

**HOUSE JOURNAL
EIGHTY-FIRST LEGISLATIVE DAY**

Helena, Montana
April 14, 1999

House Chambers
State Capitol

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

Roll Call. All members present except Representatives Gallus, Jackson, and Kitzenberg. Quorum present.

COMMUNICATIONS AND PETITIONS

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

WHEREAS, spelling is essential to correct writing and communication; and

WHEREAS, the Treasure State Spelling Bee is a proud Montana tradition which brings recognition to the importance of spelling and to the top spellers in the state; and

WHEREAS, the winner of the Treasure State Spelling Bee has achieved a significant accomplishment which carries with it the honor of representing our state in the Scripps Howard National Spelling Bee held annually in Washington, D.C.; and

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: that Ann Mary Olson, seventh grade student from Wolf Point, Montana, is hereby recognized and commended for her achievement as the winner of the Treasure State Spelling Bee.

AND BE IT FURTHER RESOLVED: that the original of this proclamation be delivered to the Superintendent of the Wolf Point School District for proper public display, and that a copy of this proclamation be delivered to Ann Mary Olson.

The proclamation is signed by Representatives Mercer, Swanson, and Smith, and Senators Crippen, Doherty, and Nelson.

REPORTS OF STANDING COMMITTEES

BILLS (Rehbein, Chairman):

4/14/1999

Correctly printed: **HJR 37, SB 184, SB 224, SB 265, SB 370, SB 530, SJR 14.**

Correctly engrossed: **SB 424, SB 441, SB 454, SB 487, SB 532.**

Correctly enrolled: **HB 32, HB 59, HB 69, HB 71, HB 72, HB 90, HB 98, HB 107, HB 109, HB 113, HB 126, HB 135, HB 188, HB 209, HB 232, HB 275, HB 304, HB 310, HB 348, HB 430, HB 482, HB 513, HB 578, HB 580, HB 592, HB 625, HB 630, HJR 27, HJR 33, HJR 34.**

Examined by the sponsor and found to be correct: **HB 32, HB 59, HB 69, HB 71, HB 72, HB 90, HB 98, HB 107, HB 109, HB 113, HB 126, HB 135, HB 188, HB 209, HB 232, HB 275, HB 304, HB 348, HB 430, HB 482, HB 513, HB 578, HB 580, HB 592, HB 625, HB 630, HJR 27, HJR 33, HJR 34.**

Signed by the Speaker at 5:40 p.m., April 13, 1999: **HB 4, HB 6, HB 7, HB 9, HB 47, HB 53, HB 54, HB 58, HB 64, HB 74, HB 81, HB 91, HB 95, HB 99, HB 111, HB 116, HB 128, HB 130, HB 153, HB 266, HB 644, HB**

676.

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Signed by the Speaker at 2:45 p.m., April 14, 1999: **HB 32, HB 126, HB 310, HB 625, HJR 27, HJR 33.**

Signed by the Speaker at 4:27 p.m., April 14, 1999: **HB 59, HB 69, HB 71, HB 72, HB 90, HB 98, HB 107, HB 109, HB 113, HB 135, HB 188, HB 209, HB 232, HB 275, HB 304, HB 348, HB 430, HB 482, HB 513, HB 578, HB 580, HB 592, HB 630, HJR 34.**

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 57
Report No. 1, April 13, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 57** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 57** (reference copy -- salmon) be accepted by the House.

For the House:

Bookout-Reinicke
Galvin-Halcro

For the Senate:

Glaser
Waterman

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 129
Report No. 1, April 13, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 129** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 129** (reference copy -- salmon) be amended as follows:

1. Page 7, line 18.

Following: "roadway"

Insert: "or in response to any other hazard on the roadway"

2. Page 10, line 7.

Following: "ROADWAY"

Insert: "or in response to any other hazard on the roadway"

For the House:

Stovall, Chairman
Gallus
Hedges

For the Senate:

R. Holden, Chairman
Cole

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CONFERENCE COMMITTEE
on Senate Amendments to House Bill 302
Report No. 1, April 14, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 302** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 302** (reference copy -- salmon) be amended as follows:

1. Page 1, line 23.

Strike: "IN AMOUNTS NOT TO EXCEED \$500,000 A LOAN"

For the House:

Cobb, Chairman
Witt

For the Senate:

Crismore, Chairman
Jergeson
Keenan

FREE CONFERENCE COMMITTEE
on House Bill 315
Report No. 1, April 14, 1999

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 315** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 315** (reference copy -- salmon) be amended as follows:

1. Title, line 12 through line 14.

Strike: "REQUIRING" on line 12 through "SITES;" on line 14

Insert: "DESIGNATING CERTAIN FISHING ACCESS SITES AS PRIMITIVE FISHING ACCESS SITES; LIMITING DEVELOPMENT AT DESIGNATED PRIMITIVE FISHING ACCESS SITES; ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO DESIGNATE ADDITIONAL FISHING ACCESS SITES AS PRIMITIVE FISHING ACCESS SITES BY RULE; PROHIBITING CAMP HOSTS AND ALL-TERRAIN VEHICLE USE AT PRIMITIVE FISHING ACCESS SITES; ESTABLISHING A 7-DAY CAMPING LIMIT IN PRIMITIVE FISHING ACCESS SITES;"

2. Title, line 15.

Following: "ELIMINATING"

Insert: "RESIDENT"

3. Title, line 15 through line 16.

Following: "SITES" on line 15

Strike: remainder of line 15 through "PASSPORT" on line 16

Insert: "DURING CERTAIN DESIGNATED TIMES"

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4. Page 2, line 5.

Strike: "AND 2"

Insert: "through 4"

5. Page 5, line 12 through page 6, line 1.

Strike: section 2 in its entirety

Insert: "NEW SECTION. Section 2. Primitive fishing access sites established. (1) Because of their unique and primarily undeveloped character, the following fishing access sites are designated as primitive fishing access sites and are subject to the provisions of [sections 1 through 4]:

(a) Region 1 -- Ashley Creek, Beaver Lake, Blanchard Lake, Bootjack Lake, Ducharme, Frank Lake, Horseshoe Lake-Ferndale, Loon Lake-Eureka, Loon Lake-Ferndale, Marle Lake, Marlowe Springs, McKay Landing, Moran Lake, Pressentine, Savage Lake, Skyles Lake, Spring Creek, Swan River, and Whitefish;

(b) Region 2 -- Aunt Molly, Bass Creek, Cedar Meadows, Forks, Harry Morgan, Marco Flats, Monture, Natural Pier, Poker Joe, Red Rock, River Junction, Sheep Flats, Thibodeau, and Whitaker Bridge;

(c) Region 3 -- Alder Bridge, Axtell Bridge, Blackbird, Cardwell, Cherry River, Chicory, Corrals, Corwin Springs, Deepdale, Dewey, Erwin Bridge, Fairweather, Fishtrap Creek, Four Corners, Gallatin Forks, Greenwood Bottoms, Grey Owl, High Bridge, High Road, Highway 89, Kalsta Bridge, Kirk Wildlife Refuge, Kountz Bridge, Mallard's Rest, Mayflower Bridge, McAtee Bridge, Meadow Lake, Milwaukee, Notch Bottom, Parrot Castle, Pennington Bridge, Pine Creek, Point of Rocks, Powerhouse, Queen of the Waters, Sappington Bridge, Shed's Bridge, Slip and Slide, Tizer Lakes, and Williams Bridge;

(d) Region 4 -- Carroll Trail, Dearborn, Dunes, Eagle Island, Hardy Bridge, Lichen Cliff, Loma Bridge, Lower Carter Pond, Mid-Canon, Mountain Palace, Pelican Point, Prickly Pear, Spite Hill, Table Rock, Truly Take-out, Upper Carter Pond, and White Bear;

(e) Region 5 -- Absaroka, Beaver Lodge, Big Rock, Bridger Bend, Buffalo Mirage, Bull Springs, East Bridge, General Custer, Grant Marsh, Grey Bear, Homestead Isle, Horsethief Station, Selkirk, and Two Leggins;

(f) Region 6 -- Bjornberg Bridge, Cole Ponds, Faber Reservoir, and Whitetail Reservoir; and

(g) Region 7 -- Amelia Island, Broadus Bridge, Diamond Willow, Elk Island, Falcon Bridge, Joe's Island, Little Powder River, Myers Bridge, Powder River Depot, Seven Sisters, and Twelve Mile Dam.

(2) Pursuant to its authority in 23-1-106, the department may by rule designate any fishing access site not listed in

subsection (1) as a primitive fishing access site when a determination is made that the designation is desirable to protect the unique and primarily undeveloped character of that fishing access site."

Insert: "NEW SECTION. Section 3. Limit on development of primitive fishing access sites. (1) The only development allowed at primitive fishing access sites designated in [section 2] is:

(a) necessary improvements required to meet minimum public health standards regarding sanitation, which may include necessary access to outhouses, vaults, and water;

(b) new improvements necessary to ensure the safe public use of boat ramps;

(c) addition of gravel to existing unpaved roads, resurfacing of paved roads, dust abatement, and bridge improvements when necessary to ensure safe public access, including necessary new access roads into and within the primitive fishing access site;

(d) establishment of new hiking trails or improvement of existing hiking trails; and

(e) installation of minimal signage;

(i) designating the site as a primitive fishing access site in which development has been limited and encouraging the public to help in maintaining the park's primitive character;

(ii) necessary to designate camping sites, parking areas, rules, and other necessary management information within the primitive fishing access site; and

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- (iii) to inform the public of historical, cultural, natural, geographical, and geological features in the area;
- (f) establishment of designated parking areas for vehicles and for boat trailers in primitive fishing access sites that have boat ramps;
- (g) in-kind replacement of existing facilities or replacement of existing facilities with facilities that have less impact on the primitive fishing site;
- (h) fire pits and tables;
- (i) fencing; and

(j) at the discretion of the department of fish, wildlife, and parks, projects on the Missouri reach of the Missouri-Madison hydropower project or the Clark Fork basin hydropower project, undertaken pursuant to the federal energy regulatory commission's hydropower relicensing requirements and in conjunction with private entities, political subdivisions of the state of Montana, and federal agencies.

- (2) The following development of designated primitive fishing access sites is prohibited:
 - (a) installation of electric lines or facilities, except when necessary to comply with subsection (1)(a) or (1)(g);
 - (b) installation of recreational vehicle sanitary dumpsites where they do not presently exist;
 - (c) creation of new roads, except when necessary to establish camping access and to meet the requirements of subsection (1);
 - (d) installation of camping pads for recreational vehicles; and
 - (e) paving of existing but previously unpaved roads and parking lots."

Insert:

"NEW SECTION. Section

4. Restrictions applicable to primitive fishing access sites. (1) The assignment of camp hosts to designated primitive fishing access sites is prohibited.

(2) The department shall institute and enforce a 7-day camping limit at designated primitive fishing access sites.

(3) The off-road operation of all-terrain vehicles at designated primitive fishing access sites is prohibited."

Renumber: subsequent sections

6. Page 6, line 21.

Following: "A"

Strike: "person who possesses a valid state parks passport"

Insert: "Montana resident"

7. Page 6, line 22.

Following: "camping"

Insert: "between September 10 and May 20"

8. Page 6, line 25.

Strike: "AND 2"

Insert: "through 4"

9. Page 6, line 27.

Strike: "AND 2"

Insert: "through 4"

For the House:

Molnar, Chairman
Raney

For the Senate:

J. Wells, Chairman
T. Beck

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Shockley

Doherty

FREE CONFERENCE COMMITTEE
on House Bill 506
Report No. 1, April 14, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 506** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 506** (reference copy -- salmon) be amended as follows:

1. Title, line 12.

Following: ";"

Insert: "AND"

2. Title, lines 13 and 14.

Following: "MCA" on line 13

Strike: the remainder of line 13 through "DATE" on line 14

3. Page 7, line 19.

Strike: section 8 in its entirety

For the House:

Sliter, Chairman
Matthews
McKenney

For the Senate:

Hertel, Chairman
T. Beck
Roush

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 528
Report No. 1, April 13, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 528** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 528** (reference copy -- salmon) be amended as follows:

1. Page 2, line 26.

Following: line 25

Insert: "NEW SECTION. Section 1. Recognition of American Indian cultural heritage -- legislative intent.

(1) It is the constitutionally declared policy of this state to recognize the distinct and unique cultural heritage of American Indians and to be committed in its educational goals to the preservation of their cultural heritage.

(2) It is intent of the legislature that in accordance with Article X, section 1(2), of the Montana constitution:

(a) every Montana citizen, whether Indian or non-Indian, be afforded an opportunity to be educated about the distinct and unique heritage of American Indians in a culturally responsive manner; and

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(b) every educational agency and all educational personnel will work cooperatively with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goal or adopting a rule related to the education of each Montana citizen, to include information specific to the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Montana Indian tribal groups and governments.

(3) It is also the intent of [sections 1 through 3], predicated on the belief that all school personnel should have an understanding and awareness of Indian tribes to help them relate effectively with Indian students and parents, that educational personnel provide means by which school personnel will gain an understanding of and appreciation for the American Indian people."

Renumber: subsequent sections

2. Page 2, line 28.

Strike: "AND 2"

Insert: "through 3"

3. Page 4, lines 22 and 24.

Strike: "AND 2" on both lines

Insert: "through 3" on both lines

For the House:

Walters, Chairman
Juneau
Rose

For the Senate:

Ekegren, Chairman
Eck
Jabs

CONFERENCE COMMITTEE
on House Bill 557
Report No. 1, April 13, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 557** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 557** (reference copy -- salmon) be amended as follows:

1. Page 1, lines 26 and 27.

Following: "subsection"

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

Insert: "authorizes the physician or other health care provider to disclose or release only"

Following: "information" on line 27

Strike: "concerning the"

Insert: "relevant to the"

For the House:

G. Masolo, Chairman
Ewer
Stovall

For the Senate:

Berry, Chairman
Ellis
Wilson

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CONFERENCE COMMITTEE
on Senate Amendments to House Joint Resolution 5
Report No. 1, April 14, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Joint Resolution 5** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Joint Resolution 5** (reference copy -- salmon) be amended as follows:

1. Page 2, line 18 through line 22.

Strike: "(1)" on line 18 through "₂" on line 22

Renumber: subsequent subsections

2. Page 2, line 26.

Following: "States"

Insert: "and is therefore urged to repeal the Brady Law"

For the House:

Jore, Chairman
Davies

For the Senate:

J. Wells, Chairman
Lynch

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 59
Report No. 1, April 14, 1999

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 59** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 59** (reference copy -- salmon) be amended as follows:

1. Title, line 8.

Strike: "AN"

Strike: "LICENSE DRAWING FEE"

Insert: "APPLICATION FEES"

Following: "TO"

Insert: "RESIDENT AND NONRESIDENT"

2. Title, line 9.

Strike: "FOR A SPECIES"

3. Title, line 11.

Following: "AND"

Insert: "ALLOWING A NONRESIDENT TO PAY \$25 TO PARTICIPATE IN A PREFERENCE SYSTEM FOR DEER AND ELK PERMITS;"

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4. Page 2, line 28.

Strike: "fee"

Insert: "and application fees"

5. Page 3, line 1 through line 3.

Strike: subsection (2) in its entirety

Insert: "(2) (a) If a resident participates in a preference system adopted by the commission, the department shall collect an additional application fee of \$2 for each application form to fund the administration of the preference system.

(b) If a nonresident participates in a preference system adopted by the commission, the department shall collect an additional application fee of \$20 for each application form to fund the administration of the preference system."

6. Page 6, line 25.

Following: "~~(1)~~"

Insert: "(1)"

7. Page 7, line 8.

Following: "~~commission.~~"

Insert: "(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

8. Page 7, line 10.

Following: "~~(1)~~"

Insert: "(1)"

9. Page 7, line 24.

Following: "~~commission.~~"

Insert: "(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

10. Page 7, line 26.

Following: "~~(1)~~"

Insert: "(1)"

11. Page 8, line 9.

Following: "~~commission.~~"

Insert: "(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

12. Page 9, line 26.

Following: "~~commission.~~"

Insert: "(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

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13. Page 10, line 12.

Following: "commission."

Insert: "(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

14. Page 10, line 28.

Following: "commission."

Insert: "(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

For the Senate:

J. Wells, Chairman
Franklin
M. Taylor

For the House:

Walters, Chairman
Gutsche
Wagner

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 195
Report No. 1, April 14, 1999

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 195** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 195** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9.

Strike: "A DELAYED"

Insert: "AN"

2. Page 2.

Following: line 17

Insert: "(c) Service qualified pursuant to this subsection (3) is in addition to the service that may be qualified under subsection (1), except that a member may not receive duplicate credit for the same years of military service."

3. Page 3, line 8.

Strike: "JANUARY 1, 2000"

Insert: "July 1, 1999"

4. Page 3, line 10.

Strike: "JANUARY 1, 2002"

Insert: "July 1, 2001"

For the Senate:

For the House:

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Hargrove, Chairman
Halligan
Lynch

Brainard, Chairman
E. Clark
Pavlovich

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 243
Report No. 2, April 14, 1999

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 243** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 243** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

Following: "~~ACT~~;"

Insert: "REVISING THE PURPOSE OF THE YOUTH COURT ACT;"

2. Title, line 13.

Following: "~~41-5-102~~;"

Insert: "41-5-102,"

3. Page 2, line 20.

Insert: "**Section 1.** Section 41-5-102, MCA, is amended to read:

"41-5-102. Declaration of purpose. The Montana Youth Court Act must be interpreted and construed to effectuate the following express legislative purposes:

(1) to preserve the unity and welfare of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of a youth coming within the provisions of the Montana Youth Court Act;

(2) to prevent and reduce youth delinquency through a system that does not seek retribution but that provides:

(a) immediate, consistent, enforceable, and avoidable consequences of youths' actions;

(b) and to establish a program of supervision, care, rehabilitation, detention, competency development, and community protection; for youth before they become adult offenders; and

(c) in appropriate cases and, in appropriate cases, restitution as ordered by the youth court;

(3) to achieve the purposes of subsections (1) and (2) in a family environment whenever possible, separating the youth from the parents only when necessary for the welfare of the youth or for the safety and protection of the community;

(4) to provide judicial procedures in which the parties are ~~assured~~ ensured a fair, accurate hearing and recognition and enforcement of their constitutional and statutory rights."

Renumber: subsequent sections

For the Senate:

F. Thomas, Chairman
Grimes
Halligan

For the House:

D. McGee, Chairman
Facey
Shockley

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CONFERENCE COMMITTEE
on House Amendments to Senate Bill 301
Report No. 1, April 14, 1999

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 301** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 301** (reference copy -- salmon) be amended as follows:

1. Page 1, line 23.

Following: "account"

Insert: "to be deposited into the renewable resource grant and loan program state special revenue account"

2. Page 3, line 6.

Following: "account"

Insert: "to be deposited into the renewable resource grant and loan program state special revenue account"

For the Senate:

Keating, Chairman
Jergeson
K. Miller

For the House:

Kasten, Chairman
Peck
Witt

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 338
Report No. 1, April 13, 1999

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 338** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 338** (reference copy -- salmon) be amended as follows:

1. Title, line 18.

Following: "PROGRAMS:"

Insert: "INCREASING THE COST OF NONRESIDENT UPLAND GAME BIRD LICENSES AND PROVIDING THAT THE FEE INCREASE BE USED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ENCOURAGE PUBLIC ACCESS TO PRIVATE LANDS FOR HUNTING PURPOSES;"

2. Title, line 19.

Following: "ISSUE"

Insert: "UP TO"

3. Title, line 20.

Following: "LICENSES TO"

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Insert: "TWO APPLICANTS SPONSORED BY"

4. Title, line 22.

Following: "87-1-269~~2~~,"

Insert: "87-2-402,"

5. Title, line 26.

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES AND A TERMINATION DATE"

6. Page 15, line 28.

Insert: "**Section 3.** Section 87-2-402, MCA, is amended to read:

"87-2-402. Class B-1--nonresident upland game bird license. Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older, upon payment of a fee of ~~\$55~~ \$110 may receive a Class B-1 license that entitles the holder to hunt upland game birds and possess the carcasses of upland game birds as authorized by department rules."

Renumber: subsequent sections

7. Page 16, line 19 through line 21.

Strike: "ANY" on line 19 through "SUBSECTION." on line 21

Insert: "If there is a sufficient number of licenses set forth in subsection (1), the department shall issue a license to one applicant sponsored by each resident landowner who owns 640 or more contiguous acres. If enough licenses remain for a second applicant for each resident landowner sponsor, the department shall issue a license to the second applicant sponsored by each resident landowner."

8. Page 16, line 21.

Following: "LICENSES."

Insert: "If there is not a sufficient number of licenses set forth in subsection (1) to allow each resident landowner who owns 640 contiguous acres to sponsor one applicant, the department shall conduct a drawing for the resident-sponsored licenses."

9. Page 16, line 24 through line 25.

Strike: "A" on line 24 through "ACTIVITIES." on line 25

10. Page 23, line 17.

Insert: "NEW SECTION. Section 5. Allocation of license fee to hunting access enhancement program. The amount of \$55 from the sale of each Class B-1 nonresident upland game bird license must be used by the department to encourage public access to private lands for hunting purposes in accordance with 87-1-265 through 87-1-267."

Renumber: subsequent sections

11. Page 23, line 21.

Insert: "NEW SECTION. Section 7. Codification instruction. [Section 5] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 5]."

Insert: "NEW SECTION. Section 8. Termination. [Section 5] terminates March 1, 2006."

12. Page 24, line 5.

Strike: "DATE"

Insert: "dates"

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13. Page 24, line 7.

Strike: "[THIS ACT]"

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

14. Page 24, line 9.

Insert: "(2) [Sections 3, 5, and 8] are effective March 1, 2000."

For the Senate:

Mesaros, Chairman
Crismore
McCarthy

For the House:

Fuchs, Chairman
Golie
Wagner

FREE CONFERENCE COMMITTEE
on Senate Bill 406
Report No. 1, April 14, 1999

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 406** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 406** (reference copy -- salmon) be amended as follows:

1. Page 3, lines 7, 10, and 14.

Strike: "[SECTION 31]" in three places

Insert: "69-8-403"

2. Page 21, line 12.

Strike: "utility"

Insert: "services provider"

3. Page 21, line 16.

Strike: "utility"

Insert: "services provider"

4. Page 22, line 25.

Strike: "[THIS ACT]"

Insert: "[sections 1 through 28] or this chapter"

5. Page 28, line 7.

Strike: "69-8-404"

Insert: "[section 32]"

6. Page 30.

Following: line 18

Insert: "NEW SECTION. Section 32. Default supplier license. (1) In developing licensing rules for default suppliers, the commission shall promote and facilitate the development of a competitive market for electricity supply.

(2) Default supplier licensing rules must ensure that:

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(a) a default supplier may not purchase electricity for or sell electricity to commercial or industrial electric consumers having individual accounts with an average monthly demand in the previous calendar year of 100 kilowatts or more or to new commercial or industrial electric consumers having individual accounts with an estimated monthly demand of 100 kilowatts or more;

(b) a default supplier may not discount its commission- approved rates to retain or gain customers;

(c) a default supplier may not obligate customers to a contractual term or service;

(d) federal power marketing administration power or benefits acquired by a default supplier are distributed as widely and equitably as possible among small customers and in a manner that encourages competition;

(e) a default supplier, except when the default supplier is the distribution services provider, may not construct, purchase, take, receive, or otherwise acquire or own, hold, equip, maintain, or operate electric generating plants or transmission or distribution lines or systems, except that a default supplier may enter into transmission or distribution agreements for the lease or use of capacity on transmission and distribution systems owned by others to supply electricity to its customers in the state;

(f) a default supplier may not offer for sale any products other than electricity supply or provide electricity supply to members or customers other than those residing in the state or sell electricity or otherwise engage in the marketing of electricity on the wholesale market, but may dispose of excess electricity associated with temporary load-energy imbalances.

(3) Except as provided in subsection (2)(e), a default supplier may provide only a single electricity supply service to all of its small customers. A default supplier may also offer an additional electricity supply service that includes a component of renewable energy.

(4) A default supplier may not offer other supply services unless the default supplier forms a separate entity."

Renumber: subsequent sections

7. Page 30, line 25.

Strike: "IN PROVIDING THIS SERVICE"

Insert: "of reentering the default supplier business"

8. Page 31, line 9.

Strike: "SECTION"

Insert: "Sections"

Following: "32"

Insert: "and 33"

9. Page 31, line 10.

Strike: "SECTION"

Insert: "sections"

Following: "32"

Insert: "and 33"

For the Senate:

F. Thomas, Chairman
Berry
Doherty

For the House:

R. Johnson, Chairman
E. Bergsagel
Ewer

FREE CONFERENCE COMMITTEE
on Senate Bill 482

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Report No. 1, April 14, 1999

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 482** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 482** (reference copy -- salmon) be amended as follows:

1. Title, line 4 and line 5.

Following: "ESTABLISHING"

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

Insert: "ESTABLISHING"

2. Title, line 10.

Following: "~~VIOLATIONS;~~"

Strike: "AND PROVIDING AN EFFECTIVE DATE"

Insert: "PROVIDING DEFINITIONS; PROVIDING LICENSE APPLICATION AND RENEWAL FEES; ESTABLISHING LICENSE QUALIFICATIONS AND REQUIREMENTS; SETTING FORTH THE PERTINENT REGULATORY POWERS AND FUNCTIONS OF THE DEPARTMENT OF COMMERCE; REQUIRING FEE DISCLOSURE AND OTHER PERFORMANCE OF LICENSEES; AND ESTABLISHING PROHIBITIONS ON CERTAIN ACTIVITIES AND PENALTIES FOR VIOLATIONS"

3. Page 1, line 12 through line 25.

Strike: lines 12 through 25 in their entirety

4. Page 1, line 28 through page 3, line 2.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Short title. [Sections 1 through 21] may be referred to as the "Montana Residential Mortgage Lending Act"."

Insert: "NEW SECTION. Section 2. Purpose. The activities of lenders and brokers and the offering of financing for residential real property have a direct and immediate impact upon the housing industry, the neighborhoods and communities of this state, homeowners, and potential homeowners. The legislature finds that it is essential for the protection of the citizens of this state and the stability of the Montana economy that reasonable standards governing the business practices of residential mortgage lenders and mortgage brokers be imposed. The legislature further finds that the obligations of lenders and mortgage brokers to consumers in connection with making, soliciting, processing, placing, or negotiating a residential mortgage loan warrant the regulation of the residential mortgage lending process, including the solicitation, application, and making of a residential mortgage loan. The purpose of [sections 1 through 21] is to protect consumers seeking residential mortgage loans and to ensure that the residential mortgage lending industry is operating fairly, honestly, and efficiently, free from deceptive and anticompetitive practices. A further purpose of [sections 1 through 21] is to regulate residential mortgage lending to benefit Montana citizens by ensuring the availability of residential mortgage funding, to benefit responsible providers of residential mortgage loans and services, and to avoid requirements inconsistent with legitimate and responsible business practices in the residential mortgage lending industry."

Insert: "NEW SECTION. Section 3. Necessity for license -- scope of act. (1) A person, partnership, association, corporation, or other entity, except an exempt person or entity, may not engage in the business of brokering or making residential mortgage loans without first obtaining a license from the department in accordance with the licensing procedures provided in [sections 5 through 10] and rules promulgated by the department.

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(2) A person, partnership, association, corporation, or other entity required to be licensed under [sections 1 through 21] may not do any business without a license under any name or title or circulate or use any advertising or make any representation or give any information to any person that indicates or reasonably implies activity within the scope of [sections 1 through 21].

(3) The department may request a district court to issue an injunction to restrain any person or entity from violating or continuing to violate any provision of [sections 1 through 21].

(4) When the department has reasonable cause to believe that a person or entity that has not submitted an application for a license is conducting any of the activities described in subsection (1) and the person or entity is not an exempt person or entity, the department may review all books and records of the person or entity and any additional documentation necessary in order to determine whether the person or entity is required to become licensed under [sections 1 through 21].

(5) Each person, partnership, association, corporation, or other entity conducting activities regulated by [sections 1 through 21] that is not exempt must be issued a license that restricts the licensee's operations to those activities that are specified in the application. Two classifications of licenses may be issued covering either mortgage brokering or mortgage lending. If an entity is issued a mortgage lending license, the entity may also engage in brokerage services.

(6) Licenses must be issued to either the person or the business entity, which may be a sole proprietorship, partnership, or corporation. Employees or agents of the business entity are not required to be licensed.

(7) An exempt person or entity is exempt from the licensing requirements of [sections 5 through 10], but is subject to the requirements imposed by [sections 11 through 14] and to the powers of the department set forth in [sections 16 through 20]; except that state and federal banks, savings and loan associations, savings banks, credit unions, and their subsidiaries and affiliates are exempt from the provisions of [sections 1 through 21]."

Insert: "NEW SECTION. Section 4. Definitions. As used in [sections 1 through 21], the following definitions apply:

(1) "Borrower" means the person on whose behalf mortgage brokering and mortgage lending activities are conducted.

(2) "Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a licensee, whether through the ownership of voting stock of the licensee, through the ownership of voting stock of any entity that possesses the power to direct or cause the direction of management or policies, or by other means. Control is presumed to exist if any person, directly or indirectly, owns, controls, or holds with power to vote 10% or more of the voting stock of any licensee or of any entity that owns, controls, or holds with power to vote 10% or more of the voting stock of any licensee, but a person does not control a licensee solely by reason of being an officer or director of the licensed entity.

(3) "Department" means the department of commerce provided for in 2-15-1801.

(4) "Exempt person or entity" means:

(a) a banking organization or foreign banking corporation chartered or licensed by any state or the United States comptroller of the currency that is authorized to transact business in this state;

(b) a federally chartered savings and loan association, federal savings bank, or federal credit union that is authorized to transact business in this state;

(c) a savings and loan association, savings bank, or credit union organized under the laws of this or any other state that is authorized to transact business in this state;

(d) an entity engaged solely in commercial mortgage lending;

(e) a service corporation of a savings and loan association or savings bank organized under the laws of this state or the service corporation of a federally chartered savings and loan association or savings bank;

(f) a person or entity making residential mortgage loans with one's own funds for one's own investments;

(g) a person who assists in the performance of the activities regulated by [sections 1 through 21] and who is compensated in any manner by only one licensee or exempt organization;

(h) an agency of the federal government, the state, or a local government;

(i) an employee or employer pension plan originating mortgage loans to its participants; or

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(j) a person acting in a fiduciary capacity conferred by authority of any court.

(5) "Lender" means a person, partnership, association, corporation, or another entity that lends money for residential mortgage loans.

(6) "Licensee" means a person, partnership, association, corporation, or any other entity licensed or that is required to be licensed pursuant to [sections 1 through 21] to engage in the activities regulated by [sections 1 through 21].

(7) "Making residential mortgage loans" means, for compensation or gain, either directly or indirectly, advancing funds or making a commitment to advance funds to loan applicants for residential mortgage loans.

(8) "Mortgage broker" or "broker" means a person, partnership, association, or corporation, other than an exempt person or entity, that performs the lending activities described in [sections 1 through 21].

(9) "Mortgage brokering", "brokering", or "brokerage services" means the act of assisting a borrower in attempting to obtain a loan secured by residential real estate in return for consideration to be paid by either the borrower or the lender, including but not limited to contracting for the delivery of a residential mortgage loan to a third-party lender and soliciting, processing, placing, or negotiating a residential mortgage loan.

(10) "Mortgage loan", "residential mortgage loan", or "home mortgage loan" means a loan primarily secured by a security instrument on residential real property, a mortgage on residential real property, a deed of trust, or certificates of stock or other evidence of ownership interests in and proprietary leases from corporations or partnerships formed for the purpose of cooperative ownership of residential real property.

(11) "Residential real property" or "residential real estate" means real property located in this state that is improved by a dwelling in which up to four families reside.

(12) "Soliciting, processing, placing, or negotiating a residential mortgage loan" means, for compensation or gain, either directly or indirectly, accepting or offering to accept an application for a residential mortgage loan, assisting or offering to assist in the processing of an application for a residential mortgage loan on behalf of a borrower, or negotiating or offering to negotiate the terms or conditions of a residential mortgage loan with a lender on behalf of a borrower."

Insert: "NEW SECTION. Section 5. Licensee name. A person, partnership, association, corporation, or other entity engaged in the business regulated by [sections 1 through 21] may not operate the business under a name other than the real name of the individual or entity conducting the business or a legally assumed name."

Insert: "NEW SECTION. Section 6. License application process -- fee. The department shall issue a license upon completion of the following:

(1) the filing of an application for license; and

(2) the payment of an application fee of \$500 that includes the department's cost of investigation."

Insert: "NEW SECTION. Section 7. License application. (1) An application for a residential mortgage license must be in writing, under oath, and on a form obtained from and prescribed by the department.

(2) The application must contain the name and complete business and residential address or addresses of the license applicant. If the license applicant is a partnership, association, corporation, or other form of business organization, the application must contain the address of each member and of the director and principal officer of the partnership, association, corporation, or other form of business organization. The application must also include the following:

(a) an affirmation that the license applicant or its members, directors, or principals are at least 18 years of age; and

(b) the identify of:

(i) a person or entity that owns or controls, directly or indirectly, 10% or more of any class of stock of the license applicant; or

(ii) a person or entity that controls, directly or indirectly, the election of 25% or more of the members of the board of directors of a license applicant."

Insert: "NEW SECTION. Section 8. License renewal -- fee. (1) A license issued prior to January 1, 2000, is renewable biennially on January 1. A license issued after January 1, 2000, is renewable biennially beginning with the second anniversary of the date of the issuance of the original license. The license renewal fee is \$300. A properly

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completed renewal application form and the renewal fee must be received by the department 60 days prior to the renewal date. If the department receives a properly completed renewal application form and the renewal fee for a licensee at least 60 days prior to the renewal date, the licensee may operate in the interim pending receipt of official notification of renewal.

(2) It is the responsibility of each licensee to accomplish the renewal of the licensee's license. The failure of a licensee to receive a renewal form absent a request sent by certified mail for the form does not waive the licensee's responsibility. Failure by a licensee to submit a properly completed renewal application form and the renewal fee in a timely fashion, absent a written extension from the department, may result in the assessment of a civil fine.

(3) A licensee ceasing an activity or activities regulated by [sections 1 through 21] and desiring to no longer be licensed shall inform the department in writing and, at the same time, convey the license and all other symbols or official indicators of licensure to the department. The licensee shall include a plan for the withdrawal from regulated business, including a timetable for the disposition of the business. Upon receipt of written notice, the department shall issue a certified statement canceling the license.

(4) An application for the renewal of an existing license must contain the information specified in [section 7]. However, only the requested information that has changed from the most recent prior application must be submitted."

Insert: "NEW SECTION. Section 9. Undertakings and representations of licensee. An application for a license must be accompanied by undertakings and representations stating that the applicant:

(1) will keep and maintain for 24 months the business records and any other information regarding any mortgage loan made or brokered in the course of the conduct of its business;

(2) will file with the department, when due, any report or reports that it is required to file under any of the provisions of [sections 1 through 21];

(3) will disburse funds in accordance with its agreements and will make a good faith effort to effect closings in a timely manner;

(4) has not committed a crime against the laws of this state, another state, or the United States involving fraudulent or dishonest dealing and that no final judgment has been entered against the applicant in a civil action upon grounds of fraud, misrepresentation, or deceit that has not been previously reported to the department;

(5) will account or deliver to any person any personal property, such as money, a fund, a deposit, a check, a draft, a mortgage, or some other document or thing of value, that has come into the applicant's possession and that is not the applicant's property or that the applicant is not in law or equity entitled to retain under the circumstances, at the time that has been agreed upon or is required by law or, in the absence of a fixed time, upon demand of the person entitled to the accounting and delivery;

(6) has not engaged in any conduct that would be cause for denial of a license;

(7) is not insolvent;

(8) will advise the department in writing of any material changes to the information submitted on the most recent application for license within 45 days of the change. The written notice must be signed in the same form as the application for an amended license.

(9) will advise the department in writing of any material judgments entered against, and bankruptcy petitions by, the license applicant within 30 days of the occurrence of the judgment or petition."

Insert: "NEW SECTION. Section 10. Refusal to issue or renew license. The department may refuse to issue or renew a license if it is determined that the applicant is not in material compliance with any provisions of [sections 1 through 21]."

Insert: "NEW SECTION. Section 11. Escrow funds. (1) Trust or escrow funds for any purpose authorized by the residential mortgage loan contract are subject to and must satisfy all applicable federal requirements, must be maintained in a depository institution as described in subsection (2), and may not be commingled with any licensee funds.

(2) A trust or escrow account must be placed in a federally insured depository institution, a federal home loan bank, a federal reserve bank, or other similar government-sponsored enterprise, to be removed and used only

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for:

- (a) payments authorized by the borrower, allowed by the mortgage loan contract, or required by federal or state law;
- (b) refunds to the mortgagor;
- (c) transfer of escrow funds to another institution described in this subsection (2);
- (d) forwarding of escrow funds to the appropriate servicer in case of a transfer of servicing;
- (e) any other purpose authorized by the residential mortgage loan contract; or
- (f) compliance with a department or court order."

Insert: "NEW SECTION. Section 12. Fee disclosure -- loan brokerage agreement. (1) Within 3 days of a completed residential mortgage loan application or before the borrower gives the licensee any consideration, whichever comes first, a loan brokerage agreement is required and must be in writing and signed by both the borrower and a licensee whose services to the borrower constitute brokering.

(2) The loan brokerage agreement must include a clear and conspicuous statement that, upon request, a copy will be made available to the borrower or the borrower's authorized representative for review prior to signing.

(3) Both the borrower and the licensee's authorized representative shall sign and date the loan brokerage agreement, and a copy of the fully executed loan brokerage agreement must be given to the borrower within 3 business days of signing.

(4) The loan brokerage agreement must contain an explicit description of the services that the licensee agrees to perform for the borrower and the fees for the services.

(5) The loan brokerage agreement must include a clear and conspicuous statement regarding the conditions under which the borrower is obligated to pay the licensee.

(6) The loan brokerage agreement must provide that if the licensee makes materially false or misleading statements or omissions in the agreement, the borrower may, upon written notice:

- (a) void the agreement;
- (b) recover money paid to the licensee for which services have not been performed; and
- (c) recover actual costs, including attorney fees, for enforcing the borrower's rights under the loan brokerage agreement.

(7) The loan brokerage agreement is the only agreement between the borrower and licensee with respect to a single loan, except that the licensee shall also provide to the borrower disclosure statements necessary to comply with all applicable federal and state requirements."

Insert: "NEW SECTION. Section 13. Fees and charges prior to closing. (1) A licensee whose services to a borrower are limited to brokering may not require a borrower to pay any fees or charges prior to the residential mortgage loan closing, except for:

- (a) charges to be incurred by the licensee on behalf of the borrower for services from third parties necessary to process the application, such as credit reports and appraisals; and
- (b) an application fee.

(2) A licensee may not require a borrower to pay any fees or charges prior to the residential mortgage loan closing, except for:

- (a) charges to be incurred by the licensee on behalf of the borrower for services from third parties necessary to process the application, such as credit reports and appraisals; and
- (b) an application fee.

(3) A licensee who is a lender may not require a borrower to pay any fees or charges prior to the residential mortgage loan closing, except for:

- (a) those fees and charges permitted in subsection (1); and
- (b) a rate-lock fee if:
 - (i) there is a written agreement signed by both the borrower and the licensee;
 - (ii) the terms of the agreement include but are not limited to:
 - (A) the expiration date of the rate-lock fee agreement;
 - (B) the principal amount of the mortgage loan, the term of the mortgage loan, and identification of the

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property;

(C) the initial interest rate and the points to be paid; and

(D) the amounts and payment terms of the lock-in fee and commitment fee, along with a statement as to whether the fees are refundable and the terms and conditions necessary to obtain a refund; and

(iii) the licensee is able to demonstrate to the department that it is able to perform under the terms of the agreement.

(4) A commitment fee may be charged, upon approval of the residential mortgage loan application, if:

(a) the commitment is in writing and signed by the borrower and the licensee;

(b) the commitment states all of the following:

(i) the terms and conditions of the residential mortgage loan; and

(ii) the terms and conditions of the commitment, including but not limited to:

(A) the time period during which the commitment is irrevocable and may be accepted by the borrower, which may not be less than 7 calendar days from the date of commitment or the date of mailing, whichever is later;

(B) the amount and payment terms of the commitment fee, along with a statement as to whether the fee is refundable and the terms and conditions necessary to obtain a refund;

(C) the expiration date of the commitment; and

(D) the conditions precedent to closing.

(5) Fees or charges collected pursuant to this section, other than those collected pursuant to subsection (1) or (2)(a), must be refunded if a valid commitment or closing is not produced, respectively, except that the respective fees may be retained by the licensee upon the licensee's ability to demonstrate to the department any of the following reasons:

(a) the borrower has withdrawn the loan application;

(b) the borrower has made a material misrepresentation or omission on the loan application;

(c) the borrower has failed to provide documentation necessary to the processing or closing of the loan application; or

(d) the fact that closing does not occur is at no fault of the lender."

Insert: "NEW SECTION. Section 14. Prohibited practices. A licensee may not:

(1) knowingly provide or offer to provide for any borrower any brokering or lending services under any arrangement with any entity other than a licensee or an exempt person or entity;

(2) disburse the mortgage loan proceeds in any form other than, as applicable, a direct deposit to a customer's account, a wire, a bank or certified check, or an attorney's check drawn on a trust account. An entity may apply to the department for a waiver of the requirements of this provision by demonstrating, in a letter of application, that it has or intends to adopt any other method of disbursement of loan proceeds that will satisfy the purposes of this subsection.

(3) fail to disburse funds in accordance with a commitment to make a mortgage loan that is accepted by the applicant;

(4) accept any fees at closing that were not disclosed;

(5) accept attorney fees at closing in excess of the fees that have been or will be remitted to the licensee's attorneys;

(6) require the borrower to be represented by a particular attorney;

(7) unreasonably refuse to issue or unreasonably delay the issuance of a satisfaction of mortgage after the mortgage has been fully satisfied;

(8) obtain any agreement or instrument in which blanks are left to be filled in after execution;

(9) obtain any exclusive dealing or exclusive agency agreement from any borrower;

(10) delay closing of any mortgage loan for the purpose of increasing interest, costs, fees, or charges payable by the borrower;

(11) engage in fraudulent home mortgage loan underwriting practices;

(12) make payment, whether directly or indirectly, of any kind to any in-house or fee appraiser of any government or private money lending agency with which an application for a home mortgage loan has been filed for

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the purpose of influencing the independent judgment of the appraiser with respect to the value of any residential real estate that is to be covered by the home mortgage;

(13) knowingly make any false promises likely to influence or persuade or pursue a course of misrepresentation and false promises through agents, solicitors, advertising, or otherwise; or

(14) knowingly misrepresent, circumvent, or conceal, through whatever subterfuge or device, any of the material particulars or the nature of the material particulars regarding a transaction to which it is a party."

Insert: "NEW SECTION. Section 15. Bonds -- letters of credit -- pledges of licensees. (1) All licensees shall maintain a bond or irrevocable letter of credit or make a pledge of certain of its assets to the department, in accordance with this section. Each bond, letter of credit, or pledge must be used for the recovery of expenses, fines, or fees levied by the department in accordance with [sections 1 through 21] or for losses or damages incurred by borrowers or consumers as a result of a licensee's noncompliance with the requirements of [sections 1 through 21]. The bond, letter of credit, or pledge is payable when the licensee fails to comply with any provisions of [sections 1 through 21] and must be either in the form of a surety bond, an irrevocable letter of credit, or a pledge of assets in an amount of not less than \$50,000, as prescribed by the department. The bond or letter of credit must be payable to the department and must be issued by an insurance company or bank authorized to do business in this state. A copy of the bond, letter of credit, or pledge agreement, including any riders and endorsements executed subsequent to the effective date of the bond, letter of credit, or pledge agreement, must be placed on file with the department within 10 days of the execution of the bond, letter of credit, or pledge agreement.

(2) The department may promulgate rules with respect to the requirements for the bonds, letters of credit, or pledges as are reasonable and necessary to accomplish the purposes of [sections 1 through 21]."

Insert: "NEW SECTION. Section 16. Powers of department. (1) All powers and duties of regulation and supervision conferred by [sections 1 through 21] are vested in the department. The department shall adopt rules necessary to carry out the intent and purposes of [sections 1 through 21]. A copy of every rule must be mailed to each licensee within at least 15 days of its effective date. However, the failure of a licensee to receive a copy of a rule does not exempt a licensee from complying with a rule adopted under [sections 1 through 21].

(2) The functions, powers, and duties of the department include the following:

(a) to issue or refuse to issue any license as provided by [sections 5 through 10];

(b) to revoke or suspend for cause any license issued under [sections 5 through 10];

(c) to keep records of all licenses issued under [sections 5 through 10];

(d) to receive, consider, investigate, and act upon complaints made by any person in connection with any residential mortgage licensee in this state or any person whom the department has reason to believe is violating or is about to violate [sections 1 through 21];

(e) to prescribe the forms of and receive:

(i) applications for licenses; and

(ii) all reports and all books and records required to be made by any licensee;

(f) to subpoena documents and witnesses and compel their attendance, to administer oaths, and to require the production of any books, papers, or other materials relevant to any inquiry authorized by [sections 1 through 21];

(g) to enforce by order any provision of [sections 1 through 21];

(h) to levy fees, fines, and charges for services performed in administering [sections 1 through 21];

(i) to conduct hearings for the purpose of:

(i) appeals of orders of the department;

(ii) suspensions or revocations of licenses or fining of licensees;

(iii) investigating complaints against licensees; and

(iv) carrying out the purposes of [sections 1 through 21]; and

(j) to define by rule any terms used for the efficient and clear administration of [sections 1 through 21]."

Insert: "NEW SECTION. Section 17. Revocation and suspension of license. The department, upon 10 days' written notice to the licensee and a statement of the grounds and upon reasonable opportunity to be heard at a public hearing, if requested by the licensee, may suspend for not more than 30 days or revoke a license if it finds that the

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licensee has knowingly violated any provision of [sections 1 through 21]. When the department enters an order revoking or suspending a license, it shall mail a copy of the order by certified mail to the licensee at the address for which the license was issued."

Insert: "NEW SECTION. Section 18. Reinstatement. The department may reinstate any suspended or revoked license if a fact or condition does not then exist that clearly would have justified the department in refusing to originally issue the license. In any case in which the license has been revoked for cause, an application may not be made for issuance of a new license or the reinstatement of a revoked license for a period of 6 months from the date of revocation."

Insert: "NEW SECTION. Section 19. Access to records -- witnesses. For purposes of [sections 1 through 21], when acting upon a written complaint to the department and in accordance with the Montana Administrative Procedure Act, the department or its authorized representatives must be given free access to the offices and places of business, files, safes, and vaults of all licensees and may require the attendance of any person and examine any person under oath relative to loans or the business or the subject matter of any examination, investigation, or hearing and may require the production of books, accounts, papers, and records. In the event of disobedience to any subpoena or other process issued by the department or failure to produce any books, accounts, papers, and records, the department may invoke the aid of any district court of this state in requiring the evidence and testimony of witnesses and the production of books, accounts, papers, and records."

Insert: "NEW SECTION. Section 20. Injunctions -- receivers. (1) If the department has reasonable cause to believe that a person is violating or is threatening to violate any provision of [sections 1 through 21], the department may enter an order requiring the person to cease and desist from the violation.

(2) An action may be brought by the attorney general or the department to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance of a violation. In any action, an order or judgment may be entered awarding a preliminary or a final injunction.

(3) In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought has the power and jurisdiction to impound, and to appoint a receiver for, the property and business of the defendant, including books, papers, documents, and records that the court finds reasonably necessary to prevent violations of [sections 1 through 21]. A receiver, when appointed and qualified, has the powers and duties related to custody, collection, administration, winding up, and liquidation of the property and business that may be conferred upon the receiver by the court."

Insert: "NEW SECTION. Section 21. Penalties. (1) A person who contracts for or receives interest or charges on any bond, bill, promissory note, or other instrument of writing at a rate exceeding the maximum amount authorized by [sections 1 through 21] is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or both.

(2) A person who, by any device, subterfuge, or pretense whatsoever, engages in any transaction permitted only to licensees without first having obtained a license is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or both."

Insert: "NEW SECTION. Section 22. Codification instruction. [Sections 1 through 21] are intended to be codified as an integral part of Title 32, and the provisions of Title 32 apply to [sections 1 through 21]."

For the Senate:

Hertel, Chairman
Cocchiarella
Mesaros

For the House:

Barnett, Chairman
Krenzler
Trexler

MESSAGES FROM THE SENATE

House amendments to Senate bill concurred in:

4/13/1999

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SB 170, introduced by M. Taylor

House bills concurred in and returned to the House:

4/13/1999

HB 532, introduced by Anderson

HB 638, introduced by Somerville

HB 656, introduced by Bookout-Reinicke

HB 657, introduced by Davies

HB 659, introduced by Menahan

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

4/13/1999

HB 5, introduced by McCann

HB 11, introduced by McCann

HB 13, introduced by Johnson

HB 79, introduced by Brainard

HB 127, introduced by Johnson

HB 260, introduced by Mood

HB 622, introduced by Witt

HB 647, introduced by Raney

HB 651, introduced by Hanson

HB 660, introduced by Menahan

HB 669, introduced by Story

HB 15, introduced by Zook, requiring adoption by an affirmative roll call vote of two-thirds of each house, failed the Senate and was transmitted to the House with the following vote:

4/13/1999

Yeas - 32

Nays - 18

HB 653, introduced by E. Bergsagel, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, failed the Senate and was transmitted to the House with the following vote:

4/13/1999

Yeas - 14

Nays - 36

MESSAGES FROM THE GOVERNOR

April 13, 1999

The Honorable John Mercer

Speaker of the House

State Capitol

Helena MT 59620

The Honorable Bruce Crippen

President of the Senate

State Capitol

Helena, MT 59620

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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 20, **“AN ACT ESTABLISHING A MULTISPECIES FISH HATCHERY NEAR FORT PECK DAM; CREATING THE WARM WATER GAME FISH SURCHARGE AND WARM WATER GAME FISH STAMP THAT WILL ALLOW A LICENSEE TO FISH IN DESIGNATED WATERS FOR WARM WATER GAME FISH; DEDICATING SURCHARGE REVENUE; CREATING AN ACCOUNT AND PROVIDING FOR ADMINISTRATION OF THE ACCOUNT BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; PROHIBITING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM USING FOR THE HATCHERY MORE MONEY THAN IS IN THE ACCOUNT ESTABLISHED FOR THE HATCHERY; AND PROVIDING A CONTINGENT VOIDNESS PROVISION,”** for the following reasons.

House Bill 20 establishes a fish hatchery near Fort Peck Dam. A technical error in some of the amendments that were added to the bill prohibit the Department of Fish, Wildlife and Parks from spending federal money for the hatchery even if federal money becomes available and is appropriated in House Bill 5. I am proposing amendments to make it clear that both state and federal special revenue accounts are to be established for the deposit of money received for the hatchery and that the Department may spend money from both of those accounts on the project.

Representative Kitzenberg, the sponsor of the bill, is in agreement with the proposed amendment.

Sincerely,

MARC RACICOT
Governor

GOVERNOR'S AMENDMENTS
TO HB 20
(Reference Bill)
April 13, 1999

1. Title, line 10.
Strike: “AN ACCOUNT”
Insert: “ACCOUNTS”
2. Title, line 11.
Strike: “ACCOUNT”
Insert: “ACCOUNTS”
3. Title, line 13.
Strike: “ACCOUNT”
Insert: “ACCOUNTS”
4. Page 3, line 8.
Following: “ANY”
Insert: “nonfederal”
5. Page 3, line 9.
Following: “_”

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Insert: "There is an account in the federal special revenue fund into which must be deposited all federal money received for purposes of the Fort Peck multispecies fish hatchery and from which the department may use funds for the hatchery authorized in [section 1]."

Clerical Amendments to reflect amendments 1 through 5

Page 2, line 5.
Strike: "account"
Insert: "accounts"

Page 2, line 7.
Strike: "ACCOUNT"
Insert: "accounts"

Page 2, line 10.
Strike: the first "ACCOUNT"
Insert: "accounts"
Strike: the second "ACCOUNT"

April 14, 1999

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

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

Dear President Crippen and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill No. 356, "**AN ACT REQUIRING THAT ONE MEMBER OF THE TRANSPORTATION COMMISSION HAVE SPECIFIC KNOWLEDGE OF INDIAN CULTURE AND TRIBAL TRANSPORTATION NEEDS; AMENDING SECTION 2-15-2502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY PROVISION,**" for the following reasons.

Senate Bill 356 amends the statute that creates the Montana Transportation Commission. It adds a requirement that at least one of the five Commission members be an individual with specific knowledge of Indian issues as they relate to transportation in Montana. While I am in complete agreement with the requirement, I am concerned about the amendment that requires the Governor to select this member from a list of nominees provided by the Montana members of the Montana-Wyoming Tribal Leaders Council.

A similar requirement exists in the current statute that establishes the State Coordinator of Indian Affairs. That statute requires that the Coordinator be appointed by the Governor from a list of five qualified Indian applicants agreed upon by the Tribal Councils of the respective Indian Tribes of the State. In the summer of 1995, the Coordinator resigned and I notified the Tribes of the need to submit a list so the position could be filled. The time

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required for the Tribal Leaders Council to meet, solicit applications and decide upon acceptable candidates took several months, and the position could not be filled until eleven months after the position became vacant. Even the Council understood the cumbersome nature of the process and we have discussed the need for a better way to handle the filling of the position in the future.

In order to avoid lengthy delays in the filling of the position that is required by Senate Bill 356, I am proposing an amendment that would require that the Governor consult with, rather than be provided a list by, the members of the Montana-Wyoming Tribal Leaders Council before making the appointment.

It is my understanding that Senator Mohl, the sponsor of Senate Bill 356, is aware of and agreeable to this amendment.

Sincerely,

MARC RACICOT
Governor

Governor's Amendments to Senate Bill No. 356
Reference Copy
April 14, 1999

1. Page 1, line 27.
Strike: "from a list of nominees provided by"
Insert: "after consultation with"

MOTIONS

Representative Grinde moved that **SB 308**, 3rd reading today, be passed for the day. Motion carried.

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 132, as amended by the Senate, passed as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Eggers, Ewer, Facey, Fisher, Fuchs, Gallus, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Rehbein, Rose, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 80

Noes: Beck, E. Bergsagel, P. Bergsagel, Brainard, Dell, Erickson, Galvin-Halcro, Gillan, Golie, Jore, Krenzler, Lawson, Molnar, Orr, Raney, Ryan, Sliter, Squires, Wagner.
Total 19

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Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

HB 150, as amended by the Senate, passed as follows:

Ayes: Adams, Ahner, J. Andersen, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, 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, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 89

Noes: S. Anderson, E. Bergsagel, P. Bergsagel, Curtiss, Jore, Mood, Orr, Rehbein, Story, Wagner.
Total 10

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

HB 155, as amended by the Senate, passed as follows:

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

Noes: J. Andersen, S. Anderson, E. Bergsagel, P. Bergsagel, Davies, Jore, Orr, Rehbein, Story, Vick, Wagner.
Total 11

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

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Absent or not voting: Kasten.
Total 1

HB 180, as amended by the Senate, passed as follows:

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

Noes: Adams, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, R. Clark, Curtiss, Grinde, Jackson, Jore, McGee, Molnar, Orr, Rehbein, Sliter, Somerville, Trexler, Wagner.
Total 20

Voted Absentee: Gallus, Kitzenberg, Ayes; Jackson, No.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

HB 186, as amended by the Senate, passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, 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 92

Noes: Adams, E. Bergsagel, P. Bergsagel, Buzzas, Jore, Rehbein.
Total 6

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Kasten, Thomas.
Total 2

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HB 187, as amended by the Senate, passed as follows:

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

Total 95

Noes: E. Bergsagel, Jore, Rehbein.

Total 3

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten, Smith.

Total 2

HB 189, as amended by the Senate, passed 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, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 96

Noes: Jore, Rehbein.

Total 2

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: S. Anderson, Kasten.

Total 2

HB 192, as amended by the Senate, passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark,

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R. Clark, Cobb, Dale, Davies, Dell, Eggers, Ewer, Fisher, Fuchs, Grinde, Guggenheim, Hagener, Haines, Hanson, Harper, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Kitzenberg, Krenzler, Lawson, Lenhart, Masolo, McCann, McGee, McKenney, Mood, Noennig, Ohs, Orr, Quilici, Rehbein, Rose, Shockley, Simon, Sliter, Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 68

Noes: Adams, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Buzzas, Curtiss, Erickson, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harrington, Juneau, Lindeen, Mangan, Matthews, McCulloch, Menahan, Molnar, Pavlovich, Peck, Raney, Ryan, Schmidt, Squires, Tuss, Williams, Wyatt.

Total 31

Voted Absentee: Jackson, Kitzenberg, Ayes; Gallus, No.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

HB 203, as amended by the Senate, passed as follows:

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

Total 90

Noes: P. Bergsagel, Brainard, Davies, Galvin-Halcro, Jore, Molnar, Orr, Tuss, Vick.

Total 9

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

HB 204, as amended by the Senate, passed as follows:

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

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

Total 89

Noes: Adams, P. Bergsagel, Cobb, Golie, Hagener, Jore, Krenzler, Lawson, Peck, Vick.

Total 10

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

HB 207, as amended by the Senate, passed as follows:

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

Total 83

Noes: E. Bergsagel, P. Bergsagel, Brainard, R. Clark, Dale, Davies, Jore, Krenzler, McGee, Molnar, Orr, Rehbein, Shockley, Sliter, Vick, Wagner.

Total 16

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

HB 215, as amended by the Senate, passed as follows:

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

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Total 84

Noes: S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Cobb, Grinde, Jore, Mood, Noennig, Orr, Rehbein, Story, Vick, Wagner.

Total 15

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

HB 221, as amended by the Senate, passed as follows:

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

Total 94

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

Total 4

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten, Somerville.

Total 2

HB 255, as amended by the Senate, passed 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, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 88

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Noes: Brainard, Cobb, Hurdle, Lawson, Molnar, Peck, Rehbein, Sliter, Somerville, Story, Wagner.
Total 11

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

HB 257, as amended by the Senate, passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Simon, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 87

Noes: Adams, Brainard, Curtiss, Jore, McGee, Molnar, Rehbein, Shockley, Sliter, Smith, Story, Wagner.
Total 12

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

HB 282, as amended by the Senate, passed as follows:

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

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, Cobb, Curtiss, Davies, Dell, Grinde, Jore, McCann, McGee, Molnar, Orr, Sliter, Somerville, Tuss, Vick, Wagner, Wyatt.
Total 20

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Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

HB 301, as amended by the Senate, passed as follows:

Ayes: Adams, S. Anderson, Barnett, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Dale, Davies, Dell, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Juneau, Kitzenberg, Lawson, Lenhart, Mangan, Masolo, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Ohs, Orr, 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, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 80

Noes: J. Andersen, Barnhart, Buzzas, Cobb, Curtiss, Eggers, Erickson, Ewer, Gillan, Golie, Hurdle, Krenzler, Lindeen, Matthews, Noennig, Peck, Squires, Williams.
Total 18

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Ahner, Kasten.
Total 2

HB 321, as amended by the Senate, passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Walters, Witt, Younkin, Zook, Mr. Speaker.
Total 81

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, Brown, Davies, Jore, McCann, McGee, Orr, Rehbein, Ryan, Story, Taylor, Vick, Wagner, Wyatt.
Total 17

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

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Total 0

Absent or not voting: Kasten, Williams.

Total 2

HB 339, as amended by the Senate, passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gillan, Golie, Grinde, Guggenheim, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, 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 85

Noes: Adams, E. Bergsagel, Gallus, Galvin-Halcro, Jore, Mangan, McCann, Molnar, Orr, Peck, Rehbein, Smith, Tuss.

Total 13

Voted Absentee: Jackson, Kitzenberg, Ayes; Gallus, No.

Excused: None.

Total 0

Absent or not voting: Gutsche, Kasten.

Total 2

HB 366, as amended by the Senate, passed as follows:

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

Total 87

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, Curtiss, Haines, Jore, Molnar, Orr, Vick, Wagner.

Total 11

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: S. Anderson, Kasten.

Total 2

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HB 379, as amended by the Senate, passed as follows:

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

Total 89

Noes: E. Bergsagel, Brainard, Curtiss, Davies, Erickson, Jore, McCann, Peck, Vick, Wyatt.

Total 10

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

HB 395, as amended by the Senate, passed 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, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 92

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

Total 7

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

HB 396, as amended by the Senate, passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark,

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R. Clark, Curtiss, Dale, Eggers, Fisher, Fuchs, Gallus, Gillan, Grinde, Guggenheim, Hagener, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Kitzenberg, Lawson, Lenhart, Masolo, Matthews, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Quilici, Rehbein, Rose, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 63

Noes: Adams, Barnhart, Beck, E. Bergsagel, P. Bergsagel, P. Clark, Cobb, Davies, Dell, Erickson, Ewer, Facey, Galvin-Halcro, Golie, Gutsche, Harper, Harrington, Hurdle, Jore, Juneau, Krenzler, Lindeen, Mangan, McCann, McCulloch, McGee, Molnar, Orr, Peck, Raney, Ryan, Sliter, Squires, Tuss, Williams, Wyatt.

Total 36

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

HB 399, as amended by the Senate, passed as follows:

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

Total 75

Noes: Adams, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Curtiss, Davies, Jackson, Jore, McGee, McKenney, Molnar, Mood, Orr, Rehbein, Simon, Sliter, Story, Taylor, Trexler, Tuss, Vick, Wagner, Walters.

Total 24

Voted Absentee: Gallus, Kitzenberg, Ayes; Jackson, No.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

HB 404, as amended by the Senate, passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Gillan, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kitzenberg, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews,

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McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Schmidt, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 82

Noes: Adams, E. Bergsagel, Brown, Curtiss, Davies, Galvin-Halcro, Golie, Hurdle, Jore, Krenzler, McCann, Orr, Ryan, Shockley, Tropila, Vick, Wagner.
Total 17

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

HB 405, as amended by the Senate, passed as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brown, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Gillan, Golie, Grinde, Guggenheim, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kitzenberg, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.
Total 86

Noes: Brainard, Buzzas, Eggers, Galvin-Halcro, Gutsche, Hagener, Hurdle, Krenzler, McCann, Peck, Rehbein, Wyatt.
Total 12

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Juneau, Kasten.
Total 2

HB 435, as amended by the Senate, passed as follows:

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

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Speaker.
Total 87

Noes: Adams, E. Bergsagel, Brown, Jore, McCann, Orr, Rehbein, Smith, Story, Trexler, Vick.
Total 11

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Davies, Kasten.
Total 2

HB 444, as amended by the Senate, passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 87

Noes: Adams, P. Bergsagel, Brainard, Curtiss, Jore, Krenzler, Orr, Rehbein, Sliter, Somerville, Tuss, Vick.
Total 12

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

HB 461, as amended by the Senate, passed as follows:

Ayes: Ahner, J. Andersen, Barnett, Barnhart, Beck, Brainard, Brown, Buzzas, R. Clark, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCulloch, McKenney, Menahan, Noennig, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 67

Noes: Adams, S. Anderson, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, E. Clark, P. Clark, Cobb, Curtiss, Davies, Fuchs, Gutsche, Hagener, Hurdle, Jackson, Jore, Mangan, McCann, McGee, Molnar, Mood, Orr, Peck, Rehbein, Sliter, Somerville, Story, Taylor, Vick, Wagner, Walters.

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Total 32

Voted Absentee: Gallus, Kitzenberg, Ayes; Jackson, No.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

HB 486, as amended by the Senate, passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Fuchs, Gallus, Grinde, Haines, Hanson, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Kitzenberg, Masolo, Matthews, McCann, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tuss, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 62

Noes: Adams, Barnhart, P. Bergsagel, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Hurdle, Jore, Juneau, Krenzler, Lawson, Lenhart, Lindeen, Mangan, McCulloch, Molnar, Peck, Raney, Ryan, Schmidt, Smith, Squires, Tropila, Vick, Williams, Wyatt.

Total 37

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

HB 502, as amended by the Senate, passed as follows:

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

Total 1

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

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Excused: None.
Total 0

Absent or not voting: Erickson, Kasten.
Total 2

HB 504, as amended by the Senate, passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Eggers, Erickson, Ewer, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Gutsche, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kitzenberg, Lawson, Lenhart, Masolo, Matthews, McCann, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 85

Noes: Adams, Dell, Facey, Guggenheim, Hagener, Hurdle, Juneau, Krenzler, Lindeen, Mangan, McCulloch, Ryan, Squires, Tuss.
Total 14

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

HB 526, as amended by the Senate, passed as follows:

Ayes: Ahner, S. Anderson, Barnett, Barnhart, Beck, Bookout-Reinicke, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, Menahan, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Simon, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 72

Noes: Adams, J. Andersen, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, Curtiss, Dale, Davies, Fuchs, Grinde, Holden, Jore, McCann, McGee, McKenney, Molnar, Mood, Orr, Rehbein, Shockley, Sliter, Story, Taylor, Vick, Wagner.
Total 27

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

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Absent or not voting: Kasten.
Total 1

SB 424 concurred in as follows:

Ayes: 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, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 92

Noes: Adams, Brainard, Davies, Jore, McGee, Orr, Rehbein.
Total 7

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

SB 454, as amended by the House, concurred in as follows:

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

Noes: Cobb, Eggers, Ewer, Facey, Hagener, Molnar, Peck, Somerville, Thomas, Wagner, Wyatt.
Total 11

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

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SB 487, as amended by the House, concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Juneau, 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, 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: Hagener, Hurdle, Peck, Smith.

Total 4

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Haines, Kasten.

Total 2

SB 532 concurred in as follows:

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

Total 88

Noes: Barnhart, Buzzas, P. Clark, Gutsche, Hagener, Hurdle, Jore, Mangan, Orr, Shockley, Wagner.

Total 11

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

SB 274, Free Conference Committee Report No. 1, adopted as follows:

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

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

Total 91

Noes: Adams, P. Clark, Hurdle, Jore, Masolo, Orr, Shockley, Smith.

Total 8

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

Representative Grinde moved that the House recess for the purposes of caucuses and reconvene at 1:15 p.m. Motion carried.

House recessed at 12:25 p.m.

House reconvened at 1:15 p.m.

Roll Call. All members present except Representatives Gallus, Jackson, and Kitzenberg. Quorum present.

**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 Sliter in the chair.

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

HB 652 - Senate Amendments - Representative Guggenheim moved Senate amendments to **HB 652** 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, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, 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 97

Noes: E. Bergsagel, P. Bergsagel, Jore.

Total 3

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 245 - Governor's Amendments - Representative Simon moved Governor's amendments to **HB 245** be concurred in. Motion carried as follows:

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

Noes: None.

Total 0

Voted Absentee: Gallus, Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

SB 184 - Representative Story moved **SB 184** be concurred in.

SB 184 - Representative Swanson moved **SB 184**, second reading copy, be amended as follows :

1. Page 85, line 23.

Strike: "16%"

Insert: "25% of the first \$200,000 of market value"

2. Page 85, line 24.

Strike: "23%"

Insert: "30% of the first \$200,000 of market value"

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3. Page 85, line 25.

Strike: "27.5%"

Insert: "35% of the first \$200,000 of market value"

4. Page 85, line 26.

Strike: "31%"

Insert: "40% of the first \$200,000 of market value"

Amendment failed as follows:

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

Total 48

Noes: 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, Hanson, Hedges, Hibbard, Jackson, Jore, Kasten, Masolo, McCann, McGee, McKenney, Mood, Noennig, Ohs, Rehbein, Rose, Shockley, Simon, Sliter, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Witt, Younkin, Zook, Mr. Speaker.

Total 51

Voted Absentee: Gallus, Kitzenberg, Ayes; Jackson, No.

Excused: None.

Total 0

Absent or not voting: Johnson.

Total 1

SB 184 - Representative Guggenheim moved **SB 184**, second reading copy, be amended as follows :

2. Page 81, line 26.

Strike: subsection (iv) in its entirety

4. Page 81, line 28.

Strike: "(II)" through "LOTS"

5. Page 85, line 21.

Following: "percentage"

Insert: "of the first \$200,000 or less"

6. Page 85, line 23.

Strike: "16%"

Insert: "19%"

7. Page 85, line 24.

Strike: "23%"

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Insert: "27.5%"

8. Page 85, line 25.

Strike: "27.5%"

Insert: "33%"

9. Page 85, line 26.

Strike: "31%"

Insert: "38%"

10. Page 85, line 27.

Following: "percentage"

Insert: "of the first \$200,000 or less"

SB 184 - Representative Haines moved the amendment be divided. Thereupon, amendments #2 and #4 failed as follows:

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

Total 45

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

Total 55

Voted Absentee: Gallus, Aye; Jackson, Kitzenberg, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

The remaining amendments adopted as follows:

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

Total 51

Noes: 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,

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Hedges, Jackson, Johnson, Jore, Kasten, Masolo, McGee, McKenney, Mood, Noennig, Rehbein, Shockley, Simon, Sliter, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Witt, Younkin, Zook, Mr. Speaker.

Total 49

Voted Absentee: Gallus, Kitzenberg, Ayes; Jackson, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 184 - Representative Erickson moved **SB 184**, second reading copy, be further amended as follows :

1. Page 85, line 21.

Following: "percentage"

Insert: "of the first \$200,000 or less"

2. Page 85, line 22.

Strike: "(1)(f)"

Insert: "(1)(f)(i) through (1)(f)(iii)"

3. Page 85, line 23.

Strike: "16%"

Insert: "17.5%"

4. Page 85, line 24.

Strike: "23%"

Insert: "26%"

5. Page 85, line 25.

Strike: "27.5%"

Insert: "31%"

6. Page 85, line 26.

Strike: "31%"

Insert: "35%"

Strike: "and"

7. Page 85.

Following: line 26

Insert: "(aa) the following percentage of the first \$200,000 of the market value of vacant residential lots as described in 15-6-134(1)(f)(iv):

(i) 8% for tax year 1999;

(ii) 11.5% for tax year 2000;

(iii) 14% for tax year 2001; and

(iv) 15.5% for tax year 2002 and succeeding tax years; and"

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Renumber: subsequent subsection

8. Page 85, line 27.

Following: "percentage"

Insert: "of the first \$200,000 or less"

SB 184 - Representative Erickson moved the amendment be divided. Thereupon, amendment #7 failed as follows:

Ayes: 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, McCann, McCulloch, Menahan, Noennig, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.

Total 42

Noes: 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, McGee, McKenney, Molnar, Mood, Ohs, Orr, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 57

Voted Absentee: Gallus, Aye; Jackson, Kitzenberg, Noes.

Excused: None.

Total 0

Absent or not voting: Vick.

Total 1

The remaining amendments were withdrawn.

Representative Gallus present at this time.

SB 184 - Representative Facey moved **SB 184**, second reading copy, be further amended as follows:

1. Title, page 1, line 8.

Following: "~~ASSESSMENT~~;"

Insert: "PROVIDING FOR THE DISPOSITION OF PROPERTY TAXES COLLECTED ON CERTAIN IMPROVEMENTS; REQUIRING THAT TAXES COLLECTED ON CERTAIN IMPROVEMENTS BE USED TO REDUCE MILL LEVIES;"

2. Title, page 1, line 29.

Following: "15-8-111,"

Insert: "15-8-201,"

3. Title, page 2, line 14.

Following: "AND"

Strike: "A RETROACTIVE"

Following: "APPLICABILITY"

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Strike: "DATE"
Insert: "DATES"

4. Page 3.

Following: line 29

Insert: "NEW SECTION. Section 2. **Assessment of certain improvements.** (1) Improvements completed during the tax year that were not assessed or taxable as of the preceding January 1 or improvements that have become the property of a person subject to taxation must be assessed and taxed from the date of occupation or use.

(2) To determine the amount of tax due for improvements described in subsection (1), the county treasurer shall multiply the taxable value of the improvement by the total number of mills levied on the property for the current fiscal year and multiply the product by the ratio that the number of days in the fiscal year that the property will be in taxable status bears to 365.

(3) Because the improvement will not have been assessed or taxed during the tax year because it did not exist on January 1, the department shall prepare a special assessment for the property, and the county treasurer shall determine the amount of taxes that would have been due under subsection (2).

(4) Upon determining the amount of tax due, the county treasurer shall notify the person to whom the tax is assessed, in the same manner as notification is provided for under 15-16-101(2), of the amount due, and the notification must state that the taxes are payable within 30 days after the notification is postmarked.

(5) Improvements that are assessed and taxed under this section must be included in the tax base in the same manner as all other property for the fiscal year beginning July 1 that follows assessment and taxation of the improvements under this section.

NEW SECTION. Section 3. **Disposition of taxes on certain improvements.** (1) The county treasurer shall deposit all taxes collected under [section 2] into a separate account.

(2) Funds in the account may not be distributed during the fiscal year in which they are collected.

(3) Funds in the account on June 30 must be distributed in the relative proportions required by the levies for state, county, school districts, and municipal purposes as property taxes are distributed and must be used to reduce levies whenever authorized or required."

Renumber: subsequent sections

5. Page 92.

Following: line 13

Insert: "**Section 91.** 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:

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- (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;
- (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; and
- (h) improvements that are subject to the provisions of [section 2].
- (6) Credits must be assessed as provided in 15-1-101(1)(f)."

Renumber: subsequent sections

6. Page 167, line 9.

Following: "instruction."

Insert: "(1)"

7. Page 167.

Following: line 11

Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 15, chapter 16, part 2, and the provisions of Title 15, chapter 16, part 2, apply to [section 2]."

(3) [Section 3] is intended to be codified as an integral part of Title 7, chapter 6, part 25, and the provisions of Title 7, chapter 6, part 25, apply to [section 3]."

8. Page 167, line 15.9

Strike: "Retroactive applicability"

Insert: "Applicability"

Following: "." (in boldface type)

Strike: "[This act]"

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

9. Page 167.

Following: line 16

Insert: "(2) [Sections 2, 3, and 91] apply to tax years beginning after December 31, 1999."

Amendment adopted as follows:

Ayes: Barnhart, Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Noennig, Orr, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Soft, Squires, Swanson, Tropila, Tuss, Walters, Williams, Wyatt, Younkin.
Total 50

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Jore, Kasten, Lawson, McGee, McKenney, Molnar, Mood, Ohs, Rehbein, Rose, Shockley, Simon, Sliter, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Witt, Zook, Mr. Speaker.
Total 49

Voted Absentee: Kitzenberg, Aye; Jackson, No.

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Excused: None.
Total 0

Absent or not voting: E. Bergsagel.
Total 1

SB 184 - Representative Tuss moved **SB 184**, second reading copy, be further amended as follows :

1. Title, page 1, line 12.

Following: "VALUES;"

Insert: "ELIMINATING THE REQUIREMENT THAT THE COUNTIES IN WHICH A COLLEGE OF TECHNOLOGY IS LOCATED LEVY MILLS FOR THE SUPPORT OF VOCATIONAL-TECHNICAL EDUCATION;"

2. Title, page 2, line 2.

Following: "20-9-168,"

Insert: "20-9-212,"

3. Title, page 2, line 13.

Strike: "AND"

Following: "15-10-412,"

Insert: "AND 20-25-439,"

4. Page 111, line 21.

Insert: "**Section 110.** Section 20-9-212, MCA, is amended to read:

"**20-9-212. Duties of county treasurer.** The county treasurer of each county shall:

(1) receive and hold all school money subject to apportionment and keep a separate accounting of its apportionment to the several districts that are entitled to a portion of the money according to the apportionments ordered by the county superintendent or by the superintendent of public instruction. A separate accounting must be maintained for each county fund supported by a countywide levy for a specific, authorized purpose, including:

(a) the basic county tax for elementary equalization;

(b) the basic county tax for high school equalization;

(c) the county tax in support of the transportation schedules;

(d) the county tax in support of the elementary and high school district retirement obligations; and

(e) any other county tax for schools, including the community colleges, that may be authorized by law and levied by the county commissioners.

(2) whenever requested, notify the county superintendent and the superintendent of public instruction of the amount of county school money on deposit in each of the funds enumerated in subsection (1) and the amount of any other school money subject to apportionment and apportion the county and other school money to the districts in accordance with the apportionment ordered by the county superintendent or the superintendent of public instruction;

(3) keep a separate accounting of the receipts, expenditures, and cash balances for each fund;

(4) except as otherwise limited by law, pay all warrants properly drawn on the county or district school money;

(5) receive all revenue collected by and for each district and deposit these receipts in the fund designated by law or by the district if a fund is not designated by law. Interest and penalties on delinquent school taxes must be credited to the same fund and district for which the original taxes were levied.

(6) send all revenue received for a joint district, part of which is situated in the county, to the county treasurer designated as the custodian of the revenue, no later than December 15 of each year and every 3 months

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after that date until the end of the school fiscal year;

(7) at the direction of the trustees of a district, assist the district in the issuance and sale of tax and revenue anticipation notes as provided in Title 7, chapter 6, part 11;

(8) register district warrants drawn on a budgeted fund in accordance with 7-6-2604 when there is insufficient money available in all funds of the district to make payment of the warrant. Redemption of registered warrants must be made in accordance with 7-6-2116, 7-6-2605, and 7-6-2606.

(9) invest the money of any district as directed by the trustees of the district within 3 working days of the direction;

(10) each month give to the trustees of each district an itemized report for each fund maintained by the district, showing the paid warrants, registered warrants, interest distribution, amounts and types of revenue received, and the cash balance;

~~(11) remit promptly to the state treasurer receipts for the county tax for a vocational-technical program within a unit of the university system when levied by the board of county commissioners under the provisions of 20-25-439;~~

~~(12)~~(11) invest the money received from the basic county taxes for elementary and high school equalization, the county levy in support of the elementary and high school district retirement obligations, and the county levy in support of the transportation schedules within 3 working days of receipt. The money must be invested until the working day before it is required to be distributed to school districts within the county or remitted to the state. Permissible investments are specified in 20-9-213(4). All investment income must be deposited, and credited proportionately, in the funds established to account for the taxes received for the purposes specified in subsections (1)(a) through (1)(d).

~~(13)~~(12) remit on a monthly basis to the state treasurer, in accordance with the provisions of 15-1-504, all county equalization revenue received under the provisions of 20-9-331 and 20-9-333, including all interest earned and excluding any amount required for high school out-of-county tuition under the provisions of 20-9-334, in repayment of the state advance for county equalization prescribed in 20-9-347. Any funds in excess of a state advance must be used as required in 20-9-331(1)(b) and 20-9-333(1)(b)."

5. Page 167, line 6.

Strike: "and"

Following: "15-10-412,"

Insert: "and 20-25-439,"

Amendment failed as follows:

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

Total 44

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

Total 55

Voted Absentee: Jackson, Kitzenberg, Noes.

Excused: None.

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Total 0

Absent or not voting: Facey.

Total 1

SB 184 - Representative Davies moved **SB 184**, second reading copy, be further amended as follows :

1. Page 82, line 4.

Strike: "0.0835%"

Insert: "0.167%"

2. Page 82, line 4.

Strike: "3.46%"

Insert: "3.126%"

Amendment adopted 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, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Hagener, Haines, Harper, Harrington, Jackson, Johnson, Jore, Juneau, Krenzler, Lawson, Lindeen, Mangan, Matthews, McCulloch, McGee, McKenney, Menahan, Molnar, Noennig, Ohs, Orr, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Sliter, Somerville, Squires, Story, Swanson, Thomas, Tropila, Tuss, Vick, Wagner, Williams, Wyatt, Younkin, Mr. Speaker.

Total 72

Noes: Barnhart, Cobb, Ewer, Facey, Gutsche, Hanson, Hedges, Hibbard, Holden, Hurdle, Kasten, Kitzenberg, Lenhart, Masolo, McCann, Mood, Peck, Shockley, Smith, Soft, Stovall, Tash, Taylor, Trexler, Walters, Witt, Zook.

Total 27

Voted Absentee: Jackson, Aye; Kitzenberg, No.

Excused: None.

Total 0

Absent or not voting: Simon.

Total 1

SB 184 - Representative Hibbard moved **SB 184**, second reading copy, be further amended as follows :

1. Title, page 1, line 12.

Following: "VALUES;"

Insert: "PROVIDING FOR REIMBURSEMENT TO LOCAL GOVERNMENTS, SCHOOLS, AND TAX INCREMENT DISTRICTS, UNDER CERTAIN CONDITIONS, FOR LOSS OF PROPERTY TAX REVENUE; PROVIDING FOR AN INTERIM LOCAL GOVERNMENT FUNDING AND STRUCTURE STUDY COMMITTEE AND AN INTERIM COURT FUNDING AND STRUCTURE STUDY COMMITTEE; PROVIDING FOR AN APPROPRIATION;"

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2. Title, page 1, line 23.

Following: "7-15-4281,"

Insert: "7-15-4324,"

3. Title, page 2, line 3.

Following: "20-9-360,"

Insert: "20-9-366,"

Following: "20-9-438,"

Insert: "20-10-144, 20-10-145,"

4. Title, page 2, line 13.

Following: "DATE"

Insert: ", A TERMINATION DATE,"

5. Page 59, line 9.

Insert: "**Section 48.** Section 7-15-4324, MCA, is amended to read:

"7-15-4324. Special bond provisions when tax increment financing is involved. (1) Bonds issued under this part for which a tax increment is pledged pursuant to 7-15-4282 through 7-15-4292 ~~shall must~~ be designed to mature not later than 25 years from their date of issue and ~~shall must~~ mature in ~~such~~ years and amounts so that the principal and interest due on the bonds in each year ~~shall may~~ not exceed the estimated tax increment, payments in lieu of taxes or other amounts agreed to be paid by the property owners in a district, and other estimated ~~revenues~~ revenue, including proceeds of the bonds available for payment of interest ~~thereon~~ on the bonds, pledged to their payment to be received in ~~such~~ that year.

(2) The governing body, in the resolution or ordinance authorizing the bonds, shall determine the estimated tax increment, payments in lieu of taxes or other amounts agreed to be paid by the property owners in a district, and other ~~revenues~~ revenue, if any, for each year the bonds are to be outstanding. In calculating the costs under 7-15-4288 for which the bonds are issued, the municipality may include an amount sufficient to pay interest on the bonds prior to receipt of tax increments pledged and sufficient for the payment ~~thereof~~ of the bonds and to fund any reserve fund in respect of the bonds. "

Renumber: subsequent subsections

6. Page 109, line 6.

Strike: "61-3-504,"

7. Page 109, line 7.

Strike: "61-3-537,"

8. Page 109, line 14.

Strike: "and"

9. Page 109, line 15.

Following: "15-23-703"

Insert: ";

(iv) anticipated revenue from reimbursements for property tax reductions; and

(v) anticipated revenue from taxes imposed under 61-3-504 and 61-3-537"

10. Page 116, line 26.

Insert: "**Section 119.** Section 20-9-366, MCA, is amended to read:

"20-9-366. Definitions. As used in 20-9-366 through 20-9-369, the following definitions apply:

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(1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.

(2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district divided by the sum of the district's current year direct state aid and 40% of the special education allowable cost payment.

(b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district's current year total per-ANB entitlement amount.

(3) (a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~175%~~ 178 % for fiscal year 2000 and 210% thereafter and divided by the total sum of either the state elementary school districts' or the high school districts' current year total direct state aid and 40% of special education allowable cost amounts.

(b) "Statewide mill value per elementary ANB" or "statewide mill value per high school ANB", for ~~school facility entitlement and:~~

(i) retirement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~121%~~ 124% for fiscal year 2000 and 137% thereafter and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts;

(ii) school facility entitlement purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 121% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts."

Renumber: subsequent sections

11. Page 124, line 5.

Insert: "Section 122. Section 20-10-144, MCA, is amended to read:

"20-10-144. Computation of revenue and net tax levy requirements for district transportation fund budget. Before the second Monday of August, the county superintendent shall compute the revenue available to finance the transportation fund budget of each district. The county superintendent shall compute the revenue for each district on the following basis:

(1) The "schedule amount" of the budget expenditures that is derived from the rate schedules in 20-10-141 and 20-10-142 must be determined by adding the following amounts:

(a) the sum of the maximum reimbursable expenditures for all approved school bus routes maintained by the district (to determine the maximum reimbursable expenditure, multiply the applicable rate per bus mile by the total number of miles to be traveled during the ensuing school fiscal year on each bus route approved by the county transportation committee and maintained by the district); plus

(b) the total of all individual transportation per diem reimbursement rates for the district as determined from the contracts submitted by the district multiplied by the number of pupil-instruction days scheduled for the ensuing school attendance year; plus

(c) any estimated costs for supervised home study or supervised correspondence study for the ensuing school fiscal year; plus

(d) the amount budgeted in the budget for the contingency amount permitted in 20-10-143, except if the amount exceeds 10% of the total of subsections (1)(a), (1)(b), and (1)(c) or \$100, whichever is larger, the contingency amount on the budget must be reduced to the limitation amount and used in this determination of the schedule amount; plus

(e) any estimated costs for transporting a child out of district when the child has mandatory approval to

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attend school in a district outside the district of residence.

(2) (a) The schedule amount determined in subsection (1) or the total transportation fund budget, whichever is smaller, is divided by 2 and is used to determine the available state and county revenue to be budgeted on the following basis:

(i) ~~one-half 51%~~ is the budgeted state transportation reimbursement, ~~except that the state transportation reimbursement for the transportation of special education pupils under the provisions of 20-7-442 must be 50% of the schedule amount attributed to the transportation of special education pupils; and~~

(ii) one-half the percentage remaining after the percentage determined under subsection (2)(a)(i) is the budgeted county transportation fund reimbursement and must be financed in the manner provided in 20-10-146.

(b) When the district has a sufficient amount of fund balance for reappropriation and other sources of district revenue, as determined in subsection (3), to reduce the total district obligation for financing to zero, any remaining amount of district revenue and fund balance reappropriated must be used to reduce the county financing obligation in subsection (2)(a)(ii) and, if the county financing obligations are reduced to zero, to reduce the state financial obligation in subsection (2)(a)(i).

(c) The county revenue requirement for a joint district, after the application of any district money under subsection (2)(b), must be prorated to each county incorporated by the joint district in the same proportion as the ANB of the joint district is distributed by pupil residence in each county.

(3) The total of the money available for the reduction of property tax on the district for the transportation fund must be determined by totaling:

(a) anticipated federal money received under the provisions of 20 U.S.C. 7701, et seq., or other anticipated federal money received in lieu of that federal act;

(b) anticipated payments from other districts for providing school bus transportation services for the district;

(c) anticipated payments from a parent or guardian for providing school bus transportation services for a child;

(d) anticipated or reappropriated interest to be earned by the investment of transportation fund cash in accordance with the provisions of 20-9-213(4);

(e) anticipated or reappropriated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504, 61-3-521, 61-3-527, 61-3-529, 61-3-537, and 67-3-204;

(f) anticipated revenue from coal gross proceeds under 15-23-703;

(g) anticipated oil and natural gas production taxes;

(h) anticipated local government severance tax payments for calendar year 1995 production;

(i) anticipated transportation payments for out-of-district pupils under the provisions of 20-5-320 through 20-5-324;

(j) any other revenue anticipated by the trustees to be earned during the ensuing school fiscal year that may be used to finance the transportation fund; and

(k) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the transportation fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the transportation fund. The operating reserve may not be more than 20% of the final transportation fund budget for the ensuing school fiscal year and is for the purpose of paying transportation fund warrants issued by the district under the final transportation fund budget.

(4) The district levy requirement for each district's transportation fund must be computed by:

(a) subtracting the schedule amount calculated in subsection (1) from the total preliminary transportation budget amount; and

(b) subtracting the amount of money available to reduce the property tax on the district, as determined in subsection (3), from the amount determined in subsection (4)(a).

(5) The transportation fund levy requirements determined in subsection (4) for each district must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the transportation fund levy requirements for the district, and the levy must be made by the county commissioners in accordance with 20-9-142."

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Insert: "Section 123. Section 20-10-144, MCA, is amended to read:

"20-10-144. Computation of revenue and net tax levy requirements for district transportation fund budget. Before the second Monday of August, the county superintendent shall compute the revenue available to finance the transportation fund budget of each district. The county superintendent shall compute the revenue for each district on the following basis:

(1) The "schedule amount" of the budget expenditures that is derived from the rate schedules in 20-10-141 and 20-10-142 must be determined by adding the following amounts:

(a) the sum of the maximum reimbursable expenditures for all approved school bus routes maintained by the district (to determine the maximum reimbursable expenditure, multiply the applicable rate per bus mile by the total number of miles to be traveled during the ensuing school fiscal year on each bus route approved by the county transportation committee and maintained by the district); plus

(b) the total of all individual transportation per diem reimbursement rates for the district as determined from the contracts submitted by the district multiplied by the number of pupil-instruction days scheduled for the ensuing school attendance year; plus

(c) any estimated costs for supervised home study or supervised correspondence study for the ensuing school fiscal year; plus

(d) the amount budgeted in the budget for the contingency amount permitted in 20-10-143, except if the amount exceeds 10% of the total of subsections (1)(a), (1)(b), and (1)(c) or \$100, whichever is larger, the contingency amount on the budget must be reduced to the limitation amount and used in this determination of the schedule amount; plus

(e) any estimated costs for transporting a child out of district when the child has mandatory approval to attend school in a district outside the district of residence.

(2) (a) The schedule amount determined in subsection (1) or the total transportation fund budget, whichever is smaller, is divided by 2 and is used to determine the available state and county revenue to be budgeted on the following basis:

(i) ~~one-half~~ 54% is the budgeted state transportation reimbursement, ~~except that the state transportation reimbursement for the transportation of special education pupils under the provisions of 20-7-442 must be 50% of the schedule amount attributed to the transportation of special education pupils; and~~

(ii) ~~one-half~~ the percentage remaining after the percentage determined under subsection (2)(a)(i) is the budgeted county transportation fund reimbursement and must be financed in the manner provided in 20-10-146.

(b) When the district has a sufficient amount of fund balance for reappropriation and other sources of district revenue, as determined in subsection (3), to reduce the total district obligation for financing to zero, any remaining amount of district revenue and fund balance reappropriated must be used to reduce the county financing obligation in subsection (2)(a)(ii) and, if the county financing obligations are reduced to zero, to reduce the state financial obligation in subsection (2)(a)(i).

(c) The county revenue requirement for a joint district, after the application of any district money under subsection (2)(b), must be prorated to each county incorporated by the joint district in the same proportion as the ANB of the joint district is distributed by pupil residence in each county.

(3) The total of the money available for the reduction of property tax on the district for the transportation fund must be determined by totaling:

(a) anticipated federal money received under the provisions of 20 U.S.C. 7701, et seq., or other anticipated federal money received in lieu of that federal act;

(b) anticipated payments from other districts for providing school bus transportation services for the district;

(c) anticipated payments from a parent or guardian for providing school bus transportation services for a child;

(d) anticipated or reappropriated interest to be earned by the investment of transportation fund cash in accordance with the provisions of 20-9-213(4);

(e) anticipated or reappropriated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504, 61-3-521, 61-3-527, 61-3-529, 61-3-537, and 67-3-204;

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- (f) anticipated revenue from coal gross proceeds under 15-23-703;
 - (g) anticipated oil and natural gas production taxes;
 - (h) anticipated local government severance tax payments for calendar year 1995 production;
 - (i) anticipated transportation payments for out-of-district pupils under the provisions of 20-5-320 through 20-5-324;
 - (j) any other revenue anticipated by the trustees to be earned during the ensuing school fiscal year that may be used to finance the transportation fund; and
 - (k) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the transportation fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the transportation fund. The operating reserve may not be more than 20% of the final transportation fund budget for the ensuing school fiscal year and is for the purpose of paying transportation fund warrants issued by the district under the final transportation fund budget.
- (4) The district levy requirement for each district's transportation fund must be computed by:
- (a) subtracting the schedule amount calculated in subsection (1) from the total preliminary transportation budget amount; and
 - (b) subtracting the amount of money available to reduce the property tax on the district, as determined in subsection (3), from the amount determined in subsection (4)(a).
- (5) The transportation fund levy requirements determined in subsection (4) for each district must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the transportation fund levy requirements for the district, and the levy must be made by the county commissioners in accordance with 20-9-142."

Insert: "Section 124. Section 20-10-145, MCA, is amended to read:

"20-10-145. State transportation reimbursement. (1) A district providing school bus transportation or individual transportation in accordance with this title, board of public education transportation policy, and superintendent of public instruction transportation rules must receive a state reimbursement of its transportation expenditures under the transportation reimbursement rate provisions of 20-10-141 and 20-10-142. The state transportation reimbursement is ~~one-half~~ 51% of the reimbursement amounts established in 20-10-141 and 20-10-142 or ~~one-half~~ 51% of the district's transportation fund budget, whichever is smaller, and must be computed on the basis of the number of days the transportation services were actually rendered, not to exceed 180 pupil-instruction days. In determining the amount of the state transportation reimbursement, an amount claimed by a district may not be considered for reimbursement unless the amount has been paid in the regular manner provided for the payment of other financial obligations of the district.

(2) Requests for the state transportation reimbursement must be made by each district semiannually during the school fiscal year on the claim forms and procedure promulgated by the superintendent of public instruction. The claims for state transportation reimbursements must be routed by the district to the county superintendent, who after reviewing the claims shall send them to the superintendent of public instruction. The superintendent of public instruction shall establish the validity and accuracy of the claims for the state transportation reimbursements by determining compliance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction. After making any necessary adjustments to the claims, the superintendent of public instruction shall order a disbursement from the state money appropriated by the legislature of the state of Montana for the state transportation reimbursement. The payment of all the district's claims within one county must be made to the county treasurer of the county, and the county superintendent shall apportion the payment in accordance with the apportionment order supplied by the superintendent of public instruction."

Insert: "Section 125. Section 20-10-145, MCA, is amended to read:

"20-10-145. State transportation reimbursement. (1) A district providing school bus transportation or individual transportation in accordance with this title, board of public education transportation policy, and superintendent of public instruction transportation rules must receive a state reimbursement of its transportation expenditures under the transportation reimbursement rate provisions of 20-10-141 and 20-10-142. The state transportation reimbursement is ~~one-half~~ 54% of the reimbursement amounts established in 20-10-141 and 20-10-142

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or ~~one-half~~ 54% of the district's transportation fund budget, whichever is smaller, and must be computed on the basis of the number of days the transportation services were actually rendered, not to exceed 180 pupil-instruction days. In determining the amount of the state transportation reimbursement, an amount claimed by a district may not be considered for reimbursement unless the amount has been paid in the regular manner provided for the payment of other financial obligations of the district.

(2) Requests for the state transportation reimbursement must be made by each district semiannually during the school fiscal year on the claim forms and procedure promulgated by the superintendent of public instruction. The claims for state transportation reimbursements must be routed by the district to the county superintendent, who after reviewing the claims shall send them to the superintendent of public instruction. The superintendent of public instruction shall establish the validity and accuracy of the claims for the state transportation reimbursements by determining compliance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction. After making any necessary adjustments to the claims, the superintendent of public instruction shall order a disbursement from the state money appropriated by the legislature of the state of Montana for the state transportation reimbursement. The payment of all the district's claims within one county must be made to the county treasurer of the county, and the county superintendent shall apportion the payment in accordance with the apportionment order supplied by the superintendent of public instruction."

Renumber: subsequent sections

12. Page 167, line 5.

Insert: "NEW SECTION. Section 179. Reimbursement to counties, cities, towns, and consolidated city-county governments for losses in revenue. (1) (a) The department of revenue shall determine the amount of tax and other revenue lost by each local government unit as a result of the enactment of House Bill No. 128, House Bill No. 174, House Bill No. 658, Senate Bill No. 200, Senate Bill No. 260, and Senate Bill No. 530 for fiscal year 2000 and for fiscal year 2001. The determination must be made by August 15, 1999, for fiscal year 2000, and by March 15, 2000, for fiscal year 2001. The department shall use fiscal year 1998 as its base year for each determination.

(b) As used in this section, "local government unit" means a county, city, or town capable of levying mills, consolidated city-county government, miscellaneous district, or other local district that levies mills. The term does not include tax increment financing districts, the state, school districts, school transportation levies, or teacher retirement levies.

(c) The department shall determine the amount of tax and other revenue due each local government unit for fiscal year 1998 from the following sources:

(i) property taxes levied by each local government unit within each county or consolidated city-county government for fiscal year 1998, but excluding any mills levied by the state pursuant to [section 1 of Senate Bill No. 79], 20-9-331, 20-9-333, 20-9-360, 20-25-439, and 53-2-813; and

(ii) oil and gas production taxes levied and distributed as provided for in Title 15, chapter 36; and

(iii) motor vehicle fees and taxes paid pursuant to 61-3-504.

(2) The department shall calculate for each local government unit for fiscal year 1998 the amount of tax and other revenue that would have been due each local government unit from the sources listed in subsection (1) if House Bill No. 128, House Bill No. 174, House Bill No. 658, Senate Bill No. 200, Senate Bill No. 260, and Senate Bill No. 530 had been in effect for fiscal year 1998.

(3) The motor vehicle tax loss as a result of Senate Bill No. 260 for cities and towns capable of levying mills is 30% of the tax amount received by each city and town pursuant to 61-3-504 in tax year 1998.

(4) The motor vehicle tax loss as a result of Senate Bill No. 260 for counties is 30% of the tax amount received by each county pursuant to 61-3-504 in tax year 1998, increased by the ratio of the sum of the county mill levy plus the countywide weighted average mill levy for all local government units, except the county, within the county to the county government mill levy, as determined by the department.

(5) In making the calculation provided for in subsection (2), the department shall take into account any benefit to a local government unit that levied mills against electrical generation property in fiscal year 1998 from any increase in the assessed value of electrical generation property stemming from the sale of electrical generation assets

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subsequent to tax year 1997.

(6) Each county, city, town, and consolidated city-county government that in aggregate lost tax revenue in a particular year, based on the difference between the calculation in subsections (1)(c) and (2), must receive the same percentage of the appropriation for local government reimbursements as the appropriation bears to the total amount of loss for all local government units in this state. Payments must be made in two similar installments for each fiscal year on or about December 15 and June 15. Each county, city, town, and consolidated city-county government is authorized to distribute the revenue received among its funds and districts according to current year mill levies. However, because losses by a tax increment financing district are not calculated or reimbursed, it may receive only an amount as required to ensure that it can repay bonds in existence on April 15, 1999, if all its existing revenue and reserves are to be used only to meet the bond payment and are insufficient to do so.

(7) The amount of loss calculated in subsection (2), converted to taxable value by multiplying by the applicable mill levy, shall be added to the taxable value of taxing units to determine their bonding limits."

Insert: "NEW SECTION. Section 180. Local government and court funding and structure committees -- membership -- purpose. (1) There is an interim local government funding and structure committee composed of 13 members. The members must include:

(a) two members from the house of representatives, one from each party, appointed by the speaker of the house;

(b) two members from the senate, one from each party, appointed by the senate committee on committees;

(c) three members appointed by the Montana association of counties;

(d) two members appointed by the Montana league of cities and towns;

(e) one member appointed by the Montana county treasurers association;

(f) one member from the state executive branch of government appointed by the governor;

(g) one member appointed by the Montana school boards association; and

(h) one member of the general public appointed by the governor.

(2) The names of the committee members must be certified to the department of administration by July 1, 1999.

(3) There is an interim court funding and structure committee composed of 13 members. The members must include:

(a) two members from the house of representatives, one from each party, appointed by the speaker of the house;

(b) two members from the senate, one from each party, appointed by the senate committee on committees;

(c) one member appointed by the chief justice of the Montana supreme court;

(d) one member appointed by the Montana league of cities and towns;

(e) one member appointed by the Montana association of counties;

(f) one member representing the Montana judges association;

(g) one member representing the Montana magistrates association;

(h) one member representing the Montana association of clerks of court;

(i) one member representing the Montana state bar association; and

(j) two members from the general public appointed by the governor.

(4) The names of the committee members must be certified to the department of administration by July 1, 1999.

(5) (a) The members of each committee shall select a presiding officer and may appoint other officers as considered necessary.

(b) The committees may adopt rules of procedure for conducting meetings.

(c) The presiding officer of each committee shall schedule meetings and shall direct the staff of the department of administration to give notice of the time and place of meetings to the committee members and to the public.

(6) (a) The purpose of the committees is to conduct a study of funding local government, including the courts, to ascertain the best method of allocating current and future resources, while providing a complementary

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funding relationship between local government and state government. This complementary funding relationship must provide stable and reliable revenue streams to local governments, including the courts. The study must explore regional concepts, as well as further lifting of local government revenue restrictions and de-earmarking of revenue to local governments. The complementary funding relationship must meet the criteria set forth in the following vision statement, adopted by the local government funding and school finance visioning group:

"We are dedicated to partnerships among the state, counties, cities, and school districts that are based on mutual trust and respect for local authority. This partnership will enable all governments to respond to the demands of their citizens in the 21st century through a mix of taxes and fees that is understandable, equitable, stable, and adequate. The collection and distribution system for these taxes and fees will be simple, efficient, accurate, and timely."

(b) The committees shall coordinate their work and shall report to each other after each meeting. The two committees shall meet together at least once every 6 months.

(c) (i) The committees shall make interim reports to the governor, the chief justice, and the leadership of each house of the legislature every 6 months.

(ii) The committees shall submit a written report to the legislature not later than December 1, 2000, that must include recommendations and proposed bill drafts necessary to implement any legislative proposals to streamline the functions of local government, including courts and a complementary funding structure between state and local governments.

(7) (a) Each committee is authorized to request directly from any agency, board, or commission any relevant information, suggestions, estimates, and statistics, and each agency, board, or commission shall furnish requested information to the best of its ability.

(b) The committees are attached to the department of administration for administrative and staff purposes. Further, the committees may use the resources of the legislative, judicial, and executive branch agencies to accomplish their studies.

(8) Members of the committees must be reimbursed in accordance with 2-18-501 for actual and necessary expenses incurred in attending meetings or conducting committee business."

Insert: "NEW SECTION. Section 181. Funding -- appropriations. (1) The committees established in [section 177] may receive gifts, grants, and donations. The money received must be used for fulfilling the duties of the committees, for reimbursing the expenses of committee members, or for providing staff for the committees. The money received must be placed in a special revenue fund account to the credit of the department of administration.

(2) In addition to any funds received pursuant to subsection (1), there is appropriated \$200,000 from the general fund to the committees created pursuant to the provisions of [section 180] for the biennium for the operating expenses and personnel expenses of the committees.

(3) There is appropriated to the office of public instruction from the general fund \$29,020,607 for BASE aid for the biennium ending June 30, 2001.

(4) There is appropriated to the office of public instruction from the general fund \$7,512,257 for the retirement guaranteed tax base aid for the biennium ending June 30, 2001.

(5) There is appropriated to the office of public instruction from the general fund \$1,157,266 for the biennium ending June 30, 2001 for school transportation aid.

(6) There is appropriated from the general fund \$691,246 for the fiscal year ending June 30, 2000, and \$1,774,042 for the fiscal year ending June 30, 2001, to the state special revenue fund referenced in [section 1 of Senate Bill No. 79].

(7) There is appropriated from the general fund \$414,748 for the fiscal year ending June 30, 2000, and \$1,064,425 for the fiscal year ending June 30, 2001, to the state special revenue fund referenced in 53-2-813(2).

(8) There is appropriated from the general fund \$8,563,819 for the fiscal year ending June 30, 2000, and \$29,672,370 for the fiscal year ending June 30, 2001, to the department of administration for the reimbursements calculated in [section 179]."

Insert: "NEW SECTION. Section 182. Coordination instruction.

(1) If any of the following is passed and approved in a form that contains a reimbursement mechanism for local

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government, then:

(a) in House Bill No. 128:

(i) [sections 19 and 20], third reading copy, are void;

(ii) [section 18] must read as follows:

"NEW SECTION. Section 18. Distribution of retail telecommunications excise tax revenue. After retaining an allowance for refunds, retail telecommunications excise tax revenue collected by the department must be deposited in the state general fund."

(b) in House Bill No. 174, [section 15] of the second reading second house copy is void; and

(c) in Senate Bill No. 200, [sections 1 and 26] of the enrolled bill, are void; and

(d) in House Bill No. 658, Senate Bill No. 260, or Senate Bill No. 530, any section that contains a reimbursement mechanism for local government is void.

(2) If Senate Bill No. 260 and [this act] are both passed and approved, then [section 3] of Senate Bill No. 260, amending 61-3-509, must read as follows:

"Section 3. Section 61-3-509, MCA, is amended to read:

"61-3-509. Disposition of taxes. (1) Except as provided in subsection (2), the county treasurer shall, after deducting the district court fee, credit all taxes on motor vehicles and fees in lieu of tax on motorcycles, quadricycles, motor homes, travel trailers, campers, trailers, pole trailers, semitrailers, buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors collected under 61-3-504, 61-3-521, 61-3-527, 61-3-529, and 61-3-537, to a motor vehicle suspense fund. At some time between March 1 and March 10 of each year and every 60 days after that date, the county treasurer shall distribute the money in the motor vehicle suspense fund. ~~Except for taxes collected under 61-3-504, the county treasurer shall distribute the money in the fund~~ in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed. ~~For money in the fund collected under 61-3-504, the county treasurer shall disregard the statewide mills levied for the university system and the mills levied for state equalization aid under 20-9-360 in determining distribution proportions of the money and may not distribute money from 61-3-504 to the state for either levy. If the distribution of money collected under 61-3-504 to a school district general fund results in a lower revenue than the district received in fiscal year 1999 and the district has, for all years after fiscal year 1999, received less revenue than fiscal year 1999, then the district general fund is entitled to state reimbursement for the amount of the difference between the fiscal year 1999 revenue and the current year distributions of collections under 61-3-504.~~

(2) The county treasurer shall deduct as a district court fee ~~7%~~ 10% of the amount of the ~~2%~~ tax collected on light vehicles under 61-3-504(1). The county treasurer shall credit the fee for district courts to a separate suspense account and shall forward the amount in the account to the state treasurer at the time that the county treasurer distributes money from the motor vehicle suspense fund. The state treasurer shall credit amounts received under this subsection to the state special revenue fund to be used for purposes of state funding of district court expenses as provided in 3-5-901. "

(3) If House Bill No. 90, Senate Bill No. 260, and [this act] are passed and approved and amend 20-9-141, then section 20-9-141 must read as follows:

"Section 20-9-141, MCA is amended to read:

"20-9-141. Computation of general fund net levy requirement by county superintendent. (1) The county superintendent shall compute the levy requirement for each district's general fund on the basis of the following procedure:

(a) Determine the funding required for the district's final general fund budget less the sum of direct state aid and the special education allowable cost payment for the district by totaling:

(i) the district's nonisolated school BASE budget requirement to be met by a district levy as provided in 20-9-303; and

(ii) any general fund budget amount adopted by the trustees of the district under the provisions of 20-9-308 and 20-9-353, including any additional funding for a general fund budget that exceeds the maximum general fund budget.

(b) Determine the money available for the reduction of the property tax on the district for the general fund

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by totaling:

- (i) the general fund balance reappropriated, as established under the provisions of 20-9-104;
- (ii) ~~amounts received in the last fiscal year for which revenue reporting was required for each of the following:~~
 - ~~(A)~~ anticipated tuition payments for out-of-district pupils under the provisions of 20-5-321 through 20-5-323, except the amount of tuition received for a pupil who is a child with disabilities in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2);
 - ~~(B)~~(iii) anticipated revenue from taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504, 61-3-521, 61-3-527, 61-3-529, 61-3-537, and 67-3-204;
 - ~~(C)~~(iv) anticipated oil and natural gas production taxes;
 - (v) pursuant to subsection (4), anticipated revenue from coal gross proceeds under 15-23-703;
 - ~~(D)~~(vi) anticipated interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4);
 - ~~(E)~~(vii) anticipated revenue from corporation license taxes collected from financial institutions under the provisions of 15-31-702; and
 - ~~(F)~~(viii) any other revenue ~~received~~ anticipated during the school fiscal year that may be used to finance the general fund, excluding any guaranteed tax base aid; ~~and~~
 - ~~(iii)~~ pursuant to subsection (4), anticipated revenue from coal gross proceeds under 15-23-703.
- (c) Notwithstanding the provisions of subsection (2), subtract the money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from any general fund budget amount adopted by the trustees of the district, up to the BASE budget amount, to determine the general fund BASE budget levy requirement.
- (d) Subtract any amount remaining after the determination in subsection (1)(c) from any additional funding requirement to be met by an over-BASE budget amount, a district levy as provided in 20-9-303, and any additional financing as provided in 20-9-353 to determine any additional general fund levy requirements.
- (2) The county superintendent shall calculate the number of mills to be levied on the taxable property in the district to finance the general fund levy requirement for any amount that does not exceed the BASE budget amount for the district by dividing the amount determined in subsection (1)(c) by the sum of:
 - (a) the amount of guaranteed tax base aid that the district will receive for each mill levied, as certified by the superintendent of public instruction; and
 - (b) the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202, divided by 1,000.
- (3) The net general fund levy requirement determined in subsections (1)(c) and (1)(d) must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the general fund net levy requirement for the district, and a levy must be set by the county commissioners in accordance with 20-9-142.
- (4) For each school district, the department of revenue shall calculate and report to the county superintendent the amount of revenue anticipated for the ensuing fiscal year from revenue from coal gross proceeds under 15-23-703." "

Renumber: subsequent subsections

13. Page 167, line 13.

Strike: "date"

Insert: "dates"

Strike: "[This]"

Insert: "(1) Except as provided in subsections (2) and (3), [this]"

14. Page 167, line 14.

Following: line 13

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Insert: "(2) [Sections 119, 122, and 124] are effective July 1, 1999.
(3) [Sections 123 and 125] are effective July 1, 2000."

15. Page 167, line 15.

Strike: "[This act] applies"

Insert: "[sections 1, 4 through 90, 92 through 118, 120, 121, and 126 through 173] apply"

16. Page 167, line 17.

Insert: "NEW SECTION. Section 187. Termination. [Sections 122 and 124] terminate June 30, 2000."

Amendment adopted as follows:

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

Total 88

Noes: Adams, P. Bergsagel, Cobb, Galvin-Halcro, Jore, McGee, Orr, Smith, Tuss, Vick, Wyatt.

Total 11

Voted Absentee: Jackson, Kitzenberg, Ayes.

Excused: None.

Total 0

Absent or not voting: Eggers.

Total 1

Motion that **SB 184**, as amended, be concurred in carried as follows:

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

Total 89

Noes: Cobb, Gutsche, Hurdle, Jore, Orr, Peck, Raney, Rehbein, Tuss, Wyatt, Zook.

Total 11

Voted Absentee: Jackson, Kitzenberg, Ayes.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative R. Clark assumed the chair.

SB 265 - Representative Dale moved **SB 265** 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, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Fisher, Fuchs, Gallus, Grinde, Guggenheim, Haines, Hanson, Harrington, Hedges, Hibbard, Holden, Jackson, Jore, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Quilici, Rehbein, Rose, Ryan, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.
Total 73

Noes: Barnhart, Buzzas, Eggers, Erickson, Ewer, Facey, Galvin-Halcro, Gillan, Golie, Gutsche, Hagener, Harper, Hurdle, Johnson, Juneau, Mangan, McCann, McCulloch, Peck, Raney, Schmidt, Shockley, Smith, Squires, Swanson, Williams, Wyatt.
Total 27

Voted Absentee: Jackson, Kitzenberg, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 370 - Representative Rehbein moved **SB 370** be concurred in. Motion failed as follows:

Ayes: Ahner, Barnhart, Beck, Bookout-Reinicke, Brown, Dale, Dell, Erickson, Ewer, Facey, Fuchs, Grinde, Guggenheim, Hagener, Hanson, Harper, Harrington, Hibbard, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lindeen, Mangan, Matthews, McKenney, Noennig, Ohs, Peck, Raney, Ryan, Schmidt, Sliter, Smith, Soft, Story, Stovall, Swanson, Thomas, Williams, Younkin, Mr. Speaker.
Total 44

Noes: Adams, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Davies, Eggers, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Holden, Jore, Kasten, Lawson, Lenhart, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Orr, Pavlovich, Quilici, Rehbein, Rose, Shockley, Simon, Somerville, Squires, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Witt, Wyatt, Zook.
Total 56

Voted Absentee: Jackson, Kitzenberg, Ayes.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

SB 530 - Representative Brown moved **SB 530** be concurred in.

SB 530 - Representative Erickson moved **SB 530**, second reading copy, be amended as follows :

1. Title, page 1, line 10.

Strike: "PROVIDING A 1-YEAR PHASEIN"

Insert: "DELAYING THE IMPLEMENTATION"

Following: "PROVISIONS"

Insert: "UNTIL JULY 1, 2001"

2. Page 42, line 28 through line 29.

Strike: "January" on line 28 through "2000" on line 29

Insert: "July 1, 2001"

3. Page 43, line 4.

Strike: "DECEMBER 31, 1999"

Insert: "June 30, 2001"

Amendment failed as follows:

Ayes: J. Andersen, Barnhart, Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Galvin-Halcro, Guggenheim, Gutsche, Hagener, Hanson, Harper, Harrington, Hibbard, Hurdle, Juneau, Krenzler, Lindeen, Mangan, McCann, McCulloch, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Shockley, Smith, Squires, Swanson, Trexler, Tropila, Tuss, Williams.

Total 39

Noes: Adams, Ahner, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Fuchs, Gallus, Gillan, Golie, Grinde, Haines, Hedges, Holden, Jackson, Johnson, Jore, Kasten, Kitzenberg, Lawson, Lenhart, Masolo, Matthews, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Rehbein, Rose, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Vick, Wagner, Walters, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 61

Voted Absentee: Jackson, Kitzenberg, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **SB 530** be concurred in carried as follows:

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

Total 65

Noes: Barnhart, Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Galvin-Halcro, Golie, Guggenheim, Gutsche, Hagener, Harrington, Hurdle, Juneau, Krenzler, Mangan, McCann, Menahan, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Tropila, Williams.

Total 31

Voted Absentee: Jackson, Aye.

Excused: None.

Total 0

Absent or not voting: Harper, Kitzenberg, McCulloch, Swanson.

Total 4

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

MOTIONS

Representative Grinde moved that the rules be suspended to allow consideration on 2nd and 3rd reading on Legislative Day 82 on **SB 430**. Motion carried.

Representative Shockley requested on the Senate amendments to **HB 404**, 3rd reading today, that his vote be changed from yes to no. There being no objections, so ordered.

Representative Grinde moved that the conference committee on **HB 478** be dissolved and 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 478**. Motion carried.

The Speaker appointed the following members:

Representative Anderson, Chairman
Representative Wagner
Representative Golie

Representative Grinde moved that the free conference committee on **SB 217** be dissolved and that the Speaker be authorized to appoint a new 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:

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Representative Brown, Chairman
Representative Stovall
Representative Barnhart

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Grinde moved that the House adjourn until 10:00 a.m., Thursday, April 15, 1999. Motion carried.

House adjourned at 5:30 p.m.

MARILYN MILLER
Chief Clerk of the House

JOHN MERCER
Speaker of the House