

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

Helena, Montana
March 5, 2001

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Newman and "Amazing Grace" was sung by his daughter Caitlin. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Bookout-Reinicke, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Ahner escorted the Senate into the House Chamber.

Speaker McGee introduced President Beck and yielded the Chair to him.

Senator Thomas moved that the body resolve itself into a joint session for the purpose of receiving the address from Montana's U.S. Congressman, the Honorable Dennis Rehberg. Motion carried.

Senator Thomas moved that President Beck be authorized to appoint a committee of four to notify the Honorable U.S. Congressman Rehberg that the House was in joint session and ready to receive his address. Motion carried.

President Beck appointed Senators Cole and Waterman and Representatives Forrester and A. Peterson and discharged them to escort the Honorable U.S. Congressman into the House Chamber.

Sergeant-at-Arms Cramer escorted U.S. Congressman Dennis Rehberg and the committee into the House Chamber.

Junior Girl Scout Troop from Billings presented the flags.

Invocation was given by Pastor Keith Johnson of the Evangelical Covenant Church.

After being introduced by President Beck, U.S. Congressman Dennis Rehberg delivered the following address:

Thank you for the opportunity to come back to Helena and address the Montana legislature. It's a great tradition for our state's Senators and Congressmen.

When I was here for three terms in the 1980's we listened to Senators John Melcher, Max Baucus and Conrad Burns, as well as Congressmen Pat Williams and Ron Marlenee. I learned then how valuable it is to keep the lines of communication open between our state officials and our representatives in Washington.

Now that I've had some experience in both the Montana Legislature and in the U. S. Congress, I can tell you there are a couple of pretty big differences. There are a lot more members in the United States Congress and the pay's a lot better. But, in Congress we've accomplished a lot less in the first 60 days than we ever did when I was a state legislator from Billings.

If we were paying Congressmen and legislators by the amount of legislation passed, the folks in this chamber would be getting paid a lot more and I'd be getting paid a lot less.

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One other difference I should mention... When I took my turn as Speaker of the House last month, my mom watched me on C-SPAN. She called and told me to do a better job next time. It was a humbling experience. When I sat in that chair here in the Montana House of Representatives, my mom never once called and told me to straighten my tie, or never once told me I was losing weight.

But, things are starting to get down to whatever normal is on Capitol Hill in Washington. I've successfully figured out how to vote by using a plastic credit card. I've actually introduced a couple of bills. I've sat in my first few committee meetings, and just like here, it doesn't seem freshmen just don't get to talk enough in committee, or on the floor.

I'm sure you've noticed that President Bush is already driving the political agenda in Washington. Some of you probably watched his first speech last Tuesday.

The President has launched the debate on tax relief, by putting down his marker for a \$1.6 trillion permanent tax reduction over the next 10 years.

It was the famous Illinois Senator Everett Dirksen who once said: "A million here and a million there and pretty soon it adds up to real money."

Well, we've long since passed using millions, we've blown by billions and now, we're into trillions and trillions.

I don't know about you, but I'll admit I'm having a real hard time conjuring up a picture of what a trillion dollars is. I find myself wondering if you could buy every cow in America...or the world...with a trillion dollars. I have no idea. I do know you could buy every Cashmere goat in America with a lot less!

But, the President is very insistent on starting the tax relief debate at the \$1.6 trillion level, and he's making a very strong case.

He has also put forth a strong argument for his education plan. He's obviously very committed to his belief that no child should be left behind.

The President will soon be coming forward with his plan to revitalize and modernize our nation's military services and their defense capabilities. He started the ball rolling in his speech with his commitment to increase pay and benefits for the men and women in uniform – this includes the Reserves and National Guard men and women in the State of Montana—a position I wholeheartedly endorse. In fact, I beat the president to the punch and have already introduced legislation to increase the pay for those in military service by \$150 per month.

The President will soon submit his plans for a National Energy Policy – which will be very important to us here in Montana. His plan will address the need to increase domestic energy supplies in order to stabilize energy costs, a policy drastically overdue.

As a member of the Energy and Minerals Subcommittee of the House Natural Resources Committee, you may be assured that I will be intimately involved in the process because of its impact on our people, our resources and our environment. We will begin by fully funding clean coal technology, which is so important to Montana's future, and increasing funding for the low-income energy assistance program.

The President says he'll soon weigh in with his plans to shore up the Social Security and Medicare programs. He says he'll be looking for ways to increase retirement income for those just now entering the work force – but not at the expense of those nearing retirement.

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This will be one of the great debates in the Congress this year – and certainly this century—as we bring our retirement system into the 21st century to meet the needs of our children and our parents.

This is the crux of the President's agenda, and his advisors are saying that we will be able to pay down the national debt to virtually zero in the next 10-year period. It's the first time any President has been able to say that the end of the national debt—that has been with us since the Civil War—is in sight.

Not that you had any doubt, but I'll be strongly supporting the President's agenda.

More importantly, however, I'll be working to ensure that Montana's interests are represented in the debate. And from that perspective, I want to talk to you now about what I think are some of the most important aspects of the presidential agenda and how they might affect Montana, as well as share with you a few of my core priorities over the next couple of years.

First - Tax relief. President Bush is right; Americans want, need, and deserve a share of the federal surplus. The President's tax relief plan is pretty simple. It takes the current five-rate structure of 15, 28, 31, 36 and 39.6 percent and puts in place a four-rate structure of 10, 15, 25 and 33 percent.

The numbers are not all in yet, but enactment of the President's plan could mean as much as \$5 million in new revenue for the State of Montana. And as much as I respect my colleagues in Washington, D. C., I would much rather have you spend the money on Montana priorities, such as education, health care or economic development, than let those in Congress spend it.

I'm very supportive of the plan to double the child tax credit to \$1,000, because that puts real money back in the pockets of taxpayers when they need it to provide for young families.

And, I'm extremely supportive of legislation to do away with the estate tax. The death tax is an onerous tax which punishes those who work and save, results in the destruction of family farms and businesses and forces our senior Americans, your parents and mine, to pay lawyers and accountants in order to save that which they have worked a lifetime to achieve.

Whether it's a ranch, a small business or an investment portfolio, the decision of who gets one's assets at death should be a matter of personal choice, not government edict.

In addition, I will fight for the elimination of the marriage penalty. While the President's plan calls for "reducing" of the marriage penalty, I see no reason to perpetuate a clearly discriminatory tax policy that hurts our Montana families. I will, therefore, be among those who will be pushing to not only reduce the discrepancy as the President suggests, but to eliminate it all together.

Can all of this be done? You bet. We don't need an Electrolux tax system sucking every last penny out of taxpayer's pockets.

We're paying all the bills in Washington, and there's a whole lot of money left over. I'm hopeful that together, Congress and the White House can give some of the left over back to the people who sent it in the first place. After all, it's their money.

By now you have noticed the President has made education reform his number one priority. And, those of you serving in the Legislature know that education is, and always has been, a Montana priority. My pledge to you is that I will work with you to see that Montana schools meet, and exceed the mark for Montana's education.

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As a result, I want to say to my friends in Congress—"there is a difference between Jordan, Montana and Houston, Texas. And while the President's plan is a start, some of his ideas won't have as much impact in Montana as they will in other parts of the country. Quite frankly, vouchers may not be an answer for Montana.

Now don't get me wrong. The President's plan is probably working well in Texas. And, I suspect it'll work well for two-thirds of America's families and students – particularly those living in heavily populated areas – because not all public school systems are as good as Montana's and because those more populated areas have more choices than we do here. So for that reason, the President's plan is worthy of consideration – because it may very well help a significant portion of the rest of the country.

But, my task, and yours, is to find ways to help improve the education of our children right here in Montana.

As a result, you can be assured any education legislation I support will be put to a test...does it grant more freedom for schools, school districts and states in administering federal education dollars? And, does it give states and local school districts flexible block grants to prepare, recruit and train high-quality teachers? In return, school districts will be held accountable.

But, we must go beyond that. I believe we've got to expand Education Savings Accounts to help parents save for their children's education. We also need tax credits to cover tutoring costs and other educational expenses borne by parents to supplement their children's education. These tax credits will encourage parents involvement in finding ways to better supplement their children's education while preserving needed revenue in school budgets.

Finally, and, I'm very passionate about this, the federal government must honor its promise made to states under the Individuals with Disabilities Education Act, or IDEA—which directs federal dollars to students with special needs. You see, under IDEA, the federal government promised to pay 40% of the costs of special needs students, a commitment it has failed to meet. Currently, only 15% of these costs are funded out of the federal budget, forcing yet another unfunded mandate on our local school systems. This is unacceptable. The IDEA promise must be fully funded. It's simple—we have an obligation to see that no child is left behind.

Mending the best health care system in the world, without destroying it, is one of the real challenges facing the Congress - and lawmakers at every level have to be involved in the debate.

I am hopeful that we can have real health care reform on the President's desk by late this year.

Retirement should be a time of health and security for America's seniors. Yet, skyrocketing prescription drug costs have turned many seniors' golden years into nightmare years. Lack of drug coverage proportionately affects the near poor who are not eligible for Medicaid, the oldest area elderly and seniors living in rural America.

Our goal is to insure that all seniors have the ability to obtain effective prescription drug coverage, and I believe we can do it.

But, the legislative process often lacks a sense of urgency...that is why I am supporting the "Helping Hand" initiative that will provide funds to Montana - immediately - to help you provide prescription drug plans for Medicare recipients who are the least able to afford their needed prescriptions.

I am also going to support an effort to provide a new tax credit to help lower income-families purchase health insurance.

And, I am going to seek to permanently extend Medical Savings Accounts to allow families to save for future and

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present health care needs.

I will also support a Patient's Bill of Rights that ensures that all Americans are guaranteed the personal choice of physicians and medical treatment, rather than what's allowed by HMO accountants in green eye shades 2,000 miles away from the doctor's office or the local hospital in Montana.

And, I'll be supporting an effort to up-grade veterans hospitals and improve the availability of health care for those who wore the uniform. I am currently working with others in Congress to provide veterans with a so-called "credit card" to cover health care received in facilities other than VA clinics and hospitals. It makes no sense to me why people are bussed all around the country when they can get great and timely service in their local hospitals or clinics. We should not, however, abandon our VA hospitals, which provide an essential service to many veterans across this country.

And, I will continue to work for increased Medicare reimbursements to our rural hospitals. In conversation with Speaker Hastert during my campaign, we discussed the plight of rural hospitals and the Speaker promised that help was coming. He delivered on that promise and approximately \$35 billion in additional money was allocated for Medicare recipients. I will continue to work with the Speaker to see that the true cost of providing medical services in rural communities is recognized.

Finally, as most of you know, Montana has one of the highest rates of uninsured patients in the nation. Statistics indicate that approximately 20 percent of our people do not have health care coverage. I can assure you that as the debate goes on in Congress, I'll be looking for ways to develop affordable insurance for families in Montana.

You know, though, we have to have a way to pay for what we need in education and health care. We simply just can't raise more money in taxes from a state that is 47th in the nation in per capita income and last in average wages for individuals.

So, that makes economic development #1 on my priority list. Without it, we can't afford the education system our children deserve, or the health insurance and medical care we need.

As elected leaders we cannot allow ourselves to wallow in self-pity or engage in doom and gloom. As public servants we must be optimists, because Montana does have a lot to offer.

We all know Montana needs jobs, and not just low paying jobs. But the question will be - how are we going to get them? Well, let's add up our assets and see what we've got.

We have an abundance of energy, and the ability to produce a great deal more. Our coal and natural gas reserves stretch for hundreds of years into the future. We can turn that into electricity, and yes, we can sell that electricity to California. But, why don't we go a step further, and add value to our electricity? Why don't we build generation facilities here in Montana, and then to California and say: "Come to Montana with your auto jobs, your computer jobs, your aerospace jobs. We will guarantee that you never experience a "brown-out or black-out". In fact, we will guarantee you a firm, low-cost power contract - not for 5 years or 10 years, but for 15, 20 or 30 years. Come to Glendive, Libby or Dillon. Come to our reservations, where we have 60% and 70% unemployment and need employment and jobs." "We have a strong east-west and north-south highway system. We have major rail lines that run east and west, and north and south."

In fact, if you don't move your business to Montana, we're going to lock you in a room with Senator Kitzenberg!"

Essential to any economic development is a communication and transportation infrastructure that meets today's needs. That's one of the reasons I asked to sit on the House Transportation Committee. We need a Montanan on

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that committee to see that we get every opportunity to improve the transportation system in Montana, that is so essential to economic development.

And, we must not forget that Montana is one of the top ag producing states in the country—it's still our number one industry.

We need a strong agricultural community in all 56 counties that's not continually beat down by low prices, drought and unfair trading practices. This week I will be introducing legislation as one solution to the farm crisis. The legislation I am referring to will allow a 20 year 50% tax credit for any capital expense adding value to agricultural products. I envision more businesses like Wheat Montana, Cream of the West and producer-owned sugar beet factories in Billings or Sidney. All of this means a more secure future for Montana, and better jobs for our families.

When I served in this body for three terms in the 1980's, I knew then that we had our partisan differences, most assuredly, but we were all genuinely committed to one thing—building a more secure future for Montana.

And, I know, from prior experience in this hall, that as this legislative body strives to do the people's business here during the next six weeks, you will work together for what is surely the ultimate goal—a better, more secure future for all Montanans throughout this great state we call home. For that I thank you. I know how hard and how rewarding your job is, and I wish you the best as you finish out the session.

Thank you for this opportunity to speak to you today. I hope you look forward as much as I do, to an on-going dialogue between the Congressional delegation and those of you serving with distinction here in Montana.

If there is ever anything I can do to assist, please call. My door is always open to you, my friends. Thank you.

The committee escorted U.S. Congressman Rehberg from the House Chamber.

Senator Thomas moved that the joint session of the 57th legislature be adjourned. Motion carried.

Roll Call. All members present, except Representative Bookout-Reinicke, excused. Quorum present.

Mr. Speaker appointed the following member to the Montana Heritage Preservation and Development Commission:

Representative Diane Rice

Mr. Speaker appointed the following member to the Environmental Quality Council:

Julie Page

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman):

3/5/2001

Correctly printed: **HB 544, SB 102, SB 122, SB 142, SB 279.**

Correctly engrossed: **SB 37, SB 44, SB 106, SB 148, SB 157.**

Correctly enrolled: **HB 20, HB 80, HB 97, HB 113, HB 141, HB 145, HB 185, HB 191, HB 192, HB 231, HB 258, HB 325, HJR 3, HJR 4, HJR 7.**

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Examined by the sponsor and found to be correct: **HB 20, HB 80, HB 97, HB 113, HB 141, HB 145, HB 185, HB 191, HB 192, HB 231, HB 258, HB 325, HJR 3, HJR 4, HJR 7.**

NATURAL RESOURCES (Younkin, Chairman): 3/5/2001
SB 6, be concurred in. Report adopted.
SB 7, be concurred in. Report adopted.
SB 102, be amended as follows:

1. Page 2, line 6.

Following: "unless the"

Insert: "development"

Following: "value"

Strike: remainder of line 6

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

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence: 3/3/2001

SB 411, introduced by Kitzenberg

Senate joint resolution passed and transmitted to the House for concurrence: 3/3/2001

SJR 6, introduced by Mohl

House bills concurred in and returned to the House: 3/3/2001

HB 141, introduced by Somerville

HB 231, introduced by Lawson

HB 258, introduced by Vick

HB 325, introduced by Laible

House joint resolutions concurred in and returned to the House: 3/3/2001

HJR 3, introduced by Lee

HJR 4, introduced by Fuchs

HJR 7, introduced by McGee

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/3/2001

HB 154, introduced by McGee

HB 223, introduced by Schmidt

FIRST READING AND COMMITMENT OF BILLS

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

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HB 625, introduced by Musgrove, Fritz, Galvin-Halcro, Masolo, Olson, Ripley, Wolery, referred to Appropriations.

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

HJR 35, introduced by Harris, Bixby, Branae, Carney, Cyr, Dell, Eggers, Erickson, Facey, Galvin-Halcro, Gillan, Gutsche, Hurdle, Jacobson, Juneau, Kaufmann, Laslovich, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Wanzenried, Wolery, referred to Education.

The following Senate bill was introduced, read first time, and referred to committee:

SB 411, introduced by Kitzenberg, referred to Taxation.

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

SJR 6, introduced by Mohl (by request of the Department of Transportation), referred to Transportation.

**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 Lenhart in the chair.

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

HB 18 - Senate Amendments - Representative Somerville moved **HB 18** be concurred in. 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: Bookout-Reinicke, Aye.

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 111 - Senate Amendments - Representative Lawson moved **HB 111** be concurred in. 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: Bookout-Reinicke, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 112 - Senate Amendments - Representative Brueggeman moved **HB 112** be concurred in. 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, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, 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 97

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

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 525 - Representative Kasten moved **HB 525** do pass.

HB 525 - Representative Kaufmann moved **HB 525**, second reading copy, be amended as follows :

1. Page 3, line 5 through line 8.

Following: "₂" on line 5

Strike: remainder of line 5 through line 8

2. Page 4, line 28.

Strike: "two-thirds"

Insert: "if a majority"

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Noennig, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.

Total 44

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

Total 55

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

HB 525 - Representative Wanzenried moved **HB 525**, second reading copy, be amended as follows :

1. Page 4, line 10.

Strike: "supplemental appropriations."

2. Page 4, line 15.

Strike: "supplemental appropriations."

Representative Vick moved the amendment be divided. Thereupon, amendment number one was **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz,

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Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 41

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

Total 58

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

Representative Wanzenried moved to withdraw his amendment for the purpose of a correction. Motion carried.

Thereupon, corrected amendment number two was **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, 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, Olson, Pattison, A. 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 97

Noes: Noennig, K. Peterson.

Total 2

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

HB 525 - Representative Lewis moved for cloture. Motion requiring a two-thirds vote, failed as follows:

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

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Mr. Speaker.
Total 62

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.
Total 37

Excused: None.
Total 0

Absent or not voting: Bookout-Reinicke.
Total 1

Representative Noennig excused at this time.

Representative Smith moved consideration of **HB 525** be passed for the day. Motion failed as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.
Total 40

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.
Total 56

Excused: Bookout-Reinicke, Noennig.
Total 2

Absent or not voting: Clancy, Younkin.
Total 2

Motion that **HB 525**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McCann, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 55

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane,

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Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, Price, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried.
Total 45

Voted Absentee: Bookout-Reinicke, Aye; Noennig, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 60

Noes: Bixby, Buzzas, Callahan, Carney, P. Clark, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.
Total 38

Excused: Bookout-Reinicke, Noennig.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Sliter moved that the House recess until 5:30 p.m. Motion carried.

House recessed at 3:11 p.m.

House reconvened at 5:30 p.m. All members present, except Representative Bookout-Reinicke and Juneau, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

EDUCATION (Masolo, Chairman):

3/5/2001

SB 260, be concurred in. Report adopted.

SB 425, be concurred in. Report adopted.

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 19, as amended by the Senate, 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, 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: Bookout-Reinicke, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 40, as amended by the Senate, 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, 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, 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: None.

Total 0

Voted Absentee: Bookout-Reinicke, Juneau, Ayes.

Excused: None.

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Total 0

Absent or not voting: Pattison.

Total 1

HB 132, as amended by the Senate, 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, Gallus, 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, Musgrove, Newman, Noennig, Olson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Galvin-Halcro, Kasten, Mood, Pattison, Smith, Story, Waitschies.

Total 7

Voted Absentee: Bookout-Reinicke, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: A. Peterson.

Total 1

SB 37 concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, 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 93

Noes: Branae, Dell, Harris, Hurdle, Kasten, Lawson.

Total 6

Voted Absentee: Bookout-Reinicke, Juneau, Ayes.

Excused: None.

Total 0

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Absent or not voting: Lewis.
Total 1

SB 44 concurred in as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Dale, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Wolery, Younkin.
Total 61

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Eggers, Esp, Haines, Himmelberger, Hurdle, Kasten, Laible, Laszloffy, Masolo, McCann, Mood, Pattison, K. Peterson, Rice, Schrumpf, Sliter, Smith, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Mr. Speaker.
Total 38

Voted Absentee: Bookout-Reinicke, Juneau, Ayes.

Excused: None.
Total 0

Absent or not voting: Cyr.
Total 1

SB 106, as amended by the House, concurred in as follows:

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

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lee, Lindeen, McCann, Musgrove, Newman, K. Peterson, Raser, Schmidt, Tropila, Wanzenried.
Total 33

Voted Absentee: Bookout-Reinicke, Aye; Juneau, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 148 concurred in 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, 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: None.

Total 0

Voted Absentee: Bookout-Reinicke, Juneau, Ayes.

Excused: None.

Total 0

Absent or not voting: Mangan.

Total 1

SB 157 concurred in as follows:

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

Total 75

Noes: Adams, Branae, Buzzas, Carney, Eggers, Erickson, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Juneau, Kaufmann, Laslovich, Lenhart, Schmidt, Tramelli, Wanzenried.

Total 25

Voted Absentee: Bookout-Reinicke, Aye; Juneau, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 1

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MOTIONS

Representative Shockley requested on **HB 19**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Erickson requested on **HB 148**, third reading today, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Laible requested on **HB 29**, second reading Saturday, that his vote be changed from no to yes. There being no objections, so ordered.

Representative Laible requested on **HB 40**, second reading Saturday, that his vote be changed from yes to no. There being no objections, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Tuesday, March 6, 2001. Motion carried.

House adjourned at 5:43 p.m.

MARILYN MILLER
Chief Clerk of the House

DAN MCGEE
Speaker of the House