

**HOUSE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 24, 1999

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Dale. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Bookout-Reinicke and Gutsche. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixty-fourth and sixty-fifth legislative days, find the same to be correct.

Rehbein, Chairman

**REPORTS OF STANDING COMMITTEES**

Correctly printed: **HB 661, SB 13, SB 69, SB 94, SB 137, SB 199, SB 273, SB 331,  
SB 365, SB 393, SB 399, SB 404.**

Correctly engrossed: **HB 5, HB 7, HB 15, HB 127, HB 252, HB 490, HB 532, HB 608, HB 621, HB 644, HB  
676.**

Correctly enrolled: **HB 27, HB 300, HB 429, HB 539.**

Signed by the Speaker at 1:45 p.m., March 24, 1999: **HB 196, HB 201, HB 205, HB 211, HB 250, HB 264,  
HB 336, HB 353, HB 390, HB 443, HB 485, HB 509, HJR 11, HJR 20, HJR 21, HJR 29.**

Delivered to the Secretary of State: **HJR 12, HJR 19, HJR 31.**

Delivered to the Governor for his approval at 3:05 p.m., March 24, 1999: **HB 76, HB 96, HB 106, HB 125,  
HB 306, HB 411, HB 508, HB 585, HB 616.**

**AGRICULTURE** (Barnett, Chairman):  
**SB 178**, be amended as follows:

3/24/1999

1. Page 3, line 1.

**Following:** "moratorium."

**Insert:** "The incidental disturbance of medicinal plants by a state land lessee who is lawfully exercising rights granted under the lease is not considered to be a violation of the moratorium."

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

**SB 183**, be amended as follows:

1. Page 16, line 11 through line 13.

**Strike:** section 16 in its entirety

**Renumber:** subsequent sections

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

**SB 384**, be concurred in. Report adopted.

**SB 401**, be concurred in. Report adopted.

**SJR 11**, be concurred in. Report adopted.

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**APPROPRIATIONS** (Zook, Chairman):

3/23/1999

**SB 27**, be concurred in. Report adopted.

**SB 81**, be amended as follows:

1. Page 2, line 30.

**Following:** "provided."

**Insert:** "(1)"

2. Page 3, line 2.

**Strike:** "(1)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

3. Page 3, following line 12.

**Insert:** "(2) The department is specifically prohibited from providing payment for birth control contraceptives under this program."

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

**SB 349**, be concurred in. Report adopted.

**BUSINESS AND LABOR** (Simon, Chairman):

3/23/1999

**HJR 34**, be adopted. Report adopted.

**SB 272**, be concurred in. Report adopted.

**SB 367**, be amended as follows:

1. Page 4, line 8.

**Following:** "dealer"

**Insert:** ", except that a manufacturer of a motor home, as defined in 61-1-130, shall pay any claim within 60 days of receipt from the dealer"

2. Page 4, line 19 and line 20.

**Following:** the second "dealer" on line 19

**Strike:** the remainder of line 19 through "perform" on line 20

**Insert:** "performed"

3. Page 4, line 24.

**Strike:** "12-month"

**Insert:** "18-month"

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

**SB 409**, be amended as follows:

1. Page 6, line 13.

**Strike:** "electricity supplier's"

**Insert:** "distribution services provider's"

2. Page 6, line 18.

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**Strike:** "electricity supplier"  
**Insert:** "distribution services provider"

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

**SB 501**, be concurred in. Report adopted.  
**SB 521**, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Wagner, Chairman):  
**HB 341**, introduced bill, be amended as follows:

3/24/1999

1. Page 1, line 22.

**Following:** "(3)"

**Strike:** "On"

**Insert:** "Except as provided in subsection (5), on"

2. Page 2, line 2 through line 12.

**Following:** "The" on line 2

**Strike:** remainder of line 2 through line 12

**Insert:** "prohibitions listed in subsection (3) do not apply to oil or gas resources within Makoshika state park that are owned by a private person. The state acknowledges the mineral rights of Dawson County and the private property rights of persons owning private mineral rights within Makoshika state park. The department of fish, wildlife, and parks is directed to conduct negotiations with the owners of private mineral rights within Makoshika state park, with the purpose of acquiring those rights in the name of the state, and to report the results of the negotiations to the legislature no later than January 8, 2001."

And, as amended, do pass. Report adopted.

**HB 594**, introduced bill, be amended as follows:

1. Title, line 11.

**Strike:** "\$5"

**Insert:** "\$4"

2. Page 3, line 24.

**Following:** "section"

**Insert:** ", except the amounts allocated from variably priced licenses for funding for wildlife habitat under 87-1-242 and for funding of upland game bird enhancement under 87-1-246,"

3. Page 7, line 9.

**Following:** "2006,"

**Insert:** "except the amounts allocated for funding for wildlife habitat under 87-1-242 and for funding of upland game bird enhancement under 87-1-246,"

4. Page 7, line 12.

**Strike:** "\$5"

**Insert:** "\$4"

And, as amended, do pass. Report adopted.

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**HB 626**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "ANGLER"

**Insert:** ", WATERFOWL HUNTER,"

2. Title, line 8.

**Following:** "WATERCRAFT ON"

**Insert:** "DESIGNATED RIVER STRETCHES AND ON"

3. Page 2, line 11.

**Following:** "fishing"

**Insert:** "or hunting waterfowl"

4. Page 2, line 12.

**Following:** "speed"

**Insert:** "or at a minimum speed necessary to maintain upstream progress"

5. Page 2, line 13.

**Following:** "fishing"

**Insert:** "or hunting waterfowl"

6. Page 4, line 7.

**Following:** "waters"

**Insert:** "-- personal watercraft use prohibited"

7. Page 4, line 8.

**Following:** "resources,"

**Insert:** "the use of personal watercraft is prohibited on"

8. Page 4, line 9.

**Following:** "state"

**Strike:** "are limited to a controlled no-wake speed"

9. Page 4, line 10.

**Strike:** "Pruett"

**Insert:** "Prewett"

10. Page 4, line 13.

**Following:** first "the"

**Strike:** "Clark's Fork of the Yellowstone"

**Insert:** "Stillwater"

11. Page 4, line 13 through line 14.

**Strike:** second "Clark's" on line 13 through "Yellowstone" on line 14

**Insert:** "Stillwater"

12. Page 4, line 15.

**Following:** "(2)"

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**Insert:** "The waters from Hauser dam downstream to Beaver Creek are limited to a controlled no-wake speed.

(3) This section does not apply to the use of the designated waters for search and rescue, official patrol, or scientific purposes. (4)"

And, as amended, do pass. Report adopted.

**HB 642**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "FINE"

**Insert:** "CHARGE"

2. Title, line 6.

**Following:** "LAWS"

**Insert:** "AND RECREATIONAL VEHICLE LAWS"

3. Title, line 8.

**Following:** "BY"

**Insert:** "THE DISASTER AND EMERGENCY SERVICES DIVISION OF"

4. Title, line 9.

**Strike:** "FISH, WILDLIFE, AND PARKS"

**Insert:** "MILITARY AFFAIRS"

5. Title, line 10.

**Following:** "SECTIONS"

**Insert:** "23-2-507, 23-2-642, 23-2-644, 23-2-807, AND"

**Strike:** "AND 87-1-601"

6. Page 1.

**Following:** line 14

**Insert:** "**Section 1.** Section 23-2-507, MCA, is amended to read:

"**23-2-507. Penalty.** (1) Violations of any section of this part, except 23-2-526(3), unless otherwise specified are a misdemeanor and shall be punishable by a fine of not less than \$15 or more than \$500 or imprisonment up to 6 months, or both. All fine and bond forfeitures, except those paid to a justice's court, must be transmitted to the state treasurer, who shall deposit the fines and forfeitures in the general fund.

(2) If 23-2-525(4) is violated, 46-18-241 through 46-18-249 apply, except that the sentencing court shall order restitution and shall do so regardless of the court's disposition of the violator.

(3) In addition to other fines imposed under this section, an additional charge of \$8 is imposed against each person convicted of each violation under this part, to be deposited and used exclusively as provided in [section 6]."

**Insert:** "**Section 2.** Section 23-2-642, MCA, is amended to read:

"**23-2-642. Penalties.** (1) The failure to display a current decal indicating that the fee in lieu of property tax has been paid on the snowmobile for the current year during the time provided in 23-2-601 through 23-2-644 is a misdemeanor, punishable by a fine in an amount equal to five times the applicable fee in lieu of tax payable under 23-2-615.1.

(2) A person who violates any other provision of 23-2-601 through 23-2-644 or a rule adopted pursuant to those sections shall pay a civil penalty of not less than \$15 or more than \$500 for each separate violation. If the violation is willful, the person shall pay a civil penalty of not less than \$50 or more than \$1,000 for each separate violation.

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(3) A manufacturer who certifies that a new snowmobile can meet the sound level limitations imposed by 23-2-601 through 23-2-644 is subject to the penalty provisions of subsection (2) if any machine so certified does not meet the appropriate sound level limitation. For the purposes of this section, every sale of a new snowmobile that does not meet the sound level limitations imposed by 23-2-601 through 23-2-644 constitutes a separate violation.

(4) In addition to other fines imposed under this section, an additional charge of \$8 is imposed against each person convicted of each violation under this part, to be deposited and used exclusively as provided in [section 6]."

**Insert:** "Section 3. Section 23-2-644, MCA, is amended to read:

**"23-2-644. Deposit of funds from fines and forfeitures.** All fines and forfeitures collected under 23-2-601 through 23-2-644 relating to snowmobiles, except those collected by a justice's court, must be transmitted to the state treasurer, who shall deposit the fines and forfeitures in the state general fund, except as provided in 23-2-642(4)."

**Insert:** "Section 4. Section 23-2-807, MCA, is amended to read:

**"23-2-807. Penalty -- disposition.** (1) The failure to display a current decal indicating that the fee in lieu of tax, registration fees, decal fees, and, when applicable, taxes on licensed vehicles have been paid on the off-highway vehicle for the current year as provided in 23-2-804 is a misdemeanor punishable by a fine of \$50.

(2) All fines collected under this section must be transmitted to the state treasurer, who shall deposit the money in the state general fund.

(3) In addition to other fines imposed under this section, an additional charge of \$8 is imposed against each person convicted of each violation under this part, to be deposited and used exclusively as provided in [section 6]."

**Renumber:** subsequent sections

7. Page 3, line 20.

**Following:** "and"

**Insert:** "an order to pay restitution under"

**Following:** "87-1-111,"

**Strike:** "an additional fine"

**Insert:** "a charge"

8. Page 3, line 21.

**Following:** "imposed"

**Strike:** "against"

**Insert:** "for"

**Following:** "each"

**Strike:** "person convicted"

**Insert:** "fine"

**Following:** "pursuant to"

**Strike:** "those sections"

**Insert:** "this section and to an order to pay restitution pursuant to 87-1-111"

9. Page 3, line 22.

**Strike:** "[section 3]" in two places

**Insert:** "[section 6]" in two places

10. Page 3, line 24 through page 5, line 12.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

11. Page 5, line 17.

**Following:** "section."

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**Insert:** "The department may retain up to 5% of the money in the account to pay its costs in administering this section."

12. Page 5, line 22.

**Strike:** "Fifty percent"

**Insert:** "Not less than 50%"

13. Page 5.

**Strike:** line 25 through line 26 in their entirety

14. Page 5, line 27.

**Strike:** "Fifty percent of the"

**Insert:** "The remaining"

**Following:** "account"

**Strike:** "must"

**Insert:** "may"

15. Page 6, line 1.

**Following:** "department"

**Strike:** "shall"

**Insert:** "may"

16. Page 6, line 2.

**Strike:** "must"

**Insert:** "may"

17. Page 6, line 10.

**Strike:** "3]"

**Insert:** "6]"

18. Page 6, line 11.

**Following:** "Title" in two places

**Strike:** "87"

**Insert:** "10"

**Following:** "chapter" in two places

**Strike:** "1, part 2"

**Insert:** "3"

19. Page 6, line 12.

**Strike:** "3]"

**Insert:** "6]"

20. Page 6, line 14.

**Following:** "Effective"

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

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21. Page 6, line 15.

**Insert:** "(2) Section 6(3) is effective July 1, 2000."

Clerical amendments to reflect amendments #20-21:

Title, line 10.

**Strike:** "AN IMMEDIATE"

Title, line 11.

**Strike:** "DATE"

**Insert:** "DATES"

And, as amended, do pass. Report adopted.

**HB 647**, introduced bill, be amended as follows:

1. Page 2, line 2.

**Strike:** "Babbit"

**Insert:** "Babbitt"

2. Page 2, line 8.

**Following:** "restoration"

**Insert:** ", reductions in species competition,"

3. Page 2, line 9.

**Following:** "areas"

**Insert:** "and reduces species competition"

4. Page 2, line 16.

**Following:** "flows"

**Strike:** ", "

**Insert:** "through"

5. Page 2, line 17.

**Following:** "water,"

**Insert:** "reductions in species competition,"

6. Page 3, line 29.

**Following:** "agriculture"

**Strike:** "or silviculture"

7. Page 3, line 30.

**Insert:** "(c) one member with expertise in silviculture;"

**Renumber:** subsequent subsections

8. Page 4, line 3.

**Strike:** "two members"

**Insert:** "one member"

**Strike:** "are"



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**Insert:** "is a"  
**Strike:** "anglers"  
**Insert:** "angler"

9. Page 5, line 3 through line 19.  
**Following:** "2001" on line 3  
**Strike:** remainder of line 3 through "restoration" on line 19

And, as amended, do pass. Report adopted.

**HJR 33**, introduced joint resolution, be amended as follows:

1. Page 2, line 15.  
**Strike:** "duties and"  
**Following:** "Parks"  
**Strike:** ", "

2. Page 2, line 16 through line 21.  
**Strike:** "both in regard to" on line 16  
**Insert:** "for"  
**Strike:** the third "and" on line 16 through "Parks." on line 21  
**Insert:** ";

(3) examine the changing demands placed on the Department of Fish, Wildlife, and Parks for management of nontraditional programs, such as those for threatened and endangered species; and

(4) consider options and alternative sources to more appropriately fund necessary programs if it is determined that hunting and fishing license revenue is paying for those programs to the benefit of all Montanans."

And, as amended, be adopted. Report adopted.

**SB 241**, be amended as follows:

1. Page 2, line 7.  
**Following:** "ESTABLISH A"  
**Insert:** "voluntary"

2. Page 3, lines 10 and 11.  
**Following:** "means" on line 10  
**Strike:** ";" on line 10 through "(i)" on line 11

3. Page 3, line 12 through line 21.  
**Following:** "ability" on line 12  
**Strike:** remainder of line 12 through "disabled" on line 21

4. Page 3, line 23.  
**Strike:** "(i)"

5. Page 3, line 24.  
**Following:** "person,"  
**Insert:** "that the person is"

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6. Page 3, line 26 through line 28.

**Strike:** "DUE" on line 26 through "DEVICES" on line 28

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

**SB 381**, be amended as follows:

1. Page 5, line 6.

**Strike:** "All"

**Insert:** "(1) Except as provided in subsection (2), all"

2. Page 5, line 8.

**Following:** "enforcement."

**Insert:** "(2) Money collected pursuant to subsection (1) in excess of \$60,000 annually must be remitted to the state treasurer for deposit in the state general fund."

3. Page 10, line 20.

**Strike:** "2001"

**Insert:** "2000"

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

**SB 458**, be concurred in. Report adopted.

**JUDICIARY** (Clark, Chairman):

3/23/1999

**SB 326**, be amended as follows:

1. Page 12, line 7.

**Strike:** "or intercepts a telephonic communication"

2. Page 12, line 8.

**Strike:** " ^ "

**Following:** "or"

**Insert:** "or"

**Strike:** " , or "

3. Page 12, line 9.

**Strike:** "interception"

4. Page 12, line 10.

**Strike:** the first " ^ "

**Insert:** "or"

**Strike:** " , or interception "

5. Page 12, line 25.

**Insert:** "(2) Except as provided in 69-6-104, a person commits the offense of violating privacy in communications if the person purposely intercepts a telephonic voice or data communication. This subsection (2) does not apply to elected or appointed public officials or employees when the interception is done in the performance of official duty or to persons given warning of the interception."

**Renumber:** subsequent subsection

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

**LOCAL GOVERNMENT** (Ahner, Chairman):  
**SB 225**, be amended as follows:

3/24/1999

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

**Strike:** "CREATION" on line 5 through "SPECIAL" on line 6

**Insert:** "CONSTRUCTION IN ROAD"

2. Title, page 1, line 6 through line 11.

**Strike:** "ALLOWING" on line 6 through "MCA" on line 11

**Insert:** "CLARIFYING THE TYPE OF ROAD THAT CAN BE INCLUDED IN A ROAD IMPROVEMENT DISTRICT; AND AMENDING SECTION 7-14-2901, MCA "

3. Page 1, following line 13.

**Strike:** everything after the enacting clause

**Insert:** "**Section 1.** Section 7-14-2901, MCA, is amended to read:

**"7-14-2901. Road improvement district -- purpose -- benefited property defined.** (1) The board of county commissioners may establish road improvement districts in those areas of the county that are not within the limits of an incorporated city or town.

(2) The purpose of a road improvement district is to allow a public entity to assess owners of parcels of land directly benefited by a proposed public road or a public road within the county that is not a county road or a highway to provide for the ~~road's construction~~, reconstruction, upgrade, repair, or maintenance of the proposed public road or a public road that does not meet the standards of 7-14-2111 or 7-14-2112. ~~The county surveyor must determine that it would be physically impractical to improve the road to standard county road specifications.~~

(3) For the purposes of this part, "benefited property" means land within the district that receives a direct benefit from the road for which the road improvement district was created. A parcel of land is not benefited property if the parcel is within the district solely because the road passes over the property to provide access to benefited property. A parcel of land within the district used solely for agricultural purposes is not considered benefited property."

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

**SB 417**, be amended as follows:

1. Title, line 6 through line 7.

**Following:** "FACILITIES;"

**Insert:** "AND"

**Following:** "MILLS" on line 6

**Strike:** remainder of line 6 through "MCA" on line 7

**Insert:** "TO FUND THE MEDICAL COSTS"

2. Page 1, line 11 through page 3, line 10.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. **Section 1. County detention center inmate medical costs.** (1) The board of county commissioners shall budget and expend funds for inmate medical care, including but not limited to costs of providing direct medical care, medication, medical services, hospitalization, insurance premiums, self-insured coverage, or contracted services for expenses that must be borne by the county for inmates confined in a county detention center as provided for in 7-32-2222.

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(2) If approved at a tax election by a majority of the qualified electors voting on the question, the board may levy up to 2 mills on the taxable value of all property within its jurisdiction for the purpose of subsection (1)."  
**Insert:** "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 6, part 25, and the provisions of Title 7, chapter 6, part 25, apply to [section 1]."

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

**SB 423**, be concurred in. Report adopted.

**SB 504**, be amended as follows:

1. Page 2, line 22.

**Following:** "boundaries"

**Insert:** "based on the location of the urban area"

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

**NATURAL RESOURCES** (Tash, Chairman):

3/23/1999

**SB 321**, be concurred in. Report adopted.

**SB 362**, be concurred in. Report adopted.

**SB 411**, be amended as follows:

1. Title, lines 10 and 11.

**Strike:** "REQUIRING" on line 10 through "LEVELS;" on line 11

2. Page 1, line 30 through page 2, line 2.

**Strike:** the first "THE" on page 1, line 30 through "LAND" on page 2, line 2

3. Page 2, line 4.

**Following:** "average."

**Insert:** "The board shall include as revenue all proceeds derived from or attributable to forested tracts held in trust for each beneficiary, and the board shall include any change in value or unrealized gain resulting from the appreciation in the value of the land, using the formula in 15-44-103."

4. Page 2, line 13 through line 18.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

5. Page 2, line 24 through line 25.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

6. Page 2, lines 27 and 29.

**Strike:** "5"

**Insert:** "3"

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

**SB 412**, be concurred in. Report adopted.

**SB 462**, be concurred in. Report adopted.

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**SB 499**, be amended as follows:

1. Title, line 6.

**Following:** "CRITERIA;"

**Insert:** "REVISING ACTIVITIES FOR WHICH SHORT-TERM EXEMPTIONS FROM WATER QUALITY STANDARDS MAY BE AUTHORIZED;"

**Following:** "WATERS;"

**Insert:** "PROVIDING FOR SHORT-TERM TURBIDITY STANDARDS; REMOVING CERTAIN EXCLUSIONS FOR SURFACE WATER DISCHARGE PERMITS;"

2. Title, line 7.

**Following:** "75-5-301,"

**Insert:** "75-5-308,"

**Following:** "75-5-316,"

**Strike:** "AND"

**Following:** "75-5-317,"

**Insert:** "AND 75-5-401,"

3. Page 2, line 17 and line 18.

**Following:** "health"

**Insert:** ", a beneficial use,"

**Following:** "environment"

**Strike:** remainder of line 17 through "use" on line 18

4. Page 3.

**Following:** line 9

**Insert:** "Section 2. Section 75-5-308, MCA, is amended to read:

**"75-5-308. Short-term water authorizations -- water quality standards.** (1) Because these activities promote the public interest, the department may, if necessary, authorize short-term exemptions from the water quality standards or short-term use that exceeds the water quality standards for the purposes of allowing construction, for the following activities:

(a) emergency environmental remediation; activities that have been approved, authorized, or required by the department; and

(b) pesticide application; of a pesticide that is registered by the United States environmental protection agency pursuant to 7 U.S.C. 136(a) when it is used to control nuisance aquatic organisms or to eliminate elimination of undesirable and nonnative aquatic species; and treatment of water for the protection of public health.

(2) The An authorization must include conditions that minimize, to the extent possible practicable, the magnitude of any standard-violation change in the concentration of the parameters affected by the activity and the length of time during which any standard-violation change may occur. The authorization must also include conditions that prevent significant risk to public health and that ensure that existing and designated uses of state water are protected and maintained upon completion of the activity must maximize the protection of state waters by ensuring the maintenance of beneficial uses immediately after the term of the authorization. Authorizations issued under this section may include conditions that require water quality or quantity monitoring and reporting. In the performance of its responsibilities under this section, the department may negotiate operating agreements with other departments of state government that are intended to minimize duplication in review of activities eligible for authorizations under this section.

(3) An authorization to use a pesticide does not relieve a person from the duty to comply with Title 80, chapters 8 and 15. The department may not authorize an exemption from water quality standards for an activity that requires a discharge permit under rules adopted by the board pursuant to 75-5-401."

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**Renumber:** subsequent sections

5. Page 6, line 25.

**Following:** "water"

**Insert:** ", that does not involve a test pit located in surface water or that may affect surface water,"

6. Page 7, line 4 through line 8.

**Strike:** "nonpoint" on line 4 through "law" on line 8

**Insert:** "stream-related construction projects or stream enhancement projects that result in temporary changes to water quality but do not result in long-term detrimental effects and that have been authorized pursuant to [section 5]"

7. Page 7.

**Following:** line 8

**Insert:** "(r) diversions or withdrawals of water established and recognized under Title 85, chapter 2;"

**Renumber:** subsequent subsections

8. Page 7.

**Following:** line 14

**Insert:** "NEW SECTION. Section 5. Short-term water quality standards for turbidity.(1) Upon authorization by the department or the department of fish, wildlife, and parks pursuant to subsection (4), the short-term water quality standards for total suspended sediment and turbidity resulting from stream-related construction activities or stream enhancement projects are the narrative standards for total suspended sediment adopted by the board under 75-5-301. If a short-term narrative standard is authorized under this section, the numeric standard for turbidity adopted by the board under 75-5-301 does not apply to the affected water body during the term of the narrative standard.

(2) The department shall review each application for short-term standards on a case-by-case basis to determine whether there are reasonable alternatives that preclude the need for a narrative standard. If the department determines that the numeric standard for turbidity adopted by the board under 75-5-301 cannot be achieved during the term of the activity and that there are no reasonable alternatives to achieve the numeric standard, the department may authorize the use of a narrative standard for a specified term.

(3) Each authorization issued by the department must include conditions that minimize, to the extent practicable, the magnitude of any change in water quality and the length of time during which any change may occur. The authorization must also include site-specific conditions that ensure that the activity is not harmful, detrimental, or injurious to public health and the uses of state waters and that ensure that existing and designated beneficial uses of state water are protected and maintained upon completion of the activity. The department may not authorize short-term narrative standards for activities requiring a discharge permit under rules adopted by the board pursuant to 75-5-401. Authorizations issued under this section may include conditions that require water quality or quantity monitoring and reporting.

(4) In the performance of its responsibilities under this section, the department may negotiate operating agreements with other departments of state government that are intended to minimize duplication in review of activities eligible for authorizations under this section. The department of fish, wildlife, and parks may, in accordance with subsections (1), (2), and (3), authorize short-term water quality standards for total suspended sediment and turbidity for any stream construction project that it reviews under Title 75, chapter 7, part 1, or Title 87, chapter 5, part 5."

**Insert:** "Section 6. Section 75-5-401, MCA, is amended to read:

"**75-5-401. Board rules for permits -- ground water exclusions.** (1) Except as provided in subsection (5), the board shall adopt rules:

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(a) governing application for permits to discharge sewage, industrial wastes, or other wastes into state surface waters and ground waters, including rules requiring the filing of plans and specifications relating to the construction, modification, or operation of disposal systems;

(b) governing the issuance, denial, modification, or revocation of permits. The board may not require a permit for a water conveyance structure or for a natural spring if the water discharged to state waters does not contain industrial waste, sewage, or other wastes. ~~Discharge to surface water of ground water that is not altered from its ambient quality does not constitute a discharge requiring a permit under this part and is not degradation if:~~

~~(i) the discharge does not contain industrial waste, sewage, or other wastes;~~

~~(ii) the water discharged does not cause the receiving waters to exceed applicable standards for any parameters; and~~

~~(iii) to the extent that the receiving waters in their ambient state exceed standards for any parameters, the discharge does not increase the concentration of the parameters.~~

(2) The rules must allow the issuance or continuance of a permit only if the department finds that operation consistent with the limitations of the permit will not result in pollution of any state waters, except that the rules may allow the issuance of a temporary permit under which pollution may result if the department ensures that the permit contains a compliance schedule designed to meet all applicable effluent standards and water quality standards in the shortest reasonable period of time.

(3) The rules must provide that the department may revoke a permit if the department finds that the holder of the permit has violated its terms, unless the department also finds that the violation was accidental and unforeseeable and that the holder of the permit corrected the condition resulting in the violation as soon as was reasonably possible.

(4) The board may adopt rules governing reclamation of sites disturbed by construction, modification, or operation of permitted activities for which a bond is voluntarily filed by a permittee pursuant to 75-5-405, including rules for the establishment of criteria and procedures governing release of the bond or other surety and release of portions of a bond or other surety.

(5) Discharges of sewage, industrial wastes, or other wastes into state ground waters from the following activities or operations are not subject to the ground water permit requirements adopted under subsections (1) through (4):

(a) discharges or activities at wells injecting fluids associated with oil and gas exploration and production regulated under the federal underground injection control program;

(b) disposal by solid waste management systems licensed pursuant to 75-10-221;

(c) individuals disposing of their own normal household wastes on their own property;

(d) hazardous waste management facilities permitted pursuant to 75-10-406;

(e) water injection wells, reserve pits, and produced water pits used in oil and gas field operations and approved pursuant to Title 82, chapter 11;

(f) agricultural irrigation facilities;

(g) storm water disposal or storm water detention facilities;

(h) subsurface disposal systems for sanitary wastes serving individual residences;

(i) in situ mining of uranium facilities controlled under Title 82, chapter 4, part 2;

(j) mining operations subject to operating permits or exploration licenses in compliance with The Strip and Underground Mine Reclamation Act, Title 82, chapter 4, part 2, or the metal mine reclamation laws, Title 82, chapter 4, part 3; or

(k) projects reviewed under the provisions of the Montana Major Facility Siting Act, Title 75, chapter 20.

(6) Notwithstanding the provisions of 75-5-301(4), mixing zones for activities excluded from permit requirements under subsection (5) of this section must be established by the permitting agency for those activities in accordance with 75-5-301(4)(a) through (4)(c).

(7) Notwithstanding the exclusions set forth in subsection (5), any excluded source that the department determines may be causing or is likely to cause violations of ground water quality standards may be required to submit monitoring information pursuant to 75-5-602.

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(8) The board may adopt rules identifying other activities or operations from which a discharge of sewage, industrial wastes, or other wastes into state ground waters is not subject to the ground water permit requirements adopted under subsections (1) through (4)."

**Insert:** "NEW SECTION. Section 7. Codification instruction. [Section 5] is intended to be codified as an integral part of Title 75, chapter 5, part 3, and the provisions of Title 75, chapter 5, part 3, apply to [section 5]."  
**Renumber:** subsequent section

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

**STATE ADMINISTRATION** (Brainard, Chairman):  
**HB 350**, introduced bill, be amended as follows:

3/24/1999

1. Title, page 1, line 5.

**Strike:** "INDIVIDUAL"

**Following:** "CONTRIBUTIONS"

**Insert:** "TO AND BY POLITICAL PARTY COMMITTEES; REVISING CONTRIBUTION LIMITS; PROVIDING THAT THE LIMITS APPLY TO AN ELECTION CYCLE AND DEFINING "ELECTION CYCLE""

2. Title, page 1, line 6.

**Strike:** "FOR CERTAIN CONTRIBUTIONS; AND"

**Insert:** "; REQUIRING DISCLOSURE ON THE INTERNET; PROHIBITING CONTRIBUTIONS WITHIN A CERTAIN NUMBER OF DAYS BEFORE AN ELECTION AND PROVIDING A PENALTY; REVISING REPORTING REQUIREMENTS; REQUIRING A CLOSING REPORT BEFORE AN ELECTED CANDIDATE MAY ASSUME OFFICE;"

**Following:** "SECTIONS"

**Insert:** "2-16-501, 13-37-117,"

**Following:** "13-37-216,"

**Insert:** "13-37-225,"

3. Title, page 1, line 7.

**Strike:** "AND"

**Following:** "13-37-228,"

**Insert:** "AND 13-37-230,"

**Following:** "MCA"

**Insert:** "; AND REPEALING SECTION 13-37-218, MCA"

4. Page 1.

**Following:** line 9

**Strike:** everything after the enacting clause

**Insert:** "**Section 1.** Section 2-16-501, MCA, is amended to read:

"**2-16-501. Vacancies created.** (1) An office becomes vacant on the happening of any one of the following events before the expiration of the term of the incumbent:

(1)(a) the death of the incumbent;

(2)(b) a determination pursuant to Title 53, chapter 21, part 1, that the incumbent suffers from a mental disorder and is in need of commitment;

(3)(c) resignation of the incumbent;

(4)(d) removal of the incumbent from office;



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~~(5)(e)~~ the incumbent's ceasing to be a resident of the state or, if the office is local, of the district, city, county, town, or township for which the incumbent was chosen or appointed or within which the duties of the incumbent's office are required to be discharged;

~~(6)(f)~~ absence of the incumbent from the state, without the permission of the legislature, beyond the period allowed by law;

~~(7)(g)~~ the incumbent's ceasing to discharge the duty of the incumbent's office for the period of 3 consecutive months, except when prevented by sickness or when absent from the state by permission of the legislature;

~~(8)(h)~~ conviction of the incumbent of a felony or of an offense involving moral turpitude or a violation of the incumbent's official duties;

~~(9)(i)~~ the incumbent's refusal or neglect to file the incumbent's official oath or bond within the time prescribed;

~~(10)(j)~~ the decision of a competent tribunal declaring void the incumbent's election or appointment.

(2) Subject to subsection (1) of this section and except as provided in 13-37-228(4), if the candidate elected to fill an office is ineligible under the terms specified in 13-37-228(4) to assume the office, the office is not vacant following the expiration of the incumbent's term and the incumbent shall remain in office."

**Insert:** "Section 2. Section 13-37-117, MCA, is amended to read:

**"13-37-117. Commissioner to provide forms, manuals, and election laws -- internet disclosure and electronic submission of financial reports.** (1) The commissioner shall prescribe forms for reports and other information required to be filed pursuant to chapter 35, 36, or 37 of this title and furnish forms and appropriate information to persons required to file reports and other information.

(2) The commissioner shall prepare and publish a manual prescribing a uniform system for accounts for use by persons required to file reports pursuant to chapter 35, 36, or 37 of this title.

(3) The commissioner shall, at the expense of the state, furnish copies of the election laws relating to penalties, campaign practices, campaign finances, and contested elections to candidates and to any other persons required to file reports or other information pursuant to chapter 35, 36, or 37 of this title.

(4) (a) Within 48 hours after submission of a financial report required under part 2 of this chapter, the report must be posted to an internet site in a manner prescribed by the commissioner.

(b) A financial report may be submitted in an electronic format specified by the commissioner."

**Insert:** "Section 3. Section 13-37-208, MCA, is amended to read:

**"13-37-208. Treasurer to keep records.** (1) The campaign treasurer of each candidate and each political committee shall keep detailed accounts (current within not more than 10 days after the date of receiving a contribution or making an expenditure, except that accounts ~~shall~~ must be current as of the 5th day before the date of filing of a report as specified in 13-37-226(7)) of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a report filed under this chapter.

(2) Accounts of a deputy campaign treasurer ~~shall~~ must be transferred to the treasurer of a candidate or political committee before the candidate or political committee finally closes its books or when the position of a deputy campaign treasurer becomes vacant and ~~no~~ a successor is not appointed.

(3) Accounts kept by a campaign treasurer of a candidate or political committee ~~shall~~ must be preserved by the campaign treasurer for a period coinciding with the term of office for which the person was a candidate or for a period of 4 years, whichever is longer."

**Insert:** "Section 4. Section 13-37-216, MCA, is amended to read:

**"13-37-216. Limitations on contributions.** (1) (a) ~~Aggregate contributions~~ Campaign contributions for each election ~~cycle in a campaign~~ by a political committee, except a political party committee, or by an individual, other than the candidate, to a candidate are limited as follows:

(i) for candidates filed jointly for the ~~office~~ offices of governor and lieutenant governor, not to exceed ~~\$400~~ \$1,200;

(ii) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed ~~\$200~~ \$1,200;

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- (iii) for a candidate for public service commissioner, not to exceed \$800;
- (iv) for a candidate for the state senate, not to exceed \$750;
- (v) for a candidate for the state house of representatives, not to exceed \$500; and
- (vi) for a candidate for any other public office, not to exceed \$100.

(b) A contribution to a candidate includes contributions made to the candidate's committee and to any political committee organized on the candidate's behalf.

(2) (a) A political committee that is not independent of the candidate is considered to be organized on the candidate's behalf. For the purposes of this section, an independent committee means a committee ~~which that~~ is not specifically organized on behalf of a particular candidate or ~~which that~~ is not controlled either directly or indirectly by a candidate or candidate's committee and ~~which that~~ does not act jointly with a candidate or candidate's committee in conjunction with the making of expenditures or accepting contributions.

(b) A leadership political committee maintained by a political officeholder is considered to be organized on the political officeholder's behalf.

(3) ~~All A political committees committee, except those of a political party organizations are subject to the provisions of subsections (1) and (2) committee, may not contribute more than a total of \$200 to any candidate during an election cycle. For purposes of this subsection, "political party organization" means any political organization that was represented on the official ballot at the most recent gubernatorial election. Political party organizations may form political committees that are subject to the following aggregate limitations from all political party committees:~~

- ~~———— (a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed \$15,000;~~
- ~~———— (b) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed \$5,000;~~
- ~~———— (c) for a candidate for public service commissioner, not to exceed \$2,000;~~
- ~~———— (d) for a candidate for the state senate, not to exceed \$800;~~
- ~~———— (e) for a candidate for any other public office, not to exceed \$500.~~

(4) A candidate may not accept any contributions in excess of the limits in this section.

(5) For purposes of this section, the following definitions apply:

(a) "election" "Election cycle" means the time between the date when the candidate files pursuant to the provisions of this title to become a candidate and the general election or a primary election that involves two or more candidates for the same nomination. If there is not a contested primary, there is only one election to which the contribution limits apply. If there is a contested primary, then there are two elections to which the contribution limits apply.

(b) "Political party committee" means a committee formed by a political party organization.

(c) "Political party organization" means any political organization that was represented on the official ballot at the most recent gubernatorial election."

**Insert: "NEW SECTION. Section 5. Time period during which contributions are prohibited.** A person may not make a contribution to a candidate within 7 days before an election. A person violating this section is subject to the penalty provided in 13-37-128."

**Insert: "Section 6. Section 13-37-225, MCA, is amended to read:**

**"13-37-225. Reports of contributions and expenditures required.** (1) Except as provided in 13-37-206, each candidate and political committee shall file periodic reports of contributions and expenditures made by or on the behalf of a candidate or political committee. All reports required by this chapter shall be filed with the commissioner in the manner required by 13-37-117 and with the election administrator of the county in which a candidate is a resident or the political committee has its headquarters. However, ~~where when~~ residency within a district, county, city, or town is not a prerequisite for being a candidate, copies of all reports ~~shall must~~ be filed with the election administrator of the county in which the election is to be held or, if the election is to be held in more than one county, with the election administrator in the county that the commissioner specifies.

(2) In lieu of all contribution and expenditure reports required by this chapter, the commissioner shall accept copies of the reports filed by candidates for congress and president of the United States and their political committees pursuant to the requirements of federal law."

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**Insert: "Section 7.** Section 13-37-226, MCA, is amended to read:

**"13-37-226. Time for filing reports.** (1) Candidates for a state office filled by a statewide vote of all the electors of Montana and political committees that are organized to support or oppose a particular statewide candidate shall file reports:

(a) quarterly, due on the ~~fifth~~ 5th day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that the candidate expects to be on the ballot;

(b) on the 10th day of March and September in each year that an election is to be held and on the 15th and 5th days preceding the date on which an election is held and within 24 hours after receiving a contribution of ~~\$500~~ \$300 or more ~~if received between the 10th day before the election and the day of the election;~~

(c) not more than 20 days after the date of the election; and

(d) on the 10th day of March and September of each year following an election until the candidate or political committee files a closing report as specified in 13-37-228(3).

(2) Political committees organized to support or oppose a particular statewide ballot issue shall file reports:

(a) quarterly, due on the ~~fifth~~ 5th day following a calendar quarter, beginning with the calendar quarter in which funds are received or expended during the year or years prior to the election year that an issue subject to a referendum is or is expected to be on the ballot;

(b) on the 10th day of March and on the 10th day of each subsequent month through September;

(c) on the 15th and 5th days preceding the date on which an election is held;

(d) within ~~24~~ 48 hours after receiving a contribution of ~~\$500~~ \$300 or more ~~if received between the 10th day before the election and the day of the election;~~

(e) within 20 days after the election; and

(f) on the 10th day of March and September of each year following an election until the political committee files a closing report as specified in 13-37-228(3).

(3) Candidates for a state district office, including but not limited to candidates for the legislature, the public service commission, or a district court judge, and political committees that are specifically organized to support or oppose a particular state district candidate or issue shall file reports:

(a) on the 12th day preceding the date on which an election is held and within 48 hours after receiving a contribution of ~~\$100~~ \$300 or more if received between the 17th day before the election and the day of the election. The report under this subsection (3)(a) may be made by mail or by electronic communication to the clerk and recorder and the commissioner ~~of political practices.~~

(b) not more than 20 days after the date of the election; and

(c) whenever a candidate or political committee files a closing report as specified in 13-37-228(3).

(4) Candidates for any other public office and political committees that are specifically organized to support or oppose a particular local issue shall file the reports specified in subsection (3) only if the total amount of contributions received or the total amount of funds expended for all elections in a campaign, excluding the filing fee paid by the candidate, exceeds \$500, except as provided in 13-37-206.

(5) For the purposes of this subsection, a committee that is not specifically organized to support or oppose a particular candidate or ballot issue and that receives contributions and makes expenditures in conjunction with an election is an independent committee. For the purpose of reporting, a political party committee is an independent committee. An independent committee shall file:

(a) a report on the 12th day preceding the date of an election in which it participates by making an expenditure;

(b) a report not more than 20 days after the date of the election in which it participates by making an expenditure; and

(c) a report on a date to be prescribed by the commissioner for a closing report at the close of each calendar year.

(6) The commissioner may promulgate rules regarding the extent to which organizations that are not primary political committees but are incidental political committees shall report their politically related activities in

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accordance with this chapter.

(7) All reports required by subsections (1) through (5) this section must be complete as of the fifth 5th day before the date of filing as specified in 13-37-228(2) and this section. "

**Insert: "Section 8.** Section 13-37-228, MCA, is amended to read:

**"13-37-228. Time periods covered by reports -- closing report required before assuming office.** Reports filed under 13-37-225 and 13-37-226(1) through (5) shall must be filed to cover the following time periods even though no contributions or expenditures may have been received or made during the period:

(1) The initial report shall must cover all contributions received or expenditures made by a candidate or political committee prior to the time that a person became a candidate or a political committee, as defined in 13-1-101, until the fifth 5th day before the date of filing of the appropriate initial report pursuant to subsections (1) through (5) of 13-37-226(1) through (5).

(2) Subsequent periodic reports shall must cover the period of time from the closing of the previous report to 5 days before the date of filing of a report pursuant to 13-37-226(1) through (5).

(3) Closing reports shall must cover the period of time from the last periodic report to the final closing of the books of the candidate or political committee. A candidate or political committee shall file a closing report following an election in which he the candidate or it political committee participates whenever all debts and obligations are extinguished and no further contributions or expenditures will be received or made which that relate to the campaign, unless the election is a primary election and the candidate or political committee will participate in the general election.

(4) A closing report must be filed by no later than December 30 after the general election. An elected candidate may not assume office until the closing report is filed. If the report is not filed within 1 week of the date on which the candidate should have assumed office, the office must be considered vacated pursuant to 2-16-501 and filled as provided by law as if a vacancy had occurred in office."

**Insert: "Section 9.** Section 13-37-230, MCA, is amended to read:

**"13-37-230. Disclosure of expenditures made.** Each report required by this chapter shall disclose the following information, except that a candidate shall only be required to report the information specified in this section if the transactions involved were undertaken for the purpose of influencing an election:

(1) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by the committee or candidate during the reporting period, including the amount, date, and purpose of each expenditure and the total amount of expenditures made to each person;

(2) the full name and mailing addresses (occupation and the principal place of business, if any) of each person to whom an expenditure for personal services, salaries, and reimbursed expenses have been made, including the amount, date, and purpose of that expenditure and the total amount of expenditures made to each person;

(3) the total sum of expenditures made by a political committee or candidate during the reporting period;

(4) the total sum of financial obligations that were incurred by a political committee or candidate during the reporting period but have not yet been paid and that, when paid, must be reported as an expenditure pursuant to this chapter;

(5) the name and address of each political committee or candidate to which the reporting committee or candidate made any transfer of funds, together with the amount and dates of all transfers;

~~(5)~~(6) the name of any person to whom a loan was made during the reporting period, including the full name and mailing address (occupation and principal place of business, if any) of that person, and the full name and mailing address (occupation and principal place of business, if any) of the endorsers, if any, and the date and amount of each loan;

~~(6)~~(7) the amount and nature of debts and obligations owed by a political committee or candidate in the form prescribed by the commissioner;

~~(7)~~(8) other information that may be required by the commissioner to fully disclose the disposition of funds used to support or oppose candidates or issues. "

**Insert: "NEW SECTION. Section 10. Repealer.** Section 13-37-218, MCA, is repealed."

**Insert: "NEW SECTION. Section 11. Codification instruction.** [Section 5] is intended to be codified as an

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integral part of Title 13, chapter 37, part 2, and the provisions of Title 13, chapter 37, part 2, apply to [section 5]."  
**Insert:** "NEW SECTION. Section 12. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

And, as amended, do pass. Report adopted.

**HB 636**, introduced bill, be amended as follows:

3/23/1999

1. Title, page 1, line 5.

**Strike:** "FOR" through "STATE"

**Insert:** "BETWEEN SUBMISSION OF A BALLOT MEASURE PETITION FOR REVIEW AND THE FINAL APPROVAL OR REJECTION OF THE PETITION; REVISING THE TIME RELATED TO APPOINTMENTS TO COMMITTEES SUPPORTING OR OPPOSING BALLOT MEASURES; REVISING THE TIME RELATED TO PREPARATION OF ARGUMENTS FOR OR AGAINST A BALLOT MEASURE"

2. Title, page 1, line 10.

**Strike:** "SUBSTANTIVE"

**Insert:** "TECHNICAL AND"

**Following:** " ;"

**Insert:** "PROHIBITING THE SECRETARY OF STATE FROM APPROVING FOR THE BALLOT A PETITION MEASURE FOUND BY THE ATTORNEY GENERAL TO BE TECHNICALLY DEFICIENT; PROVIDING FOR JUDICIAL REVIEW OF AN ATTORNEY GENERAL DETERMINATION OF TECHNICAL DEFICIENCY;"

3. Title, page 1, line 11 through line 12.

**Strike:** "A" on line 11 through "DEFICIENCIES" on line 12

**Insert:** "THAT IF THE ATTORNEY GENERAL DETERMINES A LEGAL DEFICIENCY, A STATEMENT MUST BE PLACED ON THE PETITION SHEET AND IN THE VOTER INFORMATION PAMPHLET"

4. Title, page 1, line 13.

**Following:** "HEARING"

**Insert:** "AND ACCEPT WRITTEN COMMENTS"

5. Title, page 1, line 13 through line 14.

**Strike:** "BALLOT" on line 13 through "EFFECT" on line 14

**Insert:** "A STATEMENT OF PURPOSE, STATEMENTS OF IMPLICATION, AND A FISCAL STATEMENT AND ON A DETERMINATION OF TECHNICAL DEFICIENCY"

6. Title, page 1, line 14 through line 16.

**Strike:** "ALLOWING" on line 14 through " ;" on line 16

7. Title, page 1, line 21 through line 22.

**Strike:** "CHANGING" on line 21 through "COUNTED;" on line 22

8. Title, page 1, line 22.

**Strike:** "13-27-104,"

9. Title, page 1, line 23.

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**Strike:** "13-27-303,"  
**Insert:** "13-27-310,"

10. Title, page 1, line 24.  
**Following:** "13-27-403,"  
**Insert:** "AND"  
**Strike:** "AND 13-27-503,"

11. Title, page 1, line 25.  
**Following:** "PROVIDING"  
**Insert:** "AN IMMEDIATE"  
**Strike:** "DATES"  
**Insert:** "DATE"

12. Page 1.  
**Following:** line 27  
**Strike:** everything after the enacting clause  
**Insert:** "**Section 1.** Section 13-27-201, MCA, is amended to read:

**"13-27-201. Form of petition generally.** (1) A petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be printed the exact title of the statute or constitutional amendment proposed or the measure to be referred or a statement that the petition is for the purpose of calling a constitutional convention. The title required by this subsection is the attorney general's statement of purpose provided in 13-27-312(3)(a) and (5). Pursuant to 13-27-312(6), an abbreviation of the title, a preamble containing clauses further explaining the purpose of the measure, or other language explaining the ballot measure may not be included as part of the title on a petition sheet. However, if the attorney general certifies a statement to the secretary of state that the petition contains a legal deficiency pursuant to 13-27-312(2)(b), the certified statement must appear on the petition in the manner provided by 13-27-204 and 13-27-207. If signature lines are printed on both the front and back of a petition sheet, the information required ~~above~~ in this subsection must appear on both the front and back of the sheet. The complete text of the measure proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. The text of the measure must be in the bill form provided in the most recent issue of the bill drafting manual furnished by the legislative services division. If sheets are circulated in sections, the complete text of the measure must be attached to each section."

**Insert:** "**Section 2.** Section 13-27-202, MCA, is amended to read:

**"13-27-202. Recommendations -- approval of form required.** (1) Before submission of a sample sheet to the secretary of state pursuant to subsection (3), the following requirements must be fulfilled:

(a) The text of the proposed measure must be submitted to the legislative services division for review.  
(b) The legislative services division staff shall review the text for clarity, consistency, and any other factors that the staff considers when drafting proposed legislation.

(c) Within 14 days after submission of the text, the legislative services division staff shall make to the person submitting the text written recommendations for changes in the text or a statement that ~~no~~ changes are not recommended.

(d) The person submitting the text shall consider the recommendations and respond in writing to the legislative services division, accepting, rejecting, or modifying each of the recommended changes. If ~~no~~ changes are not recommended, ~~no~~ a response is not required.

(2) The legislative services division shall furnish a copy of the correspondence provided for in subsection (1) to the secretary of state, who shall make a copy of the correspondence available to any person upon request.

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(3) Before a petition may be circulated for signatures, a sample sheet containing the text of the proposed measure must be submitted to the secretary of state in the form in which it will be circulated. The sample petition may not be submitted to the secretary of state more than ~~1 year~~ 14 months prior to the final date for filing the signed petition with the secretary of state. The secretary of state shall refer a copy of the petition sheet to the attorney general for approval and to the legislative fiscal analyst for preparation of a fiscal impact analysis pursuant to 13-27-312(1) and a fiscal statement pursuant to 13-27-312(4). The secretary of state and the attorney general shall each review the petition for sufficiency as to form, and the attorney general shall also review the petition for technical and legal sufficiency as provided in 13-27-312(2). The secretary of state and the attorney general shall approve or reject the form of the petition, stating the reasons for rejection, if any. The secretary of state or the attorney general may not reject the petition solely because the text contains material not submitted to the legislative services division unless the material not submitted to the legislative services division is a substantive change not suggested by the legislative services division.

(4) (a) The secretary of state shall review the comments and statements of the attorney general and the legislative fiscal analyst received pursuant to 13-27-312 and make a final decision as to the approval or rejection of the form of the petition or rejection as to technical deficiency pursuant to 13-27-312(2)(a). In determining whether to accept or reject the petition under 13-27-312(2)(a) or subsection (3) of this section, the secretary of state shall consider whether the petitioners have altered or amended the petition in response to the opinion of the attorney general.

(b) The secretary of state shall send written notice to the person who submitted the petition sheet of the approval or rejection within ~~28~~ 51 days after submission of the petition sheet, except that in the case of a petition for a referendum or a measure referred by the legislature, the notice must be submitted within 37 days after the submission of the petition sheet. If the petition is rejected, the notice must include reasons for rejection of the form of the petition pursuant to this section and the attorney general's determinations under 13-27-312(2)(a). 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 is filed pursuant to that section; or

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

(c) In determining whether to accept or reject the petition as to form, the secretary of state shall also consider whether the petition includes any required publication of the attorney general's statement of legal deficiency certified to the secretary of state pursuant to 13-27-312(2)(b).

(5) A petition with technical defects in form may be approved with the condition that those defects will be corrected before the petition is circulated for signatures.

(6) The secretary of state shall upon request provide the person submitting the petition with a sample petition form, including the text of the proposed measure, the statement of purpose, ~~and~~ the statements of implications, and the fiscal statement, all as approved by the secretary of state and the attorney general. The petition may be circulated in the form of the sample prepared by the secretary of state. The petition may be circulated upon approval of the form of the petition by the secretary of state and the attorney general pending final determination of its technical sufficiency under 13-27-312(2)(a)."

**Insert:** "Section 3. Section 13-27-204, MCA, is amended to read:

"**13-27-204. Petition for the initiative.** (1) The following is substantially the form for a petition calling for a vote to enact a law by the initiative:

PETITION TO PLACE INITIATIVE NO. \_\_\_\_\_  
ON THE ELECTION BALLOT

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing this petition is ....., this measure will appear on the next general election ballot. If a majority of voters vote for this measure at that election, it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following measure

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on the ..... .., 19 20..., general election ballot:

(Title Exact title of measure written pursuant to 13-27-312)

(Statement Exact statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(d) The attorney general of Montana has reviewed the petition for legal sufficiency (constitutionality, conflict with other statutes, etc.) and found (here insert any statement of legal deficiency certified by the attorney general to the secretary of state pursuant to 13-27-312(2)(b)).

(e)

WARNING

A person who purposefully signs a name other than his/her the person's own to this petition, or who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

~~(e)~~(f) Each person ~~must shall~~ sign his/her the person's name and address in substantially the same manner as on his/her the person's voter registry registration card or the signature will not be counted.

(2) Numbered lines ~~shall must~~ follow the ~~above~~ heading in subsection (1). Each numbered line ~~shall must~~ contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer."

**Insert: "Section 4.** Section 13-27-205, MCA, is amended to read:

**"13-27-205. Petition for the referendum.** (1) The following is substantially the form for a petition calling for approval or rejection of an act of the legislature by the referendum:

PETITION TO PLACE REFERENDUM NO. \_\_\_\_  
ON THE ELECTION BALLOT

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is ....., Senate (House) Bill Number .... will appear on the next general election ballot. If a majority of voters vote for this measure at that election it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number ....., passed by the legislature on ....., on the next general election ballot:

(Title Exact title of referendum written pursuant to 13-27-312)

(Statement Exact statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(d)

WARNING

A person who purposefully signs a name other than his/her the person's own to this petition, or who signs more than once for the same issue at one election, or who signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her the person's name and address in substantially the same manner as on his/her the person's voter registry registration card, or the signature will not be counted.

(2) Numbered lines ~~shall must~~ follow the ~~above~~ heading in subsection (1). Each numbered line ~~shall must~~ contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer."

**Insert: "Section 5.** Section 13-27-207, MCA, is amended to read:

**"13-27-207. Petition for initiative for constitutional amendment.** (1) The following is substantially the form for a petition for the initiative to amend the constitution:

PETITION TO PLACE CONSTITUTIONAL  
AMENDMENT NO. \_\_\_\_ ON



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THE ELECTION BALLOT

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing the petition is ....., this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following constitutional amendment on the ..... .., ~~19 20~~... general election ballot:

(~~Title~~ Exact title of the proposed constitutional amendment  
written pursuant to 13-27-312)

(~~Statement~~ Exact statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the constitutional amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

(d) The attorney general of Montana has reviewed the petition for legal sufficiency (conflict with other constitutional provisions or conflict with the United States constitution, etc.) and found (here insert any statement of legal deficiency certified by the attorney general to the secretary of state pursuant to 13-27-312(2)(b)).

(e)

WARNING

A person who purposefully signs a name other than his/her the person's own to this petition, ~~or~~ who signs more than once for the same issue at one election, ~~or~~ who signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

~~(e)~~(f) Each person must sign his/her the person's name and address in substantially the same manner as on his/her the person's voter registry registration card or the signature will not be counted.

(2) Numbered lines ~~shall~~ must follow the ~~above~~ heading in subsection (1). Each numbered line ~~shall~~ must contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer." "

**Insert:** "Section 6. Section 13-27-301, MCA, is amended to read:

**"13-27-301. Submission of petition sheets -- withdrawal of signatures.** (1) Signed sheets or sections of petitions ~~shall~~ must be submitted to the official responsible for registration of electors in the county in which the signatures were obtained no sooner than 9 11 months and no later than 4 weeks before the final date for filing the petition with the secretary of state.

(2) Signatures may be withdrawn from a petition for constitutional amendment, constitutional convention, initiative, or referendum up to the time of final submission of petition sheets as provided in subsection (1). The secretary of state shall prescribe the form to be used by an elector desiring to have ~~his~~ the elector's signature withdrawn from a petition." "

**Insert:** "Section 7. Section 13-27-302, MCA, is amended to read:

**"13-27-302. Certification of signatures -- affidavit required -- content.** (1) ~~An~~ A signed, notarized, and dated affidavit, ~~in substantially the following form, shall~~ must be attached to each sheet or section submitted to the county official and must contain the following information printed within the text of the affidavit:

~~I, (Name of person who circulated this petition), affirm, or being first sworn, depose and say: that I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose names they purport to be, are the signatures of Montana electors who are registered at the address following their signature, and that the signers knew the contents of the petition before signing the same.~~

.....  
(Signature of petition circulator)

.....  
(Address of petition circulator)

Subscribed and sworn to before me this ..... day of ....., 19...

.....

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Seat

(Person authorized to take oaths)

.....  
(Title or notarial information)

(a) the name, street or other residence address, city or town, and county where the signature gatherer resides and the date and place where the affidavit was signed;

(b) that the signature gatherer has read and understands the Montana law governing the collection of signatures on a petition;

(c) that the signature gatherer solicited the signatures on the petition to which the affidavit is attached and believes that:

(i) the signatures on the petition are genuine in that they are of the individuals for whom they purport to be;

(ii) the signatures are of Montana electors who are registered at the address following their signature; and

(iii) the persons signing the petition knew the content of the petition before they signed.

(2) The county official and the secretary of state may not accept for filing a petition or a part of a petition that does not have attached to it the affidavit required by subsection (1)."

**Insert: "Section 8.** Section 13-27-310, MCA, is amended to read:

**"13-27-310. Transmittal of issues referred by the legislature and ballot forms to the attorney general.**

(1) The secretary of state shall transmit a copy of the form in which a ballot issue proposed by petition will appear on the ballot to the attorney general on the same day the completed petition is certified to the governor.

(2) The secretary of state shall transmit a copy of an act referred to the people or of a constitutional amendment proposed by the legislature and a copy of the form in which the issue will appear on the ballot to the attorney general and to the legislative fiscal analyst no later than 6 months before the election at which the issue will be voted on by the people.

(3) If the ballot form is not approved by the attorney general pursuant to 13-27-313, the secretary of state shall immediately submit a new ballot form to the attorney general."

**Insert: "Section 9.** Section 13-27-311, MCA, is amended to read:

**"13-27-311. Publication of ~~proposed~~ notice of completion of draft statement of purpose, statements of implication, and fiscal statement -- period for public comment -- hearing -- publication of proposed constitutional amendments.** (1) After receiving the response of the attorney general and the legislative fiscal analyst pursuant to 13-27-312, the secretary of state shall publish a notice of the completion of the draft statement of purpose and statements of implication and the draft fiscal statement prepared by the legislative fiscal analyst. The publication must be made at least once in at least one newspaper of general circulation in each county.

(2) The notice required by subsection (1) must contain:

(a) the full text of the proposed ballot measure and the proposed language of the statement of purpose, statements of implication, and fiscal statement;

(b) a time period of not more than 17 days from the time that the secretary of state receives the draft statements from both the attorney general and the legislative fiscal analyst for public comment upon the proposed statements during which time written comment may be submitted to the secretary of state;

(c) the address to which comments submitted to the secretary of state may be sent; and

(d) the time, date, and place of the public hearing to be held by the secretary of state within the comment period provided in subsection (2)(b).

(3) Subsections (1) and (2) do not apply to a petition for referendum or to a measure referred by the legislature.

~~(4)~~(4) If a proposed constitutional amendment or amendments are submitted to the people, the secretary of state shall have the proposed amendment or amendments published in full twice each month for 2 months previous to the election at which they are to be voted upon by the people, in ~~not less than~~ at least one newspaper of general circulation in each county.

~~(2)~~(5) The secretary of state may arrange for newspaper, radio, or television publication of proposed constitutional amendments in each county. A summary of the amendment as provided by the attorney general, as

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described in 13-27-312 or 13-27-315, would suffice for the publication required by this section and should be made at least twice each month for 2 months ~~previous~~ prior to the election."

**Insert: "Section 10.** Section 13-27-312, MCA, is amended to read:

**"13-27-312. Review of petition by legislative fiscal analyst and attorney general -- preparation of fiscal impact analysis -- preparation of statements -- fiscal note statement.** (1) Upon receipt of a petition from the office of the secretary of state pursuant to 13-27-202, the ~~attorney general~~ legislative fiscal analyst shall examine the petition as to ~~form its fiscal impact~~ and, if the proposed ballot issue has an effect on the ~~revenues~~ revenue, expenditures, or the fiscal liability of the state, shall ~~order~~, within 14 days and in cooperation with any affected agency, prepare a fiscal note incorporating an estimate of such effect impact analysis stating, as nearly as possible, the amount of the effect, the substance of which must substantially at least comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal note and shall return it within 6 days unless the attorney general, for good cause shown, extends the time for completing the fiscal note. The difficulty in estimating the amount of the effect on revenue, expenditures, or fiscal liabilities is not reason to fail to make the statement of amount. If the measure would cause a recurring amount or range of amounts of revenue, expenditures, or fiscal liabilities, the recurring amount or range of amounts must be stated as accurately as possible. Within 14 days after receiving any comments submitted pursuant to [section 13], the legislative fiscal analyst shall forward to the secretary of state the final fiscal statement.

(2) Upon receipt of a petition, except a petition for referendum, from the secretary of state pursuant to 13-27-202, the attorney general shall examine the petition as follows:

(a) (i) The attorney general shall review the petition as to form and technical sufficiency. For the purposes of this subsection (2)(a), a review as to technical sufficiency means consideration of whether the petition complies with the statutory prerequisites for submission of the proposed measure to the electors and of whether the text of the proposed measure complies with constitutional requirements governing submission of ballot measures to the electorate. A review as to technical sufficiency does not include consideration of the merits or application of the measure if adopted by the voters.

(ii) If the attorney general determines that the petition is deficient as to form or technical sufficiency, the attorney general shall notify the secretary of state of that fact and provide a copy of the determination to the secretary of state and to the petitioner within the time provided in subsection (8).

(iii) A petition determined to be technically deficient pursuant to this subsection (2)(a) may not be given final approval by the secretary of state for placement on the ballot unless the attorney general's determination is overruled pursuant to 13-27-316.

(b) (i) The attorney general shall also review the petition for legal sufficiency. The review for legal sufficiency under this subsection (2)(b) includes a review of the petition's constitutionality with respect to the petition's purpose and other constitutional issues not covered under subsection (2)(a). With regard to a petition to amend statutory enactments, the legal sufficiency review must also include a review of whether the measure's proposed amendments conflict with other statutes. (ii) If the attorney general finds the petition to be legally deficient under this subsection (2)(b), then the attorney general shall, within the time provided in subsection (8), certify a statement to that effect to the secretary of state.

(iii) If the attorney general certifies a statement of legal deficiency to the secretary of state, the secretary of state may not approve the form of the petition pursuant to 13-27-202(4)(c) unless the statement of legal deficiency certified by the attorney general is placed as an informational statement on the petition form in the manner provided by 13-27-204 and 13-27-207.

~~(2)(3) If the petition form is approved, the attorney general shall endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general shall prepare:~~

~~(a) a statement, not to exceed 100 250 words, explaining the purpose of the measure; and~~

~~(b) statements, not to exceed 25 100 words each, explaining the implications of a vote for and a vote against the measure.~~

~~(3)(4) The attorney general legislative fiscal analyst shall, within 14 days of receipt of the petition from the secretary of state, prepare a draft fiscal statement of no more than 50 words if a fiscal note was prepared for the~~

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~~proposed ballot issue, such~~ based upon the fiscal impact analysis prepared pursuant to subsection (1) and shall forward a copy to the secretary of state. The final version of the fiscal statement to must be used on the petition and ballot if the measure is placed on the ballot.

~~(4)~~(5) The statement of purpose and the statements of implication must express the true and impartial explanation of the proposed ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice for or against the measure.

~~(5)~~(6) The entire statement of purpose, unless altered by a court under 13-27-316, is the only petition title for the measure circulated by the petition and the only ballot title allowed if the measure is placed on the ballot.

~~(6)~~(7) The statements of implication ~~shall~~ and the fiscal statement must be placed beside the diagram provided for marking of the ballot in a manner similar to but not limited to the following example:

- FOR extending the right to vote to persons 18 years of age
- AGAINST extending the right to vote to persons 18 years of age

~~(7)~~(8) (a) ~~If the a petition, except a petition for a referendum, is rejected as to form, the attorney general shall forward his~~ the attorney general's comments to the secretary of state within 21 14 days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward the statement of purpose, and the statements of implication, and the fiscal statement, if applicable, to the secretary of state within 21 14 days after receipt of the petition by the attorney general.

(b) Within 14 days after receiving any comments submitted pursuant to [section 13], the attorney general shall forward to the secretary of state the final statement of purpose, the statements of implication, and any statement of technical or legal deficiency.

(9) (a) If a petition for a referendum is rejected as to form, the attorney general shall forward the attorney general's comments to the secretary of state within 30 days after receipt of the petition by the attorney general.

(b) If a petition for a referendum is approved as to form, the attorney general shall endeavor to seek out parties on both sides of the issue and obtain their advice before preparing the statements required by subsection (3). Within 30 days of the attorney general's receipt of the petition, the attorney general shall forward the statements prepared under subsection (3) to the secretary of state."

**Insert: "Section 11.** Section 13-27-315, MCA, is amended to read:

**"13-27-315. Statements by attorney general and legislative fiscal analyst on issues referred by legislature.** (1) Upon receipt of a copy of a measure and ballot form, as provided in 13-27-310(2) for an issue proposed by the legislature, the attorney general legislative fiscal analyst shall order prepare a fiscal note impact analysis and a fiscal statement as provided in 13-27-312(1) and (4) if the issue has an effect on the revenues, expenditures, or the fiscal liability of the state. At the same time the explanatory statement is prepared under subsection (2), the attorney general shall prepare a fiscal statement of no more than 50 words to be forwarded to the secretary of state at the same time as the explanatory statement within 20 days of receipt of the measure and ballot form.

(2) At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward to the secretary of state a statement, not exceeding ~~400~~ 250 words, expressing a true and impartial explanation of the purpose of the measure in plain, easily understood language. The statement may not be an argument and may not be written to create a prejudice for or against the issue. The statement prepared under this section is known as the attorney general's explanatory statement.

(3) If statements of the implication of a vote for or against a ballot issue have not been provided by the legislature, the attorney general shall prepare the statements. Requirements for statements of implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary of state no later than the time specified for approval of the ballot form."

**Insert: "Section 12.** Section 13-27-316, MCA, is amended to read:

**"13-27-316. Court review of attorney general and fiscal analyst statements.** (1) If the proponents or ~~opponents~~ of a ballot measure believe that the statement of purpose; or ~~the statements of implication of a vote, or~~

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formulated by the attorney general pursuant to 13-27-312(3) and (5), the fiscal statement formulated prepared by the attorney general legislative fiscal analyst pursuant to 13-27-312(4), or a determination of technical deficiency pursuant to 13-27-312(2)(a) do not satisfy the requirements of 13-27-312, they may, within 10 days of receipt of the notice from the secretary of state provided for in 13-27-202(4)(b), file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the a statement of purpose, statements of implication, or a fiscal statement or of a determination of technical deficiency and requesting the court to alter the statement.

(2) If the opponents of a ballot measure believe that the statement of purpose, the statements of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 20 days of the date of certification to the governor that the completed petition has been officially filed, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement. An action challenging all or a part of the adequacy or accuracy of the attorney general's statement of purpose or statements of implication or the fiscal analyst's fiscal statement may also be brought by a person submitting oral or written comments on all or a part, as applicable, of the attorney general's statements or the fiscal statement pursuant to [section 13]. An action brought pursuant to this subsection must be brought within 10 days of the secretary of state's approval or rejection of a petition pursuant to 13-27-202(4)(b) and must be brought in the same court and conducted in the same manner as actions filed pursuant to subsection (1). In determining whether a person bringing an action pursuant to this subsection is entitled to have a statement rewritten by the court, the court may not consider argument or other material not presented to the secretary of state either orally or in writing pursuant to [section 13].

(3) (a) Notice shall of an action filed pursuant to subsection (1) or (2) must be served upon the secretary of state, and upon the attorney general, and the legislative fiscal analyst. The action takes precedence over other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement, shall provide an opportunity for a hearing for a party requesting a hearing, and shall as soon as possible render a decision and certify to the secretary of state a statement which that the court determines will meet the requirements of 13-27-312.

(b) A statement certified by the court shall must be placed on the petition for circulation and on the official ballot.

(4) A copy of the petition in final form must be filed in the office of the secretary of state by the proponents.

(5) Any party may appeal the order of the district court to the Montana supreme court by filing a notice of appeal within 5 days of the date of the order of the district court."

**Insert: "NEW SECTION. Section 13. Draft statements -- secretary of state to conduct public hearing -- written comments -- consideration of comments required before final statements.** (1) Before approval of the form of the statement of purpose or the statements of implication formulated by the attorney general pursuant to 13-27-312(3) and (5) and before approval of the fiscal statement prepared by the legislative fiscal analyst pursuant to 13-27-312(4), the secretary of state shall conduct a public hearing for the purposes of receiving oral and written comments on the proposed statements. The hearing must be held at the time and place advertised by the secretary of state pursuant to 13-27-311.

(2) The secretary of state shall continue to receive written comments until the close of the period for written public comments on the statements, as advertised by the secretary of state pursuant to 13-27-311. All comments received by the secretary of state at the hearing and all written comments received within the time for receipt of written public comments must be forwarded by the secretary of state to the attorney general and reviewed and considered by the attorney general in completing the statements of purpose and implication required by 13-27-312(3) and (5). Upon close of the hearing and the period for written public comment, the secretary of state shall forward to the legislative fiscal analyst all oral and written comments received by the secretary of state concerning the fiscal statement. All comments received by the legislative fiscal analyst from the secretary of state must be reviewed and considered by the legislative fiscal analyst in completing the fiscal statement required by 13-27-312(4)."

**Insert: "Section 14. Section 13-27-401, MCA, is amended to read:**

**"13-27-401. Voter information pamphlet.** (1) The secretary of state shall prepare for printing a voter

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information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

- (a) ballot title, fiscal statement if applicable, and complete text of the issue;
- (b) the form in which the issue will appear on the ballot;
- (c) arguments advocating approval and rejection of the issue; and
- (d) rebuttal arguments.

(2) The pamphlet must also contain a notice advising the recipient where additional copies of the pamphlet may be obtained.

(3) If the attorney general has certified a statement of legal deficiency to the secretary of state pursuant to 13-27-312(2)(b), the secretary of state shall publish the statement in the pamphlet in a conspicuous manner next to the ballot measure to which it pertains.

(4) The voter information pamphlet must also contain the following notice for each ballot measure: "The publication in the pamphlet of the text of a ballot measure or the arguments for or against a ballot measure does not constitute an endorsement by the state of Montana of that ballot measure or of the truthfulness of the arguments."

~~(3)~~(5) Whenever more than one ballot issue is to be voted on at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order ~~which~~ that seems most appropriate, but the information for all issues in the pamphlet must be presented in the same order.

~~(4)~~(6) The secretary of state may prescribe by rule the format and manner of submission of the arguments concerning the ballot issue. ""

**Insert: "Section 15.** Section 13-27-403, MCA, is amended to read:

**"13-27-403. Appointment to committee.** (1) ~~Except as provided in subsection (2), appointments to committees advocating approval or rejection of an act referred to the people, a constitutional amendment proposed by the legislature, or a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition must be made no later than 1 week prior to the deadline for filing arguments on the ballot issue under 13-27-406.~~

~~(2) Appointments to committees advocating approval or rejection of a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition must be made no later than 1 week~~ 20 days before the deadline for filing arguments on the ballot ~~issue~~ measure under 13-27-406.

(2) All persons responsible for appointing members to the committee shall submit to the secretary of state the names and addresses of the appointees no later than the date set ~~by this subsection~~ pursuant to subsection (1). The submission must include the written acceptance of appointment from each appointee required by ~~section 13-27-402(6)~~. If an appointment is not made by the required time, the committee members that have been appointed may fill the vacancy by unanimous written consent up until the deadline for filing the arguments.

(3) Within 5 days after receiving notice under subsection (2), but not later than 5 days after the deadline set for appointment of committee members, the secretary of state shall notify the appointees to a committee appointed pursuant to subsection (1) or (2) by certified mail, with return receipt requested, of the deadlines for submission of the committee's arguments. ""

**Insert: "Section 16.** Section 13-27-407, MCA, is amended to read:

**"13-27-407. Rebuttal arguments.** The secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day following the filing of both the approval and rejection arguments for the issue. The committees may prepare rebuttal arguments no longer than one-half the size of the arguments under 13-27-406 that must be filed, in ~~in~~ a black-and-white, camera-ready format, with the secretary of state no later than ~~10~~ 15 days after the deadline for filing the original arguments. Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument must be approved and signed by a majority of the committee responsible for its preparation. Separate signed letters of approval may be submitted in the same manner as for the original arguments. ""

**Insert: "NEW SECTION. Section 17. Misdemeanor to knowingly submit false statements for placement in**

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**pamphlet.** A person may not submit to the secretary of state for publication in the voter information pamphlet any statement known by that person to be factually or legally untrue. For the purposes of this section, a statement is legally untrue if it has no basis in law. A person who violates this section is guilty of a misdemeanor and upon conviction shall be punished as provided by law."

**Insert:** "NEW SECTION. Section 18. Codification instruction. (1) [Section 13] is intended to be codified as an integral part of Title 13, chapter 27, part 3, and the provisions of Title 13, chapter 27, part 3, apply to [section 13].

(2) [Section 17] is intended to be codified as an integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to [section 17]."

**Insert:** "NEW SECTION. Section 19. 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."

**Insert:** "NEW SECTION. Section 20. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**SB 352**, be concurred in. Report adopted.

**SJR 4**, be concurred in. Report adopted.

**SJR 9**, be concurred in. Report adopted.

**STATE/FEDERAL RELATIONS** (Curtiss, Chairman):

3/24/1999

**SJR 13**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bill passed and transmitted to the House for concurrence:

3/23/1999

**SB 361**, introduced by Mesaros

House bills concurred in and returned to the House:

3/23/1999

**HB 27**, introduced by Noennig

**HB 300**, introduced by Ohs

**HB 429**, introduced by Shockley

**HB 539**, introduced by Sliter

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/23/1999

**HB 301**, introduced by McCann

**HB 366**, introduced by Kasten

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments:

3/23/1999

**HJR 8**, introduced by Curtiss

Conference committee report #1 adopted:

3/23/1999

**SB 113**, introduced by Mahlum

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**MESSAGES FROM THE GOVERNOR**

March 23, 1999

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

Dear Representative Mercer:

Please be informed that I have signed **House Bill 70** sponsored by Representative Hurdle, **House Bill 156** sponsored by Representative Tropila, **House Bill 190** sponsored by Representative L. Soft, **House Bill 210** sponsored by Representative R. Johnson, **House Bill 331** sponsored by Representative Ahner, **House Bill 373** sponsored by Representative Younkin et al., **House Bill 476** sponsored by Representative R. Johnson et al., **House Bill 479** sponsored by Representative R. Johnson, **House Bill 492** sponsored by Representative Harper et al., **House Bill 495** sponsored by Representative Pavlovich et al., and **House Bill 571** sponsored by Representative McCann et al. on March 23, 1999.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 678**, introduced by Story, R. Erickson, Gillan, Guggenheim, Hanson, Hibbard, Rehbein (by request of the House Taxation Committee), referred to Taxation.

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

**SB 361**, introduced by K. Mesaros, S. Anderson, J. Barnett, T. Beck, R. Clark, M. Cole, W. Crismore, A. Curtiss, R. Dale, G. Devlin, P. Ekegren, A. Ellis, B. Glaser, G. Golie, L. Grinde, M. Hanson, J. Harp, D. Hedges, J. Hertel, J. Holden, R. Jabs, B. Keenan, S. Kitzenberg, B. Krenzler, R. Lenhart, W. McNutt, A. Mohl, S. Orr, R. Peck, B. Rehbein, S. Rose, G. Roush, P. Sliter, B. Story, J. Stovall, C. Swysgood, B. Tash, J. Tester, B. Thomas, J. Witt, referred to Agriculture.

**MOTIONS**

Representative Raney moved that **HB 313** be taken from the Committee on Appropriations, be printed, and placed on 2nd reading today. Motion carried as follows:

Ayes: Barnhart, Beck, E. Bergsagel, P. Bergsagel, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Hagener, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, Menahan, Molnar, Noennig, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Wyatt, Younkin.



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Total 60

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Bitney, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Jackson, Johnson, Jore, Kasten, McKenney, Mood, Ohs, Orr, Rehbein, Rose, Sliter, Somerville, Story, Tash, Taylor, Thomas, Vick, Witt, Zook, Mr. Speaker.

Total 38

Excused: Bookout-Reinicke, Gutsche.

Total 2

Absent or not voting: None.

Total 0

Representative Jore moved that **HB 253** be taken from the Committee on Taxation, be printed, and placed on 2nd reading today. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Eggers, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Holden, Jackson, Jore, Kasten, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCann, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Raney, Rehbein, Rose, Ryan, Simon, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Thomas, Tropila, Vick, Wagner, Walters, Witt, Younkin, Zook.

Total 61

Noes: Beck, Buzzas, Dell, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Hagener, Harper, Harrington, Hibbard, Hurdle, Johnson, Juneau, Kitzenberg, Mangan, McCulloch, Menahan, Pavlovich, Peck, Quilici, Schmidt, Shockley, Somerville, Squires, Swanson, Trexler, Tuss, Williams, Wyatt, Mr. Speaker.

Total 35

Excused: Bookout-Reinicke, Gutsche.

Total 2

Absent or not voting: Barnhart, P. Clark.

Total 2

Representative Fisher moved that **HB 206** be taken from the Committee on Taxation, be printed, and placed on 2nd reading today. Motion failed as follows:

Ayes: Adams, Ahner, Barnett, E. Bergsagel, P. Bergsagel, Bitney, E. Clark, Curtiss, Dale, Davies, Fisher, Fuchs, Gallus, Grinde, Haines, Hanson, Hedges, Jackson, Kasten, Kitzenberg, Lawson, Mangan, McGee, Molnar, Mood, Ohs, Orr, Ryan, Sliter, Soft, Somerville, Taylor, Thomas, Tuss, Vick, Wagner, Walters, Wyatt.

Total 38

Noes: J. Andersen, S. Anderson, Barnhart, Beck, Brainard, Brown, Buzzas, P. Clark, R. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Galvin-Halcro, Gillan, Golie, Guggenheim, Hagener, Harper, Harrington, Hibbard, Holden, Hurdle, Johnson, Jore, Juneau, Krenzler, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Noennig, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Schmidt, Shockley, Simon, Smith, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 60

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Excused: Bookout-Reinicke, Gutsche.  
Total 2

Absent or not voting: None.  
Total 0

Representative Ryan moved that **HB 612** be taken from the Committee on Appropriations, be printed, and placed on 2nd reading today. Motion failed as follows:

Ayes: Ahner, Barnhart, Beck, Bitney, Brown, Buzzas, P. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Grinde, Guggenheim, Hagener, Harper, Harrington, Hibbard, Holden, Hurdle, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McKenney, Menahan, Molnar, Mood, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Sliter, Smith, Somerville, Squires, Swanson, Thomas, Tropila, Tuss, Wagner, Williams, Wyatt.  
Total 58

Noes: Adams, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Brainard, E. Clark, R. Clark, Curtiss, Davies, Fisher, Haines, Hanson, Hedges, Jackson, Johnson, Jore, Kasten, McCann, McGee, Noennig, Orr, Peck, Rehbein, Shockley, Simon, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Walters, Witt, Younkin, Zook, Mr. Speaker.  
Total 39

Excused: Bookout-Reinicke, Gutsche.  
Total 2

Absent or not voting: Golie.  
Total 1

Representative Kasten moved that **HB 166** be taken from the Committee on Taxation, be printed, and placed on 2nd reading today. Motion failed as follows:

Ayes: J. Andersen, Barnhart, Brainard, P. Clark, Dale, Fuchs, Guggenheim, Haines, Hanson, Hedges, Hibbard, Jackson, Johnson, Kasten, Noennig, Rehbein, Simon, Sliter, Somerville, Story, Tuss, Walters, Zook.  
Total 23

Noes: Adams, Ahner, S. Anderson, Barnett, Beck, E. Bergsagel, P. Bergsagel, Bitney, Brown, Buzzas, E. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Hagener, Harper, Harrington, Holden, Hurdle, Jore, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Smith, Soft, Squires, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Wagner, Williams, Witt, Wyatt, Younkin, Mr. Speaker.  
Total 71

Excused: Bookout-Reinicke, Gutsche.  
Total 2

Absent or not voting: Fisher, Shockley, Stovall, Vick.  
Total 4

Representative Beck moved that **HB 413** be taken from the Committee on Appropriations, be printed, and placed

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on 2nd reading today. Motion failed as follows:

Ayes: Barnhart, Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Hagener, Harper, Harrington, Holden, Hurdle, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Matthews, McCulloch, Menahan, Molnar, Noennig, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Smith, Soft, Squires, Swanson, Tropila, Tuss, Wagner, Williams, Wyatt.

Total 46

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Jackson, Johnson, Jore, Kasten, Lawson, Masolo, McCann, McGee, McKenney, Mood, Ohs, Orr, Rehbein, Shockley, Sliter, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 50

Excused: Bookout-Reinicke, Gutsche.

Total 2

Absent or not voting: Hibbard, Simon.

Total 2

Representative Davies moved that **HB 673** be taken from the Committee on Taxation, be printed, and placed on 2nd reading today. Motion failed as follows:

Ayes: Adams, Ahner, S. Anderson, Barnett, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fuchs, Galvin-Halcro, Grinde, Hanson, Hedges, Holden, Jackson, Johnson, Jore, Kasten, Lawson, Lindeen, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Raney, Rehbein, Shockley, Sliter, Soft, Somerville, Vick, Wagner, Walters, Witt, Mr. Speaker.

Total 44

Noes: J. Andersen, Barnhart, Beck, E. Bergsagel, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Gillan, Golie, Guggenheim, Hagener, Haines, Harper, Harrington, Hibbard, Hurdle, Juneau, Kitzenberg, Krenzler, Lenhart, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Rose, Ryan, Schmidt, Simon, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Williams, Wyatt, Younkin, Zook.

Total 54

Excused: Bookout-Reinicke, Gutsche.

Total 2

Absent or not voting: None.

Total 0

### THIRD READING OF BILLS

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

**HB 4** passed as follows:

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Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Brainard, 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, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Quilici, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 80

Noes: Adams, E. Bergsagel, P. Bergsagel, Bookout-Reinicke, Cobb, Davies, Fuchs, Jore, Lawson, McCann, McGee, Molnar, Orr, Peck, Raney, Rehbein, Vick, Wagner, Wyatt.

Total 19

Voted Absentee: Gutsche, Aye; Bookout-Reinicke, No.

Excused: None.

Total 0

Absent or not voting: Hedges.

Total 1

**HB 5** passed as follows:

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

Total 78

Noes: Adams, P. Bergsagel, Brainard, Cobb, Dale, Davies, Fuchs, Jackson, Jore, Kasten, Kitzenberg, Molnar, Orr, Peck, Rehbein, Vick, Wyatt.

Total 17

Voted Absentee: Bookout-Reinicke, Gutsche, Ayes.

Excused: None.

Total 0

Absent or not voting: Hanson, Hedges, Somerville, Taylor, Wagner.

Total 5

**HB 7** 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, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim,

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Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 96

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

Voted Absentee: Bookout-Reinicke, Gutsche, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 15** passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Dell, Eggers, Erickson, Ewer, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Quilici, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.  
Total 79

Noes: Adams, E. Bergsagel, P. Bergsagel, Bookout-Reinicke, Brainard, Cobb, Curtiss, Dale, Davies, Facey, Golie, Jackson, Jore, Molnar, Orr, Peck, Raney, Rehbein, Vick, Wagner, Wyatt.  
Total 21

Voted Absentee: Gutsche, Aye; Bookout-Reinicke, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 135** passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Beck, Bitney, Bookout-Reinicke, Brown, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, 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, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss,

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Walters, Williams, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 80

Noes: Adams, Barnhart, E. Bergsagel, P. Bergsagel, Brainard, Dale, Davies, Fuchs, Jackson, Jore, Kasten, Molnar, Orr, Rehbein, Story, Vick, Wagner, Witt.  
Total 18

Voted Absentee: Bookout-Reinicke, Gutsche, Ayes.

Excused: None.  
Total 0

Absent or not voting: Buzzas, Noennig.  
Total 2

**HB 532** passed as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Haines, Hanson, Harper, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 90

Noes: Gallus, Gutsche, Hagener, Harrington, Hurdle, Mangan, Orr, Peck, Swanson, Wagner.  
Total 10

Voted Absentee: Bookout-Reinicke, Aye; Gutsche, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 608** passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Juneau, 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, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.  
Total 79

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Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, R. Clark, Curtiss, Dale, Davies, Fuchs, Grinde, Jackson, Jore, Kasten, McGee, Molnar, Orr, Rehbein, Story, Vick, Wagner, Walters.

Total 21

Voted Absentee: Bookout-Reinicke, Gutsche, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 638** passed as follows:

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

Total 86

Noes: Adams, P. Bergsagel, P. Clark, Cobb, Hagener, Johnson, Jore, Kasten, McCann, McGee, Orr, Peck, Wagner, Walters.

Total 14

Voted Absentee: Bookout-Reinicke, Gutsche, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 644** passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dell, Eggers, Erickson, Ewer, Fisher, Gallus, Galvin-Halcro, Golie, Guggenheim, Gutsche, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 70

Noes: Adams, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Dale, Davies, Facey, Fuchs, Grinde, Hagener, Jackson, Jore, Juneau, Kasten, Mangan, McCann, McGee, Molnar, Orr, Peck, Rehbein, Sliter, Story, Tuss, Vick, Wagner, Walters, Wyatt.

Total 29

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Voted Absentee: Bookout-Reinicke, Gutsche, Ayes.

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

**HB 676** passed as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, 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, 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: Grinde, Sliter.  
Total 2

Voted Absentee: Bookout-Reinicke, Gutsche, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 169, 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, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, 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, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, 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 92

Noes: Davies, Fuchs, Jore, Molnar, Orr, Rehbein, Vick, Wagner.  
Total 8

Voted Absentee: Bookout-Reinicke, Gutsche, Ayes.

Excused: None.



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Total 0

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 Mangan in the chair.

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

**HB 9** - Representative McCann moved consideration of **HB 9** be placed below **HB 14** on the second reading board. Motion carried.

**HB 72** - Representative Mercer moved **HB 72** do pass.

**HB 72** - Representative P. Bergsagel moved **HB 72**, second reading copy, be amended as follows :

1. Title, line 14.

**Following:** "CONTRIBUTION;"

**Insert:** "PROVIDING FOR A MINIMUM MONTHLY BENEFIT ALLOWANCE;"

2. Page 5, line 11.

**Insert:** "NEW SECTION. **Section 5. Minimum monthly benefit allowance.** (1) A retired member of the retirement system who on July 1, 1999, is receiving a service or disability retirement allowance that is less than \$500 is eligible to receive a minimum monthly benefit allowance of \$500 if the member at the time of retirement had 25 years or more of creditable service.

(2) A beneficiary or beneficiaries of a deceased retired member who on July 1, 1999, are receiving an optional service, disability, or survivorship allowance that when added together are less than \$500 are eligible to receive a proportional share of a minimum monthly benefit allowance of \$500 if the retired member at the time of retirement had 25 years or more of creditable service.

(3) If on July 1, 1999, multiple beneficiaries are receiving benefits under a retired member's account, the minimum monthly benefit must be divided in the same proportion as was the initial service, disability, or survivorship allowance."

**Renumber:** subsequent sections

3. Page 5, line 18.

**Strike:** "Section"

**Insert:** "Sections"

**Following:** "2"

**Insert:** "and 5"

**Strike:** "is"

**Insert:** "are"

4. Page 5, line 19.

**Strike:** "section"

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**Insert:** "sections"

**Following:** "2"

**Insert:** "and 5"

Amendment adopted as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, 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, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 96

Noes: Jore, Vick.

Total 2

Excused: Bookout-Reinicke, Gutsche.

Total 2

Absent or not voting: None.

Total 0

Representative Simon excused at this time.

Motion that **HB 72**, as amended, do pass carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, 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, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 91

Noes: Adams, E. Bergsagel, Jore, Kasten, Orr, Rehbein, Story, Vick.

Total 8

Voted Absentee: Bookout-Reinicke, Gutsche, Simon, Ayes.

Excused: None.

Total 0

Absent or not voting: Brown.

Total 1

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**HB 14** - Representative R. Johnson moved **HB 14** do pass.

**HB 14** - Representative P. Bergsagel moved **HB 14**, second reading copy, be amended as follows :

1. Title, page 1, line 8.

**Strike:** "AMENDING SECTION 17-7-211, MCA; AND"

**Insert:** "AND"

2. Title, page 1, line 9.

**Strike:** "AND A TERMINATION DATE"

3. Page 1, line 13.

**Strike:** "8"

**Insert:** "7"

4. Page 1, line 15 through line 16.

**Following:** "means"

**Strike:** the first "the" on line 15 through "or" on line 16

5. Page 1, line 16.

**Following:** "in"

**Strike:** "[sections 1 through 8]"

**Insert:** "[section 2]"

6. Page 1, line 21.

**Strike:** "(1)"

7. Page 1.

**Strike:** line 29 in its entirety

8. Page 1.

**Following:** line 29

**Insert:** "Deferred Maintenance, Statewide \$14,480,000" (CPF)

9. Page 1, line 30 through page 2, line 15.

**Strike:** line 30 on page 1 through line 15 on page 2

10. Page 2.

**Strike:** lines 17 through 20 in their entirety

11. Page 2.

**Following:** line 20

**Insert:** "Deferred Maintenance, University System \$20,000,000" (CPF)

12. Page 3, line 5 through page 4, line 16.

**Strike:** line 5 on page 3 through line 16 on page 4

13. Page 4.

**Following:** line 17

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**Insert:** "NEW SECTION. Section 3. Statement of legislative intent. (1) The 56th legislature acknowledges the deferred maintenance projects currently identified total approximately \$344,800,000. The legislature recognizes the significant need to direct state resources towards the deferred maintenance needs of state and university buildings.

(2) Each executive branch agency and the university system shall submit deferred maintenance requests in accordance with Title 17, chapter 7, part 2. The long-range planning subcommittee shall evaluate the appropriateness of each request, establish legislative priorities, and may approve a deferred maintenance program during each regular legislative session."

**Renumber:** subsequent sections

14. Page 4, line 18.

**Strike:** "(1)"

15. Page 4, line 20.

**Strike:** "\$33,403,750"

**Insert:** "\$34,480,000"

16. Page 4.

**Strike:** lines 25 through 28 in their entirety

17. Page 4, line 30 through page 5, line 10.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

18. Page 5, line 26 through page 6, line 5.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

19. Page 6, line 11 through page 7, line 1.

**Strike:** section 9 in its entirety

**Renumber:** subsequent sections

20. Page 7, line 3.

**Strike:** "3"

**Insert:** "4"

21. Page 7, line 5.

**Strike:** the first "3"

**Insert:** "4"

**Strike:** the second "3"

**Insert:** "4"

22. Page 7.

**Strike:** line 15 in its entirety

Amendment failed as follows:

Ayes: Adams, J. Andersen, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fuchs, Galvin-Halcro, Golie, Grinde, Haines, Hanson, Hibbard, Holden, Jackson, Jore,

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Kasten, McGee, McKenney, Molnar, Mood, Orr, Raney, Rehbein, Shockley, Somerville, Thomas, Trexler, Tuss, Vick, Wagner, Walters, Wyatt, Mr. Speaker.

Total 41

Noes: Ahner, S. Anderson, Barnett, Barnhart, Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Gillan, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hedges, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Noennig, Ohs, Pavlovich, Peck, Quilici, Rose, Ryan, Schmidt, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Williams, Witt, Younkin, Zook.

Total 56

Voted Absentee: Gutsche, No.

Excused: Bookout-Reinicke, Simon.

Total 2

Absent or not voting: Sliter.

Total 1

Motion that **HB 14** do pass carried as follows:

Ayes: Ahner, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, R. Clark, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McKenney, Menahan, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Simon, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Tropila, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 69

Noes: Adams, J. Andersen, E. Bergsagel, P. Bergsagel, Brainard, P. Clark, Cobb, Curtiss, Dale, Davies, Fuchs, Golie, Grinde, Jackson, Jore, Kasten, McCann, McGee, Molnar, Mood, Orr, Rehbein, Shockley, Story, Trexler, Tuss, Vick, Wagner, Walters, Wyatt.

Total 30

Voted Absentee: Bookout-Reinicke, Gutsche, Simon, Ayes.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

**HB 9** - Representative McCann moved **HB 9** do pass.

**HB 9** - Representative Juneau moved **HB 9**, second reading copy, be amended as follows :

1. Page 1, line 26.

**Strike:** "\$300,000"

**Insert:** "\$319,700"

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2. Page 3.

**Following:** line 13

**Insert:** "Museum of the Rockies - To Honor & Comfort: Native Quilting Traditions 19,700"

Amendment failed as follows:

Ayes: Ahner, Barnett, Barnhart, Beck, Buzzas, P. Clark, Curtiss, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Hagener, Haines, Harper, Harrington, Hurdle, Juneau, Krenzler, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Smith, Squires, Stovall, Swanson, Tropila, Tuss, Williams, Wyatt, Younkin.

Total 47

Noes: Adams, J. Andersen, S. Anderson, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Cobb, Dale, Davies, Fisher, Fuchs, Grinde, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kitzenberg, Lawson, Masolo, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Rehbein, Shockley, Sliter, Soft, Somerville, Story, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Zook, Mr. Speaker.

Total 49

Excused: Bookout-Reinicke, Gutsche, Simon.

Total 3

Absent or not voting: Kasten.

Total 1

Representative Tash excused at this time.

**HB 9** - Representative E. Bergsagel moved for cloture. Motion carried.

Motion that **HB 9** do pass carried as follows:

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

Total 69

Noes: Adams, Ahner, E. Bergsagel, P. Bergsagel, Bitney, Brainard, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fuchs, Grinde, Jackson, Jore, McGee, Molnar, Mood, Orr, Rehbein, Shockley, Story, Trexler, Vick, Wagner, Walters, Witt, Zook, Mr. Speaker.

Total 30

Voted Absentee: Bookout-Reinicke, Gutsche, Simon, Tash, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten.

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Total 1

Representatives Gallus and Menahan excused at this time.

Representative Grinde moved the House recess for the purpose of caucuses and reconvene at 12:00 p.m. Motion carried.

House recessed at 11:10 a.m.

House reconvened at 12:00 p.m.

Roll Call. All members present except Representatives Bookout-Reinicke, Gallus, Gutsche, Menahan, and Tash. Quorum present.

**HB 131** - Representative Grinde moved consideration of **HB 131** be placed at the bottom of the second reading board. Motion carried.

**HB 386** - Representative Jore moved **HB 386** do pass.

**HB 386** - Representative Golie moved **HB 386**, second reading copy, be amended as follows :

1. Title, line 6.

**Following:** "4999;"

**Insert:** "PROVIDING FOR A CREDIT AGAINST STATE INDIVIDUAL INCOME TAXES FOR CERTAIN EXPENSES INCURRED FOR HIGHER EDUCATION;"

2. Title, line 7.

**Strike:** "A RETROACTIVE"

**Following:** "APPLICABILITY"

**Strike:** "DATE"

**Insert:** "DATES"

3. Page 4.

**Following:** line 25

**Insert:** "NEW SECTION. Section 3. Credit for certain postsecondary education expenses -- limitations. (1)

An individual is allowed a tax credit against taxes imposed by 15-30-103 in an amount equal to 10% of the aggregate amount of the hope and lifetime learning credits claimed under 26 U.S.C. 25A. The maximum credit that a taxpayer may claim in a year under this section is \$500. The credit allowed under this section may not exceed the taxpayer's income tax liability.

(2) There is no carryback or carryforward of the credit permitted under this section, and the credit may be claimed for state tax purposes only in the same tax year that the credit provided under 26 U.S.C. 25A is claimed for federal tax purposes."

**Renumber:** subsequent sections

4. Page 4, line 29.

**Strike:** "Retroactive applicability"

**Insert:** "Applicability"

**Following:** "applicability."

**Insert:** "(1)"

**Strike:** "[This act] applies"

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**Insert:** "[Sections 1 and 2] apply"

5. Page 4.

**Following:** line 30

**Insert:** "(2) [Section 3] applies to tax years beginning after December 31, 1999."

Amendment failed as follows:

Ayes: Barnhart, Beck, Buzzas, P. Clark, Dell, Eggers, Ewer, Facey, Fuchs, Galvin-Halcro, Gillan, Golie, Guggenheim, Hagener, Harper, Harrington, Hurdle, Juneau, Krenzler, Lenhart, Lindeen, Mangan, Matthews, McCulloch, Ohs, Pavlovich, Quilici, Raney, Ryan, Smith, Squires, Swanson, Thomas, Tropila, Tuss, Vick, Wagner, Williams, Wyatt, Younkin.

Total 40

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Erickson, Fisher, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Kitzenberg, Lawson, Masolo, McCann, McGee, McKenney, Molnar, Noennig, Orr, Peck, Rehbein, Rose, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Taylor, Trexler, Walters, Witt, Zook, Mr. Speaker.

Total 53

Excused: Bookout-Reinicke, Gallus, Gutsche, Menahan, Tash.

Total 5

Absent or not voting: Bitney, Mood.

Total 2

Representative Gallus present at this time.

**HB 386** - Representative Mercer moved **HB 386**, second reading copy, be amended as follows :

1. Title, lines 5 through 7.

**Following:** the first "BY" on line 5

**Strike:** remainder of line 5 through "PERCENT"

**Insert:** "PROVIDING A CREDIT EQUAL TO 4 PERCENT OF THE PROPERTY TAXES PAID ON RESIDENTIAL PROPERTY"

**Following:** ";" on line 6

**Strike:** remainder of line 6 through "MCA;" on line 7

2. Page 1, line 11 through page 4, line 25.

**Strike:** sections 1 and 2 in their entirety

**Insert:** "NEW SECTION. Section 1. Tax credit for residential property -- definition. (1) A taxpayer is allowed a credit against taxes otherwise due under this chapter in an amount equal to 4% of the amount of property taxes actually paid by the taxpayer on the taxpayer's residential property. The credit is in addition to any deduction claimed for the property taxes paid.

(2) For purposes of this section, "residential property" means:

(a) a single-family residence or a rental multifamily dwelling unit, including a trailer, manufactured home, or mobile home;

(b) appurtenant improvements to the residence or dwelling;



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(c) the parcel of land upon which the single-family residence or rental multifamily dwelling unit and the appurtenant improvements to the residence or dwelling unit are located; and (d) leasehold improvements."

**Insert:** "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 30, part 1, and the provisions of Title 15, chapter 30, part 1, apply to [section 1]."

Amendment adopted as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Eggers, Fisher, Fuchs, Galvin-Halcro, Golie, Grinde, Hagener, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Kasten, Kitzenberg, Krenzler, Lawson, Mangan, Masolo, McCulloch, McGee, McKenney, Mood, Noennig, Ohs, Pavlovich, Quilici, Rehbein, Rose, Ryan, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 68

Noes: Beck, Buzzas, P. Clark, Cobb, Dell, Erickson, Ewer, Facey, Gallus, Gillan, Guggenheim, Gutsche, Harper, Harrington, Hurdle, Jore, Juneau, Lenhart, Lindeen, Matthews, McCann, Molnar, Orr, Peck, Raney, Schmidt, Smith, Squires, Swanson, Williams.

Total 30

Voted Absentee: Bookout-Reinicke, Aye; Gutsche, No.

Excused: Menahan, Tash.

Total 2

Absent or not voting: None.

Total 0

**HB 386** - Representative Rehbein moved **HB 386**, second reading copy, be further amended as follows :

1. Title, lines 5 through 7.

**Following:** the first "BY" on line 5

**Strike:** remainder of line 5 through "PERCENT"

**Insert:** "PROVIDING A CREDIT EQUAL TO 4 PERCENT OF THE PROPERTY TAXES PAID ON RESIDENTIAL PROPERTY"

**Following:** ";" on line 6

**Strike:** remainder of line 6 through "MCA;" on line 7

2. Page 1, line 11 through page 4, line 25.

**Strike:** sections 1 and 2 in their entirety

**Insert:** "NEW SECTION. Section 1. Tax credit for residential property -- definition. (1) A taxpayer is allowed a refundable credit against taxes otherwise due under this chapter in an amount equal to 4% of the amount of property taxes actually paid by the taxpayer on the taxpayer's residential property. The credit is in addition to any deduction claimed for the property taxes paid.

(2) For purposes of this section, "residential property" means:

(a) a single-family residence or a rental multifamily dwelling unit, including a trailer, manufactured home, or mobile home;

(b) appurtenant improvements to the residence or dwelling;

(c) the parcel of land upon which the single-family residence or rental multifamily dwelling unit and the

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appurtenant improvements to the residence or dwelling unit are located; and (d) leasehold improvements."

**Insert:** "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 30, part 1, and the provisions of Title 15, chapter 30, part 1, apply to [section 1]."

Amendment adopted as follows:

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

Total 84

Noes: Eggers, Ewer, Galvin-Halcro, Gillan, Gutsche, Hagener, Harrington, Matthews, McCann, Peck, Smith, Williams, Wyatt.

Total 13

Voted Absentee: Gutsche, No.

Excused: Bookout-Reinicke, Menahan, Tash.

Total 3

Absent or not voting: None.

Total 0

Motion that **HB 386**, as amended, do pass carried as follows:

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

Total 69

Noes: Beck, Buzzas, P. Clark, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Lenhart, Lindeen, Mangan, Matthews, McCulloch, Menahan, Peck, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Williams.

Total 31

Voted Absentee: Bookout-Reinicke, Tash, Ayes; Gutsche, Menahan, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 131** - Representative Grinde moved consideration of **HB 131** be placed at the top of the second reading board.  
Motion carried.

**HB 131** - Representative Kasten moved **HB 131** do pass.

**HB 131** - Representative Kasten moved **HB 131**, second reading copy, be amended as follows :

1. Page 2, line 17.

**Following:** "PLAN"

**Insert:** "for the 2001 biennium"

Amendment adopted as follows:

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

Total 90

Noes: Brainard, Jore.

Total 2

Voted Absentee: Gutsche, Aye.

Excused: Bookout-Reinicke, Menahan, Tash.

Total 3

Absent or not voting: Bitney, Gillan, Krenzler, Schmidt, Mr. Speaker.

Total 5

Representative Tropila assumed the chair.

**HB 131** - Representative Kasten moved **HB 131**, second reading copy, be further amended as follows :

1. Page 3, line 11.

**Following:** "~~control~~"

**Insert:** "children's health insurance plan as provided in subsection (2)(b)(i) and the"

2. Page 3, line 16 through line 17.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsection

Amendment adopted as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Brown, Buzzas, E.

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

Total 91

Noes: Adams, Brainard, R. Clark, Jore.

Total 4

Voted Absentee: Gutsche, Aye.

Excused: Bookout-Reinicke, Menahan, Tash.

Total 3

Absent or not voting: Bitney, Harrington.

Total 2

Representatives Menahan and Tash present at this time.

**HB 131** - Representative L. Soft moved **HB 131**, second reading copy, be further amended as follows :

1. Title, lines 6 and 7.

**Following:** "CREATING" on line 6

**Strike:** remainder of line 6 through "TRUST" on line 7

**Insert:** "THE MONTANA HEALTH ENDOWMENT"

2. Page 2, lines 5 and 6.

**Following:** "use," on line 5

**Strike:** remainder of line 5 through "program," on line 6

3. Page 2, line 7.

**Strike:** "health and long-term care trust"

**Insert:** "Montana health endowment"

4. Page 3, line 7.

**Following:** "fund"

**Strike:** ", "

**Strike:** "10% AND"

5. Page 3, line 24.

**Strike:** "HEALTH AND LONG-TERM CARE TRUST"

**Insert:** "Montana health endowment"

6. Page 4, line 13 through 20.

**Strike:** "**and long-term care trust**" on line 13

**Insert:** "endowment"

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**Following:** "(1)" on line 13

**Strike:** remainder of line 13 through line 20 in their entirety

**Insert:** "The department shall grant the funds allocated in [section 1(2)(e)] to a permanent and inviolable endowment fund to provide, on an annual basis, operational and special project support for Montana organizations providing services for at-risk children and their families and meeting the health and long-term care needs of Montanans.

(2) The Montana health endowment fund must be an advised fund held by the Montana community foundation. Grants of the earnings on the fund must be made to fund operational and project support for Montana organizations providing services for at-risk children and their families and meeting the health and long-term care needs of Montanans. The grants must be made to Montana organizations that qualify under section 501(c)(3) of the Internal Revenue Code. The grants must be made upon the recommendation of the advisory board provided for in [section 3]."

**Insert:** "NEW SECTION. Section 3. Montana health endowment advisory board. (1) There is a Montana mental health endowment advisory board. The board shall consist of individuals appointed by the speaker of the house, the president of the senate, the presiding officer of the children, families, health, and human services interim committee, the governor, and the Montana community foundation.

(2) The board shall develop eligibility, review, and selection criteria for grant recipients. The advisory board, in consultation with the children, families, health, and human services interim committee, shall recommend grant recipients and funding levels to the board of the Montana community foundation."

**Renumber:** subsequent sections

7. Page 8, line 2.

**Strike:** "instruction"

**Insert:** "instructions"

**Following:** "."

**Insert:** "(1)"

8. Page 8, line 5.

**Insert:** "(2) [Section 3] is intended to be codified as an integral part of Title 2, chapter 15, part 22, and the provisions of Title 2, chapter 15, part 22, apply to [section 3]."

9. Page 8, lines 26 and 27.

**Strike:** "health and long-term care trust" on line 26

**Following:** "L" on line 26

**Strike:** remainder of line 26 through "AND" on line 27

10. Page 9, line 11.

**Strike:** "HEALTH AND LONG-TERM CARE TRUST"

**Insert:** "Montana health endowment"

Amendment failed as follows:

Ayes: Beck, Buzzas, E. Clark, P. Clark, Dell, Erickson, Facey, Gallus, Galvin-Halcro, Gillan, Hibbard, Holden, Jackson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, Menahan, Noennig, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Shockley, Soft, Squires, Tash, Thomas, Trexler, Tropila, Walters, Younkin.

Total 39

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, E. Bergsagel, P. Bergsagel, Bitney, Brainard,

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Brown, R. Clark, Cobb, Curtiss, Dale, Davies, Eggers, Ewer, Fisher, Fuchs, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hurdle, Jore, Kasten, Lawson, Mangan, McGee, McKenney, Molnar, Mood, Ohs, Orr, Rehbein, Schmidt, Simon, Sliter, Smith, Somerville, Story, Stovall, Swanson, Taylor, Tuss, Vick, Wagner, Williams, Witt, Wyatt, Zook, Mr. Speaker.

Total 59

Voted Absentee: Gutsche, No.

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Johnson.

Total 1

**HB 131** - Representative Cobb moved **HB 131**, second reading copy, be further amended as follows :

1. Title, line 9.

**Following:** "PROGRAM;"

**Insert:** "CREATING A HEALTH AND PREVENTION FUNDING ADVISORY BOARD;"

2. Page 4, line 21.

**Following:** line 20

**Insert:** "NEW SECTION. **Section 3. Health and prevention funding advisory board.** (1) There is a health and prevention funding advisory board attached to the department for administrative purposes only as provided for in 2-15-121.

(2) There are eight members of the board appointed as follows:

(a) two members appointed by the speaker of the house of representatives;

(b) two members appointed by the president of the senate;

(c) two members appointed by the minority leader of the house of representatives; and

(d) two members appointed by the minority leader of the senate.

(3) A member may not be a legislator. Four members must be representatives of the public at large, and four members shall represent health professions or health-related organizations.

(4) The board shall approve the awarding of any grant funds by the department from the local health and prevention grants program provided for in [section 1]."

**Renumber:** subsequent sections

3. Page 8, line 2.

Page 8, line 4.

**Strike:** "AND 2"

**Insert:** "through 3"

Amendment adopted as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Hagener, Haines, Hanson, Harper, Harrington, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires,

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Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.  
Total 87

Noes: Adams, Brainard, R. Clark, Fuchs, Gutsche, Hedges, Jore, McGee, Story, Wagner, Wyatt.  
Total 11

Voted Absentee: Gutsche, No.

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Tuss.  
Total 1

**HB 131** - Representative Swanson moved **HB 131**, second reading copy, be further amended as follows :

1. Page 2, line 24.

**Strike:** "40%, UP TO \$12"

**Insert:** "33.6%, up to \$10.08"

2. Page 3, line 6.

**Strike:** the second "AND"

3. Page 3, line 7.

**Following:** line 6

**Insert:** "(e) to the office of public instruction for special education, 6.4%, up to \$1.92 million for each fiscal year; and"

**Renumber:** subsequent subsection

4. Page 3, line 7.

**Strike:** "10% AND"

5. Page 3, line 8.

**Strike:** "(2)(D)"

**Insert:** "(2)(e)"

6. Page 8, line 17.

**Strike:** "40%, UP TO \$12"

**Insert:** "33.6%, up to \$10.08"

7. Page 8, line 25.

**Strike:** the second "AND"

8. Page 8, line 26.

**Following:** line 25

**Insert:** "(d) to the office of public instruction to be deposited in the state special revenue fund in an account established by the office of public instruction for special education, 6.4%, up to \$1.92 million for each fiscal year; and"

**Renumber:** subsequent subsection

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9. Page 8, line 26 and line 27.

**Following:** "35%"

**Insert:** ", "

**Strike:** "10%," on line 26 through "AND" on line 27

10. Page 8, line 28.

**Strike:** "(2)(C)"

**Insert:** "(2)(d)"

11. Page 9, line 12.

**Strike:** "SUBSECTION (2)(D)"

**Insert:** "[section 2]"

Amendment failed as follows:

Ayes: Beck, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, Menahan, Pavlovich, Peck, Quilici, Ryan, Schmidt, Smith, Somerville, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.

Total 43

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

Total 55

Voted Absentee: Gutsche, Aye.

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Raney.

Total 1

**HB 131** - Representative Krenzler moved **HB 131**, second reading copy, be further amended as follows :

1. Page 2, line 20.

**Following:** "AS"

**Strike:** remainder of line 20

**Insert:** "follows:

(i) to the department to be deposited in the state special revenue fund to the credit of an account established by the department for the children's health insurance plan, as provided in [Senate Bill No. 81], 10%;

(ii) to the state auditor to be deposited in the state special revenue fund to the credit of an account established by the state auditor for the Montana comprehensive health association, 3.4%;

(iii) to the department to be deposited in the state special revenue fund to the credit of an account established by the department for health and prevention grants to local schools, entities, organizations, or programs for health and prevention purposes, including but not limited to tobacco use prevention and control, 46%; and



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(iv) to the fund provided for in [section 2], 40.6%."

2. Page 2, line 24.

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

**Renumber:** subsequent subsections

3. Page 3, line 6.

**Strike:** "36%, UP TO \$10.8"

**Insert:** "46%, up to \$6.9"

4. Page 3, line 7.

**Strike:** "10%"

**Insert:** "30.6%"

5. Page 3, line 23.

**Strike:** "GENERAL FUND ALLOCATION SPECIFIED IN SUBSECTION (2)(A), THE"

6. Page 8, line 13.

**Following:** "AS"

**Strike:** remainder of line 13

**Insert:** "follows:

(i) to the state auditor to be deposited in the state special revenue fund to the credit of an account established by the state auditor for the Montana comprehensive health association, 3.4%;

(ii) to the department to be deposited in the state special revenue fund to the credit of an account established by the department for health and prevention grants to local schools, entities, organizations, or programs for health and prevention purposes, including but not limited to tobacco use prevention and control, 51%; and

(iii) to the fund provided for in [section 2], 45.6%."

7. Page 8, line 17.

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

**Renumber:** subsequent subsections

8. Page 8, line 25.

**Strike:** "36%, UP TO \$10.8"

**Insert:** "46%, up to \$6.9"

9. Page 8, line 26.

**Strike:** "10%"

**Insert:** "30.6%"

10. Page 9, line 10.

**Strike:** "GENERAL FUND ALLOCATION SPECIFIED IN SUBSECTION (2)(A), THE"

11. Page 9, line 11.

**Strike:** "    "

12. Page 3, line 24.

**Following:** "(2)(D)"

**Strike:** " , "

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Amendment adopted as follows:

Ayes: Barnhart, Beck, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Holden, Hurdle, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Noennig, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Soft, Squires, Swanson, Tash, Thomas, Tropila, Tuss, Wagner, Walters, Williams, Wyatt.

Total 51

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Hibbard, Jackson, Johnson, Jore, Kasten, Lawson, McGee, McKenney, Molnar, Mood, Ohs, Rehbein, Rose, Shockley, Simon, Sliter, Somerville, Story, Stovall, Taylor, Trexler, Vick, Witt, Younkin, Zook, Mr. Speaker.

Total 47

Voted Absentee: Gutsche, Aye.

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Orr.

Total 1

**HB 131** - Representative Cobb moved **HB 131**, second reading copy, be further amended as follows :

1. Page 2, line 16.

**Strike:** "\$8"

**Insert:** "\$5"

2. Page 3, line 5.

**Strike:** "INCLUDING BUT NOT LIMITED TO"

**Insert:** "one-half of which must be granted for"

3. Page 3, line 17.

**Strike:** "general"

**Insert:** "trust"

**Following:** "fund"

**Insert:** "provided for in [section 2]"

4. Page 8, line 24.

**Strike:** "INCLUDING BUT NOT LIMITED TO"

**Insert:** "one-half of which must be granted for"

5. Page 9, line 4.

**Strike:** "general"

**Insert:** "trust"

**Following:** "fund"

**Insert:** "provided for in [section 2]"

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**HB 131** - Representative Cobb moved the amendment be divided.

Amendment #2 and #4 failed as follows:

Ayes: Barnhart, Beck, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, Menahan, Noennig, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Smith, Squires, Swanson, Trexler, Tropila, Tuss, Wagner, Williams, Wyatt, Younkin.  
Total 49

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Lawson, McCann, McGee, McKenney, Molnar, Mood, Ohs, Rehbein, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Vick, Walters, Witt, Zook, Mr. Speaker.  
Total 50

Voted Absentee: Gutsche, Aye.

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: None.  
Total 0

**HB 131** - Representative Grinde moved **HB 131**, second reading copy, be further amended as follows :

1. Page 2, line 5 through line 6.

**Following:** "use," on line 5

**Strike:** remainder of line 5 through "program," on line 6

2. Page 2, line 15.

**Following:** line 14

**Insert:** "(a) one-half must be allocated to the credit of an account in the state special revenue fund for the purpose of tax relief as determined by the 57th legislature for the 2003 biennium;"

**Renumber:** subsequent subsections

3. Page 2, line 15.

**Strike:** "THE FIRST \$20"

**Insert:** "\$10"

4. Page 2, line 24.

**Following:** line 23

**Insert:** "(a) one-half must be allocated to the credit of an account in the state special revenue fund for the purpose of tax relief as determined by the next legislature for the following biennium; and

(b) the remainder shall be allocated as follows:"

5. Page 2, line 24.

**Strike:** "(a)"

**Insert:** "(i)"

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**Renumber:** subsequent subsections

**Strike:** "\$12"

**Insert:** "\$6"

6. Page 2, line 29.

**Strike:** "\$3"

**Insert:** "\$1.5"

7. Page 3, line 2.

**Strike:** "\$1 MILLION"

**Insert:** "\$500,000"

8. Page 3, line 6.

**Strike:** "\$10.8"

**Insert:** "\$5.4"

9. Page 3, line 8.

**Strike:** "SUBSECTIONS (2)(A) THROUGH (2)(D)"

**Insert:** "subsection (2)(b)"

10. Page 3, line 11.

**Strike:** "(2)(D)"

**Insert:** "(2)(b)(iii)"

11. Page 3, line 21.

**Strike:** "SUBSECTIONS (1)(A)"

**Insert:** "subsection (1)(b)"

12. Page 3, line 24.

**Strike:** "(2)(D)"

**Insert:** "(2)(b)(iii)"

13. Page 6, line 6.

**Strike:** "1(1)(B) or (2)(B)"

**Insert:** "1(1)(c) or (2)(b)(i)"

14. Page 8, line 12.

**Following:** line 11

**Insert:** "(a) one-half must be allocated to the credit of an account in the state special revenue fund for the purpose of tax relief as determined by the 57th legislature for the 2003 biennium;"

**Renumber:** subsequent subsections

15. Page 8, line 12.

**Strike:** "\$20"

**Insert:** "\$10"

16. Page 8, line 17.

**Following:** line 16

**Insert:** "(a) one-half must be allocated to the credit of an account in the state special revenue fund for the purpose

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of tax relief as determined by the next legislature for the following biennium; and  
(b) the remainder must be allocated as follows:"

17. Page 8, line 17.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

**Strike:** "\$12"

**Insert:** "\$6"

18. Page 8, line 21.

**Strike:** "\$1 MILLION"

**Insert:** "\$500,000"

19. Page 8, line 25.

**Strike:** "\$10.8"

**Insert:** "\$5.4"

20. Page 8, line 27 and line 28.

**Strike:** "SUBSECTIONS (2)(A) THROUGH (2)(C)"

**Insert:** "subsection (2)(b)"

21. Page 9, line 8.

**Strike:** "SUBSECTIONS (1)(A)"

**Insert:** "subsection (1)(b)"

22. Page 9, line 11.

**Strike:** "(2)(C)"

**Insert:** "(2)(b)(ii)"

23. Page 9, line 12.

**Strike:** "SUBSECTION (2)(D)"

**Insert:** "[section 2]"

Amendment adopted as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Dale, Davies, Fuchs, Gillan, Grinde, Haines, Hanson, Hedges, Holden, Jackson, Jore, Kasten, Lawson, Masolo, Matthews, McCann, McGee, McKenney, Molnar, Mood, Ohs, Pavlovich, Rehbein, Rose, Shockley, Simon, Sliter, Somerville, Story, Stovall, Tash, Taylor, Thomas, Vick, Walters, Witt, Zook, Mr. Speaker.

Total 50

Noes: Barnhart, Beck, Buzzas, P. Clark, Cobb, Curtiss, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hibbard, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, McCulloch, Menahan, Noennig, Orr, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Soft, Squires, Swanson, Trexler, Tropila, Tuss, Wagner, Williams, Wyatt, Younkin.

Total 48

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Voted Absentee: Gutsche, No.

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Fisher.  
Total 1

**HB 131** - Representative Cobb moved **HB 131**, second reading copy, be further amended as follows :

1. Title, line 9.

**Following:** "PROVIDING"

**Insert:** "AN APPROPRIATION AND"

2. Page 6, line 7.

**Following:** line 6

**Insert:** "NEW SECTION. Section 4. Appropriation. There is appropriated to the department of public health and human services from the general fund for provider rate increases to implement the resource-based relative value scale (RBRVS) provider rate system:

(1) for FY 2000, \$525,000 from the general fund allocation in [section 1(1)(a)]; and

(2) for FY 2001, \$1.1 million from the general fund allocation in [section 1(2)(a)]."

**Renumber:** subsequent sections

3. Page 8, line 7.

**Strike:** "4"

**Insert:** "5"

Amendment failed as follows:

Ayes: Barnhart, Beck, E. Bergsagel, Brainard, E. Clark, R. Clark, Cobb, Davies, Erickson, Fuchs, Gallus, Grinde, Gutsche, Hagener, Harper, Harrington, Hibbard, Juneau, Krenzler, Lenhart, Mangan, Menahan, Orr, Peck, Raney, Shockley, Sliter, Thomas, Trexler, Tuss, Wagner, Walters, Witt.

Total 33

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, P. Bergsagel, Bitney, Brown, Buzzas, P. Clark, Curtiss, Dale, Dell, Eggers, Ewer, Facey, Fisher, Galvin-Halcro, Gillan, Golie, Guggenheim, Haines, Hanson, Hedges, Holden, Hurdle, Jackson, Johnson, Jore, Kasten, Kitzenberg, Lawson, Lindeen, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Pavlovich, Quilici, Rehbein, Rose, Ryan, Schmidt, Simon, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Williams, Wyatt, Younkin, Zook, Mr. Speaker.

Total 66

Voted Absentee: Gutsche, Aye.

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: None.  
Total 0

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**HB 131** - Representative C. Williams moved **HB 131**, second reading copy, be further amended as follows :

1. Page 2, line 19.

**Strike:** "AND"

2. Page 2, line 20.

**Following:** line 19

**Insert:** "(c) to the state auditor to be deposited in the state special revenue fund to the credit of an account established by the state auditor for the Montana comprehensive health association, \$1 million; and"

**Renumber:** subsequent subsection

Amendment failed as follows:

Ayes: Barnhart, Beck, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Hagener, Harper, Harrington, Jackson, Juneau, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.

Total 43

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

Total 54

Voted Absentee: Gutsche, Aye.

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Guggenheim, Hurdle.

Total 2

**HB 131** - Representative Mangan moved **HB 131**, second reading copy, be further amended as follows :

1. Page 2, line 20.

**Following:** "(C)"

**Strike:** remainder of line 20

**Insert:** "\$1 million must be allocated to the state auditor to be deposited in the state special revenue fund to the credit of an account established by the state auditor for the Montana comprehensive health association;

(d) \$6.5 million must be allocated to the department to be deposited in the state special revenue fund to the credit of an account established by the department for health and prevention grants to local schools, entities, organizations, or programs for health and prevention purposes, including but not limited to tobacco use prevention and control; and

(e) \$1.5 million and the remainder of any payments made after the amounts in subsections (1)(a) through (1)(d) are satisfied must be allocated to the fund provided for in [section 2]."

2. Page 3, line 21.

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**Following:** "(1)(A)"

**Insert:** "and (1)(d)"

3. Page 8, line 13.

**Following:** "(B)"

**Strike:** remainder of line 20

**Insert:** "\$1 million must be allocated to the state auditor to be deposited in the state special revenue fund to the credit of an account established by the state auditor for the Montana comprehensive health association;

(c) \$8 million must be allocated to the department to be deposited in the state special revenue fund to the credit of an account established by the department for health and prevention grants to local schools, entities, organizations, or programs for health and prevention purposes, including but not limited to tobacco use prevention and control; and

(d) \$8 million and the remainder of any payments made after the amounts in subsections (1)(a) through (1)(c) are satisfied must be allocated to the fund provided for in [section 2]."

4. Page 9, line 8.

**Following:** "(1)(A)"

**Insert:** "and (1)(d)"

Amendment failed as follows:

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

Total 40

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

Total 58

Voted Absentee: Gutsche, Aye.

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Jackson.

Total 1

**HB 131** - Representative Cobb moved **HB 131**, second reading copy, be further amended as follows :

1. Page 3, line 3.

**Following:** "(D)"

**Insert:** "(i)"

2. Page 3, line 6.



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**Following:** ". "

**Insert:** "(ii) 10% of the funds allocated to the department in subsection (2)(d)(i) must be transferred to Indian health clinics located in Montana pursuant to a distribution formula agreed upon and submitted to the department by the tribal leadership council;"

3. Page 8, line 22.

**Following:** "(C)"

**Insert:** "(i)"

4. Page 3, line 25.

**Following:** ". "

**Insert:** "(ii) 10% of the funds allocated to the department in subsection (2)(c)(i) must be transferred to Indian health clinics located in Montana pursuant to a distribution formula agreed upon and submitted to the department by the tribal leadership council;"

Amendment failed as follows:

Ayes: Barnhart, Beck, Buzzas, P. Clark, R. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hibbard, Hurdle, Juneau, Krenzler, Lenhart, Lindeen, Mangan, McCann, McCulloch, Menahan, Orr, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Sliter, Smith, Squires, Stovall, Swanson, Tropila, Tuss, Williams, Wyatt.

Total 46

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Holden, Jackson, Johnson, Jore, Kasten, Kitzenberg, Lawson, Masolo, Matthews, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Rehbein, Rose, Shockley, Simon, Soft, Somerville, Story, Tash, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 52

Voted Absentee: Gutsche, Aye.

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Taylor.

Total 1

**HB 131** - Representative Barnhart moved **HB 131**, second reading copy, be further amended as follows :

1. Page 3, line 6.

**Following:** "YEAR"

**Insert:** ", the grants from which are subject to the following restrictions:

(A) a school may not receive any funds unless the school and school grounds are enforced as tobacco-free;

(B) a grant may not be issued to a school, entity, organization, or program unless it provides free counseling and tobacco cessation programs for its students or employees;

(C) a grant may not be issued to a school, entity, organization, or program unless proof is provided that the school, entity, organization, or program has enforced and is rigorously enforcing the laws pertaining to tobacco use by youth, and a grant may be forfeited to the department if the school, entity, organization, or program is shown to not be enforcing the tobacco laws pertaining to youth"

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Amendment adopted as follows:

Ayes: J. Andersen, Barnhart, Beck, E. Bergsagel, Brainard, Brown, Buzzas, E. Clark, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hibbard, Holden, Hurdle, Jackson, Juneau, Kitzenberg, Krenzler, Lenhart, Mangan, Masolo, McCulloch, McGee, Menahan, Noennig, Pavlovich, Peck, Raney, Rose, Ryan, Schmidt, Smith, Soft, Somerville, Squires, Story, Swanson, Thomas, Trexler, Tropila, Tuss, Williams, Wyatt, Younkin, Mr. Speaker.

Total 58

Noes: Adams, Ahner, S. Anderson, Barnett, P. Bergsagel, R. Clark, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Johnson, Jore, Kasten, Lawson, Matthews, McCann, McKenney, Molnar, Mood, Ohs, Orr, Quilici, Rehbein, Shockley, Simon, Sliter, Stovall, Tash, Taylor, Vick, Wagner, Walters, Witt, Zook.

Total 39

Voted Absentee: Gutsche, Aye.

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Bitney, Lindeen.

Total 2

Motion that **HB 131**, as amended, do pass carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bookout-Reinicke, Brown, Buzzas, Curtiss, Dale, Dell, Eggers, Fisher, Fuchs, Golie, Grinde, Guggenheim, Hagener, Haines, Hanson, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Mangan, Masolo, Matthews, McCann, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Rose, Ryan, Shockley, Simon, Sliter, Soft, Somerville, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 64

Noes: Adams, E. Bergsagel, P. Bergsagel, Bitney, Brainard, E. Clark, P. Clark, R. Clark, Cobb, Davies, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Gutsche, Harper, Harrington, Jore, Lindeen, McCulloch, McGee, Orr, Raney, Rehbein, Schmidt, Smith, Squires, Story, Swanson, Tuss, Vick, Wagner, Williams, Wyatt.

Total 36

Voted Absentee: Bookout-Reinicke, Aye; Gutsche, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Mangan reassumed the chair.

Representative Kasten excused at this time.

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**HB 652** - Representative Guggenheim moved **HB 652** 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, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 93

Noes: Adams, Jore, McGee, Orr, Wagner.

Total 5

Voted Absentee: Bookout-Reinicke, Gutsche, Ayes.

Excused: Kasten.

Total 1

Absent or not voting: Mangan.

Total 1

**HB 510** - Representative P. Bergsagel moved **HB 510** do pass.

**HB 510** - Representative Facey moved **HB 510**, second reading copy, be amended as follows :

1. Title, line 5 through line 7.

**Strike:** "NOT" on line 5 through "DEDUCTION" on line 7

**Insert:** "OF \$600 FOR EACH DEPENDENT CHILD"

2. Title, line 8.

**Strike:** "SECTIONS 15-30-101 AND"

**Insert:** "SECTION"

3. Page 1, line 13 through page 4, line 25.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

4. Page 7, line 3 through line 5.

**Strike:** "money" on line 3 through "15-30-101" on line 5

**Insert:** "\$600 for each dependent child"

Amendment failed as follows:

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

Total 42

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Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Gutsche, Haines, Hanson, Hedges, Holden, Jackson, Johnson, Jore, Kitzenberg, McKenney, Molnar, Mood, Noennig, Ohs, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 52

Voted Absentee: Gutsche, No.

Excused: Bookout-Reinicke, Kasten.

Total 2

Absent or not voting: Cobb, McGee, Orr, Raney.

Total 4

Representative Peck excused at this time.

Representative R. Clark moved for cloture.

Motion that **HB 510** do pass carried as follows:

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

Total 51

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

Total 49

Voted Absentee: Bookout-Reinicke, Aye; Gutsche, Peck, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Peck present at this time.

**HB 653** - Representative E. Bergsagel moved **HB 653** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Kasten, Lawson, Masolo, McCann, McGee, McKenney,

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Molnar, Mood, Noennig, Ohs, Orr, Raney, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.  
Total 61

Noes: Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Matthews, McCulloch, Menahan, Pavlovich, Peck, Quilici, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.  
Total 38

Voted Absentee: Bookout-Reinicke, Aye; Gutsche, No.

Excused: None.  
Total 0

Absent or not voting: Barnhart.  
Total 1

**HB 496** - Representative Curtiss moved **HB 496** do pass.

**HB 496** - Representative Lawson moved **HB 496**, second reading copy, be amended as follows :

1. Title, line 5.

**Following:** "YEAR;"

**Insert:** "PROVIDING THAT A VOTE IS NOT REQUIRED FOR BUDGET AUTHORITY; PROVIDING THAT A VOTE IS REQUIRED FOR ANY INCREASE IN LOCAL PROPERTY TAXES;"

2. Title, line 7.

**Strike:** "SECTION"

**Insert:** "SECTIONS 20-9-353 AND"

3. Page 1.

**Following:** line 10

**Insert:** "**Section 1.** Section 20-9-353, MCA, is amended to read:

"**20-9-353. Additional financing for general fund -- election for authorization to impose.** (1) The trustees of a district may propose to adopt:

(a) a budget amount up to the BASE budget amount for the district general fund that is within the limitations and required budget increases provided in 20-9-308(2);

(b)(a) an over-BASE budget amount for the district general fund that does not exceed the maximum general fund budget for the district or other limitations, as provided in 20-9-308(3); or

(c)(b) a general fund budget amount in excess of the maximum general fund budget amount for the district, as provided in 20-9-308(4).

(2) Any increase in the local property tax levy that results from the budget amount proposed by the trustees must be submitted to a vote of the qualified electors of the district. The trustees are not required to submit to the qualified electors any increase in state funding of the basic or per-ANB entitlements approved by the legislature.

When the trustees of a district determine that a voted amount of financing is required for the general fund budget, the trustees shall submit the proposition to finance the additional voted amount of general fund financing budget authority to the electors who are qualified under 20-20-301 to vote upon the proposition. The special election must be called and conducted in the manner prescribed by this title for school elections. The ballot for the election must

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state the amount of money to be financed, the approximate number of mills required to raise all or a portion of the money, and the purpose for which the money will be expended the estimated increase in local property taxes over the prior year needed to fund the budget amount proposed by the trustees. The ballot must be in the following format:

PROPOSITION

The district levied (state the total amount of local property taxes levied in support of the district's prior year's general fund budget) dollars to support the previous year's general fund budget. If this proposition is approved, the local property taxes requested in support of the district's prior year's general fund budget will increase by approximately (state the approximate additional local property taxes). Shall the district be authorized to expend the sum of (state the additional amount to be expended), and being approximately (give number) mills, for the purpose of (insert the purpose for which the additional financing is made) increase the local property taxes by (insert the amount)?

FOR ~~budget authority and any the additional~~ levy.

AGAINST ~~budget authority and any the additional~~ levy.

(3) If the election on any additional ~~financing~~ local property taxes for the general fund is approved by a majority vote of the electors voting at the election, the proposition carries and the trustees may use any portion or all of the authorized amount in adopting the final general fund budget. The trustees shall certify any additional levy amount authorized by the special election on the budget form that is submitted to the county superintendent, and the county commissioners shall levy the authorized number of mills on the taxable value of all taxable property within the district, as prescribed in 20-9-141, ~~to raise the amount of the additional levy.~~

(4) Authorization to levy an additional tax to support a budget amount adopted as allowed by 20-9-308(4) is effective for only 1 school fiscal year.

(5) All levies adopted under this section must be authorized by a special election conducted before August 1 of the school fiscal year for which it is effective.

(6) If the trustees of a district are required to submit a proposition to finance an ~~increased amount up to the BASE budget amount, as provided in 20-9-308(2)(b), an increased over-BASE budget amount, as provided in 20-9-308(3)(a), or an amount in excess of the maximum general fund budget amount for the district as allowed by 20-9-308(4) to the electors of the district, the trustees shall comply with the provisions of subsections (2) through (4)~~ (5). "

**Renumber:** subsequent section

Amendment adopted as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, 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, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 89

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

Total 10

Voted Absentee: Gutsche, Aye.

Excused: Bookout-Reinicke.

Total 1

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Absent or not voting: None.  
Total 0

Motion that **HB 496**, as amended, do pass carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnhart, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Fisher, Fuchs, Gillan, Golie, Grinde, Haines, Hanson, Hedges, Hibbard, Jackson, Johnson, Jore, Kasten, Krenzler, Lawson, Lenhart, Lindeen, Masolo, McCann, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Peck, Raney, Rehbein, Rose, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.  
Total 67

Noes: Barnett, Beck, Buzzas, P. Clark, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Guggenheim, Gutsche, Hagener, Harper, Harrington, Holden, Hurdle, Juneau, Kitzenberg, Mangan, Matthews, McCulloch, Menahan, Pavlovich, Quilici, Ryan, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.  
Total 33

Voted Absentee: Bookout-Reinicke, Aye; Gutsche, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 651** - Representative Hanson moved **HB 651** do pass. Motion carried as follows:

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

Excused: None.  
Total 0

Absent or not voting: Curtiss.  
Total 1

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**HB 656** - Representative Story moved **HB 656** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, 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, 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 97

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Gutsche, Ayes.

Excused: None.  
Total 0

Absent or not voting: Barnett, Molnar, Rehbein.  
Total 3

**HB 669** - Representative Story moved **HB 669** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, 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, 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: Hurdle, McCann.  
Total 2

Voted Absentee: Bookout-Reinicke, Gutsche, Ayes.

Excused: None.  
Total 0

Absent or not voting: Molnar.  
Total 1

**HB 658** - Representative E. Clark moved **HB 658** do pass. Motion carried as follows:

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



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Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lindeen, Mangan, Masolo, Matthews, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 91

Noes: Barnhart, Eggers, Hagener, Hurdle, Lenhart, McCann, Peck, Smith, Tuss.

Total 9

Voted Absentee: Bookout-Reinicke, Gutsche, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 513** - Representative Grinde moved consideration of **HB 513** be placed at the bottom of the second reading board. Motion carried.

**HB 654** - Representative Grinde moved consideration of **HB 654** be passed for the day. Motion carried.

**HB 569** - Representative R. Erickson moved **HB 569** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bookout-Reinicke, Brown, Buzzas, 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, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Walters, Williams, Wyatt, Younkin, Zook, Mr. Speaker.

Total 78

Noes: Adams, E. Bergsagel, P. Bergsagel, Bitney, Brainard, E. Clark, Cobb, Davies, Fuchs, Jore, Kasten, McGee, Mood, Orr, Rehbein, Simon, Story, Taylor, Vick, Wagner, Witt.

Total 21

Voted Absentee: Bookout-Reinicke, Gutsche, Ayes.

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

**HB 420** - Representative Dale moved **HB 420** do pass. Motion carried as follows:

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Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Kitzenberg, Lawson, Lindeen, Masolo, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Raney, Rehbein, Rose, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tuss, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.  
Total 63

Noes: Barnhart, Beck, Buzzas, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Krenzler, Lenhart, Mangan, Matthews, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Ryan, Schmidt, Shockley, Smith, Squires, Swanson, Tropila, Williams, Wyatt.  
Total 36

Voted Absentee: Bookout-Reinicke, Aye; Gutsche, No.

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Mangan 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, Brainard, Brown, E. Clark, P. Clark, R. Clark, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Fisher, Fuchs, Grinde, Guggenheim, Hagener, Hanson, Harper, Harrington, Hedges, Holden, Jackson, Juneau, Kitzenberg, Krenzler, Lawson, Lindeen, Masolo, McCann, McKenney, Molnar, Mood, Noennig, Ohs, Orr, Quilici, Raney, Rose, Shockley, Simon, Sliter, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.  
Total 64

Noes: Barnhart, Buzzas, Cobb, Ewer, Facey, Galvin-Halcro, Gillan, Golie, Jore, Matthews, McCulloch, McGee, Menahan, Pavlovich, Peck, Rehbein, Ryan, Schmidt, Smith, Squires, Swanson, Tuss, Williams, Wyatt.  
Total 24

Excused: Bookout-Reinicke, Gutsche.  
Total 2

Absent or not voting: Beck, Gallus, Haines, Hibbard, Hurdle, Johnson, Kasten, Lenhart, Mangan, Soft.  
Total 10

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Grinde moved that the House adjourn until 12:00 p.m., Thursday, March 25, 1999. Motion

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carried.

House adjourned at 5:30 p.m.

MARILYN MILLER  
Chief Clerk of the House

JOHN MERCER  
Speaker of the House