

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
NINTH LEGISLATIVE DAY**

Helena, Montana  
January 12, 2001

House Chambers  
State Capitol

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

Roll Call. All members present, except Representatives Buzzas, A. Peterson, and Witt, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Dan Lynn, Helena  
Brian Dale, Twin Bridges  
Jennifer Oliphant, Roberts  
Erika Olson, Roundup  
Donna Gebhardt, Roundup  
Jen Jordan, Polson  
Becky Gaul, Victor  
Casey Halcro, Great Falls

**COMMUNICATIONS AND PETITIONS**

Speaker McGee appointed the following representatives to the Legislative Consumer Committee:

Representative Dell  
Representative Brown

Speaker McGee appointed the following representatives to the Legislative Consulting Panel to Microbusiness Advisory Council:

Representative Himmelberger  
Representative Gallik

Speaker McGee appointed the following representatives to the Electric Utility Restructuring Transition Advisory Committee:

Representative Brown  
Representative Fisher  
Representative Olson  
Representative Dell  
Representative Schmidt  
Representative Gallus

Speaker McGee appointed the following representatives to the Legislative Finance Committee:

Representative Witt  
Representative Lewis  
Representative Kasten  
Representative McCann

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Representative Buzzas  
Representative Tropila

Speaker McGee appointed the following representatives to the Legislative Audit Committee:

Representative Vick  
Representative Haines  
Representative Pattison  
Representative Wanzenried  
Representative Jacobson  
Representative Eggers

Speaker McGee appointed the following representatives to the Environmental Quality Council:

Representative Dale  
Representative Mood  
Representative Younkin  
Representative Harris  
Representative Lindeen  
Representative Clark

Speaker McGee appointed the following representatives to the Legislative Council:

Representative McGee  
Representative Mood  
Representative Sliter  
Representative Gillan  
Representative Golie  
Representative Newman

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 1/12/2001  
Correctly printed: **HB 25, HB 39, HB 51, HB 87, HB 112, HB 115.**  
Correctly engrossed: **HB 29, HB 71, HB 98, HB 104.**

**AGRICULTURE** (Hedges, Chairman): 1/11/2001  
**HB 113**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "PURPOSES;"

**Insert:** "CHANGING THE REQUIREMENT FOR WRITTEN NOTICE TO THE COMMISSION MEMBERS, WITH REGARD TO MEETINGS, FROM 14 DAYS TO 7 DAYS;"

2. Page 5, line 25.

**Strike:** "14"

**Insert:** "7"

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And, as amended, do pass. Report adopted.

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

1/11/2001

**HB 51**, do pass. Report adopted.

**HB 71**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "SECTION"

**Insert:** "SECTIONS 39-3-406 AND"

2. Page 1.

**Following:** line 9

**Insert:** "**Section 1.** Section 39-3-406, MCA, is amended to read:

**"39-3-406. Exclusions.** (1) The provisions of 39-3-404 and 39-3-405 do not apply with respect to:

(a) students participating in a distributive education program established under the auspices of an accredited educational agency;

(b) persons employed in private homes whose duties consist of menial chores, such as babysitting, mowing lawns, and cleaning sidewalks;

(c) persons employed directly by the head of a household to care for children dependent upon the head of the household;

(d) immediate members of the family of an employer or persons dependent upon an employer for half or more of their support in the customary sense of being a dependent;

(e) persons who are not regular employees of a nonprofit organization and who voluntarily offer their services to a nonprofit organization on a fully or partially reimbursed basis;

(f) persons with disabilities engaged in work that is incidental to training or evaluation programs or whose earning capacity is so severely impaired that they are unable to engage in competitive employment;

(g) apprentices or learners, who may be exempted by the commissioner for a period not to exceed 30 days of their employment;

(h) learners under the age of 18 who are employed as farm workers, provided that the exclusion may not exceed 180 days from their initial date of employment and further provided that during this exclusion period, wages paid the learners may not be less than 50% of the minimum wage rate established in this part;

(i) retired or semiretired persons performing part-time incidental work as a condition of their residence on a farm or ranch;

(j) an individual employed in a bona fide executive, administrative, or professional capacity as these terms are defined by regulations of the commissioner;

(k) an individual employed by the United States of America;

(l) resident managers employed in lodging establishments or personal care facilities who, under the terms of their employment, live in the establishment or facility;

(m) an outside salesperson or marketing representative paid on a commission, contract, or salary basis who is primarily employed in selling or marketing products or services in the food distribution industry for a food broker, wholesaler, or association;

(n) a direct seller as defined in 26 U.S.C. 3508;

(o) a person placed as a participant in a public assistance program authorized by Title 53 into a work setting for the purpose of developing employment skills. The placement may be with either a public or private employer. The exclusion does not apply to an employment relationship formed in the work setting outside the scope of the employment skills activities authorized by Title 53.

(p) a person serving as a foster parent, licensed as a foster care provider in accordance with 41-3-1141, and providing care without wage compensation to no more than six foster children in the provider's own residence. The person may receive reimbursement for providing room and board, obtaining training, respite care, leisure and

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recreational activities, and providing for other needs and activities arising in the provision of in-home foster care.

(q) an employee employed in domestic service employment to provide live-in companionship services, as defined in 29 CFR 552.6, for individuals who, because of age or infirmity, are unable to care for themselves as provided under section 213(a)(15) of the Fair Labor Standards Act (29 U.S.C. 213).

(2) The provisions of 39-3-405 do not apply to:

(a) an employee with respect to whom the United States secretary of transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S.C. 31502;

(b) an employee of an employer subject to 49 U.S.C. 10501 and 49 U.S.C. 60501, the provisions of part I of the Interstate Commerce Act;

(c) an individual employed as an outside buyer of poultry, eggs, cream, or milk, in their raw or natural state;

(d) an outside salesperson paid on a commission or contract basis who is primarily employed in selling advertising for a newspaper;

(e) a salesperson, parts person, or mechanic paid on a commission or contract basis and primarily engaged in selling or servicing automobiles, trucks, mobile homes, recreational vehicles, farm implements, or replacement parts if the salesperson, parts person, or mechanic is employed by a nonmanufacturing establishment primarily engaged in the business of selling the vehicles, implements, or replacement parts to wholesalers or ultimate purchasers;

(f) a salesperson primarily engaged in selling trailers, boats, or aircraft if the salesperson is employed by a nonmanufacturing establishment primarily engaged in the business of selling trailers, boats, or aircraft to ultimate purchasers;

(g) an outside salesperson paid on a commission or contract basis who is primarily employed in selling office supplies, computers, or other office equipment for an office equipment dealer;

(h) a salesperson paid on a commission or contract basis who is primarily engaged in selling advertising for a radio or television station employer;

(i) an employee employed as a driver or driver's helper making local deliveries who is compensated for the employment on the basis of trip rates or other delivery payment plan if the commissioner finds that the plan has the general purpose and effect of reducing hours worked by the employees to or below the maximum workweek applicable to them under 39-3-405;

(j) an employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways that are not owned or operated for profit, that are not operated on a sharecrop basis, and that are used exclusively for supply and storing of water for agricultural purposes;

(k) an employee employed in agriculture by a farmer, notwithstanding other employment of the employee in connection with livestock auction operations in which the farmer is engaged as an adjunct to the raising of livestock, either alone or in conjunction with other farmers, if the employee is:

(i) primarily employed during a workweek in agriculture by a farmer; and

(ii) paid for employment in connection with the livestock auction operations at a wage rate not less than that prescribed by 39-3-404;

(l) an employee of an establishment commonly recognized as a country elevator, including an establishment that sells products and services used in the operation of a farm if no more than five employees are employed by the establishment;

(m) a driver employed by an employer engaged in the business of operating taxicabs;

(n) an employee who is employed with the employee's spouse by a nonprofit educational institution to serve as the parents of children who are orphans or one of whose natural parents is deceased or who are enrolled in the institution and reside in residential facilities of the institution so long as the children are in residence at the institution and so long as the employee and the employee's spouse reside in the facilities and receive, without cost, board and lodging from the institution and are together compensated, on a cash basis, at an annual rate of not less than \$10,000;

(o) an employee employed in planting or tending trees; cruising, surveying, or felling timber; or transporting logs or other forestry products to a mill, processing plant, railroad, or other transportation terminal if the number of employees employed by the employer in the forestry or lumbering operations does not exceed eight;

(p) an employee of a sheriff's department who is working under an established work period in lieu of a

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workweek pursuant to 7-4-2509(1);

(q) an employee of a municipal or county government who is working under a work period not exceeding 40 hours in a 7-day period established through a collective bargaining agreement when a collective bargaining unit represents the employee or by mutual agreement of the employer and employee when a bargaining unit is not recognized. Employment in excess of 40 hours in a 7-day, 40-hour work period must be compensated at a rate of not less than 1 1/2 times the hourly wage rate for the employee.

(r) an employee of a hospital or other establishment primarily engaged in the care of the sick, disabled, aged, or mentally ill or defective who is working under a work period not exceeding 80 hours in a 14-day period established through either a collective bargaining agreement when a collective bargaining unit represents the employee or by mutual agreement of the employer and employee when a bargaining unit is not recognized. Employment in excess of 8 hours a day or 80 hours in a 14-day period must be compensated for at a rate of not less than 1 1/2 times the hourly wage rate for the employee.

(s) a firefighter who is working under a work period established in a collective bargaining agreement entered into between a public employer and a firefighters' organization or its exclusive representative;

(t) an officer or other employee of a police department in a city of the first or second class who is working under a work period established by the chief of police under 7-32-4118;

(u) an employee of a department of public safety working under a work period established pursuant to 7-32-115;

(v) an employee of a retail establishment if the employee's regular rate of pay exceeds 1 1/2 times the minimum hourly rate applicable under section 206 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) and if more than half of the employee's compensation for a period of not less than 1 month is derived from commissions on goods and services;

(w) a person employed as a guide, cook, camp tender, or livestock handler by a licensed outfitter as defined in 37-47-101;

(x) an employee employed as a radio announcer, news editor, or chief engineer by an employer in a second- or third-class city or a town;

(y) an employee of the consolidated legislative branch as provided in 5-2-503;

(z) an employee of state government employed as a firefighter or law enforcement officer as allowed under the Fair Labor Standards Act of 1938 and regulations found at 29 CFR 553.210 and 29 CFR 553.211;

(aa) an employee of the state or its political subdivisions employed, at the employee's option, as an occasional or part-time employee in a capacity other than the employee's regular occupation. Only the hours that the employee was employed in a capacity other than the employee's regular occupation may be excluded from the calculation of hours to determine overtime compensation."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 87**, do pass. Report adopted.

**HB 98**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "PANEL;"

**Insert:** "PROVIDING AN APPROPRIATION;"

2. Page 2, line 26.

**Strike:** "Fund transfer"

**Insert:** "Appropriation"

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3. Page 2, lines 27 and 28.

**Following:** "12, the" on line 27

**Strike:** "state" on line 27 through "27-12-206" on line 28

**Insert:** "balance is appropriated, in an amount not to exceed \$50,000, to the Montana chiropractic legal panel provided for in 27-12-104"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Shockley, Chairman):

1/11/2001

**HB 115**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

**HB 111**, do pass. Report adopted.

1/11/2001

**HB 130**, introduced bill, be amended as follows:

1/12/2001

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

**Strike:** "CREATING" on page 1, line 5 through "LIBRARIES;" on line 6

2. Title, page 1, lines 14 and 15.

**Strike:** "22-1-330," on line 14

**Strike:** "22-1-327," on line 15

3. Page 1, line 19 through page 2, line 6.

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

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

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

1/12/2001

**HB 44**, do pass. Report adopted.

**TAXATION** (Story, Chairman):

1/11/2001

**HB 36**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 274**, introduced by Fisher, Bookout-Reinicke, E. Clark, Davies, Haines, Hedges, Jayne, Lawson, Pattison, Tash, B. Thomas, Whitaker, referred to Taxation.

**HB 275**, introduced by K. Peterson, Bohlinger, Mangan, referred to Local Government.

**HB 276**, introduced by K. Peterson, Noennig, referred to Judiciary.

**HB 277**, introduced by Masolo, Lewis, referred to Taxation.

**HB 278**, introduced by Callahan, Christiaens, Newman, Tramelli, referred to Judiciary.

**HB 279**, introduced by McKenney, E. Clark, Cocchiarella, Doherty, Erickson, Gallus, Gillan, Haines, Halligan, Harrington, Hedges, Jent, Lenhart, Mahlum, Mangan, Nelson, Shea, Tash, B. Thomas, Waterman, referred to Business and Labor.

**HB 280**, introduced by Hedges, referred to Agriculture.

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**HB 281**, introduced by Lindeen, Brueggeman, Cyr, Dell, Mangan, Ryan, Shockley, Stonington, referred to State Administration.

**HB 282**, introduced by Laszloffy, Andersen, Balyeat, Barrett, D. Brown, Clancy, Dale, Esp, Fuchs, Laible, Lehman, Lewis, Miller, Pattison, A. Peterson, Rice, Ripley, Rome, Schrupf, Waitschies, referred to Fish, Wildlife and Parks.

**HB 283**, introduced by Haines, Curtiss, Fisher, Fuchs, Sliter, referred to State Administration.

**HB 284**, introduced by Bitney, referred to State Administration.

**HB 285**, introduced by Bitney, referred to Local Government.

**HB 286**, introduced by B. Thomas, referred to Judiciary.

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

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

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

**HB 25** - Representative Sliter moved **HB 25** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Buzzas, Witt, Ayes.

Excused: A. Peterson.

Total 1

Absent or not voting: None.

Total 0

**HB 29** - Representative Noennig moved **HB 29** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann,

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McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Buzzas, A. Peterson, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 39** - Representative Fuchs moved **HB 39** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: McCann.

Total 1

Voted Absentee: Buzzas, A. Peterson, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 84** - Representative Schmidt moved **HB 84** do pass. Motion carried as follows:

Ayes: Barrett, Bixby, Bookout-Reinicke, Branae, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Olson, Raser, Rice, Ripley, Schmidt, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Wolery.

Total 58



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Noes: Adams, Andersen, Bales, Balyeat, Bitney, D. Brown, R. Brown, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Jackson, Kasten, Laible, Lehman, Lewis, McKenney, Noennig, Pattison, A. Peterson, K. Peterson, Price, Rome, Schrumpf, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Whitaker, Witt, Younkin, Mr. Speaker.

Total 41

Voted Absentee: Buzzas, Aye; A. Peterson, Witt, Noes.

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**HB 104** - Representative P. Clark moved **HB 104** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Buzzas, A. Peterson, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 112** - Representative Brueggeman moved **HB 112** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 86

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Noes: Balyeat, R. Brown, Cyr, Erickson, Fritz, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Mangan, Rice, Sliter.  
Total 13

Voted Absentee: Buzzas, A. Peterson, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: Brueggeman.  
Total 1

**HB 117** - Representative Andersen moved **HB 117** do pass. Motion carried as follows:

Ayes: Andersen, Bitney, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Dell, Esp, Facey, Forrester, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Laible, Laslovich, Laszloffy, Lawson, Lehman, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrumpf, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 63

Noes: Adams, Bales, Balyeat, Barrett, Bixby, R. Brown, Brueggeman, Cyr, Davies, Devlin, Eggers, Erickson, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Juneau, Kasten, Kaufmann, Keane, Lee, Lenhart, Lewis, Lindeen, Masolo, Pattison, Rome, Sliter, Story, Tropila, Vick, Waitschies, Wanzenried.  
Total 37

Voted Absentee: Buzzas, Clancy, A. Peterson, Witt, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 141** - Representative Somerville moved **HB 141** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

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Voted Absentee: Buzzas, Clancy, A. Peterson, Witt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Olson, Pattison, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Mr. Speaker.

Total 90

Noes: None.

Total 0

Excused: Buzzas, A. Peterson, Witt.

Total 3

Absent or not voting: Clancy, Fritz, Gallik, Hedges, Noennig, Tropila, Younkin.

Total 7

**REPORTS OF STANDING COMMITTEES**

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

1/12/2001

**HB 138**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "ACCOUNT;"

**Insert:** "PROVIDING THAT THE MONTANA DEFERRED DEPOSIT LOAN ACT DOES NOT APPLY TO COLLECTION AGENCIES;"

2. Title, page 1, line 9.

**Following:** "31-1-703,"

**Insert:** "31-1-704,"

3. Page 2, following line 4.

**Insert:** "**Section 2.** Section 31-1-704, MCA, is amended to read:

"**31-1-704. Scope.** (1) This part applies to deferred deposit lenders and to persons who facilitate, enable, or

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act as a conduit for persons making deferred deposit loans.

(2) This part does not apply to:

(a) banks, savings and loan associations, credit unions, or other state or federally regulated financial institutions; ~~or~~

(b) retail sellers who cash checks incidental to or independent of a sale and who do not charge more than \$2 per check for the service; or

(c) a collection agency licensed to do business in this state that has entered into an agreement with a deferred deposit lender for the collection of claims owed or due or asserted to be owed or due the deferred deposit lender."

**Renumber:** subsequent sections

4. Page 7, lines 22 and 24.

**Strike:** "3"

**Insert:** "4"

And, as amended, do pass. Report adopted.

**HB 150**, do pass. Report adopted.

**HB 154**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Strike:** "systems NAD 27 and"

**Insert:** "system"

2. Page 1, line 15 through line 17.

**Following:** "been" on line 15

**Strike:** remainder of line 15 through "been" on line 17

3. Page 1, line 18.

**Strike:** "stations"

**Insert:** "points"

**Strike:** "in"

**Insert:** "as part of"

**Strike:** "network of geodetic control"

**Insert:** "spatial reference system"

4. Page 1, line 19 through line 23.

**Following:** "boundaries." on line 19

**Strike:** remainder of line 19 through line 23 in their entirety

**Insert:** "Public land or deed records presented for recording that purport to define the position of a point on a land boundary based on coordinates from the Montana coordinate system NAD 83 must contain a statement that identifies both the first-order or higher accuracy control stations used in the survey and the specific NAD 83 datum adjustment tag of the coordinates used."

And, as amended, do pass. Report adopted.

**HB 155**, introduced bill, be amended as follows:

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1. Title, line 8.

**Following:** ";"

**Insert:** "AND"

2. Title, line 9.

**Following:** "71-1-304, MCA"

**Strike:** ";" through "MCA"

3. Page 3, line 4.

**Strike:** section 5 in its entirety

And, as amended, do pass. Report adopted.

**HB 172**, do pass. Report adopted.

**MOTIONS**

Representative Vick requested on **HB 19, 20, 26, 34, and 56**, third reading yesterday, his vote be shown as yes. There being no objections, so ordered.

Representative Jent requested on **HB 104**, second reading today, his vote be shown as yes. There being no objections, so ordered.

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 108**: Bixby, Galvin-Halcro, Harris, Hedges, Lawson, Mahlum, Masolo, Musgrove, Olson, A. Peterson, Ripley, Walters, Wolery, and Younkin.

The following cosponsors were added to **HB 110**: Bixby, Ellis, Facey, Galvin-Halcro, Gillan, Haines, Harris, Hedges, Lawson, Lee, Mahlum, Masolo, McKenney, Musgrove, Nelson, Olson, A. Peterson, Ripley, Ryan, Walters, Wolery, and Younkin.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, January 13, 2001. Motion carried.

House adjourned at 2:31 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House