

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
THIRTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
February 13, 2001

House Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

Mr. Speaker introduced the pages of the week:

Jyleah Ricci, Livingston  
Matt Larson, Polson  
Jenny Palmer, Missoula  
Katie Yother, Miles City  
Virgil Mad Plume, Browning  
Emilyn Anderson, Great Falls  
Mike Corr, Missoula  
Tara Blakely, Livingston

Mr. Speaker introduced the honorary pages of the week:

Chelsea McCann, Harlem  
Tasha Johnson, Chinook

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/13/2001  
Correctly printed: **HB 219, HB 315, HB 392, HB 395, HB 421, HB 430, HB 462, HB 499, HB 500, HB 504, HJR 17.**  
Correctly engrossed: **HB 186, HB 201, HB 213, HB 292, HB 320.**

**EDUCATION** (Masolo, Chairman): 2/13/2001  
**HB 505**, do pass. Report adopted.

**HUMAN SERVICES** (Thomas, Chairman): 2/13/2001  
**HB 344**, do pass. Report adopted.

**TAXATION** (Story, Chairman): 2/13/2001  
**HB 247**, do pass. Report adopted.  
**SB 133**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bill passed and transmitted to the House for concurrence: 2/12/2001  
**SB 33**, introduced by McCarthy

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House bills concurred in and returned to the House:

2/12/2001

**HB 23**, introduced by R. Erickson

**HB 37**, introduced by Witt

**HB 220**, introduced by Lawson

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 563**, introduced by P. Clark, referred to Judiciary.

**HB 564**, introduced by Olson, referred to Business and Labor.

**HB 565**, introduced by Erickson, referred to State Administration.

**HB 566**, introduced by Laslovich, Carney, Gallus, Lee, Rome, Whitaker, referred to Human Services.

**HB 567**, introduced by Lindeen, referred to Federal Relations, Energy, and Telecommunications.

**HB 568**, introduced by Jayne, Kaufmann, referred to State Administration.

**HB 569**, introduced by Esp, referred to Fish, Wildlife and Parks.

**HB 570**, introduced by Shockley, 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 Fuchs in the chair.

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

**HB 434** - Representative Sliter moved consideration of **HB 434** be passed for the day. Motion carried.

**HB 363** - Representative Wanzenried moved **HB 363** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, 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, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 85

Noes: Adams, R. Brown, Brueggeman, Dale, Davies, Dell, Golie, Kasten, Laszloffy, McCann, Mood, Rice, Schrupf, Tramelli, Vick.

Total 15

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 389** - Representative Lawson moved **HB 389** do pass. Motion failed as follows:

Ayes: Bitney, Bixby, Bookout-Reinicke, Branae, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Mangan, Matthews, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Rome, Schmidt, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Walters, Whitaker, Wolery.

Total 45

Noes: Adams, Andersen, Bales, Balyeat, Barrett, D. Brown, R. Brown, Brueggeman, Buzzas, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Gallus, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Schruppf, Shockley, Somerville, Story, Vick, Waddill, Waitschies, Wanzenried, Witt, Younkin, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 399** - Representative McKenney moved **HB 399** 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, 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, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Adams, Esp, Kasten, McCann, Pattison, Somerville, Vick, Waddill.

Total 8

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HJR 9** - Representative Lindeen moved **HJR 9** be adopted. 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, 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, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: Adams.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 262** - Representative Walters moved **HB 262** do pass.

**HB 262** - Representative Walters moved **HB 262**, second reading copy, be amended as follows :

1. Page 3, line 13.

**Following:** line 12

**Insert:** "The steps must include, at a minimum:

(a) the use of software programs designed to block access to material that is reasonably believed to be child pornography, material obscene to minors, or obscenity; or

(b) the selection of an internet service provider whose service is designed to block access to material that is reasonably believed to be child pornography, material obscene to minors, or obscenity."

2. Page 3, line 19.

**Insert:** "NEW SECTION. Section 6. Contingent voidness. If at least \$847,476 is not appropriated during the 2001 regular session to fund [section 4(2)(a) and (2)(b)], then [section 4(2)(a) and (2)(b)] is void."

Amendment **not** adopted as follows:

Ayes: Adams, Bales, Balyeat, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Esp, Fuchs, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lehman, Lewis, Mood, Price, Rome, Schruppf, Shockley, Sliter, Thomas, Vick, Waddill, Walters, Whitaker, Witt, Mr. Speaker.

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Total 34

Noes: Andersen, Barrett, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Ripley, Schmidt, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waitschies, Wanzenried, Wolery, Younkin.

Total 66

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HB 262**, do pass failed as follows:

Ayes: Adams, Bales, Balyeat, Bitney, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Dell, Esp, Fisher, Fuchs, Gallik, Hedges, Himmelberger, Holden, Jackson, Laible, Laszloffy, Lawson, Lehman, Mood, Noennig, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Schrupf, Shockley, Sliter, Steinbeisser, Thomas, Vick, Waddill, Waitschies, Walters, Wolery, Younkin, Mr. Speaker.

Total 44

Noes: Andersen, Barrett, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Olson, Raser, Ripley, Schmidt, Smith, Somerville, Story, Tramelli, Tropila, Wanzenried, Whitaker, Witt.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 33** - Representative Younkin moved **HB 33** 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, Fisher, Forrester, Fritz, Fuchs, 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,

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

Total 96

Noes: Facey, Gallik, Tropila.

Total 3

Excused: None.

Total 0

Absent or not voting: Mood.

Total 1

**HB 401** - Representative Lee moved **HB 401** do pass. Motion failed as follows:

Ayes: Andersen, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Curtiss, Dale, Devlin, Eggers, Facey, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Hedges, Jacobson, Juneau, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Masolo, Matthews, Mood, Olson, A. Peterson, Raser, Rome, Schmidt, Schrumpf, Sliter, Somerville, Thomas, Tramelli, Wanzenried, Witt, Wolery, Mr. Speaker.

Total 48

Noes: Adams, Bales, Balyeat, Bitney, R. Brown, Clancy, E. Clark, P. Clark, Cyr, Davies, Dell, Erickson, Esp, Fisher, Gallik, Gutsche, Haines, Harris, Himmelberger, Holden, Hurdle, Jackson, Jayne, Jent, Kasten, Kaufmann, Laible, Laszloffy, Lehman, Lewis, Mangan, McCann, McKenney, Musgrove, Newman, Noennig, Pattison, K. Peterson, Price, Rice, Ripley, Shockley, Smith, Steinbeisser, Story, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Younkin.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 57** - Representative Erickson moved **HB 57** do pass. Motion carried as follows:

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

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Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 86

Noes: Brueggeman, E. Clark, Esp, Holden, Lewis, McKenney, Rice, Rome, Somerville,  
Steinbeisser, Story, Walters.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Erickson, Masolo.  
Total 2

**HB 273** - Representative Erickson moved **HB 273** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae,  
D. Brown, R. Brown, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell,  
Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie,  
Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne,  
Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen,  
Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson,  
Price, Raser, Rice, Ripley, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville,  
Steinbeisser, Story, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt,  
Wolery, Younkin.  
Total 82

Noes: Brueggeman, E. Clark, Davies, Esp, Fisher, Kasten, Laszloffy, Lewis, McCann,  
McKenney, Mood, Pattison, Rome, Thomas, Vick, Walters, Mr. Speaker.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

**HB 432** - Representative Balyeat moved **HB 432** 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, P. Clark, Curtiss, Cyr,  
Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs,  
Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Himmelberger,  
Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible,  
Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, 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, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters,  
Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

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Total 94

Noes: E. Clark, Haines, Jayne, Lee, Masolo, Thomas.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 125** - Representative Younkin moved **HB 125** 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, 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, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Gallik, Tropila.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 159** - Representative Vick moved **HB 159** 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, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100



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Noes: None.  
Total 0

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 Fuchs moved the Committee of the Whole report be adopted.

Representative Newman made a substitute motion that **HB 401** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrupf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Whitaker, Witt, Wolery, Younkin.  
Total 78

Noes: Bales, Balyeat, E. Clark, Davies, Esp, Gallik, Himmelberger, Holden, Jackson, Kasten, Laszloffy, Lawson, McCann, Noennig, Pattison, Ripley, Shockley, Vick, Waitschies, Walters, Wanzenried.  
Total 21

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

Majority Leader Sliter moved that the House recess until 2:30 p.m., Tuesday, February 13, 2001. Motion carried.

House recessed at 2:10 p.m.

House reconvened at 2:30 p.m. All members present except Representative Dale. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (McKenney, Chairman):  
**HB 489**, do pass. Report adopted.  
**HB 490**, do pass. Report adopted.

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**TAXATION** (Story, Chairman):

2/13/2001

**HB 143**, introduced bill, be amended as follows:

1. Title, page 1, line 12.

**Following:** "CREDIT;"

**Insert:** "REQUIRING THE DEPARTMENT OF REVENUE TO REVIEW THE TAXATION OF PASS-THROUGH ENTITIES AND REPORT TO THE REVENUE AND TAXATION INTERIM COMMITTEE;"

2. Title, page 1, line 12.

**Following:** "15-30-105,"

**Insert:** "15-30-124,"

3. Title, page 1, line 14.

**Strike:** "AN"

**Insert:** "EFFECTIVE DATES,"

**Following:** "APPLICABILITY"

**Insert:** "DATES, AND A TERMINATION"

4. Page 2, line 18.

**Strike:** "whose" through "purposes"

**Insert:** "that is not a disregarded entity"

5. Page 2.

**Following:** line 19

**Insert:** "(5) "Disregarded entity" means a business entity:

(a) that is disregarded as an entity separate from its owner for federal tax purposes, as provided in United States treasury regulations 301.7701-2 or 301.7701-3, 26 CFR 301.7701-2 or 26 CFR 301.7701-3, or as those regulations may be labeled or amended; or

(b) that is a qualified subchapter S. subsidiary that is not treated as a separate corporation, as provided in section 1361(b)(3) of the Internal Revenue Code (26 U.S.C. 1361(b)(3))."

**Renumber:** subsequent subsections

6. Page 5, line 7 and line 8.

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

**Renumber:** subsequent subsections

7. Page 6, lines 5 and 6.

**Strike:** "an entity" on line 5 through "purposes" on line 6

**Insert:** "a disregarded entity"

8. Page 7, lines 26 and 27.

**Strike:** "an entity" on line 26 through "purposes and" on line 27

**Insert:** "a disregarded entity that"

9. Page 7, line 28.

**Strike:** "an entity" through "purposes"

**Insert:** "a disregarded entity"

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10. Page 8, line 9.

**Following:** "(2)"

**Insert:** "(a)"

11. Page 8, line 10.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsection

12. Page 8.

**Following:** line 15

**Insert:** "(b) A participant's share of the entity's income is the aggregate of the participant's share of the entity's income, gain, loss, or deduction or item of income, gain, loss, or deduction."

13. Page 8, line 23.

**Following:** "15-30-241"

**Insert:** "computed separately for each participant included in the filing of a composite return"

14. Page 8, line 26.

**Following:** "The"

**Insert:** "composite"

15. Page 8, line 27.

**Strike:** "a Montana individual income tax"

**Insert:** "the entity information"

**Following:** "return."

**Insert:** "The composite return is in lieu of an individual income tax return required under 15-30-142 and 15-30-144."

16. Page 9, line 1.

**Following:** "withholding"

**Insert:** "-- notice"

17. Page 9, line 3.

**Following:** "shall"

**Strike:** ", "

**Insert:** ":"

(a)"

18. Page 9, line 5.

**Strike:** "(a)"

**Insert:** "(i)"

**Following:** "nonresident;"

**Insert:** "or"

19. Page 9, line 6.

**Strike:** "(b)"

**Insert:** "(ii)"

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20. Page 9, line 7.

**Strike:** "(i)"

**Insert:** "(A)"

**Renumber:** subsequent subsections

21. Page 9, line 10.

**Following:** ";"

**Strike:** "or"

**Insert:** "and"

22. Page 9, line 11.

**Strike:** "(c)"

**Insert:** "(b) within the later of 180 days after the due date, including extensions, for the information return or the date the notice is sent as provided in subsection (2),"

23. Page 9, line 12.

**Strike:** "nonresident individual's"

24. Page 9, line 13.

**Following:** "return"

**Insert:** "of each nonresident individual for whom a composite return or agreement provided in subsection (1)(a) was not filed"

**Following:** "."

**Insert:** "(2) As soon as practical, but not later than 60 days after the due date, including extensions, for the information return, the department shall send notice to the pass-through entity of the need to comply with subsection (1) and that the pass-through entity may be subject to penalties under 15-30-133. If the department does not send notice, the pass-through entity is not subject to withholding."

**Renumber:** subsequent subsection

25. Page 9, line 15.

**Strike:** "(1)(c)"

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

**Following:** "considered"

**Insert:** "as a"

**Strike:** "by"

**Insert:** "on the account of"

**Strike:** "on account of"

**Insert:** "for"

26. Page 9.

**Following:** line 16

**Insert:** "(4) A pass-through entity is entitled to recover a payment made pursuant to subsection (1)(b) from the partner, shareholder, manager, member, or other owner on whose behalf the payment was made."

27. Page 9, lines 18 through 27.

**Strike:** section 6 in its entirety

**Insert:** "NEW SECTION. Section 6. Consent or withholding. (1) A pass-through entity that is required to file an information return as provided in 15-30-133 and that has a partner, shareholder, manager, member, or other owner

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who is a nonresident individual shall, on or before the due date, including extensions, for the information return:

- (a) file a composite return with respect to the individual nonresident;
  - (b) file an agreement of the individual nonresident to:
    - (i) file a return in accordance with the provisions of 15-30-142;
    - (ii) timely pay all taxes imposed with respect to income of the pass-through entity; and
    - (iii) be subject to the personal jurisdiction of the state for the collection of income taxes and related interest, penalties, and fees imposed with respect to the income of the pass-through entity; or
  - (c) remit an amount equal to the highest marginal tax rate in effect under 15-30-103 multiplied by the nonresident individual's share of Montana source income reflected on the pass-through entity's information return.
- (2) Any amount paid by a pass-through entity with respect to a nonresident individual pursuant to subsection (1)(c) must be considered as a payment on the account of the nonresident individual for the income tax imposed on the nonresident individual for the tax year pursuant to 15-30-105.
- (3) A pass-through entity is entitled to recover a payment made pursuant to subsection (1)(c) from the partner, shareholder, manager, member, or other owner on whose behalf the payment was made."

28. Page 10

**Following:** line 20

**Insert:** "Section 8. Section 15-30-124, MCA, is amended to read:

**"15-30-124. Credit allowed resident taxpayers for income taxes imposed by foreign states or countries.**

(1) Subject to the following conditions provided in subsections (2) through (5), residents a resident of this state shall be is allowed a credit against the taxes imposed by this chapter for:

(a) income taxes imposed by and paid to another state or country on income taxable under this chapter; and

(b) the resident's pro rata share of any income tax imposed by and paid to another state or country by an S. corporation of which the resident is a shareholder.

(1)(2) The credit shall be is allowed only for taxes paid to such other another state or country on income derived from sources within such the other state or country which that is taxable under the laws of such the other state or country irrespective regardless of the residence or domicile of the recipient taxpayer.

(2)(3) The credit shall is not be allowed if such the other state or country allows residents of this state a credit against the taxes imposed by such the other state or country for taxes paid or payable under this chapter.

(3)(4) The allowable credit shall must be computed by a formula to be prescribed by the department.

(5) For the purposes of the credit under subsection (1)(b):

(a) "income tax" has the same meaning as provided in Article II of 15-1-601;

(b) the S. corporation must have made and have in effect on the last day of its tax year a valid election under subchapter S. of Chapter 1 of the Internal Revenue Code; and

(c) the credit applies only to taxes paid by the S. corporation on income taxable under this chapter.""

**Renumber:** subsequent sections

29. Page 11, line 6.

**Strike:** "pass-through" through "purposes"

**Insert:** "disregarded entity"

30. Page 11, line 13 through line 17.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) Income realized for federal income tax purposes by a financial institution that has elected to be treated as an S. corporation under subchapter S. of Chapter 1 of the Internal Revenue Code and by its shareholders that is attributable to the financial institution's change from the bad debt reserve method of accounting provided in section 585 of the Internal Revenue Code, 26 U.S.C. 585, is not taxable under Title 15, chapter 30 or 31, to the extent that the aggregate deductions allowed for federal income tax purposes under 26 U.S.C.

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585 exceeded the aggregate deductions that the financial institution is allowed under 15-31-114(1)(b)(i)."

31. Page 12, line 8.

**Strike:** "An" through "purposes"

**Insert:** "A disregarded entity"

32. Page 12, line 15.

**Following:** "(d)"

**Insert:** "(i)"

**Strike:** "A"

**Insert:** "Except as provided in subsection (4)(d)(ii), a"

33. Page 12, line 16.

**Strike:** "\$50"

**Insert:** "\$10"

34. Page 12, line 17.

**Following:** "tax year"

**Insert:** "for each month or fraction of a month, not to exceed 5 months, that the entity fails to file the information return"

**Following:** "z"

**Insert:** "The department may waive the penalty imposed by this subsection (4)(d)(i) as provided in 15-1-206."

35. Page 12.

**Following:** line 17

**Insert:** "(ii) The penalty imposed under subsection (4)(d)(i) may not be imposed on a pass-through entity that has 10 or fewer partners, shareholders, managers, members, or other owners each of whom:

(A) is an individual, an estate of a deceased individual, or a C. corporation;

(B) has filed any required return or other report with the department by the due date, including any extension of time, for the return or report; and

(C) has paid all taxes when due."

36. Page 15, line 30.

**Strike:** "whose separate existence is not disregarded"

37. Page 16, line 1.

**Following:** "purposes"

**Insert:** "and that is not a disregarded entity"

38. Page 16, line 26.

**Strike:** "engaged in business"

**Insert:** "carrying on any trade or business for which deductions would be allowed under section 162 of the Internal Revenue Code (26 U.S.C. 162)"

39. Page 17, line 8.

**Strike:** "synonomous"

**Insert:** "synonymous"

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40. Page 18, line 6 through page 19, line 14.

**Strike:** section 14 in its entirety

**Insert:** "NEW SECTION. Section 15. Review of pass-through entity taxation by department. (1) The department shall review, with the assistance of interested parties, the reporting and taxation of income that is flowing through pass-through entities and the method of reporting and taxation of this income in states other than Montana and shall consider recommendations concerning the methodology that Montana should use to ensure fair and equitable taxation of income that flows through pass-through entities to other entities.

(2) The department shall report to the revenue and taxation interim committee at least once each year on the findings and recommendations of the review conducted under subsection (1)."

41. Page 19, line 16.

**Following:** "(1)"

**Insert:** "(a)"

42. Page 19.

**Following:** line 18

**Insert:** "(b) The code commissioner shall codify [sections 5 and 6] as the same section number. [Section 5] is a temporary section and terminates as provided in [section 20], and [section 6] is a permanent section that is effective as provided in [section 18(3)]."

43. Page 19.

**Following:** line 25

**Insert:** "NEW SECTION. Section 18. Effective dates. (1) Except as provided in subsections (2) and (3), [this act] is effective October 1, 2001.

(2) [Section 8 and this section] are effective on passage and approval.

(3) [Section 6] is effective January 1, 2003."

**Renumber:** subsequent sections

44. Page 19, line 27.

**Following:** "**Applicability.**"

**Insert:** "(1)"

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

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

45. Page 19.

**Following:** line 28

**Insert:** "(2) [Section 8] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2000.

(3) [Section 6] applies to tax years beginning after December 31, 2002."

46. Page 19.

**Following:** line 28

**Insert:** "NEW SECTION. Section 20. Termination. [Section 5] terminates December 31, 2002."

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Somerville, Chairman):  
**HB 403**, introduced bill, be amended as follows:

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1. Page 1, line 20.

**Following:** "restraints"

**Insert:** ", except as provided in subsection (4)"

2. Page 2.

**Following:** line 5

**Insert:** "(4) The provisions of subsection (1)(b) apply only to vehicles that are required by law to be equipped with seatbelts."

And, as amended, do pass. Report adopted.

**HB 408**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "AND"

2. Title, line 6.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1.

**Following:** line 18

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 442**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "HIGHWAY;"

**Insert:** "INCREASING THE PENALTIES FOR LITTERING; ADDING THE OFFENSE OF THROWING CONTAINERS OF URINE OR FECES UPON A HIGHWAY AND PROVIDING A PENALTY;"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "61-8-365"

**Insert:** "AND 61-8-372"

2. Page 1, line 12.

**Following:** "plastic"

**Insert:** "bottles, plastic"

3. Page 1, line 19.

**Following:** "61-8-372"

**Insert:** "and subsection (5) of this section"

4. Page 1, line 20.

**Strike:** "\$50" in both places



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**Insert:** "\$250" in both places

5. Page 1, line 21.

**Strike:** "\$100"

**Insert:** "\$500"

6. Page 1.

**Following:** line 21

**Insert:** "(5) A person may not throw or deposit upon a highway plastic bottles or any other containers in which urine or feces have been deposited. A person convicted of violating this subsection shall be fined not less than \$1,000."

7. Page 1.

**Following:** line 21

**Insert:** "**Section 2.** Section 61-8-372, MCA, is amended to read:

**"61-8-372. Littering with lighted matches, cigarettes, and other burning material and dumping ashtray prohibited -- penalty -- posting.** (1) A person may not throw away lighted matches, tobacco, cigarettes, cigars, or other lighted material on a forest road, private road, city street, county road, public highway, or railroad right-of-way, except lighted materials used as safety signaling devices, in this state.

(2) A person may not empty an ashtray containing matches, ashes, cigarette or cigar refuse, or other related material on a forest road, private road, city street, county road, public highway, or railroad right-of-way in this state.

(3) A person convicted of violating subsection (1) or (2) shall be fined a minimum of ~~\$100~~ \$500.

(4) Municipalities, the forest service, county governments, property owners, public transit operators, federal highway administrators, and any other appropriate entity may, at their discretion, post copies of this section in conspicuous locations.""

And, as amended, do pass. Report adopted.

### 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 186** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 75

Noes: Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Dell, Eggers, Erickson, Facey, Gallik, Golie, Gutsche, Harris, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Raser, Tramelli, Vick, Waddill.

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Total 25

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 201** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Brueggeman, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Esp, Forrester, Fuchs, Gallus, Gillan, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Raser, Rice, Ripley, Rome, Schrupf, Sliter, Somerville, Steinbeisser, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin.

Total 62

Noes: Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Devlin, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Lee, Lenhart, Price, Schmidt, Shockley, Smith, Story, Tramelli, Wanzenried, Witt, Mr. Speaker.

Total 38

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 292** 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, 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, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 96

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Noes: McCann, Smith.  
Total 2

Voted Absentee: Dale, Aye.

Excused: None.  
Total 0

Absent or not voting: Fritz, Vick.  
Total 2

**HB 320** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 67

Noes: Bixby, Buzzas, Callahan, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Newman, K. Peterson, Raser, Schmidt, Smith, Tramelli, Wanzenried.  
Total 32

Voted Absentee: Dale, Aye.

Excused: None.  
Total 0

Absent or not voting: Jacobson.  
Total 1

**HB 379** passed as follows:

Ayes: Barrett, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Olson, Price, Raser, Rome, Schmidt, Schrupf, Smith, Tramelli, Tropila, Waddill, Waitschies, Wanzenried.  
Total 52

Noes: Adams, Andersen, Bales, Balyeat, Bitney, D. Brown, R. Brown, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Harris, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Pattison, A.

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Peterson, K. Peterson, Rice, Ripley, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 47

Voted Absentee: Dale, No.

Excused: None.  
Total 0

Absent or not voting: Brueggeman.  
Total 1

**HB 444** passed as follows:

Ayes: Andersen, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, 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, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 85

Noes: Adams, Bales, Balyeat, R. Brown, Davies, Devlin, Forrester, Himmelberger, Kasten, Rice, Vick, Walters, Witt.  
Total 13

Voted Absentee: Dale, Aye.

Excused: None.  
Total 0

Absent or not voting: Jent, Smith.  
Total 2

**MOTIONS**

Representative Sliter moved that **HB 552** be taken from the Committee on Judiciary and rereferred to the Committee on Agriculture. There being no objections, so ordered.

Representative Younkin moved that **HB 62** be taken from the Committee on Local Government and rereferred to the Committee on Appropriations. There being no objections, so ordered.

Representative Sliter moved that **HB 273** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. Motion carried as follows:

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Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 64

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tropila, Wanzenried.

Total 34

Excused: Dale.

Total 1

Absent or not voting: P. Clark.

Total 1

Representative Sliter moved that **HB 57** be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Mangan, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried.

Total 34

Excused: Dale.

Total 1

Absent or not voting: None.

Total 0

Representative Buzzas requested on **HB 33** and **HB 159**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

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Representative Laible requested on **HB 33**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Davies requested on **HB 262**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Schrupf requested on **HB 379**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Erickson requested on **HB 57**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Fritz requested on **HB 379**, second reading today, that her vote be shown as yes. There being no objections, so ordered.

Representative Kaufmann moved that **HB 355** be taken from the table in the Committee on Business and Labor and rereferred to the Committee of the Whole.

Representative Mood moved for cloture.

Motion that **HB 355**, be rereferred failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, K. Peterson, Price, Raser, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Tramelli, Tropila, Waddill, Wanzenried, Younkin.

Total 52

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Rice, Ripley, Rome, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 47

Excused: Dale.

Total 1

Absent or not voting: None.

Total 0

Representative Somerville requested the House reconsider its action on **HB 131**. Motion carried as follows:

Ayes: Bitney, Bookout-Reinicke, Brueggeman, Buzzas, Carney, Clancy, P. Clark, Cyr, Dell, Erickson, Esp, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Jackson, Jent, Juneau, Kaufmann, Keane, Laible, Lawson, Lewis,

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Lindeen, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rome, Schmidt, Schrumpf, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.  
Total 59

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Branae, D. Brown, R. Brown, Callahan, E. Clark, Curtiss, Davies, Devlin, Eggers, Fisher, Forrester, Gallik, Holden, Hurdle, Jacobson, Jayne, Kasten, Laslovich, Laszloffy, Lee, Lehman, Masolo, McCann, Pattison, K. Peterson, Rice, Ripley, Shockley, Smith, Vick, Walters, Witt.  
Total 38

Excused: Dale.  
Total 1

Absent or not voting: Fritz, Lenhart.  
Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Wednesday, February 14, 2001. Motion carried.

House adjourned at 3:17 p.m.

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House