

**HOUSE JOURNAL
57TH LEGISLATURE
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana
January 19, 2001

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives Kasten, McCann, Noennig, Rice, Tramelli, Tropila, and Vick, excused. Quorum present.

Mr. Speaker introduced the pages of the week:

Tracy Peters, Dillon
Tim Carlisle, Billings
Audra Rice, Billings
Nick Van Atta, Billings
Kayla Walters, Glendive
Nick Sorensen, Anaconda

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 1/19/2001
Correctly printed: **HB 18, HB 22, HB 75, HB 92, HB 93, HB 234, HJR 3, HJR 7.**
Correctly engrossed: **HB 164, HB 180, HB 235.**

JUDICIARY (Shockley, Chairman): 1/18/2001
HB 195, introduced bill, be amended as follows:

1. Page 2, line 5 through line 6.
Strike: "(2)" on line 5 through "offense)," on line 6
Following: "(4)" on line 6
Strike: ",

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Walters, Chairman): 1/18/2001
HB 204, do pass. Report adopted.
HB 231, introduced bill, be amended as follows:

1. Page 1, line 28 through line 29.
Following: "month" on line 28
Strike: "for" on line 28 through "2.5%" on line 29

And, as amended, do pass. Report adopted.

TAXATION (Story, Chairman): 1/19/2001

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HB 37, introduced bill, be amended as follows:

1. Title, page 1.

Following: line 7

Insert: "ELIMINATING THE REQUIREMENT THAT LOCAL TAXING AUTHORITIES ADOPT A RESOLUTION TO INCREASE MILL LEVIES IN EXCESS OF THE CERTIFIED MILLAGE RATES;"

2. Title, page 1, line 8.

Following: "7-6-2522"

Insert: ","

Strike: "AND"

Following: "15-10-202,"

Insert: "AND 15-10-206,"

Following: "MCA;"

Insert: "REPEALING SECTIONS 15-10-204, 15-10-205, 15-10-207, AND 15-10-208, MCA;"

3. Page 2.

Following: line 3

Insert: "**Section 3.** Section 15-10-206, MCA, is amended to read:

"15-10-206. Exceptions for Notification of decisions of tax appeal boards. The department shall notify each taxing authority of any change in the property tax record that results from actions by the state or county tax appeal boards. ~~An increase in the taxing authority's millage above the millage certified by the department or adopted by resolution or ordinance of the governing body of the taxing authority that is required solely by a reduction of the property tax record by the state or county tax appeal board may be adopted without further notice."~~

Insert: "NEW SECTION. Section 4. Repealer. Sections 15-10-204, 15-10-205, 15-10-207, and 15-10-208, MCA, are repealed."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 192, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "TAXES"

Insert: ", INCLUDING PENALTIES, INTEREST, AND FEES,"

2. Title, page 1, line 6.

Strike: "DEPARTMENT OF REVENUE"

Insert: "TAXPAYER"

3. Page 1, line 14.

Following: "taxes"

Insert: ", including penalties, interest, and fees"

4. Page 1, line 17.

Following: "from the"

Insert: "financial"

Following: "institution"

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Insert: "or credit card company"

Following: "or credit"

Insert: "and the payment or credit is not subsequently charged back to the state by the financial institution or credit card company"

5. Page 1, line 18.

Following: "taxpayer"

Insert: ", unless the payment or credit is subsequently charged back to the state by the financial institution or credit card company"

6. Page 1, line 22.

Strike: "department" through "otherwise,"

Insert: "taxpayer shall pay all"

Strike: "to"

Insert: "required by"

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

HB 349, introduced by Haines, referred to Business and Labor.

HB 350, introduced by Haines, referred to Federal Relations, Energy, and Telecommunications.

HB 351, introduced by Olson, Bales, Barrett, Bookout-Reinicke, E. Clark, Cole, Devlin, Forrester, Price, Ripley, Tropila, referred to Taxation.

HB 352, introduced by Callahan, Doherty, referred to Human Services.

HB 353, introduced by Fritz, Bixby, Buzzas, Callahan, Carney, Facey, Gutsche, Juneau, Kaufmann, Lenhart, Lindeen, Mahlum, Matthews, Raser, Schrupf, Tropila, Waddill, Wanzenried, referred to Education.

HB 354, introduced by Lawson, referred to State Administration.

HB 355, introduced by Kaufmann, Bohlinger, Bookout-Reinicke, Gutsche, Harris, Price, referred to Business and Labor.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/18/2001

SB 1, introduced by Grimes

SB 12, introduced by Nelson

SB 40, introduced by Christiaens

SB 44, introduced by Bishop

SB 103, introduced by Zook

SB 120, introduced by Tester

House bill concurred in and returned to the House:

1/18/2001

HB 17, introduced by Haines

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**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 Wanzenried in the chair.

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

HB 18 - Representative Somerville moved **HB 18** 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, Schrupf, 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: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 50 - Representative Juneau moved **HB 50** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schmidt, Schrupf, Shockley, Smith, Somerville, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 74

Noes: Adams, Balyeat, Bitney, Bookout-Reinicke, Brueggeman, Clancy, P. Clark, Curtiss, Dale, Davies, Esp, Fisher, Fuchs, Haines, Himmelberger, Laible, Laszloffy, Lewis, Masolo, Rome, Sliter, Steinbeisser, Story, Vick, Waddill, Mr. Speaker.

Total 26

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Voted Absentee: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Ayes; Vick, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 75 - Representative E. Clark moved **HB 75** do pass. Motion carried as follows:

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

Total 87

Noes: Barrett, P. Clark, Cyr, Gillan, Gutsche, Harris, Hurdle, Kasten, Laslovich, Matthews, Newman, Schmidt.

Total 12

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: Curtiss.

Total 1

HB 91 - Representative Golie moved **HB 91** 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, 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, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Kasten.

Total 1

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; Kasten, No.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 97 - Representative Lewis moved **HB 97** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, 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.

Total 95

Noes: Adams, Himmelberger, Kasten, Mr. Speaker.

Total 4

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: Curtiss.

Total 1

HB 103 - Representative Olson moved **HB 103** 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: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 134 - Representative Facey moved **HB 134** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, 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, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.
Total 89

Noes: Adams, Balyeat, R. Brown, Curtiss, Dale, Kasten, Laible, Laszloffy, Mood, Waitschies, Mr. Speaker.
Total 11

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; Kasten, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 145 - Representative Dale moved **HB 145** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, 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, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 92

Noes: Adams, Balyeat, P. Clark, Davies, Dell, Hurdle, Story.
Total 7

Voted Absentee: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.
Total 0

Absent or not voting: Mangan.
Total 1

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HB 160 - Representative Andersen moved **HB 160** do pass. Motion carried as follows:

Ayes: 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, 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, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Adams, Kasten.

Total 2

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; Kasten, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 218 - Representative Facey moved **HB 218** do pass.

HB 218 - Representative Facey moved **HB 218**, second reading copy, be amended as follows :

1. Title, line 5.

Strike: "PROVIDING RULEMAKING AUTHORITY;"

2. Title, line 7.

Strike: "SECTIONS"

Insert: "SECTION"

Following: "50-50-102"

Strike: "AND 50-50-103"

3. Page 3, line 28.

Strike: "conveyance" through "obtains"

Insert: "person engaged in the business of transporting"

4. Page 4, line 2 through line 13.

Strike: section 2 in its entirety

Renumber: subsequent sections

5. Page 4, line 19.

Strike: "3"

Insert: "2"

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6. Page 4, line 21.

Strike: "3"

Insert: "2"

Amendment **adopted** 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, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick.

Total 7

Absent or not voting: None.

Total 0

Motion that **HB 218**, as amended, do pass carried as follows:

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

Total 87

Noes: Adams, Bales, Balyeat, P. Clark, Curtiss, Esp, Kasten, Laszloffy, Mood, Pattison, Vick, Witt.

Total 12

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Ayes; Kasten, Vick, Noes.

Excused: None.

Total 0

Absent or not voting: Story.

Total 1

HB 220 - Representative Lawson moved **HB 220** do pass. Motion carried as follows:

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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, 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, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Kasten.

Total 1

Voted Absentee: McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes; Kasten, No.

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 Wanzenried 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, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: None.

Total 0

Excused: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick.

Total 7

Absent or not voting: Fuchs.

Total 1

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:

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HB 164 passed as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, 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, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 93

Noes: Adams, Balyeat, Davies, Vick, Mr. Speaker.

Total 5

Voted Absentee: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Ayes; Vick, No.

Excused: None.

Total 0

Absent or not voting: P. Clark, Olson.

Total 2

HB 180 passed 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, 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, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Gallus.

Total 1

Voted Absentee: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 235 passed as follows:

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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, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, 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: Lindeen.

Total 1

Voted Absentee: Kasten, McCann, Noennig, Rice, Tramelli, Tropila, Vick, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

FISH, WILDLIFE AND PARKS (Fuchs, Chairman):

1/19/2001

HB 99, do pass. Report adopted.

HB 185, introduced bill, be amended as follows:

1. Title, line 4.

Following: second "ACT"

Insert: "CLARIFYING THAT A PERSON 17 YEARS OF AGE WHO LAWFULLY PURCHASES A YOUTH COMBINATION LICENSE BUT WHO REACHES 18 YEARS OF AGE DURING THE LICENSE YEAR MAY LEGALLY HUNT OR FISH WITH THE LICENSE;"

2. Title, line 5.

Following: "LICENSE;"

Insert: "AMENDING SECTION 87-2-805, MCA;"

3. Page 1, line 9.

Insert: "**Section 1.** Section 87-2-805, MCA, is amended to read:

"87-2-805. (Temporary) Persons under eighteen years of age -- youth combination sports license. (1) Resident minors who are 12 years of age or older and under 15 years of age may fish and may hunt upland game and migratory game birds during the open season with only a conservation license. Resident minors who are 15 years of age may hunt migratory game birds with only a conservation license. Resident minors who are under 12 years of age may fish without a license. A nonresident person under 15 years of age may not fish in or on any Montana waters without first having obtained a Class B or B-4 fishing license unless the nonresident person under 15 years of age is in the company of an adult in possession of a valid Montana fishing license. The limit of fish for the nonresident person and the accompanying adult combined may not exceed the limit for one adult as established by law or by rule of the department.

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(2) A resident, as defined by 87-2-102, under 15 years of age may purchase Class A-3 and A-5 licenses at a price equal to one-half the fee paid by a resident who is 15 years of age or older and under 62 years of age.

(3) (a) A resident who is 12 years of age or older and under 18 years of age may purchase a youth combination sports license at a price that, rounded to the nearest dollar, is 46% of the fee paid for the Class AAA combination sports license by a resident who is 18 years of age or older and under 62 years of age.

(b) The youth combination sports license includes:

- (i) a conservation license;
- (ii) a fishing license;
- (iii) an upland game bird license;
- (iv) an elk license; and
- (v) a deer license.

(c) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A fishing license at a price that is 50% of the fee paid by a resident who is 18 years of age or older and under 62 years of age.

(d) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A-1 upland game bird license at 50% of the fee paid by a resident who is 18 years of age or older and under 62 years of age.

(e) A person who lawfully purchases a youth combination sports license at 17 years of age, but who reaches 18 years of age during that license year, may legally use the license during that license year. ~~A person who is 18 years of age or older who~~ hunts or fishes using ~~the a~~ youth combination sports license purchased after the person reaches 18 years of age is guilty of a misdemeanor and shall be subject to any of the following penalties by the sentencing court:

(i) revocation of the person's hunting and fishing privileges for at least 5 years, revocation of the person's hunting and fishing privileges for more than 5 years, or revocation of the person's hunting and fishing privileges for life; and

(ii) a monetary fine of not less than \$500 and not more than \$5,000 in addition to the fine imposed on a person under this chapter for the specific hunting or fishing violation.

(f) This section does not prohibit a resident minor from purchasing any individual licenses for which the minor may be eligible under this chapter if the minor does not purchase the youth combination sports license. (Terminates February 28, 2002--sec. 4, Ch. 568, L. 1999.)

~~87-2-805. (Effective March 1, 2002) Persons under fifteen years of age. (1) Resident minors from 12 years through 14 years of age may fish and may hunt upland and migratory birds during the open season with only a conservation license. Resident minors under 12 years of age may fish without a license. However, no nonresident person under the age of 15 years may fish in or on any Montana waters without first having obtained a Class B or B-4 fishing license unless the nonresident person under the age of 15 years is in the company of an adult in possession of a valid Montana fishing license. The limit of fish for the nonresident person and the accompanying adult combined may not exceed the limit for one adult as established by law or by rule of the department.~~

~~(2) Residents, as defined by 87-2-102, under the age of 15 years may purchase Class A-3 and A-5 licenses at a price equal to one-half the fee paid by a resident who is 15 years of age or older and under 62 years of age."~~

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

JUDICIARY (Shockley, Chairman):

1/19/2001

HB 191, introduced bill, be amended as follows:

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

Strike: "CLARIFYING" on line 11 through "SENTENCE" on line 12

Insert: "REQUIRING THE DEPARTMENT OF JUSTICE TO REMOVE FROM ITS DRIVERS' RECORDS REFERENCES TO CONVICTIONS OF PERSONS UNDER 21 YEARS OF AGE FOR POSSESSION OF AN INTOXICATING SUBSTANCE"

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2. Page 2, line 29.

Strike: "(a)"

3. Page 3, line 1.

Strike: "(i)"

Insert: "(a)"

Renumber: subsequent subsections

4. Page 3, line 8.

Strike: "(A)"

Insert: "(i)"

Renumber: subsequent subsections

5. Page 3, line 17 through line 18.

Strike: subsection (b) in its entirety

6. Page 5, line 21.

Insert: "NEW SECTION. Section 3. Removal from drivers' records of references to convictions of persons under 21 years of age for possession of intoxicating substance. Within 30 days after [the effective date of this act], the department of justice shall remove from drivers' records that may be released under 61-11-105 all references to convictions for violations of 45-5-624 that were previously reported to the department."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Noennig, Chairman):

1/19/2001

HB 27, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "TOWN;"

Insert: "PROVIDING FOR ABSOLUTE LIABILITY FOR A VIOLATION OF A CURFEW ORDINANCE;"

2. Page 1, line 16.

Following: "curfew"

Insert: "and provide exceptions for approved activities"

3. Page 1, line 24.

Following: "."

Insert: "Absolute liability, as provided for in 45-2-104, is imposed for a violation of this section."

And, as amended, do pass. Report adopted.

HB 80, do pass. Report adopted.

HB 83, do pass. Report adopted.

HB 221, do pass. Report adopted.

MOTIONS

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Representative Sliter moved **HB 38** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. There being no objections, so ordered.

SPECIAL ORDERS OF THE DAY

The following cosponsor was added to **HB 264**: Balyeat.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Saturday, January 20, 2001. Motion carried.

House adjourned at 3:41 p.m.

MARILYN MILLER
Chief Clerk of the House

DAN MCGEE
Speaker of the House