



SENATE STANDING COMMITTEE REPORT

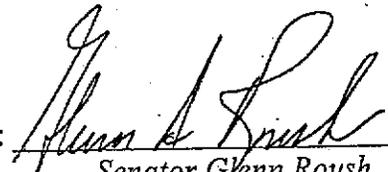
March 24, 2005

Page 1 of 2

Mr. President:

We, your committee on Natural Resources recommend that House Bill 361 (third reading copy -- blue) be concurred in as amended.

Signed:


Senator Glenn Roush, Chair

To be carried by Senator Kelly Gebhardt

And, that such amendments read:

1. Title, line 7.

Strike: "82-4-405,"

2. Page 4, lines 7 through 9.

Strike: section 4 in its entirety

Renumber: subsequent sections

3. Page 4, line 29.

Strike: "and"

4. Page 5, line 1.

Following: "part"

Insert: "; and

(f) assess an annual fee on operators of all permitted opencut mining operations. The annual fee must be paid on all permitted acreage for which final bond release has not been granted. The annual fee is:

(i) \$75 if the permitted acreage is less than or equal to 25 acres;

(ii) \$150 if the permitted acreage is greater than 25 acres and less than or equal to 50 acres;

(iii) \$300 if the permitted acreage is greater than 50 acres and less than or equal to 100 acres; and

Committee Vote:

Yes 9, No 0.

HB 361

650752SC.ssc



SENATE COMMITTEE OF THE WHOLE AMENDMENT

House Bill 361

Senator Kelly Gebhardt

March 29, 2005 1:43 pm

Page 1 of 2

Mr. Chairman:

I move to amend House Bill 361 (second house second reading copy -- tan).

Signed: _____

Kelly Gebhardt

Senator Kelly Gebhardt

And, that such amendments to House Bill 361 (second house second reading copy -- tan) read as follows:

1. Title, line 6.

Strike: "ELIMINATING"

Insert: "REVISING"

2. Title, line 7.

Following: "~~82-4-405,~~"

Insert: "82-4-405,"

3. Title, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

4. Page 4, line 10.

Insert: "Section 4. Section 82-4-405, MCA, is amended to read:

"82-4-405. Inapplicability to government. The Except as provided in 82-4-432, the provisions of this part relating to fees or bonds do not apply to the federal government or its agencies, the state of Montana, counties, cities, or towns."

Renumber: subsequent sections

ADOPT

REJECT

Amendment # HB 361-2

Unofficial vote tally as initially recorded. For official copy, see the journal.

Bill: HB 361 Date: 3/9/2005 Time: 2:59:04 PM
Vote Sequence Number: 017
Motion: 3RD READING D/PASS

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, E Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groes Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLa McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson Parker, Peterson, Raser, Ripley, Roberts, Sales, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 82

Noes: D. Brown, Hawk, Jackson, L. Jones, W. Jones, Koopman, Lake, Maedje, Malcolm, Mendenhall, Milburn, Morgan, Rice, Ross, Sinrud, Wagman, Ward.

Total 17

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

SEQ NO. 1042
REVISION 0

APR 1 2005
2:55 PM

MONTANA SENATE
59th LEGISLATURE
2005 REGULAR SESSION

~~HB 361~~
GEBHARDT
THIRD READING
~~3RD-DO/CONCUR/AMD~~

PRESIDING: TESTER

47 YEAS 3 NAYS 0 NOT VOTING 0 EXCUSED 0 PAIRED

N	BALES	Y	LASLOVICH
Y	BALYEAT	Y	LEWIS
Y	BARKUS	Y	LIND
Y	BLACK	Y	MANGAN
Y	BRUEGGEMAN	Y	MCGEE
Y	COBB	Y	MOSS
Y	COCCHIARELLA	N	ONEIL
Y	COONEY	Y	PEASE
Y	CROMLEY	Y	PERRY
Y	CURTISS	Y	ROUSH
Y	ELLINGSON	Y	RYAN
Y	ELLIOTT	Y	SCHMIDT
N	ESP	Y	SHOCKLEY
Y	ESSMANN	Y	SMITH
Y	GALLUS	Y	SQUIRES
Y	GEBHARDT	Y	STAPLETON
Y	GILLAN	Y	STEINBEISSER
Y	GRIMES	Y	STORY
Y	HANSEN	Y	TASH
Y	HARRINGTON	Y	TOOLE
Y	HAWKS	Y	TROPILA
Y	KEENAN	Y	WEINBERG
Y	KITZENBERG	Y	WHEAT
Y	LAIBLE	Y	WILLIAMS
Y	LARSON	Y	TESTER

Y=YEA N=NAY E=EXCUSED --=ABENT OR NOT VOTING
YP=PAIRED YEA NP=PAIRED NAY Y*=CENTRAL YEA N*=CENTRAL NAY

TO: SENATOR Harrington
FROM: KATHY FABIANO
ASSISTANT SECRETARY TO THE SENATE
RE: CONFERENCE COMMITTEE

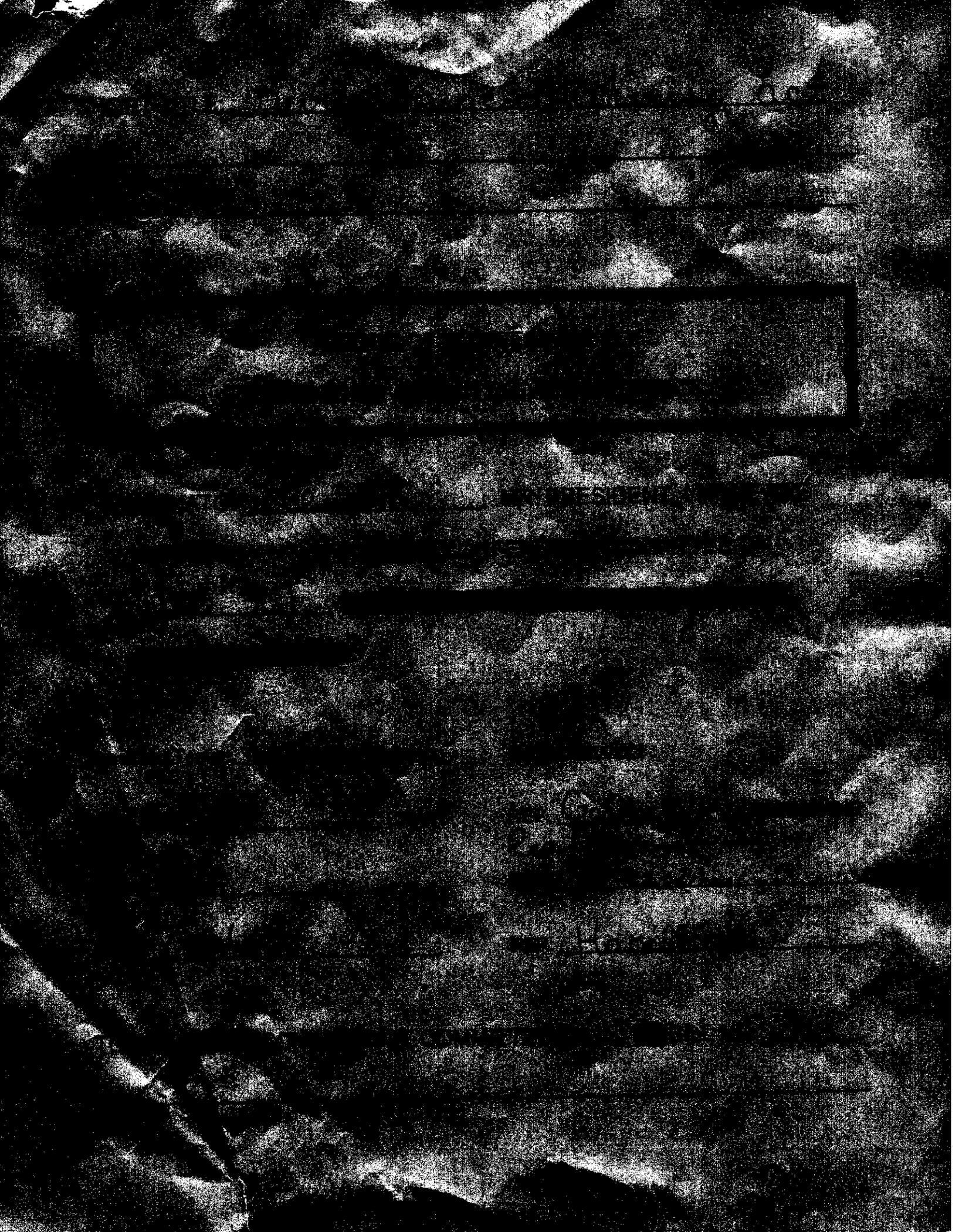
Your secretary for the conference committee on HB 361 will be
Reg Holwick (x 4783) Your staffer for the conference committee
is Christa Lee Evans.

Once you have decided when the committee will meet, please contact the secretary and she will find a room for you. Please try to talk to the secretary before you announce the meeting under order of business #12. I will provide the secretary with a packet containing everything you will need for the committee meeting, including copies of the reference bill and amendments and a copy of the third reading votes in both houses. Meetings must be posted with the Secretary of the Senate's office as usual. Your secretary will notice all committee members and the staffer.

Each house votes separately and a majority of each house is needed to report the bill out of conference committee. If the committee can't reach agreement you may meet again and reconsider your action, dissolve and appoint new members, or dissolve and become a free conference committee.

Please call me at 4840 or stop by my office in room 302 if you have any questions.

Cc: Conference Committee Secretary





Montana Legislative Services Division

Legal Services Office

PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

March 11, 2005

Senator Robert Story
133 Valley Creek Road
Park City, Montana 59063

Dear Senator Story:

I am writing in response to your request for an analysis of the procedure to be used during this session for conference committees. Joint Rule 30-30 provides for conference committees. It provides that if either house requests a conference and appoints a committee for the purpose of discussing an amendment on which the two houses cannot agree, the other house shall appoint a committee for the same purpose. The time and place of all conference committee meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in order at any time. Failure to make this announcement does not affect the validity of the legislation being considered. A conference committee meeting must be conducted as an open meeting, and minutes of the meeting must be kept. A conference committee, having conferred, shall report to the respective houses the result of its conference. A conference committee shall confine itself to consideration of the disputed amendment. The committee may recommend the acceptance or rejection of each disputed amendment in its entirety or further amendment of the disputed amendment. If either house requests a free conference committee and the other house concurs, appointments must be made in the same manner as for a conference committee. A free conference committee may discuss a bill in its entirety and is not confined to a particular amendment. This rule does not specifically require that a conference committee meet and attempt to resolve the differences concerning the disputed amendments prior to appointing a free conference committee. However, section 773 of Mason's Manual of Legislative Procedure (2000) provides that this is the normal procedure.

Senate Rule S30-10(3) provides that the President of the Senate appoints conference committees with the advice of the floor leaders. House Rule H40-220(4) provides that conference committees must be composed of an equal number of members from each political party. The members of conference committees must be appointed by the House Democratic Leader and the House Republican Leader after good faith consultation. Each leader shall appoint the members of the leader's respective party.

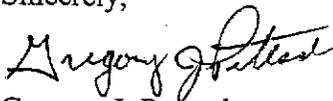
Senate Rule S50-210(3) provides that if the Senate rejects the House amendments to Senate legislation, the Senate may request the House to recede from its amendments or may direct appointment of a conference committee and request the House to appoint a like committee. Senate Rule S50-110 provides that when a conference committee report is filed with the Secretary of the Senate, the report must be read under Order of Business No. 3, select committees, and placed on the calendar the succeeding legislative day for consideration on second reading. If recommended favorably by the Committee of the Whole, it may be considered on third reading the same legislative day. If both the Senate and the House of Representatives

adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the Senate, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained. If the Senate rejects a conference committee report, the committee continues to exist unless dissolved by the President or by motion. The committee may file a subsequent report. A Senate conference committee may confer regarding matters assigned to it with any House conference committee with like jurisdiction and submit recommendations for consideration of the Senate.

The House of Representatives has virtually identical rules governing the purpose and reporting by conference committees. House Rule H40-220(3) provides that if the House rejects the Senate amendments to House legislation, the House may request the Senate to recede from its amendments or may direct appointment of a conference committee and request the Senate to appoint a like committee. House Rule H40-230 provides that when a House conference committee files a report, the report must be announced under Order of Business No. 3. The House may debate and adopt or reject the conference committee report on second reading on any legislative day. The House may reconsider its action in rejecting a conference committee report under rules for reconsideration, contained in H50-160. If both the House and the Senate adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the House, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained. If the House rejects a conference committee report, the committee continues to exist unless dissolved by the Speaker or by motion. The committee may file a subsequent report. A House conference committee may confer regarding matters assigned to it with any Senate conference committee with like jurisdiction and submit recommendations for consideration of the House.

Joint Rule 30-20 provides that because conference committees are joint meetings of separate committees, in those committees the committees from each house vote separately. A majority of each committee is required to agree before any action may be taken, unless otherwise specified by individual house rules. The Senate does not have an individual rule. However, House Rule H40-230(1) provides that a tie vote in a conference committee on the question of a recommendation to the whole House on a matter referred for a conference results in the matter passing out to the whole House for consideration (without recommendation) Joint Rule 30-40 provides that a conference committee report must give clerical instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

Sincerely,



Gregory J. Petesch
Director of Legal Services

CI0429 5070gpxa

Edited
4/13/05

Amendments to House Bill No. 361
Reference Copy

1

Requested by Senator Kelly Gebhardt

For the House Free Conference Committee

Prepared by Krista Lee Evans
April 13, 2005 (9:15am)

1. Page 4, line 13.

Strike: "Except" on line 13 through "the"

Insert: "The"

2. Page 4, line 14.

Strike: "fees or"

3. Page 5, line 7.

Strike: "AND"

4. Page 5, line 8.

Following: "(F)"

Insert: "except as provided in subsection (1)(g),"

5. Page 5.

Following: line 15

(g) beginning January 1, 2011, assess an annual fee on the federal government or its agencies, the state of Montana, counties, cities, or towns if they are the operators of a permitted opencut mining operation. The annual fee must be paid on all permitted acreage. The annual fee is:

(i) \$75 if the permitted acreage is less than or equal to 25 acres;

(ii) \$150 if the permitted acreage is greater than 25 acres and less than or equal to 50 acres;

(iii) \$300 if the permitted acreage is greater than 50 acres and less than or equal to 100 acres; and

(iv) \$600 if the permitted acreage is greater than 100 acres."

6. Page 9, line 23.

Following: "2006"

Insert: ", to be deposited in the state special revenue fund and
used to pay the costs of administering this part"

7. Page 19, line 16.

Strike: "[THIS ACT]"

Insert: "Section 82-4-432(2)(b)"

Strike: "June 30"

Insert: "December 31"

- END -