

**HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 4, 1999

House Chambers  
State Capitol

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

Roll Call. All members present except Representative Brown. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Rehbein, Chairman): 3/4/1999  
Correctly printed: **HB 569, SB 91, SB 115, SB 120, SB 140, SB 155, SB 168, SB 203, SB 347, SB 396.**  
Correctly engrossed: **HB 586, HB 607.**  
Signed by the Speaker at 8:28 a.m., March 4, 1999: **HB 56, HB 89, HB 198, HB 319.**

**AGRICULTURE** (Barnett, Chairman): 3/3/1999  
**SB 91**, be concurred in. Report adopted.

**BUSINESS AND LABOR** (Simon, Chairman): 3/3/1999  
**SB 90**, be amended as follows:

1. Title, page 1, line 11 through line 13.

**Following:** "~~QUALIFICATIONS:~~" on line 11

**Strike:** remainder of line 11 through "USED" on line 13

**Insert:** "PROVIDING FOR THE APPLICATION OF VETERANS' PREFERENCE BY AN EMPLOYER USING  
A NONSCORED PROCEDURE WHEN APPLICANTS HOLD SUBSTANTIALLY EQUAL  
QUALIFICATIONS"

2. Page 2, line 14 through line 18.

**Following:** "~~39-30-103~~"

**Strike:** remainder of line 14 through "(1)" on line 18

**Insert:** "give preference to a disabled veteran, eligible relative, or veteran, in that order, over any nonpreferred applicant holding substantially equal qualifications, as defined in 39-30-103"

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

**SB 210**, be amended as follows:

1. Page 1, lines 12 and 21.

Page 2, line 7

Page 3, lines 8, 11, and 13

**Strike:** "6" in six places

**Insert:** "5" in six places

2. Page 1, lines 15 through 19.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

3. Page 1, line 23.

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**Following:** "identify"  
**Insert:** "major"

4. Page 2, line 2.  
**Following:** "any"  
**Insert:** "major"

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

**SB 396**, be concurred in. Report adopted.

**EDUCATION** (Masolo, Chairman): 3/4/1999  
**SB 31**, be concurred in. Report adopted.  
**SB 134**, be concurred in. Report adopted.  
**SB 246**, be concurred in. Report adopted.

**HUMAN SERVICES** (Soft, Chairman): 3/4/1999  
**SB 101**, be concurred in. Report adopted.  
**SB 116**, be concurred in. Report adopted.

**JUDICIARY** (Clark, Chairman): 3/3/1999  
**SB 128**, be amended as follows:

1. Title, line 6 through line 8.  
**Strike:** "ELIMINATING" on line 6 through "MCA;" on line 8

2. Page 1, line 13 through page 2, line 25.  
**Strike:** section 1 through section 2 in their entirety  
**Renumber:** subsequent sections

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

**SB 155**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Ahner, Chairman): 3/3/1999  
**SB 1**, be concurred in. Report adopted.  
**SB 95**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Tash, Chairman): 3/4/1999  
**SB 29**, be concurred in. Report adopted.  
**SB 44**, be concurred in. Report adopted.  
**SB 98**, be concurred in. Report adopted.

**TAXATION** (Hibbard, Chairman): 3/3/1999  
**HB 569**, do pass. Report adopted.

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**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House: 3/3/1999

**HB 119**, introduced by Mood  
**HB 170**, introduced by Masolo  
**HB 179**, introduced by Sliter  
**HB 237**, introduced by Swanson

House joint resolution concurred in and returned to the House: 3/3/1999

**HJR 9**, introduced by Tuss

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 654**, introduced by T. Schmidt, referred to Taxation.  
**HB 655**, introduced by J. Tropila, referred to Taxation.

**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 P. Clark in the chair.

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

Representative Hanson excused at this time.

**HB 185** - Representative Menahan moved **HB 185** do pass. Motion carried as follows:

Ayes: Beck, E. Bergsagel, Buzzas, E. Clark, P. Clark, R. Clark, Dale, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lindeen, Mangan, Masolo, Matthews, McCulloch, McGee, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Smith, Soft, Squires, Stovall, Swanson, Tash, Thomas, Tropila, Tuss, Williams, Witt, Wyatt, Zook.

Total 61

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, P. Bergsagel, Bitney, Brainard, Brown, Cobb, Curtiss, Davies, Fisher, Fuchs, Grinde, Jackson, Jore, Kasten, Lawson, Lenhart, McCann, McKenney, Molnar, Orr, Rehbein, Shockley, Simon, Sliter, Somerville, Story, Taylor, Trexler, Vick, Wagner, Walters, Younkin, Mr. Speaker.

Total 38

Voted Absentee: Hanson, Aye; Brown, No.

Excused: None.

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Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

**HB 82 - Senate Amendments** - Representative Harper moved Senate amendments to **HB 82** be concurred in.

Motion carried as follows:

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

Total 98

Noes: McGee, Orr.

Total 2

Voted Absentee: Brown, Hanson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 32** - Representative Gillan moved **SB 32** be concurred in.

**SB 32** - Representative Gillan moved **SB 32**, second reading copy, be amended as follows :

1. Page 1, line 23.

**Following:** "perpetrator"

**Insert:** "is an employee, contractor, or volunteer of the facility and"

2. Page 2, line 14.

**Following:** "perpetrator"

**Insert:** "is an employee, contractor, or volunteer of the facility and"

Title, line 8

**Following:** "PERPETRATOR"

**Insert:** "IS AN EMPLOYEE, CONTRACTOR, OR VOLUNTEER OF THE FACILITY AND"

Amendment passed as follows:

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

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

Total 96

Noes: None.

Total 0

Excused: Brown, Hanson.

Total 2

Absent or not voting: Bookout-Reinicke, Mr. Speaker.

Total 2

Motion that **SB 32**, as amended, be concurred in carried as follows:

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

Total 91

Noes: Brainard, Jore, Molnar, Orr, Taylor, Wagner.

Total 6

Voted Absentee: Brown, Hanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke, Hedges, Mr. Speaker.

Total 3

**SB 8** - Representative Eggers moved **SB 8** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, 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, Schmidt, Shockley, Simon, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Wagner, Walters, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

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Total 82

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, Brown, Davies, Gutsche, Hurdle, Jore, Kasten, Orr, Rehbein, Ryan, Sliter, Tuss, Vick, Williams.

Total 17

Voted Absentee: Hanson, Aye; Brown, No.

Excused: None.

Total 0

Absent or not voting: Somerville.

Total 1

**SB 18** - Representative Ohs moved **SB 18** be concurred in.

**SB 18** - Representative Cobb moved **SB 18**, second reading copy, be amended as follows :

1. Page 7, line 9.

**Following:** "corporation,"

**Insert:** "at the time that the loan is made"

**Following:** "collected"

**Insert:** "by the agency or person making the loan"

2. Page 7, lines 10 and 11.

**Strike:** "at" on line 10 through "loan" on line 11

3. Page 7, line 12.

**Following:** "corporation,"

**Insert:** "at the time of purchase"

Amendment passed as follows:

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

Total 97

Noes: Witt.

Total 1

Excused: Brown, Hanson.

Total 2

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Absent or not voting: None.  
Total 0

Motion that **SB 18**, as amended, be concurred in carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, 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, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 87

Noes: Adams, P. Bergsagel, Brainard, Curtiss, Davies, Jore, Kasten, McGee, Orr, Rehbein, Vick, Wagner, Witt.  
Total 13

Voted Absentee: Brown, Hanson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 66 - Senate Amendments** - Representative Cobb moved Senate amendments to **HB 66** be concurred in.

Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Brown, Hanson, Ayes.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

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

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Buzzas, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 92

Noes: Jore, Rehbein.  
Total 2

Excused: Brown, Hanson.  
Total 2

Absent or not voting: Barnhart, P. Clark, Eggers, Juneau.  
Total 4

**THIRD READING OF BILLS**

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

**SB 88, as amended by the House**, concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Hanson, Aye.

Excused: Brown.



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Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Grinde moved that **HB 622** be taken from the Committee on Appropriations and be rereferred to the Committee on Taxation.

Representative Williams requested on **HB 530**, 3rd reading on Legislative Day 43, that her vote be changed from yes to no. There being no objections, so ordered.

Representative McGee requested on **HB 586**, 2nd reading on Legislative Day 48, that his vote be shown as no. There being no objections, so ordered.

Representative McGee requested on **HB 607**, 2nd reading on Legislative Day 48, that his vote be shown as yes. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Grinde moved that the House adjourn until 1:00 p.m., Friday, March 5, 1999. Motion carried.

House adjourned at 1:50 p.m.

MARILYN MILLER  
Chief Clerk of the House

JOHN MERCER  
Speaker of the House