

**HOUSE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
April 9, 1999

House Chambers
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Brown. Pledge of Allegiance to the Flag.

Roll Call. All members present except Representatives Dale, Eggers, and Fuchs. Quorum present.

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

Rehbein, Chairman

Speaker Mercer introduced the pages of the week:

Molly Flynn, Townsend
Kate Tiskus, Polson
Isaac Anderson, Kalispell
Joe Meier, Great Falls
Ryan Lynch, Butte
Brad Seyfert, Lewistown
Geoff Lynn, Helena
Toyna Stonehocker, Trout Creek
Becky Linnell, Sunburst
Tommy Bremer, Helena (honorary)

REPORTS OF STANDING COMMITTEES

BILLS (Rehbein, Chairman): 4/9/1999
Correctly printed: **SB 151, SB 164, SB 167, SB 172, SB 192, SB 199, SB 323, SB 342, SB 460, SB 492.**
Correctly engrossed: **HB 674, SB 273, SB 294, SB 308, SB 359, SB 426, SB 502, SB 522, SJR 9.**

AGRICULTURE (Barnett, Chairman): 4/9/1999
SB 164, be amended as follows:

1. Title, line 10 through line 12.
Following: "PROGRAMS"
Strike: remainder of line 10 through "CROSSINGS" on line 12

2. Page 8, line 11 through line 12.
Following: "MANAGEMENT" on line 11
Strike: remainder of line 11 through "CROSSINGS" on line 12

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

EDUCATION (Masolo, Chairman): 4/9/1999
SJR 16, be amended as follows:

1. Page 1, line 29.

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Following: "and"

Insert: "and"

2. Page 2, line 1 through line 3.

Strike: "; AND" on line 1 through "LAW" on line 3

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

HUMAN SERVICES (Soft, Chairman):

4/9/1999

SB 323, be amended as follows:

1. Page 1, line 17.

Strike: "tobacco settlement"

Following: "proceeds"

Insert: "received by the state as a result of the settlement of the civil action brought by the state in 1997 against various tobacco companies for recoupment of state expenses for treatment of tobacco-related illnesses"

2. Page 1, lines 21 and 22.

Strike: "BASED ON" on line 21 through "EQUALS" on line 22

Insert: "equal to"

Following: "FACTOR"

Insert: ", expressed as a percentage,"

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

NATURAL RESOURCES (Tash, Chairman):

4/9/1999

SJR 18, be concurred in. Report adopted.

SJR 20, be amended as follows:

1. Title, line 5.

Strike: "ENDORISING" through "IN"

Strike: "HEALTHY STOCKS"

Insert: "THE BALANCE OF THE NEEDS"

2. Title, line 6 through line 8.

Strike: "OPPOSING" on line 6 through "BASIN" on line 8

Insert: "RESIDENT FISH AND WILDLIFE THROUGH THE USE OF SCIENCE-BASED INTEGRATED RULE CURVES"

3. Page 1, line 21.

Strike: "concur with"

Insert: ", like"

Strike: "in supporting"

Insert: ", supports"

4. Page 1, line 23.

Following: "control,"

Insert: "municipal use,"

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5. Page 1, line 24 through line 25.

Strike: "concur with" on line 24

Insert: ", like"

Strike: "in" on line 24 through "state" on line 25

Insert: ", recognizes the importance of multiple uses of water within the Columbia River Basin"

6. Page 1, line 26 through line 27.

Following: "Montana" on line 26

Insert: ", like the State of Idaho,"

Strike: ", along" on line 26 through "for" on line 27

Insert: "about the impacts of"

7. Page 1, line 28 through line 30.

Strike: "would" on line 28 through "life" on line 30

Insert: "on resident fisheries and water within the respective states"

8. Page 2, line 2.

Strike: "concur with"

Insert: ", like"

Strike: "Idaho's belief"

Insert: "Idaho, believes"

9. Page 2, line 6.

Strike: "concur with"

Insert: ", like"

Strike: "in recognizing"

Insert: ", recognizes"

10. Page 2, line 8.

Following: "state"

Insert: "; and

WHEREAS, integrated rule curves for the operation of Libby Dam and Hungry Horse Dam improve dam operational practices to provide more favorable biological conditions for resident fish in those reservoirs and affected river reaches and help balance conditions for anadromous and resident fish so that the recovery of one is not pursued at the expense of the other; and

WHEREAS, integrated rule curves were developed by the State of Montana and the Confederated Salish and Kootenai Tribes, adopted by the Northwest Power Planning Council in its fish and wildlife program, and were ordered on January 19, 1999, by Federal Magistrate Bart Erickson of Missoula to be considered by the United States Army Corps of Engineers and the Bureau of Reclamation at each relevant stage of decisionmaking processes, including in-season decisions, regarding the operation of Hungry Horse and Libby Dams"

11. Page 2, line 13 through line 15.

Strike: ", protects" on line 13 through "state" on line 15

Insert: "and balances the needs of anadromous fish with the needs of resident fish and wildlife. In Montana, this balance is best achieved through implementation of integrated rule curves at Libby and Hungry Horse Dams"

12. Page 2.

Following: line 15

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Insert: "BE IT FURTHER RESOLVED, that the State of Montana support the State of Idaho's call for further study of the effectiveness of flow augmentation for anadromous fish recovery."

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

STATE ADMINISTRATION (Brainard, Chairman): 4/9/1999
HJR 36, be adopted. Report adopted.

TAXATION (Hibbard, Chairman): 4/9/1999
SB 111, be amended as follows:

1. Title, page 1, line 5.

Strike: "ALL"

Strike: ", EXCEPT"

2. Title, line 6 through line 7.

Strike: "THAT SPECIFICALLY TAXED," on line 6

Strike: "EXEMPTING" on line 6 through "PROPERTY;" on line 7

3. Title, page 1, line 8.

Strike: "SECTION 15-6-201"

Insert: "SECTIONS 15-1-101, 15-8-201, 15-8-404, 15-8-405, 15-8-406, 15-8-407, 15-23-101, 15-23-202, and 15-23-303"

4. Title, line 9.

Following: "MCA"

Insert: "REPEALING SECTION 15-8-403, MCA;"

5. Page 1, line 14 through page 12, line 12.

Strike: everything after the enacting clause

NEW SECTION. Section 1. Intangible personal property exemption. (1) Intangible personal property is exempt from taxation.

(2) For the purposes of this section, "intangible personal property" means personal property that is not tangible personal property and that:

(a) has no intrinsic value but is the representative or evidence of value, including but not limited to certificates of stock, bonds, promissary notes, licenses, copyrights, patents, trademarks, contracts, software, and franchises; or

(b) lacks physical existence, including but not limited to goodwill."

Insert: "**Section 2.** Section 15-1-101, MCA, is amended to read:

"15-1-101. Definitions. (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

(a) The term "agricultural" refers to:

(i) the production of food, feed, and fiber commodities, livestock and poultry, bees, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and

(ii) the raising of domestic animals and wildlife in domestication or a captive environment.

(b) The term "assessed value" means the value of property as defined in 15-8-111.

(c) The term "average wholesale value" means the value to a dealer prior to reconditioning and the profit margin shown in national appraisal guides and manuals or the valuation schedules of the department.

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(d) (i) The term "commercial", when used to describe property, means property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except property described in subsection (1)(d)(ii).

(ii) The following types of property are not commercial:

(A) agricultural lands;

(B) timberlands and forest lands;

(C) single-family residences and ancillary improvements and improvements necessary to the function of a bona fide farm, ranch, or stock operation;

(D) mobile homes and manufactured homes used exclusively as a residence except when held by a distributor or dealer as stock in trade;

(E) all property described in 15-6-135; and

(F) all property described in 15-6-136.

(e) The term "comparable property" means property that:

(i) has similar use, function, and utility;

(ii) is influenced by the same set of economic trends and physical, governmental, and social factors; and

(iii) has the potential of a similar highest and best use.

(f) The term "credit" means solvent debts, secured or unsecured, owing to a person.

(g) (i) "Department", except as provided in subsection (1)(g)(ii), means the department of revenue provided for in 2-15-1301.

(ii) In chapters 70 and 71, department means the department of transportation provided for in 2-15-2501.

(h) The terms "gas" and "natural gas" are synonymous and mean gas as defined in 82-1-111(2). The terms include all natural gases and all other fluid hydrocarbons, including methane gas or any other natural gas found in any coal formation.

(i) The term "improvements" includes all buildings, structures, fences, and improvements situated upon, erected upon, or affixed to land. When the department determines that the permanency of location of a mobile home, manufactured home, or houstrailer has been established, the mobile home, manufactured home, or houstrailer is presumed to be an improvement to real property. A mobile home, manufactured home, or houstrailer may be determined to be permanently located only when it is attached to a foundation that cannot feasibly be relocated and only when the wheels are removed.

(j) The term "leasehold improvements" means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification, and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on leasehold improvements are a lien only on the leasehold improvements.

(k) The term "livestock" means cattle, sheep, swine, goats, horses, mules, asses, llamas, alpacas, bison, ostriches, rheas, emus, and domestic ungulates.

(l) The term "manufactured home" means a residential dwelling built in a factory in accordance with the United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards. A manufactured home does not include a mobile home, as defined in 61-1-501 and in subsection (1)(m) of this section, a houstrailer, as defined in 61-1-501, or a mobile home or houstrailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.

(m) The term "mobile home" means forms of housing known as "trailers", "houstrailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, houstrailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

(n) The term "personal property" includes everything that is the subject of ownership but that is not included within the meaning of the terms "real estate" and "improvements" and "intangible personal property" as that term is defined in [section 1].

(o) The term "poultry" includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

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(p) The term "property" includes money, credits, bonds, stocks, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. This definition may not be construed to authorize the taxation of the stocks of a company or corporation when the property of the company or corporation represented by the stocks is within the state and has been taxed.

(q) The term "real estate" includes:

(i) the possession of, claim to, ownership of, or right to the possession of land;

(ii) all mines, minerals, and quarries in and under the land subject to the provisions of 15-23-501 and Title 15, chapter 23, part 8;

(iii) all timber belonging to individuals or corporations growing or being on the lands of the United States; and

(iv) all rights and privileges appertaining to mines, minerals, quarries, and timber.

(r) "Recreational" means hunting, fishing, swimming, boating, waterskiing, camping, biking, hiking, and winter sports, including but not limited to skiing, skating, and snowmobiling.

(s) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(t) The term "stock in trade" means any mobile home, manufactured home, or housetrailer that is listed by the dealer as inventory and that is offered for sale, is unoccupied, and is not located on a permanent foundation. Inventory does not have to be located at the business location of a dealer or a distributor.

(u) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

(2) The phrase "municipal corporation" or "municipality" or "taxing unit" includes a county, city, incorporated town, township, school district, irrigation district, or drainage district or a person, persons, or organized body authorized by law to establish tax levies for the purpose of raising public revenue.

(3) The term "state board" or "board" when used without other qualification means the state tax appeal board. ""

Insert: "Section 3. Section 15-8-201, MCA, is amended to read:

"15-8-201. General assessment day. (1) The department shall, between January 1 and the second Monday of July in each year, ascertain the names of all taxable inhabitants and assess all property subject to taxation in each county.

(2) The department shall assess property to:

(a) the person by whom it was owned or claimed or in whose possession or control it was at midnight of the preceding January 1; or

(b) except in the case of land splits, the new owner if the provisions of 15-7-304 have been met and the transfer certificate has been received and processed prior to determining the taxes that are due as provided in 15-10-305(2).

(3) The department shall also ascertain and assess all mobile homes arriving in the county after midnight of the preceding January 1.

(4) A mistake in the name of the owner or supposed owner of real property does not invalidate the assessment.

(5) The procedure provided by this section does not apply to:

(a) motor vehicles;

(b) motor homes, travel trailers, and campers;

(c) watercraft;

(d) livestock;

(e) property defined in 61-1-104 as special mobile equipment that is subject to assessment for personal property taxes on the date that application is made for a special mobile equipment plate;

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- (f) mobile homes and manufactured homes held by a distributor or dealer as stock in trade; and
- (g) property subject to the provisions of 15-16-203.
- ~~(6) Credits must be assessed as provided in 15-1-101(1)(f)."~~

"Section 4. Section 15-8-404, MCA, is amended to read:

"15-8-404. Property of particular types of firms. (1) The personal property belonging to the business of a merchant or of a manufacturer must be listed in the town or district where ~~his~~ the business is carried on.

(2) The personal property of express, transportation, and stage companies must be listed and assessed in the county, town, or district where ~~such~~ the property is usually kept.

(3) The personal property ~~and franchises~~ of gas and water companies must be listed and assessed in the county, town, or district where the principal works are located. Gas and water mains and pipes laid in roads, streets, or alleys are personal property."

Insert: "Section 5. Section 15-8-405, MCA, is amended to read:

"15-8-405. Street railroads, bridges, and ferries. Street railroads, ~~and bridges,~~ and ferries ~~and their franchises~~ owned by persons or corporations must be listed and assessed in the county, town, or district where ~~such~~ the property or any portion ~~thereof~~ of the property is located; ~~and the~~ The track of the railroad and the bridge are personal property."

Insert: "Section 6. Section 15-8-406, MCA, is amended to read:

"15-8-406. Assessment of public utilities in one county. Railroads operated or situated in one county; telegraph, telephone, and electric light lines and similar properties situated in one county ~~and their franchises;~~ and canals, ditches, and flumes situated in one county ~~and the franchises of the same~~ must be listed and assessed in the county in which ~~such~~ the property is located; ~~and the~~ The department of revenue ~~must~~ shall require the owner of ~~such~~ the property or ~~his~~ the owner's agent or any officer of a corporation owning the ~~same~~ the property to make a verified statement containing a list of the number of miles ~~such~~ on which the property is operated or situated in the county and the value ~~thereof~~ of the property."

Insert: "Section 7. Section 15-8-407, MCA, is amended to read:

"15-8-407. Railroads and other franchises. (1) ~~The franchise,~~ roadway, roadbed, rails, rolling stock, and all other operating property of ~~all railroads~~ a railroad operated in more than one county or more than one state must be assessed by the department of revenue as ~~hereinafter~~ provided in Title 15, chapter 23, part 2.

~~(2) Other franchises, if granted by the authorities of a county or city, must be assessed in the county or city within which they were granted; if granted by any other authority, they must be assessed in the county in which the corporations, firms, or persons owning or holding them have their principal place of business."~~

Insert: "Section 8. Section 15-23-101, MCA, is amended to read:

"15-23-101. Properties centrally assessed. The department ~~of revenue~~ shall centrally assess each year:

(1) ~~the franchise,~~ roadway, roadbeds, rails, rolling stock, and all other operating property of railroads and railroad car companies operating in more than one county in the state or more than one state;

(2) property owned by a corporation or other person operating a single and continuous property operated in more than one county or more than one state, including telegraph, telephone, microwave, electric power or transmission lines; natural gas or oil pipelines; canals, ditches, flumes, or like properties and including, if congress passes legislation that allows the state to tax property owned by an agency created by congress to transmit or distribute electrical energy, property constructed, owned, or operated by a public agency created by the congress to transmit or distribute electric energy produced at privately owned generating facilities, ~~(not including rural electric cooperatives);~~

(3) all property of scheduled airlines;

(4) the net proceeds of mines;

(5) the gross proceeds of coal mines; and

(6) property described in subsections (1) and (2) that is subject to the provisions of Title 15, chapter 24, part 12."

Insert: "Section 9. Section 15-23-202, MCA, is amended to read:

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"15-23-202. Assessment -- how made. (1) The department ~~must~~ shall assess the ~~franchise~~, roadway, roadbed, rails, rolling stock, and all other operating properties of ~~all railroads~~ a railroad operated in more than one county or more than one state. All rolling stock must be assessed in the name of the person owning, leasing, or using ~~the same~~ it. Assessment must be made to the person owning or leasing or using the ~~same~~ rolling stock and must be made upon the entire railroad within the state. The depots, stations, shops, and buildings erected upon the space covered by the right-of-way and all other property owned or leased by ~~such a person, except as above provided,~~ shall ~~must~~ be assessed by the department.

(2) In determining the taxable value of railroad property, the department shall determine the percentage rate "R" provided for in 15-6-145 in order to achieve compliance with the requirements of the federal Railroad Revitalization and Regulatory Reform Act of 1976, as amended."

Insert: "Section 10. Section 15-23-303, MCA, is amended to read:

"15-23-303. Assessment of property -- apportionment to counties. The department ~~must~~ shall assess all the ~~properties~~ property described in 15-23-301, but franchises ~~granted by the United States~~ must ~~may~~ not be assessed. The value of ~~such properties~~ property for assessment purposes ~~shall~~ must be determined upon ~~such~~ as ~~that~~ the department considers proper."

Insert: "NEW SECTION. Section 11. Repealer. Section 15-8-403, MCA, is repealed."

Insert: "NEW SECTION. Section 12. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 6, part 2, and the provisions of Title 15, chapter 6, part 2, apply to [section 1]."

Insert: "NEW SECTION. Section 13. 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]."

Insert: "NEW SECTION. Section 14. Effective date -- applicability. [This act] is effective January 1, 2000, and applies to property tax years beginning after December 31, 1999."

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

SB 424, be concurred in. Report adopted.

SB 430, be amended as follows:

1. Title, page 1, line 4.

Strike: "OR NATURAL"

2. Title, page 1, line 5.

Strike: "GAS"

3. Title, page 1, line 6.

Strike: "OR GAS"

4. Page 1, line 19.

Strike: "any"

Insert: "a"

Following: "fee"

Insert: "of up to 25 cents a barrel"

5. Page 1, line 21.

Strike: "or natural gas"

6. Page 1, line 26.

Strike: "1997"

Insert: "1998"

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

SB 441, be concurred in. Report adopted.

SB 454, be amended as follows:

1. Title, page 1, line 6.

Following: "OPERATION;"

Insert: "REQUIRING THE INTERIM LOCAL GOVERNMENT FUNDING AND STRUCTURE COMMITTEE TO CONDUCT A REVIEW OF STATE PAYMENTS IN LIEU OF TAXES;"

2. Title, page 1, line 8.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 1.

Following: line 25

Insert: "NEW SECTION. Section 2. Review of state payments in lieu of taxes. The interim local government funding and structure committee created under [section 1 of House Bill No. 622] shall include in its study of funding local government a review of state payments in lieu of taxes to local governments from grazing, agricultural, and forest activities that are self-supporting or that compete with private enterprise."

Renumber: subsequent sections

4. Page 1.

Following: line 29

Insert: "NEW SECTION. Section 4. Coordination instruction. If House Bill No. 622 is not passed and approved, then the interim revenue and taxation committee shall conduct the review of state payments in lieu of taxes required by [section 2]."

Renumber: subsequent section

5. Page 2.

Following: line 1

Insert: "NEW SECTION. Section 6. Termination. [This act] terminates June 30, 2001."

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

SB 487, be amended as follows:

1. Page 1, line 16 through line 17.

Strike: "skidable" on line 16 through "movable" on line 17

2. Page 1, line 19.

Following: "equipment"

Insert: "that is skidable, portable, or movable"

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

SB 532, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

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House amendments to Senate bills concurred in:

4/8/1999

SB 36, introduced by Keenan
SB 46, introduced by Swysgood
SB 94, introduced by Nelson
SB 132, introduced by Hertel
SB 134, introduced by Mahlum
SB 153, introduced by Halligan
SB 186, introduced by J. Wells
SB 219, introduced by Waterman
SB 225, introduced by Hertel
SB 258, introduced by Grimes
SB 271, introduced by M. Taylor

SB 97 - The Senate failed to concur in the House amendments and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 97**:

4/8/1999

Senator Hargrove, Chairman
Senator Grosfield
Senator Stang

SB 195 - The Senate failed to concur in the House amendments and authorized the President to appoint the following conference committee to meet with a like committee from the House to confer on Senate amendments to **SB 195**:

4/8/1999

Senator Hargrove, Chairman
Senator Halligan
Senator Lynch

SB 217 - The Senate failed to concur in the House amendments and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 217**:

4/8/1999

Senator K. Miller, Chairman
Senator Eck
Senator Toews

SB 229 - The Senate failed to concur in the House amendments and authorized the President to appoint the following free conference committee to meet with a like committee from the House to confer on **SB 229**:

4/8/1999

Senator F. Thomas, Chairman
Senator Cocchiarella
Senator McNutt

MESSAGES FROM THE GOVERNOR

April 7, 1999

The Honorable John Mercer
Speaker of the House
State Capitol

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Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed **House Bill 212** sponsored by Representative Hagener et al. on April 7, 1999.

Sincerely,

MARC RACICOT
Governor

April 8, 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 458** sponsored by Representative Ohs et al. on April 8, 1999.

Sincerely,

MARC RACICOT
Governor

April 9, 1999

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

The Honorable Bruce Crippen
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Mercer and President Crippen:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with an amendment House Bill 185, "**AN ACT PROVIDING FOR A DETENTION CENTER INSPECTION PROGRAM; REQUIRING DETENTION CENTERS AND HOLDING FACILITIES TO COMPLY WITH THE PROGRAM; PROVIDING THE BOARD OF CRIME CONTROL ADMINISTRATIVE AND RULEMAKING AUTHORITY; PROVIDING FOR DELAYED ENFORCEMENT AUTHORITY; AMENDING SECTIONS 7-32-2222, 7-32-2241, 44-4-301, 44-4-302, 50-1-202, 50-1-103, AND 50-2-118; AND PROVIDING EFFECTIVE DATES,**" for the following reasons.

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House Bill 185 creates a detention center inspection program to be carried out by the Montana Board of Crime Control. The Board would be required to provide counties with mandatory standards for detention centers (primarily jails). The Board would also train inspectors, be in charge of conducting inspections, review inspection reports, approve action plans to bring detention centers into compliance, and enforce the standards. All of these responsibilities are to be added to the existing duties of a small state agency, without any additional resources.

The fiscal note for HB 185 notes that \$200,000 is estimated to cover the costs of this program, and the intended version of the bill included an appropriation for that amount. However, the House Appropriations Committee removed the funding for the program, and there is no funding for it in House Bill 2.

The Board of Crime Control does not have existing resources to fund the program established by this bill. If the bill passes without an appropriation for the necessary funding, the Board will be unable to carry out the program, yet it will be vulnerable to lawsuits demanding that it carry out the Legislature's will. In addition, the Board may be exposed to significant liability should jail accidents occur. Therefore, I am proposing an amendment that will make the bill effective only upon adequate funding for the inspection program.

It is my understanding that Representative Menahan, the sponsor of the bill, is in agreement with the proposed amendment.

Sincerely,

MARC RACICOT
Governor

Governor's Amendments to HB 185:

1. Title, line 11.
Following: "MCA;"
Insert: "PROVIDING A CONTINGENT VOIDNESS PROVISION"

2. Page 9.
Following: line 7
Insert: "NEW SECTION." Section 12. **Contingent voidness.** [This act] is void if an appropriation of at least \$200,000 is not included in House Bill No. 2 to cover the costs associated with [this act]."
Renumber: subsequent sections

NEW AMENDMENT NECESSARY TO REFLECT INSERTION OF Section 12:

Page 9, line 17
Strike: "11," "12"
Insert: "13"

will read: [Sections 1 through3, 5 through 13, and this section] are effective...

FIRST READING AND COMMITMENT OF BILLS

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

HJR 38, introduced by Barnhart, Mercer, referred to Appropriations.

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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 674 passed as follows:

Ayes: Ahner, J. Andersen, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Mr. Speaker.
Total 86

Noes: Adams, S. Anderson, E. Bergsagel, P. Bergsagel, Cobb, Jore, Lawson, Orr, Vick, Wagner, Zook.
Total 11

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Molnar.
Total 1

SB 273 concurred in as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Tropila, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 77

Noes: Adams, Barnett, E. Bergsagel, P. Bergsagel, Brainard, Curtiss, Davies, Hagener, Jore, Kasten, Mangan, McCann, McGee, Orr, Peck, Rehbein, Smith, Trexler, Tuss, Vick, Wagner.
Total 21

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: None.
Total 0

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SB 294 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, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 96

Noes: Jore, Wagner.

Total 2

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: None.

Total 0

SB 359 concurred in as follows:

Ayes: Ahner, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Buzzas, Cobb, 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, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Adams, J. Andersen, E. Bergsagel, P. Bergsagel, Brainard, Brown, E. Clark, P. Clark, R. Clark, Curtiss, Davies, Jackson, Jore, Kasten, McGee, Orr, Rehbein, Rose, Story, Vick, Wagner, Witt.

Total 22

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: Younkin.

Total 1

SB 426 concurred in as follows:

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

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Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Davies, Dell, Eggers, Erickson, Facey, Fisher, Galvin-Halcro, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 88

Noes: Cobb, Ewer, Gallus, Gillan, Jore, McCann, Rehbein, Smith, Story, Swanson.

Total 10

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: None.

Total 0

SB 502 concurred in as follows:

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

Total 94

Noes: Brainard, Jore, McGee, Wagner.

Total 4

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: None.

Total 0

SB 522 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, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kasten, Kitzenberg,

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Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 94

Noes: Hurdle, Jore, Orr.

Total 3

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: McGee.

Total 1

SJR 9 concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Eggers, Ewer, Fisher, 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, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 86

Noes: E. Bergsagel, P. Bergsagel, Davies, Dell, Erickson, Facey, Gallus, Jore, McCann, Orr, Story, Vick.

Total 12

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: None.

Total 0

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

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

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

HB 20 - Senate Amendments - Representative Kitzenberg moved Senate amendments to **HB 20** be concurred in.

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Motion carried as follows:

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

Total 86

Noes: Adams, P. Bergsagel, Jore, Orr, Rehbein, Shockley, Simon, Story, Trexler, Vick, Walters.

Total 11

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: Molnar.

Total 1

HB 57 - Senate Amendments - Representative Mercer moved Senate amendments to **HB 57** be not concurred in. Motion carried as follows:

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

Total 89

Noes: Buzzas, Golie, Guggenheim, Mangan, Tuss, Williams, Wyatt.

Total 7

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: Molnar, Stovall.

Total 2

HB 100 - Representative Grinde moved consideration of **HB 100** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

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HB 129 - Senate Amendments - Representative Stovall moved Senate amendments to **HB 129** be not concurred in. Motion carried as follows:

Ayes: Adams, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McGee, Menahan, Mood, 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 88

Noes: Hagener, Jore, Mangan, Noennig.

Total 4

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: Ahner, Bitney, Lawson, McKenney, Molnar, Vick.

Total 6

HB 269 - Representative Grinde moved consideration of **HB 269** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 302 - Senate Amendments - Representative Krenzler moved Senate amendments to **HB 302** be not concurred in. Motion carried as follows:

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

Noes: P. Bergsagel, Jore, McCann, Orr, Rehbein, Vick.

Total 6

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

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Absent or not voting: Ryan.
Total 1

HB 310 - Representative Grinde moved consideration of **HB 310** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 315 - Senate Amendments - Representative Raney moved Senate amendments to **HB 315** be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, P. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Jore, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Wyatt, Zook, Mr. Speaker.
Total 82

Noes: Brainard, E. Clark, Haines, Hanson, Jackson, Kasten, Lawson, Orr, Rehbein, Smith, Somerville, Story, Taylor, Thomas, Witt, Younkin.
Total 16

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: None.
Total 0

HB 459 - Senate Amendments - Representative R. Clark moved Senate amendments to **HB 459** be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 96

Noes: Mangan.
Total 1

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

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Total 2

Absent or not voting: Simon.

Total 1

HB 478 - Senate Amendments - Representative Golie moved Senate amendments to **HB 478** be not concurred in. Motion carried as follows:

Ayes: Ahner, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, P. Clark, R. Clark, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Holden, Hurdle, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCulloch, McGee, McKenney, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Stovall, Swanson, Tropila, Tuss, Wagner, Walters, Williams, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Adams, J. Andersen, S. Anderson, E. Bergsagel, P. Bergsagel, E. Clark, Cobb, Hanson, Hibbard, Jackson, Jore, Masolo, McCann, Noennig, Orr, Rehbein, Smith, Story, Tash, Taylor, Thomas, Trexler, Vick, Witt, Younkin.

Total 25

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: Mood, Ohs.

Total 2

HB 528 - Senate Amendments - Representative Juneau moved Senate amendments to **HB 528** be not concurred in. Motion carried as follows:

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

Total 77

Noes: Adams, J. Andersen, E. Bergsagel, P. Bergsagel, Bitney, Brainard, E. Clark, Davies, Hanson, Jackson, Jore, Masolo, McGee, Molnar, Orr, Rehbein, Taylor, Vick, Walters, Witt.

Total 20

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

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Absent or not voting: Hurdle.
Total 1

HB 557 - Senate Amendments - Representative Ewer moved Senate amendments to **HB 557** be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 94

Noes: McGee, Rehbein, Vick.
Total 3

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Harrington.
Total 1

HB 590 - Senate Amendments - Representative Lawson moved Senate amendments to **HB 590** be not concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.
Total 78

Noes: Adams, E. Bergsagel, P. Bergsagel, Cobb, Gallus, Galvin-Halcro, Jore, Mangan, Orr, Rehbein, Ryan, Story, Swanson, Williams, Wyatt.
Total 15

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Bitney, Grinde, McGee, Molnar, Squires.

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Total 5

HJR 5 - Senate Amendments - Representative Jore moved Senate amendments to **HJR 5** be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Eggers, Ewer, Facey, Fisher, Gallus, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Kitzenberg, Lawson, Lindeen, Masolo, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Rehbein, Rose, Ryan, Shockley, Simon, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 69

Noes: Barnhart, Buzzas, Dell, Erickson, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Hurdle, Juneau, Krenzler, Lenhart, Mangan, Matthews, Noennig, Quilici, Raney, Schmidt, Smith, Soft, Swanson, Tropila, Tuss, Williams, Wyatt.

Total 27

Voted Absentee: Dale, Eggers, Ayes.

Excused: Fuchs.

Total 1

Absent or not voting: Grinde, Sliter, Squires.

Total 3

HB 6 - Senate Amendments - Representative McCann moved Senate amendments to **HB 6** be concurred in. Motion carried as follows:

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

Total 86

Noes: Adams, E. Bergsagel, P. Bergsagel, Cobb, Jore, Kasten, Orr, Rehbein, Wagner.

Total 9

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: Dell, McGee, Vick.

Total 3

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HB 2 - Senate Amendments - Representative Zook moved Senate amendments to **HB 2** be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Fisher, Gallus, 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, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.

Total 93

Noes: P. Bergsagel, Cobb, Facey, Galvin-Halcro, Tuss, Wyatt.

Total 6

Voted Absentee: Dale, Eggers, Ayes.

Excused: Fuchs.

Total 1

Absent or not voting: None.

Total 0

SB 205 - Representative Pavlovich moved **SB 205** be concurred in.

SB 205 - Representative Ryan moved **SB 205**, second reading copy, be amended as follows :

1. Title, line 12.

Following: "PROJECTS;"

Insert: "EXCLUDING FUEL SOLD TO THE FEDERAL DEFENSE FUEL SUPPLY CENTER;"

2. Title, line 14.

Following: "~~15-70-221,~~"

Insert: "15-70-221,"

3. Page 1, line 23.

Following: "fuel,"

Insert: "other than fuel sold to the federal defense fuel supply center,"

4. Page 7, line 2.

Insert: "**Section 3.** Section 15-70-221, MCA, is amended to read:

"15-70-221. (Temporary) Refund or credit authorized. (1) A person who purchases and uses any gasoline on which the Montana gasoline license tax has been paid for denaturing alcohol to be used in gasohol, for operating or propelling stationary gasoline engines or tractors used off the public highways and streets, or for any commercial use other than propelling vehicles upon any of the public highways or streets of this state is allowed a refund of the amount of tax paid directly or indirectly on the gasoline. The refund may not exceed the tax paid or to be paid to the state. Except as provided in subsection (5) ~~or (6)~~, a refund is not allowed for the tax per gallon upon aviation fuel allocated to the department of transportation by 67-1-301.

(2) A distributor who pays the gasoline license tax to this state erroneously is allowed a credit or refund

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of the amount of tax paid.

(3) (a) A distributor is entitled to a credit for the tax paid to the department on those sales of gasoline with a tax liability of \$200 or greater for which the distributor has not received consideration from or on behalf of the purchaser and for which the distributor has not forgiven any liability. The distributor may not have declared the accounts of the purchaser worthless more than once during a 3-year period, and the distributor must have claimed those accounts as bad debts for federal income tax purposes.

(b) If a credit has been granted under this subsection (3), any amount collected on the accounts that were declared worthless must be reported to the department and the tax due must be prorated on the collected amount and must be paid to the department.

(c) The department may require a distributor to submit periodic reports listing accounts that are delinquent for 90 days or more.

(4) A person who purchases and exports for sale, use, or consumption outside Montana gasoline on which the Montana gasoline tax has been paid is entitled to a credit or refund of the amount of tax paid unless the person is not licensed and is not paying the tax to the state the fuel is destined for. The credit or refund will be made upon completion of the information reports required under 15-70-209 and presentation to the department of proof of delivery outside Montana as it may by rule require.

(5) A scheduled passenger air carrier certified under 14 CFR, part 121 or 135, may claim a refund of 2 cents on each gallon of aviation fuel purchased by the carrier on which the Montana gasoline license tax has been paid.

~~(6) A Montana refinery or distributor who sells JP-4 or JP-8 jet fuel to the federal defense fuel supply center is entitled to a credit or refund of 2 cents a gallon for each gallon that is sold to the supply center and on which the gasoline license tax has been paid. (Terminates on occurrence of contingency--sec. 17, Ch. 642, L. 1993.)~~

15-70-221. (Effective on occurrence of contingency) Refund or credit authorized. (1) A person who purchases and uses any gasoline on which the Montana gasoline license tax has been paid for denaturing alcohol to be used in gasohol, for operating or propelling stationary gasoline engines or tractors used off the public highways and streets, or for any commercial use other than propelling vehicles upon any of the public highways or streets of this state is allowed a refund of the amount of tax paid directly or indirectly on the gasoline. The refund may not exceed the tax paid or to be paid to the state. Except as provided in subsection (5) ~~or (6)~~, a refund is not allowed for the tax per gallon upon aviation fuel allocated to the department of transportation by 67-1-301.

(2) A distributor who pays the gasoline license tax to this state erroneously is allowed a credit or refund of the amount of tax so paid.

(3) (a) A distributor is entitled to a credit for the tax paid to the department on those sales of gasoline with a tax liability of \$200 or greater for which the distributor has not received consideration from or on behalf of the purchaser and for which the distributor has not forgiven any liability. The distributor may not have declared the accounts of the purchaser worthless more than once during a 3-year period, and the distributor must have claimed those accounts as bad debts for federal income tax purposes.

(b) If a credit has been granted under this subsection (3), any amount collected on the accounts that were declared worthless must be reported to the department and the tax due must be prorated on the collected amount and must be paid to the department.

(c) The department may require a distributor to submit periodic reports listing accounts that are delinquent for 90 days or more.

(4) A person who purchases and exports for sale, use, or consumption outside Montana gasoline on which the Montana gasoline tax has been paid is entitled to a credit or refund of the amount of tax paid unless the person is not licensed and is not paying the tax to the state the fuel is destined for. The credit or refund will be made upon completion of the information reports required under 15-70-209 and presentation to the department of proof of delivery outside Montana as it may by rule require.

(5) A scheduled passenger air carrier certified under 14 CFR, part 121 or 135, may claim a refund of 1 cent on each gallon of aviation fuel purchased by the carrier on which the Montana gasoline license tax has been paid.

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~~(6) A Montana refinery or distributor who sells JP-4 or JP-8 jet fuel to the federal defense fuel supply center is entitled to a credit or refund of 1 cent a gallon for each gallon that is sold to the supply center and on which the gasoline license tax has been paid."~~

Renumber: subsequent sections

Amendment adopted as follows:

Ayes: Adams, Ahner, Barnett, Barnhart, Beck, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dell, Ewer, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Haines, Harper, Hurdle, Jore, Juneau, Lenhart, Lindeen, Mangan, Matthews, McCann, McGee, McKenney, Menahan, Orr, Raney, Rose, Ryan, Schmidt, Simon, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin.

Total 53

Noes: J. Andersen, S. Anderson, E. Bergsagel, P. Bergsagel, Bitney, Dale, Davies, Erickson, Facey, Fisher, Grinde, Hagener, Hanson, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Kasten, Kitzenberg, Krenzler, Lawson, Masolo, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Rehbein, Shockley, Sliter, Smith, Soft, Somerville, Story, Tash, Taylor, Thomas, Vick, Zook, Mr. Speaker.

Total 44

Voted Absentee: Dale, No.

Excused: Eggers, Fuchs.

Total 2

Absent or not voting: McCulloch.

Total 1

Motion that **SB 205**, as amended, be concurred in carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, 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, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 87

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, Davies, Jore, Kasten, Pavlovich, Shockley, Smith, Vick, Walters.

Total 12

Voted Absentee: Dale, Eggers, Ayes.

Excused: Fuchs.

Total 1

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Absent or not voting: None.
Total 0

HB 47 - Senate Amendments - Representative Anderson moved Senate amendments to **HB 47** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Jore, 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, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 95

Noes: Jackson, McGee.
Total 2

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Williams.
Total 1

HB 53 - Senate Amendments - Representative R. Clark moved Senate amendments to **HB 53** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, 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, McCann, McCulloch, McGee, McKenney, Menahan, Noennig, 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, Witt, Wyatt, Younkin, Zook.
Total 90

Noes: P. Clark, Hurdle, Williams.
Total 3

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Bitney, Molnar, Mood, Ohs, Mr. Speaker.

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Total 5

HB 54 - Senate Amendments - Representative Menahan moved Senate amendments to **HB 54** be concurred in. Motion carried as follows:

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

Total 91

Noes: E. Bergsagel, P. Bergsagel, Hurdle, Jore, Orr, Williams.

Total 6

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: Rose.

Total 1

HB 58 - Senate Amendments - Representative Younkin moved Senate amendments to **HB 58** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, 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, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, 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 96

Noes: Hurdle, Peck.

Total 2

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: None.

Total 0

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HB 64 - Senate Amendments - Representative McCann moved Senate amendments to **HB 64** be concurred in. Motion carried as follows:

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

Total 91

Noes: Brainard, Hagener, Jore, McGee, Rehbein, Story.

Total 6

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: Harper.

Total 1

HB 74 - Senate Amendments - Representative Mood moved Senate amendments to **HB 74** be concurred in. 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, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, 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, 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, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 93

Noes: Adams, Jore, Orr.

Total 3

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: Harrington, Thomas.

Total 2

HB 81 - Senate Amendments - Representative Menahan moved Senate amendments to **HB 81** be concurred in.

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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, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, 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 98

Noes: None.

Total 0

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Grinde moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Curtiss, Davies, Dell, Erickson, Ewer, Facey, Fisher, 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, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Mr. Speaker.

Total 92

Noes: Cobb, Mangan, Rehbein, Smith.

Total 4

Excused: Dale, Eggers, Fuchs.

Total 3

Absent or not voting: Zook.

Total 1

Sergeant-at-Arms Meuli escorted a committee from the Senate into the House Chamber. The committee delivered a letter from President Crippen to Speaker Mercer.

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MESSAGES FROM THE SENATE

April 9, 1999

Representative Mercer
Speaker of the House
Capitol Station
Helena, MT 59620

Dear Speaker Mercer:

The purpose of this letter is to formally notify you that the Senate has voted to recall Senate Bill No. 200 from the Governor for purposes of further consideration. It is the intent of the Senate to reconsider the Senate action in adopting the free conference committee report and to appoint a new free conference committee. I would appreciate the cooperation of the House of Representatives in expediting the appointment of a new free conference committee to allow further consideration of Senate Bill No. 200.

Sincerely,

Bruce D. Crippen

MESSAGES FROM THE GOVERNOR

April 9, 1999

The Honorable Bruce Crippen
President of the Senate
State Capitol
Helena MT 59620

Representative Mercer
Speaker of the House
Capitol Station
Helena, MT 59620

Dear President Crippen and Speaker Mercer:

By this letter, I am acceding to the request of the Senate and the House of Representatives to recall Senate Bill 200. Senate Bill 200 is returned herewith.

Sincerely,

MARC RACICOT
Governor

MOTIONS

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Representative Grinde moved that the Speaker be authorized to appoint a free conference committee **SB 200**. 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, Davies, Fisher, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Kitzenberg, Krenzler, Lawson, Masolo, McCann, McKenney, Molnar, Mood, Noennig, Ohs, Pavlovich, Quilici, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.
Total 59

Noes: Barnhart, Beck, Buzzas, P. Clark, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Lenhart, Lindeen, Mangan, Matthews, McCulloch, McGee, Menahan, Orr, Peck, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.
Total 37

Excused: Dale, Eggers, Fuchs.
Total 3

Absent or not voting: Dell.
Total 1

ANNOUNCEMENTS

Free conference committee meeting on **SB 200** was announced by the committee chairman.

**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 Simon in the chair.

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

HB 266 - Senate Amendments - Representative Guggenheim moved Senate amendments to **HB 266** be concurred in. 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, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, 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, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook.
Total 92

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Noes: Adams, Jore, Orr, Smith, Vick.
Total 5

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Mr. Speaker.
Total 1

HB 100 - Senate Amendments - Representative Sliter moved Senate amendments to **HB 100** be not concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook.
Total 91

Noes: Buzzas, Cobb, McGee, Orr, Peck.
Total 5

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Squires, Mr. Speaker.
Total 2

HB 269 - Senate Amendments - Representative Molnar moved Senate amendments to **HB 269** be not concurred in. Motion 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, Curtiss, Davies, Eggers, Erickson, Facey, Fisher, Gallus, Grinde, Guggenheim, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Quilici, Raney, Rose, Ryan, Shockley, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.
Total 78

Noes: Beck, Buzzas, P. Clark, Cobb, Dell, Ewer, Galvin-Halcro, Gillan, Golie, Gutsche, Juneau, Mangan, Peck, Schmidt, Smith, Swanson, Tuss, Williams, Wyatt.

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Total 19

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: Rehbein.

Total 1

HB 310 - Senate Amendments - Representative Molnar moved Senate amendments to **HB 310** be not concurred in. Motion failed as follows:

Ayes: Adams, Ahner, J. Andersen, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Curtiss, Davies, Eggers, Fisher, Grinde, Haines, Hanson, Hedges, Holden, Jackson, Jore, Kasten, Lawson, McGee, McKenney, Menahan, Molnar, Mood, Ohs, Orr, Rehbein, Simon, Sliter, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 49

Noes: S. Anderson, Barnhart, Beck, Buzzas, P. Clark, Cobb, Dell, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hibbard, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Noennig, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Smith, Soft, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.

Total 49

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: None.

Total 0

Representative Grinde moved that the House recess for the purpose of caucuses and reconvene at 2:00 p.m.

House recessed at 1:30p.m.

House reconvened at 2:00 p.m.

SB 10 - Conference Committee Report No. 1 - Representative Hanson moved the Conference Committee report to **SB 10** be adopted. Motion carried as follows:

Ayes: Ahner, J. Andersen, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dell, Eggers, Erickson, Ewer, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Holden, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Matthews, McCulloch, McKenney, Menahan, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Simon, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Tropila, Tuss, Wagner, Williams, Witt, Wyatt, Younkin, Zook.

Total 70

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Noes: Adams, S. Anderson, E. Bergsagel, P. Bergsagel, Davies, Facey, Hibbard, Jackson, Jore, Kasten, Mangan, Masolo, McCann, McGee, Molnar, Mood, Noennig, Ohs, Orr, Rehbein, Shockley, Smith, Story, Trexler, Vick.
Total 25

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Sliter, Walters, Mr. Speaker.
Total 3

SB 20 - Conference Committee Report No. 1 - Representative Grinde moved the Conference Committee report to **SB 20** be adopted. Motion carried as follows:

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

Noes: Adams, P. Bergsagel, R. Clark, Jore, Orr.
Total 5

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Grinde, Molnar, Story.
Total 3

SB 54 - Conference Committee Report No. 1 - Representative Soft moved the Conference Committee report to **SB 54** be adopted. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, 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, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 94

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Noes: Jore, Orr, Vick.
Total 3

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Story.
Total 1

SB 79 - Free Conference Committee Report No. 1 - Representative Johnson moved the Free Conference Committee report to **SB 79** be adopted. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 89

Noes: Adams, E. Bergsagel, P. Bergsagel, Bitney, R. Clark, Jore, Orr, Rehbein, Wagner.
Total 9

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: None.
Total 0

SB 113 - Conference Committee Report No. 1 - Representative Anderson moved the Conference Committee report to **SB 113** be adopted. Motion carried as follows:

Ayes: Adams, Ahner, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, Buzzas, Cobb, Curtiss, Davies, Dell, Eggers, Ewer, Fisher, Grinde, Guggenheim, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lindeen, Masolo, Matthews, McCulloch, McKenney, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Raney, Rose, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Vick, Walters, Wyatt, Younkin, Zook, Mr. Speaker.
Total 69

Noes: J. Andersen, E. Bergsagel, P. Bergsagel, Brainard, E. Clark, P. Clark, R. Clark, Erickson, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Lenhart, Mangan, McCann, McGee, Noennig, Peck, Rehbein, Ryan, Tropila, Tuss, Wagner, Williams, Witt.

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Total 27

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: Quilici, Story.

Total 2

Representative Sliter assumed the chair.

SB 243 - Conference Committee Report No. 1 - Representative McGee moved the Conference Committee report to **SB 243** be adopted. Motion carried as follows:

Ayes: Barnhart, Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Holden, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Smith, Soft, Squires, Swanson, Tropila, Williams, Wyatt, Mr. Speaker.

Total 50

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Davies, Fisher, Grinde, Haines, Hanson, Hedges, Hibbard, Jackson, Jore, Kasten, Lawson, Lenhart, McGee, McKenney, Molnar, Orr, Rehbein, Simon, Sliter, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tuss, Vick, Wagner, Walters, Witt, Younkin, Zook.

Total 48

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.

Total 2

Absent or not voting: None.

Total 0

SB 169 - Conference Committee Report No. 1 - Representative Johnson moved the Conference Committee report to **SB 169** be adopted. Motion carried as follows:

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

Total 94

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Noes: Jore, Orr, Rehbein.
Total 3

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Mood.
Total 1

HB 91 - Senate Amendments - Representative Simon moved Senate amendments to **HB 91** be concurred in. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Ewer, Facey, Fisher, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 86

Noes: Adams, Buzzas, Erickson, Gallus, Hurdle, Jore, Mangan, McGee, Orr, Wagner.
Total 10

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Schmidt, Story.
Total 2

HB 95, HB 130 - Representative Grinde moved consideration of **HB 95** and **HB 130** be placed at the bottom of the second reading board. Motion carried.

HB 99 - Senate Amendments - Representative Hagener moved Senate amendments to **HB 99** be concurred in. Motion carried as follows:

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

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Total 94

Noes: None.
Total 0

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Grinde, Guggenheim, Mood, Ohs.
Total 4

Representative Simon reassumed the chair.

HB 111 - Senate Amendments - Representative Guggenheim moved Senate amendments to **HB 111** be concurred in. 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, R. Clark, Cobb, Davies, Dell, Eggers, Erickson, Fisher, 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, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Noennig, Pavlovich, Peck, Quilici, Raney, 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 84

Noes: Adams, P. Clark, Curtiss, Ewer, Facey, Lindeen, Mangan, Orr, Rehbein, Smith, Tuss.
Total 11

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Molnar, Mood, Ohs.
Total 3

HB 116 - Senate Amendments - Representative McGee moved Senate amendments to **HB 116** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Buzzas, 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, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Noennig, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.
Total 84

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Noes: P. Bergsagel, Brainard, Brown, Davies, Jore, Orr, Rehbein, Story, Vick, Wagner, Wyatt.
Total 11

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Mood, Ohs, Smith.
Total 3

HB 153 - Senate Amendments - Representative Hedges moved Senate amendments to **HB 153** be concurred in.
Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Grinde, Guggenheim, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Kasten, Kitzenberg, Krenzler, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.
Total 77

Noes: E. Bergsagel, P. Bergsagel, Brown, Galvin-Halcro, Gillan, Golie, Gutsche, Hurdle, Jore, Juneau, Lawson, Mangan, McGee, Molnar, Orr, Rehbein, Story, Vick, Wyatt.
Total 19

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Pavlovich, Sliter.
Total 2

Representative Grinde moved that the House recess and reconvene at 4:00 p.m.

House recessed at 2:35 p.m.

House reconvened at 4:00 p.m.

Roll Call. All members present except Representatives Dale, Eggers, and Fuchs. Quorum present.

MESSAGES FROM THE SENATE

FREE CONFERENCE COMMITTEE
on Senate Bill 200
Report No. 2, April 9, 1999

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Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 200** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 200** (reference copy -- salmon) be amended as follows:

1. Title, line 11.

Following: "PROVIDING"

Insert: "A PHASED-IN RATE REDUCTION AND A"

2. Title, line 13.

Following: "EQUIPMENT;"

Insert: "PROVIDING EXEMPTIONS FOR CLASS SIX PROPERTY;"

3. Title, line 14.

Strike: "1999"

Insert: "2000"

4. Title, line 15.

Strike: "2002"

Insert: "2003"

5. Title, line 16.

Following: "PROPERTY;"

Insert: "REIMBURSING LOCAL TAXING JURISDICTIONS FOR THE EXEMPTIONS AND PHASED-IN RATE REDUCTION FOR CLASS EIGHT PROPERTY;"

6. Title, line 21.

Following: "15-6-136,"

Insert: "15-6-138,"

7. Page 1, line 30.

Strike: "1999, 2000, and 2001"

Insert: "2000, 2001, and 2002"

8. Page 2, line 11.

Strike: "1998" in both places

Insert: "1999" in both places

9. Page 2, line 13.

Strike: "1998" in both places

Insert: "1999" in both places

10. Page 2, line 17.

Strike: "1998"

Insert: "1999"

11. Page 2, line 18.

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Strike: "1998"
Insert: "1999"

12. Page 2, line 19.
Strike: "1998"
Insert: "1999"

13. Page 2, line 20.
Strike: "1998"
Insert: "1999"

14. Page 2, line 22.
Strike: "1998" in both places
Insert: "1999" in both places

15. Page 2, line 24.
Strike: "1998"
Insert: "1999"

16. Page 2, line 25.
Strike: "1998"
Insert: "1999"

17. Page 2, line 26.
Strike: "1999"
Insert: "2000"

18. Page 2, line 27.
Strike: "2000"
Insert: "2001"

19. Page 2, line 28.
Strike: "2001"
Insert: "2002"

20. Page 3, line 3.
Strike: "1998, 1999, 2000, and 2001"
Insert: "1999, 2000, 2001, and 2002"

21. Page 3, line 4.
Strike: "2002"
Insert: "2003"

22. Page 3, line 5.
Strike: "2002"
Insert: "2003"

23. Page 3, line 6.
Strike: "1998" in both places

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Insert: "1999" in both places

24. Page 3, line 7.

Strike: "1999"

Insert: "2000"

25. Page 3, line 23.

Strike: "1998"

Insert: "1999"

26. Page 3, line 24.

Strike: "1998"

Insert: "1999"

27. Page 3, line 26.

Strike: "1998"

Insert: "1999"

28. Page 3, line 28.

Strike: "1998"

Insert: "1999"

29. Page 3, line 29.

Strike: "1998"

Insert: "1999"

30. Page 3, line 30.

Strike: "1998"

Insert: "1999"

31. Page 4, lines 20 and 21.

Following: "facilities" on line 20

Strike: remainder of line 20 through "PROPERTY" on line 21

32. Page 4, line 22.

Following: "and"

Insert: "and"

33. Page 4, lines 23 through 29.

Following: "facility" on line 23

Strike: remainder of line 23 through "2003" on line 29

34. Page 11, line 17.

Strike: "2000"

Insert: "2001"

35. Page 11, line 18.

Strike: "1998"

Insert: "1999"

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Strike: "20%"
Insert: "60%"

36. Page 11, line 21.
Strike: "2001"
Insert: "2002"

37. Page 11, line 22.
Strike: "1998"
Insert: "1999"
Strike: "40%"
Insert: "60%"

38. Page 11, line 25.
Strike: "2002"
Insert: "2003"

39. Page 11, line 26.
Strike: "1998"
Insert: "1999"

40. Page 11, line 29.
Strike: "year 2003 and succeeding fiscal years"
Insert: "years in which the tax rate for class eight property is 2%"

41. Page 11, line 30.
Strike: "1998"
Insert: "1999"

42. Page 12, line 1.
Strike: "80%"
Insert: "77%"

43. Page 12, line 3.
Strike: "YEAR 2004 AND SUCCEEDING FISCAL YEARS"
Insert: "years in which the tax rate for class eight property is 1%"

44. Page 12, line 4.
Strike: "100%"
Insert: "94%"

45. Page 12, line 5.
Following: "39%"
Insert: "; and

(f) for bonds to be issued during the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of class eight property within the local government for tax year 1999, in each case of former class eight property, multiplied by 39%"

46. Page 13, line 5.

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Strike: "2000"
Insert: "2001"

47. Page 13, line 6.
Strike: "1998"
Insert: "1999"
Strike: "20%"
Insert: "60%"

48. Page 13, line 8.
Strike: "2001"
Insert: "2002"

49. Page 13, line 9.
Strike: "1998"
Insert: "1999"
Strike: "40%"
Insert: "60%"

50. Page 13, line 11.
Strike: "2002"
Insert: "2003"

51. Page 13, line 12.
Strike: "1998"
Insert: "1999"

52. Page 13, line 14.
Strike: "year 2003 and succeeding fiscal years"
Insert: "years in which the tax rate for class eight property is 2%"

53. Page 13, line 15.
Strike: "1998"
Insert: "1999"

54. Page 13, line 16.
Strike: "80%"
Insert: "77%"

55. Page 13, line 18.
Strike: "YEAR 2004 AND SUCCEEDING FISCAL YEARS"
Insert: "years in which the tax rate for class eight property is 1%"

56. Page 13, line 19.
Strike: "100%"
Insert: "94%"

57. Page 13, line 20.

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Following: "23%"

Insert: "; and

(h) for indebtedness to be incurred during the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 23%"

58. Page 14, line 10.

Strike: "2000"

Insert: "2001"

59. Page 14, line 11.

Strike: "1998"

Insert: "1999"

60. Page 14, line 12.

Strike: "20%"

Insert: "60%"

61. Page 14, line 14.

Strike: "2001"

Insert: "2002"

62. Page 14, line 15.

Strike: "1998"

Insert: "1999"

63. Page 14, line 16.

Strike: "40%"

Insert: "60%"

64. Page 14, line 18.

Strike: "2002"

Insert: "2003"

65. Page 14, line 19.

Strike: "1998"

Insert: "1999"

66. Page 14, line 22.

Strike: "year 2003 and succeeding fiscal years"

Insert: "years in which the tax rate for class eight property is 2%"

67. Page 14, line 23.

Strike: "1998"

Insert: "1999"

68. Page 14, line 24.

Strike: "80%"

Insert: "77%"

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69. Page 14, lines 26 and 27.

Following: the first "FISCAL" on line 26

Strike: remainder of line 26 through "YEARS" on line 27

Insert: "years in which the tax rate for class eight property is 1%"

70. Page 14, line 27.

Strike: "100%"

Insert: "94%"

71. Page 14, line 28.

Following: "11.25%"

Insert: "; and

(h) for general obligation bonds to be issued during the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 11.25%"

72. Page 15, line 23.

Strike: "2000"

Insert: "2001"

73. Page 15, line 24.

Strike: "1998"

Insert: "1999"

Strike: "20%"

Insert: "60%"

74. Page 15, line 26.

Strike: "2001"

Insert: "2002"

75. Page 15, line 27.

Strike: "1998"

Insert: "1999"

Strike: "40%"

Insert: "60%"

76. Page 15, line 29.

Strike: "2002"

Insert: "2003"

77. Page 15, line 30.

Strike: "1998"

Insert: "1999"

78. Page 16, line 2.

Strike: "year 2003 and succeeding fiscal years"

Insert: "years in which the tax rate for class eight property is 2%"

79. Page 16, line 3.

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Strike: "1998"
Insert: "1999"

80. Page 16, line 4.
Strike: "80%"
Insert: "77%"

81. Page 16, line 6.
Strike: "YEAR 2004 AND SUCCEEDING FISCAL YEARS"
Insert: "years in which the tax rate for class eight property is 1%"
Strike: "100%"
Insert: "94%"

82. Page 16, line 8.
Following: "11.25%"
Insert: "; and

(g) for the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 11.25%"

83. Page 17, line 13.
Strike: "2000"
Insert: "2001"

84. Page 17, line 14.
Strike: "1998"
Insert: "1999"
Strike: "20%"
Insert: "60%"

85. Page 17, line 16.
Strike: "2001"
Insert: "2002"

86. Page 17, line 17.
Strike: "1998"
Insert: "1999"
Strike: "40%"
Insert: "60%"

87. Page 17, line 19.
Strike: "2002"
Insert: "2003"

88. Page 17, line 20.
Strike: "1998"
Insert: "1999"

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89. Page 17, line 22.

Strike: "year"

Strike: "2003 and succeeding fiscal years"

Insert: "years in which the tax rate for class eight property is 2%"

90. Page 17, line 23.

Strike: "1998"

Insert: "1999"

91. Page 17, line 24.

Strike: "80%"

Insert: "77%"

92. Page 17, line 26.

Strike: "YEAR 2004 AND SUCCEEDING FISCAL YEARS"

Insert: "years in which the tax rate for class eight property is 1%"

Strike: "100%"

Insert: "94%"

93. Page 17, line 28.

Following: "13%"

Insert: "; and

(vii) for the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 13%"

94. Page 22, line 1.

Strike: "1998"

Insert: "1999"

95. Page 22, line 2.

Strike: "1999"

Insert: "2000"

96. Page 22, line 3.

Strike: "2000"

Insert: "2001"

97. Page 22, line 4.

Strike: "2001"

Insert: "2002"

98. Page 22, line 5.

Insert: "**Section 12.** Section 15-6-138, MCA, is amended to read:

"15-6-138. Class eight property -- description -- taxable percentage. (1) Class eight property includes:

(a) all agricultural implements and equipment;

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;

(c) all manufacturing machinery, fixtures, equipment, tools that are not exempt under 15-6-201(1)(r), and

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supplies except those included in class five;

(d) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;

(e) special mobile equipment as defined in 61-1-104;

(f) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(g) x-ray and medical and dental equipment;

(h) citizens' band radios and mobile telephones;

(i) radio and television broadcasting and transmitting equipment;

(j) cable television systems;

(k) coal and ore haulers;

(l) theater projectors and sound equipment; and

(m) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, "coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds per axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(3) "Commercial establishment" includes any hotel; motel; office; petroleum marketing station; or service, wholesale, retail, or food-handling business.

(4) Class eight property is taxed at:

(a) ~~7% of its market value for tax year 1997; and~~

~~(b) 6% of its market value for tax years beginning after December 31, 1997; and~~

~~(b) 3% of its market value for tax years beginning after December 31, 1999.~~

(5) (a) If, in any year beginning with tax year 2004, the percentage growth in inflation-adjusted Montana wage and salary income, in the last full year for which data is available, is at least 2.85% from the prior year, then the tax rate for class eight property will be reduced by 1% each year until the tax rate reaches zero.

(b) The department shall calculate the percentage growth in subsection (5)(a) by using the formula (W/CPI) - 1, where:

(i) W is the Montana wage and salary income for the most current available year divided by the Montana wage and salary income for the year prior to the most current available year; and

(ii) CPI is the consumer price index for the most current available year used in subsection (5)(b)(i) divided by the consumer price index for the year prior to the most current available year as used in subsection (5)(b)(i).

(c) For purposes of determining the percentage growth in subsection (5)(a), the department shall use the wage and salary data series referred to as the bureau of economic analysis of the United States department of commerce Montana wage and salary disbursements. Inflation must be measured by the consumer price index, U.S. city average, all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(6) Beginning with tax year 2000, the class eight property of a person or business entity that owns an aggregate of \$5,000 or less in market value of class eight property is exempt from taxation."

Renumber: subsequent sections

99. Page 27, line 17.

Following: "requirements"

Insert: "; however, all new businesses shall report their class eight property so that the department can determine the market value of the property"

100. Page 34, line 9.

Strike: "24"

Insert: "26"

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101. Page 35, line 7.

Strike: "24"

Insert: "26"

102. Page 36, line 10.

Strike: "2000"

Insert: "2001"

103. Page 36, line 11.

Strike: "1998"

Insert: "1999"

Strike: "20%"

Insert: "60%"

104. Page 36, line 13.

Strike: "2001"

Insert: "2002"

105. Page 36, line 14.

Strike: "1998"

Insert: "1999"

Strike: "40%"

Insert: "60%"

106. Page 36, line 16.

Strike: "2002"

Insert: "2003"

107. Page 36, line 17.

Strike: "1998"

Insert: "1999"

108. Page 36, line 19.

Strike: "year"

Strike: "2003 and succeeding fiscal years"

Insert: "years in which the tax rate for class eight property is 2%"

109. Page 36, line 20.

Strike: "1998"

Insert: "1999"

110. Page 36, line 21.

Strike: "80%"

Insert: "77%"

111. Page 36, line 23.

Strike: "YEAR 2004 AND SUCCEEDING FISCAL YEARS"

Insert: "years in which the tax rate for class eight property is 1%"

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112. Page 36, line 24.

Strike: "100%"

Insert: "94%"

113. Page 36, line 25.

Following: "45%"

Insert: "; and

(vii) for bonds to be issued during the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the district for tax year 1999, in each case of former class eight property, multiplied by 45%"

114. Page 37, line 7.

Strike: "2000"

Insert: "2001"

115. Page 37, line 8.

Strike: "1998"

Insert: "1999"

Strike: "20%"

Insert: "60%"

116. Page 37, line 10.

Strike: "2001"

Insert: "2002"

117. Page 37, line 11.

Strike: "1998"

Insert: "1999"

Strike: "40%"

Insert: "60%"

118. Page 37, line 13.

Strike: "2002"

Insert: "2003"

119. Page 37, line 14.

Strike: "1998"

Insert: "1999"

120. Page 37, line 16.

Strike: "year"

Strike: "2003 and succeeding fiscal years"

Insert: "years in which the tax rate for class eight property is 2%"

121. Page 37, line 17.

Strike: "1998"

Insert: "1999"

122. Page 37, line 18.

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Strike: "80%"
Insert: "77%"

123. Page 37, line 20.

Strike: "YEAR 2004 AND SUCCEEDING FISCAL YEARS"
Insert: "years in which the tax rate for class eight property is 1%"

124. Page 37, line 21.

Strike: "100%"
Insert: "94%"

125. Page 37, line 22.

Following: "90%"
Insert: "; and

(vii) for bonds to be issued during the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the district for tax year 1999, in each case of former class eight property, multiplied by 90%"

126. Page 40, line 15.

Following: "EXEMPTION"
Insert: "and rate reduction"

127. Page 40, line 17.

Strike: "THIS SECTION"
Insert: "15-6-138"
Following: " _ "
Insert: "The reimbursement provided in this section is in addition to other statutory reimbursements."

128. Page 40, line 19.

Following: "EXEMPTION"
Insert: "and tax rate reduction"

129. Page 40, line 26.

Following: "ESTIMATED"
Insert: "taxes that would have been assessed against"
Strike: "REVENUE COLLECTIONS"
Insert: "property"
Following: "TOTAL"
Insert: "taxes assessed against"

130. Page 40, line 27.

Strike: "REVENUE COLLECTED"
Insert: "property"

131. Page 40, line 28.

Following: "ESTIMATED"
Insert: "taxes that would have been assessed against"
Strike: "REVENUE COLLECTIONS"

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Insert: "property"

132. Page 41, line 4.

Strike: "OF 6%"

Insert: "provided in 15-6-138 for the current tax year"

133. Page 41, line 5.

Following: "BY"

Strike: "THE"

Insert: "each"

134. Page 41, lines 6 through 10.

Strike: lines 6 through 10 in their entirety

135. Page 41, lines 11 and 12.

Following: "JURISDICTION" on line 11

Strike: remainder of line 11 through "DISTRICTS." on line 12

Insert: "means a local government rather than a state taxing jurisdiction that levied mills against property described in 15-6-138, including county governments, incorporated city and town governments, consolidated county and city governments, local elementary and high school districts, local community college districts, miscellaneous districts, and special districts. For purposes of calculating the reimbursement, the local government shall include countywide mills levied for equalization of school retirement or transportation, but may not include tax increment financing districts or county or state school equalization levies provided for in 20-9-331, 20-9-333, and 20-9-360 or the university levy provided for in [section 1 of Senate Bill No. 79]. It also may not include any state levy for welfare programs provided for in 53-2-813."

136. Page 42, line 5.

Strike: "24"

Insert: "26"

137. Page 42, line 6.

Strike: "24"

Insert: "26"

138. Page 42, line 25.

Strike: "3"

Strike: "through"

139. Page 42, line 26.

Strike: "9."

Following: "11."

Insert: "12, 15,"

Strike: "21."

Following: "22."

Insert: "26,"

Strike: "27"

Insert: "28"

Strike: "29"

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Insert: "30"

140. Page 42, line 27.

Strike: "31"

Insert: "32"

141. Page 42, line 28.

Strike: "[SECTIONS 2(1)(C), 14, AND 24 25]"

Insert: "[Sections 3 through 9 and 23]"

Strike: "January"

Insert: "July"

142. Page 42, lines 29 and 30.

Following: "SECTIONS" on line 29

Strike: remainder of line 29 through "26(1)" on line 30

Insert: "2, 10, 13, 14, 16 through 21, 24, 25, and 27(1)"

143. Page 43, line 1.

Strike: "2002"

Insert: "2003"

144. Page 43, line 2.

Strike: "12(1)(AA)"

Insert: "13(1)(aa)"

Strike: "26(2)"

Insert: "27(2)"

Strike: "JANUARY 1, 2004"

Insert: "if the tax rate in [section 12], amending 15-6-138, reaches zero"

145. Page 43, lines 4 through 11.

Strike: section 31 in its entirety

Insert: "NEW SECTION. Section 32. Coordination. If [LC 1924] is passed and approved, then [sections 1 and 26 of this act] are void."

For the Senate:

M. Taylor, Chairman
DePratu

For the House:

Mood, Chairman
Story

HB 183 - Representative Grinde moved consideration of **HB 183** be passed for the day. Motion carried.

HB 95 - Senate Amendments - Representative Story moved Senate amendments to **HB 95** be concurred in. Motion carried as follows:

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

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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 97

Noes: None.
Total 0

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: Barnhart.
Total 1

HB 130 - Senate Amendments - Representative Story moved Senate amendments to **HB 130** be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, 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, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Jore.
Total 1

Voted Absentee: Eggers, Aye.

Excused: Dale, Fuchs.
Total 2

Absent or not voting: S. Anderson, Tropila, Younkin.
Total 3

SB 200 - Free Conference Committee Report No. 1 - Representative Mood moved the Free Conference Committee report to **SB 200** be adopted.

SB 200 - Representative Menahan moved for cloture. Motion, requiring two-thirds vote, failed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Curtiss, Davies, Fisher, Gallus, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Kasten, Kitzenberg, Lawson, Lenhart, Masolo, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Rose, Shockley, Simon, Sliter, Soft, Somerville, Stovall, Taylor, Thomas, Trexler, Vick, Walters,

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Witt, Younkin, Zook, Mr. Speaker.
Total 53

Noes: Adams, Barnhart, P. Bergsagel, Buzzas, P. Clark, Cobb, Dell, Erickson, Ewer, Facey, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Jore, Juneau, Krenzler, Lindeen, Mangan, Matthews, McCann, McCulloch, McGee, Orr, Quilici, Raney, Rehbein, Ryan, Schmidt, Smith, Squires, Story, Swanson, Tash, Tropila, Tuss, Wagner, Williams, Wyatt.
Total 44

Excused: Dale, Eggers, Fuchs.
Total 3

Absent or not voting: None.
Total 0

Representative Curtiss excused at this time.

Motion that the free conference committee report to **SB 200** be adopted 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, Jackson, Johnson, Jore, Kasten, Kitzenberg, Lawson, Masolo, McCann, McGee, 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 59

Noes: Barnhart, Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Krenzler, Lenhart, Lindeen, Mangan, Matthews, McCulloch, Menahan, Orr, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.
Total 41

Voted Absentee: Curtiss, Dale, Fuchs, Ayes; Eggers, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Davies, Fisher, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Kitzenberg, Lawson, Masolo, McCann, McGee, 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.

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Total 56

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

Total 40

Excused: Curtiss, Dale, Eggers, Fuchs.

Total 4

Absent or not voting: None.

Total 0

MOTIONS

Representative Shockley requested on **SB 205**, 2nd reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Pavlovich requested on **SB 205**, 2nd reading today, that his vote be shown as no. There being no objections, so ordered.

Representative Grinde moved that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 2**. Motion carried.

The Speaker appointed the following members:

Representative Zook, Chairman
Representative E. Bergsagel
Representative Quilici

Representative Grinde moved that the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 57**. Motion carried.

The Speaker appointed the following members:

Representative Johnson, Chairman
Representative Bookout-Reinicke
Representative Galvin-Halcro

Representative Grinde moved that the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 129**. Motion carried.

The Speaker appointed the following members:

Representative Stovall, Chairman
Representative Hedges
Representative Gallus

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Representative Grinde moved that the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 302**. Motion carried.

The Speaker appointed the following members:

Representative Cobb, Chairman
Representative Witt
Representative Krenzler

Representative Grinde moved that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 315**. Motion carried.

The Speaker appointed the following members:

Representative Molnar, Chairman
Representative Shockley
Representative Raney

Representative Grinde moved that the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 459**. Motion carried.

The Speaker appointed the following members:

Representative R. Clark, Chairman
Representative Curtiss
Representative P. Clark

Representative Grinde moved that the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 478**. Motion carried.

The Speaker appointed the following members:

Representative Anderson, Chairman
Representative Wagner
Representative Golie

Representative Grinde moved that the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 528**. Motion carried.

The Speaker appointed the following members:

Representative Walters, Chairman
Representative Rose
Representative Juneau

Representative Grinde moved that the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 557**. Motion carried.

The Speaker appointed the following members:

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Representative Masolo, Chairman
Representative Stovall
Representative Ewer

Representative Grinde moved that the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 590**. Motion carried.

The Speaker appointed the following members:

Representative Lawson, Chairman
Representative Andersen
Representative Lindeen

Representative Grinde moved that the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HJR 5**. Motion carried.

The Speaker appointed the following members:

Representative Jore, Chairman
Representative Davies
Representative Williams

Representative Grinde moved that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 97**. Motion carried.

The Speaker appointed the following members:

Representative Bitney, Chairman
Representative Noennig
Representative Squires

Representative Grinde moved that the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 195**. Motion carried.

The Speaker appointed the following members:

Representative Brainard, Chairman
Representative E. Clark
Representative Pavlovich

Representative Grinde moved that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 217**. Motion carried.

The Speaker appointed the following members:

Representative Simon, Chairman
Representative Brown
Representative Tuss

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Representative Grinde moved that the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on House amendments to **SB 229**. Motion carried.

The Speaker appointed the following members:

Representative Fuchs, Chairman
Representative Trexler
Representative Golie

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Grinde moved that the House adjourn until 8:00 a.m., Saturday, April 10, 1999. Motion carried.

House adjourned at 5:45 p.m.

MARILYN MILLER
Chief Clerk of the House

JOHN MERCER
Speaker of the House