

**HOUSE JOURNAL
57TH LEGISLATURE
SIXTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 27, 2001

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 3/27/2001
Correctly printed: **HB 248, HB 474, HB 646, HJR 36, HJR 38, HJR 39, SB 28, SB 116, SB 167, SB 375, SB 376, SB 378, SB 379, SB 423, SB 436, SB 440, SB 442, SJR 8, SJR 9, SJR 16.**
Correctly engrossed: **HB 357, HB 420, HB 598, HB 619, HB 642.**
Correctly enrolled: **HB 109, HB 488, HB 529, HB 609, HJR 23.**
Examined by the sponsor and found to be correct: **HB 109, HB 488, HB 529, HB 609, HJR 23.**

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Curtiss, Chairman): 3/27/2001
HB 632, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "RATES"

Insert: "RATE"

Following: " ;"

Insert: "ALLOWING THE PUBLIC SERVICE COMMISSION TO IMMEDIATELY ADJUST RATES UPWARD IN THE PUBLIC INTEREST;"

2. Title, page 1, line 9.

Following: "RATES"

Insert: "FOR DEFAULT SUPPLY"

3. Title, page 1, line 11.

Following: "ADOPT"

Insert: "A"

Following: "LIFELINE"

Strike: "RATES"

Insert: "RATE"

4. Title, page 1, lines 12 and 13.

Strike: "COMMERCIAL OR INDUSTRIAL"

Insert: "LARGE"

5. Page 1.

Following: line 14

Insert: "WHEREAS, the 1997 Legislature approved Senate Bill No. 390, which placed Montana on the road to customer choice, with the goal of eventually allowing market forces to provide lower prices for Montana electricity consumers than could be achieved through government regulation; and

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WHEREAS, the 1997 Legislature had no way of anticipating recent events and conditions that have produced extraordinarily high electricity prices in the Western United States, including the unwillingness of the state of California to build power plants to serve that state's surging power demands, severe drought conditions in the Northwest that have substantially reduced hydroelectric generation, and rapid increases in natural gas prices that have inflated electricity costs from gas-fired plants; and

WHEREAS, Senate Bill No. 390 contained certain provisions intended to protect Montana electricity consumers in the event that competition did not prove adequate to provide reasonable electricity prices; and

WHEREAS, the Montana Legislature has now concluded that the Montana Public Service Commission has the authority to immediately establish a lifeline rate for that portion of generation that served large customers in Montana in 1998 and should establish just and reasonable rates to continue regulation for all customers until the Public Service Commission approves a transition plan for a public utility that has elected to file a transition plan."

6. Page 2, line 12.

Strike: "lifeline rates"

Insert: "a lifeline rate"

7. Page 4, line 11.

Following: "Lifeline"

Strike: "rates"

Insert: "rate"

Following: "means"

Insert: "an"

Following: "temporary"

Strike: "rates that are"

Insert: "rate"

8. Page 4, lines 12 and 13.

Strike: "commercial or industrial" on line 12

Insert: "large"

Strike: "without" on line 12

Insert: "to obtain"

Strike: "as of" on line 12 through "suspended" on line 13

Insert: "until the commission establishes just and reasonable rates for generation pursuant to 69-8-403(1)"

9. Page 5, line 7.

Following: "assignees"

Insert: "to any business component of the electric utility that generates, transmits, or distributes electrical energy"

10. Page 6, line 16.

Strike: "2002"

Insert: "2004"

11. Page 7, line 17.

Strike: "price of"

Insert: "rates, tolls, and charges for"

Following: "customers of"

Strike: "Montana utilities"

Insert: "a public utility that has filed a transition plan"

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12. Page 7, line 19.

Following: "customers"

Insert: "of a default supplier"

13. Page 7, line 24.

Following: "for"

Insert: "the generation of electricity supplied to"

Strike: "of a"

Insert: "requesting that service from any"

14. Page 7, line 29.

Strike: "the ability of customers to pay"

Insert: "other factors that the commission considers relevant to the determination of just and reasonable rates"

15. Page 9, line 4.

Following: "of"

Strike: "its"

Insert: "the"

16. Page 10, line 20.

Strike: "."

Insert: ";

17. Page 10, following line 20.

Insert: "(e) an increase in rates reflecting the commission's determination that a gradual upward adjustment based on just and reasonable criteria set forth in 69-8-210(3) is in the public interest."

18. Page 10, line 27.

Following: the first "the"

Strike: "4-year"

Insert: "6-year"

19. Page 11, line 9 through 10.

Strike: "to all Montana consumers" on line 9

Insert: "for the generation of electricity supplied to all customers of a public utility that has filed a transition plan"

Following: "a" on line 9

Insert: "reasonable"

Strike: "analysis" on line 9 through "pay, and" on line 10

Insert: ";

Following: second "and" on line 10

Insert: "other factors that the commission determines are relevant, in order to"

20. Page 11, line 12 through line 17.

Strike: subsection (2) in its entirety

Insert: "(2) Within 30 days of [the effective date of this act], the commission shall adopt a temporary lifeline rate for all large customers who request this rate classification for a supply of electricity, the price of which does not exceed 150% of the price of the supply component of the otherwise applicable regulated tariffed rate for that class of customer. The lifeline rate must expire as soon as the commission issues the interim order provided

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for in subsection (3)."

21. Page 11, line 19.

Following: "Montana"

Strike: "consumers"

Insert: "customers of a utility that has filed a transition plan"

22. Page 11, line 20.

Following: "rates"

Strike: " "

Insert: "for all classes of customers of a public utility that has filed a transition plan until the commission has issued a final order regarding the utility's transition plan."

23. Page 11, line 21 through line 24.

Strike: lines 21 through 24 in their entirety

24. Page 11, line 28.

Following: "procured"

Insert: "when electricity supply is procured"

25. Page 11, line 29.

Following: "suppliers"

Strike: "or the successor or assignee of a public utility"

26. Page 11, line 30.

Following: "customers"

Strike: "not being"

Insert: "who have not exercised and maintained the choice to be"

27. Page 11, line 30 through line 1 on page 12.

Following: "supplier" on line 30

Strike: "or" through "supply" on page 12, line 1

28. Page 12, lines 5 through 7.

Following: "until" on line 5

Strike: "a final"

Insert: ": (a) a"

Following: "utility" on line 6

Strike: " "

Insert: "that has filed a transition plan; and
(b)"

Strike: "(7)" on line 7

Strike: "The commission may not give final approval to a transition plan unless" on line 7

29. Page 12, line 11.

Strike: "(8)"

Insert: "(7)"

Renumber: subsequent subsections

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And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 3/26/2001

SB 176, introduced by McNutt
SB 483, introduced by Christiaens

House bills concurred in and returned to the House: 3/26/2001

HB 109, introduced by Mangan
HB 488, introduced by Wolery
HB 529, introduced by Pattison
HB 609, introduced by Story

House joint resolution concurred in and returned to the House: 3/26/2001

HJR 23, introduced by Wanzenried

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/26/2001

HB 401, introduced by Lee
HB 442, introduced by Jayne
HB 554, introduced by Sliter
HB 569, introduced by Esp

MESSAGES FROM THE GOVERNOR

March 26, 2001

The Honorable Tom Beck
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Dan McGee
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Beck and Speaker McGee:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 80, "**AN ACT CLARIFYING THE MANAGEMENT RESPONSIBILITIES OF THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; ADDING THREE MEMBERS TO THE COMMISSION; ALLOWING FOR THE HIRING OF ADDITIONAL**

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COMMISSION STAFF; ALLOWING THE COMMISSION TO CONDUCT BUILDING PRESERVATION, STABILIZATION, OR MAINTENANCE COSTING OVER \$200,000 WITHOUT LEGISLATIVE CONSENT UNDER CERTAIN CIRCUMSTANCES; PROVIDING THAT INTEREST ON MONEY IN THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT ACCOUNT BE DEPOSITED IN THE STATE SPECIAL REVENUE FUND TO THE CREDIT OF THE COMMISSION; AND AMENDING SECTIONS 22-3-1001, 22-3-1002, 22-3-1003, AND 22-3-1004, MCA" for the following reasons.

I have no objections to the broad objectives of SB 80, nor to all but one of its specific measures. I would, however, recommend that the current language in Section 2 specifically identifying an administrative level position and designating that specific position as a member of the Montana Heritage Preservation and Development Commission be deleted and language designating the appropriate director be substituted. I have attached my amendment to that effect.

Section 2 of the bill currently names the director of the Montana Historical Society, the director of the Department of Fish, Wildlife and Parks and the "travel director of the Department of Commerce's travel promotion and development division" as the executive branch agency representatives on the Commission. The "travel director" is not actually a "director," but rather is a division administrator position serving under the director. I recommend that, for the sake of consistency and as a matter of policy, the director of the Department of Commerce be named as the third executive branch agency representative to the Commission.

The bill does not designate a specific position inside either of the other two executive branch agencies represented on the Commission, but rather makes such a designation only within the Department of Commerce. Thus, the directors of the other two agencies are left with the discretion to determine whether the directors themselves or an appropriate designee can most appropriately serve in that role. That discretion is not similarly afforded to the director of the Department of Commerce.

You can rest assured that, in any instance where directors of executive branch agencies are designated as representatives on a commission established by the legislative branch, those directors and my office will ensure that the most appropriate executive branch officials will be tasked to serve in those positions. In this particular case, there is no doubt that the representative will be either the director or another appropriate individual from within the Travel Development and Promotion Division. I firmly believe, however, that, as a matter of consistency and policy, the decision as to which specific position or individual within an executive branch agency will be tasked with such duties is more appropriately left to my office and to my cabinet officials.

Senator Mahlum, the sponsor of the bill, is aware of and agrees with this recommended amendment.

Sincerely,

JUDY MARTZ
Governor

GOVERNOR'S AMENDMENT
TO SENATE BILL 80

1. Page 2, line 1

Strike: "and the travel director of the department of commerce's travel promotion and development division"

Insert: "and the director of the department of commerce"

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Majority Leader Sliter moved that the House recess until 12:25 p.m. Motion carried.

House recessed at 12:07 p.m.

House reconvened at 12:25 p.m. All members present. Quorum present.

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

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

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

HB 591 - Representative R. Brown moved consideration of **HB 591** be passed for the day. Motion carried.

HB 617 - Representative R. Brown moved consideration of **HB 617** be placed below **HB 643** on the second reading board. Motion carried.

HB 643 - Representative Juneau moved **HB 643** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, 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, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Pattison, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrupf, Shockley, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker.

Total 75

Noes: Adams, Bales, Barrett, D. Brown, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Kasten, Lewis, Olson, K. Peterson, Rice, Somerville, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 22

Excused: None.

Total 0

Absent or not voting: Mood, Sliter, Story.

Total 3

HB 617 - Representative Balyeat moved **HB 617** do pass. Motion failed as follows:

Ayes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Fisher, Forrester, Fuchs, Haines, Hedges, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, Matthews, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Price, Rice, Rome, Shockley, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Mr. Speaker.

Total 47

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Noes: Andersen, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, McCann, Musgrove, Newman, Noennig, Olson, Raser, Ripley, Schmidt, Schruppf, Smith, Somerville, Tramelli, Tropila, Wanzenried, Wolery, Younkin.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 128 - Representative Dale excused at this time.

SB 128 - Representative Laszloffy moved **SB 128** 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, 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 144 - Representative Carney moved **SB 144** 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, 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, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

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Noes: Dale.
Total 1

Voted Absentee: Dale, No.

Excused: None.
Total 0

Absent or not voting: Sliter.
Total 1

SB 321 - Representative R. Brown moved **SB 321** 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, 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, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 98

Noes: Dale.
Total 1

Voted Absentee: Dale, No.

Excused: None.
Total 0

Absent or not voting: McKenney.
Total 1

SJR 17 - Representative Shockley moved consideration of **SJR 17** be placed at the bottom of the second reading board. Motion carried.

SB 207 - Representative Ripley moved **SB 207** be concurred in.

SB 207 - Representative Ripley moved **SB 207**, second reading copy, be amended as follows :

1. Page 2, line 22.
Following: "ONLY"
Insert: "only"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Callahan,

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Clancy, E. Clark, Curtiss, Cyr, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Golie, Haines, Harris, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Smith, Somerville, Thomas, Tramelli, Tropila, Vick, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 77

Noes: Balyeat, R. Brown, Carney, P. Clark, Dell, Gillan, Gutsche, Himmelberger, Hurdle, Kasten, Keane, Lindeen, McCann, Musgrove, Newman, Noennig, Schmidt, Steinbeisser, Story, Waddill, Waitschies.
Total 21

Excused: Dale.
Total 1

Absent or not voting: Buzzas.
Total 1

Motion that **SB 207**, as amended, be concurred in 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

Noes: None.
Total 0

Voted Absentee: Dale, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 577 - Representative McCann moved **HB 577** do pass.

HB 577 - Representative McCann moved **HB 577**, second reading copy, be amended as follows :

1. Page 2, lines 15 and 16.

Following: "THE" on line 15

Strike: remainder of line 15 through "FUND" on line 16

Insert: "money in the motor vehicle information technology system account as provided in [section 4]"

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2. Page 2, line 19.

Strike: "DEPARTMENT OF JUSTICE'S BASE BUDGET APPROPRIATION FROM THE GENERAL FUND"

Insert: "projected revenue of the motor vehicle information technology system account, based upon the fees approved by the legislature,"

3. Page 5, line 15.

Strike: "this total"

Insert: "the \$8"

4. Page 7, line 17.

Strike: "this total"

Insert: "the \$8"

5. Page 8, line 6.

Strike: "\$20"

Insert: "\$4.5"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, 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, 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: Jayne.

Total 1

Excused: Dale.

Total 1

Absent or not voting: Cyr.

Total 1

Motion that **HB 577**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, 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, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 87

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Noes: Adams, Balyeat, R. Brown, Davies, Esp, Gallik, Himmelberger, Jayne, Kasten, Laible, Laszloffy, Rice, Vick.
Total 13

Voted Absentee: Dale, Aye.

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 Gallik moved the Committee of the Whole report be adopted.

Representative Balyeat made a substitute motion that **HB 617** be segregated from the Committee of the Whole report and the remainder of the report be adopted.

Representative Sliter moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, P. Clark, Curtiss, Davies, Dell, Devlin, Eggers, Esp, Facey, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Lawson, Lee, Lehman, Lewis, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.
Total 65

Noes: Bixby, Branae, Buzzas, Carney, Cyr, Erickson, Forrester, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Mangan, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Wolery.
Total 32

Excused: Dale.
Total 1

Absent or not voting: Laszloffy, Mood.
Total 2

Motion that **HB 617** be segregated from the report and the report be adopted, carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.
Total 54

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus,

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

Total 44

Excused: Dale.

Total 1

Absent or not voting: Jackson.

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 598 passed 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, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 69

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Musgrove, Raser, Schmidt, Smith, Tramelli.

Total 31

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 619 passed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Raser, Schmidt, Schrupf, Shockley, Smith, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Wolery, Younkin.

Total 56

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

Total 44

Voted Absentee: Dale, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 642 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, 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: Raser.

Total 1

Voted Absentee: Dale, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman):

3/27/2001

Signed by the Speaker at 10:15 a.m., March 27, 2001: **HB 47, HB 131, HB 363, HB 374, HB 378, HB 439, HB 440, HB 519, HB 523, HB 542, HB 548, HB 551, HB 579, HJR 18.**

Delivered to the Governor for her approval at 1:00 p.m., March 27, 2001: **HB 292, HB 386.**

APPROPRIATIONS (Vick, Chairman):

3/27/2001

HB 640, introduced bill, be amended as follows:

1. Page 1, line 26.

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Strike: "15%"

Insert: "9.5%"

2. Page 3, line 18.

Strike: "10"

Insert: "5"

3. Page 3, lines 19 through 25.

Following: "." on line 19

Strike: remainder of line 19 through "development." on line 25

Insert: "The board of investments may request the board of examiners to issue up to \$500 million of general obligation bonds in addition to the bonds authorized in [section 3]."

4. Page 11, line 4.

Following: "3."

Insert: "to provide debt service payments on bonds issued pursuant to [section 5],"

5. Page 17, line 3.

Strike: "[section 3] authorizes"

Insert: "[sections 3 and 5] authorize"

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (McKenney, Chairman):

3/27/2001

HB 650, introduced bill, be amended as follows:

1. Title, line 10.

Strike: "60-11-111" through "60-11-123,"

2. Title, line 12.

Strike: "60-11-120,"

3. Title, line 16 through line 17.

Strike: "90-2-140" on line 16 through "90-4-112," on line 17

4. Page 7, line 5 through page 9, line 3.

Strike: sections 11, 12, and 13 in their entirety

Renumber: subsequent sections

5. Page 9, line 19.

Strike: "60-11-120,"

6. Page 9, line 23 through line 24.

Strike: "90-2-140" on line 23 through "90-4-112," on line 24

And, as amended, do pass. Report adopted.

SB 298, be amended as follows:

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1. Title, line 8.

Strike: "5"

Insert: "10"

2. Title, line 9 through line 11.

Strike: "\$200,000" on line 9 through "REPEALING" on line 11.

Insert: "\$400,000; AMENDING"

3. Page 2, line 4.

Strike: "5% "

Insert: "10% "

4. Page 2, line 8.

Strike: subsection (3) in its entirety

5. Page 2, line 10.

Strike: section 2 in its entirety

Insert: "**Section 2.** Section 28-2-2107, MCA, is amended to read:

"28-2-2107. Exception for certain residential dwellings. The provisions of this part do not apply to residential projects or improvements to real property intended for residential purposes that consist of four or fewer residential units with a total cost of less than \$400,000."

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

SB 327, be amended as follows:

1. Title, page 1, line 7.

Following: "AVAILABLE"

Insert: ", THE AGENCY OR POLITICAL SUBDIVISION ALREADY PROVIDES SERVICES,"

2. Page 2, line 8.

Strike: "exception"

Insert: "exceptions"

3. Page 2, line 13.

Following: "if"

Insert: ":(i)"

4. Page 2, line 15.

Following: "subdivision"

Insert: "; or

(ii) the agency or political subdivision provided services prior to July 1, 2001"

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

SB 340, be concurred in. Report adopted.

SB 405, be concurred in. Report adopted.

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SB 445, be amended as follows:

1. Title, page 1, line 10.

Following: "TRANSFER:"

Insert: "EXTENDING THE TERMINATION DATE FOR THE TRANSFER OF SEVERANCE TAXES TO THE RESEARCH AND COMMERCIALIZATION EXPENDABLE TRUST FUND; ALLOWING THE DIRECTOR OF THE DEPARTMENT OF COMMERCE TO BE INTERESTED IN OR TO BORROW MONEY FROM ANY STATE BANK;"

2. Title, page 1, line 16.

Strike: "JUSTICE"

Insert: "LIVESTOCK"

3. Title, page 1, line 17.

Strike: "JUSTICE"

Insert: "ADMINISTRATION"

4. Title, page 1, line 23.

Following: "17-6-321,"

Insert: "17-7-502,"

5. Title, page 2, line 13.

Following: "MCA"

Insert: ", AND SECTION 10, CHAPTER 10, SPECIAL LAWS OF MAY 2000"

6. Title, page 2, line 14.

Strike: "AN"

Strike: "DATE"

Insert: "DATES AND A TERMINATION DATE"

7. Page 30, line 15.

Strike: "\$4"

Insert: "\$4.85"

8. Page 30, line 16.

Following: "90-3-1002"

Strike: "AND \$850,000 TO THE OFFICE OF THE GOVERNOR"

9. Page 40, line 20.

Insert: "**Section 48.** Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

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(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702; 15-34-115; 15-35-108; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222; 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005.)"

Renumber: subsequent sections

10. Page 46, line 10.

Strike: "justice"

Insert: "livestock"

11. Page 46, line 11.

Strike: "20"

Insert: "31"

12. Page 53, line 1.

Strike: "justice"

Insert: "administration"

Strike: "2-15-2001"

Insert: "2-15-1001"

13. Page 54, line 20.

Strike: "justice"

Insert: "administration"

14. Page 54, line 21.

Strike: "2-15-2001"

Insert: "2-15-1001"

15. Page 55, line 2.

Strike: "justice"

Insert: "administration"

Strike: "2-15-2001"

Insert: "2-15-1001"

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16. Page 60, line 24.

Strike: "JUSTICE"

Insert: "administration"

17. Page 60, line 28.

Strike: "JUSTICE"

Insert: "administration"

18. Page 61, line 17.

Strike: "JUSTICE"

Insert: "administration"

19. Page 64, lines 5 through 6.

Strike: "Director and employees" on line 5

Insert: "Employees"

Strike: "The" on line 5 through "any" on line 6

Insert: "A"

20. Page 158, line 16.

Following: "~~commerce~~"

Insert: "of administration"

21. Page 158, line 24.

Following: the first "~~commerce~~"

Insert: "of administration"

Following: the second "~~commerce~~"

Insert: "of administration"

22. Page 158, line 27.

Following: "~~certified.~~"

Insert: "The department of administration shall report to the department of justice all manufacturer's procedures certified."

Following: "~~commerce~~"

Insert: "of administration"

23. Page 159, line 17.

Following: "~~commerce~~"

Insert: "of administration"

24. Page 159, line 20.

Following: "~~commerce~~"

Insert: "of administration"

25. Page 159, line 22.

Following: "~~commerce~~"

Insert: "of administration"

26. Page 159, line 25.

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Following: "certification."

Insert: "The department of administration shall notify the department of justice of any revocation or suspension of a certification."

27. Page 159, line 26.

Following: "justice"

Insert: "of administration"

28. Page 159, line 30.

Following: "commerce"

Insert: "of administration"

29. Page 160, line 8.

Following: "commerce"

Insert: "of administration"

30. Page 160, line 14.

Following: "commerce"

Insert: "of administration"

31. Page 160, line 19.

Following: "commerce"

Strike: "of administration"

32. Page 160, line 20.

Following: "commerce"

Insert: "of administration"

33. Page 160, line 23.

Following: "commerce"

Insert: "of administration"

34. Page 160, line 24.

Following: "commerce"

Insert: "of administration"

35. Page 160, line 26.

Following: "commerce"

Insert: "of administration"

36. Page 160, line 28.

Following: "commerce"

Insert: "of administration"

37. Page 161, line 1.

Following: "commerce"

Insert: "of administration"

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38. Page 161, line 2.

Following: "eommerce"

Insert: "of administration"

39. Page 161, line 6.

Following: "eommerce"

Insert: "of administration"

40. Page 161, line 7.

Following: "eommerce"

Insert: "of administration"

41. Page 161, line 8.

Following: "eommerce"

Insert: "of administration"

42. Page 161, line 11.

Following: "eommerce"

Insert: "of administration"

43. Page 161, line 19.

Following: "eommerce"

Insert: "of administration"

44. Page 161, line 30.

Following: "eommerce"

Insert: "of administration"

45. Page 162, line 12.

Following: "eommerce"

Insert: "of administration"

46. Page 162, line 14.

Following: "eommerce"

Insert: "of administration"

47. Page 162, line 18.

Following: "eommerce"

Insert: "of administration"

48. Page 162, line 20.

Following: "eommerce"

Insert: "of administration"

49. Page 162, line 23.

Following: "it"

Insert: "of administration"

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50. Page 162, line 27.

Following: "commerce"

Insert: "of administration"

51. Page 173, line 1.

Insert: "Section 219. Section 10, Chapter 10, Special Laws of May 2000, is amended to read:

"Section 10. Termination. (1) [Section 1] terminates June 30, 2001.

(2) ~~[Sections 2 through 4] terminate [Section 2] terminates June 30, 2005~~ 2009.

(3) [Sections 3 and 4] terminate June 30, 2005."

52. Page 173, line 5.

Following: "Transition."

Insert: "(1)"

53. Page 173.

Following: line 6

Insert: "(2) Agencies involved in the reorganization and transfer of certain governmental functions may:

(a) reallocate existing personnel across and within the involved agencies;

(b) adjust indirect cost rates commensurate with costs for central management functions; and

(c) reallocate and adjust spending authority for indirect charges to the programs of agencies involved in the reorganization."

54. Page 173, line 23.

Strike: "20"

Insert: "31"

55. Page 173, line 27.

Strike: "date"

Insert: "dates"

Following: "date."

Insert: "(1)"

Strike: "[This act]"

Insert: "Except as provided in subsection (2), [this act]"

56. Page 173, line 28.

Insert: "(2) [Section 48] is effective June 30, 2005."

57. Page 173.

Following: line 28

Insert: "NEW SECTION. Section 225. Termination. [Section 48] terminates June 30, 2009."

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

SB 465, be amended as follows:

1. Title, line 16.

Following: "DATES"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

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2. Page 6, line 17.

Strike: "(a)"

3. Page 6, line 18.

Strike: "(i)"

Insert: "(a)"

4. Page 6, line 19.

Strike: "(21)"

Insert: "(22)"

5. Page 6, line 20.

Strike: "(ii)"

Insert: "(b)"

6. Page 6, line 22 through line 23.

Strike: subsection (b) in its entirety

7. Page 7, line 1.

Following: the first "is"

Insert: "subject to and"

8. Page 7, line 19.

Following: "(1)"

Insert: "(a)"

Strike: "In"

Insert: "Except as provided in subsection (2), in"

9. Page 7, line 21.

Strike: "(A)"

Insert: "(i)"

10. Page 7, line 26.

Strike: "(5)(A)"

Insert: "(4)(a)"

11. Page 7, line 27.

Following: "accurate;"

Strike: "and"

12. Page 7, line 28.

Strike: "(B)"

Insert: "(ii)"

13. Page 7, line 29.

Following: " ;"

Insert: "The notice to certificate holders required in this subsection (1)(a)(ii) is not required if the insurance institution has not had any communication, including receiving a claim, from a certificate holder since the initial or last

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annual notice provided to the certificate holder."

14. Page 7, line 30 through page 8, line 1.

Strike: "(2)"

Insert: "(iii)"

Strike: "In"

Insert: "in"

Strike: "a notice" on page 7, line 30 through "provided" on page 8, line 1

15. Page 8, line 3.

Strike: "(A)"

Insert: "(A)"

16. Page 8, line 4.

Strike: "(B)"

Insert: "(B)"

17. Page 8, line 6.

Strike: "(3)"

Insert: "(b)"

18. Page 8.

Following: line 13

Insert: "(2) (a) An insurance institution is not required to meet the requirements of this section with respect to certificate holders until the insurance institution has personally identifiable information regarding the certificate holder.

(b) Until the notice requirements of subsection (1) are met, a third party administrator or other agent or representative of an insurance institution may not disclose personal information, except as allowed in 33-19-306(2)."

Renumber: subsequent subsections

19. Page 9, line 18.

Following: "(a)"

Insert: "except as provided in subsection (7),"

20. Page 9, line 19.

Strike: "(4)"

Insert: "(3)"

Strike: "A WRITTEN"

Insert: "an"

21. Page 9, line 21.

Following: "~~(2)~~"

Insert: "a notice must be given"

22. Page 9, line 22.

Strike: "(21)"

Insert: "(22)"

Strike: ", A"

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Insert: ". A"

23. Page 9, line 23.

Strike: "MUST BE"

Strike: "(5)(B)"

Insert: "(4)(b)"

24. Page 10, line 2.

Strike: "(4)"

Insert: "(3)"

25. Page 10, line 3.

Strike: "(5)(B)"

Insert: "(4)(b)"

26. Page 10, line 4.

Strike: "a person"

Insert: "an individual"

27. Page 10, line 16.

Strike: "consumer"

Insert: "intended recipient"

28. Page 10, line 18.

Following: "¿"

Insert: "or"

29. Page 10.

Following: line 21

Insert: "(7) An insurance institution may provide the notice required in subsection (4)(a) telephonically if an application is submitted by telephone. A telephone notice under this subsection may be in abbreviated form as provided for in subsections (4)(b)(i) through (4)(b)(iv).

(8) If a licensee is required to provide notice concerning privacy in addition to the notice required by this section, the licensee may satisfy the notice requirements in this section through the use of combined or separate notices. If more than one notice form is used, a notice containing provisions specific to Montana must conspicuously refer to any other notice form."

30. Page 10, line 26.

Following: "law,"

Strike: remainder of line 26

31. Page 10, line 28.

Strike: "(i)"

32. Page 10, line 29.

Strike: "(ii)"

Insert: "(b)"

Renumber: subsequent subsections

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33. Page 11, line 20.

Following: "~~transaction~~"

Insert: "collected or received in connection with an insurance transaction"

34. Page 13, line 12.

Strike: "~~and to the commissioner~~"

Insert: "or to an insurance regulatory agency"

35. Page 13, line 22 and 23.

Following: "subpoena" on line 22

Strike: "~~, or~~" on line 22 through "~~request~~" on line 23

36. Page 14, line 7 through line 8.

Strike: "or consummated"

37. Page 16.

Following: line 11

Insert: "(21) Nothing in this section may be construed to prevent the disclosure of personal information that is otherwise discoverable pursuant to the Montana Rules of Civil Procedure."

Renumber: subsequent subsection

38. Page 16, line 13.

Following: "licensee"

Insert: "or insurance-support organization"

39. Page 16, line 18.

Following: "function."

Insert: "The commissioner shall adopt rules establishing the methods that must be used by licensees to prevent identification as described in subsection (14)."

40. Page 16, line 22.

Following: "purpose."

Insert: "For the purposes of this section, an insurance producer who describes to the producer's clients products or services available through the producer is not engaged in marketing."

41. Page 16, line 24.

Following: "insurance"

Insert: "products or services"

42. Page 16, line 26.

Following: "PRODUCTS"

Insert: "and services"

43. Page 16, line 28.

Following: "PRODUCTS"

Insert: "and services"

44. Page 16, line 30.

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Following: "only"

Insert: "products and services"

45. Page 17, line 2.

Strike: "LICENSEE"

Insert: "affiliate"

Following: "PRODUCTS"

Insert: "and services"

46. Page 17, line 4.

Following: "PRODUCTS"

Insert: "and services"

Following: line 4

Insert: "(4) A licensee may disclose personal information that is reasonably necessary to enable a person contractually engaged to provide services for or on behalf of the licensee to market insurance or financial products or services if the person agrees in writing that the person will not use or further disclose information obtained or developed pursuant to the engagement except to carry out the limited purpose of the engagement. A licensee shall adopt, maintain, and monitor policies and procedures reasonably designed to ensure that third parties with whom the licensee contracts under this subsection comply with the requirements of this section."

Renumber: subsequent subsection

47. Page 18, line 21.

Following: "Sections"

Insert: "4, 7(22),"

48. Page 18.

Following: line 21

Insert: "NEW SECTION. Section 15. Retroactive applicability. [Section 11(1)] applies retroactively, within the meaning of 1-2-109, to all insurance policies in force, issued, or renewed on or after January 1, 2000."

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

SB 469, be amended as follows:

1. Page 2, line 1.

Strike: "59th"

Insert: "business and labor interim committee and the 58th"

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

SB 474, be amended as follows:

1. Title, line 15.

Strike: "BODY"

2. Page 5, line 13.

Following: "repair"

Insert: "or in the business of automobile repair"

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3. Page 5, line 16.

Following: "repairs"

Insert: "or automobile repairs"

4. Page 5, line 17.

Following: "repairs"

Insert: "or automobile repairs"

5. Page 6, line 2.

Following: "repair"

Insert: "or in the business of automobile repair"

6. Page 7, line 8.

Following: "The"

Insert: "lowest"

7. Page 7, line 20.

Following: "the"

Insert: "lowest"

8. Page 8, line 7.

Strike: "body"

9. Page 8, line 10.

Strike: "body"

10. Page 8, line 28.

Strike: "body"

11. Page 8, line 29.

Strike: "body"

12. Page 9, line 2.

Strike: "repair"

13. Page 9, line 4.

Strike: "body"

14. Page 9, line 27.

Strike: "body"

15. Page 9, line 29.

Strike: "body"

16. Page 10, line 1.

Strike: "body"

17. Page 10, line 2.

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Strike: "body"

18. Page 10, line 6.

Strike: "body"

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

SB 480, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Curtiss, Chairman): 3/27/2001

SB 57, be concurred in. Report adopted.

SB 319, be amended as follows:

1. Page 4, line 29.

Following: "(b)"

Insert: "(i)"

2. Page 5, line 3.

Strike: "(i)"

Insert: "(A)"

3. Page 5, line 5.

Strike: "(ii)"

Insert: "(B)"

4. Page 5, line 8.

Following: "or"

Insert: "(ii) each pipeline, whether partially or wholly within the state, greater than 17 inches in inside diameter and 30 miles in length, and associated facilities used to transport coal suspended in water;"

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

SB 446, be concurred in. Report adopted.

SB 491, be amended as follows:

1. Page 2, line 1.

Following: "(f)"

Insert: "intentionally"

2. Page 2, line 2.

Following: "."

Insert: "It is not a violation of this subsection (1)(f) to provide a reasonable substitute name and number that accurately identify the entity causing the call to be made and a working telephone number at which the entity's personnel can be contacted."

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

HUMAN SERVICES (Thomas, Chairman): 3/27/2001

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SB 248, be concurred in. Report adopted.
SB 315, be concurred in. Report adopted.
SB 329, be concurred in. Report adopted.
SB 420, be concurred in. Report adopted.
SB 454, be concurred in. Report adopted.
SB 466, be amended as follows:

1. Page 3, line 28 through line 29.
Strike: "pursuant to Title 72, chapter 31, part 2"

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

SB 473, be amended as follows:

1. Title, line 5.
Following: "VISITORS;"
Insert: "PROVIDING DEFINITIONS;"

2. Title, line 11.
Following: "2-15-211"
Insert: ", 53-21-102,"

3. Page 2, line 22.
Following: line 21
Insert: "**Section 2.** Section 53-21-102, MCA, is amended to read:

"53-21-102. Definitions. As used in this part, the following definitions apply:

(1) "Abuse" means any willful, negligent, or reckless mental, physical, sexual, or verbal mistreatment or maltreatment or misappropriation of personal property of any person receiving treatment in a mental health facility that insults the psychosocial, physical, or sexual integrity of any person receiving treatment in a mental health facility.

~~(1)~~(2) "Board" or "mental disabilities board of visitors" means the mental disabilities board of visitors created by 2-15-211.

~~(2)~~(3) "Commitment" means an order by a court requiring an individual to receive treatment for a mental disorder.

~~(3)~~(4) "Court" means any district court of the state of Montana.

~~(4)~~(5) "Department" means the department of public health and human services provided for in 2-15-2201.

~~(5)~~(6) "Emergency situation" means a situation in which any person is in imminent danger of death or bodily harm from the activity of a person who appears to be suffering from a mental disorder and appears to require commitment.

~~(6)~~(7) "Friend of respondent" means any person willing and able to assist a person suffering from a mental disorder and requiring commitment or person alleged to be suffering from a mental disorder and requiring commitment in dealing with legal proceedings, including consultation with legal counsel and others. The friend of respondent may be the next of kin, the person's conservator or legal guardian, if any, representatives of a charitable or religious organization, or any other person appointed by the court to perform the functions of a friend of respondent set out in this part. Only one person may at any one time be the friend of respondent within the meaning of this part. In appointing a friend of respondent, the court shall consider the preference of the respondent. The court may at any time, for good cause, change its designation of the friend of respondent.

~~(7)~~(8) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The term does not include:

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- (a) addiction to drugs or alcohol;
- (b) drug or alcohol intoxication;
- (c) mental retardation; or
- (d) epilepsy.

~~(8)(9)~~ "Mental health facility" or "facility" means ~~a public hospital or a licensed private hospital that is equipped and staffed to provide treatment for persons with mental disorders or a community mental health center or any mental health clinic or treatment center approved by the department~~ the state hospital, the Montana mental health nursing care center, or a hospital, a mental health center, a residential treatment facility, or a residential treatment center licensed or certified by the department that provides treatment to children or adults with a mental disorder. A correctional institution or facility or jail is not a mental health facility within the meaning of this part.

~~(10)~~ (a) "Neglect" means failure to provide for the biological and psychosocial needs of any person receiving treatment in a mental health facility, failure to report abuse, or failure to exercise supervisory responsibilities to protect patients from abuse and neglect.

(b) The term includes but is not limited to:

(i) deprivation of food, shelter, appropriate clothing, nursing care, or other services;

(ii) failure to follow a prescribed plan of care and treatment; or

(iii) failure to respond to a person in an emergency situation by indifference, carelessness, or intention.

~~(9)(11)~~ "Next of kin" includes but is not limited to the spouse, parents, adult children, and adult brothers and sisters of a person.

~~(10)(12)~~ "Patient" means a person committed by the court for treatment for any period of time or who is voluntarily admitted for treatment for any period of time.

~~(11)(13)~~ "Peace officer" means any sheriff, deputy sheriff, marshal, police officer, or other peace officer.

~~(12)(14)~~ "Professional person" means:

(a) a medical doctor; or

(b) a person who has been certified, as provided for in 53-21-106, by the department.

~~(13)(15)~~ "Reasonable medical certainty" means reasonable certainty as judged by the standards of a professional person.

~~(14)(16)~~ "Respondent" means a person alleged in a petition filed pursuant to this part to be suffering from a mental disorder and requiring commitment.

~~(15)(17)~~ "State hospital" means the Montana state hospital.""

Renumber: subsequent sections

4. Page 3, line 19.

Following: "report"

Insert: "within 30 calendar days of the completion of each mental health facility inspection"

5. Page 4, line 1.

Following: "not"

Insert: "either"

Following: "recommendations"

Insert: "or provided a specific rationale that explains why any recommendations cannot be implemented"

6. Page 4, line 7.

Following: "shall"

Insert: "review all aspects of the treatment of persons admitted to mental health facilities and"

Strike: "special"

Following: "procedures"

Insert: "that involve behavior control"

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Following: "of"

Insert: "any type of"

7. Page 4, line 8.

Following: "seclusion"

Insert: "or isolation"

8. Page 4, line 10.

Strike: "special"

Following: "procedures"

Insert: "described in subsection (4)(b)"

9. Page 4, line 17.

Strike: "special"

Following: "procedures"

Insert: "described in subsection (4)(b)"

10. Page 5, line 8.

Following: line 7

Insert: "(8) The board shall publish standards for its inspections of mental health facilities."

Renumber: subsequent subsection

11. Page 5, line 17.

Strike: "mistreatment, neglect, or"

Following: "abuse"

Insert: "or neglect"

12. Page 5, line 19.

Following: line 18

Insert: "(2) Each mental health facility shall publish policies and procedures that define the facility's guidelines for detecting, reporting, investigating, determining the validity, and resolving allegations of abuse or neglect."

Renumber: subsequent subsections

13. Page 5, line 19.

Strike: "mistreatment,"

Following: "abuse"

Strike: ", "

14. Page 5, line 22 and line 23.

Following: "allegation"

Strike: remainder of line 22 through "hours" on line 23

Insert: "by the end of the next business day"

15. Page 5, line 24.

Strike: "mistreatment,"

Following: "abuse"

Strike: ", "

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16. Page 5, line 27.

Strike: "mistreatment,"

17. Page 5, line 28.

Following: "abuse"

Strike: ", "

18. Page 5, line 29.

Strike: "mistreatment,"

Following: "abuse"

Strike: ", "

19. Page 5, line 30.

Strike: "within 24 hours of"

Insert: "as soon as possible after"

Following: "incident"

Insert: ", but not later than by the end of the next business day. Initiation of each investigation may not be delayed in any way that adversely affects the efficacy of the investigation"

20. Page 6, line 2.

Strike: "mistreatment,"

Following: "abuse"

Strike: ", "

21. Page 6, line 3.

Strike: "10 working days of"

Insert: "the minimum period of time necessary to gather the information relative to each allegation and to come to a conclusion following"

22. Page 6, line 5.

Strike: "mistreatment,"

Following: "abuse"

Strike: ", "

23. Page 6, line 6.

Strike: "mistreatment,"

Following: "abuse"

Strike: ", "

24. Page 6, line 10.

Strike: "mistreatment,"

Following: "abuse"

Strike: ", "

25. Page 6, line 13.

Strike: "(6)(a)"

Insert: "(7)(a)"

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26. Page 6, line 14.

Strike: "(6)(e)"

Insert: "(7)(e)"

27. Page 6, line 17.

Strike: "3"

Insert: "4"

28. Page 6, line 19.

Strike: "3"

Insert: "4"

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

NATURAL RESOURCES (Younkin, Chairman):

3/27/2001

HB 69, introduced bill, be amended as follows:

1. Title, line 5.

Following: "FEES,"

Insert: "AND"

2. Title, lines 6 and line 7.

Following: "PROCEDURES" on line 6

Strike: ", AND THE SMALL MINER EXEMPTION PROVISIONS" on lines 6 and line 7

3. Title, line 9.

Strike: "82-4-305,"

4. Page 1, line 15 through page 8, line 27.

Strike: sections 1 and 2 in their entirety

Insert: "**Section 1.** Section 82-4-303, MCA, is amended to read:

"**82-4-303. Definitions.** As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Abandonment of surface or underground mining" may be presumed when it is shown that continued operation will not resume.

(2) "Amendment" means a change to an approved operating or reclamation plan. A major amendment is an amendment that may significantly affect the human environment. A minor amendment is an amendment that will not significantly affect the human environment.

(3) "Board" means the board of environmental review provided for in 2-15-3502.

(4) "Cyanide ore-processing reagent" means cyanide or a cyanide compound used as a reagent in leaching operations.

(5) "Department" means the department of environmental quality provided for in 2-15-3501.

(6) "Disturbed land" means the area of land or surface water that has been disturbed, beginning at the date of the issuance of the permit. The term includes the area from which the overburden, tailings, waste materials, or minerals have been removed and tailings ponds, waste dumps, roads, conveyor systems, load-out facilities, leach dumps, and all similar excavations or coverings that result from the operation and that have not been previously reclaimed under the reclamation plan.

(7) "Exploration" means:

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(a) all activities that are conducted on or beneath the surface of lands and that result in material disturbance of the surface for the purpose of determining the presence, location, extent, depth, grade, and economic viability of mineralization in those lands, if any, other than mining for production and economic exploitation; and

(b) all roads made for the purpose of facilitating exploration, except as noted in 82-4-310.

(8) "Mineral" means any ore, rock, or substance (other than oil, gas, bentonite, clay, coal, sand, gravel, peat, soil materials, or uranium) that is taken from below the surface or from the surface of the earth for the purpose of milling, concentration, refinement, smelting, manufacturing, or other subsequent use or processing or for stockpiling for future use, refinement, or smelting.

(9) "Mining" commences when the operator first mines ores or minerals in commercial quantities for sale, beneficiation, refining, or other processing or disposition or first takes bulk samples for metallurgical testing in excess of aggregate of 10,000 short tons.

(10) "Ore processing" means milling, heap leaching, flotation, vat leaching, or other standard hard-rock mineral concentration processes.

(11) "Person" means any person, corporation, firm, association, partnership, or other legal entity engaged in exploration for or mining of minerals on or below the surface of the earth, reprocessing of tailings or waste materials, or operation of a hard-rock mill.

(12) "Placer deposit" means:

(a) naturally occurring, scattered or unconsolidated valuable minerals in gravel, glacial, eolian, colluvial, or alluvial deposits lying above bedrock; or

(b) all forms of deposit except veins of quartz and other rock in place.

(13) "Placer or dredge mining" means the mining of minerals from a placer deposit by a person or persons.

(14) "Reclamation plan" means the operator's written proposal, as required and approved by the department, for reclamation of the land that will be disturbed. The proposal must include, to the extent practical at the time of application for an operating permit:

(a) a statement of the proposed subsequent use of the land after reclamation;

(b) plans for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed and the proposed method of accomplishment;

(c) the manner and type of revegetation or other surface treatment of disturbed areas;

(d) procedures proposed to avoid foreseeable situations of public nuisance, endangerment of public safety, damage to human life or property, or unnecessary damage to flora and fauna in or adjacent to the area;

(e) the method of disposal of mining debris;

(f) the method of diverting surface waters around the disturbed areas when necessary to prevent pollution of those waters or unnecessary erosion;

(g) the method of reclamation of stream channels and stream banks to control erosion, siltation, and pollution;

(h) maps and other supporting documents that may be reasonably required by the department; and

(i) a time schedule for reclamation that meets the requirements of 82-4-336.

(15) (a) "Small miner" means a person, firm, or corporation that engages in mining activity that is not exempt from this part pursuant to 82-4-310, that engages in the business of reprocessing of tailings or waste materials, or, except as provided in 82-4-310, that knowingly allows other persons to engage in mining activities on land owned or controlled by the person, firm, or corporation; that does not hold an operating permit under 82-4-335 except for a permit issued under 82-4-335(2) or a permit that meets the criteria of subsection (15)(c); and that conducts:

(i) an operation that results in not more than 5 acres of the earth's surface being disturbed and unreclaimed;

or

(ii) two operations that disturb and leave unreclaimed less than 5 acres for each operation if the respective mining properties are:

(A) the only operations engaged in by the person, firm, or corporation; and

(B) at least 1 mile apart at their closest point.

(b) For the purpose of this definition only, the department shall, in computing the area covered by the operation:

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(i) exclude access or haulage roads that are required by a local, state, or federal agency having jurisdiction over that road to be constructed to certain specifications if that public agency notifies the department in writing that it desires to have the road remain in use and will maintain it after mining ceases; and

(ii) exclude access roads for which the person, firm, or corporation submits a bond to the department in the amount of the estimated total cost of reclamation along with a description of the location of the road and the specifications to which it will be constructed.

(c) A small miner may hold an operating permit that allows disturbance of 100 acres or less. The permit may be amended to add new disturbance areas, but the total area permitted for disturbance may not exceed 100 acres at any time.

(16) "Soil materials" means earth material found in the upper soil layers that will support plant growth.

(17) (a) "Surface mining" means all or any part of the process involved in mining of minerals by removing the overburden and mining directly from the mineral deposits exposed, including but not limited to open-pit mining of minerals naturally exposed at the surface of the earth, mining by the auger method, and all similar methods by which earth or minerals exposed at the surface are removed in the course of mining.

(b) Surface mining does not include the extraction of oil, gas, bentonite, clay, coal, sand, gravel, peat, soil materials, or uranium or excavation or grading conducted for onsite farming, onsite road construction, or other onsite building construction.

(18) "Underground mining" means all methods of mining other than surface mining.

(19) "Unit of surface-mined area" means that area of land and surface water included within an operating permit actually disturbed by surface mining during each 12-month period of time, beginning at the date of the issuance of the permit. The term includes the area from which overburden or minerals have been removed, the area covered by mining debris, and all additional areas used in surface mining or underground mining operations that by virtue of mining use are susceptible to erosion in excess of the surrounding undisturbed portions of land.

(20) "Vegetative cover" means the type of vegetation, grass, shrubs, trees, or any other form of natural cover considered suitable at time of reclamation."

Renumber: subsequent sections

5. Page 14, line 11.

Strike: "a"

6. Page 14, line 17.

Strike: "i"

7. Page 14, line 18.

Strike: "i"

8. Page 14, line 20 through line 23.

Strike: "i" on line 20 through "(1)(a)(i)" on line 23

9. Page 14, line 24.

Strike: "b"

10. Page 14.

Following: line 26

Insert: "(2) The department may calculate one or more reclamation plan components within its jurisdiction with the assistance of one or more objective contractors selected jointly by the department and the mine operator and compensated by the mine operator when, based on relevant past experience, the department determines that additional expertise is necessary to calculate the bond amount for reclamation plan components. The

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department may contract for assistance pursuant to this subsection in determining bond amounts for the initial bond and for any subsequent bond review and adjustment."

Renumber: subsequent subsections

11. Page 15, line 13.

Following: "issuance"

Insert: "of the final bond determination. If the licensee or permittee demonstrates, through the exercise of reasonable diligence, that the licensee or permittee will not be able to post the bond within 30 days, the department shall grant a reasonable extension of the deadline"

12. Page 15, line 28.

Strike: "With" through "all"

Insert: "All"

13. Page 16, line 1 through line 2.

Strike: "With" on line 1 through "only" on line 2

Insert: "Only"

14. Page 16, line 7 through line 14.

Strike: subsection (7) in its entirety

Insert: "(8) (a) If the department determines that there exists at an area permitted or licensed under this part an imminent danger to public health, safety, or the environment caused by a violation of this part, the rules adopted pursuant to this part, or the permit or license, and if the permittee or licensee fails or refuses to expeditiously abate the danger, the department may immediately suspend the permit or license, enter the site, and abate the danger. The department may thereafter institute proceedings to revoke the license or permit, declare the permittee or licensee in default, and forfeit a portion of the bond, not to exceed \$150,000 or 10% of the bond, whichever is less, to be used to abate the danger. The department shall notify the surety of the forfeiture and the forfeiture amount by certified mail, and the surety shall pay the forfeiture amount to the department within 30 days of receipt of the notice. The department shall, as a condition of any termination of the suspension and revocation proceedings, require that the permittee or licensee reimburse the surety, with interest, for any amount paid to and expended by the department pursuant to this subsection (8).

(b) If the department is unable to permanently abate the imminent danger using the amount forfeited under subsection (8)(a), the department may forfeit additional amounts under the procedure provided in subsection (8)(a).

(c) The department shall return to the surety any money received from the surety pursuant to this subsection and not used by the department to abate the imminent danger. The amount not returned to the surety must be credited to the surety and reduces the penal amount of the bond on a dollar-for-dollar basis."

15. Page 18, line 3 through line 7.

Strike: "However," on line 3 through "period," on line 7

16. Page 18, line 21.

Following: "lands"

Insert: "according to the existing reclamation plan or a modified reclamation plan if the department makes a written finding that the modifications are necessary to prevent a violation of Title 75, chapter 2 or 5, or to prevent a substantial reclamation failure"

17. Page 20, line 23.

Strike: " __ Bill No. __ [LC287]"

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Insert: "Senate Bill No. 449"

18. Page 20, line 25.

Strike: "3 and 11"

Insert: "2 and 10"

19. Page 21.

Following: line 6

Insert: "NEW SECTION. Section 15. Applicability. Sections 82-4-303(6) and 82-4-338(8) apply to licenses and permits issued after [the effective date of this act] and to permits issued before [the effective date of this act] that are in effect on [1 year after the effective date of this act]."

And, as amended, do pass. Report adopted.

SB 449, be amended as follows:

1. Page 2, line 28.

Following: "locate"

Strike: "an owner"

Insert: "a surety or other person who owns the funds"

2. Page 3, line 11.

Following: "locate"

Strike: "an owner"

Insert: "a surety or other person who owns the funds"

3. Page 4, line 4.

Following: "locate"

Strike: "an owner"

Insert: "a surety or other person who owns the funds"

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

SB 455, be amended as follows:

1. Title, line 6.

Following: "76-3-301,"

Strike: "AND"

Following: "76-3-302,"

Insert: "AND 76-4-122,"

2. Page 2.

Following: line 25

Insert: "**Section 4.** Section 76-4-122, MCA, is amended to read:

"**76-4-122. Filing or recording of noncomplying map or plat prohibited.** (1) The county clerk and recorder may not file or record any map or plat showing a subdivision unless it complies with the provisions of this part.

(2) ~~A~~ Except when a subdivision is in a location in which the state does not have jurisdiction, a county clerk and recorder may not accept a subdivision plat for filing until one of the following conditions has been met:

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(a) whenever reviewing authority approval is necessary, the person wishing to file the plat has obtained approval of the local health officer having jurisdiction and has filed the approval with the reviewing authority, and the reviewing authority has indicated by stamp or certificate that it has approved the plat and plans and specifications and that the subdivision is not subject to a sanitary restriction; or

(b) whenever reviewing authority approval is not necessary, the person wishing to file the plat has obtained a certificate from the governing body that the subdivision is inside the jurisdictional area of a growth policy adopted pursuant to chapter 1 of this title or within a class 1 or class 2 municipality and will be provided with municipal facilities for the supply of water and disposal of sewage and solid waste.""

Renumber: subsequent sections

3. Page 2.

Following: line 29

Insert: "NEW SECTION. Section 6. Coordination instruction. If Senate Bill No. 167 is passed and approved and if it includes a section that amends 76-4-122 to allow a county clerk and recorder to file or record a plat without approval by the reviewing authority when the subdivision is exempt from review, then [section 4 of this act], amending 76-4-122, is void."

Renumber: subsequent section

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

SB 484, be amended as follows:

1. Page 1, line 16 through line 17.

Following: "fund" on line 16

Strike: remainder of line 16 through "bonds" on line 17

Insert: "money"

2. Page 1, line 20.

Following: "the"

Insert: "annual"

Following: "requirements in"

Strike: "subsection (2)"

Insert: "[section 2]"

3. Page 1, line 27.

Following: "mines"

Strike: "that"

Insert: "upon certification by the director of the department that the reclamation, operation, or maintenance"

4. Page 3, line 8.

Following: "occur"

Strike: "because"

Insert: "when the director of the department determines that"

5. Page 3, line 18.

Following: "excess"

Strike: "bond debt service money"

Insert: "money transferred from the hard-rock mining reclamation debt service fund"

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

SJR 13, be concurred in. Report adopted.

STATE ADMINISTRATION (Walters, Chairman):

3/27/2001

HJR 38, be adopted. Report adopted.

SB 210, be concurred in. Report adopted.

SB 249, be amended as follows:

1. Title, page 1, line 7.

Following: " ; "

Insert: "PROVIDING FOR A REPORT TO THE STATE ADMINISTRATION, PUBLIC RETIREMENT SYSTEMS, AND VETERANS' AFFAIRS INTERIM COMMITTEE;"

2. Page 2, line 18 through line 21.

Strike: section 4 in its entirety

Insert: "NEW SECTION. Section 4. Report on space leased by state agencies. (1) The department shall biennially compile and publish a report, including:

- (a) a listing of any new leases by state agencies for 10,000 square feet of space or more;
- (b) which of the new leases were located in downtown areas and which were not; and
- (c) for the leases not located in downtown areas, the reasons why.

(2) The department shall biennially present the report to the state administration, public retirement systems, and veterans' affairs interim committee provided for in 5-5-228."

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

SB 433, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "SECTIONS"

Insert: "17-3-211,"

Following: "17-3-312"

Insert: " ; "

2. Page 1.

Following: line 12

Insert: "**Section 1.** Section 17-3-211, MCA, is amended to read:

"**17-3-211. Forest reserve money and other federal funds.** (1) The state treasurer, for the purpose of carrying out the provisions of 16 U.S.C. 500, Public Law 106-393, and all acts subsequent ~~thereto to them~~, shall divide and distribute all forest reserve and Public Law 106-393 moneys funds received by the state ~~thereunder~~, plus interest earned, to and among the several counties entitled ~~thereto to the funds~~ and pay the ~~same amounts~~ to the several county treasurers of ~~such the~~ counties within 30 days after receiving full payment ~~of the same~~, as directed by the state auditor.

(2) The forest reserve money and the Public Law 106-393 money shall must be invested and all investment earnings credited to the forest reserve account or the Public Law 106-393 account, as appropriate."

Renumber: subsequent sections

3. Page 1, line 15.

Following: "**funds**"

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Insert: "and other federal funds"

Following: "funds"

Insert: ", all Public Law 106-393 funds,"

4. Page 1, line 17.

Following: "funds"

Insert: ", all Public Law 106-393 funds,"

5. Page 1, line 19.

Following: "law"

Insert: "and this section"

6. Page 1, line 24.

Following: "funds"

Insert: "and other federal funds"

7. Page 1, line 27.

Strike: "(5)"

Insert: "(4)"

Following: "funds"

Insert: "and Public Law 106-393 funds"

8. Page 1, line 28.

Following: "treasurer"

Insert: "pursuant to this section"

9. Page 2, line 1.

Following: "500."

Insert: "all"

10. Page 2, line 2.

Strike: "(6)"

Insert: "(5)"

11. Page 2, line 3 through line 18.

Strike: line 3 through line 18 in their entirety

Insert: "(3) (a) Except as provided in subsection (4), if a county elects to receive the county's full payment under Public Law 106-393, a minimum of 80% up to a maximum of 85% of the county's full payment must be designated by the county for distribution as provided in subsection (5).

(b) The balance not distributed pursuant to subsection (3)(a) may be allocated by the county in accordance with Public Law 106-393.

(4) If a county's full payment is less than \$100,000, the county may elect to distribute up to 100% of the payment as provided in subsection (5).

(5) The total amount designated by a county in accordance with subsection (3)(a) or (4) must be distributed as follows:"

Renumber: subsequent subsections

12. Page 2, line 19.

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Strike: "total"

Strike: "received"

Insert: "designated"

13. Page 2, line 20.

Strike: "total sum received"

Insert: "amount designated"

14. Page 2, line 25.

Strike: "(6)(b)"

Insert: "(5)(b)"

15. Page 2, line 28.

Strike: "this section"

Insert: "subsection (5)(b)"

16. Page 2, line 30.

Strike: "(6)(b)"

Insert: "(5)(b)"

17. Page 3, line 2.

Strike: "of the total amount received"

Insert: "distributed under subsection (5)(b)"

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

SB 443, be amended as follows:

1. Title, page 1, line 5.

Strike: "STATE PUBLIC DOCUMENTS AND"

Following: "LOCAL"

Insert: "GOVERNMENT"

2. Title, lines 7 and 8.

Strike: ";" on line 7 through "RULES" on line 8

Insert: "; EXPANDING THE MEMBERSHIP OF THE LOCAL GOVERNMENT RECORDS COMMITTEE; AND AMENDING SECTION 2-6-402, MCA"

3. Page 1, line 12 through page 2, line 2.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 2, line 5.

Strike: "EXEMPTION -- RULEMAKING"

Insert: "central registry -- notification"

5. Page 2, lines 16 through 22.

Strike: subsections (4) and (5) in their entirety

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6. Page 2.

Following: line 22

Insert: "(d) The local government records committee shall develop and maintain a central registry of the entities identified in subsection (1) who are interested in receiving notice of the potential destruction of public records pursuant to this section. The registry must be constructed to allow a local government entity to notify the local government records committee when the entity intends to destroy documents covered under this section and that allows the local government records committee to subsequently notify the entities in the registry. A local government entity's notice to the local government records committee pursuant to this subsection and the record committee's notice to the entities listed on the registry fulfills the notification requirements of this section."

7. Page 2.

Following: line 22

Insert: "**Section 2.** Section 2-6-402, MCA, is amended to read:

"2-6-402. Local government records committee -- creation. (1) There is a local government records committee.

(2) The committee consists of the following ~~seven~~ eight members:

(a) the state archivist;

(b) the state records manager;

(c) a representative of the department of commerce;

(d) two local records custodians, appointed by the director of the Montana historical society; ~~and~~

(e) two additional local records custodians, appointed by the secretary of state; and

(f) a citizen representing the Montana state genealogical society, appointed by the secretary of state, who shall serve as a volunteer.

(3) Committee members subject to appointment shall hold office for a period of 2 years beginning on January 1 of the year following their appointment.

(4) Any vacancies must be filled in the same manner that they were filled originally.

(5) The committee shall elect a presiding officer and a vice presiding officer.

(6) The committee shall meet twice a year upon the call of the secretary of state or the presiding officer.

(7) ~~Members~~ Except as provided in subsection (2)(f), members of the committee not serving as part of their compensated government employment must be compensated in accordance with 2-18-501 through 2-18-503 for each day in committee attendance. Members who serve as part of their compensated government employment may not receive additional compensation, but the employing governmental entity shall furnish, in accordance with the prevailing per diem rates, a reasonable allowance for travel and other expenses incurred in attending committee meetings.""

Renumber: subsequent section

8. Page 2, line 24 through line 26.

Strike: "subsection (1) in its entirety"

9. Page 2, line 27.

Strike: "(2)"

10. Page 2, line 27 and 28.

Following: "[section"

Strike: "2"

Insert: "1"

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

SB 472, be amended as follows:

1. Title, page 1, line 12 through line 17.

Strike: "REQUIRING" on line 12 through "PETITIONERS" on line 17

Insert: "REQUIRING THE LEGISLATIVE SERVICES DIVISION TO REVIEW PETITIONS"

2. Title, page 1, line 17.

Strike: "MAY"

3. Title, page 1, line 20 through line 24.

Strike: "AS TO" on line 20 through "ANALYST" on line 24

Insert: "UNADDRESSED BY THE PERSON SUBMITTING THE PETITION"

4. Page 2, line 8.

Strike: "sixth"

Insert: "fourth"

5. Page 2, line 9.

Following: "people."

Insert: "This requirement does not apply to the text of the proposed measure that is submitted to the secretary of state pursuant to 13-27-202(1)."

6. Page 2, lines 23 through 25.

Strike: "However" on line 23 through "13-27-204." on line 25

7. Page 3, line 12.

Strike: "petition"

Insert: "text of proposed ballot measure"

8. Page 3, line 13.

Following: "division --"

Insert: "submission of petition to secretary of state --"

9. Page 3, line 14.

Strike: "-- determination of legal sufficiency"

10. Page 3, line 16.

Following: "signatures"

Insert: "and printed names and addresses corresponding to the signatures"

11. Page 3, line 17.

Following: "state."

Insert: "The page on which the signatures appear must be attached to a notarized affidavit signed by the person collecting the signatures. The affidavit must include the following statement above the signature of the person collecting the signatures, to which that person must swear: "I, (insert the name of person who collected the signatures), swear that I collected or assisted in collecting the signatures on the page(s) to which this affidavit

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is attached and that I believe the signatures on the page(s) are genuine, are the signatures of the persons whose names they purport to be, and are the signatures of Montana electors who are registered at the addresses following their signatures. I also swear that the signers knew that the purpose of signing the page(s) was to submit a ballot measure petition on the subject of (insert the purpose of the proposed ballot measure) to the Montana secretary of state, the legislative services division, and the attorney general for review and approval.""

12. Page 3, line 18 through line 19.

Strike: "a petition complying with this subsection (1)(a)"

Insert: "the text of the proposed measure"

13. Page 3, line 20.

Strike: "a"

Insert: "the text of the"

14. Page 4.

Following: line 4

Insert: "(e) If a recommendation concerning the legality of the substance or purpose of the text of the proposed measure is made by the legislative services division and the recommendation is rejected or not responded to by the person submitting the petition within 14 days after the initial response to that person by the legislative services division, the legislative services division shall certify a statement to the secretary of state concerning that rejection or lack of response. The statement by the legislative services division must be certified to the secretary of state within 30 days of the receipt of the petition by the legislative services division, must be published by the secretary of state as provided in 13-27-311, and must appear on the ballot as provided in 13-27-204."

15. Page 4, line 7 through line 9.

Strike: "A COPY" on line 7 through "13-27-312(2)." on line 9

16. Page 4, line 11.

Following: "measure"

Insert: ", as written in consultation with the legislative services division as provided in this section and after expiration of the time provided in this section for response to the legislative services division's recommendation,"

17. Page 4, line 12.

Strike: "14"

Insert: "13"

18. Page 4, line 27.

Following: "voters:"

Insert: "Review of a petition by the attorney general for legal sufficiency does not include consideration of the merits or application of the measure if adopted by the voters."

19. Page 5, lines 3 and 4.

Strike: "opinion of the attorney general"

Insert: "recommendations of the legislative services division"

20. Page 5, line 4.

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Strike: "attorney general's"

Insert: "legislative services division's"

21. Page 5, line 5.

Strike: "13-27-312"

Insert: "this section"

22. Page 5, line 7.

Strike: "71"

Insert: "36"

23. Page 5, line 18 through line 19.

Strike: "any" on line 18 through "statement," on line 19

24. Page 6, line 9.

Strike: "attorney general" through "BETWEEN THE"

25. Page 6, line 10.

Strike: "AND THE PETITIONER REGARDING legal sufficiency ("

Insert: "has reviewed the petition for"

26. Page 6, line 11.

Strike: "}"

Strike: "attorney general"

Insert: "legislative services division"

27. Page 6, line 12.

Strike: "13-27-312(2)"

Insert: "13-27-202"

28. Page 7, line 9.

Strike: "attorney general" through "BETWEEN THE"

29. Page 7, line 10.

Strike: "AND THE PETITIONER REGARDING legal sufficiency ("

Insert: "has reviewed the petition for"

30. Page 7, line 11.

Strike: "}"

Strike: "attorney general"

Insert: "legislative services division"

31. Page 7, line 12.

Strike: "13-27-312(2)"

Insert: "13-27-202"

32. Page 8, line 12.

Strike: "attorney general" through "BETWEEN THE"

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33. Page 8, line 13.

Strike: "AND THE PETITIONER REGARDING legal sufficiency ("

Insert: "has reviewed the petition for"

34. Page 8, line 14.

Strike: ")"

Strike: "attorney general"

Insert: "legislative services division"

35. Page 8, line 15.

Strike: "13-27-312(2)"

Insert: "13-27-202"

36. Page 8, line 30.

Strike: "11"

Insert: "10"

37. Page 11, line 5.

Strike: "draft"

38. Page 11, lines 5 and 6.

Strike: "1" on line 5 through "hearing" on line 6

Insert: "and implication, statement by legislative services division, and fiscal statement"

39. Page 11, line 7 through line 11.

Strike: "(1)" on line 7 through "analyst," on line 11

Insert: "(1) Within 3 days after the receipt of the statements of purpose and implication from the attorney general and the statement of fiscal impact from the legislative fiscal analyst pursuant to 13-27-312, the secretary of state shall publish a notice of the completion of the statement of purpose and statement of implication provided by the attorney general and the fiscal statement provided by the legislative fiscal division. The secretary of state shall also publish the statement certified by the legislative services division pursuant to 13-27-202, if any. The notice must contain the text of those statements and the text of the fiscal impact analysis."

40. Page 11, line 13 through line 20.

Strike: subsection (2) in its entirety

Insert: "(2) The secretary of state shall also publish on the internet the notices required to be published by subsection (1)."

41. Page 12, line 2 through line 3.

Following: "statement"

Strike: "--"

Strike: "determination" on line 2 through "sufficiency" on line 3

42. Page 12, line 4.

Following: "13-27-202"

Insert: "(3)"

43. Page 12, line 22 through line 25.

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Strike: "IF" on line 22 through "STATE." on line 25

44. Page 12, line 25.

Strike: "attorney general"

Insert: "legislative services division"

45. Page 12, line 26.

Following: the first "state"

Insert: "pursuant to 13-27-202"

46. Page 12, line 27.

Strike: "attorney general"

Insert: "legislative services division"

47. Page 13, lines 6 and 8.

Strike: "draft" on line 6 and line 8

48. Page 13, line 9.

Strike: "final version of the"

49. Page 13.

Following: line 28

Insert: "(10) If a statement is certified by the legislative services division to the secretary of state pursuant to 13-27-202, the secretary of state shall provide a copy of the statement and a copy of the correspondence between the legislative services division and the petitioner to the committees appointed pursuant to 13-27-403."

50. Page 14, line 20.

Following: "or"

Insert: ", legislative services division,"

Following: "statements"

Insert: "-- review of attorney general opinion"

51. Page 14, lines 22 and 23.

Strike: ", the statement certified by the attorney general pursuant to 13-27-312(2),"

52. Page 14, line 24.

Following: "requirements of"

Insert: "13-27-202 or"

53. Page 14, line 27.

Strike: "final"

54. Page 15, line 10 through line 19.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

55. Page 15, line 20.

Strike: "or (2)"

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56. Page 15, line 21 through line 22.

Strike: ", upon" on line 21 through "analyst" on line 22

Insert: "and upon each office that has provided a statement to the secretary of state for printing on a petition and publication by the secretary of state"

57. Page 16, line 5 through line 23.

Strike: section 14 in its entirety

Renumber: subsequent sections

58. Page 16, line 29.

Strike: "and"

Insert: ", any"

Strike: "attorney general"

Insert: "legislative services division"

59. Page 16, line 30.

Strike: "13-27-312(2)"

Insert: "13-27-202"

60. Page 17, line 6 through line 11.

Strike: "1" on line 6 through "law" on line 11

61. Page 17, line 11.

Strike: "attorney general"

Insert: "legislative services division"

62. Page 17, line 12.

Strike: "13-27-312"

Insert: "13-27-202"

63. Page 18, line 30.

Strike: "**Misdemeanor to knowingly submit**"

Insert: "**Civil penalty for submission of**"

64. Page 19, line 3 through line 4.

Strike: "guilty" on line 3 through "law" on line 4

Insert: "subject to a civil penalty of \$500"

65. Page 19, line 21 through line 23.

Strike: subsection (1) in its entirety

66. Page 19, line 24.

Strike: "(2)"

Strike: "18"

Insert: "17"

67. Page 19, line 25.

Strike: "18"

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Insert: "17"

68. Page 20, line 4.

Strike: "19, 20"

Insert: "18, 19"

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

TAXATION (Story, Chairman):

3/27/2001

HB 58, introduced bill, be amended as follows:

1. Title, page 1, line 4 and line 5.

Strike: "PROVIDING" on line 4 through "FUND;" on line 5

2. Title, page 1, line 6.

Strike: "36"

Insert: "56"

3. Title, page 1, line 7.

Strike: "25"

Insert: "50"

4. Title, page 1, line 7 through line 9.

Strike: "ALLOCATING" on line 7 through "FUND" on line 9

Insert: "PROVIDING THAT REVENUE FROM THE INCREASED TAXES BE TEMPORARILY ALLOCATED FOR FUNDING K-12 EDUCATION; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA AT A SPECIAL ELECTION"

5. Title, line 10.

Following: "EFFECTIVE DATE"

Insert: ", "

Strike: "AND"

Following: "APPLICABILITY DATE"

Insert: ", AND A TERMINATION DATE"

6. Page 1, line 17.

Strike: "36"

Insert: "56"

7. Page 2, line 19 and line 20.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

8. Page 2, line 21.

Strike: "5.8%"

Insert: "3.6%"

9. Page 2, line 24.

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Strike: "41.2% "
Insert: "91.3% "

10. Page 2, line 25.

Following: "fund"

Insert: "[for the purposes of funding K-12 basic entitlements and per-ANB entitlements]"

11. Page 2, line 26.

Strike: "8% "

Insert: "5.1% "

12. Page 3, line 8.

Strike: "25% "

Insert: "50% "

13. Page 3, line 16.

Strike: "following amounts:"

Insert: "general fund. [Fifty percent of the tax deposited in the general fund must be used for the purposes of funding K-12 basic entitlements and per-ANB entitlements.]"

14. Page 3, line 17 through line 19.

Strike: lines 17 through 19 in their entirety

15. Page 3.

Following: line 21

Insert: "NEW SECTION. Section 5. Transition. All wholesalers, distributors, and retailers shall pay the difference in tax between the former tax rate and the new tax rate on all inventory subject to tax held by them on July 1, 2002, that exceeds all inventory subject to tax held by them on the last day of their most recently concluded income tax reporting year."

Renumber: subsequent sections

16. Page 3, line 24.

Strike: "[this act]"

Insert: "this act"

17. Page 3, line 27.

Strike: "[This act]"

Insert: "If approved by the electorate, this act"

Strike: "2001 "

Insert: "2002 "

18. Page 3, line 29.

Strike: "2001 "

Insert: "2002 "

19. Page 3.

Following: line 29

"NEW SECTION. Section 8. Termination. The bracketed language in [sections 2 and 4] terminates June

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30, 2003.

Insert: "NEW SECTION. Section 9. Submission to electorate. This act shall be submitted to the qualified electors of Montana at a special election to be held in November 2001 by printing on the ballot the full title of this act and the following:

FOR increasing tobacco taxes and allocating the increased revenue for the support of K-12 education.
 AGAINST increasing tobacco taxes and allocating the increased revenue for the support of K-12 education."

And, as amended, do pass. Report adopted.

HB 121, introduced bill, be amended as follows:

1. Title, page 1, line 10.

Strike: "\$19,096"

Insert: "\$18,818"

2. Title, page 1, line 11.

Strike: "\$212,180"

Insert: "\$209,090"

3. Title, page 1, line 13.

Strike: "\$3,876"

Insert: "\$3,819"

4. Title, page 1, line 14.

Strike: "\$5,165"

Insert: "\$5,090"

5. Title, page 1, line 16.

Strike: "\$19,669"

Insert: "\$19,096"

6. Title, page 1, line 17.

Strike: "\$218,545"

Insert: "\$212,180"

7. Title, page 1, line 19.

Strike: "\$3,992"

Insert: "\$3,876"

8. Title, page 1, line 20.

Strike: "\$5,320"

Insert: "\$5,165"

9. Page 2, line 18.

Strike: "\$212,180"

Insert: "\$209,090"

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10. Page 2, line 19.
Strike: "\$19,096"
Insert: "\$18,818"

11. Page 2, line 23.
Strike: "\$19,096"
Insert: "\$18,818"

12. Page 2, line 25.
Strike: "\$212,180"
Insert: "\$209,090"

13. Page 3, line 7.
Strike: "\$5,165"
Insert: "\$5,090"

14. Page 3, line 11.
Strike: "\$3,876"
Insert: "\$3,819"

15. Page 3, line 17.
Strike: "\$3,876"
Insert: "\$3,819"

16. Page 3, line 20.
Strike: "\$5,165"
Insert: "\$5,090"

17. Page 4, line 16.
Strike: "\$218,545"
Insert: "\$212,180"

18. Page 4, line 17.
Strike: "\$19,669"
Insert: "\$19,096"

19. Page 4, line 21.
Strike: "\$19,669"
Insert: "\$19,096"

20. Page 4, line 23.
Strike: "\$218,545"
Insert: "\$212,180"

21. Page 5, line 5.
Strike: "\$5,320"
Insert: "\$5,165"

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22. Page 5, line 9.

Strike: "\$3,876"

Insert: "\$3,763"

23. Page 5, line 15.

Strike: "\$3,992"

Insert: "\$3,876"

24. Page 5, line 18.

Strike: "\$5,320"

Insert: "\$5,165"

And, as amended, do pass. Report adopted.

HB 248, do pass. Report adopted.

HB 600, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "FACILITIES"

Insert: "MACHINERY AND EQUIPMENT"

Following: "DATE"

Insert: ", "

Strike: the second "AND"

2. Title, page 1, line 6.

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

3. Page 1, line 10 through line 24.

Strike: section 1 in its entirety

Insert: "NEW SECTION. **Section 1. Tax exemption for noncommercial generation machinery and equipment.**

(1) (a) Subject to the conditions of this section, noncommercial electrical generation machinery and equipment that are owned by a person or that are purchased by the person after [the effective date of this act] and that are used for the production of electrical energy for use by the owner in the owner's business are exempt from taxation.

(b) The exemption allowed by this section applies to electrical energy produced from electrical generation machinery and equipment owned by a person if more than 50% of the electrical energy generated is used by the person in the person's business even if the person sells a portion of the electrical energy produced to another entity. However, the amount of the exemption is proportional to the ratio of kilowatt hours used by the person in the person's business to the total kilowatt hours produced.

(2) (a) For the purposes of this section, "electrical generation machinery and equipment" means any combination of a physically connected generator or generators, associated prime movers, and other associated machinery and equipment. The term includes but is not limited to electrical generation machinery and equipment that are powered by fossil fuels, wind, water, solar energy, fuel cells, geothermal energy, biomass, solid wood or agricultural wastes, renewable energy resources, or cogeneration.

(b) The term does not include personal property used in the normal course of the owner's business.

(3) For the purposes of controlling emissions of air pollutants, electrical generation machinery and equipment are, if applicable, subject to the provisions of 75-2-211 and 75-2-215. Before granting the exemption allowed by this section, the department shall obtain information from the department of environmental quality to ensure that the

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electrical generation machinery and equipment comply with the provisions of 75-2-211 and 75-2-215."

4. Page 2.

Following: line 3

Insert: "NEW SECTION. Section 5. Termination. [This act] terminates December 31, 2004."

And, as amended, do pass. Report adopted.

HB 636, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Strike: "INCREASING" through ";"

2. Title, page 1, line 16.

Strike: "15-51-101,"

3. Page 88, line 7 through page 89, line 5.

Strike: section 112 in its entirety

Renumber: subsequent sections

4. Page 127, line 2.

Following: "then"

Insert: ": (a)"

5. Page 127, line 3.

Following: "2003"

Insert: ";

(b) [section 64(1)(a)] is amended to read: "subject to the exemption of market value specifically provided for class eleven property in 15-6-201(1), all residential property, including trailers, manufactured homes, or mobile homes, and appurtenant land not exceeding 5 acres that is occupied by the owner for at least 7 months during the calendar year;"

(c) [section 64(1)(b)] is amended to read: "subject to the exemption of market value specifically provided for class eleven property in 15-6-201(1), the first \$100,000 or less of the taxable market value of any improvement on real property described in subsection (1), including trailers, manufactured homes, or mobile homes, and appurtenant land not exceeding 5 acres owned and actually occupied for at least 7 months a year as the primary residential dwelling of any person whose total income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home, is not more than \$15,000 for a single person or \$20,000 for a married couple or a head of household, as adjusted according to subsection (2). For the purposes of this subsection (1)(b), net business income is gross income less ordinary operating expenses before deducting depreciation or depletion allowance, or both.";

(d) [section 83], amending 15-6-201, is amended as follows:

(i) in the temporary version, there is a new subsection (1)(dd) that reads: "(dd) 50% of the first \$100,000 or less of the market value of property described in [section 64]";

(ii) in the version that becomes effective January 1, 2003, there is a new subsection (1)(ee) that reads: "(ee) 50% of the first \$100,000 or less of the market value of property described in [section 64]";

(iii) in the version that is contingently effective, there is a new subsection (1)(qq) that reads: "(qq) 50% of the first \$100,000 or less of the market value of property described in [section 64]""

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6. Page 127, line 11.

Strike: "July"

Insert: "November"

7. Page 127, line 12.

Strike: "152"

Insert: "151"

8. Page 127, line 17.

Strike: "July"

Insert: "November"

And, as amended, do pass. Report adopted.

HB 639, introduced bill, be amended as follows:

1. Page 1, line 19.

Following: "shall"

Insert: ", for fees charged by the secretary of state,"

And, as amended, do pass. Report adopted.

HB 644, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "ONE-HALF"

Insert: "A PERCENTAGE OF"

2. Title, page 1, line 13.

Strike: "AN"

Insert: "A CONTINGENT"

3. Title, page 1, line 14.

Following: "A"

Insert: "CONTINGENT"

4. Page 7, line 7.

Strike: "one-half"

Insert: "85% of"

5. Page 7, line 26.

Strike: "one-half"

Insert: "85% of"

6. Page 8, line 8.

Strike: "50%"

Insert: "15%"

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7. Page 16, line 7.

Strike: "one-half"

Insert: "85% of"

8. Page 16, line 17.

Strike: "50%"

Insert: "15%"

9. Page 20, line 2.

Strike: "Effective"

Insert: "Contingent effective"

Strike: "July 1, 2001"

Insert: "30 days after the director of the department of transportation certifies to the governor, sending a copy of the certification to the secretary of state and the code commissioner, that an ethanol plant is operational and producing fuel in Montana"

10. Page 20, line 4.

Strike: "Termination"

Insert: "Contingent termination"

Strike: "June 30, 2006"

Insert: "June 30 of the fourth year following [the effective date of this act]"

And, as amended, do pass. Report adopted.

HB 645, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "POOL;"

Insert: "PROVIDING EXCEPTIONS;"

2. Page 1, line 14.

Following: "program"

Insert: "-- exceptions"

Following: "(1)"

Insert: "(a)"

Strike: "The"

Insert: "Except as provided in subsection (1)(b), the"

3. Page 1.

Following: line 18

Insert: "(b) This section does not apply to a rural electric cooperative organized under the provisions of Title 35, chapter 18, or to a municipal electric utility described in 69-8-103(5)(b)."

And, as amended, do pass. Report adopted.

HB 647, introduced bill, be amended as follows:

1. Title, page 1, line 9 through line 14.

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Strike: "CREATING" on line 9 through "COMMISSION;" on line 14

2. Page 10, line 7 and line 8.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

3. Page 12, line 8 through page 13, line 13.

Strike: section 6 through section 8 in their entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 240, be concurred in. Report adopted.

TRANSPORTATION (Somerville, Chairman):

3/27/2001

HJR 37, be adopted. Report adopted.

SB 3, be amended as follows:

1. Title, line 6.

Strike: "AND" on line 6

Following: "BLACKFEET"

Insert: ", AND FLATHEAD"

2. Page 1, line 12.

Following: "along the"

Insert: "present"

3. Page 2, line 14.

Strike: "and"

Following: the second "reservation"

Insert: ", and the Flathead reservation"

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

SB 191, be amended as follows:

1. Title, line 11.

Following: "REVENUE;"

Insert: "PROVIDING AN APPROPRIATION OF \$120,000 FROM THE GENERAL FUND TO THE DEPARTMENT OF CORRECTIONS FOR MANUFACTURE OF THE PLATES; PROVIDING AN APPROPRIATION OF \$26,010 FROM THE GENERAL FUND TO THE DEPARTMENT OF JUSTICE FOR PROGRAMMING COSTS;"

2. Title, line 12.

Strike: "A DELAYED"

Insert: "AN IMMEDIATE"

Following: "DATE"

Insert: ", AN APPLICABILITY DATE, AND A TERMINATION DATE"

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3. Page 3, line 29.

Strike: subsection (1)(d)(iii)(C) in its entirety

Renumber: subsequent subsections

4. Page 6, line 20.

Strike: "\$5"

Insert: "\$6"

5. Page 8, line 14.

Strike: "The"

Insert: "Except for generic specialty license plates, the"

6. Page 8, line 15.

Strike: "across the plates"

Insert: "on each plate"

7. Page 14.

Following: line 6

Insert: "NEW SECTION. Section 14. Appropriation. (1) There is appropriated from the general fund to the department of corrections for the biennium ending June 30, 2003, \$120,000 to be used for the manufacture of generic specialty license plates by the prison industries program.

(2) There is appropriated from the general fund to the department of justice for the biennium ending June 30, 2003, \$26,010 to be used for computer programming costs incurred as a result of [this act]."

Renumber: subsequent sections

8. Page 14, line 18 through line 20.

Strike: section 16 in its entirety

Insert: "NEW SECTION. Section 17. Coordination instruction. (1) If Senate Bill No. 393 and [this act] are both passed and approved, then:

(a) [sections 1 through 4, 6, 7, 10, and 11] of Senate Bill No. 393 (Second Reading, Second House version) are void;

(b) [section 5] of Senate Bill No. 393 must read as follows: "NEW SECTION. Section 5. Lewis and Clark bicentennial license plates -- authorization to apply as sponsor -- use of proceeds. (1) The Lewis and Clark bicentennial commission may:

(a) apply to the department of justice to sponsor a generic specialty license plate as provided in [section 5] of Senate Bill No. 393; and

(b) require an applicant for a generic specialty license plate sponsored by the Lewis and Clark bicentennial commission to make a donation of \$20 to the Lewis and Clark bicentennial commission upon initial issuance of the license plates and a donation of \$20 upon each annual renewal of the license plates.

(2) The donation provided for in subsection (1)(b) must be paid to the county treasurer, who shall remit the entire amount to the state treasurer for deposit in the special revenue account established in 2-15-150.

(3) The Lewis and Clark bicentennial commission shall establish the criteria that entities or organizations are required to meet in order to receive proceeds from the special revenue account established in 2-15-150, and the commission may distribute the money in a manner and in any amount that it determines appropriate.

(4) The Lewis and Clark bicentennial commission may retain any amount of money collected in the special revenue account that it determines necessary to fulfill its responsibilities and carry out the activities provided in 2-15-150.

(5) Entities receiving funds under subsection (3) may not use the funds for purposes other than those prescribed by the

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Lewis and Clark bicentennial commission and subject to 2-15-150."; and

(c) the codification instruction in [section 11] of Senate Bill No. 393 is void and [section 5] of Senate Bill No. 393 must be codified as an integral part of Title 2, chapter 15, part 1, and the provisions of Title 2, chapter 15, part 1, apply to [section 5].

(2) If [this act] and Senate Bill No. 53 are both passed and approved, then 61-3-332(10)(c)(ii) must read as follows:

"(ii) The fee for original or renewal registration by a 100% disabled veteran for a motor vehicle, as defined in 61-1-102, that is not used for commercial purposes is \$5 and is in lieu of all other fees and taxes for that vehicle under this chapter."

Renumber: subsequent sections

9. Page 14, line 26.

Strike: "January 1, 2002"

Insert: "on passage and approval"

10. Page 14.

Following: line 26

Insert: "NEW SECTION. Section 20. Applicability. [This act] applies to registrations of motor vehicles occurring after December 31, 2001."

Insert: "NEW SECTION. Section 21. Termination. [This act] terminates June 30, 2005."

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

SB 393, be amended as follows:

1. Title, line 9.

Following: "COMMISSION;"

Insert: "ALLOWING THE COMMISSION TO OBTAIN A LOAN FROM THE BOARD OF INVESTMENTS; STATUTORILY APPROPRIATING PROCEEDS TO THE COMMISSION; APPROPRIATING \$480,000 FROM THE GENERAL FUND TO THE DEPARTMENT OF CORRECTIONS FOR MANUFACTURE OF THE LICENSE PLATES;"

Following: "SECTIONS"

Insert: "2-15-150, 17-7-502,"

2. Title, line 10.

Following: "61-3-332"

Insert: ","

3. Page 2, line 9.

Strike: "\$25"

Insert: "\$30"

4. Page 2, line 11.

Strike: "\$25"

Insert: "\$30"

5. Page 2, line 13.

Strike: "\$3"

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Insert: "\$8"

Following: "fund"

Insert: ", with \$6 of that amount to be allocated to the department of corrections for the purposes provided for in 53-30-132(1)(k)"

6. Page 3.

Following: line 9

Insert: "(4) Proceeds from license plate sales and proceeds from any loan from the board of investments that are received in the special revenue account established in 2-15-150 are statutorily appropriated, as provided in 17-7-502, to the Lewis and Clark bicentennial commission."

7. Page 3.

Following: line 25

Insert: "**Section 8.** Section 2-15-150, MCA, is amended to read:

"2-15-150. (Temporary) Lewis and Clark bicentennial commission -- membership -- purpose -- account.

(1) There is a Lewis and Clark bicentennial commission.

(2) The commission consists of 12 members, as follows:

(a) nine members who must be appointed by the governor, at least three of whom must be enrolled members of a Montana Indian tribe and live on a Montana Indian reservation, who shall serve 3-year staggered terms, who shall represent Montana's different geographical areas, and who must have an interest in the history of the Lewis and Clark expedition;

(b) the director of the Montana historical society, established in 22-3-101;

(c) the administrator of the parks division within the department of fish, wildlife, and parks, established in 2-15-3401; and

(d) the director of travel Montana.

(3) The commission is responsible for coordinating and promoting observance of Montana's bicentennial commemoration of the Lewis and Clark expedition and the importance of the roles played by Montana's Indian people to the Lewis and Clark expedition. The commission may:

(a) cooperate with national, regional, statewide, and local events promoting the bicentennial;

(b) plan and coordinate or assist in planning and coordinating bicentennial events;

(c) engage in fundraising activities, including revenue-earning enterprises and the solicitation of grants, gifts, and donations;

(d) promote public education concerning the Lewis and Clark expedition and the history and culture of Montana's Indian people at the time of the Lewis and Clark expedition; and

(e) perform other related duties.

(4) (a) The Lewis and Clark bicentennial commission is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$3 million, payable over a term not to exceed 6 years, for the purposes identified in subsection (3).

(b) The Lewis and Clark bicentennial commission shall pledge to the repayment of any indebtedness the proceeds from the sale of Lewis and Clark bicentennial license plates as provided in [sections 1 through 7].

(c) The proceeds of any loan from the board of investments to the Lewis and Clark bicentennial commission must be deposited in the account established in subsection (5).

~~(4)~~(5) There is a Montana Lewis and Clark bicentennial account. Money in the account may include money from revenue-earning enterprises, grants, gifts, or donations, money appropriated by the legislature, and interest earned on the account. Account funds must be used for the purposes described in this section.

~~(5)~~(6) The commission is attached to the Montana historical society for administrative purposes only as provided in 2-15-121. (Terminates December 31, 2007--sec. 2, Ch. 428, L. 1997.)"

Insert: "**Section 9.** Section 17-7-502, MCA, is amended to read:

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"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702; 15-34-115; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; [section 5]; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222; 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005.)"

Renumber: subsequent sections

8. Page 4, line 27.

Strike: "and the year"

9. Page 10.

Following: line 15

Insert: "NEW SECTION. Section 12. Appropriation. There is appropriated \$480,000 from the general fund to the department of corrections for the biennium ending June 30, 2003, to provide for the manufacture of Lewis and Clark bicentennial license plates by the prison industries program."

Renumber: subsequent sections

10. Page 10, line 30.

Strike: ", 8, and 9"

Insert: "and 8 through 11"

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

SB 448, be amended as follows:

1. Title, line 13 through line 15.

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Strike: "RAISING" on line 13 through "FEE" on line 14

Insert: "ASSESSING A FEE ON REGISTRATION OR REREGISTRATION OF VEHICLES; PROVIDING FOR DEPOSIT OF FEE REVENUE"

2. Title, line 16.

Strike: "61-3-406 AND 61-3-453"

Insert: "61-3-321, 61-3-332, 61-3-426, 61-3-457, 61-3-510, AND 61-3-562"

3. Page 2, line 11.

Strike: "one-half of"

Strike: "amount of"

4. Page 2, lines 12 and 13.

Strike: "awarded" on line 12 through "estimate" on line 13

Insert: "distributed equally among the five transportation districts provided in 2-15-2502"

5. Page 9, line 1 through line 19.

Strike: sections 2 and 3 in their entirety

Insert: "**Section 2.** Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles -- certain vehicles exempt from license or registration fees -- disposition of fees. (1) Registration or license fees must be paid upon registration or reregistration of motor vehicles, trailers, house trailers, and semitrailers, in accordance with this chapter, as follows:

(a) motor vehicles weighing 2,850 pounds or under (other than motor trucks), \$5;

(b) motor vehicles weighing over 2,850 pounds (other than motor trucks), \$10;

(c) electrically driven passenger vehicles, \$10;

(d) all motorcycles and quadricycles, \$2;

(e) tractors or trucks, \$10;

(f) buses, which are classed as motor trucks, licensed accordingly;

(g) trailers and semitrailers less than 2,500 pounds declared weight and house trailers of all weights, \$2;

(h) trailers and semitrailers over 2,500 up to 6,000 pounds declared weight (except house trailers), \$5;

(i) trailers and semitrailers over 6,000 pounds declared weight, \$10, except trailers and semitrailers registered in other jurisdictions through a proportional registration agreement;

(j) trailers used exclusively in the transportation of logs in the forest or in the transportation of oil and gas well machinery, road machinery, or bridge materials, new and secondhand, \$15 annually, regardless of size or capacity.

(2) All rates are 25% higher for motor vehicles, trailers, and semitrailers that are not equipped with pneumatic tires.

(3) "Tractor", as specified in this section, means any motor vehicle, except a passenger car, that is used for towing a trailer or semitrailer.

(4) If a motor vehicle, house trailer, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration or license fee for the remainder of the year is one-half of the regular fee except for trailers or semitrailers registered as provided in 61-3-721(6).

(5) An additional fee of \$5.25 a year for each registration of a vehicle, except trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, must be collected as a registration fee. Revenue from this fee must be forwarded by the respective county treasurers to the state treasurer for deposit in the general fund. The department shall pay an amount equal to 25 cents from each motor vehicle registration fee from the general fund to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

(6) Except as provided in 61-3-562, a fee of 25 cents a year for each registration of a vehicle, except trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, must

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be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in [section 1].

~~(6)~~(7) A fee of \$2 for each set of new number plates must be collected when number plates provided for under 61-3-332(3) are issued. Revenue from this fee must be deposited as provided in subsection (5).

~~(7)~~(8) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

~~(8)~~(9) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

~~(9)~~(10) A person qualifying under 61-3-332(10)(d) or 61-3-504 is exempt from the fees required under subsections (1), ~~and (5), and (6)~~ of this section. (See compiler's comments for contingent termination of certain text.)"

Insert: "Section 3. Section 61-3-332, MCA, is amended to read:

"61-3-332. Number plates. (1) A motor vehicle that is driven upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned to the vehicle. The number plates are in 10 series: one series for owners of motorcars, one for owners of motor vehicles of the motorcycle or quadricycle type, one for trailers, one for trucks, one for dealers in vehicles of the motorcycle or quadricycle type that bears the distinctive letters "MCD" or the letters "MC" and the word "DEALER", one for franchised dealers in new motorcars (including trucks and trailers) or new and used motorcars (including trucks and trailers) that bears the distinctive letter "D" or the word "DEALER", one for dealers in used motorcars only (including used trucks and trailers) that bears the distinctive letters "UD" or the letter "U" and the word "DEALER", one for dealers in trailers and/or semitrailers (new or used) that bears the distinctive letters "DTR" or the letters "TR" and the word "DEALER", one for dealers in recreational vehicles that bears the distinctive letters "RV" or the letter "R" and the word "DEALER", and one for special license plates. All markings for the various kinds of dealers' plates must be placed on the number plates assigned to the dealer, in the position that the department designates.

(2) (a) All number plates for motor vehicles must be issued for a maximum period of 4 years, bear a distinctive marking, and be furnished by the state. In years when number plates are not issued, the department shall provide nonremovable stickers bearing appropriate registration numbers that must be affixed to the license plates in use.

(b) For light vehicles that are permanently registered as provided in 61-3-527 or 61-3-562, the department shall provide distinctive nonremovable stickers indicating that the vehicle is permanently registered. The stickers must be affixed to the license plates in use.

(3) (a) Subject to the provisions of this section, the department shall create a new design for number plates as provided in this section, and it shall manufacture the newly designed number plates for issuance after December 31, 1999, to replace at renewal, as required in 61-3-312 and 61-3-314, number plates that were displayed on motor vehicles before that date.

(b) Beginning January 1, 2000, the department shall manufacture and issue new number plates every 4 years.

(4) In the case of motorcars and trucks, plates must be of metal 6 inches wide and 12 inches in length. The outline of the state of Montana must be used as a distinctive border on the license plates, and the word "Montana" and the year must be placed across the plates. Registration plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(5) The distinctive registration numbers must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. The distinctive registration number or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

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(6) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration fee as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must bear the following distinctive markings:

(a) For vehicles owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For vehicles that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the number plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these number plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the number plates requires it and a year number may not be displayed on the number plates.

(7) On all number plates assigned to motor vehicles of the truck and trailer type, other than tax-exempt trucks and tax-exempt trailers, there must appear the letter "T" or the word "TRUCK" on plates assigned to trucks and the letters "TR" or the word "TRAILER" on plates assigned to trailers and housetrailers. The letters "MC" or the word "CYCLE" must appear on plates assigned to vehicles of the motorcycle or quadricycle type.

(8) Number plates issued to a passenger car, truck, trailer, or vehicle of the motorcycle or quadricycle type may be transferred only to a replacement passenger car, truck, trailer, or motorcycle- or quadricycle-type vehicle. A registration or license fee may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

(9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they may be formed, beginning with the number 57.

(10) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463, must be a separate series of plates, numbered as provided in subsection (5), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the person who is eligible to receive them, and must be removed upon sale or other disposition of the vehicle. The special license plates must be issued to national guard members, former prisoners of war, persons with disabilities, reservists, disabled veterans, survivors of the Pearl Harbor attack, veterans of the armed services, national guard veterans, legion of valor members, or veterans of the armed services who were awarded the purple heart medal, who comply with the following provisions:

(a) (i) An active member of the Montana national guard may be issued special license plates with a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of the Montana national guard a certificate authorizing the department to issue national guard plates, numbered in sets of two with a different number on each set, and the member shall surrender the plates to the department upon becoming ineligible to use them.

(ii) The department may issue national guard veteran plates, bearing a design or decal displaying the Montana national guard insignia and the words "National Guard veteran" and numbered in sets of two with a different number

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on each set, to an applicant who presents to the department a copy of certification of national guard retirement eligibility issued by the appropriate authorities for the applicant or the applicant's deceased spouse and who pays, in addition to all taxes and fees required by parts 3 and 5 of this chapter, a national guard veteran license plate fee of \$10. The additional fee must be distributed in accordance with the provisions of subsection (10)(f)(iii) and (10)(f)(iv).

(b) An active member of the reserve armed forces of the United States of America who is a resident of this state may be issued special license plates with a design or decal displaying the following: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). The commanding officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a certificate authorizing the issuance of special license plates, numbered in sets of two with a different number on each set. The member shall surrender the plates to the department upon becoming ineligible to use them.

(c) (i) A resident of Montana who is a veteran of the armed forces of the United States and who is 100% disabled because of an injury that has been determined by the department of veterans affairs to be service-connected may, upon presentation to the department of proof of the 100% disability, be issued:

(A) a special license plate under this section with a design or decal displaying the letters "DV"; or

(B) one set of any other military-related plates that the disabled veteran is eligible to receive under this section.

(ii) The fee for original or renewal registration by a 100% disabled veteran for a passenger vehicle or a truck with a GVW-rated capacity of 1 ton or less is \$5 and is in lieu of all other fees and taxes for that vehicle under this chapter.

(iii) Special license plates issued to a disabled veteran are not transferable to another person.

(iv) A disabled veteran is not entitled to a special disabled veteran's license plate for more than one vehicle.

(v) A vehicle lawfully displaying a disabled veteran's plate and that is conveying a 100% disabled veteran is entitled to the parking privileges allowed a person with a disability's vehicle under this title.

(d) A Montana resident who is a veteran of the armed forces of the United States and was captured and held prisoner by a military force of a foreign nation, documented by the veteran's service record, may upon application and presentation of proof be issued special license plates, numbered in sets of two with a different number on each set, with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(i) Fees required under 61-3-321(1), ~~and (5)~~, and (6) may not be assessed upon one set of license plates issued to an ex-prisoner of war under this subsection (10)(d).

(ii) A special license plate fee may not be assessed upon one set of special license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iii) An ex-prisoner of war is exempt from the light vehicle taxes imposed under 61-3-504 for one vehicle that displays a set of ex-prisoner of war license plates.

(iv) A surviving spouse of an ex-prisoner of war may retain the special license plates that have been issued to the ex-prisoner of war if the spouse complies with the provisions of 61-3-457.

(e) Except as provided in subsections (10)(c) and (10)(d), upon payment of all taxes and fees required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets the requirements of this subsection (10)(e), the department shall issue to a Montana resident who is a veteran of the armed services of the United States special license plates, numbered in sets of two with a different number on each set, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or was offshore at a distance of not more than 3 miles, and received an honorable discharge from the United States armed forces. If special license plates issued under subsection (10)(d) and this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge.

(f) A motor vehicle owner and resident of this state who is a veteran or the surviving spouse of a veteran of the armed services of the United States may be issued license plates inscribed as provided in subsection (10)(f)(i) if the

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veteran was separated from the armed services under other than dishonorable circumstances or was awarded the purple heart medal:

(i) Upon submission of a department of defense form 214(DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant documents to show an applicant's qualification under this subsection, there must be issued to the applicant, in lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with a different number on each set. The plates must display:

(A) the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the record of service verified in the application; or

(B) a symbol representing the purple heart medal.

(ii) Plates must be furnished by the department to the county treasurer, who shall issue them to a qualified veteran or to the veteran's surviving spouse. The plates must be placed or mounted on the vehicle owned by the veteran or the veteran's surviving spouse designated in the application and must be removed upon sale or other disposition of the vehicle.

(iii) Except as provided in subsections (10)(c) and (10)(d), a veteran or surviving spouse who receives special license plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee of \$10. Upon an original application for a license under this subsection (10)(f), the county treasurer shall:

(A) deposit \$3 of the special fee in the county general fund;

(B) remit \$1 for deposit in the state general fund; and

(C) deposit the remainder of the special fee in the state special revenue account established in 10-2-603 for administration, construction, operation, and maintenance of the state veterans' cemeteries.

(iv) Upon subsequent annual renewal of registration, the county treasurer shall deposit all of the special fee as provided in subsection (10)(f)(iii)(C).

(g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability.

(h) The department may issue legion of valor license plates, bearing a design or decal depicting the recognized legion of valor medallion and numbered in sets of two with a different number on each set, to an applicant who presents to the department proper documentation of receipt of a legion of valor award by appropriate authorities to the applicant or the applicant's deceased spouse and who pays all taxes and fees required by parts 3 and 5 of this chapter.

(11) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733."

Insert: "Section 4. Section 61-3-426, MCA, is amended to read:

"61-3-426. Combined license plates. (1) An application for license plates for amateur radio operators may be combined with an application for the special license plates issued to veterans of the armed services who comply with the provisions in 61-3-332(10)(d), (10)(e), and (10)(f) or with an application for special license plates issued to a person with a disability who complies with the provisions in 61-3-332(10)(g). The applicant for the combined license plates is liable for the payment of all taxes and fees applicable to regular motor vehicle license plates and shall pay an additional fee of \$5 for the original issuance as provided in 61-3-422.

(2) An application for license plates for amateur radio operators may be combined with an application for license plates for disabled veterans as provided in 61-3-332(10)(c). The fees for the registration of the combined license plates are the fees provided for in 61-3-332(10)(c) and in 61-3-422. The fees are in lieu of all other fees and taxes for that vehicle under this chapter.

(3) An application for license plates for amateur radio operators may be combined with an application for license plates for ex-prisoners of war as provided in 61-3-332(10)(d). The fees required under 61-3-321(1)₂ ~~and~~ (5)₂

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and (6) may not be assessed upon one set of combination license plates issued to an ex-prisoner of war. An ex-prisoner of war receiving combination license plates under this section is liable for the fees required under 61-3-422.

(4) The combined license plates must be stamped with the official amateur radio call letters of the owner as assigned to the owner by the federal communications commission. The plates must also be stamped with the design or decal provided for in 61-3-332(10)(c), (10)(d), (10)(e), (10)(f), or (10)(g)."

Insert: "Section 5. Section 61-3-457, MCA, is amended to read:

"61-3-457. Ex-prisoner of war license plates transferable to spouse -- conditions. Upon the death of an ex-prisoner of war and providing that the surviving spouse does not remarry, the spouse of an ex-prisoner of war may retain and renew the one set of special license plates issued under 61-3-332(10)(d) and is not liable for light vehicle taxes under 61-3-504, for the fees required under 61-3-321(1), ~~and (5)~~, and (6), or for the special license plate fees required under 61-3-332."

Insert: "Section 6. Section 61-3-510, MCA, is amended to read:

"61-3-510. Weed control fee. (1) A special weed control fee of \$1.50 must be assessed on the annual registration or reregistration of each motor vehicle subject to registration. The fee must be collected by the county treasurer.

(2) For purposes of this section, motor vehicle includes:

- (a) a motor vehicle as defined in 61-1-102;
- (b) a motorcycle as defined in 61-1-105;
- (c) a motor-driven cycle as defined in 61-1-106; and
- (d) a quadricycle as defined in 61-1-133.

(3) The following vehicles are exempt from the fee:

- (a) vehicles owned or controlled by the United States or a state, county, city, or special district, as defined in 18-8-202;
- (b) vehicles exempt from payment of registration fees by 61-3-321~~(8)~~(9); and
- (c) vehicles or equipment that is not self-propelled or that requires towing when moved upon a highway of this state."

Insert: "Section 7. Section 61-3-562, MCA, is amended to read:

"61-3-562. Permanent registration -- transfer of vehicle ownership -- rules. (1) (a) The owner of a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-561, may permanently register the vehicle upon payment of a \$50 registration fee, the applicable registration and license fees under 61-3-321, and an amount equal to five times the applicable fees imposed for each of the following:

- (i) junk vehicle disposal fees under 61-3-508;
- (ii) weed control fees under 61-3-510;
- (iii) county motor vehicle computer fees under 61-3-511;
- (iv) the local option vehicle tax or flat fee on vehicles under 61-3-537;
- (v) if applicable, license plate fees under 61-3-332 and renewal fees for personalized plates under 61-3-406;
- (vi) if applicable, the amateur radio operator license plate fee under 61-3-422; ~~and~~
- (vii) if applicable, the annual scholarship donation fee under 61-3-465; and
- (viii) senior citizens and persons with disabilities transportation services fees as provided in 61-3-321(6).

(b) A person who permanently registers a vehicle as provided in subsection (1)(a) shall pay an additional \$2 fee at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the \$2 fee collected under this subsection (1)(b) from each motor vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

(2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under 61-10-201.

(3) The owner of a vehicle that is permanently registered under this section is not subject to additional fees under 61-3-561 or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

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- (4) The county treasurer shall:
- (a) disburse the \$50 registration fee collected under this section as provided in 61-3-509;
 - (b) once each month, remit to the state treasurer the amounts collected under this section for the purposes of 61-3-121(5), 61-3-508, 61-3-510, 61-3-511, and 61-10-201.
- (5) (a) The permanent registration of a vehicle allowed by this section may not be transferred to a new owner. If the vehicle is transferred to a new owner, the department shall cancel the vehicle's permanent registration.
- (b) Upon transfer of a vehicle registered under this section to a new owner, the new owner shall apply for a certificate of ownership under 61-3-201 and file an application for registration under 61-3-303."

Renumber: subsequent sections

6. Page 10, line 4 through line 22.

Strike: section 6 in its entirety

Renumber: subsequent sections

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

MOTIONS

Representative Schrupf requested on **HB 617**, second reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Tropila requested on **HB 598**, third reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Sliter moved that the House request the Senate to return **SB 65** and that the House reconsider its action on **SB 65**. Motion carried.

Committee meetings were announced by committee chairmen.

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

House recessed at 2:55 p.m.

House reconvened at 5:30 p.m. All members present, except Representatives Dale and Gillan, excused. 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 Gallik in the chair.

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

Representative Sliter moved consideration of **HB 248**, **HJ 38**, and **HB 617** be placed below **HB 225** on the second

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reading board. Motion carried.

HB 225 - Representative Schmidt moved **HB 225** do pass.

HB 225 - Representative Story moved **HB 225**, second reading copy, be amended as follows :

1. Page 7.

Following: line 6

Insert: "NEW SECTION. Section 4. Three-fourths vote required. Because [section 1] creates a subfund in the coal severance tax trust fund, Article IX, section 5, of the Montana constitution, as interpreted by the Montana supreme court in *Montanans for the Coal Trust v. State*, requires a vote of three-fourths of the members of each house of the legislature for passage."

Renumber: subsequent section

Amendment **not** adopted as follows:

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

Total 46

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

Total 53

Voted Absentee: Gillan, No.

Excused: Dale.

Total 1

Absent or not voting: None.

Total 0

HB 225 - Representative Adams moved for cloture. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallus, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, 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, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 81

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Noes: Buzzas, Facey, Galvin-Halcro, Golie, Hurdle, Raser, Wanzenried.
Total 7

Excused: Dale, Gillan.
Total 2

Absent or not voting: Bitney, D. Brown, Carney, P. Clark, Gallik, Juneau, Kaufmann, Pattison, Schmidt, Smith.
Total 10

Motion that **HB 225** do pass failed as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, 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, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Waddill, Wanzenried, Younkin.
Total 46

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.
Total 54

Voted Absentee: Gillan, Aye; Dale, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 248 - Representative Tropila moved **HB 248** 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, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, 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, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 93

Noes: Esp, Fuchs, Kasten, Masolo, Pattison, Vick, Walters.
Total 7

Voted Absentee: Dale, Gillan, Ayes.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 38 - Representative Waddill moved **HJR 38** be adopted. 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: Dale, Gillan, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 617 - Representative Dale present at this time.

HB 617 - Representative Balyeat moved **HB 617** do pass.

HB 617 - Representative Balyeat moved **HB 617**, second reading copy, be amended as follows :

1. Title, page 1, line 12 through line 13.

Strike: "ESTABLISHING" on line 12 through "TABLES;" on line 13

2. Title, page 1, line 25.

Strike: "15-30-202,"

3. Title, page 1, line 27.

Following: "DELAYED"

Insert: "CONTINGENT"

4. Page 21, line 11.

Following: "date."

Insert: "(1)"

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5. Page 28, line 9 through line 16.

Strike: section 22 in its entirety

Renumber: subsequent sections

6. Page 43, line 30.

Strike: "33"

Insert: "32"

7. Page 44, line 11.

Strike: "Effective"

Insert: "Contingent effective"

Following: "2002"

Insert: ", only if the unreserved fund balance for the general fund as of June 30, 2001, as reported in accordance with generally accepted accounting principles and as published in the audited state financial statements as of June 30, 2001, exceeds the amount of \$82.5 million by at least \$10 million.

(2) The state treasurer shall certify to the secretary of state the amount of unreserved fund balance for the general fund as of June 30, 2001, and the difference between \$82.5 million and the unreserved fund balance for the general fund. The secretary of state shall notify the department of revenue, the code commissioner, and the legislative fiscal division of this certification"

Amendment **adopted** 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, Kastan, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

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

Total 40

Excused: Gillan.

Total 1

Absent or not voting: None.

Total 0

HB 617 - Representative Gallus moved **HB 617**, second reading copy, be further amended as follows :

1. Title, page 1, line 27.

Following: "DELAYED"

Insert: "CONTINGENT"

2. Page 44, line 11.

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Strike: "Effective"

Insert: "Contingent effective"

Following: "date."

Insert: "(1)"

Strike: "January 1, 2002"

Insert: "in any year beginning with tax year 2002, that the percentage growth in inflation-adjusted Montana wage and salary income, in the last full year for which data is available, is at least 3% from the prior year as determined in this section.

(2) The department of revenue shall calculate the percentage growth in subsection (1) by using the formula $(W/CPI) - 1$, where:

(a) W is the Montana wage and salary income for the most current available year divided by the Montana wage and salary income for the year prior to the most current available year; and

(b) CPI is the consumer price index for the most current available year used in subsection (2)(a) divided by the consumer price index for the year prior to the most current available year as used in subsection (2)(a).

(3) For purposes of determining the percentage growth in subsection (1), the department of revenue shall use the wage and salary data series referred to as the bureau of economic analysis of the United States department of commerce Montana wage and salary disbursements. Inflation must be measured by the consumer price index, U.S. city average, all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor. "

(4) The department of revenue shall certify to the secretary of state of the tax year in which the inflation adjusted Montana wage and salary income is at least 3% above the previous year. The secretary of state shall notify the department of administration, the code commissioner, and the legislative fiscal division of this certification.

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, 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, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Smith, Tramelli, Tropila, Wanzenried.

Total 41

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

Total 58

Voted Absentee: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: Somerville.

Total 1

Motion that **HB 617**, as amended, do pass 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, Dale, Davies, Dell, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lewis, Matthews, McKenney, Mood, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Devlin, Eggers, Erickson, Esp, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, McCann, Musgrove, Newman, Noennig, Olson, Raser, Schmidt, Schrupf, Smith, Tramelli, Tropila, Waddill, Wanzenried, Wolery.

Total 48

Voted Absentee: Gillan, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 221 - Representative Sliter moved consideration of **SB 221** be passed for the day. Motion carried.

SB 482 - Representative Whitaker moved **SB 482** 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, 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 98

Noes: Harris, Hurdle.

Total 2

Voted Absentee: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 117 - Representative Lehman moved **SB 117** be concurred in. Motion carried as follows:

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

Total 72

Noes: Adams, Bales, Balyeat, R. Brown, Brueggeman, Curtiss, Dale, Davies, Esp, Fuchs, Hedges, Himmelberger, Kasten, Laible, Laszloffy, Lewis, McCann, Mood, Pattison, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Walters, Witt, Mr. Speaker.

Total 28

Voted Absentee: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 182 - Representative Mangan moved **SB 182** 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, 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

Voted Absentee: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 262 - Representative Laszloffy moved **SB 262** 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, Erickson,

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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, 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, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: Eggers, Kaufmann, Vick.

Total 3

Voted Absentee: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 290 - Representative Facey moved **SB 290** 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: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 361 - Representative Sliter moved **SB 361** be concurred in. Motion carried as follows:

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

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Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 89

Noes: Eggers, Gallik, Harris, Hurdle, Jayne, Kasten, Lee, Musgrove, K. Peterson, Story.
Total 10

Voted Absentee: Gillan, Aye.

Excused: None.
Total 0

Absent or not voting: D. Brown.
Total 1

SB 274 - Representative Sliter moved **SB 274** 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, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Gillan, Aye.

Excused: None.
Total 0

Absent or not voting: Curtiss.
Total 1

SB 282 - Representative Curtiss moved **SB 282** 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, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,

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Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Gillan, Aye.

Excused: None.
Total 0

Absent or not voting: Davies.
Total 1

SB 357 - Representative Musgrove moved **SB 357** 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, 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, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 96

Noes: Esp, Masolo, Pattison, Somerville.
Total 4

Voted Absentee: Gillan, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 17 - Representative Shockley moved **SJR 17** be concurred in. Motion failed as follows:

Ayes: Clancy, Curtiss, Erickson, Fritz, Gillan, Golie, Gutsche, Keane, Laslovich, Lee, Mangan, Newman, Olson, Raser, Waddill, Wanzenried.
Total 16

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dale, Davies, Dell, Eggers, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Noennig, Pattison, A. Peterson, K. Peterson, Price, Rice,

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Total 83

Voted Absentee: Gillan, Aye.

Excused: None.

Total 0

Absent or not voting: Devlin.

Total 1

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallik 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, Callahan, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Esp, Fisher, Forrester, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, 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, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 65

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

Total 34

Excused: Gillan.

Total 1

Absent or not voting: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

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

HJR 40, introduced by Bixby, referred to Education.

MOTIONS

Representative Smith requested on **HB 225**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Matthews requested on **SB 182**, second reading today, that his vote be shown as yes. There being no

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objections, so ordered.

Majority Leader Pro Tempore Mood assumed the chair.

Speaker McGee moved to withdraw **HB 511**. Motion carried.

Speaker McGee reassumed the chair.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Wednesday, March 28, 2001. Motion carried.

House adjourned at 8:50 p.m.

MARILYN MILLER
Chief Clerk of the House

DAN MCGEE
Speaker of the House