getting around. It was lunchtime and I carried my tray to a door and knocked confidently. A little voice from inside told me to come in and so I pushed on the door and walked inside.

There, seated at the kitchen table was a woman I knew I recognized. We chatted for a moment and I asked her if she had taught kindergarten. She answered that she had. I then asked her if there was any chance she had taught in the basement of the First Christian Church at the corner of Benton and Power. She replied that she had. It was Mrs. Foote.

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Seeing her again, even after so many years, brought back warm memories of my first year in school. We got to visiting a while and she showed me an article about her career that appeared in the Great Falls Tribune that confirmed to me what I guess I had known all along. Mrs. Foote was a special teacher. You see, she had not one, but two masters degrees, one in art history and one in English literature. And with that knowledge she chose to teach kindergarten, my kindergarten. I was lucky to have Mrs. Foote in my life. Today, let us commit ourselves to ensuring that every child of Montana has a Mrs. Foote in their lives.

With us here today is another Mrs. Foote, Mrs. Lindberg and her kindergarten class from Jefferson Elementary School. Let's thank them for joining us and reminding us of how truly precious our future is.

These great leaders of tomorrow's Montana are getting an early start because our predecessors in this chamber had the foresight and wisdom to pass a law exactly 100 years ago, in 1899, establishing public kindergartens in Montana. Let's mark this anniversary by rededicating ourselves to Montana's children.

In just a few years, we will commemorate the journey of Meriwether Lewis and William Clark. We will talk of their courage and daring, of their deeds then and their legacy today. Thomas Jefferson called them and their men the Corps of Discovery. I believe he chose this name because for Jefferson this was a journey -- certainly to expand the frontiers of America -- but more importantly to expand the frontiers of our knowledge.

Lewis and Clark failed to find the River of the West connecting us to the Pacific. But, though they might not have realized it, they found something much more important -- the land under their very feet. For in the generations after they passed through here, this land became a home of opportunity.

Wagon train after wagon train, they came -- looking for a better future. They didn't find an easy life, but they didn't come here for that. All they wanted was a chance to succeed.

Back then that chance to succeed was found in the land itself -- in the Gold and Silver, the Oro y Plata. But today our world has changed. A strong back is no longer a ticket to success. Today, for Montanans to have a chance to succeed, we need a flexible mind.

As Lewis and Clark set out to map a new territory, we are about to set out to map a new century. A new century of a global marketplace, information technology that connects us to the entire world, and a New Economy where innovation is the engine of prosperity. To find our way in this new century, we need new thinking on how to help Montanans have a chance at success.

That's why today I am announcing the "Corps of Discovery" agenda -- a comprehensive package of education initiatives that will educate our kids for tomorrow's jobs, provide classrooms equipped for the 21st century, and improve access to higher education for every Montanan. This new "Corps of Discovery" will give our children the core knowledge they need to compete and win in the next century.

Now before I tell you any more about what the "Corps of Discovery" agenda is, let me clearly tell you what it is not. It is not a top-down, Washington-centered, big-government solution to all our problems. Education is a national concern, but that doesn't mean that the federal government has all the answers.

This Congress must re-authorize the single largest piece of education funding legislation in our nation -- the Elementary and Secondary Education Act. And while I am a strong supporter of the bill, I believe that some of the federal mandates in it have become burdensome on local teachers and educators.

That's why I will work hard to build more flexibility into this bill and make sure it provides the kind of support

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our kids deserve. Rules that make sense in Manhattan, New York don't necessarily work in Manhattan, Montana – and we shouldn't pretend that they do. That's why my new "Corps of Discovery" agenda is built on solutions that are truly made in Montana -- solutions that meet the special needs of rural states.

I'm confident we have the tools we need to succeed. Right here at home. But we all know that tools that are rusting in the shed are useless. We need to get the tools out of the shed, shine 'em up and put them to work for our kids.

So what is the "Corps of Discovery?" It starts with preparing our kids for the jobs of tomorrow. That means connecting them to the endless possibilities technology has to offer. The Internet holds the promise of giving every child in every small town in Montana the access to the same universe of knowledge. Imagine a young boy in Columbia Falls who can read the great books in the Library of Congress. A young girl in Hamilton who can look at every painting in the National Gallery of Art. We can make their horizons so large that the skies of the Great Plains will seem cramped in comparison. That's why I'm fighting for the "e-rate" – which gives deep discounts on Internet access to Montana's schools.

And that's why I will continue to make sure every school in Montana has computer access for its students. As you know, the federal government provides surplus computers to schools. Through that program alone we've delivered over 300 computers to Montana schools. Early on in the program I was able to get about 150 computers from the Minerals Management Service. I was thrilled. The problem was, the computers were in Denver, and the kids who needed them were here. That's where Ray Kuntz came in.

Ray offered the services of his company, Watkins-Shepard trucking, and they shipped every last one of those computers to Montana. Ray is with us today and is an example of the kind of public-private partnership that means so much to our communities. Thank you Ray.

I'm encouraged to hear this legislature is considering a similar program in the state. If Lewis and Clark could cross the Continental Divide, we can conquer the digital divide.

The second part of the "Corps of Discovery" agenda is providing classrooms equipped for the 21st century. Because all the wonderful technology in the world is useless if our classrooms aren't modern enough to support it.

Think of this beautiful and historic Capital building – only a few years away from celebrating its one hundredth birthday. It has grown and expanded over the years; now it is being renovated. I applaud all this. And I'm sure you'll agree that our children's schools deserve the same. That's why I'm proud to sponsor the Public Schools Excellence Act to provide \$23 billion in bonding authority to help local communities rebuild and modernize our schools.

Unfortunately, this good bill leaves out the 12,000 Montana kids who live on federal lands. So today I'm announcing that I will introduce a bill that includes \$34 million in aid to Montana so that these children don't get left behind.

But even the best classrooms and computers aren't as important as high-quality teachers. That's why I have co-sponsored legislation to recruit, retain, and train a whole new generation of bright and energetic teachers. A new generation of Mrs. Footes.

Kids can't learn – and parents can't get much work done – when they have to worry about school violence. Sadly, we in Montana are no longer immune from this problem. We must honor those we have lost like Jeremy

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Bullock in Butte by committing to each other that it will never happen again. That's why the "Corps of Discovery" plan calls for 10,000 new, qualified counselors in America's schools to give our kids the guidance they need. And that's why I am pleased to report to you a \$350,000 grant to the University of Montana to help train teachers to deal with school violence.

The third part of the "Corps of Discovery" agenda is improving access to higher education for all Montanans. Because in an age when technology and innovation leap past science fiction, a high school diploma just isn't enough.

The great journey of discovery must continue at every tribal college, every college of technology, every community college and on each of our university campuses.

Over the past couple of years the Congress has made meaningful, bi-partisan, changes that help Montana families send their kids to college. We've adopted the Hope Scholarship, a \$1500 tax credit for postsecondary education. In the very first year of this program 15,000 Montana families were eligible for savings totaling \$22.5 million. We established the Lifetime Learning which helps put lifetime learning in reach for every Montana family by providing an additional tax credit for students of all ages who go back to school to improve their job skills.

And do you know how many Montana students use Pell Grants and student loans to at least partially fund their education? 80%. Let me repeat that. 80% of Montana students use Pell Grants or student loans to go to college.

Now I believe that there is no such thing as a free lunch. I don't believe in handouts or in something for nothing. But when young Montanans have worked hard and stayed straight, they shouldn't be denied a college education just because their parents can't afford it. That's not the America that we believe in. That's why my "Corps of Discovery" plan includes legislation to increase the amount of the Hope Scholarship, to extend the Lifetime Learning Credit to include employer contributions. And I'll push to fully fund Pell Grant and student loan programs -- to throw open the doors of college to every student who needs our help.

And, after students have walked through those doors and finished college, we should not turn our backs on them. Too often, graduates are saddled with years of student loan debts that keep them from following their dreams. That's why my "Corps of Discovery" plan makes every cent of interest on student loans tax deductible. Hard working graduates paying off their loans should not have to worry about another bill from the IRS.

Together, these programs have already helped literally tens of thousands of Montanans pursue an advanced degree. The future of this new generation is in our hands. We are the stewards of their future. We cannot let them down.

Educating our kids for the jobs of tomorrow, giving our kids a better learning environment, improving higher education for Montana families, and maintaining local control over education decisions. That's my "Corps of Discovery" agenda -- its new, its different, but it will work.

The world is changing every day. And yet in other ways, more important ways, it is the same. We are still Americans. We are still Montanans -- part of a community in which we are responsible for ourselves and each other. A community of people who share rights and freedoms that bind us together and make the value of our whole greater than the sum of our parts.

When Thomas Jefferson sent Lewis and Clark out on their voyage two centuries ago, he dreamt of what he called "an Empire of Liberty." Today, let's carry his vision into a new century and give our children the liberty to live out their own dreams and chart their own voyage of discovery.

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So as we go from here toward a new millennium, let us remember, each one of us, as Montanans and as Americans, that the future is in our hands, and ours alone. Our actions will determine the course of a new century. That is the beauty of democracy.

Let us set forth and greet the new century committed as a people, one people, to work together. To create a place where quality educational opportunity for every Montanan is guaranteed, a place where the agricultural economy that is so much a part of our way of life can again thrive, a place where tensions over natural resource issues fade away, and a place where every hardworking Montana family can have a piece of the American dream.

God bless you and God bless Montana.

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

The committee escorted Senator Baucus from the House Chamber.

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

Roll call. Quorum present.

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

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

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

HB 563 - Representative Gillan moved **HB 563** do pass.

HB 563 - Representative Gillan moved **HB 563**, second reading copy, be amended as follows :

1. Title, line 5.

Following: "UPON"

Insert: "SUCCESSFUL"

2. Title, line 6.

Following: "INSTITUTION"

Insert: "AND A DEMONSTRATION OF COMPETENCY TO THE BOARD OF MEDICAL EXAMINERS"

3. Page 1, line 21.

Following: "has"

Insert: "demonstrated to the board competency in the use of acupuncture and has successfully"

Following: "proof of"

Insert: "successful"

4. Page 2, line 20.

Following: "education"

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Insert: "and competency"

Amendment passed as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, 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 91

Noes: Jackson.

Total 1

Excused: Dale, Grinde, Haines, Molnar, Simon.

Total 5

Absent or not voting: Bitney, Bookout-Reinicke, Curtiss.

Total 3

HB 563 - Representative Vick moved for cloture. Motion carried.

Motion that **HB 563**, as amended, do pass failed as follows:

Ayes: Barnett, Beck, P. Bergsagel, Brown, E. Clark, P. Clark, Dale, Dell, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Hagener, Haines, Harrington, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Mangan, Masolo, Matthews, McGee, Molnar, Noennig, Peck, Quilici, Rehbein, Ryan, Schmidt, Simon, Soft, Somerville, Stovall, Tropila, Vick, Wyatt.

Total 43

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnhart, E. Bergsagel, Bitney, Brainard, Buzzas, R. Clark, Cobb, Curtiss, Davies, Eggers, Erickson, Ewer, Facey, Fisher, Gutsche, Hanson, Harper, Hedges, Hibbard, Holden, Jore, Kasten, Lindeen, McCann, McCulloch, McKenney, Menahan, Mood, Ohs, Orr, Pavlovich, Rose, Shockley, Sliter, Smith, Squires, Story, Swanson, Tash, Taylor, Thomas, Trexler, Tuss, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 54

Voted Absentee: Dale, Haines, Molnar, Simon, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Bookout-Reinicke, Raney.

Total 2

HB 326 - Representative Brainard moved **HB 326** do pass. Motion carried as follows:

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Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bookout-Reinicke, Brainard, Brown, Buzzas, P. Clark, R. Clark, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fuchs, Gallus, Gillan, Golie, Guggenheim, Gutsche, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Raney, Rehbein, Rose, Ryan, 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 87

Noes: E. Clark, Galvin-Halcro, Hagener, Lenhart, Pavlovich, Peck, Quilici, Schmidt.

Total 8

Voted Absentee: Dale, Haines, Molnar, Simon, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Bitney, Cobb, Fisher, Younkin.

Total 4

HB 443 - Representative Sliter moved consideration of **HB 443** be passed for the day. Motion carried.

HB 458 - Representative Ohs moved **HB 458** do pass. Motion carried as follows:

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

Total 92

Noes: Jore.

Total 1

Voted Absentee: Dale, Haines, Molnar, Simon, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: S. Anderson, Bitney, Cobb, Fisher, Hedges, Younkin.

Total 6

HB 485 - Representative Anderson moved **HB 485** do pass. Motion carried as follows:

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

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Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Davies, Eggers, Fisher, Fuchs, Gallus, Gillan, Hagener, Haines, Hanson, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Lawson, Lindeen, Masolo, Matthews, McCann, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Shockley, Simon, Sliter, Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 74

Noes: Buzzas, P. Clark, Dell, Erickson, Ewer, Facey, Galvin-Halcro, Golie, Guggenheim, Gutsche, Harper, Hurdle, Krenzler, Lenhart, Mangan, McCulloch, Peck, Raney, Ryan, Schmidt, Squires, Swanson, Williams, Wyatt.

Total 24

Voted Absentee: Haines, Molnar, Simon, Ayes.

Excused: Dale, Grinde.

Total 2

Absent or not voting: None.

Total 0

HB 432 - Representative Tuss moved consideration of **HB 432** be passed for the day. Motion carried.

HB 352 - Representative Brainard moved **HB 352** do pass.

HB 352 - Representative Brainard moved **HB 352**, second reading copy, be amended as follows :

1. Page 2, line 9.

Following: "landowners"

Insert: "unless all of the landowners agree to the abandonment"

2. Page 2, line 20.

Following: "landowners"

Insert: "unless all of the landowners agree to the abandonment"

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, Davies, Dell, Eggers, Ewer, Facey, Fisher, Fuchs, Gallus, Gillan, Golie, Guggenheim, Gutsche, Hagener, Hanson, Harper, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 89

Noes: Erickson, Galvin-Halcro, McCann, Wyatt.

Total 4

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Excused: Dale, Grinde, Haines, Molnar, Simon.
Total 5

Absent or not voting: Harrington, Tuss.
Total 2

Motion that **HB 352**, as amended, do pass carried as follows:

Ayes: Adams, Ahner, J. Andersen, 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, Haines, Harper, Hedges, Hibbard, Holden, Jackson, Jore, Juneau, Kasten, Kitzenberg, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Raney, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Story, Swanson, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Mr. Speaker.
Total 82

Noes: S. Anderson, Barnett, Hagener, Hanson, Harrington, Hurdle, Johnson, Krenzler, Noennig, Quilici, Rehbein, Rose, Smith, Stovall, Tash, Taylor, Zook.
Total 17

Voted Absentee: Dale, Haines, Molnar, Simon, Ayes.

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

HB 539 - Representative Sliter moved **HB 539** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Cobb, Dale, Dell, Eggers, Ewer, Facey, Fisher, Fuchs, Gallus, Gillan, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Juneau, Kitzenberg, Krenzler, Lawson, Lindeen, Matthews, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Ohs, Pavlovich, Quilici, Raney, Shockley, Simon, Sliter, Soft, Somerville, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Wagner, Walters, Williams, Witt, Younkin, Mr. Speaker.
Total 66

Noes: Adams, Buzzas, Curtiss, Davies, Erickson, Galvin-Halcro, Golie, Guggenheim, Gutsche, Hurdle, Johnson, Jore, Kasten, Lenhart, Mangan, Masolo, McCann, Noennig, Orr, Peck, Rehbein, Rose, Ryan, Schmidt, Smith, Squires, Story, Taylor, Tuss, Vick, Wyatt, Zook.
Total 32

Voted Absentee: Dale, Haines, Molnar, Simon, Ayes.

Excused: Grinde.
Total 1

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Absent or not voting: S. Anderson.
Total 1

HJR 22 - Representative Masolo moved **HJR 22** be adopted. 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, 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, Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 94

Noes: Jore, Orr, Squires, Vick.
Total 4

Voted Absentee: Dale, Haines, Molnar, Simon, Ayes.

Excused: Grinde.
Total 1

Absent or not voting: Sliter.
Total 1

HB 482 - Representative Mangan moved **HB 482** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, 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, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 90

Noes: Adams, E. Bergsagel, Bookout-Reinicke, Curtiss, Jore, Orr, Rehbein, Vick.
Total 8

Voted Absentee: Dale, Haines, Molnar, Simon, Ayes.

Excused: Grinde.
Total 1

Absent or not voting: P. Bergsagel.
Total 1

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HB 551 - Representative Cobb moved **HB 551** 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, 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, 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, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 95

Noes: Adams, Jore, Orr, Rehbein.
Total 4

Voted Absentee: Dale, Haines, Molnar, Simon, Ayes.

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McGee 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, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dell, Eggers, Erickson, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 85

Noes: Jore, Rehbein.
Total 2

Excused: Dale, Grinde, Haines, Molnar, Simon.
Total 5

Absent or not voting: Brainard, Davies, Ewer, Juneau, Mangan, McGee, Orr, Walters.
Total 8

MOTIONS

Representative Witt requested on **SB 171**, 3rd reading today, that his vote be shown as yes. There being no

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objections, so ordered.

Representative Jackson requested on **HB 241**, and **HB 362**, 3rd reading today, that his votes be shown as yes. There being no objections, so ordered.

Representative Davies requested on **HB 583**, 2nd reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Sliter moved that **HB 313** be rereferred to the Committee on Appropriations. Motion carried.

SPECIAL ORDERS OF THE DAY

The following cosponsors have been added to **HB 637**: Representatives Gallus, Gillan, Harrington, Matthews, Ryan, and Swanson.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Sliter moved that the House adjourn until 9:00 a.m., Friday, February 19, 1999. Motion carried.

House adjourned at 3:20 p.m.

MARILYN MILLER
Chief Clerk of the House

JOHN MERCER
Speaker of the House