

**HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 11, 1999

House Chambers
State Capitol

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

Roll Call. All members present except Representatives Galvin-Halcro and Rose. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Rehbein, Chairman): 2/11/1999
Correctly printed: **HB 128, HB 173, HB 191, HB 258, HB 274, HB 349, HB 352, HB 353, HB 387, HB 398, HB 407, HB 414, HB 418, HB 435, HB 479, HB 504, HB 522, HB 523, HJR 16, HJR 17, SB 9, SB 171.**
Correctly engrossed: **HB 6, HB 8, HB 74, HB 419, HB 437, HB 442, HJR 12, SJR 2.**
Correctly enrolled: **HB 29, HB 30, HB 35, HB 51, HB 80, HB 254, HB 284.**
Examined by the sponsor and found to be correct: **HB 29, HB 30, HB 35, HB 51, HB 80, HB 254, HB 284.**
Signed by the Speaker at 5:20 p.m., February 10, 1999: **HB 55.**

APPROPRIATIONS (Zook, Chairman): 2/11/1999
HB 34, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Strike: "IMMEDIATE"
Strike: "AND AN APPLICABILITY PROVISION"
2. Page 1, lines 17 and 18.
Following: "(4)."
Strike: the remainder of line 17 through "year." on line 18
Insert: "the regents shall provide to each tribal community college an amount equal to \$1,500 for each resident nonbeneficiary full-time equivalent student enrolled in that tribal community college during the previous year."
3. Page 2, line 10.
Strike: "prorated"
Following: "distributed"
Insert: "as derived from the formula established in subsection (2)"
4. Page 2, lines 18 and 19.
Strike: "-- applicability" on line 18.
Following: "effective" on line 18
Strike: the remainder of line 18 through "year" on line 19
Insert: "July 1, 1999"

And, as amended, do pass. Report adopted.

HB 133, introduced bill, be amended as follows:

1. Title, line 8.

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Strike: "\$3,546"

Insert: "\$3,461"

Strike: "\$3,688"

Insert: "\$3,513"

2. Title, line 10.

Strike: "\$4,868"

Insert: "\$4,821"

Strike: "\$4,966"

Insert: "\$4,869"

3. Title, line 12.

Strike: "\$21,500"

Insert: "\$25,000"

4. Title, line 13.

Strike: "TO \$25,000"

5. Title, line 14.

Strike: "\$204,000"

Insert: "\$202,000"

6. Title, line 15.

Strike: "\$208,080"

Insert: "\$204,020"

Following: "2001;"

Insert: "APPROPRIATING \$13 MILLION FOR FISCAL YEAR 2000 FOR SCHOOL BUILDING MAINTENANCE, CONSTRUCTION, AND RECONSTRUCTION, TECHNOLOGY ACQUISITION, TEXTBOOKS, CLASSROOM SUPPLIES, AND LIBRARY MATERIALS;"

Strike: "SECTION"

Insert: "SECTIONS"

7. Title, line 16.

Following: "20-9-306"

Insert: "AND 20-9-375"

8. Page 2, line 13.

Strike: "\$204,000"

Insert: "\$202,000"

9. Page 2, line 14.

Strike: "\$21,500"

Insert: "\$25,000"

10. Page 2, line 18.

Strike: "\$21,500"

Insert: "\$25,000"

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11. Page 2, line 20.

Strike: "\$204,000"

Insert: "\$202,000"

12. Page 3, line 2.

Strike: "\$4,868"

Insert: "\$4,821"

13. Page 3, line 6.

Strike: "\$3,546"

Insert: "\$3,461"

14. Page 3, line 12.

Strike: "\$3,546"

Insert: "\$3,461"

15. Page 3, line 15.

Strike: "\$4,868"

Insert: "\$4,821"

16. Page 4, line 11.

Strike: "\$208,080"

Insert: "\$204,020"

17. Page 4, line 18.

Strike: "\$208,080"

Insert: "\$204,020"

18. Page 4, line 30.

Strike: "\$4,966"

Insert: "\$4,869"

19. Page 5, line 4.

Strike: "\$3,688"

Insert: "\$3,513"

20. Page 5, line 10.

Strike: "\$3,688"

Insert: "\$3,513"

21. Page 5, line 13.

Strike: "\$4,966"

Insert: "\$4,869"

22. Page 5, line 16.

Insert: "**Section 3.** Section 20-9-375, MCA, is amended to read:

"20-9-375. Aid for building maintenance, construction, and reconstruction, technology acquisition, textbooks, classroom supplies, or library materials, and building maintenance.(1) The Pursuant to this section, the superintendent of public instruction shall allocate the amount appropriated in [section 4] for building maintenance,

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construction, and reconstruction, technology acquisition, textbooks, classroom supplies, or library materials, and building maintenance to each district based on the per-ANB of the district.

(2) The district may deposit the all or a portion of the funds received under ~~this section~~ subsection (1) in the miscellaneous programs fund authorized in 20-9-507, the building fund authorized in 20-9-508, or the technology acquisition fund authorized in 20-9-533.

(3) ~~Any portion of the funds~~ Funds deposited in the miscellaneous programs fund ~~must be restricted~~ may be used only for building maintenance, construction, or reconstruction, technology acquisition, textbooks, classroom supplies, or library materials, and building maintenance.

(4) Funds deposited in the building fund must be used consistent with the requirements of 20-9-508.

(5) ~~Any portion of the funds~~ Funds deposited in the technology acquisition fund must be used consistent with the requirements of 20-9-533."

Insert: "NEW SECTION. Section 4. Appropriation. There is appropriated from the general fund to the office of public instruction, \$13 million for the school fiscal year beginning July 1, 1999, for the purposes provided for in [section 3]."

23. Page 5, line 23.

Following: "["

Strike: "Section"

Insert: "Sections"

Following: "1"

Insert: "and 3"

Strike: "terminates"

Insert: "terminate"

And, as amended, do pass. Report adopted.

HB 347, introduced bill, be amended as follows:

1. Title, lines 8 through 11.

Following: "TEXTBOOKS," on line 8

Insert: "CLASSROOM SUPPLIES,"

Following: "MATERIALS;" on line 8

Strike: remainder of line 8 through "ACCOUNT;" on line 11

2. Title, line 11.

Following: "ACCOUNT;"

Insert: "INCREASING THE TOTAL PER-ANB FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 DISTRICT ELEMENTARY PROGRAM TO \$3,546 FOR SCHOOL FISCAL YEAR 2000 AND TO \$3,688 FOR SCHOOL FISCAL YEAR 2001; INCREASING THE TOTAL PER-ANB ENTITLEMENT FOR A HIGH SCHOOL DISTRICT OR A K-12 DISTRICT HIGH SCHOOL PROGRAM TO \$4,868 FOR SCHOOL FISCAL YEAR 2000 AND TO \$4,966 FOR SCHOOL FISCAL YEAR 2001; INCREASING THE BASIC ENTITLEMENT FOR EACH ELEMENTARY DISTRICT OR K-12 DISTRICT ELEMENTARY PROGRAM TO \$25,000 FOR SCHOOL FISCAL YEARS 2000 AND 2001; INCREASING THE BASIC ENTITLEMENT FOR EACH HIGH SCHOOL DISTRICT OR K-12 DISTRICT HIGH SCHOOL PROGRAM TO \$204,000 FOR SCHOOL FISCAL YEAR 2000 AND TO \$208,080 FOR SCHOOL FISCAL YEAR 2001; APPROPRIATING MONEY FOR PER-ANB AND BASIC ENTITLEMENT INCREASES AND SPECIAL EDUCATION;"

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3. Title, line 12.

Strike: "15-35-108,"

Strike: "17-7-502,"

Insert: "20-9-306,"

4. Page 1, line 26.

Following: ", "

Insert: "for the purchase of classroom supplies,"

Strike: "; and"

Insert: "."

5. Page 1, line 27 through page 2, line 5.

Strike: page 1 line 27 through page 2, line 5 in their entirety

6. Page 2, line 9 through page 9, line 5.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 17-5-703, MCA, is amended to read:

"**17-5-703. Coal severance tax trust funds.** (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a treasure state endowment fund;

(c) a coal severance tax permanent fund;

(d) a coal severance tax income fund; and

(e) a coal severance tax school bond contingency loan fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (3) through (5).

(3) (a) ~~On January 21, 1992, and continuing as As~~ long as any school district bonds secured by state loans under 20-9-466 are outstanding, the state treasurer shall from time to time and as provided in subsection (3)(b) transfer from the coal severance tax bond fund to the coal severance tax school bond contingency loan fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall transfer the amount referred to in subsection (3)(a) until and unless the balance in the coal severance tax school bond contingency loan fund is equal to the amount due as principal of and interest on the school district bonds secured by state loans under 20-9-466 during the next following 12 months.

(4) (a) Beginning July 1, 1993, and ending June 30, 2013, the state treasurer shall quarterly transfer to the treasure state endowment fund 50% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of amounts that are transferred pursuant to subsection (3).

(b) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.

(5) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund.

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(6) The state treasurer shall transfer \$50 million from the coal severance tax permanent fund to the superintendent of public instruction on July 1, 1999, and on July 1, 2000, for distribution to school districts as provided in 20-9-375."

Insert: "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 40% of the basic entitlement and 40% 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 40% of the basic entitlement, up to 40% 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) ~~\$200,000~~ \$204,000 for each high school district;
 - (b) ~~\$18,000~~ \$25,000 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) ~~\$18,000~~ \$25,000 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus
 - (ii) ~~\$200,000~~ \$204,000 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 40% of the basic entitlement and 40% 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 ~~\$4,773~~ \$4,868 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 accredited junior high school or middle school, a maximum rate of ~~\$3,410~~ \$3,546 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:

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(i) a maximum rate of ~~\$3,410~~ \$3,546 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 ~~\$4,773~~ \$4,868 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." "

Insert: "Section 3. 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 40% of the basic entitlement and 40% 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 40% of the basic entitlement, up to 40% 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) ~~\$200,000~~ \$208,080 for each high school district;

(b) ~~\$18,000~~ \$25,000 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) ~~\$18,000~~ \$25,000 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$200,000~~ \$208,080 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 40% of the basic entitlement and 40% 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 ~~\$4,773~~ \$4,966 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 accredited junior high school or middle school, a maximum rate of ~~\$3,410~~ \$3,688 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

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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 ~~\$3,410~~ \$3,688 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 ~~\$4,773~~ \$4,966 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. "

Insert: "Section 4. Section 20-9-375, MCA, is amended to read:

"20-9-375. Aid Investment for building maintenance, construction, and reconstruction, technology acquisition, textbooks, classroom supplies, and library materials, and building maintenance. (1) The Pursuant to this section, the superintendent of public instruction shall allocate the amount transferred from 17-5-703(6) and appropriated for building maintenance, construction, and reconstruction, technology acquisition, textbooks, classroom supplies, or library materials, and building maintenance to each district based on the per-ANB of the district. A school district, by resolution of the board of trustees, is not required to accept an allocation of funds transferred under 17-5-703(6). Funds that are not accepted are redeposited in the permanent coal tax trust fund.

(2) The district may deposit the all or a portion of the funds received under this section subsection (1) in the miscellaneous programs fund authorized in 20-9-507, the building fund authorized in 20-9-508, or the technology acquisition fund authorized in 20-9-533.

(3) Any portion of the funds Funds deposited in the miscellaneous programs fund must be restricted may be used only for building maintenance, construction, or reconstruction, technology acquisition, textbooks, classroom supplies, or library materials, and building maintenance.

(4) Funds deposited in the building fund must be used consistent with the requirements of 20-9-508.

(5) Any portion of the funds Funds deposited in the technology acquisition fund must be used consistent with the requirements of 20-9-533.

(6) The end-of-year balance of any funds deposited in the miscellaneous programs fund, building fund, or technology acquisition fund pursuant to this section may be carried forward but may not be transferred to another fund."

Insert: "NEW SECTION. Section 5. Appropriation. (1) The money transferred from the coal severance tax permanent fund in 17-5-703(6) is appropriated to the superintendent of public instruction for the purposes provided in 20-9-375 as follows:

School fiscal year 2000	\$50 million
School fiscal year 2001	\$50 million

(2) There is appropriated from the general fund \$12,673,007 for the school fiscal year beginning July 1, 1999, and \$24,256,000 for the school fiscal year beginning July 1, 2000, to fund the per-ANB and basic entitlement increases provided for in [sections 2 and 3].

(3) There is appropriated from the general fund \$5.2 million for the biennium beginning July 1, 1999, to the office of public instruction for special education."

Insert: "NEW SECTION. Section 6. Three-fourths vote required. Because [this act] appropriates money from the coal severance tax trust fund, Article IX, section 5, of the Montana constitution requires a vote of three-fourths of the members of each house of the legislature for passage."

Insert: "NEW SECTION. Section 7. Effective dates -- applicability. (1) Except as provided in subsection (2), [this act] is effective July 1, 1999, and applies to school budgets for school fiscal years beginning on or after July 1, 1999.

(2) [Section 3] is effective July 1, 2000, and applies to school budgets for school fiscal years beginning on or after July 1, 2000."

Insert: "NEW SECTION. Section 8. Termination. [Section 2] terminates June 30, 2000."

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And, as amended, do pass. Report adopted.

HB 406, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "BASE FUNDING"

Insert: "STATE PAYMENTS FOR SCHOOL CAPITAL PROJECTS"

2. Title, line 8.

Following: "FUND;"

Insert: "CREATING A SCHOOL CAPITAL PROJECTS ACCOUNT IN THE STATE SPECIAL REVENUE FUND; STATUTORILY APPROPRIATING MONEY FROM THE SCHOOL CAPITAL PROJECTS ACCOUNT;"

Following: "17-6-308,"

Strike: "AND 20-9-307,"

Insert: "17-7-502, 20-9-343, 20-9-346, 20-9-367, 20-9-369, 20-9-370, AND 20-9-371,"

3. Page 1, line 11.

Following: the enacting clause

Insert: "NEW SECTION. Section 1. School capital projects -- calculation -- purpose. (1) The state payment for school capital projects for a district is the school capital projects entitlement determined in 20-9-370(1) times (1- (district mill value per ANB/statewide mill value per ANB)).

(2) The purpose of the state payment for school capital projects is to finance school district costs associated with the acquisition, remodeling, and replacement of facilities and equipment. The trustees of the district may deposit the state payment for school capital projects in the debt service fund in 20-9-438 or in the district building fund in 20-9-508."

Insert: "NEW SECTION. Section 2. School capital projects account -- statutory appropriation. There is an account in the state special revenue fund called the school capital projects account. Ninety percent of the interest and earnings on the education trust fund, as provided in 17-6-308(3), must be deposited in the account and is statutorily appropriated, pursuant to 17-7-502, for the state payment for school capital projects."

Renumber: subsequent sections

4. Page 4, line 22.

Strike: "state general fund"

Insert: "school capital projects account established in [section 2]"

Strike: "BASE" through "3"

Insert: "state payments for school capital projects as provided in [section 1]"

5. Page 5, line 2 through line 22.

Strike: section 3 in its entirety

Insert: "**Section 5.** Section 17-7-502, MCA, is amended to read:

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

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

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

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

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(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-30-195; 15-31-702; 15-36-324; 15-36-325; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-406; 16-1-411; 16-11-308; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 20-8-107; 20-8-111; [section 2]; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-131; 80-2-103; 80-2-222; 80-4-416; 81-5-111; 82-11-161; 85-20-402; 87-1-513; 90-3-301; 90-4-215; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; pursuant to sec. 7(2), Ch. 29, L. 1995, the inclusion of 15-30-195 terminates July 1, 2001; pursuant to sec. 5, Ch. 461, L. 1997, the inclusion of 77-1-131 terminates October 1, 2003; and pursuant to secs. 13, 16(1), Ch. 549, L. 1997, the inclusion of 90-3-301 terminates July 1, 1999.)

17-7-502. (Effective July 1, 2008) Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

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

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

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

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-23-706; 15-30-195; 15-31-702; 15-36-324; 15-36-325; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; [16-1-406;] 16-1-411; 16-11-308; 17-3-106; 17-3-212; 17-3-222; 17-5-404; 17-5-804; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-205; 19-19-305; 19-19-506; 20-8-107; [section 2]; 20-9-361; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 50-5-232; 50-40-206; 53-6-150; 53-6-703; 53-24-206; 60-2-220; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-103; 80-2-222; 80-4-416; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 87-1-513; 90-4-215; 90-6-331; 90-7-220; 90-7-221; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 68(2), Ch. 422, L. 1997, this version becomes effective July 1, 2008.)"

Insert: "Section 6. Section 20-9-343, MCA, is amended to read:

"20-9-343. Definition of and revenue for state equalization aid. (1) As used in this title, the term "state equalization aid" means revenue as required in this section for:

(a) distribution to the public schools for the purposes of payment of systems development and other related costs resulting from the enactment of legislation that requires changes to the automated system used to administer

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the BASE funding program, guaranteed tax base aid, BASE aid, state reimbursement for school facilities, ~~matching funds for the systemic initiative for Montana mathematics and science grant~~ state payments for school capital projects, and grants for school technology purchases;

(b) negotiated payments authorized under 20-7-420(3) up to \$500,000 per biennium; and

(c) the Montana educational telecommunications network as provided in 20-32-101.

(2) The superintendent of public instruction may spend throughout the biennium funds appropriated for the purposes of systems development and other related costs resulting from the enactment of legislation that requires changes to the automated system used to administer the BASE funding program, guaranteed tax base aid, BASE aid for the BASE funding program, state reimbursement for school facilities, state payments for school capital projects, negotiated payments authorized under 20-7-420(3), the Montana educational telecommunications network, and school technology purchases.

(3) The following must be paid into the state general fund for the public schools of the state:

(a) (i) subject to subsection (3)(a)(ii), interest and income money described in 20-9-341 and 20-9-342; and

(ii) an amount of money equal to the income money attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year to be appropriated for purposes of 20-9-533;

(b) investment income earned by investing interest and income money described in 20-9-341 and 20-9-342."

Insert: "Section 7. Section 20-9-346, MCA, is amended to read:

"20-9-346. Duties of superintendent of public instruction for state and county equalization aid distribution. The superintendent of public instruction shall administer the distribution of the state and county equalization aid by:

(1) establishing the annual entitlement of each district and county to state and county equalization aid, based on the data reported in the retirement, general fund, and debt service fund budgets for each district that have been adopted for the current school fiscal year and verified by the superintendent of public instruction;

(2) for the purposes of state advances and reimbursements for school facilities, limiting the distribution to no more than the amount appropriated for the school fiscal year to the districts that are eligible under the provisions of 20-9-366 through 20-9-371 by:

(a) determining the debt service payment obligation in each district for debt service on bonds that were sold as provided in ~~20-9-370(3)~~ 20-9-370(5) that qualify for a state advance or reimbursement for school facilities under the provisions of 20-9-366 through 20-9-369 and 20-9-370;

(b) based on the limitation of state equalization aid appropriated for debt service purposes, determining the state advance for school facilities and the proportionate share of state reimbursement for school facilities that each eligible district must receive for the school fiscal year; and

(c) distributing that amount by May 31 of each school fiscal year to each eligible district for reducing the property tax for the debt service fund for the ensuing school fiscal year.

(3) distributing by electronic transfer the BASE aid and state advances for county equalization, for each district or county entitled to the aid, to the county treasurer of the respective county for county equalization or to the county treasurer of the county where the district is located for BASE aid, in accordance with the distribution ordered by the board of public education;

(4) keeping a record of the full and complete data concerning money available for state equalization aid, state advances for county equalization, and the entitlements for BASE aid of the districts of the state;

(5) reporting to the board of public education the estimated amount that will be available for state equalization aid; ~~and~~

(6) for the purposes of state payments for school capital projects, limiting the distribution to the districts that are eligible under the provisions of 20-9-367 to no more than the amount available in the school capital projects account established in [section 2] by:

(a) determining the amount to which school districts are eligible under [section 1];

(b) based on the limitation of money available in the school capital projects account established in [section

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- 2]. determining the proportionate share that each eligible district must receive; and
(c) distributing the state payment for school capital projects to districts by May 31 of each school year; and
~~(6)~~(7) reporting to the office of budget and program planning as provided in 17-7-111:
(a) the figures and data available concerning distributions of state and county equalization aid during the preceding 2 school fiscal years;
(b) the amount of state equalization aid then available;
(c) the apportionment made of the available money but not yet distributed;
(d) the latest estimate of accruals of money available for state equalization aid; and
(e) the amount of state advances and repayment for county equalization."

Insert: "Section 8. Section 20-9-367, MCA, is amended to read:

"20-9-367. Eligibility to receive guaranteed tax base aid, or state advance or reimbursement for school facilities, or state payment for school capital projects. (1) If the district guaranteed tax base ratio of any elementary or high school district is less than the corresponding statewide elementary or high school guaranteed tax base ratio, the district may receive guaranteed tax base aid based on the number of mills levied in the district in support of up to 40% of the basic entitlement, up to 40% of the total per-ANB entitlement, and up to 40% of the special education allowable cost payment budgeted within the general fund budget.

(2) If the county retirement mill value per elementary ANB or the county retirement mill value per high school ANB is less than the corresponding statewide mill value per elementary ANB or high school ANB, the county may receive guaranteed tax base aid based on the number of mills levied in the county in support of the retirement fund budgets of the respective elementary or high school districts in the county.

(3) For the purposes of 20-9-370 and 20-9-371, if the district mill value per elementary ANB or the district mill value per high school ANB is less than the corresponding statewide mill value per elementary ANB or statewide mill value per high school ANB, the district may receive a state advance or reimbursement for school facilities in support of the debt service fund.

(4) For the purpose of a state payment for school capital projects, a district is eligible for a payment if the district mill value per elementary ANB or the district mill value per high school ANB is less than the corresponding statewide mill value per elementary ANB or statewide mill value per high school ANB."

Insert: "Section 9. Section 20-9-369, MCA, is amended to read:

"20-9-369. Duties of superintendent of public instruction and department of revenue. (1) The superintendent of public instruction shall administer the distribution of guaranteed tax base aid by:

(a) providing each school district and county superintendent, by March 1 of each year, with the preliminary statewide and district guaranteed tax base ratios and, by May 1 of each year, with the final statewide and district guaranteed tax base ratios, for use in calculating the guaranteed tax base aid available for the ensuing school fiscal year;

(b) providing each school district and county superintendent, by March 1 of each year, with the preliminary statewide, county, and district mill values per ANB and, by May 1 of each year, with the final statewide, county, and district mill values per ANB, for use in calculating the guaranteed tax base aid, state payments for school capital projects, and state advance and reimbursement for school facilities available to counties and districts for the ensuing school fiscal year;

(c) requiring each county and district that qualifies and applies for guaranteed tax base aid to report to the county superintendent all budget and accounting information required to administer the guaranteed tax base aid;

(d) keeping a record of the complete data concerning appropriations available for guaranteed tax base aid and the entitlements for the aid of the counties and districts that qualify;

(e) distributing the guaranteed tax base aid entitlement to each qualified county or district from the appropriations for that purpose.

(2) The superintendent shall adopt rules necessary to implement 20-9-366 through 20-9-369.

(3) The department of revenue shall provide the superintendent of public instruction by December 1 of each year a final determination of the taxable value of property within each school district and county of the state reported to the department of revenue based on information delivered to the county clerk and recorder as required in 15-10-

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305.

(4) The superintendent of public instruction shall calculate the district and statewide guaranteed tax base ratios by applying the prior year's direct state aid payment."

Insert: "Section 10. Section 20-9-370, MCA, is amended to read:

"20-9-370. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "School capital projects entitlement" means \$121 per ANB for the school fiscal year ending June 30, 2000, and \$122 per ANB for the school fiscal year ending June 30, 2001.

~~(1)(2)~~ "School facility entitlement" means:

(a) \$220 per ANB for an elementary school district;

(b) \$330 per ANB for a high school district; or

(c) \$270 per ANB for an approved and accredited junior high school or middle school.

~~(2)(3)~~ "State advance for school facilities" is the amount of state equalization aid distributed to an eligible district to pay the debt service obligation for a bond in the first school fiscal year in which a debt service payment is due for the bond.

(4) "State payment for school capital projects" means the amount of state equalization aid distributed to a district that has a district mill value per elementary ANB that is less than the corresponding statewide mill value per elementary ANB or a district mill value per high school ANB that is less than the corresponding statewide mill value per high school ANB.

~~(3)(5)~~ "State reimbursement for school facilities" means the amount of state equalization aid distributed to a district that:

(a) has a district mill value per elementary ANB that is less than the corresponding statewide mill value per elementary ANB or a district mill value per high school ANB that is less than the corresponding statewide mill value per high school ANB; and

(b) has a debt service obligation in the ensuing school year on bonds for which the original issue was sold after July 1, 1991.

~~(4)(6)~~ "Total school facility entitlement" means the school facility entitlement times the total ANB for the district."

Insert: "Section 11. Section 20-9-371, MCA, is amended to read:

"20-9-371. Calculation and uses of school facility entitlement amount. (1) The state reimbursement for school facilities for a district is the percentage determined in 20-9-346(2)(b) times (1-(district mill value per ANB/statewide mill value per ANB)) times the lesser of the total school facility entitlement calculated under the provisions of 20-9-370 or the district's current year debt service obligations on bonds that qualify under the provisions of ~~20-9-370(3)~~ 20-9-370(5).

(2) The state advance for school facilities for a district is determined as follows:

(a) Calculate the percentage of the district's debt service payment that will be advanced by the state using the district ANB, the district mill value and the statewide mill value for the current year, and the percentage used to determine the proportionate share of state reimbursement for school facilities in the prior year.

(b) Multiply the percentage determined in subsection (2)(a) by the lesser of the total school facility entitlement calculated under the provisions of 20-9-370 or the district's current year debt service obligation for bonds to which the state advance applies.

(3) Within the available appropriation, the superintendent of public instruction shall first distribute to eligible districts the state advance for school facilities. From the remaining appropriation, the superintendent shall distribute to eligible districts the state reimbursement for school facilities.

(4) The trustees of a district may apply the state reimbursement for school facilities to reduce the levy requirement in the ensuing school fiscal year for all outstanding bonded indebtedness on bonds sold in the debt service fund of the district after July 1, 1991. The trustees may apply the state advance for school facilities to reduce the levy requirement in the current school fiscal year for debt service payments on bonds to which the state advance for school facilities applies."

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Insert: "NEW SECTION. Section 12. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 20, chapter 9, and the provisions of Title 20, chapter 9, apply to [sections 1 and 2]."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Simon, Chairman):
HB 353, introduced bill, be amended as follows:

2/9/1999

1. Page 1, line 30.

Strike: "the approval of the county for any future transfer of the property"

Insert: "the property to be preserved in its present or restored state upon any subsequent transfer"

2. Page 3, line 6.

Strike: "the approval of the city or town for any future transfer of the property"

Insert: "the property to be preserved in its present or restored state upon any subsequent transfer"

And, as amended, do pass. Report adopted.

HB 461, introduced bill, be amended as follows:

2/19/1999

1. Title, line 7.

Following: "37-1-317,"

Insert: "37-68-301,"

Following: "37-68-315,"

Insert: "37-69-301,"

2. Page 1, line 16.

Strike: "9"

Insert: "11"

Strike: "10"

Insert: "12"

3. Page 1, line 22.

Insert: "**Section 2.** Section 37-68-301, MCA, is amended to read:

"37-68-301. License required to engage in electrical work. (1) A person may not engage in or work at the business, trade, or calling of electrical contractor, residential electrician, journeyman electrician, or master electrician in this state until the person has received from the department a license or permit to work as an electrical contractor, residential electrician, journeyman electrician, or master electrician.

(2) A person who has received a license from the department under the provisions of this chapter shall carry the license, or proof of licensure, at all times while working at a job site and performing work that requires a license. Acceptable proof of licensure must be determined by the board and made known to each licensee by the department when a license is issued.

~~(2)~~(3) A private or public employment agency or labor union, or an employee thereof, who refers persons for employment by others may not refer a person for employment by others to perform the work of an electrical contractor, residential electrician, journeyman electrician, or master electrician in this state unless the person has received from the department a license or permit to work as an electrical contractor, residential electrician, journeyman electrician, or master electrician."

Renumber: subsequent sections

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4. Page 1, line 26.

Strike: "Fees"

Insert: "Except as provided in subsection (3), fees"

5. Page 1.

Following: line 27

Insert: "(3) A fine collected by an employee of the division of building codes from a person who has been issued a citation for not displaying a license or proof of licensure must be deposited in a fund administered by the division of building codes for the purpose of inspections and building code enforcement."

6. Page 2, line 7.

Strike: "10"

Insert: "12"

7. Page 2.

Following: line 9

Insert: "Section 5. Section 37-69-301, MCA, is amended to read:

"37-69-301. License required -- temporary exception by municipal resolution when licensed plumber not available. ~~Any~~ (1) A person working at the field of plumbing in any incorporated city, town, or in any other area served by a public water supply or a public sewer system in this state, either as a master plumber or as a journeyman plumber, or who while working at the field of plumbing ~~shall connect~~ connects plumbing to or ~~disconnect~~ disconnects plumbing from a public water supply or public sewer system shall first secure a state license as hereinafter provided.

(2) A person who receives a license under the provisions of this chapter shall carry the license, or proof of licensure, at all times while working on a job site and performing work that requires a license. Acceptable proof of licensure must be determined by the board and made known by the department to each licensee when a license is issued.

(3) The council or commission of any city or town or board of directors or managers of a water or sewer district or water utility, in cases ~~where in which~~ a ~~duly~~ licensed person or persons are not reasonably available, may by ordinance, rule, or resolution ~~duly adopted~~ and upon reasonable notice by certified letter to the board of plumbers and upon ~~their~~ its approval, or after 30 days from the date of the postmark of the certified letter if the board fails to respond to the certified letter, authorize the practice in the field of plumbing by a person or persons who have not obtained the state licenses as hereinafter provided until ~~such time as a duly~~ a licensed person ~~or persons are~~ is reasonably available or until the board of plumbers withdraws its authorization."

Renumber: subsequent sections

8. Page 2, line 12.

Following: "fines."

Insert: "(1)"

9. Page 2, line 13.

Following: "chapter"

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

10. Page 2, line 15.

Insert: "(2) A fine collected by an employee of the division of building codes from a person who has been issued a citation for not displaying a license or proof of licensure must be deposited in a fund administered by the division of building codes for the purpose of inspections and building code enforcement."

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11. Page 2, line 24.

Strike: "9"

Insert: "11"

12. Page 3, line 25.

Following: "fees "

Insert: ", fines, "

13. Page 4, line 3.

Following: "fees "

Insert: ", fines,"

14. Page 4, line 5.

Following: "fees "

Insert: ", fines, "

15. Page 4, line 16.

Strike: "9"

Insert: "11"

Strike: "10"

Insert: "12"

16. Page 4, line 29.

Strike: "9"

Insert: "11"

17. Page 5, line 12.

Strike: "10"

Insert: "12"

18. Page 5, line 24.

Strike: "contest the citation"

Insert: "demonstrate proof of licensure"

19. Page 5, line 30.

Following: "offense."

Insert: "The person issuing the citation is responsible for determining, by means of an up-to-date list or through telephone or other communication with the person's employer, whether the citation being issued is for a first, second, or subsequent offense."

20. Page 6, lines 3 and 25.

Following: "issuance." in two places

Insert: "The authority may, upon finding that the person has demonstrated acceptable proof of licensure, waive or refund the fine and, in either instance, shall remove from the record required in [section 13] the particular violation in question." in both places

21. Page 6, line 16.

Strike: "contest the citation"

Insert: "demonstrate proof of licensure"

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22. Page 6, line 22.

Following: "offense."

Insert: "The person issuing the citation is responsible for determining, by means of an up-to-date list or through telephone or other communication with the person's employer, whether the citation being issued is for a first, second, or subsequent offense."

23. Page 6, line 28.

Insert: "NEW SECTION. **Section 13. Reciprocal duty to share information.** (1) A building code compliance officer or an employee of the department shall report to the department in a manner determined by the department each instance that a citation is issued in accordance with [sections 11 and 12].

(2) The department shall keep a record of each reported instance of a citation being issued and share that record as soon as is administratively feasible with the board and with each municipal and county office that bears responsibility for inspections."

Renumber: subsequent sections

24. Page 6, line 29.

Strike: "[Section 9] is"

Insert: "[Sections 11 and 13] are"

25. Page 6, line 30.

Following: "of" in two places

Insert: "Title 37, chapter 69, part 3; and" in both places

26. Page 7, line 1.

Strike: "[section 9]"

Insert: "[sections 11 and 13]"

27. Page 7, line 2.

Strike: "[Section 10] is"

Insert: "[Sections 12 and 13] are"

Following: "of"

Insert: "Title 37, chapter 68, part 3; and"

28. Page 7, line 3.

Following: "of"

Insert: "Title 37, chapter 68, part 3; and"

Strike: "[section 10]"

Insert: "[sections 12 and 13]"

And, as amended, do pass. Report adopted.

HB 501, do pass. Report adopted.

HB 504, do pass. Report adopted.

2/9/1999

HB 512, do pass. Report adopted.

2/10/1999

HB 522, do pass. Report adopted.

2/9/1999

HB 523, introduced bill, be amended as follows:

2/10/1999

1. Page 1, line 14.

Strike: "to the commissioner"

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And, as amended, do pass. Report adopted.

HJR 16, be adopted. Report adopted. 2/9/1999

EDUCATION (Masolo, Chairman): 2/11/1999
HB 509, introduced bill, be amended as follows:

1. Page 2, line 3.

Strike: "not less than one or more"

Insert: "no fewer"

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman): 2/10/1999
HB 449, do pass. Report adopted.
HB 455, do pass. Report adopted.

LOCAL GOVERNMENT (Ahner, Chairman): 2/10/1999
HB 326, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "GOVERNMENT"

Insert: "IF APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AND IF THE COUNTY AUDITOR IS A CERTIFIED INTERNAL AUDITOR OR CERTIFIED PUBLIC ACCOUNTANT"

2. Page 1, line 28.

Strike: "The"

Insert: "Upon approval by the board of county commissioners, the"

Following: "auditor"

Insert: ", if the auditor is a certified internal auditor or certified public accountant,"

And, as amended, do pass. Report adopted.

HB 338, introduced bill, be amended as follows:

1. Page 1, line 14.

Following: "contract"

Insert: "must be entered into by a county"

2. Page 1, line 16.

Following: "\$50,000"

Insert: "and"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Tash, Chairman): 2/11/1999
HB 183, introduced bill, be amended as follows:

1. Title, page 1, line 8.

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Following: "LAWS;"

Strike: "REMOVING" on line 8 through "CONSIDERATION;" on line 9

2. Title, page 1, line 9.

Following: ";"

Insert: "CLARIFYING DREDGE OPERATION EXEMPTIONS;"

3. Title, page 1, line 11.

Following: "DEPOSIT";

Insert: "AUTHORIZING THE DEPARTMENT TO REQUIRE RECLAMATION OF CERTAIN METAL MINES
AFTER 5 YEARS OF INACTIVITY;"

4. Title, page 1, line 11.

Following: "METAL MINE"

Insert: "BONDING AND PUBLIC PARTICIPATION PROVISIONS"

5. Title, page 1, line 14.

Following: "APPLICATION;"

Strike: "PROVIDING" through "PERMITS;"

Insert: "INCREASING ANNUAL REPORTING REQUIREMENTS;"

6. Title, page 1, line 15.

Strike: "82-4-337,"

7. Title, page 1, line 16.

Following: "82-4-423,"

Insert: "82-4-427,"

8. Page 3, lines 20 and 21.

Following: "in" on line 20

Insert: "mining activity that is not exempt from this part pursuant to 82-4-310, that engages in"

Following: "of" on line 20

Strike: "mining or"

9. Page 3, line 21.

Following: "materials"

Insert: ","

10. Page 3, line 23.

Following: ";"

Strike: " "

Insert: ";"

11. Page 3, line 24.

Following: ";"

Strike: " "

Insert: ";"

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12. Page 7, line 5.

Strike: "Except as provided in 82-4-390, a"

Insert: "A"

13. Page 8, lines 4 and 5.

Following: "(1)" on line 4

Strike: "This" on line 4 through "person" on line 5

Insert: "A person is exempt from this part when the person is engaging in a mining activity that"

14. Page 8, line 8.

Strike: "each"

Insert: "any"

15. Page 8, line 10 through line 12.

Strike: subsections (1)(e) and (1)(f) in their entirety

Renumber: subsequent subsections

16. Page 8.

Following: line 16

Insert: "(2) A person is exempt from this part when the person is engaging in a mining activity using a suction dredge if:

(a) the dredge in use has an intake of 4 inches in diameter or less;

(b) the person does not operate the dredge beyond the area of the streambed that is naturally under water at the time of operation; and

(c) the person has obtained for the activity:

(i) project approval pursuant to Title 75, chapter 7, part 1; and

(ii) a discharge permit issued pursuant to 75-5-402."

Renumber: subsequent subsection

17. Page 12, line 1 through page 14, line 9.

Strike: section 5 in its entirety

Renumber: subsequent sections

18. Page 14, line 14.

Strike: "or more than \$2,500"

19. Page 14, line 15.

Following: "disturbed"

Strike: "area"

Insert: "land"

20. Page 14, line 18.

Strike: "Regardless of the limits in this subsection, the"

Insert: "The"

21. Page 14, line 19.

Following: "permit"

Insert: ", including the potential cost of department management, operation, and maintenance of the site upon temporary or permanent operator insolvency or abandonment, until full bond liquidation can be effected"

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22. Page 14, line 23.

Following: "department shall"

Strike: "review"

Insert: "conduct an overview of"

Following: "and shall"

Insert: "conduct a comprehensive bond review at least every 5 years. The department may conduct additional comprehensive bond reviews if, after modification of the reclamation or operation plan, an annual overview, or an inspection of the permit area, the department determines that an increase of the bond level may be necessary. The department shall"

23. Page 15, line 6.

Following: "released"

Insert: "or decreased"

24. Page 15, line 7.

Following: "hearing"

Insert: "and a hearing has been held if requested. The department shall provide reasonable statewide and local notice of the opportunity for a hearing, including but not limited to publishing the notice in newspapers of general daily circulation"

25. Page 15, line 21.

Following: "plan"

Insert: "or as required pursuant to subsection (8)"

26. Page 15, line 29.

Following: "completed,"

Insert: "the department shall provide the public notice and conduct any hearing requested pursuant to 82-4-338. As soon as practicable thereafter,"

27. Page 16, line 29.

Following: "license."

Insert: "(8)(a) If at the time of bond review pursuant to 82-4-338 no mineral extraction or ore processing has occurred on a mine permit area for the past 5 years, the department shall determine whether further suspension of the operation will create conditions that will cause violations of Title 75, chapter 2 or 5, or significantly impair reclamation of disturbed areas. If the department determines in writing that violations of Title 75, chapter 2 or 5, or significant impairment of reclamation will occur, the department shall notify the permittee that the permittee shall, within a reasonable time specified in the notice, abate the conditions or commence reclamation. The department may grant reasonable extensions of time for good cause shown. If the permittee does not abate the conditions or commence reclamation within the time specified in the notice and any extensions, the department shall order either that the condition be abated or that reclamation be commenced.

(b) The permittee may request a hearing on the order by submitting a written request for hearing within 30 days of receipt of the order. A request for hearing stays the order pending a final decision, unless the department determines in writing that the stay will create an imminent threat of significant environmental harm or will significantly impair reclamation."

28. Page 17, lines 3 and 6.

Strike: "mineral"

Insert: "materials"

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29. Page 17, lines 14, 16, and 17.

Strike: "mineral"

Insert: "material"

30. Page 17, line 25.

Strike: ""Minerals""

Insert: ""Materials""

31. Page 17, lines 27, 28, and 30.

Page 18, line 5.

Page 20, lines 10, 13 (in two places), 15, 16, 22.

Strike: "minerals" or "minerals"

Insert: "materials"

32. Page 18, lines 12 through 14.

Following: "a report" on line 12

Strike: "showing" on line 12 through "accomplished" on line 14

Insert: "on a form provided by the department, with appropriate maps, that shows:

- (a) any change in ownership or control of the affected land and includes a landowner consent form if a change has occurred;
- (b) any change in personnel who are in charge of the operation or responsible for reclamation;
- (c) any change in any contractors or subcontractors who will be working at the site; and
- (d) all land that has been affected by the operation"

33. Page 18, line 21.

Following: "82-4-434;"

Insert: "and"

34. Page 18, line 24 through line 26.

Strike: " ; and" on line 24 through rule on line 26

35. Page 20.

Following: line 5

Insert: "**Section 12.** Section 82-4-427, MCA, is amended to read:

"**82-4-427. Hearing.** (1) A person who is aggrieved by a final decision of the department is entitled to a hearing within 30 days of the department's decision.

(2) The Montana Administrative Procedure Act governs hearings before the department and judicial review of those decisions ~~of the board under this part.~~"

Renumber: subsequent sections

36. Page 21, line 30.

Following: "\$50"

Insert: "for an application to mine bentonite, clay, scoria, sand, or gravel"

37. Page 24, line 26.

Following: "reclamation plan"

Insert: "or a plan of operations"

Following: "unless the"

Strike: "plan provides"

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Insert: "plans provide"

38. Page 25, line 28.

Strike: "and"

39. Page 25, line 30.

Following: "operation"

Insert: ";

(o) that noise and visual impacts on residential areas will be minimized to the degree practicable through berms, vegetation screens, and reasonable limits on hours of operation; and

(p) that any additional procedures that are necessary, consistent with the purposes of this part, to prevent significant physical harm to the affected land or adjacent land, structures, improvements, or life forms will be implemented"

40. Page 26, line 24.

Following: "force"

Strike: "for a primary term of 10 years or"

41. Page 26, line 26, through page 27, line 7.

Strike: subsection (8) in its entirety

42. Page 28, line 15 and 16.

Strike: "[LC 290]"

Insert: "Senate Bill No. 313"

43. Page 28, line 28.

Strike: "9(6)"

Insert: "8(6)"

44. Page 29, line 1.

Strike: "9(6)"

Insert: "8(6)"

45. Page 29, line 5.

Strike: "[section 9] and [sections 11 through 17]"

Insert: "[sections 8, 10, 11, and 13 through 17]"

46. Page 29, lines 9 through 11.

Strike: subsection (4) in its entirety

And, as amended, do pass. Report adopted.

HB 412, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "COMPILE A LIST OF"

Insert: "IDENTIFY"

2. Title, line 6.

Strike: "AND IDENTIFY THOSE"

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Strike: the second "AND"

3. Title, line 8.

Following: "VANDALISM"

Insert: "; AND PROVIDING FOR APPOINTMENT OF AN ADVISORY GROUP TO DEVELOP REPLACEMENT NAMES AND NOTIFY APPROPRIATE AGENCIES"

4. Page 1, line 13.

Following: "'squaw'"

Insert: "-- advisory group"

Following: "."

Insert: "(1) The coordinator of Indian affairs shall appoint an advisory group that will serve on a volunteer basis to consult with local agencies, organizations, and individuals in developing names to replace present site or geographic names that contain the word "squaw". (2)"

5. Page 1, line 13 through line 18.

Following: "shall" on line 13

Strike: remainder of line 13 through "(3)" line 18

6. Page 1, line 19 through line 20.

Strike: "rename" on line 19 through "(4)" on line 20

Insert: "inform the advisory group of the agency's findings. The agency shall"

7. Page 1, line 21 and line 22.

Strike: "a" on line 21 through "appropriate" on line 22

Insert: "the"

8. Page 1, line 22.

Following: "name"

Insert: "chosen by the advisory group."

9. Page 1, line 22 and line 23.

Strike: ";" on line 22 through "(5)" on line 23

Insert: "(3) The advisory group shall: (a)"

10. Page 1, line 27.

Strike: "(6)"

Insert: "(b)"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Brainard, Chairman):
HB 182, introduced bill, be amended as follows:

2/10/1999

1. Page 68.

Following: line 4

Insert: "NEW SECTION. Section 100. Coordination instruction. (1) If House Bill No. 79 and [this act] are both passed and approved, then:

(a) [section 3] of [this act] is void;

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(b) subsection (30) of [section 4] of [this act], amending 19-2-303, must read as follows: "Retirement system" or "system" means one of the public employee retirement systems enumerated in 19-2-302.;"

(c) [section 21] of [this act], amending 19-3-103, is void; and

(d) [section 24] of [this act], amending 19-3-401, must read as follows:

"Section 24. Section 19-3-401, MCA, is amended to read: **"19-3-401. Membership -- inactive vested members -- inactive nonvested members.** (1) Except as otherwise provided in this chapter, all employees shall become members of the defined benefit plan on the first day of service. Each employer shall file with the board information affecting their employees' status as members ~~of the retirement system~~ as the board may require. An employee may become a member of the defined contribution plan only as provided in [sections 42 through 64 of House Bill No. 79].

(2) A member of the defined benefit plan with at least 5 years of membership service who terminates service and does not take a refund of the member's accumulated contributions is an inactive vested member and retains the right to purchase service and to receive a service retirement benefit subject to the provisions of this chapter.

(3) A member of the defined benefit plan with less than 5 years of membership service who terminates service and leaves the member's accumulated contributions in the pension trust fund is an inactive nonvested member and is not eligible for any benefits from the retirement ~~system~~ plan. An inactive nonvested member is eligible only for a refund of the member's accumulated contributions.

(4) ~~Every employee who reenters service shall become a member unless the employee has had an original election of exemption from membership and the employee's service was not interrupted by a break of more than 1 month. A seasonal employee who has had an original election of exemption from membership is not subject to the requirement regarding the break in service while continuing in the employee's original employment and employed on a seasonal basis, but upon termination of employment to accept new employment or absence of more than 1 month in returning to original employment in any ensuing season, the seasonal employee shall become a member of the retirement system upon reentry. A member of either the defined benefit plan or the defined contribution plan who returns to service within 30 days of termination of service is an active member. Except as otherwise provided in this chapter, a member of either the defined benefit plan or the defined contribution plan who terminates one service but remains in another service or subsequently reenters service is an active member.~~

(5) Time during which an employee of a school district is absent from service during official vacation is counted as service in determining eligibility for membership under this chapter."

(2) If House Bill No. 119 and [this act] are both passed and approved, then [section 14] of [this act], amending 19-2-602, must read as follows:

"Section 14. Section 19-2-602, MCA, is amended to read: **"19-2-602. Refund of member's contributions on termination of service.** (1) Except as provided in this section, any member whose service has been discontinued, other than by death or retirement, must be paid the member's accumulated contributions ~~at the member's request.~~ on written application by the member and board approval. Prior to termination of service, a member may not receive a refund of any portion of the member's accumulated contributions.

(2) A nonvested member who terminates from service with accumulated contributions of less than \$200 must be paid the accumulated contributions in a lump sum as soon as administratively feasible after termination without a written application from the member.

(3) A nonvested member who terminates from service with accumulated contributions of \$200 to \$5,000 must be paid the accumulated contributions in a lump sum as soon as administratively feasible after termination, unless a written application is made pursuant to subsection (4).

~~(2)(4)~~ Upon the written ~~request~~ application of a terminating member with \$200 or more of accumulated contributions, the ~~division board~~ shall make a direct rollover distribution as allowed under Internal Revenue Code section 401(a)(31) of the eligible portion of a refund of the member's accumulated contributions. The direct rollover distribution must be paid directly to an eligible retirement plan allowed under applicable federal law. The terminating member shall designate the eligible retirement plan on forms provided by the ~~division board~~. Amounts of the member's accumulated contributions that are not eligible for direct rollover distribution must be paid to the

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terminating member. The terminating member is responsible to correctly designate an eligible retirement plan to receive the direct rollover distribution.

~~(3) The board may, in its discretion, withhold, for not more than 1 year after a member last rendered service, all or part of the member's accumulated contributions if after a previous discontinuance of service the member withdrew all or part of the member's contributions and failed to redeposit the withdrawn amount in the pension trust fund.~~

~~(4) An employer who has an employment-related claim against a terminating member may, within 30 days after the date of termination, submit to the board a written request, signed by the employer and the member, authorizing the payment of all or any part of the accumulated contributions of the member directly to the employer to satisfy the claim in whole or in part. The request, if timely submitted, is sufficient authority for the division to make the direct payment to the employer as part of the member's refund. The total of the payments made to the employer and those made to the member may not exceed the member's accumulated contributions.~~

~~(5) Prior to termination of service, a member may not receive a refund of any portion of the member's accumulated contributions, except that a member who does not complete an installment payment schedule for purchasing service must be paid the member's additional contributions, including any regular interest earned on those additional contributions, upon the member's written request." "~~

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman): 2/11/1999
HB 420, do pass. Report adopted.

TRANSPORTATION (Anderson, Chairman): 2/10/1999
HB 352, introduced bill, be amended as follows:

1. Page 1, line 10.

Strike: "or right-of-way"

2. Page 1, line 12.

Following: the third "the"

Insert: "nonexclusive"

Strike: "or right-of-way"

3. Page 1, line 12.

Following: "permanent"

Insert: ", nonexclusive"

4. Page 1, line 13.

Following: the first "easement"

Strike: "or right-of-way"

Following: the second "easement"

Strike: "or right-of-way"

5. Page 1, line 14.

Following: "existence"

Strike: ", "

Insert: "of the easement or right-of-way and the"

Following: "purpose"

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Strike: ", "

Following: the second "the"

Insert: "nonexclusive"

Strike: "or right-of-way"

6. Page 1, line 15.

Following: "permanent"

Insert: "nonexclusive"

Strike: "or right-of-way"

7. Page 1, line 16.

Following: "permanent"

Insert: "nonexclusive"

Strike: "or right-of-way"

8. Page 1, line 19.

Strike: "or right-of-way"

9. Page 1, line 21.

Following: the third "the"

Insert: "nonexclusive"

Strike: "or right-of-way"

10. Page 1, line 22.

Following: the first "permanent"

Insert: ", nonexclusive"

Strike: "or right-of-way"

11. Page 1, line 22 through line 23.

Following: the second "permanent" on line 22

Insert: ", nonexclusive"

Following: the first "easement" on line 23

Strike: "or right-of-way"

Following: the second "easement" on line 23

Strike: "or right-of-way"

12. Page 1, line 24.

Following: "existence"

Strike: ", "

Insert: "of the easement or right-of-way and the"

Following: "purpose"

Strike: ", "

Following: the second "the"

Insert: "nonexclusive"

Strike: "or right-of-way"

And, as amended, do pass. Report adopted.

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HB 467, do pass. Report adopted. 2/11/1999

HB 474, do pass. Report adopted. 2/10/1999

SB 133, be amended as follows: 2/11/1999

1. Title, line 15 through line 16.

Strike: "INCREASING" on line 15 through "HIGHWAYS;" on line 16

2. Title, line 18.

Strike: "61-9-415,"

3. Page 2, line 1.

Strike: "-- basic rule"

Strike: "A"

Insert: "Except as provided in 61-8-309, 61-8-310, 61-8-312, and subsection (2) of this section, the speed limit for vehicles traveling:

(a) on a federal-aid interstate highway outside an urbanized area of 50,000 population or more is 75 miles an hour at all times and the speed limit for vehicles traveling on federal-aid interstate highways within an urbanized area of 50,000 population or more is 65 miles an hour at all times;

(b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour during the nighttime.

(2) The speed limit for vehicles traveling on U.S. highway 93 between the Canadian and Idaho borders is 65 miles an hour at all times. The speed limit imposed by this subsection ceases to be effective if U.S. highway 93 is upgraded to a continuous four-lane highway.

(3) A vehicle subject to the speed limits imposed in subsection (1) traveling on a two-lane road may exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane.

(4) Subject to the maximum speed limits set forth in subsections (1) and (2), a"

Renumber: subsequent subsections

4. Page 2, line 3.

Following: "a"

Insert: "reduced"

Strike: "proper"

Insert: "prudent"

5. Page 2, line 9.

Strike: "subsection"

Insert: "subsections"

Following: "(1)"

Insert: "and (2)"

6. Page 2, line 10.

Strike: "[section 3] and"

7. Page 2.

Following: line 17

Insert: "(6) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means

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at any other hour."

Renumber: subsequent subsection

8. Page 2, line 26 through page 3, line 13.

Strike: section 3 in its entirety

Renumber: subsequent sections

9. Page 3, line 16.

Strike: "3"

Insert: "2"

10. Page 3, line 21.

Strike: "25"

Insert: "20"

11. Page 3, line 25.

Strike: "3"

Insert: "2"

12. Page 4, line 3.

Strike: "or [section 3]"

13. Page 5, line 4.

Strike: the first "Δ"

Insert: "and"

Strike: ", and [section 3]"

14. Page 5, line 22.

Strike: "or [section 3]"

15. Page 6, lines 1 and 2.

Following: "tractors,"

Insert: "and"

Strike: the third ", " on line 1 through "housetrailers" on line 2

16. Page 6, line 6.

Strike: "75"

Insert: "65"

17. Page 6, line 11.

Strike: "3"

Insert: "2"

18. Page 6, line 16.

Strike: "65"

Insert: "55"

19. Page 6, lines 20 through 21.

Strike: subsection (4) in its entirety

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20. Page 6, line 23 through page 7, line 13.

Strike: section 8 in its entirety

Renumber: subsequent sections

21. Page 8, line 13.

Strike: "4(2)"

Insert: "3(2)"

22. Page 8, lines 21 through 26.

Strike: section 10 in its entirety

Insert: "NEW SECTION. Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

23. Page 8, line 28 through page 9, line 2.

Strike: "(1)" on page 8, line 28 through "(2)" on page 9, line 1

Strike: "4" on page 9, line 1

Insert: "3"

Strike: "4" on page 9, line 2

Insert: "3"

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

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/10/1999

SB 47, introduced by Swysgood

SB 170, introduced by Taylor

SB 249, introduced by Keating

SB 273, introduced by Jobs

House amendments to Senate bill concurred in:

2/10/1999

SB 55, introduced by Taylor

SB 20 - The Senate failed to concur in House amendments to **SB 20**, authorized the President to appoint the following free conference committee, and requested that the House appoint a like committee to confer on **SB 20**:

2/10/1999

Senator McNutt, Chairman

Senator Beck

Senator Shea

House bills concurred in and returned to the House:

2/10/1999

HB 29, introduced by Ohs

HB 30, introduced by Peck

HB 35, introduced by Ahner

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HB 51, introduced by Harper
HB 80, introduced by Cobb
HB 254, introduced by Somerville
HB 284, introduced by Story

FIRST READING AND COMMITMENT OF BILLS

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

HB 589, introduced by L. McCulloch, G. Beck, R. Clark, B. Lawson, D. Mood, S. Rose, referred to Education.
HB 590, introduced by B. Lawson, S. Anderson, B. Barnhart, S. Bookout-Reinicke, R. Clark, B. DePratu, A. Ellis, D. Fuchs, P. Sliter, R. Somerville, C. Younkin, referred to Education.
HB 591, introduced by M. Brainard, referred to Fish, Wildlife and Parks.
HB 592, introduced by C. Hibbard, S. Anderson, S. Bartlett, D. Grimes, T. Keating, W. McNutt, D. Mood, S. Rose, P. Sliter, F. Thomas, B. Wilson, referred to Business and Labor.
HB 593, introduced by H. Harper, M. Noennig, referred to Judiciary.
HB 594, introduced by B. Molnar, referred to Fish, Wildlife and Parks.
HB 595, introduced by R. Jore, referred to Judiciary.
HB 596, introduced by R. Somerville, B. DePratu, C. Hibbard, B. Lawson, M. Taylor, referred to Natural Resources.
HB 597, introduced by J. Stovall, referred to State Administration.
HB 598, introduced by J. Quilici, G. Beck, T. Facey, K. Gillan, J. Harp, D. Harrington, B. Krenzler, M. Lindeen, J. Lynch, D. Mahlum, J. Mangan, W. McNutt, R. Menahan, D. Mood, B. Pavlovich, B. Ryan, D. Shea, B. Simon, P. Sliter, B. Tash, referred to Business and Labor.
HB 599, introduced by L. Taylor, referred to Education.
HB 600, introduced by G. Gutsche, J. Ellingson, K. Galvin-Halcro, S. Kitzenberg, L. Soft, referred to Human Services.
HB 601, introduced by S. Anderson, D. Adams, J. Barnett, G. Beck, S. Bookout-Reinicke, M. Brainard, R. Clark, G. Golie, M. Hanson, D. Hedges, C. Juneau, G. Matthews, F. Smith, R. Somerville, C. Trexler, referred to Transportation.

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

HJR 25, introduced by K. Gillan, G. Beck, R. Clark, D. Harrington, B. Lawson, L. McCulloch, D. Mood, S. Rose, referred to Transportation.

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

Representative Grinde 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 275 - Representative Barnhart moved **HB 275** do pass.

HB 275 - Representative Barnhart moved **HB 275**, second reading copy, be amended as follows :

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1. Title, line 7.

Strike: "BIENNIALLY TO THE LEGISLATURE"

Insert: "ANNUALLY"

2. Page 1, line 30.

Following: "(6)"

Insert: "(a)"

Strike: "a biennial"

Insert: "an annual"

3. Page 2, line 1.

Following: "LEGISLATURE"

Insert: "or an appropriate interim committee"

4. Page 2, line 2.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

5. Page 2, line 10.

Following: line 9

Insert: "(b) The report provided for in subsection (6)(a) must be posted in an appropriate electronic forum and format for access by the public."

Amendment passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fuchs, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Hedges, Hibbard, Holden, Hurdle, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 81

Noes: Adams, Brainard, Brown, R. Clark, Davies, Fisher, Jackson, Jore, McGee, Orr, Rehbein, Story, Vick, Wagner, Walters.

Total 15

Voted Absentee: Galvin-Halcro, Aye.

Excused: Rose.

Total 1

Absent or not voting: Gallus, Harrington, Ohs.

Total 3

Motion that **HB 275**, as amended, do pass carried as follows:

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Ayes: Ahner, J. Andersen, Barnett, Barnhart, Beck, Bookout-Reinicke, Buzzas, E. Clark, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hibbard, Holden, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Molnar, Noennig, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Smith, Soft, Squires, Swanson, Thomas, Tropila, Tuss, Williams, Witt, Wyatt.
Total 59

Noes: Adams, S. Anderson, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, R. Clark, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Jackson, Jore, Kasten, McGee, McKenney, Mood, Ohs, Orr, Rehbein, Shockley, Simon, Sliter, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Younkin, Zook, Mr. Speaker.
Total 41

Voted Absentee: Galvin-Halcro, Rose, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 269 - Representative Molnar moved **HB 269** do pass. Motion carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Facey, Fuchs, Gallus, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Shockley, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Younkin, Zook, Mr. Speaker.
Total 90

Noes: Buzzas, Ewer, Fisher, Galvin-Halcro, Harper, Mangan, Peck, Schmidt, Simon, Wyatt.
Total 10

Voted Absentee: Rose, Aye; Galvin-Halcro, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 399 - Representative Guggenheim moved **HB 399** do pass. Motion carried as follows:

Ayes: Barnhart, Beck, Buzzas, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hibbard, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, McCann, McCulloch, Menahan, Noennig, Pavlovich, Peck,

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Quilici, Raney, Ryan, Schmidt, Shockley, Sliter, Smith, Soft, Stovall, Swanson, Tash, Tropila, Tuss, Williams, Wyatt, Zook.

Total 52

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, P. Clark, R. Clark, Curtiss, Davies, Fuchs, Grinde, Hanson, Hedges, Holden, Jackson, Jore, Kasten, Lawson, Masolo, Matthews, McGee, McKenney, Molnar, Mood, Ohs, Orr, Rehbein, Rose, Simon, Somerville, Squires, Story, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Mr. Speaker.

Total 48

Voted Absentee: Galvin-Halcro, Aye; Rose, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 340 - Representative Anderson moved **HB 340** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Dell, Eggers, Ewer, Facey, Fisher, Fuchs, Galvin-Halcro, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Jore, Juneau, Kasten, Kitzenberg, Masolo, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Orr, Pavlovich, Quilici, Raney, Rehbein, Rose, Ryan, Shockley, Simon, Sliter, Smith, Soft, Somerville, Story, Tash, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Witt, Wyatt, Younkin.

Total 71

Noes: Adams, Barnhart, Beck, P. Bergsagel, Buzzas, P. Clark, Cobb, Erickson, Gallus, Gillan, Harper, Harrington, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, Peck, Schmidt, Squires, Stovall, Swanson, Taylor, Williams, Zook.

Total 28

Voted Absentee: Galvin-Halcro, Rose, Ayes.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 374 - Representative Hurdle moved **HB 374** do pass. Motion carried as follows:

Ayes: J. Andersen, S. Anderson, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hibbard, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, Menahan, Molnar, Noennig, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Swanson, Tash, Thomas, Trexler, Tropila, Tuss, Williams, Wyatt, Younkin.

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Total 64

Noes: Adams, Ahner, Barnett, P. Bergsagel, Brainard, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Fuchs, Grinde, Haines, Hanson, Hedges, Holden, Jore, Kasten, Lawson, McKenney, Mood, Ohs, Orr, Pavlovich, Rehbein, Sliter, Story, Stovall, Taylor, Vick, Wagner, Walters, Witt, Zook.

Total 35

Voted Absentee: Galvin-Halcro, Rose, Ayes.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 396 - Representative Masolo moved **HB 396** do pass. Motion carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Facey, Fisher, Fuchs, Grinde, Guggenheim, Hagener, Haines, Hanson, Hedges, Hibbard, Jackson, Kasten, Kitzenberg, Lenhart, Masolo, Matthews, McGee, McKenney, Mood, Noennig, Ohs, Pavlovich, Rehbein, Rose, Shockley, Simon, Sliter, Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 57

Noes: Adams, Barnhart, Beck, P. Bergsagel, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harper, Harrington, Holden, Hurdle, Johnson, Jore, Juneau, Krenzler, Lawson, Lindeen, Mangan, McCann, McCulloch, Menahan, Molnar, Orr, Peck, Quilici, Raney, Ryan, Schmidt, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.

Total 42

Voted Absentee: Rose, Aye; Galvin-Halcro, No.

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

Representative Grinde moved the committee rise and report. 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, Ahner, J. Andersen, S. Anderson, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Fuchs, Gallus, Gillan, Golie, Guggenheim, Gutsche, Hagener, Hanson, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Orr, Pavlovich, Peck, Quilici, Raney, Ryan, Shockley, Simon, Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Vick, Walters, Williams, Wyatt, Younkin, Zook, Mr. Speaker.

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Total 77

Noes: P. Clark, Ewer, Harper, Jore, Molnar, Rehbein, Squires, Wagner.

Total 8

Excused: Galvin-Halcro, Rose.

Total 2

Absent or not voting: Barnett, Buzzas, Cobb, Curtiss, Grinde, Haines, Lenhart, Noennig, Ohs, Schmidt, Sliter, Tuss, Witt.

Total 13

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 6 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Quilici, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 92

Noes: Adams, P. Bergsagel, Brainard, Jore, Orr, Peck, Raney, Vick.

Total 8

Voted Absentee: Galvin-Halcro, Rose, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 8 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Quilici, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Wagner, Walters, Williams, Witt, Wyatt, Younkin,

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Zook, Mr. Speaker.
Total 88

Noes: Adams, P. Bergsagel, Brainard, R. Clark, Jore, Orr, Peck, Raney, Vick.
Total 9

Voted Absentee: Galvin-Halcro, Rose, Ayes.

Excused: None.
Total 0

Absent or not voting: Haines, Hurdle, Tuss.
Total 3

HB 74 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 88

Noes: Adams, P. Bergsagel, Brainard, R. Clark, Davies, Jackson, Jore, Kasten, Orr, Rehbein, Vick.
Total 11

Voted Absentee: Galvin-Halcro, Rose, Ayes.

Excused: None.
Total 0

Absent or not voting: Tuss.
Total 1

HB 419 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Noennig, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Williams, Younkin, Zook, Mr. Speaker.
Total 74

Noes: Adams, E. Bergsagel, P. Bergsagel, Brainard, Brown, Curtiss, Davies, Fuchs, Grinde, Hanson, Jore, Kasten,

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McGee, Molnar, Mood, Orr, Peck, Rehbein, Sliter, Story, Tuss, Vick, Wagner, Walters, Witt, Wyatt.
Total 26

Voted Absentee: Galvin-Halcro, Rose, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 437 passed as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 96

Noes: P. Bergsagel, Jore, Orr, Rehbein.
Total 4

Voted Absentee: Galvin-Halcro, Rose, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 442 passed as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Beck, E. Bergsagel, Bitney, Bookout-Reinicke, Brown, Buzzas, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Ewer, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Jore, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 88

Noes: Barnhart, P. Bergsagel, Brainard, P. Clark, Jackson, McGee, Molnar, Soft, Thomas, Trexler, Wagner.
Total 11

Voted Absentee: Galvin-Halcro, Rose, Ayes.

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Excused: None.
Total 0

Absent or not voting: Fisher.
Total 1

HJ 12 adopted as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McGee, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 84

Noes: Adams, E. Bergsagel, P. Bergsagel, Davies, Fisher, Jackson, Jore, Kasten, Molnar, Orr, Rehbein, Vick, Wagner, Walters.
Total 14

Voted Absentee: Galvin-Halcro, Rose, Ayes.

Excused: None.
Total 0

Absent or not voting: Bitney, Sliter.
Total 2

SJ 2 concurred in as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, Buzzas, E. Clark, P. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Dell, Eggers, Erickson, Facey, Fisher, Fuchs, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kasten, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Tuss, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.
Total 93

Noes: Jore, McGee, Orr, Story, Vick, Wagner.
Total 6

Voted Absentee: Galvin-Halcro, Rose, Ayes.

Excused: None.
Total 0

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Absent or not voting: Ewer.
Total 1

MOTIONS

Representative Brown requested that on Legislative Day 33, Wednesday, 2/10/1999, his vote be shown as yes on all bills except **HB 419** where his vote be shown as no. There being no objections, so ordered.

Representative Grinde moved that **HB 575** be taken from the Committee on Local Government and be rereferred to the Committee on Transportation. Motion carried.

Representative Grinde moved that **HB 399** be placed on a future 2nd reading board for the purpose of amendments. Motion carried.

SPECIAL ORDERS OF THE DAY

The following cosponsors were added to **HR 2**: Representatives Buzzas, Eggers, Golie, Gutsche, Holden, Stovall, and Williams, and Senator Nelson.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Grinde moved that the House adjourn until 1:00 p.m., Friday, February 12, 1999. Motion carried.

House adjourned at 2:55 p.m.

MARILYN MILLER
Chief Clerk of the House

JOHN MERCER
Speaker of the House