

**HOUSE JOURNAL
57TH LEGISLATURE
FIFTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 13, 2001

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

Mr. Speaker introduced the pages for the week:

Ledin Letang, Rudyard
Ben Sutton, Libby
Colleen Iverson, Shelby
Jeff Shafer, Columbia Falls
Kirsten Young, Billings
Audrey Fisher, New Braunfels, TX
J.T. Dell, Billings
Kimberly Kessler, Avon

COMMUNICATIONS AND PETITIONS

JOINT PROCLAMATION OF THE MONTANA HOUSE OF REPRESENTATIVES AND MONTANA STATE SENATE

Recognizing the Thirtieth Birthday of Erin Patricia Billings

WHEREAS March 13, 2001 is the thirtieth birthday of Erin Patricia Billings.

WHEREAS Erin Billings still believes the state's largest city was named after her.

WHEREAS Erin Billings insists that her colleagues call her "Super Scoop."

WHEREAS Erin Billings has been a fixture of the Montana press corps, manufacturing out of thin air and her rabid imagination, news stories about the already irrational proceedings of the legislatures since 1995.

WHEREAS there is no question that nearly everyone in this body has been quoted, or misquoted, libeled, slandered or harassed by Erin Billings.

WHEREAS the state fire marshal has refused to authorize the open burning permit necessary to light all the candles on her cake.

WHEREAS Erin Billings is too old to be young but not old enough to remember ancient history when Democrats actually had political influence in the Legislature, Republicans had none, and a Democrat really knew what the inside of the governor's office looks like.

WHEREAS Erin Billings has faithfully kept confidential, countless secrets and scandals that did not prove newsworthy. (If you're wondering if this means you, then it probably does. You know who you are.)

WHEREAS most of us have dirt younger than Erin Billings.

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WHEREAS the AARP and Montana Senior Citizens Association have already made Erin Billings an honorary member and she needs your sympathy.

WHEREAS Erin Billings' tenure covering the Montana legislature will conclude with the adjournment of the 57th legislative assembly.

THEREFORE, BE IT PROCLAIMED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA THAT THE LEGISLATURE, ON BEHALF OF THE PEOPLE OF MONTANA, EXTENDS ITS BEST WISHES AND BIRTHDAY GREETINGS TO ERIN BILLINGS AND DECLARES TUESDAY, MARCH 13, 2001, ERIN PATRICIA BILLINGS DAY.

The proclamation was signed by Senate President Tom Beck, House Speaker Dan McGee, Senate Minority Leader Steve Doherty, and House Minority Leader Kim Gillan.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 3/13/2001
Correctly printed: **HB 10, HB 31, HB 38, HB 121, HB 273, HB 598, HB 604, HB 620, SB 31, SB 38, SB 65, SB 74, SB 107, SB 146, SB 152, SB 159, SB 300, SB 318, SB 380, SB 421, SB 432.**
Correctly engrossed: **HB 609, SB 23, SB 33, SB 55, SB 161, SB 168, SB 234, SB 269.**
Correctly enrolled: **HB 127, HB 134, HB 157, HB 263, HB 267, HB 298, HB 329, HB 336, HB 365, HB 391, HB 393, HB 433, HJR 14, HJR 15, HJR 22.**
Delivered to the Governor for her approval at 9:30 a.m., March 13, 2001: **HB 21, HB 44, HB 71, HB 103, HB 104, HB 108, HB 110, HB 114, HB 126, HB 147, HB 223, HB 272, HB 309, HB 411.**
Delivered to the Secretary of State at 9:44 a.m., March 13, 2001: **HJR 8.**

APPROPRIATIONS (Vick, Chairman): 3/13/2001
HB 10, introduced bill, be amended as follows:

1. Page 3, line 20.

Strike: "There is appropriated"

Insert: "Of the amount appropriated in subsection (1), the department is directed to contract"

2. Page 3, line 22.

Strike: "who"

Insert: "that"

Following: "assistance"

Insert: "or that have not received federal low-income energy assistance in the current program year"

And, as amended, do pass. Report adopted.

HB 38, introduced bill, be amended as follows:

1. Page 1, line 15.

Following: "vehicles"

Strike: remainder of line 15

And, as amended, do pass. Report adopted.

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HB 273, introduced bill, be amended as follows:

1. Title, line 7.

Following: ";

Insert: "CLARIFYING THE USE OF THE TRANSFERRED FUNDS; AMENDING SECTION 90-6-133, MCA;"

2. Page 1, line 10.

Insert: "**Section 1.** Section 90-6-133, MCA, is amended to read:

"90-6-133. Revolving loan account -- administration. (1) There is an affordable housing revolving loan account in the state special revenue fund in the state treasury. The money in the loan account is allocated to the board for the purpose of providing loans to eligible applicants.

(2) (a) ~~Funds~~ Except as provided in subsection (2)(b), funds deposited in the loan account must be used for the program authorized in 90-6-134 and may not be used to pay the expenses of any other program or service administered by the board.

(b) Money transferred to the account pursuant to [section 2] may be used only for the purposes authorized by the temporary assistance for needy families block grant pursuant to Title IV of the Social Security Act, 42 U.S.C. 601, et seq.

(3) The board may determine the rate of interest to be charged for any loan made under the provisions of 90-6-131 through 90-6-136.

(4) The board may accept contributions, gifts, and grants for deposit into the loan account. The money must be used in accordance with the provisions of 90-6-134.

(5) The costs incurred by the board in administering the loan fund must be paid from the loan account.

(6) Interest and principal on loans from the fund must be repaid to the loan fund.

(7) Interest income generated by investment of the principal of the loan fund is retained in the loan fund account.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 598, introduced bill, be amended as follows:

1. Page 47, line 18.

Insert: "**NEW SECTION. Section 51. Performance audit -- corrections contracts.** In addition to the audit reviews required under [section 4], the legislative auditor shall conduct a performance audit of the department of corrections contracts for the incarceration of inmates during the biennium beginning July 1, 2001."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 608, do pass. Report adopted.

HB 620, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "VETERANS"

Insert: "FROM LIGHT VEHICLE REGISTRATION FEES"

2. Title, page 1, line 7.

Following: "DISABILITY"

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Strike: "FROM LIGHT VEHICLE REGISTRATION FEES"

And, as amended, do pass. Report adopted.

EDUCATION (Masolo, Chairman): 3/13/2001
SB 94, be concurred in. Report adopted.
SB 117, be concurred in. Report adopted.
SB 344, be concurred in. Report adopted.
SB 394, be concurred in. Report adopted.

JUDICIARY (Shockley, Chairman): 3/13/2001
HB 604, be amended as follows:

1. Title, page 1, line 4 through line 5.
Strike: "AND PROHIBITING INITIAL PENAL INCARCERATION"
Following: "FOR A"
Insert: "FIRST OR SECOND"
Following: "NONVIOLENT"
Insert: "FELONY"

2. Title, page 1, line 7.
Following: line 6
Insert: "PROVIDING AN APPROPRIATION;"
Strike: "45-9-208,"
Strike: "46-18-222,"
Insert: "46-18-225,"

3. Page 1, line 13.
Strike: "Short title -- definition -- purpose"
Insert: "Purpose"

4. Page 1, line 13 through line 16.
Strike: subsections (1) and (2) in their entirety
Renumber: subsequent subsections

5. Page 1, line 21.
Strike: "This section and [section 2]"
Insert: "Section 46-18-225(3) and this section"

6. Page 1, lines 22 and 23.
Strike: "This section and [section 2]"
Insert: "Section 46-18-225(3) and this section"

7. Page 1, line 30.
Following: "nonviolent"
Insert: "felony"

8. Page 2, line 9 through line 24.

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Strike: section 2 in its entirety
Renumber: subsequent sections

9. Page 2, line 27.

Strike: "A"

Insert: "Except as provided in 46-18-225(3), a"

10. Page 2, line 28 through line 29.

Strike: ", if" on line 28 through "offense," on line 29

11. Page 4, line 10 through 18.

Strike: section 4 in its entirety

Renumber: subsequent sections

12. Page 4, line 21.

Page 5, line 3.

Page 5, line 7.

Strike: "[section 2]"

Insert: "46-18-225(3)"

13. Page 4, line 29.

Strike: "and [section 2]"

14. Page 7, line 5 through line 30.

Strike: section 6 in its entirety

Renumber: subsequent sections

15. Page 8, line 1.

Insert: "**Section 4.** Section 46-18-225, MCA, is amended to read:

"46-18-225. Sentencing of nonviolent felony offenders -- criteria -- alternatives to be considered -- court to state reasons for imprisonment. (1) In sentencing a nonviolent felony offender, the sentencing judge shall first consider alternatives to imprisonment of the offender in a state prison, including placement of the offender in a community corrections facility or program, a prerelease center, or a prerelease program. In considering alternatives to imprisonment, the sentencing judge shall examine the sentencing criteria contained in subsection (2).

(2) Prior to sentencing a nonviolent felony offender to whom 46-18-219 does not apply to a term of imprisonment in a state prison, the sentencing judge shall take into account whether:

(a) the interests of justice and the needs of public safety truly require the level of security provided by imprisonment of the offender in a state prison;

(b) the needs of the offender can be better served in the community or in a facility or program other than a state prison;

(c) there are substantial grounds tending to excuse or justify the offense, though failing to establish a defense;

(d) the offender acted under strong provocation;

(e) the offender has made restitution or will make restitution to the victim of the offender's criminal conduct;

(f) the offender has no prior history of conviction for a criminal act or, if the offender has a prior history of conviction for a criminal act, the offender has led a law-abiding life for a substantial period of time before the commission of the present crime;

(g) the offender's criminal conduct was the result of circumstances that are unlikely to recur;

(h) the character and attitude of the offender indicate that the offender is likely to commit another crime;

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(i) if it is the offender's first or second felony offense, dependency upon drugs, alcohol, or gambling was a factor in the commission of the offense;

~~(j)~~ the offender is likely to respond quickly to correctional or rehabilitative treatment; and

~~(k)~~ imprisonment of the offender would create an excessive hardship on the offender or the offender's family.

(3) Prior to sentencing a nonviolent offender for a first or second felony offense, the judge shall determine whether dependence on drugs, alcohol, or gambling was a factor in the commission of the offense. If the judge determines that dependence was a factor, the judge shall, before imposing sentence, order the offender to complete and if able to do so pay for a treatment assessment that focuses on treatment alternatives. The sentence must provide that the offender shall comply with all recommendations contained in the treatment assessment and shall pay for the treatment if able to do so. The judge shall approve of the recommended treatment and recommended treatment provider.

~~(4)~~ If the judge sentences the offender to a state prison, the judge shall state the reasons why the judge did not select an alternative to imprisonment, based on the criteria contained in subsection (2)."

Renumber: subsequent sections

16. Page 15, line 10.

Insert: "NEW SECTION. Section 16. Appropriation. There is appropriated \$100,000 to the department of corrections from the general fund to implement [section 4]."

Renumber: subsequent section

17. Page 15, line 11.

Strike: "[Sections 1 and 2] are"

Insert: "[Section 1] is"

18. Page 15, line 12 through line 13.

Strike: "[sections 1 and 2]"

Insert: "[section 1]"

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

TAXATION (Story, Chairman):

3/12/2001

HB 236, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "\$1 MILLION"

Insert: "\$500,000"

2. Title, page 1, line 8.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 1, line 25 through line 27.

Strike: "The" on line 25 through " " on line 27

4. Page 2, line 11.

Strike: "be used directly by"

Following: "commerce"

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Insert: "as follows:

- (i) \$500,000 for deposit in a state special revenue account to the credit of the department of commerce to be used for special, nonrecurring, tourism-related events, as provided in [section 2]; and
- (ii) the remainder to be used directly by the department of commerce"

5. Page 3, line 2 through line 4.

Strike: "The" on line 2 through "." on line 4

6. Page 3, line 22.

Strike: "be used directly by"

Following: "commerce"

Insert: "as follows:

- (i) \$500,000 for deposit in a state special revenue account to the credit of the department of commerce to be used for special, nonrecurring, tourism-related events, as provided in [section 2]; and
- (ii) the remainder to be used directly by the department of commerce"

7. Page 4, line 18.

Strike: "for less than \$25,000 or"

Following: "\$150,000."

Insert: "A grant may be awarded for a period of up to 4 years for a special, nonrecurring, tourism-related event. The department may provide grant funds for each year of the grant period."

8. Page 5, following line 20

Insert: "NEW SECTION. Section 6. Termination -- applicability. [This act] terminates June 30, 2005. However, available grant funds shall be provided, if necessary, after June 30, 2005, for a grant awarded prior to the termination of [this act]. "

And, as amended, do pass. Report adopted.

HB 618, do pass. Report adopted.

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in:

3/12/2001

SB 97, introduced by Mahlum

SB 102, introduced by Cole

House bills concurred in and returned to the House:

3/12/2001

HB 127, introduced by Wanzenried

HB 134, introduced by Facey

HB 157, introduced by Gallus

HB 263, introduced by Jent

HB 267, introduced by Juneau

HB 298, introduced by Facey

HB 329, introduced by Somerville

HB 336, introduced by Gutsche

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HB 365, introduced by Whitaker
HB 391, introduced by Cyr
HB 393, introduced by Mangan
HB 443, introduced by Clancy

House joint resolutions concurred in and returned to the House: 3/12/2001

HJR 14, introduced by Curtiss
HJR 15, introduced by Lawson
HJR 22, introduced by Curtiss

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/12/2001

HB 46, introduced by Dale
HB 119, introduced by Vick
HB 125, introduced by Younkin
HB 156, introduced by Matthews
HB 317, introduced by K. Peterson
HB 349, introduced by Haines
HB 375, introduced by Carney
HB 390, introduced by Shockley

FIRST READING AND COMMITMENT OF BILLS

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

HB 635, introduced by Fuchs, referred to Taxation.
HB 636, introduced by Fuchs, referred to Taxation.

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

HB 637, introduced by Kaufmann, Callahan, referred to Judiciary.

Majority Leader Sliter moved that the House recess until 1:30 p.m. Motion carried.

House recessed at 1:10 p.m.

House reconvened at 1:30 p.m. All members present. Quorum present.

**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 Sliter in the chair.

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

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HJR 2 - Representative Somerville moved **HJR 2** be adopted.

HJR 2 - Representative Wanzenried moved **HJR 2**, second reading copy, be amended as follows :

1. Page 3, line 13.

Strike: "~~\$571.493~~ ~~\$598.531~~"

Insert: "\$567.993 \$594.981"

2. Page 7, line 11.

Strike: "~~\$14.000~~ ~~\$15.000~~"

Insert: "\$10.500 \$11.450"

The LFD shall amend totals.

Note: This amendment reduces individual income tax audit collections by \$3.500 million in fiscal 2002 and by \$3.550 million in fiscal 2003 to the levels approved by the Revenue and Taxation Committee in November 2000.

Amendment **not** adopted as follows:

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

Total 38

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

Total 62

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 2 - Representative Wanzenried moved **HJR 2**, second reading copy, be amended as follows :

1. Page 2.

Following: line 20

Insert: "BE IT FURTHER RESOLVED, that the Department of Revenue provide the Legislative Fiscal Division with monthly reports concerning audit assessments and collections for each general fund tax revenue source by tax year, beginning with the month of July 2000. The reports:

(1) for assessments must list assessments of \$50,000 or greater separately from the remaining combined assessments. The reports must include the status of each account and:

(a) the amounts of tax;

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- (b) the amounts of penalty;
- (c) the amounts of interest; and
- (d) the amounts because of amended and delinquent prior year returns.
- (2) for collections must list accounts of \$50,000 or greater separately from the remaining combined accounts.

The reports must include the status of each account and the amounts of:

- (a) total tax collections to date;
- (b) total penalty collections to date;
- (c) total interest collections to date;
- (d) total prior year returns collections to date;
- (e) outstanding collections;
- (f) estimated collections;
- (g) tax, penalty, or interest written off or settled at a lesser amount; and
- (h) collections collected internally and the amounts collected externally by a collection agency, along with the collection agency's fee.

BE IT FURTHER RESOLVED, that the Department report to the Revenue and Taxation Interim Committee at each meeting during the 2003 biennium on the progress of integrating POINTS with the state accounting system to enable the reporting of audits, penalties, interest, and amended and delinquent prior year return collections separately on SABHRS."

Amendment **adopted** as follows:

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

Total 80

Noes: Adams, Bales, Balyeat, Barrett, E. Clark, Dale, Devlin, Fisher, Fuchs, Haines, Hedges, Jackson, Kasten, McKenney, Mood, Pattison, Schrupf, Walters, Witt, Younkin.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 2 - Representative Story moved **HJR 2**, second reading copy, be further amended as follows :

1. Page 18, line 1.

Strike: "1.012 1.044 1.073"

Insert: "1.091 1.123 1.152"

Amendment **adopted** as follows:

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

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that **HJR 2**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Erickson, Esp, Fisher, Fuchs, Gallus, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jayne, Kasten, Kaufmann, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 73

Noes: Bixby, Carney, P. Clark, Cyr, Dell, Eggers, Facey, Fritz, Gallik, Galvin-Halcro, Jacobson, Jent, Juneau, Keane, Laslovich, Lee, Lindeen, Mangan, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Wanzenried.

Total 25

Excused: None.

Total 0

Absent or not voting: Forrester, Somerville.

Total 2

SB 175 - Representative Laslovich moved **SB 175** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, 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, Fuchs, Gallus, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Kasten, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

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Total 83

Noes: Bixby, Branae, Dell, Fritz, Gallik, Galvin-Halcro, Gillan, Hurdle, Jayne, Juneau, Keane, Lee, Lindeen, Musgrove, Newman, Smith, Wanzenried.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 42 - Representative Wanzenried moved **SB 42** 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

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 52 - Representative Laszloffy moved **SB 52** 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

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 53 - Representative E. Clark moved **SB 53** 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

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Erickson, Esp, Fisher, Forrester, Fuchs, Gallus, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 78

Noes: Bixby, Branae, Cyr, Dell, Eggers, Facey, Fritz, Gallik, Gillan, Golie, Gutsche, Hurdle, Laslovich, Lee, Lindeen, Mangan, Newman, Raser, Schmidt, Smith, Wanzenried.
Total 21

Excused: None.
Total 0

Absent or not voting: Galvin-Halcro.

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Total 1

THIRD READING OF BILLS

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

HB 129, 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, 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: None.

Total 0

Excused: None.

Total 0

Absent or not voting: P. Clark.

Total 1

HB 241, 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, Schruppf, 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

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 609 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, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Eggers.

Total 1

SB 23, as amended by the House, 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, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

SB 55 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,

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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

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 161 concurred in as follows:

Ayes: Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Dale, Dell, Devlin, Erickson, Facey, Fisher, Forrester, Gallik, Gallus, Gillan, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Mangan, Masolo, Matthews, McCann, Mood, Noennig, Olson, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Waddill, Waitschies, Walters, Whitaker, Wolery, Younkin.

Total 67

Noes: Adams, Andersen, Balyeat, R. Brown, Clancy, P. Clark, Curtiss, Davies, Eggers, Esp, Fritz, Fuchs, Galvin-Halcro, Golie, Gutsche, Himmelberger, Hurdle, Kasten, Laible, Laszloffy, Lewis, Lindeen, McKenney, Musgrove, Newman, Pattison, Raser, Smith, Tropila, Vick, Wanzenried, Witt, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 168, as amended by the House, concurred in as follows:

Ayes: Bales, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, K. Peterson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Smith, Thomas, Waddill, Wolery, Younkin.

Total 53

Noes: Adams, Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, P. Clark, Curtiss, Dale, Davies, Dell, Eggers, Esp, Fisher, Forrester, Fuchs, Golie, Hedges, Himmelberger, Holden, Jayne, Kasten, Laszloffy, Lewis, Masolo, McKenney, Mood, Olson, Pattison, Rice, Schruppf, Sliter, Somerville, Steinbeisser, Story, Tramelli,

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Tropila, Vick, Waitschies, Walters, Wanzenried, Whitaker, Witt, Mr. Speaker.
Total 47

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 234 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, 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

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 269 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, 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

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

MOTIONS

Representative Shockley requested on **SB 52**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Price requested on **SB 234**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Keane moved that **HB 177** be taken from the table in the Committee on Appropriations and rereferred to third reading on Legislative Day 58. Motion failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, 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, Price, Raser, Rice, Rome, Schmidt, Smith, Thomas, Tramelli, Tropila, Wanzenried, Wolery.
Total 49

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Ripley, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.
Total 51

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Sliter moved to suspend the rules for the late drafting, introduction, and transmittal of a resolution. 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, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 99

Noes: None.
Total 0

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Excused: None.
Total 0

Absent or not voting: Jent.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Wednesday, March 14, 2001. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER
Chief Clerk of the House

DAN MCGEE
Speaker of the House