

**OTHER**

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Amendments to Senate Bill No. 146  
1st Reading Copy

Requested by the Department of Justice  
and the ACLU

For the Senate Judiciary Subcommittee on SB 146

Prepared by Valencia Lane  
(originally prepared by Jackie Lenmark)  
February 7, 2005 (4:33pm)

JACKIE'S  
"CONCEPT"  
amendment  
"FUNDING"  
(Revised)  
2/7/07

1. Title, page 1, line 16 through line 17.  
**Following:** "ACCOUNT;" on line 16  
**Strike:** remainder of line 16 through "FUNDING;" on line 17  
**Insert:** "CHANGING THE LOCAL GOVERNMENT ENTITLEMENT SHARE PAYMENT  
LAW TO COMPENSATE THE STATE FOR LOCAL GOVERNMENT'S SHARE OF  
THE COSTS OF THE STATEWIDE PUBLIC DEFENDER SYSTEM;"
2. Title, page 1, line 22.  
**Following:** "3-5-901,"  
**Insert:** "7-6-2426, 15-1-121,"
3. Title, page 1, line 26.  
**Following:** "53-24-302,"  
**Insert:** "53-30-110,"
4. Page 14, line 20 through page 16, line 12.  
**Strike:** section 14 in its entirety  
**Renumber:** subsequent sections
5. Page 22, line 6.  
**Following:** line 5  
**Insert:** "Section 19. Section 7-6-2426, MCA, is amended to read:  
"7-6-2426. Enumeration of county charges. (1) The following  
are county charges:  
(a) charges incurred against the county by virtue of any  
provision of this title;  
(b) one-half of the salary of the county attorney and all  
expenses necessarily incurred by the county attorney in criminal  
cases arising within the county, except as provided in subsection  
(2);  
(c) the salary and actual expenses for traveling, when on  
official duty, allowed by law to sheriffs and the compensation  
allowed by law to constables for executing process on persons  
charged with criminal offenses;  
(d) the board of prisoners confined in jail;  
(e) the accounts of the coroner of the county for services  
that are provided by law;

(f) all charges and accounts for services rendered by any justice of the peace for services in the examination or trial of persons charged with crime as provided for by law;

(g) the necessary expenses incurred in the support of county hospitals and poorfarms and in the support of the indigent sick and the otherwise dependent poor whose support is chargeable to the county;

(h) the contingent expenses necessarily incurred for the use and benefit of the county;

(i) every other sum directed by law to be raised for any county purpose under the direction of the board of county commissioners or declared to be a county charge.

(2) The costs of subsection (1)(b) arising from the criminal prosecution of escape or of an offense committed in the state prison must be paid by the department of corrections office of state public defender as provided in 53-30-110."

{Internal References to 7-6-2426: None.}"

**Insert:** "Section 20. Section 15-1-121, MCA, is amended to read:

"15-1-121. **Entitlement share payment -- appropriation.** (1) The amount calculated pursuant to this subsection is each local government's base entitlement share. The department shall estimate the total amount of revenue that each local government received from the following sources for the fiscal year ending June 30, 2001:

(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(b) vehicle and boat taxes and fees pursuant to:

(i) Title 23, chapter 2, part 5;

(ii) Title 23, chapter 2, part 6;

(iii) Title 23, chapter 2, part 8;

(iv) 61-3-317;

(v) 61-3-321;

(vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001;

(vii) Title 61, chapter 3, part 7;

(viii) 5% of the fees collected under 61-10-122;

(ix) 61-10-130;

(x) 61-10-148; and

(xi) 67-3-205;

(c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);

(d) district court fees pursuant to:

(i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);

(ii) 25-1-202;

(iii) 25-1-1103;

(iv) 25-9-506;

(v) 25-9-804; and

- (vi) 27-9-103;
- (e) certificate of title fees for manufactured homes pursuant to 15-1-116;
- (f) financial institution taxes pursuant to Title 15, chapter 31, part 7;
- (g) coal severance taxes allocated for county land planning pursuant to 15-35-108;
- (h) all beer, liquor, and wine taxes pursuant to:
- (i) 16-1-404;
- (ii) 16-1-406; and
- (iii) 16-1-411;
- (i) late filing fees pursuant to 61-3-220;
- (j) title and registration fees pursuant to 61-3-203;
- (k) veterans' cemetery license plate fees pursuant to 61-3-459;
- (l) county personalized license plate fees pursuant to 61-3-406;
- (m) special mobile equipment fees pursuant to 61-3-431;
- (n) single movement permit fees pursuant to 61-4-310;
- (o) state aeronautics fees pursuant to 67-3-101; and
- (p) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77, chapter 1, part 5.

(2) (a) From the amounts estimated in subsection (1) for each county government, the department shall deduct fiscal year 2001 county government expenditures for district courts, less reimbursements for district court expenses, and fiscal year 2001 county government expenditures for public welfare programs to be assumed by the state in fiscal year 2002.

(b) The amount estimated pursuant to subsections (1) and (2) (a) is each local government's base year component. The sum of all local governments' base year components is the base year entitlement share pool. For the purpose of calculating the sum of all local governments' base year components, the base year component for a local government may not be less than zero.

(3) (a) ~~Beginning with fiscal year 2002 and in each succeeding fiscal year, the~~ The base year entitlement share pool must be increased annually by a growth rate as provided for in this subsection (3). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year. ~~For fiscal year 2002, the growth rate is 3%. For fiscal year 2003, the growth rate is 3% for incorporated cities and towns, 1.61% for counties, and 2.3% for consolidated local governments. Beginning with calendar year 2002, by~~ By October 1 of each even-numbered year, the department shall calculate the growth rate of the entitlement share pool for each year of the next biennium in the following manner:

→ (i) ~~Before applying the growth rate for fiscal year 2004~~ 2007 to determine the fiscal year ~~2004~~ 2007 entitlement share pool payments, the department shall ~~add to~~ subtract from the

fiscal year 2003 2006 entitlement share pool payments the fiscal  
year 2003 amount of revenue actually distributed to the county  
from the 25-cent marriage license fee in 50-15-301 and the  
probation and parole fee in 46-23-1031(2)(b) following amounts:

<u>Beaverhead</u>	<u>\$10,400</u>
<u>Big Horn</u>	<u>\$15,036</u>
<u>Blaine</u>	<u>\$7,847</u>
<u>Broadwater</u>	<u>\$5,166</u>
<u>Carbon</u>	<u>\$11,393</u>
<u>Carter</u>	<u>\$1,554</u>
<u>Cascade</u>	<u>\$226,572</u>
<u>Chouteau</u>	<u>\$6,502</u>
<u>Custer</u>	<u>\$13,257</u>
<u>Daniels</u>	<u>\$2,262</u>
<u>Dawson</u>	<u>\$10,234</u>
<u>Fallon</u>	<u>\$3,209</u>
<u>Fergus</u>	<u>\$13,638</u>
<u>Flathead</u>	<u>\$226,355</u>
<u>Gallatin</u>	<u>\$208,579</u>
<u>Garfield</u>	<u>\$1,438</u>
<u>Glacier</u>	<u>\$15,451</u>
<u>Golden Valley</u>	<u>\$1,221</u>
<u>Granite</u>	<u>\$3,375</u>
<u>Hill</u>	<u>\$19,066</u>
<u>Jefferson</u>	<u>\$12,243</u>
<u>Judith Basin</u>	<u>\$2,556</u>
<u>Lake</u>	<u>\$31,714</u>
<u>Lewis And Clark</u>	<u>\$162,713</u>
<u>Liberty</u>	<u>\$2,396</u>
<u>Lincoln</u>	<u>\$21,963</u>
<u>Madison</u>	<u>\$8,124</u>
<u>McCone</u>	<u>\$2,120</u>
<u>Meagher</u>	<u>\$2,294</u>
<u>Mineral</u>	<u>\$4,529</u>
<u>Missoula</u>	<u>\$114,996</u>
<u>Musselshell</u>	<u>\$5,205</u>
<u>Park</u>	<u>\$18,471</u>
<u>Petroleum</u>	<u>\$573</u>
<u>Phillips</u>	<u>\$4,980</u>
<u>Pondera</u>	<u>\$7,190</u>
<u>Powder River</u>	<u>\$2,139</u>
<u>Powell</u>	<u>\$8,170</u>
<u>Prairie</u>	<u>\$1,346</u>
<u>Ravalli</u>	<u>\$45,084</u>
<u>Richland</u>	<u>\$10,676</u>
<u>Roosevelt</u>	<u>\$12,187</u>
<u>Rosebud</u>	<u>\$10,848</u>
<u>Sanders</u>	<u>\$12,192</u>
<u>Sheridan</u>	<u>\$4,277</u>
<u>Stillwater</u>	<u>\$9,864</u>

<u>Sweet Grass</u>	<u>\$4,203</u>
<u>Teton</u>	<u>\$7,427</u>
<u>Toole</u>	<u>\$6,223</u>
<u>Treasure</u>	<u>\$857</u>
<u>Valley</u>	<u>\$8,570</u>
<u>Wheatland</u>	<u>\$2,456</u>
<u>Wibaux</u>	<u>\$1,139</u>
<u>Yellowstone</u>	<u>\$379,298</u>
<u>Anaconda-Deer Lodge</u>	<u>\$30,735</u>
<u>Butte-Silver Bow</u>	<u>\$113,999</u>
<u>Alberton</u>	<u>\$614</u>
<u>Bainville</u>	<u>\$234</u>
<u>Baker</u>	<u>\$2,573</u>
<u>Bearcreek</u>	<u>\$130</u>
<u>Belgrade</u>	<u>\$10,649</u>
<u>Belt</u>	<u>\$961</u>
<u>Big Sandy</u>	<u>\$1,028</u>
<u>Big Timber</u>	<u>\$2,648</u>
<u>Billings</u>	<u>\$148,763</u>
<u>Boulder</u>	<u>\$2,129</u>
<u>Bozeman</u>	<u>\$48,046</u>
<u>Bridger</u>	<u>\$1,186</u>
<u>Broadus</u>	<u>\$697</u>
<u>Broadview</u>	<u>\$234</u>
<u>Brockton</u>	<u>\$377</u>
<u>Browning</u>	<u>\$1,665</u>
<u>Cascade</u>	<u>\$1,250</u>
<u>Chester</u>	<u>\$1,301</u>
<u>Chinook</u>	<u>\$2,070</u>
<u>Choteau</u>	<u>\$2,775</u>
<u>Circle</u>	<u>\$926</u>
<u>Clyde Park</u>	<u>\$520</u>
<u>Colstrip</u>	<u>\$3,721</u>
<u>Columbia Falls</u>	<u>\$6,191</u>
<u>Columbus</u>	<u>\$2,953</u>
<u>Conrad</u>	<u>\$4,151</u>
<u>Culbertson</u>	<u>\$1,106</u>
<u>Cut Bank</u>	<u>\$4,837</u>
<u>Darby</u>	<u>\$1,226</u>
<u>Deer Lodge</u>	<u>\$5,193</u>
<u>Denton</u>	<u>\$458</u>
<u>Dillon</u>	<u>\$6,304</u>
<u>Dodson</u>	<u>\$177</u>
<u>Drummond</u>	<u>\$511</u>
<u>Dutton</u>	<u>\$601</u>
<u>East Helena</u>	<u>\$2,628</u>
<u>Ekalaka</u>	<u>\$626</u>
<u>Ennis</u>	<u>\$1,381</u>
<u>Eureka</u>	<u>\$1,576</u>
<u>Fairfield</u>	<u>\$1,019</u>

<u>Fairview</u>	\$1,048
<u>Flaxville</u>	\$130
<u>Forsyth</u>	\$2,990
<u>Fort Benton</u>	\$2,347
<u>Fort Peck</u>	\$358
<u>Froid</u>	\$298
<u>Fromberg</u>	\$778
<u>Geraldine</u>	\$416
<u>Glasgow</u>	\$4,878
<u>Glendive</u>	\$7,369
<u>Grass Range</u>	\$231
<u>Great Falls</u>	\$87,731
<u>Hamilton</u>	\$6,504
<u>Hardin</u>	\$5,387
<u>Harlem</u>	\$1,294
<u>Harlowton</u>	\$1,526
<u>Havre</u>	\$14,761
<u>Helena</u>	\$41,742
<u>Hingham</u>	\$239
<u>Hobson</u>	\$361
<u>Hot Springs</u>	\$830
<u>Hysham</u>	\$439
<u>Ismay</u>	\$39
<u>Joliet</u>	\$916
<u>Jordan</u>	\$551
<u>Judith Gap</u>	\$239
<u>Kalispell</u>	\$25,608
<u>Kevin</u>	\$277
<u>Laurel</u>	\$9,830
<u>Lavina</u>	\$328
<u>Lewistown</u>	\$9,254
<u>Libby</u>	\$4,071
<u>Lima</u>	\$361
<u>Livingston</u>	\$11,050
<u>Lodge Grass</u>	\$809
<u>Malta</u>	\$3,084
<u>Manhattan</u>	\$2,261
<u>Medicine Lake</u>	\$373
<u>Melstone</u>	\$212
<u>Miles City</u>	\$12,877
<u>Missoula</u>	\$94,866
<u>Moore</u>	\$291
<u>Nashua</u>	\$487
<u>Neihart</u>	\$136
<u>Opheim</u>	\$164
<u>Outlook</u>	\$114
<u>Phillipsburg</u>	\$1,467
<u>Pinesdale</u>	\$1,286
<u>Plains</u>	\$1,826
<u>Plentywood</u>	\$2,898

<u>Plevna</u>	\$205
<u>Polson</u>	\$7,026
<u>Poplar</u>	\$1,405
<u>Red Lodge</u>	\$3,551
<u>Rexford</u>	\$239
<u>Richey</u>	\$281
<u>Ronan</u>	\$2,968
<u>Roundup</u>	\$2,984
<u>Ryegate</u>	\$423
<u>Saco</u>	\$322
<u>Scobey</u>	\$1,636
<u>Shelby</u>	\$5,165
<u>Sheridan</u>	\$1,047
<u>Sidney</u>	\$7,049
<u>Stanford</u>	\$670
<u>Stevensville</u>	\$2,787
<u>St. Ignatius</u>	\$1,244
<u>Sunburst</u>	\$645
<u>Superior</u>	\$1,384
<u>Terry</u>	\$920
<u>Thompson Falls</u>	\$2,067
<u>Three Forks</u>	\$2,848
<u>Townsend</u>	\$2,990
<u>Troy</u>	\$1,505
<u>Twin Bridges</u>	\$633
<u>Valier</u>	\$744
<u>Virginia City</u>	\$203
<u>Walkerville</u>	\$1,076
<u>West Yellowstone</u>	\$1,895
<u>Westby</u>	\$239
<u>White Sulphur</u>	\$1,578
<u>Whitefish</u>	\$9,036
<u>Whitehall</u>	\$1,719
<u>Wibaux</u>	\$812
<u>Winifred</u>	\$236
<u>Winnet</u>	\$286
<u>Wolf Point</u>	\$4,092.

(ii) The department shall calculate the average annual growth rate of the Montana gross state product, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection (3) (a) (ii) (A).

(iii) The department shall calculate the average annual growth rate of Montana personal income, as published by the Bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has

been published; and

(B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection

(3) (a) (iii) (A).

(b) (i) ~~For fiscal year 2004 and subsequent fiscal years,~~ the The entitlement share pool growth rate for the first year of the biennium must be the following percentage of the average of the growth rates calculated in subsections (3) (a) (ii) (B) and (3) (a) (iii) (B):

(A) for counties, 54%;

(B) for consolidated local governments, 62%; and

(C) for incorporated cities and towns, 70%.

(ii) The entitlement share pool growth rate for the second year of the biennium must be the following percentage of the average of the growth rates calculated in subsections

(3) (a) (ii) (A) and (3) (a) (iii) (A):

(A) for counties, 54%;

(B) for consolidated local governments, 62%; and

(C) for incorporated cities and towns, 70%.

(4) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection (6). For purposes of calculating the base year component for a county or consolidated local government, the department shall include the revenue listed in subsection (1) for all special districts within the county or consolidated local government. The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources listed in subsection (1).

(5) (a) The entitlement share pools calculated in this section and the block grants provided for in subsection (6) are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments. Each local government is entitled to a pro rata share of each year's entitlement share pool based on the local government's base component in relation to the base year entitlement share pool. The distributions must be made on a quarterly basis beginning ~~September 15, 2001.~~

(b) (i) ~~For fiscal year 2002, the growth amount is the difference between the fiscal year 2002 entitlement share pool and the base year entitlement share pool. For fiscal year 2002, a county may have a negative base year component. For fiscal year 2003 and each succeeding fiscal year, the The growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. For the purposes of subsection (5) (b) (ii) (A), a county with~~

a negative base year component has a base year component of zero. The growth factor in the entitlement share must be calculated separately for:

- (A) counties;
- (B) consolidated local governments; and
- (C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the base year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the base year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage that each consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the base year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool not represented by the growth amount is distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

~~(vi) For fiscal year 2002, an amount equal to the district court costs identified in subsection (2) must be added to each county government's distribution from the entitlement share pool.~~

~~(vii) For fiscal year 2002, an amount equal to the district court fees identified in subsection (1)(d) must be subtracted from each county government's distribution from the entitlement~~

share pool.

(6) (a) If a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any block grant. If a tax increment financing district referred to in subsection (6)(b) terminates, then the block grant provided for in subsection (6)(b) terminates.

(b) One-half of the payments provided for in this subsection (6)(b) must be made by November 30 and the other half by May 31 of each year. Subject to subsection (6)(a), the entitlement share for tax increment financing districts is as follows:

Cascade	Great Falls - downtown	\$468,966
Deer Lodge	TIF District 1	3,148
Deer Lodge	TIF District 2	3,126
Flathead	Kalispell - District 1	758,359
Flathead	Kalispell - District 2	5,153
Flathead	Kalispell - District 3	41,368
Flathead	Whitefish District	164,660
Gallatin	Bozeman - downtown	34,620
Lewis and Clark	Helena -	
2		731,614
Missoula	Missoula - 1-1B & 1-1C	1,100,507
Missoula	Missoula - 4-1C	33,343
Silver Bow	Butte - uptown	283,801
Yellowstone	Billings	436,815

~~(c) The entitlement share for industrial tax increment financing districts is as follows:~~

~~(i) for fiscal years 2002 and 2003:~~

~~Missoula County Airport Industrial \$4,812~~  
~~Silver Bow Ramsay Industrial 597,594,~~

~~(ii) for fiscal years 2004 and 2005:~~

~~Missoula County Airport Industrial \$2,406~~  
~~Silver Bow Ramsay Industrial 298,797, and~~

~~(iii) \$0 for all succeeding fiscal years.~~

~~(d) The entitlement share for industrial tax increment financing districts referred to in subsection (6)(c) may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the tax increment financing industrial district.~~

~~(e) One-half of the payments provided for in subsection (6)(c) must be made by July 30, and the other half must be made in December of each year.~~

(7) The estimated base year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from countywide transportation block grants or from countywide retirement block grants.

~~(8) The estimates for the base year entitlement share pool in subsection (1) must be calculated as if the fees in Chapter~~

~~515, Laws of 1999, were in effect for all of fiscal year 2001.~~

~~(9)~~ (8) (a) If revenue that is included in the sources listed in subsections (1)(b) through (1)(p) is significantly reduced, except through legislative action, the department shall deduct the amount of revenue loss from the entitlement share pool beginning in the succeeding fiscal year and the department shall work with local governments to propose legislation to adjust the entitlement share pool to reflect an allocation of the loss of revenue.

(b) For the purposes of subsection ~~(9)~~ (8) (a), a significant reduction is a loss that causes the amount of revenue received in the current year to be less than 95% of the amount of revenue received in the base year.

~~(10)~~ (9) A three-fifths vote of each house is required to reduce the amount of the entitlement share calculated pursuant to subsections (1) through (3).

~~(11)~~ (10) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

~~(12)~~ (11) A local government may appeal the department's estimation of the base year component, the entitlement share pool growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211.

~~(13)~~ (12) A payment required pursuant to this section may not be offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1."

{Internal References to 15-1-121:

OK 15-1-120      OK 17-4-105      OK 17-7-502      OK 77-1-504}

**Renumber:** subsequent sections

6. Page 63, line 24.

**Following:** line 23

**Insert:** "Section 63. Section 53-30-110, MCA, is amended to read:

"53-30-110. **Expense of trial for offenses committed in prison.** Whenever a trial of any person takes place under any of the provisions of 45-7-306 and or whenever a prisoner in the state prison is tried for any crime committed in prison, the county clerk of the county where the trial is held shall make out a statement of all the costs incurred by the county for the trial of the case and of guarding and keeping the prisoner, properly. The statement must be certified by a district judge of the county. The statement must be sent for approval to the department of corrections for its approval office of state public defender, provided for in [section 7], if counsel was assigned for the person pursuant to the Montana Public Defender Act, [sections 1 through 4 and 6 through 13]. After such approval, the department

If the statement is approved, the office of state public defender shall pay the costs out of the money appropriated for the support of the state prison to the county treasurer of the county where the trial was held."

{ Internal References to 53-30-110:  
A 7-6-2426 }

**Renumber:** subsequent sections

7. Page 70, line 29.

**Strike:** "68(5)"

**Insert:** "70(5)"

8. Page 71, line 7.

**Strike:** "67"

**Insert:** "69"

9. Page 71, lines 29 and 30.

**Strike:** "15" on both lines

**Insert:** "14" on both lines

10. Page 72, line 7.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) [Sections 16 through 18, 24 through 29, 34 through 68, and 74] are effective July 1, 2006."

- END -

Amendments to Senate Bill No. 146  
1st Reading Copy

For the Senate Judiciary Committee

Prepared by Valencia Lane  
February 8, 2005 (7:07am)

*This amendment  
must accompany  
SB014605. avl  
(funding  
amdt)*

1. Page 72, line 4.

**Following:** line 3

**Insert:** "NEW SECTION. Section 75. Three-fifths vote required.

Because 15-1-121(3)(a)(i), as amended in this bill, reduces the amount of entitlement share payments, 15-1-121(9), as amended in this bill, requires a vote of three-fifths of the members of each house of the legislature for passage of the amendment of 15-1-121."

**Renumber:** subsequent section

- END -



Amendments to Senate Bill No. 146  
1st Reading Copy

Requested by Senator Dan McGee

For the Senate Judiciary Committee

Prepared by Sheri Heffelfinger  
February 4, 2005 (11:20am)

1. Page 71.

**Following:** line 30

**"NEW SECTION. Section 74. Directions to code commissioner.**  
Whenever references to "court-appointed counsel", "court-  
appointed attorney", "appointed counsel" or "appointed attorney"  
appear in legislation enacted by the 2005 legislature, the code  
commissioner is directed to change the references to the  
appropriate term of "assigned counsel" or "assigned attorney".

**Renumber:** subsequent sections

- END -

