

**HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
March 11, 1999

House Chambers
State Capitol

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

Roll Call. All members present except Representatives Eggers, Juneau, and Smith. Quorum present.

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

Rehbein, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Rehbein, Chairman): 3/10/1999
Correctly printed: **HB 79, HB 108, HB 189, HB 207, HB 243.**
Correctly engrossed: **HB 128.**
Correctly enrolled: **HB 23, HB 24, HB 41, HB 70, HB 94, HB 110, HB 121, HB 156, HB 171, HB 172, HB 190, HB 231, HB 241, HB 357, HB 392, HB 454, HB 467, HB 571, HJR 3, HJR 22.**
Examined by the sponsor and found to be correct: **HB 23, HB 41, HB 70, HB 110, HB 123, HB 156, HB 190, HB 200, HB 231, HB 241, HB 274, HB 387, HB 454, HB 467, HJR 22.**
Delivered to the Secretary of State: **HJR 9.**

APPROPRIATIONS (Zook, Chairman): 3/11/1999
HB 302, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 6.

Following: "ON" on line 4

Strike: the remainder of line 4 through "INTO" on line 5

Following: "ACCOUNT" on line 6

Insert: "AND THE MICROBUSINESS DEVELOPMENT LOAN ACCOUNT TO BE DEPOSITED INTO THE ACCOUNTS"

2. Page 1, line 18.

Strike: "and"

3. Page 1, line 19.

Following: the first "loans"

Insert: ", and funds received from the interest income of the fund"

4. Page 1, line 22.

Strike: "(a)"

5. Page 1, line 24.

Strike: "(i)"

Insert: "(a)"

6. Page 1, line 26 through line 28.

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Strike: in their entirety

Insert: "(b) funds received from the interest income of the fund;"

7. Page 1, line 29.

Strike: "(iii)"

Insert: "(c)"

8. Page 1, line 30.

Strike: "(iv)"

Insert: "(d)"

9. Page 2, line 1.

Strike: "(b)"

Insert: "(3)"

Renumber: subsequent subsections

10. Page 2, line 3.

Following: "."

Insert: "Interest earned on the development loan account may be transferred to the administrative account."

11. Page 4, line 10.

Following: "receivables"

Strike: "of"

Insert: "administered under the authority of the microbusiness development act by"

And, as amended, do pass. Report adopted.

SB 100, be amended as follows:

1. Title, line 10.

Strike: "\$3,529"

Insert: "\$3,495"

Strike: "\$3,653"

Insert: "\$3,583"

2. Title, lines 18 through 20.

Strike: line 18 through "PERCENT" on line 20

Insert: "BASIC ENTITLEMENT FOR EACH ELEMENTARY DISTRICT OR K-12 DISTRICT ELEMENTARY PROGRAM TO \$25,000; INCREASING THE BASIC ENTITLEMENT FOR EACH HIGH SCHOOL DISTRICT OR K-12 DISTRICT HIGH SCHOOL PROGRAM TO \$204,000 FOR SCHOOL FISCAL YEAR 2000 AND TO \$208,080"

Following: ". "

Insert: "PROVIDING APPROPRIATIONS;"

Strike: "SECTIONS"

Insert: "SECTION"

3. Title, line 21.

Strike: "20-9-366, 20-9-367, AND 20-9-368,"

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

4. Page 1, line 23.

Insert: "WHEREAS, a 1996 survey by the United States General Accounting Office documented that 70% of all Montana schools

reported that their school buildings were in need of repair or upgrade; and

WHEREAS, a 1996 survey completed by Governor Racicot, entitled "School Pride, State Pride", reported that 51.7% of

the responding school districts identified lack of funding as a barrier to innovation, especially in the area of technology

development; and

WHEREAS, appropriating \$12 million for the biennium will provide each Montana school district with an increase in funding, which can be used to provide funds necessary for school

construction, reconstruction, or repair, to improve student achievement through the acquisition of library materials or textbooks for the classrooms, for the purchase of classroom supplies, or for the addition or modernization of computer technology."

5. Page 2, line 1.

Strike: "41.1%" in two places

Insert: "40%" in both places

6. Page 2, line 3.

Strike: "38.9%"

Insert: "40%"

7. Page 2, line 4.

Strike: "38.9%"

Insert: "40%"

8. Page 2, line 18.

Strike: "\$200,000"

Insert: "\$204,000"

9. Page 2, line 19.

Strike: "\$18,000"

Insert: "\$25,000"

10. Page 2, line 23.

Strike: "\$18,000"

Insert: "\$25,000"

11. Page 2, line 25.

Strike: "\$200,000"

Insert: "\$204,000"

12. Page 2, line 27.

Strike: "41.1%" in 2 places

Insert: "40%" in both places

13. Page 3, line 12.

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Strike: "\$3,529"
Insert: "\$3,495"

14. Page 3, line 18.
Strike: "\$3,529"
Insert: "\$3,495"

15. Page 3, line 30.
Strike: "41.8%" in 2 places
Insert: "40%" in both places

16. Page 4, line 2.
Strike: "38.2%"
Insert: "40%"

17. Page 4, line 3.
Strike: "38.2%"
Insert: "40%"

18. Page 4, line 17.
Strike: "\$200,000"
Insert: "\$208,080"

19. Page 4, line 18.
Strike: "\$18,000"
Insert: "\$25,000"

20. Page 4, line 22.
Strike: "\$18,000"
Insert: "\$25,000"

21. Page 4, line 24.
Strike: "\$200,000"
Insert: "\$208,080"

22. Page 4, line 26.
Strike: "41.8%" in 2 places
Insert: "40%" in both places

23. Page 5, line 11.
Strike: "\$3,653"
Insert: "\$3,583"

24. Page 5, line 17.
Strike: "\$3,653"
Insert: "\$3,583"

25. Page 5, line 24 through page 9, line 15.
Strike: sections 3 through 7 in their entirety

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Insert: "NEW SECTION. **Section 3. Appropriations.** (1) There is appropriated from the general fund \$22,700,000 for school fiscal years beginning July 1, 1999, and July 1, 2000, to fund the per-ANB and basic entitlement increases provided for in [sections 1 and 2].

(2) There is appropriated from the general fund \$12 million for school fiscal years beginning July 1, 1999, and July 1, 2000, to be used only for building maintenance, construction, or reconstruction, technology acquisition, textbooks, classroom supplies, or library materials."

Renumber: subsequent sections

26. Page 9, line 20.

Strike: "SECTIONS"

Insert: "Section"

Strike: ", 3, 5, AND 7"

Strike: "ARE"

Insert: "is"

Strike: "APPLY"

Insert: "applies"

27. Page 9, line 23.

Strike: "SECTIONS"

Insert: "Section"

Strike: ", 4, AND 6"

Strike: "TERMINATE"

Insert: "terminates"

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

BUSINESS AND LABOR (Simon, Chairman):
SB 103, be amended as follows:

3/9/1999

1. Title, line 9.

Following: "INDIVIDUAL;"

Insert: "PROVIDING AN EXCEPTION FOR INDIVIDUAL INSURANCE PRODUCERS;"

2. Page 5, line 1.

Strike: ", directly or indirectly,"

3. Page 7, line 29.

Following: "producer,"

Insert: "except as provided in subsection (10),"

4. Page 9, line 8.

Insert: "(10) An individual insurance producer may collect personal information from an applicant before obtaining a signed authorization form or statement from the applicant. However, the individual insurance producer may not disclose the personal information to any person before obtaining a signed authorization form or statement from the applicant."

5. Page 11, line 7.

Following: "(10)"

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Strike: "Disclosure"

Insert: "(a) Except as provided in subsection (10)(b), disclosure"

6. Page 11, line 9.

Strike: "(a)"

Insert: "(i)"

7. Page 11, line 10.

Strike: "(b)"

Insert: "(ii)"

8. Page 11, line 12.

Strike: "(c)"

Insert: "(iii)"

9. Page 11, following line 14.

Insert: "(b) Disclosure of information may be made for:

(i) health research that is subject to the approval of an institutional review board and the requirements of federal law and regulations governing biomedical research; or

(ii) epidemiological or drug therapy outcomes research that requires information that has been made anonymous to protect the identity of the patient through coding or encryption."

10. Page 12, lines 8 and 9.

Following: "OF" on line 8

Insert: "personal"

Following: "INFORMATION"

Strike: the remainder of line 8 through "NECESSARY" on line 9

Insert: "that is limited to an individual's name, age, sex, family composition, address, telephone number, occupation, and avocations"

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

SB 108, be amended as follows:

1. Title, lines 17 and 18.

Following: "MIDWIVES;" on line 17

Strike: the remainder of line 17 through "MCA;" on line 18

2. Page 3, line 25.

Following: "Each"

Strike: "daily failure to comply with or daily"

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

SB 113, be amended as follows:

1. Title, page 1, line 13.

Following: "MAINTAIN"

Strike: "NONCELLULAR"

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Insert: "LISTED"

2. Title, page 2, line 9.

Following: " ; "

Insert: "REDUCING CERTAIN DEALER LICENSE FEES;"

3. Page 4, line 20.

Following: "maintain"

Strike: "noncellular"

4. Page 4, line 21.

Following: " . "

Insert: "The telephone service must be listed in the directory assistance that applies to the area in which the business is located."

5. Page 5, line 29.

Following: "(b)"

Strike: "\$45"

Insert: "\$25"

6. Page 6, line 12.

Following: "OF"

Strike: "\$300"

Insert: "\$25"

7. Page 8, line 8.

Strike: "\$30"

Insert: "\$25"

8. Page 27, line 21.

Strike: "(a)"

6. Page 27, line 23.

Strike: "(i)"

Insert: "(a)"

7. Page 27, line 24.

Strike: "(ii) \$300"

Insert: "(b) \$25"

8. Page 27, line 25.

Strike: "(iii) \$30"

Insert: "(c) \$25"

9. Page 27, line 26.

Strike: "(iv) \$45"

Insert: "(d) \$25"

10. Page 27, lines 27 and 28.

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Strike: subsection (b) in its entirety

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

SB 127, be concurred in. Report adopted.

SB 131, be concurred in. Report adopted.

SB 189, be amended as follows:

1. Page 2, line 16.

Following: "~~(4)~~"

Insert: "A licensee shall submit proof of completion of continuing education within the time and in the manner required by the board. If a licensee fails to submit the proof, the board shall notify the licensee of the failure and provide the licensee the opportunity to present to the board the reasons for the failure."

2. Page 2, line 17.

Following: "education"

Strike: "as required by the board"

Following: "may"

Strike: "immediately"

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

SB 227, be concurred in. Report adopted.

SB 229, be concurred in. Report adopted.

SB 245, be concurred in. Report adopted.

SB 272, be amended as follows:

1. Page 2, line 17.

Following: "IMPORT"

Strike: " "

Insert: "and"

Following: "STORE"

Strike: " "

Insert: "illegal gambling devices and associated equipment manufactured by companies licensed or authorized in North America by the appropriate government entity and to"

Following: "DEMONSTRATE"

Strike: " "

Following: "SALE"

Insert: "to any jurisdiction where legally authorized"

2. Page 8, line 15.

Following: "import"

Insert: "and store"

Following: "equipment"

Insert: "manufactured by a company licensed or authorized in North America by the appropriate government entity"

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

3. Page 8, line 16.

Following: "state"

Insert: "located in North America"

4. Page 8, lines 19, 22, and 25.

Following: "jurisdictions"

Insert: "wherever located"

5. Page 9, following line 9.

Insert: "(c) The department may charge an annual endorsement fee of \$1,000 for issuing or renewing an exporter of illegal gambling devices and associated equipment endorsement. The department shall retain the fee for administrative purposes. The department may waive the endorsement fee provided for in this subsection if the applicant is licensed as a manufacturer, distributor, route operator, or operator and may waive the application processing fee provided for in subsection (1)(e) if the applicant is licensed as a manufacturer, distributor, route operator, or operator.

(d) The endorsement provided for in this section expires on June 30 of each year and the endorsement fee may not be prorated. (e) The department may charge a one-time endorsement application processing fee to cover the actual cost of processing the original endorsement application. The department shall refund any amount of the application processing fee not needed to cover the department's actual costs. The department shall retain the application processing fee for administrative purposes."

6. Page 9, line 13.

Following: "JURISDICTION"

Insert: "and shall obtain any license or authorization needed to purchase, demonstrate, transport, or sell illegal gambling devices in the other jurisdiction "

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

SB 305, be concurred in. Report adopted.

SB 351, be concurred in. Report adopted.

SB 466, be concurred in. Report adopted.

HUMAN SERVICES (Soft, Chairman):

3/11/1999

SB 124, be amended as follows:

1. Title, line 6.

Following: "FORMS;"

Insert: "SPECIFYING THE CONTENT OF VOLUNTARY ADMISSION FORMS AND SPECIFYING THE REQUIREMENTS FOR A VALID VOLUNTARY ADMISSION; "

2. Page 1, line 20.

Following: "**admission**"

Insert: "-- content of admission form -- requirements for valid admission"

3. Page 1, line 20.

Following: "(1)"

Insert: "(a)"

4. Page 1, line 22.

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Following: "."

Insert: "(b)"

5. Page 1, lines 23 and 24.

Strike: "An application" on line 23 through "admitted." on line 24.

Insert: "The form must explain:

- (i) the process for requesting release and that the request must be in writing;
 - (ii) that the individual applying for release may be held involuntarily for up to 5 days after requesting release; and
 - (iii) that the facility may request a court to involuntarily commit the applicant.
- (c)"

6. Page 1, lines 25 and 26.

Strike: "including the right to release,"

7. Page 2.

Following: line 7

Insert: "(4) An individual applying for voluntary admission pursuant to this section may not be admitted unless:

- (a) the admission is approved by a professional person;
- (b) the individual applying for admission has been informed orally of the matters required by subsection (1)(b) to be stated in the written application for admission;
- (c) a copy of the written application for admission has been given to the applicant; and
- (d) the admission otherwise complies with the requirements of this section."

Renumber: subsequent subsection

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

SB 364, be concurred in. Report adopted.

SB 438, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):

3/10/1999

SB 243, be amended as follows:

1. Page 2, line 9 through line 10.

Strike: "remove" on line 9 through "substitute" on line 10

Insert: "prevent and reduce youth delinquency through the application of natural and logical consequences of youths' actions and to establish"

2. Page 2, line 11.

Following: "~~protection,~~"

Insert: "detention, competency development, community protection,"

3. Page 5, line 14.

Following: "~~facility,~~"

Insert: "state adult correctional facility,"

Following: ";

Insert: ","

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

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

LOCAL GOVERNMENT (Ahner, Chairman): 3/10/1999
SB 166, be concurred in. Report adopted.
SB 207, be amended as follows:

1. Page 2, lines 8 and 9.

Following: "pursue"

Strike: "the" on line 8 through "DETENTION" on line 9

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

SB 270, be concurred in. Report adopted.

NATURAL RESOURCES (Tash, Chairman): 3/11/1999
SB 96, be amended as follows:

1. Page 1, line 15.

Strike: "three-fifths"

Insert: "two-thirds"

Following: "all"

Insert: "all"

2. Page 1, line 16.

Strike: "VOTING"

3. Page 1, line 17.

Strike: "40%"

Insert: "20%"

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

SB 97, be concurred in. Report adopted.

SB 235, be concurred in. Report adopted.

STATE/FEDERAL RELATIONS (Curtiss, Chairman): 3/10/1999
SJR 12, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 20
Report No. 1, March 10, 1999

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 20** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that the House amendments to **Senate Bill 20** (reference copy -- salmon) be accepted by the Senate.

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

For the Senate:

McNutt, Chairman
Beck
Shea

For the House:

Grinde, Chairman
Facey
Noennig

FREE CONFERENCE COMMITTEE
on Senate Bill 79
Report No. 1, March 11, 1999

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 79** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 79** (reference copy -- salmon) be amended as follows:

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

Following: "SYSTEM;" on line 11.

Strike: remainder of line 11 through "CONSTITUTION;" on line 12

Following: "PROVIDING" on line 12

Insert: "AN IMMEDIATE"

Following: "EFFECTIVE" on line 12

Strike: "DATES₂"

Insert: "DATE, A"

Strike: "DATES" on line 13

Insert: "DATE"

Following: "AND" on line 13

Insert: "A"

Strike: "DATES"

Insert: "DATE"

2. Page 1, lines 17 and 18.

Strike: "Subject to the provisions of 20-25-423, there"

Insert: "There"

3. Page 1, line 29 through page 2, line 1.

Strike: section 3 in its entirety

Renumber: subsequent sections

4. Page 2, lines 3 and 4.

Following: "If"

Strike: remainder of line 3 through "act]" on line 4

Insert: "[this act] is passed and approved, then Senate Bill No. 56"

5. Page 2, line 6 through line 16.

Strike: section 5 in its entirety

Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

6. Page 2, line 21 through line 23.

Following: "Termination." on line 21

Strike: remainder of line 21 through "section 1]" on line 23

Insert: "[Section 1]"

For the Senate:

Swysgood, Chairman
McCarthy
Toews

For the House:

Johnson, Chairman
Haines
Swanson

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in: 3/10/1999

SB 8, introduced by Hargrove

SB 18, introduced by Nelson

SB 32, introduced by Grimes

House bills concurred in and returned to the House: 3/10/1999

HB 24, introduced by Soft

HB 94, introduced by Cobb

HB 121, introduced by Krenzler

HB 171, introduced by Matthews

HB 172, introduced by Hibbard

HB 357, introduced by Cobb

HB 392, introduced by Tash

HB 571, introduced by McCann

House joint resolution concurred in and returned to the House: 3/10/1999

HJR 3, introduced by Ohs

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/10/1999

HB 113, introduced by Younkin

HB 150, introduced by Menahan

HB 188, introduced by Tuss

HB 189, introduced by Barnett

HB 502, introduced by Ohs

MESSAGES FROM THE GOVERNOR

March 10, 1999

The Honorable Bruce Crippen
President of the Senate
State Capitol

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Helena, MT 59620

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

Dear President Crippen and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 260, "AN ACT REDUCING THE TAXES ON LIGHT VEHICLES AND FLEET VEHICLES; PROVIDING THAT THE TAX RATE DECREASES AS THE STATEWIDE VALUE OF LIGHT AND FLEET VEHICLES INCREASES; PROVIDING THAT THE AMOUNT OF MONEY DISTRIBUTED TO THE DISTRICT COURT FUND FROM LIGHT VEHICLE TAXES REMAIN UNCHANGED; CHANGING THE DISTRIBUTION FORMULA FOR MOTOR VEHICLE TAX COLLECTIONS; INCREASING THE PERMISSIBLE TAX RATE ALLOWED UNDER THE LOCAL OPTION VEHICLE TAX; REQUIRING A VOTE FOR IMPOSITION OF THE LOCAL OPTION VEHICLE TAX; AMENDING SECTIONS 20-9-141, 61-3-504, 61-3-509, AND 61-3-537, MCA; AND PROVIDING AN APPLICABILITY DATE" for the following reasons.

Senate Bill 260 contains a number of revisions and reductions to existing motor vehicle taxes. I support the intent of the bill. The bill was drafted and passed through both the Senate and House prior to the Montana Supreme Court's decision regarding the constitutional validity of CI-75. The Montana Supreme Court subsequently ruled that CI-75 was unconstitutional in its entirety.

New Section 5 of Senate Bill 260 contains a coordination instruction providing that if CI-75 is declared invalid, then the tax rate for motor vehicles would drop to 1.3% rather than the bracketed 1.4% in subsection 3 of Section 2. I believe that immediately dropping the tax rate on motor vehicles to 1.3% would impose a significant hardship on local government due to lost revenues. I believe that it would be more appropriate to begin with the original 1.4% rate. Because subsection 3 of Section 2 contains a reverse index which will allow the tax rate to gradually fall, Montana taxpayers will continue to receive reductions in their motor vehicle taxes over the ensuing years. However, using the 1.4% rate as a baseline will allow local government more time to absorb the loss in revenue and make budgetary adjustments as a result.

As a result of lowering the tax rate on vehicles, there will necessarily be a corresponding reduction in the funds available for certain special revenue accounts. Enactment of the bill in its current form would result in significant shortages in the special revenue accounts set aside for the 6 mill university levy and the 9 mill county public assistance fund. Due to the resulting loss of revenue, I believe that it is necessary to appropriate funds from the general fund for placement in special revenue accounts to insure that the special revenue accounts remain adequately funded.

For the foregoing reasons, I believe that the original "New Section 5," which dealt with the Supreme Court's decision on CI-75, should be deleted in its entirety and replaced with a substitute section appropriating specific amounts for placement into the special revenue account set aside for the 6 mill University levy and the account for the 9 mill levy for counties opting for state assumption of public assistance responsibility.

Senator Glaser, the bill's sponsor, is aware of the proposed amendments, which are attached, and he concurs with them.

Sincerely,

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

MARC RACICOT
Governor

GOVERNOR'S AMENDMENTS TO
Senate Bill No. 260
(Reference Copy)
March 9, 1999

1. Title, line 11.
Following: "TAX;"
Insert: "PROVIDING FOR APPROPRIATIONS TO THE SPECIAL REVENUE ACCOUNTS FOR THE 6 MILL UNIVERSITY LEVY AND 9 MILL COUNTY PUBLIC ASSISTANCE LEVY;"
2. Page 5, lines 20 through 24.
Strike: section 5 in its entirety
Insert: "**NEW SECTION. Section 5. Appropriations from general fund.** (1) There is appropriated from the general fund \$604,305 for fiscal year 2000 and \$1,268,732 for fiscal year 2001 to the state special revenue fund referenced in 15-10-106.
(2) There is appropriated from the general fund \$87,471 for fiscal year 2000 and \$183,644 for fiscal year 2001 to the state special revenue fund in the state treasury to the credit of the department of public health and human services referenced in 53-2-813(2)."

FIRST READING AND COMMITMENT OF BILLS

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

HB 667, introduced by C. Hibbard, referred to Taxation.

HB 668, introduced by C. Hibbard, B. DePratu, T. Keating, S. Stang, B. Story, 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 R. Clark in the chair.

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

SB 196 - Representative Holden moved **SB 196** 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, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, 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, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 96

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Noes: Gutsche, Hurdle, Jore, Smith.
Total 4

Voted Absentee: Eggers, Juneau, Ayes; Smith, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 396 - Representative Ewer moved **SB 396** 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, 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: Rehbein.
Total 1

Voted Absentee: Eggers, Juneau, Smith, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 29 - Representative Younkin moved **SB 29** 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

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Voted Absentee: Eggers, Juneau, Smith, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 296 - Representative Tuss moved **SB 296** 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, Orr, Pavlovich, 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 97

Noes: McGee, Peck, Rehbein.
Total 3

Voted Absentee: Eggers, Juneau, Smith, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 98 - Representative Ohs moved **SB 98** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 93

Noes: P. Bergsagel, Brainard, Cobb, Jore, McGee, Orr, Rehbein.
Total 7

Voted Absentee: Eggers, Juneau, Smith, Ayes.

Excused: None.

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Total 0

Absent or not voting: None.

Total 0

SB 44 - Representative Stovall moved **SB 44** be concurred in. Motion carried as follows:

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

Total 85

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, Cobb, Davies, Jore, Mangan, McCann, McGee, Orr, Rehbein, Smith, Vick.

Total 14

Voted Absentee: Eggers, Juneau, Ayes; Smith, No.

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

SB 54 - Representative Hurdle moved **SB 54** be concurred in. Motion carried as follows:

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

Total 84

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, Dale, Davies, Jore, McGee, Molnar, Orr, Peck, Rehbein, Vick, Wagner.

Total 14

Voted Absentee: Eggers, Juneau, Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: Kitzenberg, Mr. Speaker.

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Total 2

SB 291 - Representative Wagner moved **SB 291** 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, Curtiss, Dale, Dell, Eggers, Ewer, Facey, Fisher, Fuchs, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, 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, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 94

Noes: Cobb, Davies, Erickson, Story.

Total 4

Voted Absentee: Eggers, Juneau, Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: Gallus, Hedges.

Total 2

SB 289 - Representative Gallus moved **SB 289** be concurred in. Motion carried as follows:

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

Total 90

Noes: Adams, P. Bergsagel, Bitney, Jore, McGee, Molnar, Orr, Rehbein, Vick, Wagner.

Total 10

Voted Absentee: Eggers, Juneau, Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 210 - Representative Harper moved **SB 210** be concurred in.

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

SB 210 - Representative Harper moved **SB 210**, second reading copy, be amended as follows :

1. Page 1, line 12.

Strike: "5"

Insert: "6"

2. Page 1, following line 19.

Insert: "NEW SECTION. **Section 2. Purpose -- guidelines.** The purpose of [sections 1 through 6] is to assure Montana consumers that the providers of home inspection services meet recognized quality and fairness standards. The legislature recommends that the providers of home inspection services follow the American society of home inspectors Standards of Practice and Code of Ethics or a comparable source of guidance."

Renumber: subsequent sections

3. Page 1, line 21.

Strike: "5"

Insert: "6"

4. Page 2, line 7.

Strike: "5"

Insert: "6"

5. Page 3, line 8.

Strike: "5"

Insert: "6"

6. Page 3, line 11.

Strike: "5"

Insert: "6"

7. Page 3, line 13.

Strike: "5"

Insert: "6"

Amendment failed as follows:

Ayes: Barnhart, Beck, Buzzas, P. Clark, Cobb, Dell, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Holden, Hurdle, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, McCann, McCulloch, Menahan, Pavlovich, Peck, Raney, Ryan, Schmidt, Soft, Swanson, Tropila, Tuss, Williams, Wyatt, Younkin.

Total 39

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Harrington, Hedges, Hibbard, Jackson, Johnson, Jore, Kasten, Lawson, Masolo, Matthews, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Quilici, Rehbein, Rose, Shockley, Simon, Sliter, Smith, Somerville, Squires, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Zook, Mr. Speaker.

Total 58

Voted Absentee: Smith, No.

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Excused: Eggers, Juneau.
Total 2

Absent or not voting: Brainard.
Total 1

SB 210 - Representative Facey moved **SB 210**, second reading copy, be amended as follows :

1. Page 2, line 19.

Strike: "or"

2. Page 2, line 20.

Following: "applicator"

Strike: "."

Insert: "; or"

3. Page 2, line 21.

Insert: "(i) a licensed property manager."

Amendment adopted as follows:

Ayes: S. Anderson, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Buzzas, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hibbard, Holden, Hurdle, Johnson, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, McCann, McCulloch, Menahan, Mood, Noennig, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Shockley, Soft, Story, Swanson, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Wyatt, Younkin.
Total 59

Noes: Adams, Ahner, J. Andersen, Barnett, P. Bergsagel, Brainard, Brown, E. Clark, Davies, Fisher, Fuchs, Grinde, Hanson, Hedges, Jackson, Jore, Kasten, Lawson, Matthews, McGee, McKenney, Molnar, Ohs, Orr, Rehbein, Rose, Simon, Sliter, Smith, Somerville, Squires, Stovall, Tash, Taylor, Vick, Wagner, Witt, Zook.
Total 38

Voted Absentee: Smith, No.

Excused: Eggers, Juneau.
Total 2

Absent or not voting: Mr. Speaker.
Total 1

Motion that **SB 210**, as amended, be concurred in failed as follows:

Ayes: S. Anderson, Barnhart, Beck, Bookout-Reinicke, Buzzas, P. Clark, R. Clark, Cobb, Eggers, Erickson, Ewer, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hurdle, Juneau, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, Menahan, Noennig, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Somerville, Squires, Swanson, Tropila, Tuss, Williams, Wyatt, Younkin.
Total 48

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

Noes: Adams, Ahner, J. Andersen, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, Curtiss, Dale, Davies, Dell, Fisher, Golie, Grinde, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Kitzenberg, Krenzler, Masolo, McGee, McKenney, Molnar, Mood, Ohs, Orr, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Zook, Mr. Speaker.

Total 52

Voted Absentee: Eggers, Juneau, Smith, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, Cobb, Curtiss, Dale, Davies, Dell, Fuchs, Grinde, Gutsche, Hagener, Haines, Hanson, Harrington, Hedges, Hibbard, Hurdle, Jackson, Jore, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Masolo, McCann, McCulloch, McGee, McKenney, Molnar, Mood, Ohs, Orr, Pavlovich, Quilici, Rose, Schmidt, Shockley, Simon, Sliter, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Younkin, Zook, Mr. Speaker.

Total 65

Noes: P. Clark, Erickson, Ewer, Facey, Galvin-Halcro, Harper, Lindeen, Mangan, Matthews, Peck, Rehbein, Ryan, Squires, Williams, Wyatt.

Total 15

Excused: Eggers, Juneau, Smith.

Total 3

Absent or not voting: Barnhart, Beck, E. Clark, R. Clark, Fisher, Gallus, Gillan, Golie, Guggenheim, Holden, Johnson, Menahan, Noennig, Raney, Soft, Swanson, Witt.

Total 17

MOTIONS

Representative Grinde moved that **SB 271** be taken from the Committee on Judiciary and be rereferred to the Committee on Business & Industry. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved that the House recess until 2:30 p.m. and at that time reconvene for the purpose of

HOUSE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY - MARCH 11, 1999

receiving the Thomas Jefferson Presentation and that upon completion the House adjourn until 1:00 p.m., Friday, March 12, 1999. Motion carried.

House recessed at 2:25 p.m.

SPECIAL ORDERS OF THE DAY

House reconvened at 2:30. Mr. Speaker in the chair.

Sergeant-at-Arms Meuli escorted the Senate and dignitaries 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 Thomas Jefferson Presentation. Motion carried.

Senator Harp moved that President Crippen be authorized to appoint a committee to notify Thomas Jefferson that the House was in joint session and ready to receive the Presentation. Motion carried.

President Crippen appointed Senators Eck and Keating, and Representatives Gutsche and Jore and discharged them to escort Thomas Jefferson into the House Chamber.

Sergeants-at-Arms Meuli and Cramer and the committee escorted Thomas Jefferson into the House Chamber.

After being introduced by President Crippen as the third President of the United States and the man responsible for the Lewis & Clark Corps of Discovery, Thomas Jefferson spoke of his life and the work of Lewis and Clark.

The committee escorted Thomas Jefferson and the dignitaries from the House Chamber.

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

House adjourned at 3:15 p.m.

MARILYN MILLER
Chief Clerk of the House

JOHN MERCER
Speaker of the House