

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

Helena, Montana
March 28, 2001

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives Gillan and Masolo, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

Correctly printed: **HB 58, HB 69, HB 121, HB 600, HB 632, HB 636, HB 639, HB 640, HB 644, HB 645, HB 647, HB 650, SB 3, SB 191, SB 210, SB 249, SB 298, SB 319, SB 327, SB 393, SB 433, SB 443, SB 445, SB 446, SB 448, SB 449, SB 455, SB 465, SB 466, SB 469, SB 472, SB 473, SB 474, SB 484, SB 491, SJR 37.**

Correctly engrossed: **HB 121, HB 248, HB 577, HB 617, HB 639, HB 643, HJR 38, SB 117, SB 128, SB 144, SB 182, SB 207, SB 262, SB 274, SB 282, SB 290, SB 321, SB 357, SB 361, SB 482.**

Delivered to the Governor for her approval at 10:10 a.m., March 28, 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.**

Delivered to the Secretary of State at 11:35 a.m., March 28, 1998: **HJR 18.**

AGRICULTURE (Hedges, Chairman): 3/28/2001
SB 389, be concurred in. Report adopted.

EDUCATION (Masolo, Chairman): 3/28/2001
SB 65, be amended as follows:

1. Page 11, line 15.

Strike: "Except" through "when"

Insert: "When"

2. Page 11, line 16.

Following: "20-5-321"

Insert: "(1)(a)"

3. Page 11, line 20.

Following: "TUITION"

Insert: "and transportation"

4. Page 11, line 24.

Strike: "COUNTY"

Insert: "district"

5. Page 11, line 30.

Strike: "COUNTY"

Insert: "district"

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

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FISH, WILDLIFE AND PARKS (Fuchs, Chairman):

3/28/2001

SB 163, be concurred in. Report adopted.

SB 286, be concurred in. Report adopted.

SB 304, be concurred in. Report adopted.

SB 431, be amended as follows:

1. Title, line 5.

Following: "COLLECTION OF"

Insert: "CERTAIN"

2. Title, line 6.

Following: "PROVIDING THAT"

Insert: "CERTAIN"

3. Title, line 7.

Following: "PROVIDING"

Strike: "AN EXCEPTION"

Insert: "EXCEPTIONS"

4. Page 1, line 8.

Insert: "WHEREAS, the Legislature finds it desirable to regulate or manage the collection, harvest, possession, or transportation of nongame wildlife for commercial purposes."

5. Page 1, line 16.

Following: "subspecies of"

Insert: "nongame"

6. Page 2, line 19.

Following: "taking of"

Insert: "certain"

7. Page 2, line 20.

Strike: "Nongame"

Insert: "The following nongame"

Following: "purposes"

Insert: ", except as provided in subsections (3) and (4),"

8. Page 2, line 21.

Following: "department"

Insert: ":(a) northern flying squirrel (*Glaucomys sabrinus*);

(b) pika (*Ochotona princeps*);

(c) pygmy rabbit (*Brachylagus idahoensis*);

(d) amphibians native to the state of Montana; and

(e) reptiles native to the state of Montana"

9. Page 2, line 26.

Following: "(3) The"

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Strike: "provisions of subsection (1) may not be construed to prohibit the"

10. Page 2, line 27.

Following: "viridis"

Strike: "viridis"

Following: "commercial purposes"

Insert: "may not be regulated under this section"

11. Page 2, line 27 through line 29.

Strike: "However" on line 27 through "regulated." on line 29

12. Page 2, line 30.

Insert: "(4) This section does not prohibit:

(a) outfitting for the shooting of nongame wildlife;

(b) payment by a landowner to an individual for shooting or removing nongame wildlife; or

(c) the use of byproducts of nongame wildlife in fishing flies, jewelry, or other handicrafts."

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

SB 437, be amended as follows:

1. Title, line 6 through line 9.

Following: "ISSUANCE OF" on line 6

Strike: remainder of line 6 through "ISSUANCE OF" on line 9

2. Title, line 11.

Following: "PROVIDING"

Insert: "AN IMMEDIATE"

Following: "EFFECTIVE"

Strike: "DATES"

Insert: "DATE"

3. Page 1, line 15 through page 3, line 20.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

4. Page 3, line 30.

Following: "87-1-225."

Insert: "A landowner may not charge a fee to a hunter using a license obtained pursuant to this section."

5. Page 4, line 6.

Following: "offered"

Strike: "first"

Following: "hunters"

Strike: "who"

6. Page 4, line 7.

Strike: "received" through "year"

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Insert: "in a manner prescribed by the department"

7. Page 4, line 9.

Strike: "on a first-come, first-serve basis"

8. Page 4, line 16.

Strike: "[Sections 1 through 3] are"

Insert: "[Section 1] is"

9. Page 4, line 18.

Strike: "[sections 1 through 3]"

Insert: "[section 1]"

10. Page 4, line 20.

Following: "Effective"

Strike: "dates"

Insert: "date"

Strike: "(1) Except as provided in subsection (2), [this]"

Insert: "[This]"

11. Page 4, line 22.

Strike: subsection (2) in its entirety

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

STATE ADMINISTRATION (Walters, Chairman):

3/28/2001

SB 289, be concurred in. Report adopted.

SB 396, be amended as follows:

1. Page 1, line 27.

Following: "~~two-fifths~~"

Insert: "each of at least"

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

SB 397, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 4
Report No. 1, March 26, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 4** (reference copy - salmon) and recommend this Conference Committee report be adopted.

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And, recommend that **Senate Bill 4** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 8.

Following: "EMPLOYEES;"

Insert: "SPECIFYING THE STATUS OF TEMPORARY EMPLOYEES;"

2. Page 2, line 14.

Following: "STATUS;"

Insert: "An employee who is hired on a temporary basis not to exceed 12 months for a specific assignment or project is presumed to be a probationary employee for the entire period of the temporary assignment or project."

For the Senate:

Grimes, Chairman
Cocchiarella
DePratu

For the House:

Gallus
Shockley

MESSAGES FROM THE SENATE

SB 65 - The Senate acceded to the request of the House and herewith transmits **SB 65** for reconsideration:

3/27/2001

House bills concurred in and returned to the House:

3/27/2001

HB 190, introduced by Witt

HB 408, introduced by Schmidt

House joint resolutions concurred in and returned to the House:

3/27/2001

HJR 24, introduced by Wanzenried

HJR 29, introduced by Carney

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

3/27/2001

HB 254, introduced by Davies

HB 454, introduced by P. Clark

HB 463, introduced by Lee

HB 492, introduced by P. Clark

HB 563, introduced by P. Clark

HB 620, introduced by Devlin

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments:

3/27/2001

HJR 31, introduced by Schmidt

MESSAGES FROM THE GOVERNOR

March 27, 2001

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

Dear Representative McGee:

Please be informed that I have signed **House Bill 27** sponsored by Representative Musgrove, **House Bill 129** sponsored by Representative Bales, **House Bill 134** sponsored by Representative Facey, **House Bill 241** sponsored by Representative B. Thomas, and **House Bill 351** sponsored by Representative Olson et al. on March 27, 2001.

Sincerely,

JUDY MARTZ
Governor

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

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

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

SB 221 - Representative R. Brown moved **SB 221** be concurred in.

SB 221 - Representative R. Brown moved **SB 221**, second reading copy, be amended as follows :

1. Page 2, line 20.

Following: "~~home health care,~~"

Insert: "home health care,"

Following: "care;"

Insert: ", "

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, 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, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 94

Noes: None.

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Total 0

Excused: Gillan, Masolo.

Total 2

Absent or not voting: Eggers, Mangan, Sliter, Younkin.

Total 4

SB 221 - Representative Price moved **SB 221**, second reading copy, be further amended as follows :

1. Page 2, line 18.

Strike: "or"

2. Page 2, line 21.

Following: "rehabilitation"

Insert: "; or (i) the construction, development, or other establishment of a facility for ambulatory surgical care through an outpatient center for surgical services in a county with a population of 20,000 or less according to the most recent federal census or estimate"

Amendment **adopted** as follows:

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

Total 95

Noes: Golie, Hurdle.

Total 2

Voted Absentee: Masolo, Aye.

Excused: Gillan.

Total 1

Absent or not voting: Bookout-Reinicke, Mangan.

Total 2

Motion that **SB 221**, as amended, be concurred in carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gillan, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Masolo, Matthews, McCann,

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McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Schrumpf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Witt, Wolery, Younkin, Mr. Speaker.

Total 79

Noes: Bookout-Reinicke, Buzzas, Callahan, Carney, Eggers, Galvin-Halcro, Golie, Harris, Hurdle, Kaufmann, Keane, Lee, Mangan, Musgrove, Rome, Schmidt, Tramelli, Tropila, Wanzenried, Whitaker.

Total 20

Voted Absentee: Gillan, Masolo, Ayes.

Excused: None.

Total 0

Absent or not voting: Somerville.

Total 1

HB 650 - Representative Younkin excused at this time.

HB 650 - Representative Mood moved **HB 650** do pass. Motion carried as follows:

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

Total 100

Noes: None.

Total 0

Voted Absentee: Gillan, Masolo, Younkin, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 69 - Representative McCann moved **HB 69** 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, Erickson, Esp, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich,

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Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, 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, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 95

Noes: Eggers, Hurdle, Musgrove, Wanzenried.

Total 4

Voted Absentee: Gillan, Masolo, Younkin, Ayes.

Excused: None.

Total 0

Absent or not voting: Fisher.

Total 1

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

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

Total 91

Noes: Eggers, Wanzenried.

Total 2

Excused: Gillan, Masolo, Younkin.

Total 3

Absent or not voting: Gallik, Lenhart, Mangan, Tropila.

Total 4

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

House recessed at 12:54 p.m.

House reconvened at 1:30 p.m. All members present, except Representatives Gillan, Masolo, and Younkin excused. Quorum present.

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FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Curtiss, Chairman): 3/28/2001
SB 243, be amended as follows:

1. Page 10, line 26.

Following: "provider"

Insert: "that is not a cooperative utility"

2. Page 11, line 14.

Following: "~~distribution~~"

Strike: "~~Distribution~~"

Insert: "Public utility -- distribution"

Following: "utility's"

Insert: "public utility's"

3. Page 11, line 23 through line 24.

Strike: "FROM" on line 23 through "OBLIGATION." on line 24

4. Page 11, line 25.

Strike: "THE DEFAULT SUPPLIER"

Insert: "an electricity supplier that has failed to meet its obligation"

5. Page 16, line 2 through line 4.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

6. Page 17, line 13 through line 14.

Strike: "All default"

Insert: "Default"

Strike: "the" on line 13 through the first "rate" on line 14

Insert: "rates"

Following: "electricity" on line 14

Insert: "supply as determined by the commission"

7. Page 18, line 5.

Strike: "JUST AND REASONABLE"

Insert: "commission-approved"

8. Page 18, line 10.

Following: "PERIOD"

Insert: ", including recognition of the time value of money on the undercollection or overcollection,"

9. Page 18, line 24 through line 26.

Strike: "THE DEFAULT" on line 24 through "PURPOSES." on line 26

Insert: "If the default supplier does not acquire the supply or service by competitive bid, the commission shall review the costs based on a reasonableness standard."

10. Page 18, line 27.

Strike: "WHETHER TO ENTER"

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Following: "SUPPLIER"

Insert: "and the commission"

11. Page 19, line 6.

Strike: "THE COMMISSION CONSIDERS RELEVANT"

Insert: "can be objectively shown to materially affect the price of the default supplier's energy supply or the reliability of the supply"

12. Page 19.

Following: line 6

Insert: "(9) The commission may review the prudence of the procurement process. However, because market changes subsequent to the signing of a contract cannot be anticipated at the time of signing, market changes may not be considered by the commission as part of a future evaluation of the contract."

Renumber: subsequent subsections

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

HUMAN SERVICES (Thomas, Chairman):

3/28/2001

SB 477, introduced bill, be amended as follows:

1. Title, line 6.

Following: "PHYSICIAN"

Insert: "OR ADVANCED PRACTICE REGISTERED NURSE"

2. Title, line 7.

Strike: "AND"

Following: "PHYSICIAN'S"

Insert: "OR ADVANCED PRACTICE REGISTERED NURSE'S"

3. Title, line 8.

Following: "DEVICE"

Insert: "; AND GRANTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES RULEMAKING AUTHORITY"

4. Page 1, line 18.

Strike: "has been declared incompetent or"

5. Page 1, line 19.

Following: "decisions"

Insert: "because the resident has a communication barrier or has been found by a physician to be medically incapable of granting informed consent, as provided in [section 3]"

6. Page 1, lines 20 and 21.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

7. Page 1, line 22.

Strike: "conservator or"

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8. Page 1, line 23.

Strike: ", either generally or"

9. Page 2.

Following: line 5

Insert: "(2) "Long-term care facility" means a licensed facility that provides skilled nursing care or intermediate nursing care or that is a personal-care facility, as defined in 50-5-101."

Renumber: subsequent subsections

10. Page 2.

Following: line 7

Insert: "(4) "Physician" includes an advanced practice registered nurse to the extent permitted by federal law."

Renumber: subsequent subsections

11. Page 2, line 8.

Following: ""Resident""

Strike: remainder of line 8

Insert: "means a person who lives in a long-term care facility."

12. Page 3, line 1.

Following: "enforcement"

Insert: "-- rulemaking authority

Following: "."

Insert: "(1) The department is granted rulemaking authority for the purposes of implementing [sections 1 through 5]."

Renumber: subsequent subsections

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

JUDICIARY (Shockley, Chairman):

3/28/2001

SB 489, be amended as follows:

1. Title, page 1, line 6.

Strike: "REQUIRING"

Insert: "ALLOWING"

2. Title, page 1, line 7.

Strike: "MUST"

3. Title, page 1, line 10.

Strike: "45-2-101,"

Strike: "AND"

Following: "61-8-731,"

Insert: "AND 61-8-732,"

4. Title, page 1, line 11.

Strike: "A DELAYED"

Insert: "AN"

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5. Page 1, line 24 through page 11, line 15.

Strike: section 1 in its entirety

Renumber: subsequent sections

6. Page 12, line 29.

Strike: "(a)"

7. Page 13, line 2.

Strike: "(i)"

Insert: "(a)"

8. Page 13, line 3 through line 6.

Strike: "for" on line 3 through end of line 6

Insert: "for a term of 13 months. The court shall order that if the person successfully completes a residential alcohol treatment program operated or approved by the department of corrections, the remainder of the 13-month sentence must be served on probation. The imposition or execution of the 13-month sentence may not be deferred or suspended, and the person is not eligible for parole.

(b) sentencing the person to either the department of corrections or the Montana state prison or Montana women's prison for a term of not more than 5 years, all of which must be suspended, to run consecutively to the term imposed under subsection (1)(a); and"

9. Page 13, line 7.

Strike: "(iii)"

Insert: "(c)"

10. Page 13, line 8 through line 9.

Strike: subsection (b) in its entirety

11. Page 13, line 25.

Following: "department"

Insert: "of corrections"

Strike: "(1)(a)(i)"

Insert: "(1)(a)"

12. Page 13, line 26.

Following: "department"

Insert: "of corrections"

13. Page 15, line 6.

Insert: "**Section 3.** Section 61-8-732, MCA, is amended to read:

"61-8-732. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- assessment, education, and treatment required. (1) In addition to the punishments provided in 61-8-714, 61-8-722, and 61-8-731, regardless of disposition, a defendant convicted of a violation of 61-8-401 or 61-8-406 shall complete:

(a) a chemical dependency assessment;

(b) a chemical dependency education course; and

(c) on a second or subsequent conviction for a violation of 61-8-401 or 61-8-406, except a fourth or subsequent conviction for which the defendant completes a residential alcohol treatment program under 61-8-731(2),

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or as required by subsection (8) of this section, chemical dependency treatment.

(2) The sentencing judge may, in the judge's discretion, require the defendant to complete the chemical dependency assessment prior to sentencing the defendant. If the assessment is not ordered or completed before sentencing, the judge shall order the chemical dependency assessment as part of the sentence.

(3) The chemical dependency assessment and the chemical dependency education course must be completed at a treatment program approved by the department of public health and human services and must be conducted by a certified chemical dependency counselor. The defendant may attend a treatment program of the defendant's choice as long as the treatment services are provided by a certified chemical dependency counselor. The defendant shall pay the cost of the assessment, the education course, and chemical dependency treatment.

(4) The assessment must describe the defendant's level of addiction, if any, and contain a recommendation as to education, treatment, or both. A defendant who disagrees with the initial assessment may, at the defendant's cost, obtain a second assessment provided by a certified chemical dependency counselor or a program approved by the department of public health and human services.

(5) The treatment provided to the defendant at a treatment program must be at a level appropriate to the defendant's alcohol or drug problem, or both, as determined by a certified chemical dependency counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services. Upon determination, the court shall order the defendant's appropriate level of treatment. If more than one counselor makes a determination as provided in this subsection, the court shall order an appropriate level of treatment based upon the determination of one of the counselors.

(6) Each counselor providing education or treatment shall, at the commencement of the education or treatment, notify the court that the defendant has been enrolled in a chemical dependency education course or treatment program. If the defendant fails to attend the education course or treatment program, the counselor shall notify the court of the failure.

(7) A court or counselor may not require attendance at a self-help program other than at an "open meeting", as that term is defined by the self-help program. A defendant may voluntarily participate in self-help programs.

(8) Chemical dependency treatment must be ordered for a first-time offender convicted of a violation of 61-8-401 or 61-8-406 upon a finding of chemical dependency made by a certified chemical dependency counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services.

(9) (a) On a second or subsequent conviction, the treatment program provided for in subsection (5) must be followed by monthly monitoring for a period of at least 1 year from the date of admission to the program.

(b) If a defendant fails to comply with the monitoring program imposed under subsection (9)(a), the court shall revoke the suspended sentence, if any, impose any remaining portion of the suspended sentence, and may include additional monthly monitoring for up to an additional 6 months.""

Renumber: subsequent sections

14. Page 15, line 9.

Strike: "2"

Insert: "1"

15. Page 15, line 11.

Strike: "2"

Insert: "1"

16. Page 15, line 12.

Insert: "(3) If Senate Bill No. 483 and [this act] are both passed and approved, then Senate Bill No. 483 is void."

17. Page 15, line 13.

Strike: "January 1, 2002"

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Insert: "July 1, 2001"

18. Page 15, line 15.

Following: "61-8-731"

Insert: "for offenses committed"

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

LOCAL GOVERNMENT (Noennig, Chairman):
SB 138, be amended as follows:

3/28/2001

1. Title, line 7.

Following: "~~2-7-503~~,"

Insert: "2-7-503,"

2. Page 2, line 2.

Strike: "(1)"

3. Page 2, line 5 through line 6.

Strike: subsection (2) in its entirety

4. Page 2, line 26 through line 27.

Strike: "Subject" on line 26 through "the" on line 27

Insert: "The"

5. Page 3, line 12.

Following: "offices,"

Insert: "and"

Strike: ", special districts, and special authorities"

6. Page 3, line 17.

Strike: "other" through "towns"

7. Page 10, line 11.

Strike: "county" through "available"

Insert: "district court fund budget as soon as the preliminary county budget is prepared pursuant to [section 20].

(2) The district court may recommend changes to any part of the district court fund budget that the court considers to be necessary for it to discharge its obligations under the law. Any recommendations must be made at the hearing on the preliminary budget held pursuant to [section 24]"

Renumber: subsequent subsection

8. Page 12, line 26.

Following: "body"

Insert: ", "

Strike: the second "and"

Following: "official"

Insert: ", and the district courts"

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9. Page 17.

Following: line 22

Insert: "**Section 34.** Section 2-7-503, MCA, is amended to read:

"2-7-503. Financial reports and audits of local government entities -- exception. (1) The governing body or managing or executive officer of a local government entity, other than a school district or associated cooperative, shall ensure that a financial report is made every year. A school district or associated cooperative shall comply with the provisions of 20-9-213. The financial report must cover the preceding fiscal year, be in a form prescribed by the department, and be completed within 6 months of the end of the reporting period. The local government entity shall submit the financial report to the department for review.

(2) The department shall prescribe a uniform reporting system for all local government entities subject to financial reporting requirements, other than school districts. The superintendent of public instruction shall prescribe the reporting requirements for school districts.

(3) (a) The governing body or managing or executive officer of each local government entity receiving revenue or financial assistance in the period covered by the financial report in excess of \$200,000 shall cause an audit to be made at least every 2 years. The audit must cover the entity's preceding 2 fiscal years. The audit must commence within 9 months from the close of the last fiscal year of the audit period. The audit must be completed and submitted to the department for review within 1 year from the close of the last fiscal year covered by the audit.

(b) The governing body or managing or executive officer of a local government entity that does not meet the criteria established in subsection (3)(a) shall at least once every 4 years, if directed by the department, or, in the case of a school district, if directed by the department at the request of the superintendent of public instruction, cause a financial review, as defined by department rule, to be conducted of the financial statements of the entity for the preceding fiscal year.

(4) An audit conducted in accordance with this part is in lieu of any financial or financial and compliance audit of an individual financial assistance program that a local government is required to conduct under any other state or federal law or regulation. If an audit conducted pursuant to this part provides a state agency with the information that it requires to carry out its responsibilities under state or federal law or regulation, the state agency shall rely upon and use that information to plan and conduct its own audits or reviews in order to avoid a duplication of effort.

(5) In addition to the audits required by this section, the department may at any time conduct or contract for a special audit or review of the affairs of any local government entity referred to in this part. The special audit or review must, to the extent practicable, build upon audits performed pursuant to this part.

(6) The fee for the special audit or review must be a charge based upon the costs incurred by the department in relation to the special audit or review. The audit fee must be paid by the local government entity to the state treasurer and must be deposited in the enterprise fund to the credit of the department.

~~(7) Subsections (1) through (3) do not apply to a local government entity that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."~~

Renumber: subsequent sections

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

SB 241, be amended as follows:

1. Page 2, line 3.

Following: "A"

Insert: "different"

2. Page 2, line 4.

Following: "commissioners."

Insert: "The citizen members must be appointed by the board of county commissioners to 2-year staggered terms, with

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one member initially appointed to a 2-year term and the remaining member initially appointed to a 1-year term."

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

SB 333, be concurred in. Report adopted.

SB 407, be concurred in. Report adopted.

SB 429, be amended as follows:

1. Title, page 1, line 6.

Strike: "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 1, line 14.

Strike: "51"

Insert: "60"

3. Page 1, line 16.

Strike: "51"

Insert: "60"

4. Page 2, line 1 through line 4.

Strike: section 3 in its entirety

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

STATE ADMINISTRATION (Walters, Chairman):

3/28/2001

SJR 12, be amended as follows:

1. Page 2, line 1.

Strike: "and"

2. Page 2, line 2.

Following: "Pros"

Insert: "; and

(h) the statue of General Thomas Francis Meagher"

3. Page 2.

Following: line 6

Insert: "(4) That the plaque commemorating Montana's centennial be permanently placed in the Capitol in a location to be determined by the Department of Administration upon consultation with the Capitol Complex Advisory Council.

(5) That the plaque commemorating Montana's women legislators be permanently placed in the Capitol in a location to be determined by the Department of Administration upon consultation with the Capitol Complex Advisory Council."

Renumber: subsequent subsections

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

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TAXATION (Story, Chairman):

3/28/2001

HB 623, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "EMPLOYEES;"

Insert: "PROVIDING LIMITATIONS TO THE CREDIT;"

2. Title, page 1, line 11.

Following: "DATE"

Insert: ", "

Strike: "AND"

3. Title, page 1, line 12.

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

4. Page 1, line 24 through line 26.

Strike: "full-time" on line 24 through "preceding" on line 26

Insert: "dependents that the day-care facility is designed to accommodate at"

5. Page 1, line 28.

Strike: "50%"

Insert: "15%"

6. Page 1, line 30.

Strike: "\$100,000"

Insert: "\$50,000"

7. Page 2, line 13.

Following: "credit"

Insert: "or any carryforward amount of the credit"

8. Page 2, line 15.

Following: "credit"

Insert: "or any carryforward amount of the credit"

9. Page 2, line 20.

Strike: "2007"

Insert: "2006"

10. Page 3, line 1.

Strike: "If"

Insert: "Except as provided in subsections (4)(a) and (4)(b), if"

11. Page 3, line 12.

Following: "."

Insert: "Upon request of the department, the department of public health and human services shall report to the department on whether the day-care facility was operated as a licensed or registered day-care facility on the

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last day of the tax year of the person claiming the credit."

12. Page 4, line 19.

Strike: "50%"

Insert: "25%"

13. Page 4, line 20.

Strike: "\$2,500"

Insert: "\$1,575"

14. Page 5, line 1.

Strike: "50%"

Insert: "25%"

15. Page 6.

Following: line 19

Insert: "NEW SECTION. Section 8. Termination. [This act] terminates December 31, 2005."

And, as amended, do pass. Report adopted.

SB 398, be amended as follows:

1. Title, line 6.

Following: "DATE"

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

2. Page 4, lines 2 and 3.

Strike: "10 megawatts or less and used exclusively" on line 2

Insert: "not more than 125 megawatts at 90 degrees Fahrenheit ambient air temperature"

Following: "electricity" on line 2

Strike: remainder of line 2 through "facility" on line 3

3. Page 4, line 4.

Following: " . "

Insert: "The permit application must be accompanied by an application fee of \$100 for a temporary power generation unit with a generation capacity of more than 10 megawatts. At least 50% of the electrical energy produced by the temporary power generation unit must be used in or offered for sale in Montana at prices that do not exceed 6 cents per kilowatt hour."

4. Page 4, line 17.

Following: "issued"

Insert: "under this part and"

Following: "to"

Insert: "the provisions of"

5. Page 4, line 18.

Strike: "that the department received the permit application"

Insert: "of issuance"

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6. Page 4, line 21.

Insert: "(13) Construction for a temporary power generation unit may commence upon the department's written notice as provided for in subsection (12)(c)(i)."

7. Page 4, line 23.

Insert: "NEW SECTION. Section 3. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to applications filed on or after January 1, 2001."

Insert: "NEW SECTION. Section 4. Termination. [This act] terminates July 1, 2005."

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

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

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

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

HB 646 - Representative Golie moved **HB 646** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, 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, Masolo, Younkin, Ayes.

Excused: None.

Total 0

Absent or not voting: Sliter.

Total 1

HB 632 - Representative Mood moved **HB 632** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Esp, Facey, Fuchs, Gallik, Gallus, Gillan, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson,

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Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, 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 79

Noes: Branae, Buzzas, Callahan, Carney, Dell, Erickson, Fisher, Forrester, Fritz, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jayne, Kasten, Kaufmann, Lee, Lindeen, Mangan, Musgrove.

Total 21

Voted Absentee: Gillan, Masolo, Younkin, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 640 - Representative Sliter moved consideration of **HB 640** be placed at the top of the second reading board. Motion carried.

Representative Younkin present at this time.

HB 640 - Representative McGee moved **HB 640** do pass. Motion carried as follows:

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

Total 61

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, K. Peterson, Raser, Schmidt, Tramelli, Wanzenried.

Total 39

Voted Absentee: Masolo, Aye; Gillan, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter assumed the chair.

Representative Gillan present at this time.

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HB 600 - Representative R. Brown moved consideration of **HB 600** be placed at the top of the second reading board. Motion carried.

HB 600 - Representative Bookout-Reinicke moved **HB 600** do pass. Motion carried as follows:

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

Total 100

Noes: None.

Total 0

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 636 - Representative R. Brown moved consideration of **HB 636** be placed at the top of the second reading board. Motion carried.

HB 636 - Representative Fuchs moved **HB 636** do pass.

Representative Newman moved for cloture. Motion carried.

Motion that **HB 636** do pass failed as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Fisher, Fuchs, Gillan, Haines, Hedges, Himmelberger, Jackson, Laible, Lawson, Lehman, Lewis, Lindeen, Mangan, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Sliter, Thomas, Vick, Waddill, Waitschies, Whitaker, Witt, Younkin, Mr. Speaker.

Total 48

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Laszloffy, Lee, Lenhart, Masolo, McCann, Musgrove, Newman, Price, Raser, Schmidt, Schruppf, Shockley, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Walters, Wanzenried, Wolery.

Total 50

Voted Absentee: Masolo, No.

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Excused: None.
Total 0

Absent or not voting: Adams, Davies.
Total 2

HB 121 - Representative Mood moved **HB 121** do pass.

HB 121 - Representative Waddill moved **HB 121**, second reading copy, be amended as follows :

1. Title, page 1, line 6.

Strike: "2002"

Insert: "2001"

2. Title, page 1, lines 8 and 9.

Strike: "FOR SCHOOL FISCAL YEAR 2002,"

3. Title, page 1, line 10.

Strike: "\$18,818"

Insert: "\$18,966"

4. Title, page 1, line 11.

Strike: "\$209,090"

Insert: "\$210,738"

5. Title, page 1, line 13.

Strike: "\$3,819"

Insert: "\$3,850"

6. Title, page 1, line 14.

Strike: "\$5,090"

Insert: "\$5,130"

7. Title, page 1, line 15.

Following: "YEARS"

Insert: "BEGINNING ON OR"

Following: "2002,"

Insert: "CONTINGENTLY"

8. Title, page 1, line 17.

Strike: "\$19,096"

Insert: "\$19,819"

9. Title, page 1, line 18.

Strike: "\$212,180"

Insert: "\$220,221"

10. Title, page 1, line 19.

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Strike: "\$3,876"

Insert: "\$4,023"

11. Title, page 1, line 21.

Strike: "\$5,165"

Insert: "\$5,361"

Following: " ;"

Insert: "PROVIDING THAT THE INCREASES FOR SCHOOL FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2002, ARE CONTINGENT ON PASSAGE OF SENATE BILL NO. 495 AND VOTER APPROVAL OF AN INCREASE IN THE CIGARETTE AND TOBACCO PRODUCT TAXES IN SENATE BILL NO. 119;"

12. Title, page 1, line 23.

Following: "A"

Insert: "CONTINGENT"

13. Page 2, line 19.

Strike: "\$209,090"

Insert: "\$210,738"

14. Page 2, line 20.

Strike: "\$18,818"

Insert: "\$18,966"

15. Page 2, line 24.

Strike: "\$18,818"

Insert: "\$18,966"

16. Page 2, line 26.

Strike: "\$209,090"

Insert: "\$210,738"

17. Page 3, line 8.

Strike: "\$5,090"

Insert: "\$5,130"

18. Page 3, line 12.

Strike: "\$3,819"

Insert: "\$3,850"

19. Page 3, line 18.

Strike: "\$3,819"

Insert: "\$3,850"

20. Page 3, line 21.

Strike: "\$5,090"

Insert: "\$5,130"

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21. Page 3, line 25 through page 5, line 21.

Strike: section 2 in its entirety

Renumber: subsequent sections

22. Page 7, line 23.

Following: line 22

Insert: "NEW SECTION. Section 2. Coordination instruction. If Senate Bill No. 495 is passed and approved and if Senate Bill No. 119 is approved by the electorate, then section 20-9-306, MCA, must read as follows:

"Section 2. Section 20-9-306, MCA, is amended to read:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "BASE" means base amount for school equity.
- (2) "BASE aid" means:
 - (a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and
 - (b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.
- (3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.
- (4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.
- (5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.
- (6) "Basic entitlement" means:
 - (a) ~~\$206,000~~ \$220,221 for each high school district;
 - (b) ~~\$18,540~~ \$19,819 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and
 - (c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:
 - (i) ~~\$18,540~~ \$19,819 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus
 - (ii) ~~\$206,000~~ \$220,221 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.
- (7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.
- (8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.
- (9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.
- (10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:
 - (a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,361 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;
 - (b) for an elementary school district or a K-12 district elementary program without an approved and

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accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$4,023 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,763~~ \$4,023 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,361 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB. ""

Renumber: subsequent sections

23. Page 7, line 27.

Strike: "[SECTION 2]"

Insert: "If Senate Bill No. 495 is passed and approved and if Senate Bill No. 119 is approved by the electorate, then the amendment to 20-9-306 contained in [section 2 of this act]"

24. Page 8, line 3.

Strike: "DATE"

Insert: "-- contingency"

Strike: "[SECTION 1]"

Insert: "If Senate Bill No. 495 is passed and approved and if Senate Bill No. 119 is approved by the electorate, [section 1]"

Amendment **adopted** as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, 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, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, Musgrove, Newman, Noennig, Olson, A. Peterson, Raser, Ripley, Schmidt, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Wolery, Younkin.

Total 55

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

Total 45

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Motion that **HB 121**, as amended, do pass carried as follows:

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

Total 80

Noes: Adams, Balyeat, Buzzas, Esp, Fisher, Fuchs, Himmelberger, Jackson, Juneau, Kasten, Laible, Laszloffy, Smith, Steinbeisser, Story, Vick, Walters, Whitaker.

Total 18

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Davies, Lewis.

Total 2

HB 58 - Representative R. Brown moved consideration of **HB 58** be placed at the top of the second reading board.

Representative Erickson made a substitute motion that consideration of **HB 58** be placed at the bottom of the second reading board. Motion failed as follows:

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

Total 48

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

Total 49

Excused: Masolo.

Total 1

Absent or not voting: Schrupf, Younkin.

Total 2

Representative Erickson withdrew his motion. Motion carried.

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HB 58 - Representative Golie moved consideration of **HB 58** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

Representative Fuchs reassumed the chair.

HB 639 - Representative Barrett moved **HB 639** do pass.

HB 639 - Representative Story moved **HB 639**, second reading copy, be amended as follows :

1. Page 20, line 19.

Insert: "**NEW SECTION. Section 29. Coordination instruction.** (1) If Senate Bill No. 23 and [this act] are both passed and approved and both bills amend 30-9-545, then 30-9-545 must read as follows:

"**Section 14.** Section 30-9-545, MCA, is amended to read:

"**30-9-545. (Effective July 1, 2001) Fees.** (1) Except as otherwise provided in subsection ~~(5)~~ (2), the fee for each of the following must be set and deposited by the secretary of state as prescribed in [section 1 of House Bill No. 639]:

(a) filing and indexing a record under this part, other than an initial financing statement ~~of the kind described in 30-9-522(3), filed in connection with a public-finance transaction or a manufactured-home transaction must be commensurate with costs and must be established by rule;~~

~~(2) Except as otherwise provided in subsection (5), the fee for~~

(b) filing and indexing an initial financing statement of the kind described in 30-9-522(3) ~~must be commensurate with costs and must be established by rule.~~

~~(3) The number of names required to be indexed does not affect the amount of the fees in subsections (1) and (2).~~

~~(4) The fee for; and~~

(c) responding to a request for information from the filing office, including for communicating whether there is on file any financing statement naming a particular debtor, ~~must be commensurate with costs and must be established by rule.~~

~~(5)(2) This section does not require a fee with respect to a record of mortgage that is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under 30-9-522(3). However, the recording and satisfaction fees that otherwise would be applicable to the record of mortgage apply."~~

(2) If Senate Bill No. 122 and [this act] are both passed and approved:

(a) and both bills amend 35-15-201, then 35-15-201 must read as follows:

"**Section 25.** Section 35-15-201, MCA, is amended to read:

"**35-15-201. Incorporation.**(1) Whenever ~~any number of persons, not less than three or more than seven, may two or more persons~~ desire to ~~become incorporated~~ incorporate as a cooperative association for the purpose of trade or of ~~prosecuting~~ carrying out any branch of industry or the purchase and distribution of commodities for consumption or in the borrowing or lending of money among members for industrial purposes, ~~they~~ the persons shall ~~make~~ prepare a statement to that effect ~~under their hands setting~~ that also sets forth:

(a) the name of the proposed ~~corporation~~ cooperative association;

(b) its capital stock;

(c) its location;

(d) the duration of the association; and

(e) the particular branch or branches of industry ~~which they~~ that the association intend intends to ~~prosecute~~ carry

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out.

(2) In addition to ~~provisions~~ the items required in subsection (1), the statement of incorporation may also contain provisions not inconsistent with ~~law regarding~~ the liability provisions as set forth in 35-1-216.

(3) The statement, accompanied by the required filing fee, set and deposited in accordance with [section 1 of House Bill No. 639], ~~shall~~ must be filed in the office of the secretary of state as the articles of incorporation of the association. ~~The~~ After receiving the statement and the fee, the secretary of state shall ~~thereupon~~ issue to such the persons forming the association a license as commissioners to open books for subscription to the capital stock of ~~such corporation, the association~~ at such a time and place as they that the persons forming the association may determine, for which he shall receive the fee of \$20."

(b) and both bills amend section 35-15-205, then 35-15-205 must read as follows:

"**Section 26.** Section 35-15-205, MCA, is amended to read:

"**35-15-205. Amendment of articles of incorporation -- fee.** At any time after the filing of the certificate of complete organization, the articles of incorporation may be amended. Any amendment of the articles of incorporation ~~shall first~~ must be first approved by two-thirds of the directors and then adopted by a vote of not less than two-thirds of those stockholders voting ~~thereon on the issue~~ at any regular meeting of the stockholders or at a special meeting of the stockholders called for that purpose. A certificate setting forth ~~such the~~ amendment shall must be executed on behalf of the association by its president or ~~vice-president~~ vice president and its ~~corporate seal affixed thereto and~~ attested to by its secretary. ~~Such~~ The certificate shall must be filed in the office of the secretary of state, who shall ~~thereupon~~ issue a certificate of amendment of the articles of incorporation, for which he the secretary of state shall must receive the sum of \$10, and ~~thereupon a certified copy of such certificate shall be filed in the office of the county clerk in which the principal office of the association is located a fee that is set and deposited in accordance with [section 1 of House Bill No. 639].~~"

Renumber: subsequent section

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Matthews, McCann, McKenney, Mood, Musgrove, 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 90

Noes: None.

Total 0

Excused: Masolo.

Total 1

Absent or not voting: Bitney, P. Clark, Cyr, Fuchs, Gillan, Jent, Lindeen, Mangan, Newman.

Total 9

Motion that **HB 639**, as amended, do pass carried as follows:

Ayes: Andersen, Bales, 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,

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Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, 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, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.

Total 90

Noes: Adams, Balyeat, Facey, Fisher, Gallus, Kasten, Laslovich, Smith, Vick, Whitaker.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Representative Fuchs made a substitute motion that **HB 636** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

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

Total 55

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

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Vick, Chairman):
SB 326, be amended as follows:

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1. Title, page 1, line 10 and line 11.

Following: "FUNDING;" on line 10

Strike: "REQUIRING" on line 10 through "COMMITTEE;" on line 11

2. Title, page 1, line 12.

Following: "FUNDS"

Insert: "ANNUALLY"

Following: "ACCOUNT"

Insert: "AND ONE TIME FROM THE RESOURCE INDEMNITY TRUST FUND"

3. Title, page 2, line 3 through line 5.

Strike: "SELLER AGENT" on line 3 through "SIZE" on line 5

Insert: "PERSON OWNING PROPERTY THAT IS OFFERED FOR SALE TO NOTIFY THE OWNER'S AGENT AND THE PURCHASER OF THE EXISTENCE OR POTENTIAL EXISTENCE OF NOXIOUS WEEDS ON THE PROPERTY"

4. Title, page 2, line 7.

Following: "EMERGENCIES;"

Insert: "DIRECTING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO SPEND A PERCENTAGE OF MONEY IN THE HUNTER MANAGEMENT PROGRAM AND THE HUNTING ACCESS ENHANCEMENT PROGRAM ON DEPARTMENTAL WEED CONTROL PROGRAMS;"

5. Title, page 2, line 8.

Following: "7-22-2111,"

Insert: "7-22-2116,"

6. Title, page 2, line 9.

Strike: "37-51-313,"

7. Title, page 2, line 11.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

8. Page 5, line 3.

Following: "funds."

Insert: "(1)"

9. Page 5.

Following: line 5

Insert: "(2) There is a one-time transfer in fiscal year 2003 of up to \$500,000 from the resource indemnity trust fund, as provided in 15-38-202, from the first money paid into the resource indemnity trust fund that exceeds \$100 million for the purposes provided in [section 3]."

10. Page 5, line 9.

Strike: "60% of"

11. Page 5, line 13 through line 15.

Strike: subsection (2) in its entirety

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Renumber: subsequent subsection

12. Page 8, line 1.

Insert: "**Section 8.** Section 7-22-2116, MCA, is amended to read:

"7-22-2116. Unlawful to permit noxious weeds to propagate --notice required in sale. (1) It is unlawful for any person to permit any noxious weed to propagate or go to seed on ~~his~~ the person's land, except that any person who adheres to the noxious weed management program of ~~his~~ the person's weed management district or who has entered into and is in compliance with a noxious weed management agreement is considered to be in compliance with this section.

(2) When property is offered for sale, the person who owns the property shall notify the owner's agent and the purchaser of the existence or potential existence of noxious weeds on the property offered for sale."

Renumber: subsequent sections

13. Page 27, line 17 through page 30, line 21.

Strike: section 18 in its entirety

Renumber: subsequent sections

14. Page 37, line 24.

Insert: "**NEW SECTION. Section 26. Expenditure of program funds on weed control.** The legislature recognizes that the hunter management and hunting access enhancement programs in 87-1-265 through 87-1-267 have successfully encouraged landowners to increase public access to private lands for purposes of hunting, but that increased public access may also contribute to an increase in the spread of noxious weeds on public and private lands. Therefore, in an effort to improve management and services related to those programs, the department may offer up to 5% in additional incentive payments to landowners who agree to use those payments for specific weed management activities on lands under their control."

Renumber: subsequent sections

15. Page 38, line 9.

Insert: "(4) [Section 26] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 26]."

16. Page 38.

Following: line 10

Insert: "**NEW SECTION. Section 29. Termination.** [Section 26] terminates March 1, 2006."

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

BUSINESS AND LABOR (McKenney, Chairman):

3/28/2001

SB 322, be amended as follows:

1. Title, page 1, line 13.

Following: "~~MCA;~~"

Insert: "DEPOSITING A PORTION OF THE RESOURCE INDEMNITY AND GROUND WATER ASSESSMENT TAXES IN THE NATURAL RESOURCE WORKERS' TUITION SCHOLARSHIP ACCOUNT; AMENDING 15-38-106, MCA;"

2. Page 2, line 2.

Strike: "5"

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Insert: "6"

3. Page 2, line 13.

Strike: "5"

Insert: "6"

4. Page 3, line 3.

Following: "annual"

Insert: "annual"

5. Page 3, line 5.

Following: "6]"

Insert: "from the natural resource workers' tuition scholarship account established in [section 6]"

6. Page 3, line 11.

Following: "account"

Insert: "from the natural resource workers' tuition scholarship account"

7. Page 8, line 15.

Following: line 14

Insert: "NEW SECTION. Section 6. Natural resource workers' tuition scholarship account -- proration of tuition scholarships.

(1) There is a natural resource workers' tuition scholarship account in the state special revenue fund provided for in 17-2-102.

(2) Money allocated from the resource indemnity and ground water assessment taxes under 15-38-106 must be deposited into the account to the credit of the department of labor and industry to fund tuition scholarships awarded pursuant to [sections 1 through 5] and to pay costs associated with administering the scholarship program. The department shall transfer funds to the adult education account in the office of public instruction, to the appropriate fund in a community college or tribal college located in Montana, or to the appropriate tuition fund in the appropriate unit of the university system.

(3) Money on deposit in the account may not revert to the general fund at the close of any fiscal year. After the initial allocation of money from 15-38-106 in the first year following [the effective date of this section], the amount of money allocated under 15-38-106 at the beginning of each succeeding fiscal year may be only the amount necessary to restore the balance of the scholarship to \$150,000.

(4) If funds appropriated are not adequate to provide the maximum allowable tuition scholarships to each eligible individual, the tuition scholarships must be prorated for all eligible individuals, using a percentage reduction adopted by the department of labor and industry."

Insert: "**Section 7.** Section 15-38-106, MCA, is amended to read:

"15-38-106. (Temporary) Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter must be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax must be paid to the department at the time that the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall, in accordance with the provisions of 15-1-501, deposit in the following order:

(a) 50% of the proceeds of the tax in the resource indemnity trust fund of the nonexpendable trust fund type;

(b) \$300,000 of the ~~remaining~~ proceeds of the resource indemnity and ground water assessment taxes in the ground water assessment account established by 85-2-905;

(c) 50% of the remaining proceeds in the reclamation and development grants account established by 90-2-1104; and

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(d) all remaining proceeds in the orphan share account established in 75-10-743.

(3) Each person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(4) The department shall examine the statement and compute the taxes to be imposed, and the amount computed by the department is the tax imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess must be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer.

15-38-106. (Effective on occurrence of contingency) Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter must be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax must be paid to the department at the time that the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall, in accordance with the provisions of 15-1-501, deposit in the following order:

(a) \$366,000 of the proceeds of the resource indemnity and ground water assessment taxes in the ground water assessment account established by 85-2-905;

(b) \$150,000 of the proceeds of the resource indemnity and ground water assessment taxes in the natural resource workers' tuition scholarship account established in [section 6] for the first fiscal year following [the effective date of this section] and for succeeding fiscal years, the amount required under [section 6(3)];

~~(b)(c)~~ 50% of the remaining proceeds in the orphan share account established in 75-10-743; and

~~(c)(d)~~ all remaining proceeds in the reclamation and development grants account established by 90-2-1104, for the purpose of making grants to be used for mineral development reclamation projects.

(3) Each person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(4) The department shall examine the statement and compute the taxes to be imposed, and the amount computed by the department is the tax imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess must be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer.""

Renumber: subsequent sections

8. Page 8, line 15.

Strike: "5"

Insert: "6"

9. Page 8, line 16.

Strike: "5"

Insert: "6"

10. Page 8, line 18 through line 21.

Strike: section 7 in its entirety

11. Page 8, line 26.

Strike: ", 2001"

Insert: "immediately following the date that the governor by executive order certifies to the secretary of state that the resource indemnity trust fund balance has reached \$100 million and applies to the then-current academic year"

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12. Page 9, line 2.

Strike: "[This act]" through "2006."

Insert: "(1) [Sections 6(2) and 7] terminate on June 30, 5 years after [the effective date provided in section 9(1)].

(2) [Sections 1 through 5, 6(1), 6(3), and 6(4) terminate on June 30, 6 years after [the effective date provided in section 9(1)]."

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

SB 339, be amended as follows:

1. Page 20, line 11.

Following: "(2)."

Insert: "Prior to and during the development of an agreement, the department shall ensure the participation of the tribal government in the development of a plan for any county that serves an Indian reservation."

2. Page 40, line 11.

Insert: "NEW SECTION. Section 44. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa."

Renumber: subsequent sections

3. Page 40, line 16.

Following: "INSTRUCTION."

Insert: "(1)"

4. Page 40.

Following: line 19

Insert: "(2) If Senate Bill No. 77 is passed and approved and if it includes a section amending or repealing 53-2-613, then [section 24 of this act], amending 53-2-613, is void."

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

NATURAL RESOURCES (Younkin, Chairman):

3/28/2001

SB 377, be amended as follows:

1. Title, line 8.

Strike: "REQUIRING"

Insert: "PROVIDING"

Following: "THAT"

Strike: "ADMINISTRATIVE OR"

2. Title, line 9.

Following: "ACT"

Strike: "BE BROUGHT"

Insert: "MAY ONLY BE BROUGHT IN DISTRICT COURT OR FEDERAL COURT"

3. Title, line 10.

Following: "ACTION;"

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Strike: "AMENDING SECTION 75-1-201, MCA"

Insert: "PROVIDING AN EXCEPTION TO PERMITTING TIME LIMITS IF BOARD REVIEW OF CERTAIN AGENCY DECISIONS IS REQUESTED; AMENDING SECTIONS 75-1-201, 75-2-211, 75-2-218, 75-10-922, 75-20-216, 75-20-231, 76-4-125, 82-4-122, 82-4-231, 82-4-337, AND 82-4-432, MCA"

4. Page 2, line 4.

Following: "(4)"

Insert: "(a)"

5. Page 2, line 8.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

6. Page 2, line 11.

Strike: "365"

Insert: "180"

7. Page 2.

Following: line 11

Insert: "(b) The period of time between the request for a review by a board and the completion of a review by a board under [section 1(5) of Senate Bill No. 408, section 1(1)(b)(iv)(C)(III) of House Bill No. 459,] or subsection (10) of this section may not be included for the purposes of determining compliance with the time limits established for conducting an environmental review under this subsection or the time limits established for permitting in 75-2-211, 75-2-218, 75-10-922, 75-20-216, 75-20-231, 76-4-125, 82-4-122, 82-4-231, 82-4-337, and 82-4-432."

8. Page 3, line 12 through line 15.

Strike: "THE PERIOD" on line 12 through "SECTION." on line 15

9. Page 4, line 4.

Strike: ", UNLESS OTHERWISE PROVIDED BY LAW,"

Insert: ", for the purpose of complying with this part,"

10. Page 4, line 6.

Following: "application"

Strike: remainder of line 6

Insert: "sufficient for the agency to approve the application under the applicable statutes and rules."

11. Page 4, line 11.

Strike: "an"

Insert: "a state"

12. Page 4, line 13.

Following: "environment"

Insert: "as required under this part"

13. Page 4, line 15.

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Following: "involves"

Insert: "state agency-initiated actions on"

14. Page 7, line 3.

Following: "ACTION"

Insert: "and may only be brought in district court or in federal court, whichever is appropriate"

15. Page 7, line 6 through line 8.

Strike: subsection (b) in its entirety

Renumber: subsequent subsection

16. Page 7, line 9.

Following: "(4)(a)"

Strike: "that is brought before a district court"

17. Page 7.

Following: line 10

Insert: "**Section 4.** Section 75-2-211, MCA, is amended to read:

"75-2-211. Permits for construction, installation, alteration, or use. (1) The board shall by rule provide for the issuance, modification, suspension, revocation, and renewal of a permit issued under this part.

(2) ~~Not~~ Except as provided in [section 1(4)(b)], not later than 180 days before construction, installation, or alteration begins or as a condition of use of any machine, equipment, device, or facility that the board finds may directly or indirectly cause or contribute to air pollution or that is intended primarily to prevent or control the emission of air pollutants, the owner or operator shall file with the department the appropriate permit application on forms available from the department.

(3) The permit program administered by the department pursuant to this section must include the following:

- (a) requirements and procedures for permit applications, including standard application forms;
- (b) requirements and procedures for submittal of information necessary to determine the location, quantity, and type of emissions;

- (c) procedures for public notice and opportunity for comment or public hearing, as appropriate;
- (d) procedures for providing notice and an opportunity for comment to contiguous states and federal agencies, as appropriate;

- (e) requirements for inspection, monitoring, recordkeeping, and reporting;
- (f) procedures for the transfer of permits;
- (g) requirements and procedures for suspension, modification, and revocation of permits by the department;
- (h) requirements and procedures for appropriate emission limitations and other requirements, including enforceable measures necessary to ensure compliance with those limitations and requirements;
- (i) requirements and procedures for permit modification and amendment; and
- (j) requirements and procedures for issuing a single permit authorizing emissions from similar operations at multiple temporary locations, which permit may include conditions necessary to ensure compliance with the requirements of this chapter at all authorized locations and a requirement that the owner or operator notify the department in advance of each change in location.

(4) This section does not restrict the board's authority to adopt regulations providing for a single air quality permit system.

(5) Department approval of an application to transfer a portable emission source from one location to another is exempt from the provisions of 75-1-201(1).

(6) The department may, for good cause shown, waive or shorten the time required for filing the appropriate applications.

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(7) The department shall require that applications for permits be accompanied by any plans, specifications, and other information that it considers necessary.

(8) An application is not considered filed until the applicant has submitted all fees required under 75-2-220 and all information and completed application forms required pursuant to subsections (2), (3), and (7) of this section. If the department fails to notify the applicant in writing within 30 days after the purported filing of an application that the application is incomplete and fails to list the reasons why the application is considered incomplete, the application is considered filed as of the date of the purported filing.

(9) (a) ~~If Except as provided in [section 1(4)(b)],~~ if an application for a permit requires the preparation of an environmental impact statement under the Montana Environmental Policy Act, Title 75, chapter 1, parts 1 through 3, the department shall notify the applicant in writing of the approval or denial of the application within:

(i) 180 days after the department's receipt of a filed application, as provided in subsection (8), if the department prepares the environmental impact statement;

(ii) 30 days after issuance of the final environmental impact statement by the lead agency if a state agency other than the department has been designated by the governor as lead agency for preparation of the environmental impact statement; or

(iii) if the application is for a machine, equipment, a device, or a facility at an operation that requires a permit under Title 82, chapter 4, part 1, 2, or 3, 30 days of issuance of the final environmental impact statement in accordance with time requirements of Title 82, chapter 4, part 1, 2, or 3.

(b) If an application does not require the preparation of an environmental impact statement, the department shall notify the applicant in writing within 60 days after its receipt of a filed application, as provided in subsection (8), of its approval or denial of the application. The time for notification may be extended for 30 days by written agreement of the department and the applicant. Additional 30-day extensions may be granted by the department on request of the applicant. Notification of approval or denial may be served personally or by certified mail on the applicant or the applicant's agent.

(c) If an application for a permit is for the construction, installation, alteration, or use of a source that is also required to obtain a license pursuant to 75-10-221 or a permit pursuant to 75-10-406, the department shall act on the permit application within the time period provided for in 75-2-215(3)(e).

(d) Failure by the department to act in a timely manner does not constitute approval or denial of the application. This does not limit or abridge the right of any person to seek available judicial remedies to require the department to act in a timely manner.

(10) When the department approves or denies the application for a permit under this section, a person who is jointly or severally adversely affected by the department's decision may request a hearing before the board. The request for hearing must be filed within 15 days after the department renders its decision and must include an affidavit setting forth the grounds for the request. The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing before the board under this subsection.

(11) The department's decision on the application is not final unless 15 days have elapsed from the date of the decision and there is no request for a hearing under this section. The filing of a request for a hearing postpones the effective date of the department's decision until the conclusion of the hearing and issuance of a final decision by the board.""

Insert: "Section 5. Section 75-2-218, MCA, is amended to read:

"75-2-218. Permits for operation -- application completeness -- action by department -- application shield -- review by board. (1) An application for an operating permit or renewal is not considered filed until the department has determined that it is complete. An application is complete if all fees required under 75-2-220 and all information and completed application forms required under 75-2-217 have been submitted. A complete application must contain all of the information required for the department to begin processing the application. If the department fails to notify the applicant in writing within 60 days after submittal of an application that the application is incomplete and fails to list the reasons why the application is considered incomplete, the application is considered filed on the date of the department's receipt of the application. The department may request additional information after a completeness

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determination has been made. The department shall adopt rules that contain criteria for use in determining both when an application is complete and when additional information is required after a completeness determination has been made.

(2) Except as provided in [section 1(4)(b)] and subsection (3) of this section, the department shall, consistent with the procedures established under 75-2-217, approve or disapprove a complete application for an operating permit or renewal and shall issue or deny the permit or renewal within 18 months after the date of filing. Failure of the department to act in a timely manner does not constitute approval or denial of the application. This does not limit or abridge the right of any person to seek available judicial remedies to require the department to act in a timely manner.

(3) The board may by rule provide for a transition schedule for both the submittal to the department of initial applications for operating permits by existing sources and action by the department on these initial permit applications. The board may require that one-third of all operating permit applications required for existing sources be submitted within the first calendar year after the adoption of rules implementing an operating permit program under 75-2-217. Any transition schedule for action by the department must ensure that all permit applications required under 75-2-217 and this subsection for existing sources will be acted upon by the department before November 15, 1997.

(4) If an applicant submits a timely and complete application for an operating permit, the applicant's failure to hold a valid operating permit is not a violation of 75-2-217. If an applicant submits a timely and complete application for an operating permit renewal, the expiration of the applicant's existing operating permit is not a violation of 75-2-217. The applicant shall continue to be subject to the terms and conditions of the expired operating permit until the operating permit is renewed and is subject to the application of 75-2-217. The applicant is not entitled to the protection of this subsection if the delay in final action by the department on the application results from the applicant's failure to submit in a timely manner information requested by the department to process the application.

(5) Except as provided in subsection (8), if the department approves or denies an application for an operating permit or the renewal, modification, or amendment of a permit under 75-2-217 and this section, any person that participated in the public comment process required under 75-2-217(7) may request a hearing before the board. The request for hearing must be filed within 30 days after the department renders its decision and must include an affidavit setting forth the grounds for the request. The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing before the board under this subsection.

(6) Except as provided in subsection (8), the department's decision on any application is not final until 30 days have elapsed from the date of the decision and there is no request for a hearing under this section. The filing of a request for hearing postpones the effective date of the department's decision until the conclusion of the hearing and issuance of a final decision by the board.

(7) The requirements of subsections (5) and (6) apply to any action initiated by the department to suspend, revoke, modify, or amend an operating permit issued under this section.

(8) The denial by the department of an application under 75-2-217 and this section is not subject to review by the board or judicial review if the basis for denial is the written objection of the appropriate federal agency acting pursuant to the federal Clean Air Act, 42 U.S.C. 7401, et seq.

(9) Compliance with an operating permit granted or renewed under 75-2-217 and this section is considered to be in compliance with the requirements of this chapter only if the permit expressly includes those requirements or an express determination that those requirements are not applicable. This subsection does not apply to general permits provided for under 75-2-217.""

Insert: "Section 6. Section 75-10-922, MCA, is amended to read:

"75-10-922. Study, evaluation, and report on proposed facility. (1) After receipt of an application, the department shall within 90 days notify the applicant in writing that:

(a) the application is accepted as complete; or
(b) the application is not complete and list the deficiencies. Upon correction of these deficiencies and resubmission by the applicant, the department shall within 30 days notify the applicant in writing that the application is in compliance and is accepted as complete.

(2) Upon receipt of an application complying with 75-10-913, 75-10-914, and 75-10-916 through 75-10-922,

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the department shall commence an intensive study and evaluation of the proposed facility and its effects, considering all applicable criteria listed in 75-10-929. The department shall use, to the extent it considers applicable, valid and useful existing studies and reports submitted by the applicant or compiled by a state or federal agency.

(3) ~~Within~~ Except as provided in [section 1(4)(b)], within 1 year following acceptance of a complete application for a facility, the department shall make a report to the board that must contain the department's studies, evaluations, recommendations, other pertinent documents resulting from its study and evaluation, and an environmental impact statement or analysis prepared pursuant to the Montana Environmental Policy Act, Title 75, chapter 1, if applicable."

Insert: "Section 7. Section 75-20-216, MCA, is amended to read:

"75-20-216. Study, evaluation, and report on proposed facility -- assistance by other agencies. (1) After receipt of an application, the department shall within 60 days notify the applicant in writing that:

(a) the application is in compliance and is accepted as complete; or

(b) the application is not in compliance and shall list the deficiencies. Upon correction of these deficiencies and resubmission by the applicant, the department shall within 30 days notify the applicant in writing that the application is in compliance and is accepted as complete.

(2) Upon receipt of an application complying with 75-20-211 through 75-20-213, 75-20-215, and this section, the department shall commence an intensive study and evaluation of the proposed facility and its effects, considering all applicable criteria listed in 75-20-301, and shall issue a decision, opinion, order, certification, or permit as provided in subsection (3). The department shall use, to the extent that it considers applicable, valid and useful existing studies and reports submitted by the applicant or compiled by a state or federal agency.

(3) Except as provided ~~for~~ in [section 1(4)(b)] and 75-20-231, the department shall issue within 1 year following the date of acceptance of an application any decision, opinion, order, certification, or permit required under the laws, other than those contained in this part, administered by the department. A decision, opinion, order, certification, or permit, with or without conditions, must be made under those laws. Nevertheless, the department retains authority to make the determination required under 75-20-301(1)(c) or (3). The decision, opinion, order, certification, or permit must be used in the final site selection process. Prior to the issuance of a preliminary decision by the department and pursuant to rules adopted by the department, the department shall provide an opportunity for public review and comment.

(4) Except as provided in [section 1(4)(b)] and 75-20-231, within 1 year following acceptance of an application for a facility, the department shall issue a report that must contain the department's studies, evaluations, recommendations, other pertinent documents resulting from its study and evaluation, and an environmental impact statement or analysis prepared pursuant to the Montana Environmental Policy Act, if any. If the application is for a combination of two or more facilities, the department shall issue its report within the greater of the lengths of time provided for in this subsection for either of the facilities.

(5) For projects subject to joint review by the department and a federal land management agency, the department's certification decision may be timed to correspond to the record of decision issued by the participating federal agency.

(6) The departments of transportation; commerce; fish, wildlife, and parks; natural resources and conservation; revenue; and public service regulation shall report to the department information relating to the impact of the proposed site on each department's area of expertise. The report may include opinions as to the advisability of granting, denying, or modifying the certificate. The department shall allocate funds obtained from filing fees to the departments making reports to reimburse them for the costs of compiling information and issuing the required report."

Insert: "Section 8. Section 75-20-231, MCA, is amended to read:

"75-20-231. Expedited review. (1) ~~The~~ Except as provided in [section 1(4)(b)], the department shall issue a certification decision within 180 days from the date on which an application is considered complete for a facility that:

(a) is unlikely to result in significant adverse environmental impacts based on the criteria listed in 75-20-232;

or

(b) is presently in existence and proposed for upgrade, reconstruction, or relocation and is unlikely to result

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in significant impacts pursuant to 75-20-232.

(2) A facility that qualifies for expedited review is exempt from undergoing an alternative siting study, except as provided in 75-1-201."

Insert: "Section 9. Section 76-4-125, MCA, is amended to read:

"76-4-125. Review of development plans -- land divisions excluded from review. (1) Plans and specifications of a subdivision, as defined in this part, must be submitted to the reviewing authority, and the reviewing authority shall indicate by certificate that it has approved the plans and specifications and that the subdivision is not subject to a sanitary restriction. The plan review by the reviewing authority must be as follows:

(a) At any time after the developer has submitted an application under the Montana Subdivision and Platting Act, the developer shall present to the reviewing authority a preliminary plan of the proposed development, whatever information the developer feels necessary for its subsequent review, and information required by the reviewing authority.

(b) ~~The~~ Except as provided in [section 1(4)(b)], the reviewing authority shall give final action of the proposed plan within 60 days unless an environmental impact statement is required, at which time this deadline may be increased to 120 days.

(2) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provisions of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:

(a) the exclusions cited in 76-3-201 and 76-3-204;

(b) divisions made for the purpose of acquiring additional land to become part of an approved parcel, provided that a dwelling or structure requiring water or sewage disposal may not be erected on the additional acquired parcel and that the division does not fall within a previously platted or approved subdivision;

(c) divisions made for purposes other than the construction of water supply or sewage and solid waste disposal facilities as the department specifies by rule; and

(d) subject to the provisions of subsection (3), a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer, if:

(i) the remainder is served by a public or multifamily sewage system approved before January 1, 1997, pursuant to local regulations or this chapter; or

(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved pursuant to local regulations or this chapter.

(3) Consistent with the applicable provisions of 50-2-116(1)(i), a local health officer may require that, prior to the transfer of the parcel to be segregated from the remainder referenced in subsection (2)(d)(ii), the remainder include acreage or features sufficient to accommodate a replacement drainfield."

Insert: "Section 10. Section 82-4-122, MCA, is amended to read:

"82-4-122. Application and approval of permit. (1) A person desiring a mine-site location permit shall file with the department an application ~~which shall~~ that must contain a reclamation plan for any preparatory work and ~~such~~ any other information the department ~~deems~~ considers necessary to determine if the proposed area to be affected by the operation is appropriate for the location of a new strip mine or a new underground mine. The department may require any information included in but not limited to an application for a strip-mining permit or underground-mining permit as required by part 2 of this chapter.

(2) ~~The~~ Except as provided in [section 1(4)(b)], the department shall notify the applicant within 365 days of receipt of a complete application if the proposed site is an acceptable location for development of a new strip mine or a new underground mine. If the site is approved, the department shall issue the applicant a mine-site location permit. If the location is not approved, the department shall notify the applicant in writing, setting forth reasons why the location is not acceptable. The department shall also notify the applicant within 365 days of receipt of a complete application whether the proposed reclamation plan is or is not acceptable. If the plan is not acceptable, the department shall set forth the reasons for nonacceptance of the plan. It may propose modifications, delete areas, or reject the entire plan."

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Insert: "Section 11. Section 82-4-231, MCA, is amended to read:

"82-4-231. Submission of and action on reclamation plan. (1) As rapidly, completely, and effectively as the most modern technology and the most advanced state of the art will allow, each operator granted a permit under this part shall reclaim and revegetate the land affected by the operation, except that underground tunnels, shafts, or other subsurface excavations need not be revegetated. Under the provisions of this part and rules adopted by the board, an operator shall prepare and carry out a method of operation, plan of grading, backfilling, highwall reduction, subsidence stabilization, water control, topsoiling, and a reclamation plan for the area of land affected by the operation. In developing a method of operation and plans of backfilling, subsidence stabilization, water control, grading, highwall reduction, topsoiling, and reclamation, all measures ~~shall~~ must be taken to eliminate damages to landowners and members of the public, their real and personal property, public roads, streams, and all other public property from soil erosion, subsidence, landslides, water pollution, and hazards dangerous to life and property.

(2) The reclamation plan ~~shall~~ must set forth in detail the manner in which the applicant intends to comply with this section and 82-4-232 through 82-4-234, as amended, and the steps to be taken to comply with applicable air and water quality laws and rules and any applicable health and safety standards.

(3) The application for permit or major revision of a permit, which ~~shall~~ must contain the reclamation plan, ~~shall~~ must be submitted to the department.

(4) The department shall determine whether the application is administratively complete. An application is administratively complete if it contains information addressing each application requirement in 82-4-222 and the rules implementing that section and all information necessary to initiate processing and public review. The department shall notify the applicant in writing of its determination no later than 90 days after submittal of the application. If the department determines that the application is not administratively complete, it shall specify in the notice those items ~~which that~~ the application must address. The application ~~shall be~~ is presumed administratively complete as to those requirements not specified in the notice.

(5) If the department determines that an environmental impact statement on the application is required, it shall notify the applicant in writing at the same time it gives the applicant notice pursuant to subsection (4).

(6) After the applicant receives notice that the application is administratively complete, the applicant shall publish notice of filing of the application once a week for 4 consecutive weeks in a newspaper of general circulation in the locality of the proposed operation. The department shall notify various local governmental bodies, planning agencies, sewage and water treatment authorities, and water companies in the locality in which the proposed mining will take place of the application and provide a reasonable time for them to submit written comments. Any person having an interest ~~which that~~ is or may be adversely affected or the officer or head of any federal, state, or local governmental agency or authority ~~shall have the right to~~ may file written objections to the proposed initial or revised application for permit or major revision within 30 days of the applicant's published notice. If written objections are filed and an objector requests an informal conference, the department shall hold an informal conference in the locality of the proposed operation within 30 days of receipt of the request. The department shall notify the applicant and all parties to the informal conference of its decision and the reasons ~~therefor~~ for its decision within 60 days of the informal conference. The department may arrange with the applicant upon request by any party to the administrative proceeding for access to the proposed mining area for the purpose of gathering information relevant to the proceeding.

(7) The filing of written objections or a request for an informal conference ~~shall~~ may not preclude the department from proceeding with its review of the application as specified in subsection (8).

(8) (a) The department shall review each administratively complete application and determine the acceptability of the application. During the review, the department may propose modifications to the application or delete areas from the application in accordance with the requirements of 82-4-227. A complete application is considered acceptable when the application is in compliance with all of the applicable requirements of this part and the regulatory program pursuant to this part.

(b) If the applicant significantly modifies the application after the application has been determined administratively complete in accordance with subsection (4), the department shall under this section either deny the application or conduct a new review, including an administrative completeness determination, public notice, and

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objection period.

(c) If an environmental impact statement is determined to be necessary prior to making a permit decision, the department shall complete and publish the final environmental impact statement within 365 days of the date of notice provided pursuant to subsection (5).

(d) ~~Within~~ Except as provided in [section 1(4)(b)], within 120 days after it determines that an application is administratively complete, the department shall notify the applicant in writing whether the application is or is not acceptable. If the application is not acceptable, the department shall set forth the reasons why it is not acceptable, and it may propose modifications, delete areas, or reject the entire application. All items not specified as unacceptable in the department's notification are presumed to be acceptable. ~~If~~ Except as provided in [section 1(4)(b)], if the applicant revises the application in response to a notice of unacceptability, the department shall review the revised application and notify the applicant in writing within 120 days of the date of receipt whether the revised application is acceptable. If the revision constitutes a significant modification under subsection (8)(b), the department shall conduct a new review, beginning with an administrative completeness determination.

(e) When the application is determined to be acceptable, the department shall publish notice of its determination once a week for 2 consecutive weeks in a newspaper of general circulation in the locality of the proposed operation. Any person having an interest that is or may be adversely affected may file a written objection to the determination within 10 days of the department's last published notice. If a written objection is filed and an objector requests an informal conference, the department shall hold an informal conference in the locality of the proposed operation within 20 days of receipt of the request. The department shall notify the applicant and all parties to the informal conference of its decision and the reasons therefor within 10 days of the informal conference.

(f) ~~The~~ Except as provided in [section 1(4)(b)], the department shall prepare written findings granting or denying the permit or major revision application in whole or in part no later than 45 days from the date the application is determined acceptable or from the publication of the final environmental impact statement, whichever occurs later. However, if lands subject to the federal lands program are included in the application for permit or major revision, the department shall prepare and submit written findings to the federal regulatory authority. If the department's decision is to grant the permit, the department shall issue the permit on the date of its written finding or, if any federal concurrence is necessary, on the date when ~~such~~ the concurrence is obtained. If the application is denied, specific reasons for the denial must be set forth in the written notification to the applicant.

(g) If the department fails to act within the times specified in this subsection (8), it shall immediately notify the board in writing of its failure to comply and the reasons for the failure to comply.

(9) The applicant, a landowner, or any person with an interest that is or may be adversely affected by the department's permit decision may within 30 days of that decision submit a written notice requesting a hearing. The notice must contain the grounds upon which the requester contends that the decision is in error. The hearing ~~shall~~ must be held within 30 days of the request. For purposes of a hearing, the department may order site inspections of the area pertinent to the application. The department shall within 20 days of the hearing notify the person who requested the hearing, by certified mail, and all other persons, by regular mail, of the findings and decisions. No person who presided at the informal conference may either preside at the hearing or participate in the decision thereon.

(10) In addition to the method of operation, grading, backfilling, subsidence stabilization, water control, highwall reduction, topsoiling, and reclamation requirements of this part and rules adopted under this part, the operator, consistent with the directives of subsection (1) of this section, shall:

(a) bury under adequate fill all toxic materials, shale, mineral, or any other material determined by the department to be acid producing, toxic, undesirable, or creating a hazard;

(b) as directed by rules seal off tunnels, shafts, or other openings or any breakthrough of water creating a hazard;

(c) impound, drain, or treat all runoff or underground mine waters so as to reduce soil erosion, damage to grazing and agricultural lands, and pollution of surface and subsurface waters;

(d) remove or bury all metal, lumber, and other refuse resulting from the operation;

(e) use explosives in connection with the operation only in accordance with department regulations designed to minimize noise, damage to adjacent lands, and water pollution and ensure public safety and for other purposes;

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(f) adopt measures to prevent land subsidence unless the department approves a plan for inducing subsidence into an abandoned operation in a predictable and controlled manner with measures for grading, topsoiling, and revegetating the subsided land surface. In order for a controlled subsidence plan to be approved, the applicant ~~must~~ is required to show that subsidence will not cause a direct or indirect hazard to any public or private buildings, roads, facilities, or use areas, constitute a hazard to human life or health, or constitute a hazard to domestic livestock or to a viable agricultural operation, or violate any other restrictions the department may consider necessary.

(g) stockpile and protect from erosion all mining and processing wastes until these wastes can be disposed of according to the provisions of this part;

(h) deposit as much stockpiled waste material as possible back into the mine voids upon abandonment in ~~such~~ a manner as to prevent or minimize land subsidence. The remaining waste material ~~shall~~ must be disposed of as provided by this part and the rules of the board.

(i) seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mine workings when no longer needed;

(j) to the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values and achieve enhancement of ~~such~~ those resources where practicable;

(k) minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface water and ground water systems both during and after strip- or underground-coal-mining operations and during reclamation by:

(i) avoiding acid or other toxic mine drainage by such measures as, but not limited to:

(A) preventing or removing water from contact with toxic-producing deposits;

(B) treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses;

(C) casing, sealing, or otherwise managing boreholes, shafts, and wells and keeping acid or other toxic drainage from entering ground and surface waters;

(ii) (A) conducting strip- or underground-mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area, ~~but in no event shall~~ contributions may not be in excess of requirements set by applicable state or federal law;

(B) constructing any siltation structures pursuant to subsection (10)(k)(ii)(A) prior to commencement of strip- or underground-mining operations, ~~such~~ with the structures to be certified by a qualified registered engineer to be constructed as designed and as approved in the reclamation plan;

(iii) cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized and depositing the silt and debris at a site and in a manner approved by the department;

(iv) restoring recharge capacity of the mined area to approximate premining conditions;

(v) avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(vi) preserving throughout the mining and reclamation process the essential hydrologic functions of alluvial valley floors in the arid and semiarid areas of the country; and

(vii) ~~such~~ any other actions as the department may prescribe;

(l) conduct strip- or underground-mine operations in accordance with the approved coal conservation plan;

(m) stabilize and protect all surface areas, including spoil piles, to effectively control air pollution;

(n) seal all auger holes with an impervious and noncombustible material in order to prevent drainage except ~~where~~ when the department determines that the resulting impoundment of water in ~~such~~ the auger holes may create a hazard to the environment or the public health and safety;

(o) develop contingency plans to prevent sustained combustion;

(p) refrain from construction of roads or other access ways up a streambed or drainage channel or in ~~such~~ proximity to ~~such~~ the channel so as to seriously alter the normal flow of water;

(q) meet ~~such~~ other criteria as are necessary to achieve reclamation in accordance with the purposes of this

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part, taking into consideration the physical, climatological, and other characteristics of the site;

(r) with regard to underground mines, eliminate fire hazards and otherwise eliminate conditions which constitute a hazard to health and safety of the public;

(s) locate openings for all new drift mines working acid-producing or iron-producing coal seams in such a manner as to prevent a gravity discharge of water from the mine.

(11) An operator may not throw, dump, pile, or permit the dumping, piling, or throwing or otherwise placing any overburden, stones, rocks, mineral, earth, soil, dirt, debris, trees, wood, logs, or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which a bond has been posted under 82-4-223, as amended, or place the materials described in this section in such a way that normal erosion or slides brought about by natural physical causes will permit the materials to go beyond or outside of that area of land. An operator shall conduct the strip- or underground-mining operation in such a manner as to protect areas outside the permit area."''

Insert: "Section 12. Section 82-4-337, MCA, is amended to read:

"82-4-337. Inspection -- issuance of operating permit -- modification, amendment, or revision. (1) (a) The department shall review all applications for operating permits for completeness within 60 days of receipt of the initial application and within 30 days of receipt of responses to notices of deficiencies. The initial completeness notice must note all deficiency issues, and the department may not in a later completeness notice raise an issue pertaining to the initial application that was not raised in the initial notice. The department may, however, raise any deficiency during the adequacy review pursuant to subsection (1)(b). The department shall notify the applicant concerning completeness as soon as possible. An application is considered complete unless the applicant is notified of any deficiencies within the appropriate review period.

(b) ~~Unless Except as provided in [section 1(4)(b)], unless~~ the review period is extended as provided in this section, the department shall review the adequacy of the proposed reclamation plan and plan of operation within 30 days of the determination that the application is complete or within 60 days of receipt of the application if the department does not notify the applicant of any deficiencies in the application. If the applicant is not notified of deficiencies or inadequacies in the proposed reclamation plan and plan of operation within the time period, the operating permit must be issued upon receipt of the bond as required in 82-4-338 and pursuant to the requirements of subsection (1)(c). The department shall promptly notify the applicant of the form and amount of bond that will be required.

(c) A permit may not be issued until:

(i) sufficient bond has been submitted pursuant to 82-4-338;

(ii) the information and certification have been submitted pursuant to 82-4-335(9); and

(iii) the department has found that permit issuance is not prohibited by 82-4-335(8) or 82-4-341(7).

(d) (i) Prior to issuance of a permit, the department shall inspect the site unless the department has failed to act on the application within the time prescribed in subsection (1)(b). If the site is not accessible because of extended adverse weather conditions, the department may extend the time period prescribed in subsection (1)(b) by not more than 180 days to allow inspection of the site and reasonable review. The department shall serve written notice of extension upon the applicant in person or by certified mail, and any extension is subject to appeal to the board in accordance with the Montana Administrative Procedure Act.

(ii) ~~If Except as provided in [section 1(4)(b)], if~~ the department determines that additional time is needed for analysis to determine whether a detailed environmental impact statement is necessary under 75-1-201, the department and the applicant shall negotiate to extend the period prescribed in subsection (1)(b) by not more than 75 days to permit reasonable analysis. The applicant may by written waiver extend this period.

(iii) ~~If Except as provided in [section 1(4)(b)], if~~ the department determines that additional time is needed to review the application and reclamation plan for a major operation, the department and the applicant shall negotiate to extend the period prescribed in subsection (1)(b) by not more than 365 days in order to permit reasonable review. The applicant may by written waiver extend this time period.

(iv) If the department decides to hire a third-party contractor to prepare an environmental impact statement

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on the application, the department shall prepare a list of no fewer than four contractors acceptable to the department and shall provide the applicant with a copy of the list. The applicant shall provide the department with a list of at least 50% of the contractors from the department's list. The department shall select its contractor from the list provided by the applicant.

(v) Failure of the department to act upon a complete application within the extension period constitutes approval of the application, and the permit must be issued promptly upon receipt of the bond as required in 82-4-338.

(2) The operating permit must be granted for the period required to complete the operation and is valid until the operation authorized by the permit is completed or abandoned unless the permit is suspended or revoked by the department as provided in this part.

(3) The operating permit must provide that the reclamation plan may be modified by the department, upon proper application of the permittee or after timely notice and opportunity for hearing, at any time during the term of the permit and for any of the following reasons:

(a) to modify the requirements so that they will not conflict with existing laws;

(b) when the previously adopted reclamation plan is impossible or impracticable to implement and maintain;

(c) when significant environmental problem situations are revealed by field inspection.

(4) During the term of an operating permit, an operator may apply for an amendment or revision to the permit. The operator may not apply for an amendment to delete disturbed acreage from the permit.

(5) Applications for major amendments must be processed in the same manner as applications for new permits.

(6) Major amendments are those that may significantly affect the environment. Minor amendments are those that will not significantly affect the environment. The board may by rule establish criteria for classification of amendments as major or minor. The rules must establish requirements for the content of applications for amendments and revisions and procedures for processing of minor amendments.

(7) If the department demonstrates that a revision may result in a significant environmental impact that was not previously and substantially evaluated in an environmental impact statement, the application must be processed in the same manner as is provided for new permits. ~~Applications~~ Except as provided in [section 1(4)(b)], applications for minor amendments and other revisions must be processed within 30 days of receipt of an application."

Insert: "Section 13. Section 82-4-432, MCA, is amended to read:

"82-4-432. Application for permit -- contents -- issuance -- amendment. (1) Applications for a permit must be made upon a form furnished by the department. The form must contain the following:

(a) the name of the operator and, if other than the owner of the land, the name and address of the owner;

(b) the type of operation to be conducted;

(c) the volume of earth to be removed, as accurately as the volume may then be estimated, and the volume that has been previously removed, if any;

(d) the location of the operation by legal subdivision, section, township and range, and county;

(e) the date when the operation was or will be commenced; and

(f) a statement that the applicant has the right and power by legal estate owned to mine by opencut mining the lands described.

(2) The application must be accompanied by:

(a) a bond or security meeting the requirements as set out in this part;

(b) a fee of \$50 for an application to mine bentonite, clay, scoria, sand, or gravel;

(c) a statement from the local governing body having jurisdiction over the area to be mined certifying that a proposed sand and gravel opencut mine and its operating and reclamation plans comply with applicable local zoning regulations adopted under Title 76, chapter 2; and

(d) the operator's plan of operation and a complete reclamation plan.

(3) If, prior to applying for a permit, a person notifies the department of the intention to submit an application and requests the department to examine the area to be mined, the department shall cause the area to be examined and make recommendations to the person regarding reclamation. The person may request a meeting with the department.

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The department shall hold a meeting if requested.

(4) ~~Upon~~ Except as provided in [section 1(4)(b)], upon receipt of a complete application containing all items listed in subsections (1) and (2), the department shall, within 30 days, notify the person if it has approved or denied the application. The department may for sufficient cause extend its period of review for an additional 30 days if it notifies the person of the extension prior to the end of the original 30-day period. Upon approval of the application, the department shall issue a permit to the operator that entitles the operator to continue or engage in opencut mining on the land described in the application.

(5) An operator desiring to have a permit amended to cover additional contiguous or nearby land may file an amended application with the department. Upon receipt of the amended application and any additional bond as may be required and upon agreement to the terms of the amendment by the parties, the department may issue an amendment to the original permit covering the additional land described in the amended application without the payment of any additional fee.

(6) An operator may withdraw any land covered by a permit, except affected land, by notifying the department of the withdrawal, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of this part must be reduced proportionately."''

Renumber: subsequent sections

18. Page 7.

Following: line 14

Insert: "NEW SECTION. Section 15. Coordination instruction. (1) If Senate Bill No. 408 is not passed and approved containing language that authorizes a board review of an agency significance determination, then the reference to Senate Bill No. 408 in [section 1(4)(b) of this act] is void.

(2) If House Bill No. 459 is not passed and approved containing language that authorizes a board review of an agency alternative analysis determination, then the reference to House Bill No. 459 in [section 1(4)(b) of this act] is void.

(3) If House Bill No. 473 and [this act] are both passed and approved, then [section 2(3)] of House Bill No. 473, defining "project sponsor", is void.

(4) If House Bill No. 459 and [this act] are both passed and approved, then [section 2(3)] of House Bill No. 459, defining "project sponsor", is void."

Renumber: subsequent section

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

**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 Facey in the chair.

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

HB 636 - Representative Sliter moved consideration of **HB 636** be placed below **HB 644** on the second reading board. Motion carried.

HB 644 - Representative Pattison moved **HB 644** do pass. Motion carried as follows:

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

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Clark, Curtiss, Dale, Davies, Devlin, Fisher, Fuchs, Gallus, Galvin-Halcro, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin.

Total 64

Noes: Balyeat, Bixby, Branae, R. Brown, Buzzas, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Forrester, Fritz, Gallik, Gillan, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Masolo, Mood, Musgrove, Newman, Shockley, Somerville, Vick, Walters, Wanzenried.

Total 35

Voted Absentee: Masolo, No.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 636 - Representative Fuchs moved **HB 636** do pass.

Representative Newman moved for cloture. Motion carried.

Motion that **HB 636** do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Lawson, Lehman, Lewis, Mangan, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Ripley, Rome, Schrumpf, Sliter, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Whitaker, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Bixby, 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, Laszloffy, Lee, Lenhart, Lindeen, Masolo, McCann, Musgrove, Newman, Price, Raser, Schmidt, Shockley, Smith, Somerville, Tramelli, Tropila, Walters, Wanzenried, Wolery.

Total 48

Voted Absentee: Masolo, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 474 - Representative Sliter moved **HB 474** do pass. Motion failed as follows:

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Ayes: Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, P. Clark, Curtiss, Dale, Devlin, Facey, Fuchs, Gallik, Gallus, Hedges, Holden, Hurdle, Jackson, Jacobson, Jent, Keane, Laszloffy, Lawson, Lee, Lehman, Mangan, Masolo, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Sliter, Steinbeisser, Thomas, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 49

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, Clancy, Cyr, Davies, Dell, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Jayne, Juneau, Kasten, Kaufmann, Laible, Laslovich, Lenhart, Lewis, Lindeen, Matthews, Musgrove, K. Peterson, Schmidt, Schrupf, Shockley, Smith, Somerville, Story, Tramelli, Tropila, Vick, Walters, Wanzenried.
Total 51

Voted Absentee: Masolo, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 645 - Representative Mangan moved **HB 645** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, 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, 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, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Witt, Wolery, Younkin, Mr. Speaker.
Total 94

Noes: Fisher, Laszloffy, Somerville, Vick, Waitschies, Whitaker.
Total 6

Voted Absentee: Masolo, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 647 - Representative Gillan moved **HB 647** do pass. Motion carried as follows:

Ayes: Bales, Balyeat, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich,

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Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Mr. Speaker.

Total 74

Noes: Adams, Andersen, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, Curtiss, Dale, Davies, Esp, Fisher, Himmelberger, Kasten, Mood, Pattison, K. Peterson, Schruppf, Shockley, Sliter, Somerville, Story, Walters, Witt.

Total 25

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Younkin.

Total 1

HB 58 - Representative Sliter moved consideration of **HB 58** be placed at the bottom of the second reading board. Motion carried.

HB 623 - Representative Mangan moved **HB 623** do pass. Motion carried as follows:

Ayes: Andersen, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, P. Clark, Curtiss, Cyr, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Schmidt, Schruppf, Sliter, Smith, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Witt.

Total 69

Noes: Adams, Bales, Balyeat, Barrett, R. Brown, E. Clark, Dale, Davies, Dell, Devlin, Esp, Jackson, Kasten, Keane, Laible, Laszloffy, Pattison, K. Peterson, Rice, Ripley, Rome, Shockley, Somerville, Steinbeisser, Story, Thomas, Vick, Walters, Wolery, Mr. Speaker.

Total 30

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Younkin.

Total 1

Representative Sliter moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Facey made a motion that the Committee of the Whole report be adopted.

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Representative Sliter made a substitute motion that **HB 474** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

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

Total 58

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hurdle, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Raser, Schmidt, Smith, Tramelli, Tropila, Walters, Wanzenried.

Total 40

Excused: Masolo.

Total 1

Absent or not voting: Devlin.

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 248 passed as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, 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, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Esp, Fuchs, Kasten, Somerville, Vick.

Total 6

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Bixby, E. Clark.

Total 2

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HB 357 passed as follows:

Ayes: Andersen, Bales, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, Callahan, Clancy, E. Clark, Curtiss, Dale, Dell, Devlin, Eggers, Fuchs, Haines, Hedges, Himmelberger, Holden, Jayne, Laible, Laslovich, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schruppf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tropila, Whitaker, Witt, Younkin, Mr. Speaker.

Total 52

Noes: Adams, Balyeat, Barrett, Bixby, Branae, R. Brown, Buzzas, P. Clark, Cyr, Davies, Erickson, Esp, Facey, Fisher, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laszloffy, Lawson, Lenhart, McCann, Musgrove, K. Peterson, Schmidt, Smith, Somerville, Tramelli, Vick, Waddill, Waitschies, Walters, Wanzenried, Wolery.

Total 46

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Carney, Forrester.

Total 2

HB 420 passed as follows:

Ayes: Adams, Andersen, Balyeat, 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, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Pattison, A. 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, Mr. Speaker.

Total 93

Noes: Bales, Barrett, Jayne, Mood, Olson, K. Peterson, Younkin.

Total 7

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 643 passed as follows:

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Ayes: Andersen, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Ripley, Rome, Schmidt, Schrupf, Shockley, Smith, Thomas, Tramelli, Tropila, Vick, Waddill, Wanzenried, Whitaker, Younkin, Mr. Speaker.
Total 73

Noes: Adams, Bales, Balyeat, Barrett, Bitney, D. Brown, Curtiss, Davies, Devlin, Esp, Fisher, Fuchs, Kasten, Laszloffy, Lewis, Olson, Pattison, K. Peterson, Rice, Sliter, Somerville, Steinbeisser, Story, Waitschies, Walters, Witt, Wolery.
Total 27

Voted Absentee: Masolo, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 38 adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, 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, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Masolo, Aye.

Excused: None.
Total 0

Absent or not voting: Kaufmann.
Total 1

SB 117 concurred in as follows:

Ayes: Andersen, 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, Harris, Hedges, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman,

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Lenhart, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Smith, Somerville, Thomas, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Wolery, Younkin.

Total 70

Noes: Adams, Bales, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, Curtiss, Dale, Davies, Esp, Fuchs, Haines, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lewis, McCann, Pattison, Shockley, Sliter, Steinbeisser, Story, Vick, Waitschies, Witt, Mr. Speaker.

Total 30

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 128, as amended by the House, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, 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 99

Noes: None.

Total 0

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: Carney.

Total 1

SB 144 concurred in as follows:

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

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

Total 94

Noes: Balyeat, Curtiss, Eggers, McCann, Somerville, Wanzenried.

Total 6

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 182, as amended by the House, concurred in as follows:

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

Total 100

Noes: None.

Total 0

Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 207, as amended by the House, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, 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 100

Noes: None.
Total 0

Voted Absentee: Masolo, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 262, as amended by the House, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, 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: Masolo, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 274, as amended by the House, concurred in as follows:

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

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Noes: None.
Total 0

Voted Absentee: Masolo, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 282, as amended by the House, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Masolo, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 290 concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, 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, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.
Total 95

Noes: Curtiss, Mr. Speaker.
Total 2

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Voted Absentee: Masolo, Aye.

Excused: None.

Total 0

Absent or not voting: D. Brown, Holden, Pattison.

Total 3

SB 321 concurred in as follows:

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

Total 1

Excused: Masolo.

Total 1

Absent or not voting: Carney.

Total 1

SB 357, as amended by the House, concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, 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, Pattison, 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: Dell, Esp, Somerville.

Total 3

Excused: Masolo.

Total 1

Absent or not voting: None.

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Total 0

SB 361 concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. 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 90

Noes: Eggers, Gallik, Gutsche, Harris, Hurdle, Jayne, Lee, Musgrove, K. Peterson.

Total 9

Excused: Masolo.

Total 1

Absent or not voting: None.

Total 0

SB 482 concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, 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, 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 97

Noes: Harris, Hurdle.

Total 2

Excused: Masolo.

Total 1

Absent or not voting: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

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

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HB 651, introduced by Lewis (by request of the House Appropriations Standing Committee), referred to Appropriations.

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

HJR 41, introduced by Andersen, referred to Education.

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

SB 176, introduced by McNutt (by request of Department of Administration and the Department of Revenue), referred to Appropriations.

SB 338, introduced by Berry, referred to Appropriations.

SB 483, introduced by Christiaens, Beck, Harrington, Zook, referred to Appropriations.

Representative D. Brown excused at this time.

MOTIONS

Representative Sliter moved that the House reconsider its action on **SJR 17** and that it be placed on second reading today. Motion carried.

Representative Gallik moved to suspend the rules for the late drafting and transmittal of a bill. Motion 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, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 44

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

Total 55

Voted Absentee: Bitney, D. Brown, Noes.

Excused: Masolo.

Total 1

Absent or not voting: None.

Total 0

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

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

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

HB 58 - Representative Sliter moved consideration of **HB 58** be placed at the bottom of the second reading board. Motion carried.

HB 474 - Representative Sliter moved **HB 474** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bookout-Reinicke, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Fuchs, Gallik, Hedges, Holden, Jackson, Jacobson, Jent, Kasten, Laible, Laszloffy, Lawson, Lee, Lehman, Lewis, Masolo, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Noes: Balyeat, Bixby, Branae, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Mangan, Matthews, Musgrove, Schmidt, Smith, Tramelli, Tropila, Wanzenried.

Total 41

Voted Absentee: Masolo, Aye.

Excused: Bitney, D. Brown.

Total 2

Absent or not voting: None.

Total 0

SJR 17 - Representative Shockley moved **SJR 17** be adopted. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, 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, Gallik, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Laible, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, 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, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 89

Noes: Fritz, Fuchs, Galvin-Halcro, Gutsche, Keane, Laslovich, Raser, Waddill, Wanzenried.

Total 9

Voted Absentee: D. Brown, R. Brown, Ayes.

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Excused: Bitney, Masolo.
Total 2

Absent or not voting: None.
Total 0

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

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Branae, R. Brown, Brueggeman, Buzzas, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Esp, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Himmelberger, Holden, Jackson, Jayne, Jent, Kasten, Laible, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 70

Noes: Bixby, Callahan, Carney, P. Clark, Eggers, Fritz, Gallik, Gutsche, Harris, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lawson, Musgrove, Schmidt, Smith, Tramelli.
Total 20

Excused: Bitney, D. Brown, Masolo.
Total 3

Absent or not voting: Bookout-Reinicke, Erickson, Forrester, Hedges, Laszloffy, Lee, Vick.
Total 7

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 8:00 a.m., Thursday, March 29, 2001. Motion carried.

House adjourned at 7:55 p.m.

MARILYN MILLER
Chief Clerk of the House

DAN MCGEE
Speaker of the House