

**SENATE JOURNAL
FORTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 20, 1999

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Halligan and Keenan, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the forty-first legislative day, find the same to be correct.

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 2/20/1999
Correctly printed: SB 306, SB 310, SB 311, SB 342, SB 349, SB 374, SB 377, SB 378, SB 379, SB 386, SB 414,
SB 415, SB 430, SB 466, SB 470, SB 481, SB 504, SJR 9.
Correctly engrossed: SB 264, SB 366, SB 369, SB 409, SB 419, SB 421, SB 443, SB 459, SB 472, SB 486, SB 500,
SB 503, SB 505, SB 506, SB 507.

BUSINESS AND INDUSTRY (Hertel, Chairman): 2/19/1999
SB 130, do pass. Report adopted.
SB 132, do pass. Report adopted.
SB 406, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "A"

Insert: "ONE OR MORE"

Strike: "SUPPLIER"

Insert: "SUPPLIERS"

2. Title, page 1, line 9.

Following: "69-8-103,"

Strike: "69-8-203,"

Insert: "69-8-201,"

3. Page 1, line 13.

Strike: "just and reasonable"

Insert: "equitable"

4. Page 1, line 14 through line 18.

Strike: lines 14 through 18 in their entirety

5. Page 1, line 20.

Strike: "just and reasonable"

Insert: "equitable"

6. Page 1, line 22.

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Strike: "entity"

Insert: "or more default suppliers"

7. Page 1, line 28 through line 29.

Strike: lines 28 and 29 in their entirety

8. Page 2, following line 2.

Insert: "WHEREAS, the state of Montana desires that its residents have access to the benefits of competitive retail electricity markets and federal Power Marketing Administration electricity; and

WHEREAS, federal Power Marketing Administration power or benefits should be distributed as widely and equitably as possible among small customers of open-access public utilities in the state of Montana in a manner that promotes efficient development and operation of the competitive retail electricity markets; and"

9. Page 2, line 23.

Strike: "the"

Insert: "a"

Strike: "36"

Insert: "37"

10. Page 6, line 30.

Strike: "36"

Insert: "37"

11. Page 23, line 29 through page 24, line 12.

Strike: section 34 in its entirety

Insert: "**Section 34.** Section 69-8-201, MCA, is amended to read:

"69-8-201. Public utility -- transition to customer choice -- waiver. (1) A public utility shall, except as provided in this section, adhere to the following deadlines:

(a) On or before July 1, 1998, all customers with individual loads greater than 1,000 kilowatts and for loads of the same customer with individual loads at a meter greater than 300 kilowatts that aggregate to 1,000 kilowatts or greater must have the opportunity to choose an electricity supplier.

(b) Subject to subsection (2), and as soon as is administratively feasible but before July 1, 2002, all other public utility customers must have the opportunity to choose an electricity supplier.

(2) (a) Except as provided for in subsection (3), the commission may determine that additional time is necessary for customers identified in subsection (1)(b); however, the implementation of full customer choice may not be delayed beyond July 1, 2004.

(b) A determination by the commission that additional time is necessary for subsection (1)(b) customers must be made at least 60 days in advance of the scheduled date and must be based on one or more of the following considerations:

(i) implementation would not be administratively feasible;

(ii) implementation would materially affect the reliability of the electric system; or

(iii) Montana customers or electricity suppliers would be disadvantaged due to lack of a competitive electricity supply market.

(3) The commission shall designate the public utility or one or more default suppliers, pursuant to [section 37], to provide regulated default service for those small customers of a public utility that are not being served by a competitive supplier, until the commission determines that a competitive market exists.

(4) Except as provided in 69-5-101, 69-5-102, 69-5-104 through 69-5-112, and 69-8-402, a public utility currently doing business in Montana as part of a single integrated multistate operation, no portion of which lies within the basin of the Columbia River, may:

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(a) defer compliance with this chapter until a time that the public utility can reasonably implement customer choice in the state of the public utility's primary service territory, except that the public utility shall file a transition plan pursuant to 69-8-202 to provide transition to customer choice on or before July 1, 2002, and must have completed the transition period to customer choice by July 1, 2006; and

(b) petition the commission to delay the public utility's transition plan filing until July 1, 2004.

(5) Upon a request from a public utility with fewer than 50 customers, the commission shall waive compliance with the requirements of 69-8-104, 69-8-202 through 69-8-204, 69-8-208 through 69-8-211, 69-8-402, and this section."

12. Page 25, line 5.

Strike: "the the"

Insert: "one or more"

Strike: "supplier"

Insert: "suppliers"

13. Page 25, line 6.

Strike: "have not"

Insert: "are not being served by a competitive supplier"

14. Page 25, line 7.

Strike: "been" through "supplier"

15. Page 26, line 9.

Strike: "license"

Insert: "licenses and obligation to serve"

16. Page 26, line 9 through line 11.

Strike: "A" on line 9 through "supplier." on line 11

Insert: "A default supplier is obligated to provide a single electric supply service to all small customers of a public utility who are not being served by a competitive supplier. A default supplier may also offer an additional electric supply service that will include a component of renewable energy. A default supplier may not offer other supply services unless the default supplier forms a separate entity."

17. Page 26, line 11.

Strike: "only"

Following: "one"

Insert: "or more"

Strike: the second "supplier"

Insert: "suppliers"

18. Page 26, line 13.

Following: "as"

Strike: "the"

Insert: "a"

19. Page 26, line 14 through line 15.

Strike: "All" on line 14 through "until" on line 15

Insert: "Until"

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20. Page 26, line 16.

Following: "customers"

Insert: ", a default supplier's obligation to serve remains"

Following: "commission"

Strike: "must"

Insert: "shall"

21. Page 26, line 18 through 20.

Strike: "The" on line 18 through "participate." on line 20

Insert: "A person may submit an application to the commission to become a default supplier for those small customers of a public utility who are not being served by a competitive supplier. In considering the applications for default supplier, the commission shall consider the impact of having more than one default supplier on the small customers in the aggregate."

22. Page 26, line 21.

Following: "by"

Strike: "the"

Insert: "a"

Following: "supplier"

Insert: "or the public utility, if a default supplier is not chosen or is revoked pursuant to [section 38],"

23. Page 26, line 21 through line 22.

Strike: "just" on line 21 through second "and" on line 22

Insert: "fair and fully recovers all costs of providing default supply service. The commission"

24. Page 26, following line 27.

Insert: "(4) The commission shall ensure that federal power marketing administration power or benefits acquired by a default supplier are distributed as widely and equitably as possible among small customers in a manner that promotes efficient development and operation of the competitive retail electricity markets."

Renumber: subsequent subsections

25. Page 26, line 28.

Following: ", "

Strike: "the"

Insert: "a"

26. Page 26, line 29 through line 30.

Strike: "The" on line 29 through "." on line 30

27. Page 26, following line 30.

Insert: "(6) A default supplier has the following additional duties:

(a) It shall educate customers regarding choice.

(b) It may not advertise or promote its default supplier service; however, it may educate its customers about default supply service.

(c) It may not discount its commission-approved rates to retain or gain customers.

(d) It may not obligate customers to a contractual term of service.

(e) It shall provide information to customers about alternative competitive suppliers of energy services.

(7) (a) A default supplier may not:

(i) construct, purchase, take, receive, lease, or otherwise acquire or own, hold, equip, maintain, or operate

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electric generating plants or transmission or distribution lines or systems, except that a default supplier may enter into transmission or distribution agreements for the use of capacity on transmission and distribution systems;

(ii) purchase electricity for or sell electricity to commercial or industrial electric consumers having accounts possessing an aggregated monthly peak greater than 100 kilowatts; or

(iii) offer for sale any products other than electricity supply.

(b) Nothing in subsection (7)(a) prevents a local government utility from providing supply service to its local governmental customer accounts."

Renumber: subsequent subsection

28. Page 27, line 1.

Following: "section"

Insert: "and [section 38], including rules governing the default supplier application process and determining the length of default supplier status. The commission rules must provide for allowing the public utility and other interested persons to participate"

29. Page 27, line 7.

Following: ". "

Insert: "The public utility must be given sufficient notice to acquire supply to serve this load and shall fully recover its costs in providing this service."

And, as amended, do pass. Report adopted.

SB 446, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "AREA"

Insert: "; AUTHORIZING A ONE-TIME QUOTA ADJUSTMENT; GIVING A PREFERENCE TO UNSUCCESSFUL LOTTERY APPLICANTS;"

2. Title, page 1, line 10.

Strike: the first "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

3. Page 5, following line 29.

Insert: "(c) If the department has issued the number of restaurant beer and wine licenses authorized for a quota area under subsections (8)(a)(i) through (8)(a)(iii), there must be a one-time adjustment of one additional license for that quota area."

Renumber: subsequent subsection

4. Page 6, line 9.

Following: "preference"

Insert: ", and any unsuccessful lottery applicants from previous selections must also be given a preference. An applicant with both preferences must be awarded a license before any applicant with only one preference"

5. Page 6, line 22.

Following: " _ "

Insert: "Interest may not accrue during any period that the processing of an application is delayed by reason of a protest filed pursuant to 16-4-203 or 16-4-207."

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6. Page 7, following line 10.

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective upon passage and approval."

Insert: "NEW SECTION. Section 4. Applicability. [This act] applies only to new applications received after [the effective date of this act]."

And, as amended, do pass. Report adopted.

SB 452, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "AND"

2. Title, page 1, line 7.

Following: "LICENSES"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, following line 19.

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 453, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING A RETROACTIVE APPLICABILITY DATE"

2. Page 3, following line 18.

Insert: "NEW SECTION. Section 2. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to new resort applications received on or after January 1, 1999."

And, as amended, do pass. Report adopted.

SB 482, introduced bill, be amended as follows:

1. Page 2, line 28.

Following: "24]"

Insert: "; except that state and federal banks, savings and loan associations, savings banks, credit unions, and their subsidiaries and affiliates are exempt from the provisions of [sections 1 through 25]"

2. Page 9, line 20.

Strike: "and a \$50,000 bond"

3. Page 14, line 2.

Strike: "\$25,000"

Insert: "\$50,000"

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And, as amended, do pass. Report adopted.

SB 483, do pass. Report adopted.

SB 484, do pass. Report adopted.

SB 485, do pass. Report adopted.

SB 490, introduced bill, be amended as follows:

1. Page 2, line 14 through line 15.

Strike: "a" on line 14 through "system," on line 15

2. Page 3, line 12.

Strike: "15"

Insert: "30"

3. Page 3, line 14.

Following: "owner"

Insert: "or a state agency"

4. Page 3, line 24.

Strike: "15"

Insert: "30"

5. Page 3, line 30.

Strike: "18"

Insert: "33"

And, as amended, do pass. Report adopted.

SB 501, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "means"

Insert: "all"

Strike: "after cremation in a crematory"

Insert: "recovered after the completion of cremation, including pulverization, that leaves only bone fragments that have been reduced to unidentifiable dimensions"

2. Page 1, line 19 through line 22.

Strike: subsections 3 and 4 in their entirety

Renumber: subsequent subsections

3. Page 1, line 29.

Strike: "and includes cremated remains"

4. Page 2, line 23 through line 26.

Strike: subsection 18 in its entirety

5. Page 3, line 7.

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Strike: ", "
Insert: "or"

6. Page 3, line 8.

Strike: ", or crematory or a combination"

7. Page 3, line 26.

Following: "mausoleum"

Strike: ", "
Insert: "or"

8. Page 3, line 26 through line 27.

Strike: ", or crematory" on line 26 through "crematory" on line 27

9. Page 3, line 30.

Following: "mausoleum"

Strike: ", "
Insert: "or"
Strike: ", or crematory"

10. Page 4, line 1.

Following: "mausoleum"

Strike: ", "
Insert: "or"
Strike: ", or crematory"

11. Page 4, line 13.

Following: "mausoleum"

Strike: ", "
Insert: "or"

12. Page 4, line 14.

Strike: ", or crematory"

13. Page 4, line 15.

Following: "mausoleum"

Strike: ", "
Insert: "or"

14. Page 4, line 16.

Strike: ", or crematory"

15. Page 4, line 24.

Strike: "the surviving"
Insert: "a"

16. Page 4, line 25.

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Strike: "the surviving children of the decedent"

Insert: "a majority of adult children"

17. Page 4, line 26.

Strike: "the surviving parents of the decedent."

Insert: "a parent;"

18. Page 4, following line 26.

Insert: "(d) a close relative of the decedent; or

(e) in the absence of a person listed in subsections (3)(a) through (3)(d), a personal representative, a public administrator, the deceased through a preneed authorization, or others as designated by the board of funeral service by rule."

19. Page 4, line 29.

Strike: "or cremation"

20. Page 5, line 1.

Strike: "or cremated"

Strike: "or cremation"

21. Page 5, line 4.

Strike: "or cremate"

22. Page 5, line 6.

Strike: "or cremating"

23. Page 5, line 21.

Strike: "the surviving"

Insert: "a"

24. Page 5, line 22.

Strike: "the surviving children of the decedent"

Insert: "a majority of adult children"

25. Page 5, line 23.

Strike: "the surviving parents of the decedent"

Insert: "a parent"

26. Page 5, line 24.

Strike: "."

Insert: ";"

27. Page 5, following line 23.

Insert: "(e) a close relative of the decedent; or

(f) in the absence of a person listed in subsections (1)(a) through (1)(e), a personal representative, a public administrator, the decedent through a preneed authorization, or others designated by the board of funeral service by rule."

28. Page 5, line 30.

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Strike: "(1)(d)"

Insert: "(1)(e)"

29. Page 6, line 2 through line 5.

Strike: subsection (4) in its entirety

30. Page 8, line 22.

Strike: "crematory,"

Strike: second ", "

31. Page 11, line 10.

Strike: "or cremations"

Following: "remains"

Insert: ", including cremated remains,"

Strike: "or cremated"

32. Page 11, line 11.

Strike: "cremation or"

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Toews, Chairman):

2/20/1999

SB 100, introduced bill, be amended as follows:

1. Title, page 1, line 10.

Strike: "\$4,845"

Insert: \$4,821

Strike: \$4,917

Insert: "\$4,869"

2. Title, page 1, line 11 through line 15.

Following: "2001;" on line 11

Strike: remainder of line 11 through "2001;" on line 15

Insert: "INCREASING THE DIRECT STATE AID PERCENTAGE TO 41.1 PERCENT FOR FISCAL YEAR 2000 AND TO 41.8 PERCENT FOR FISCAL YEAR 2001; DECREASING THE GUARANTEED TAX BASE AID PERCENTAGE TO 38.9 PERCENT IN FISCAL YEAR 2000 AND TO 38.2 PERCENT FOR FISCAL YEAR 2001;"

Strike: "SECTION" on line 15

Insert: "SECTIONS"

3. Title, page 1, line 16.

Following: "20-9-306,"

Insert: "20-9-366, 20-9-367, AND 20-9-368,"

4. Page 1, line 26 in two places.

Page 2, line 22 in two places

Strike: "40% "

Insert: "41.1% "

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5. Page 1, line 28.

Page 1, line 29.

Strike: "40%"

Insert: "38.9%"

6. Page 2, lines 13 and 20.

Strike: "\$203,000"

Insert: "\$200,000"

7. Page 2, line 14 and 18.

Strike: "\$18,630"

Insert: "\$18,000"

8. Page 3, lines 2 and 15.

Strike: "\$4,845"

Insert: "\$4,821"

9. Page 3, line 24 in two places.

Page 4, line 20 in two places.

Strike: "40%"

Insert: "41.8%"

10. Page 3, lines 26 and 27.

Strike: "40%"

Insert: "38.2%"

11. Page 4, lines 11 and 18.

Strike: "\$206,045"

Insert: "\$200,000"

12. Page 4, lines 12 and 16.

Strike: "\$19,282"

Insert: "\$18,000"

13. Page 4, line 30.

Page 5, line 13.

Strike: "\$4,917"

Insert: "\$4,869"

14. Page 5, line 16.

Following: line 15

Insert: "**Section 3.** Section 20-9-366, MCA, is amended to read:

"20-9-366. Definitions. As used in 20-9-366 through 20-9-369, the following definitions apply:

(1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.

(2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district divided by the sum of

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the district's current year ~~direct state aid and 40% of the special education allowable cost payment~~ BASE budget amount less direct state aid.

(b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district's current year total per-ANB entitlement amount.

(3) (a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 175% and divided by the total sum of either the state elementary school districts' or the high school districts' current year ~~total direct state aid and 40% of special education allowable cost amounts~~ BASE budget amounts less total direct state aid.

(b) "Statewide mill value per elementary ANB" or "statewide mill value per high school ANB", for school facility entitlement and retirement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 121% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts."

Insert: "Section 4. 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. (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%~~ 38.9% of the basic entitlement, up to ~~40%~~ 38.9% 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."

Insert: "Section 5. 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. (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%~~ 38.2% of the basic entitlement, up to ~~40%~~ 38.2% 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."

Insert: "Section 6. Section 20-9-368, MCA, is amended to read:

"20-9-368. Amount of guaranteed tax base aid. (1) The amount of guaranteed tax base aid per ANB that a county may receive in support of the retirement fund budgets of the elementary school districts in the county is the difference between the county mill value per elementary ANB and the statewide mill value per elementary ANB,

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multiplied by the number of mills levied in support of the retirement fund budgets for the elementary districts in the county.

(2) The amount of guaranteed tax base aid per ANB that a county may receive in support of the retirement fund budgets of the high school districts in the county is the difference between the county mill value per high school ANB and the statewide mill value per high school ANB, multiplied by the number of mills levied in support of the retirement fund budgets for the high school districts in the county.

(3) The amount of guaranteed tax base aid that a district may receive in support of up to ~~40%~~ 38.9% of the basic entitlement, up to ~~40%~~ 38.9% of the total per-ANB entitlement budgeted within the general fund budget, and up to 40% of the special education payment is calculated in the following manner:

(a) multiply the sum of the district's direct state aid and 40% of the special education allowable cost payment by the corresponding statewide guaranteed tax base ratio;

(b) subtract the taxable valuation of the district from the product obtained in subsection (3)(a); and

(c) divide the remainder by 1,000 to determine the equivalent to the dollar amount of guaranteed tax base aid for each mill levied.

(4) Guaranteed tax base aid provided to any county or district under this section is earmarked to finance the fund or portion of the fund for which it is provided. If a county or district receives more guaranteed tax base aid than it is entitled to, the excess must be returned to the state as required by 20-9-344."

Insert: "Section 7. Section 20-9-368, MCA, is amended to read:

"20-9-368. Amount of guaranteed tax base aid. (1) The amount of guaranteed tax base aid per ANB that a county may receive in support of the retirement fund budgets of the elementary school districts in the county is the difference between the county mill value per elementary ANB and the statewide mill value per elementary ANB, multiplied by the number of mills levied in support of the retirement fund budgets for the elementary districts in the county.

(2) The amount of guaranteed tax base aid per ANB that a county may receive in support of the retirement fund budgets of the high school districts in the county is the difference between the county mill value per high school ANB and the statewide mill value per high school ANB, multiplied by the number of mills levied in support of the retirement fund budgets for the high school districts in the county.

(3) The amount of guaranteed tax base aid that a district may receive in support of up to ~~40%~~ 38.2% of the basic entitlement, up to ~~40%~~ 38.2% of the total per-ANB entitlement budgeted within the general fund budget, and up to 40% of the special education payment is calculated in the following manner:

(a) multiply the sum of the district's ~~direct state aid and 40% of the special education allowable cost payment~~ BASE budget amount less direct state aid by the corresponding statewide guaranteed tax base ratio;

(b) subtract the taxable valuation of the district from the product obtained in subsection (3)(a); and

(c) divide the remainder by 1,000 to determine the equivalent to the dollar amount of guaranteed tax base aid for each mill levied.

(4) Guaranteed tax base aid provided to any county or district under this section is earmarked to finance the fund or portion of the fund for which it is provided. If a county or district receives more guaranteed tax base aid than it is entitled to, the excess must be returned to the state as required by 20-9-344."

Renumber: subsequent sections

15. Page by 20-9-344."5, line 20.

Following: "(2) ["

Strike: "Section"

Insert: "Sections"

Following: "2"

Insert: ", 3, 5, and 7"

Following: "]"

Strike: "is "

Insert: "are"

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Strike: "applies"
Insert: "apply"

16. Page 5, line 23.

Following: "["
Strike: "Section"
Insert: "Sections"
Following: "1"
Insert: ",4, and 6"
Following: "]"
Strike: "terminates"
Insert: "terminate"

And, as amended, do pass. Report adopted.

SB 422, introduced bill, be amended as follows:

1. Title, page 1, lines 4 through 8.

Following: "TUITION" on line 4
Strike: remainder of line 4 through "FUNDS" on line 8
Insert: "; AUTHORIZING DISTRICTS TO ENTER INTO INTERLOCAL AGREEMENTS FOR TUITION
CONTRACTS TO PAY FOR EDUCATIONAL SERVICES FOR OUT-OF-DISTRICT STUDENTS"

(new amendment as per clerical dated 2/20/1999)

Title, line 8.

Strike: "20-3-324,"

2. Title, page 1, lines 10 and 11.

Strike: "20-9-321," on line 10

3. Page 1, line 15 through line 25.

Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 7.

Strike: "agreement with an adjoining state or province"
Insert: "contract"

5. Page 4, line 5 through page 6, line 13.

Strike: section 3 in its entirety.
Renumber: subsequent sections.

6. Page 6, line 20.

Strike: "or resides in"

7. Page 6, lines 22 and 23.

Following: "child" on line 22

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Strike: "from an adjoining state or province"

Insert: "for payment under a negotiated tuition contract"

8. Page 7, line 15.

Following: "or"

Insert: "district or"

Following: "state"

Strike: remainder of line 15 through "title"

9. Page 8, line 1.

Following: "trustees of"

Strike: "the resident district and"

10. Page 8, line 16.

Following: "approve the"

Insert: "transportation provisions of the"

11. Page 9, line 4.

Strike: "(a)"

12. Page 9, line 11 through line 13.

Strike: subsection (b) in its entirety

13. Page 10, lines 1 through 12.

Strike: subsections (1)(a) through (1)(c) in their entirety

Renumber: subsequent subsections

14. Page 10, line 22.

Following: "~~and~~"

Insert: "a tuition contract and"

Following: "10."

Insert: "A tuition contract entered into under this section may not exceed the actual costs of the services provided by the attended district less the per-ANB payment."

15. Page 10, line 28.

Following: "days."

Strike: remainder of line 28

16. Page 11, line 6.

Following: "child" on line 6

Strike: "from an adjacent state or province"

17. Page 11, line 7.

Following: "~~20-5-321~~"

Insert: "or 20-5-321"

18. Page 11, lines 8 through 10.

Following: "tuition" on line 8

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Strike: remainder of line 8 through "contribution" on line 10

Insert: "for a tuition contract must be negotiated by the district and must apply uniformly except for:

- (a) the placement of a child with a disability or special needs pursuant to Title 20, chapter 7, part 4;
- (b) an order under Title 40, chapter 4, part 2;
- (c) an out-of-state placement by a state agency in foster care or a group home licensed by the state;
- (d) an out-of-district placement by a resident district of a child who resides in a location where, due to road or geographic conditions, it is impractical for the child to attend a school in the resident district;
- (e) an out-of-district placement by a nonoperating district or by a resident district that does not offer an educational program such as kindergarten or grades 7 and 8;
- (f) when the child is a resident of another state or province; or
- (g) whenever the trustees of the district of attendance determine that the number of students attending the district from an adjacent district is so significant as to unfairly impact taxes paid by residents of the attended district.

(2) Under the circumstances described in subsection (1)(a) through (1)(g), the receiving district may enter into negotiations with the sending district to require that the sending district pay for the costs of educational services based on the rate determined by the receiving district"

Renumber: subsequent sections

19. Page 11, line 21 through line 30.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

20. Page 12, lines 21 and 22.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

21. Page 13, line 10 through line 19.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

22. Page 13, line 21.

Strike: "(3)"

Insert: "(2)"

Following: ". "

Insert: "The receiving district shall deposit the tuition contract payments in the district's general fund and use the amount received to reduce the district's over-BASE mills. Any increase in the local levy is subject to approval by the electors of the district at the tax election."

23. Page 17, line 20 through line 23.

Strike: subsection (A) in its entirety

Renumber: subsequent subsections

24. Page 20, line 24 through page 22, line 11.

Strike: section 17 in its entirety

Renumber: subsequent sections

25. Page 22, line 25.

Following: line 24

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Insert: "(2) The formula in subsection (1) must also be applied for the high school direct state aid."

Renumber: subsequent subsections

26. Page 24, line 9.

Following: "~~district~~"

Insert: "plus the number of students residing within the district who attend a school in an adjacent district"

27. Page 25, line 22 through line 29.

Strike: sections 22 and 23 in their entirety

Renumber: subsequent sections.

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Swysgood, Chairman):

2/19/1999

SB 220, do pass. Report adopted.

SB 233, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "~~DATE~~"

Insert: "AND AN APPLICABILITY DATE"

2. Page 3, line 1.

Following: "attorney" on line 1

Strike: "or"

Insert: "and"

3. Page 3, line 3.

Following: "as"

Insert: "either"

Following: the second "attorney"

Strike: "or"

Insert: "and"

4. Page 3, line 5.

Following: "as"

Insert: "either"

5. Page 3, line 7.

Following: "attorney"

Strike: "or"

Insert: "and"

6. Page 4, line 29.

Following: "date"

Insert: "-- applicability"

Following: "2000"

Insert: ",and applies only to county attorneys who begin to accrue longevity on that date"

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And, as amended, do pass. Report adopted.

SB 270, do pass. Report adopted.

SB 302, do pass. Report adopted.

SB 355, do pass. Report adopted.

SB 448, introduced bill, be amended as follows:

1. Page 3, line 9.

Following: "5%."

Insert: "In developing the repayment schedule, the department shall provide that interest may not be charged on the loan and that all payments are considered repayment of principal."

And, as amended, do pass. Report adopted.

FISH AND GAME (Mesaros, Chairman):

2/19/1999

SB 329, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "MOTORBOAT"

Insert: "RENTED PERSONAL WATERCRAFT AND ANY OPERATOR OF A PERSONAL WATERCRAFT WHO IS UNDER 18 YEARS OF AGE"

2. Title, line 6.

Strike: "MONTANA-APPROVED"

Insert: "STATE-APPROVED"

3. Title, line 11.

Following: the second "AREA"

Insert: "UNLESS DOCKING AND OPERATING AT A NO-WAKE SPEED"

4. Title, line 19.

Following: " ; "

Strike: "AND"

Following: "MCA"

Insert: " ; AND PROVIDING A DELAYED EFFECTIVE DATE"

5. Page 3, line 14 through page 4, line 1.

Strike: subsections (10) through (12) in their entirety

Insert: "(10)(a) Unless accompanied by a person who is 18 years of age or older, a person who is 12 years of age or younger may not operate a motorboat that is powered by a motor rated at more than 10 horsepower.

(b) A person who is 13 or 14 years of age may not operate a motorboat that is powered by a motor rated at more than 10 horsepower unless the person possesses a valid Montana motorboat operator's safety certificate or evidence of completion of a Montana-approved water safety course or is accompanied by a person who is 18 years of age or older.

(c) A person who owns or has charge or control of a motorboat that is powered by a motor rated at more than 10 horsepower may not authorize or knowingly permit that motorboat to be operated by a person who is 12 years of age or younger unless accompanied by a person who is 18 years of age or older.

(d) A person who owns or has charge of a motorboat may not authorize or knowingly permit the motorboat to be operated by a person who is 13 or 14 years of age unless the person possesses a valid Montana motorboat

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operator's safety certificate or evidence of completion of a Montana-approved water safety course or is accompanied by a person who is 18 years of age or older.

(e) A person may not rent a motorboat that is powered by a motor rated at more than 10 horsepower to a person who is under 18 years of age.

(11) (a) A person who is 12 years of age or younger may not operate a personal watercraft.

(b) A person who is 13 years of age or older and under 18 years of age may not operate a personal watercraft unless the person possesses a valid Montana motorboat operator's safety certificate or evidence of completion of a state-approved personal watercraft course.

(c) A person who owns or has charge of a personal watercraft may not authorize or knowingly permit the personal watercraft to be operated by a person who is 12 years of age or younger.

(d) A person who owns or has charge of a personal watercraft may not authorize or knowingly permit the personal watercraft to be operated by a person who is 13 years of age or older and under 18 years of age unless the operator possesses a valid Montana motorboat operator's safety certificate or evidence of completion of a state-approved personal watercraft course.

(e) A person may not rent a personal watercraft unless the person is 14 years of age or older and unless all persons who will be allowed to use the personal watercraft are 14 years of age or older and possess valid Montana motorboat operator's safety certificates or evidence of completion of a state-approved personal watercraft course.

(f) A person may not operate a rented personal watercraft upon the waters of this state unless the person possesses a valid Montana motorboat operator's safety certificate or evidence of completion of a state-approved water safety course.

(12) The valid Montana motorboat operator's safety certificate or evidence of completion of a state-approved water safety course or personal watercraft course required in subsections (10) and (11) must be carried on the motorboat or the personal watercraft during operation and displayed to a law enforcement officer upon request."

6. Page 4, line 9.

Following: "area"

Insert: "unless the person is docking the vessel and operating the vessel at a no-wake speed"

7. Page 4, line 27.

Following: "program."

Insert: "(1)"

8. Page 4.

Following: line 29

Insert: "(2) The department shall develop a water safety course designed for personal watercraft operators and may authorize personal watercraft dealers and rental facilities to provide the course to users and issue a certificate upon a user's successful completion of the course. The dealer or rental facility shall maintain copies of each certificate, make the copies available for inspection by the department at any reasonable time during the boating season, and submit all of the copies to the department by November 1 of each year."

9. Page 5.

Following: line 16

Insert: "NEW SECTION. **Section 5. Effective date.** [This act] is effective May 1, 2000."

And, as amended, do pass. Report adopted.

SB 334, introduced bill, be amended as follows:

1. Title, line 9.

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Following: "FEES;"

Insert: "PROVIDING FOR ALLOCATION OF THE REVENUE GENERATED BY THE FEES;"

2. Page 1, line 29.

Strike: "(a)"

Following: "of"

Insert: "the following"

Strike: "."

Insert: ":"

3. Page 1, line 30 through page 2, line 13.

Strike: subsections (b) and (c) in their entirety

Insert: "(a) one big game hunting outfitter;

(b) one fishing outfitter;

(c) two outfitters who are engaged in the fishing and hunting outfitting business;

(d) two sportspersons; and

(e) one member of the general public.

(3) (a) A subcommittee composed of five members of the board shall review net client hunter use expansion requests as provided in [section 5], based on the criteria provided in [section 6], and report its determinations to the full board. A favorable vote of at least a majority of all members of the board is required to adopt any resolution, motion, or other decision.

(b) The subcommittee must consist of the two hunting outfitters, the two sportspersons, and the one member of the public serving on the board pursuant to subsection (2)."

Renumber: subsequent subsections

4. Page 2, line 15.

Strike: "elected"

Insert: "appointed"

5. Page 2, line 28.

Following: "staff"

Insert: "during the hunting season"

6. Page 3, line 14.

Following: the first "any"

Insert: "NCHU"

Strike: "since 1988"

7. Page 5, line 2.

Following: "board"

Insert: "and developed in collaboration with the department of fish, wildlife, and parks or the review committee established in 87-1-269"

8. Page 5, lines 3 through 5.

Strike: " " on line 3 through "parks" on line 5

9. Page 5, lines 8 and 9.

Strike: "that" on line 8 through "and" on line 9

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10. Page 5, lines 18 through 20.

Following: "-" on line 18

Insert: "If a nonresident license applicant resides in a state that requires residents of the state of Montana to pay in excess of the amount established by the board for a similar license, then the fee for the nonresident outfitter's, guide's, or professional guide's license must be the same amount as the higher fee charged in the state where the nonresident license applicant resides."

Strike: "shall" on line 18 through "outfitters" on line 20

Insert: "is subject to the same rules and regulations that apply to a resident hunting outfitter, except that a nonresident hunting outfitter is not eligible to sponsor hunters for the Class B-10 and Class B-11 licenses, as provided in 87-2-511"

11. Page 5, line 26.

Strike: "license"

Insert: "operations plan"

12. Page 5, line 28.

Following: "expansion"

Insert: "unless the newly licensed outfitter is purchasing the business of an existing outfitter"

13. Page 5, line 30.

Strike: "If an"

Insert: "For any"

Strike: "is"

Following: "board"

Insert: "after March 1, 1996"

Following: "years"

Insert: "from the date of the expansion approval"

14. Page 6, line 12.

Strike: "license"

Insert: "operations plan"

15. Page 6, line 14.

Following: "clients"

Insert: "served"

16. Page 6, line 16 through line 19.

Strike: subsection (6) in its entirety

17. Page 7, line 2.

Following: "regulations"

Insert: "in the last 3 years"

18. Page 7, line 3.

Strike: the first ", "

Insert: "or"

Strike: ", or incomplete"

19. Page 7, line 8.

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Following: "restrict the"
Insert: "current"

20. Page 7, line 27.
Following: "given"
Insert: "documented"

21. Page 8, line 1.
Following: "past"
Insert: "substantiated"

22. Page 8, line 2.
Following: the first "the"
Insert: "local"

23. Page 8, line 8.
Following: "the"
Insert: "local"

24. Page 8, line 12 through line 14.
Strike: "In" on line 12 through "." on line 14

25. Page 8.
Following: line 21
Insert: "(8) For the purposes of this section, "right-of-way" means any public interest in or use of real property for purposes of recreation or for gaining access to other real property for purposes of recreation."

26. Page 8, line 24.
Following: "37-47-306"
Insert: "for an outfitter providing hunting services"

27. Page 8, line 29.
Following: "operates"
Insert: "hunting"

28. Page 9, line 2 through line 4.
Following: the second "the"
Strike: "outfitter's" on line 2 through "policies" on line 4
Insert: "following:
(a) an outfitter's base of operations camp;
(b) camps established before October 1, 1999;
(c) camps established on public land when use is directly regulated by public land-use policies; or
(d) camps on corporate timberlands where public access is not restricted"

29. Page 9, line 5.
Strike: "allocated" through "be"

30. Page 9, line 8.
Following: "chapter."

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Insert: "The fees collected must be allocated as follows:

(a) Revenue generated by the \$10 fee imposed in subsection (1)(a) must be split equally between the board and the department of fish, wildlife, and parks.

(b) Revenue generated by the \$500 fee imposed in subsection (1)(b) must be allocated between the board and the department of fish, wildlife, and parks in the following order:

(i) the amount necessary to cover the department's administrative expenses that exceed the revenue generated by subsection (2)(a); and

(ii) the remaining amount to be deposited in the state special revenue fund to the credit of the board.

(c) Revenue generated by the \$5,000 fee imposed in subsection (1)(c) must be deposited in the state special revenue fund to the credit of the board."

And, as amended, do pass. Report adopted.

SB 335, introduced bill, be amended as follows:

1. Title, line 4.

Following: the second "A"

Insert: "HUNTING"

2. Title, line 8 through line 9.

Strike: the first "FOR" on line 8 through "POLICIES" on line 9

Insert: "; PROVIDING EXCEPTIONS"

3. Page 1, line 15.

Following: "operates"

Insert: "hunting"

4. Page 1, line 19 through line 20.

Following: the first "the" on line 19

Strike: "outfitter's" on line 19 through "policies" on line 20

Insert: "following:

(1) an outfitter's base of operations camp;

(2) camps established before October 1, 1999;

(3) camps established on public land when use is directly regulated by public land-use policies; or

(4) camps on corporate timberlands where public access is not restricted"

And, as amended, do pass. Report adopted.

SB 336, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

Strike: "SERVED" on line 4 through "LAND" on line 5

Insert: "ADDED TO AN OUTFITTER'S OPERATIONS PLAN THROUGH A GRANTED NET CLIENT HUNTER USE EXPANSION"

And, as amended, do pass. Report adopted.

SB 337, do pass. Report adopted.

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SB 338, introduced bill, be amended as follows:

1. Title, lines 11 and 12.

Strike: "RENAMING" on line 11 through ";" on line 12

2. Title, line 13.

Strike: "ACCESS/HABITAT"

Insert: "WILDLIFE CONSERVATION"

3. Title, line 15.

Strike: "EXCLUSIVELY"

4. Title, line 16.

Following: PURPOSES

Insert: "AND TO SUPPORT FISHERIES HABITAT PROGRAMS"

5. Title, line 17.

Strike: "37-47-303,"

Strike: "87-2-106,"

6. Title, line 18.

Strike: "87-2-201,"

Strike: "87-2-203" through "87-2-205,"

7. Page 2, line 9.

Strike: "access/habitat"

Insert: "wildlife conservation"

8. Page 2, line 14 through line 23.

Strike: section 2 in its entirety

ReNUMBER: subsequent sections

9. Page 2, line 30.

Strike: "access/habitat"

Insert: "wildlife conservation"

10. Page 5, line 8.

Strike: "recreationists"

Insert: "sportspersons"

11. Page 5, line 22 through page 6, line 29.

Strike: section 7 in its entirety

ReNUMBER: subsequent sections

12. Page 7, line 1 through line 5.

Strike: section 8 in its entirety

ReNUMBER: subsequent sections

13. Page 7, line 8.

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Strike: "An access/habitat"

Insert: "A wildlife conservation"

14. Page 7, line 12.

Strike: "access/habitat"

Insert: "wildlife conservation"

15. Page 7, lines 16, 17, 18.

Strike: "an access/habitat"

Insert: "a wildlife conservation"

16. Page 7, line 23.

Following: "~~conservation~~"

Strike: "access/habitat"

Insert: "fishing only wildlife conservation"

17. Page 7, lines 24, 26, 27, 29, and 30.

Strike: "access/habitat"

Insert: "wildlife conservation"

18. Page 8, lines 2, 4, 5, 6, 8, and 9.

Strike: "access/habitat"

Insert: "wildlife conservation"

19. Page 8, line 13 through line 26.

Strike: sections 10, 11, and 12 in their entirety

Renumber: subsequent sections

20. Page 8, line 30.

Strike: "access/habitat"

Insert: "wildlife conservation"

21. Page 9, lines 1, 8, and 9.

Strike: "access/habitat"

Insert: "wildlife conservation"

22. Page 10, lines 12 (both places), 23 (both places), 29, and 30.

Strike: "access/habitat"

Insert: "wildlife conservation"

23. Page 11, lines 19 and 20.

Strike: "access/habitat"

Insert: "wildlife conservation"

24. Page 12, lines 3, 4, and 22.

Strike: "access/habitat"

Insert: "wildlife conservation"

25. Page 13, lines 5, 15, and 30.

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Strike: "access/habitat"

Insert: "wildlife conservation"

26. Page 14, lines 13 and 25.

Strike: "access/habitat"

Insert: "wildlife conservation"

27. Page 15, line 18.

Strike: "10"

Insert: "15"

28. Page 18, lines 10 (both places), 11, 12, 27, 28 (both places), and 29.

Strike: "access/habitat"

Insert: "wildlife conservation"

29. Page 19, lines 15 and 23.

Strike: "access/habitat"

Insert: "wildlife conservation"

30. Page 20, line 23.

Strike: "an access/habitat"

Insert: "a wildlife conservation"

31. Page 20, line 28.

Strike: "access/habitat"

Insert: "wildlife conservation"

32. Page 21, line 16.

Strike: "\$4"

Insert: "\$3"

33. Page 21, lines 14, 15, 16, and 17.

Strike: "access/habitat"

Insert: "wildlife conservation"

34. Page 21, line 17.

Strike: "\$10"

Insert: "\$8"

35. Page 21.

Following: line 17

"NEW SECTION. Section 21. Allocation of certain license fees to fisheries. The amount of money specified in this section from the sale of each of the following licenses must be used by the department to support fisheries habitat programs:

(1) \$1 from the resident combination fishing and hunting wildlife conservation license; and

(2) \$2 from the nonresident combination fishing and hunting wildlife conservation license."

Renumber: subsequent sections

36. Page 21, line 20.

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Strike: "26(1)"
Insert: "20(1)"

37. Page 21, line 21.
Strike: "26(3)"
Insert: "20(3)"

38. Page 21, line 23.
Strike: "26(5)"
Insert: "20(5)"

39. Page 21.
Following: line 24
Insert: "(4) If [LC 1713] is submitted to and not approved by the electorate, then subsections (1) and (2) of this section are void."
Renumber: subsequent subsection

40. Page 21.
Following: line 26
Insert: "(6) If Constitutional Initiative No. 75, enacting Article VIII, section 17, of the Montana constitution, is not declared invalid, then [section 3 of this act] is void."

41. Page 22, lines 2 through 6.
Strike: section 29 in its entirety
Renumber: subsequent sections

42. Page 22, line 8.
Strike: "[Section 26] is"
Insert: "[Sections 20 and 21] are"

43. Page 22, line 10.
Strike: "[section 26]"
Insert: "[sections 20 and 21]"

44. Page 22, line 12.
Strike: "Section 26"
Insert: "Sections 20 and 21"
Strike: "terminates"
Insert: "terminate"

45. Page 22, line 14.
Strike: "this act"
Insert: "[this act]"

46. Page 22, line 16.
Strike: "[Section 28] is"
Insert: "[Sections 22 through 25 and this section] are"

And, as amended, do pass. Report adopted.

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SB 339, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "ACCESS/HABITAT"

Insert: "WILDLIFE CONSERVATION"

2. Page 1, line 11.

Strike: "access/habitat"

Insert: "wildlife conservation"

3. Page 1, lines 12, 19, 21, and 26.

Strike: "access/habitat"

Insert: "wildlife conservation"

4. Page 1, line 17.

Strike: "ACCESS/HABITAT"

Insert: "WILDLIFE CONSERVATION"

5. Page 1, line 26.

Strike: "LC 560"

Insert: "Senate Bill No. 338"

And, as amended, do pass. Report adopted.

SB 340, introduced bill, be amended as follows:

1. Page 1, line 22.

Strike: "to \$10"

Insert: "by \$4"

2. Page 1, line 24.

Strike: "to \$10"

Insert: "by \$4"

And, as amended, do pass. Report adopted.

SB 341, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "ACCESS/HABITAT"

Insert: "WILDLIFE CONSERVATION"

2. Page 1, line 11.

Strike: "access/habitat"

Insert: "wildlife conservation"

3. Page 1, line 12.

Strike: "access/habitat"

Insert: "wildlife conservation"

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4. Page 1, line 17.

Strike: "ACCESS/HABITAT"

Insert: "WILDLIFE CONSERVATION"

5. Page 1, lines 19, 21, and 26.

Strike: "access/habitat"

Insert: "wildlife conservation"

6. Page 1, line 26.

Strike: "LC 560"

Insert: "Senate Bill No. 338"

And, as amended, do pass. Report adopted.

SB 458, introduced bill, be amended as follows:

1. Page 6, line 14.

Strike: "special" through "enforcement"

Insert: "general fund"

And, as amended, do pass. Report adopted.

JUDICIARY (Grosfield, Chairman):

2/19/1999

SB 403, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "REQUIRING"

Insert: "AUTHORIZING"

2. Title, line 5.

Following: "SERVICES"

Strike: "THAT ARE PUBLICLY FUNDED"

3. Title, line 6.

Strike: "PROSPECTIVE"

4. Title, line 6 through line 9.

Following: "WORKERS;" on line 6

Strike: remainder of line 6 through "DATES" on line 9

Insert: "AND PROHIBITING BACKGROUND CHECKS BASED ON FINGERPRINTS"

5. Page 1, line 14.

Following: "by"

Strike: "checking"

Insert: "authorizing employers to check"

6. Page 1, line 17.

Strike: "requiring"

Insert: "authorizing"

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7. Page 1, line 17 through line 20.

Following: "employees" on line 17

Strike: remainder of line 17 through "checks" on line 20

8. Page 1, line 23 through line 24.

Following: "services" on line 23

Strike: remainder of line 23 through "shall" on line 24

Insert: "may"

9. Page 1, lines 24 and 25.

Following: "on" on line 24

Strike: "every applicant being considered for employment"

Insert: "any job applicant to whom the employer is considering offering a position"

10. Page 1, line 25.

Following: "worker."

Insert: "A criminal history background check may not include a background check of national criminal history records based on fingerprints submitted by the applicant to the federal bureau of investigation."

11. Page 1, line 27.

Following: "applicant"

Strike: "of the requirement for"

Insert: "that"

Following: "check"

Insert: "may be conducted"

12. Page 1, line 28 through line 30.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

13. Page 2, line 1.

Following: "check"

Insert: ", if one is made,"

14. Page 2, line 11.

Following: "means"

Strike: ", at a minimum,"

15. Page 2, line 13 through line 14.

Following: "bureau." on line 13

Strike: remainder of line 13 through "investigation." on line 14

16. Page 2, line 25 through line 26.

Strike: subsection (g) in its entirety

Renumber: subsequent subsection

17. Page 2, line 30 through page 3, line 18.

Strike: section 3 in its entirety

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Renumber: subsequent sections

18. Page 3, line 24 through page 4, line 1.

Strike: sections 5 and 6 in their entirety

And, as amended, do pass. Report adopted.

SB 476, introduced bill, be amended as follows:

1. Title, line 9.

Following: "PROVIDING"

Insert: "EFFECTIVE DATES AND"

2. Page 5, line 24.

Following: "~~paid:~~"

Insert: "This is to inform you that has begun to provide (description of services or materials) ordered by for improvements to property you own. The property is located at"

3. Page 6, line 4.

Following: line 3

Insert: "This notice has been sent to you by:

NAME:.....

ADDRESS:.....

TELEPHONE:....."

4. Page 7, line 2.

Following: "The"

Strike: "notice of the right to claim a"

5. Page 8, line 6.

Insert: "NEW SECTION. Section 8. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, 1999.

(2) [Sections 1, 2, 3, and 5] are effective July 1, 2000."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Beck, Chairman):

2/20/1999

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Saturday, February 20, 1999:

TITLE

NAME

Pages:

Jason Bryhn
Michael More
Solomon Redfern
Ben Springer
Michael Mesaros

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Kimberly Hargrove
Casey Hollern
Merrill McKamey

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 22, 1999:

<u>TITLE</u>	<u>NAME</u>
Pages:	Robin Connor, Helena, MT Lacey Foster, Townsend, MT Clint Hammond, Huntley, MT Kelsey Lind, Missoula, MT Benjamin Martin, Helena, MT Traci Nield, Missoula, MT Zachary Ruffato, Stevensville, MT Michelle Nielsen, Helena, MT

Report Adopted.

NATURAL RESOURCES (Crismore, Chairman): 2/20/1999
SB 344, introduced bill, be amended as follows:

1. Title, line 6.

Following: "REAGENTS;"

Insert: "SUBMITTING THE REPEAL TO THE QUALIFIED ELECTORS OF MONTANA;"

Strike: "A CONTINGENT"

Insert: "AN"

2. Page 1, lines 13 through 15.

Strike: section 2 in its entirety

Insert: "NEW SECTION. Section 2. Submission to electorate. The question of whether this act will become effective shall be submitted to the qualified electors of Montana at the general election to be held in November 2000 by printing on the ballot the full title of this act and the following:

FOR repealing the prohibition on open-pit mining for gold or silver using cyanide heap leaching or vat leaching processes with cyanide ore processing reagents.

AGAINST repealing the prohibition on open-pit mining for gold or silver using cyanide heap leaching or vat leaching processes with cyanide ore processing reagents."

Insert: "NEW SECTION. Section 3. Effective date. This act is effective upon approval by the electorate.

And, as amended, do pass. Report adopted.

SB 345, introduced bill, be amended as follows:

1. Title, line 5

Following: "ORDINANCE"

Insert: "BY INITIATIVE OR REFERENDUM, FOLLOWING A TWO-THIRDS VOTE OF THE ELECTORATE,"

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2. Title, line 6.

Following: "REAGENTS;"

Insert: "PROVIDING FOR THE CONTINUATION OF MINE AND EXPLORATION OPERATIONS THAT WERE BEGUN PRIOR TO NOVEMBER 3, 1998;"

3. Page 1, lines 12 and 13.

Following: "initiative"

Strike: ", or the board of county commissioners by resolution"

Insert: "or referendum,"

Following: "may" on line 13

Strike: "adopt"

Insert: ", with a two-thirds vote of the electors voting on the proposal, enact"

4. Page 2, line 23.

Following: "section 11"

Insert: "and except as described in subsections (2) and (3)"

5. Page 2, lines 25 through 27.

Following: the first "permit" on line 25

Strike: ", but" through "operations" on line 27

Insert: "or any amended permit that expands the mine operation for the life of the mine"

6. Page 2.

Following: line 27

Insert: "(3) A person that has obtained a valid exploration license, a small miner exclusion statement, or an operating permit prior to November 3, 1998, may continue operations under this part, including the permitting and operation of a mine prohibited by subsection (1)."

And, as amended, do pass. Report adopted.

SB 376, introduced bill, be amended as follows:

1. Page 1, line 11 through line 12.

Strike: "natural" through "services"

Insert: "consulting, designing, engineering, construction, investigating, purchasing, and any other services designed to remediate, reclaim, restore, replace, or generally improve land, water, or structures"

2. Page 1, line 13.

Following: "(2)"

Insert: "(a)"

3. Page 1, line 15.

Strike: "areas"

Insert: "land, water, or structures"

4. Page 1.

Following: line 16

Insert: "(b) Natural resource damage services does not include any of the services specified in subsection (2)(a) in which federal money is used to contract for those services."

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5. Page 1, line 25.

Following: the first "than"

Insert: "a total of"

6. Page 1, line 27.

Strike: "contract for"

Insert: "who has"

Following: "services"

Insert: "contract"

7. Page 1, line 28.

Strike: "100-mile"

Insert: "150-mile"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman):
SB 399, introduced bill, be amended as follows:

2/20/1999

1. Page 4, line 26.

Following: "examination"

Insert: ", without charge,"

2. Page 5, line 10.

Following: "fee"

Insert: "for each request"

3. Page 5, line 12.

Strike: "permit examination or copying"

Insert: "provide copies"

And, as amended, do pass. Report adopted.

SB 478, do pass. Report adopted.

SB 489, do pass. Report adopted.

SB 491, introduced bill, be amended as follows:

1. Page 2, line 2.

Following: line 1

Insert: "(6) This code applies to the functions performed by a managed care contractor providing mental health services under the Montana medicaid program as established in Title 53, chapter 6."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Cole, Chairman):
SB 382, introduced bill, be amended as follows:

2/19/1999

1. Page 1, line 26.

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Strike: "an informal or"
Insert: "a"

2. Page 1, line 27.
Following: "agency,"
Insert: "whether or"
Following: "board"
Strike: ", "
Following: "and"
Insert: "whether or"

3. Page 2.
Following: line 8
Insert: "(c) "Elected official" means a public official holding a state office filled by a statewide vote of all the electors in Montana or a public service commissioner."
Renumber: subsequent subsections

4. Page 2, line 22.
Strike: "(i) mismanagement;"
Renumber: subsequent subsections

5. Page 3.
Following: line 18
Insert: "(2) In an administrative proceeding, the proof by clear and convincing evidence required by subsection (1) must be made to the next higher level of administrative review within the agency.
(3) In an administrative proceeding in which it is alleged that a department director appointed by the governor has violated [section 4], the proof required by subsection (1) of this section must be made to the governor or the governor's designee.
(4) If an employee alleges that an elected official has violated [section 4], the employee may report the allegation to the legislative auditor. The legislative auditor shall review the basis for the allegation, prepare a written report of the review, and provide a copy of the report to the employee and the elected official."
Renumber: subsequent subsection

6. Page 3, line 23.
Following: "(1)"
Insert: "in the manner provided in subsection (2) or (3), by providing the evidence to the court, a hearings officer, or the board"

7. Page 5, lines 3 and 4.
Strike: "Disciplinary" on line 3 through "employee" on line 4.
Insert: "If the notification required by subsection (2) would violate the provisions of Article II, section 9, of the Montana constitution, the notification may not be provided"

8. Page 5, line 6.
Following: "rights"
Insert: " -- exception for collective bargaining unit"
Strike: "[Sections"
Insert: "(1) Except as provided in subsection (2), [sections"

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9. Page 5.

Following: line 8

Insert: "(2) This section does not apply to members of a collective bargaining unit covered by a collective bargaining agreement that requires an election of remedies."

And, as amended, do pass. Report adopted.

SB 455, introduced bill, be amended as follows:

1. Page 1, lines 23 and 28.

Strike: "or negligently"

2. Page 1, line 26, and page 2, line 1.

Strike: "or negligently"

3. Page 2, line 7.

Strike: "or negligent"

And, as amended, do pass. Report adopted.

SB 457, do pass. Report adopted.

SB 471, introduced bill, be amended as follows:

1. Title, line 5.

Following: "SECURITY"

Insert: "FROM AN INDIVIDUAL AUTHORIZED TO SUBMIT THAT SECURITY"

2. Page 1, line 12.

Strike: "required"

Insert: "-- waiver -- authority to submit"

Strike: "Each"

Insert: "(1) Except as provided in subsection (2), each"

3. Page 1, line 16.

Strike: "(1)"

Insert: "(a)"

4. Page 1, line 19.

Strike: "(2)"

Insert: "(b)"

5. Page 1, line 21.

Strike: "(3)"

Insert: "(c)"

6. Page 1, line 24.

Following: "\$25,000."

Insert: "(2) The state or other governmental entity may waive the requirements for bid security on building or construction projects, as defined in 18-2-101, that cost less than \$25,000.

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(3) The bid security must be signed by an individual authorized to submit the security by the corporation or other business entity on whose behalf the security is submitted. If the request for bid or other specifications provided by the state or other governmental entity specify the form or content of the bid security, the security submitted must comply with the requirements of that specification."

7. Page 2, line 2.

Following: "accepted."

Insert: "If the request for bid or other specifications provided by the state agency specify the individual required to submit the bid, the bid must comply with that requirement."

8. Page 2.

Following: line 2

Insert: "(2) The unit price must be expressly stated in the bid and may not have to be calculated by the state agency by dividing the total of the unit prices by the number of units specified or required."

Renumber: subsequent subsections

9. Page 2, line 10.

Following: "concrete,"

Insert: "earth, pipe,"

Following: "construction"

Insert: "item, activity, or"

10. Page 2, line 11.

Following: "basis of"

Insert: "that item,"

Following: "a"

Insert: "linear foot, square"

Following: "yard,"

Insert: "cubic yard, activity an hour or other measurement of time,"

11. Page 2, line 12.

Following: "material"

Insert: ", item, or activity"

And, as amended, do pass. Report adopted.

SB 488, do pass. Report adopted.

SJR 12, be adopted. Report adopted.

SJR 13, introduced joint resolution, be amended as follows:

1. Page 1, line 24.

Strike: ", "

Insert: "and"

2. Page 1, lines 25 and 26.

Strike: "and by" on line 25 through "Americans" on line 26

And, as amended, be adopted. Report adopted.

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MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/20/1999

HB 59, introduced by D. Mood
HB 115, introduced by D. McGee
HB 188, introduced by C. Tuss
HB 244, introduced by T. Facey
HB 342, introduced by B. Raney
HB 345, introduced by B. Raney
HB 352, introduced by M. Brainard
HB 432, introduced by C. Tuss
HB 443, introduced by S. Bookout-Reinicke
HB 468, introduced by M. Brainard
HB 476, introduced by R. Johnson
HB 494, introduced by C. Squires
HB 499, introduced by H. Harper
HB 504, introduced by K. Ohs
HB 567, introduced by M. Noennig
HB 578, introduced by S. Anderson
HB 580, introduced by T. Schmidt
HB 598, introduced by J. Quilici
HB 617, introduced by K. Ohs
HB 620, introduced by C. Tuss

House joint resolutions passed and transmitted to the Senate for concurrence:

2/20/1999

HJR 5, introduced by R. Jore
HJR 10, introduced by A. Curtiss
HJR 11, introduced by A. Curtiss

HJR 19, introduced by A. Curtiss
HJR 26, introduced by R. Bitney

FIRST READING AND COMMITMENT OF BILLS

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

SB 514, introduced by B. Keenan, referred to Taxation.
SB 515, introduced by B. Keenan, referred to Taxation.

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:

SB 306 passed as follows:

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Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 47

Nays: Doherty.

Total 1

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

SB 310 passed as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cole, Crismore, DePratu, Eck, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Shea, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.

Total 35

Nays: Bartlett, Cocchiarella, Devlin, Doherty, Ellingson, Franklin, Jergeson, Miller, Nelson, Roush, Sprague, Stang, Waterman.

Total 13

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

SB 311 passed as follows:

Yeas: Beck, Bishop, Bohlinger, Christiaens, Cole, Crismore, DePratu, Eck, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Swysgood, Taylor, Tester, Toews, Wells, Mr. President.

Total 31

Nays: Bartlett, Berry, Cocchiarella, Devlin, Doherty, Franklin, Jergeson, Lynch, Miller, Nelson, Roush, Shea, Sprague, Stang, Thomas, Waterman, Wilson.

Total 17

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

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SB 342 passed as follows:

Yeas: Bartlett, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Grimes, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 39

Nays: Beck, Bishop, Crismore, Devlin, Glaser, Grosfield, Keating, Miller, Toews.

Total 9

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

SB 369 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

SB 349 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 43

Nays: Keating, Mohl, Swysgood, Taylor, Wells.

Total 5

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

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Total 2

SB 374 passed as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Roush, Shea, Sprague, Swysgood, Thomas, Wilson, Mr. President.

Total 33

Nays: Bishop, Cole, Devlin, Ellis, Holden, Mesaros, Miller, Mohl, Nelson, Stang, Taylor, Tester, Toews, Waterman, Wells.

Total 15

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

SB 377 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 46

Nays: Miller, Taylor.

Total 2

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

SB 378 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Halligan, Keenan.
Total 2

SB 379 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 47

Nays: Miller.
Total 1

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

SB 386 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

SB 414 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.

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Total 0

Excused: Halligan, Keenan.

Total 2

SB 415 passed as follows:

Yeas: Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Grimes, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Stang, Swysgood, Tester, Toews, Wilson, Mr. President.

Total 37

Nays: Bartlett, Bishop, Glaser, Grosfield, Keating, Miller, Sprague, Taylor, Thomas, Waterman, Wells.

Total 11

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

SJR 9 adopted as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

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

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jergeson in the chair.

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

SB 263 - Senator R. Holden moved SB 263, second reading copy, be amended as follows :

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1. Page 1, line 26.

Strike: "AND"

Following: "LID"

Insert: "; and bumpers"

2. Page 1, line 30.

Strike: "4"

Insert: "5"

Amendment **adopted** unanimously.

Senator Taylor excused at this time.

SB 263 - Senator R. Holden moved SB 263, as amended, do pass. Motion **failed** as follows:

Yeas: Beck, Berry, Cocchiarella, Crismore, DePratu, Devlin, Ekegren, Grimes, Hargrove, Harp, Hertel, Holden, Jabs, Mahlum, McNutt, Mohl, Thomas, Toews, Wells, Mr. President.

Total 20

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cole, Doherty, Eck, Ellingson, Ellis, Franklin, Glaser, Grosfield, Jergeson, Keating, Lynch, McCarthy, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Waterman, Wilson.

Total 27

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan, Taylor.

Total 3

Senator Taylor present at this time.

SB 404 - Senator W. McNutt moved SB 404 do pass. Motion carried unanimously.

SB 417 - Senator M. Waterman moved SB 417 do pass. Motion carried as follows:

Yeas: Bartlett, Berry, Christiaens, Cocchiarella, DePratu, Doherty, Eck, Ellingson, Franklin, Glaser, Grimes, Hargrove, Hertel, Jabs, Jergeson, Lynch, McCarthy, Miller, Roush, Shea, Sprague, Stang, Tester, Toews, Waterman, Wilson, Mr. President.

Total 27

Nays: Beck, Bishop, Bohlinger, Cole, Crismore, Devlin, Ekegren, Ellis, Grosfield, Harp, Holden, Keating, Mahlum, McNutt, Mesaros, Mohl, Nelson, Swysgood, Taylor, Thomas, Wells.

Total 21

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

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Total 2

SB 423 - Senator D. Mahlum moved SB 423 do pass. Motion carried unanimously.

Senator Wilson assumed the chair.

Senator Grosfield excused at this time.

SB 429 - Senator D. Shea moved SB 429 do pass. Motion carried unanimously.

SJR 8 - Senator B. DePratu moved SJR 8, second reading copy, be amended as follows :

1. Page 2, line 11 through line 12.

Strike: "U.S." on line 11 through the second "BORDER" on line 12

Insert: "the corridor between the Port of Roosville on the Canadian border and Monida Pass on the Idaho border, including U.S. 93 from Roosville to Missoula, Interstate 90 from Missoula to its junction with Interstate 15 west of Butte, and Interstate 15 south to the Idaho border"

Amendment **adopted** as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Ellis, Grimes, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 38

Nays: Bohlinger, Devlin, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Miller.

Total 9

Absent or not voting: None.

Total 0

Excused: Grosfield, Halligan, Keenan.

Total 3

SJR 8 - Senator G. Jergeson moved SJR 8, as amended, be adopted. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Grimes, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 44

Nays: Glaser, Miller.

Total 2

Absent or not voting: Crismore.

Total 1

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Excused: Grosfield, Halligan, Keenan.
Total 3

Senator Jergeson resumed the chair.

SB 463 - Senator J. Wells moved SB 463 do pass. Motion carried unanimously.

Senator Grosfield present at this time.

SB 473 - Senator S. Doherty moved SB 473 do pass. Motion carried unanimously.

SB 412 - Senator S. Stang moved SB 412 do pass. Motion carried unanimously.

SB 265 - Senator D. Grimes moved SB 265 do pass. After discussion, Senator Grimes requested that SB 265 be placed below SB 365 on the second reading board this legislation day. Request granted.

SB 271 - Senator M. Taylor moved SB 271 do pass. Motion carried as follows:

Yeas: Beck, Berry, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Mahlum, McNutt, Mesaros, Miller, Mohl, Roush, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 35

Nays: Bartlett, Bishop, Christiaens, Doherty, Ellingson, Franklin, Jergeson, Lynch, McCarthy, Shea, Stang.
Total 11

Absent or not voting: Eck, Nelson.
Total 2

Excused: Halligan, Keenan.
Total 2

SB 320 - Senator R. Holden moved SB 320 do pass. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cocchiarella, Cole, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Mr. President.
Total 36

Nays: Bartlett, Christiaens, Crismore, Doherty, Eck, Ellingson, Franklin, Lynch, McCarthy, Shea, Stang, Wilson.
Total 12

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

SB 323 - Senator S. Doherty moved SB 323 do pass. Motion **failed** as follows:

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Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, DePratu, Doherty, Eck, Ellingson, Franklin, Jergeson, Keating, Lynch, McCarthy, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman, Wilson.
Total 23

Nays: Beck, Berry, Cole, Crismore, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Mahlum, McNutt, Mesaros, Miller, Mohl, Swysgood, Taylor, Toews, Wells, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

SB 353 - Senator E. Franklin moved SB 353 do pass. Motion carried as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, DePratu, Doherty, Eck, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Jabs, Jergeson, Lynch, Mahlum, McCarthy, Miller, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman, Wilson, Mr. President.
Total 32

Nays: Beck, Cole, Crismore, Devlin, Ekegren, Harp, Hertel, Holden, Keating, McNutt, Mesaros, Mohl, Swysgood, Taylor, Toews, Wells.
Total 16

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

SB 365 - Senator A. Mohl moved SB 365, second reading copy, be amended as follows:

1. Page 2, line 3.

Following: "labor"

Insert: "and zone pay"

2. Page 2, line 5.

Strike: "or"

Following: "rights-of-way"

Insert: ", staging yards located on or off the right-of-way, or new or reopened pits that produce aggregate, asphalt, concrete, or backfill when the pit does not normally sell to the general public"

Amendment **adopted** unanimously.

SB 365 - Senator A. Mohl moved SB 365, as amended, do pass. Motion carried unanimously.

SB 265 - Senator D. Grimes moved SB 265 do pass. Motion carried as follows:

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Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 43

Nays: Doherty, Eck, Ellingson, Franklin, Jergeson.

Total 5

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

Senator Devlin assumed the chair.

SB 367 - Senator F. Thomas moved SB 367 do pass. Senator DePratu expressed his conflict of interest in SB 367 as he owns an auto dealership. Motion carried unanimously.

Senator Jergeson resumed the chair.

SB 384 - Senator K. Mesaros moved SB 384 do pass. Motion carried unanimously.

SB 388 - Senator C. Christiaens moved SB 388 do pass. Motion carried unanimously.

SB 393 - Senator M. Waterman moved SB 393 do pass. Motion carried unanimously.

SB 398 - Senator J. Bohlinger moved SB 398 do pass. Motion carried unanimously.

SB 400 - Senator R. Holden moved SB 400 do pass. Motion **failed** as follows:

Yeas: Bartlett, Bishop, Cocchiarella, Cole, DePratu, Devlin, Ellingson, Holden, Keating, McNutt, Mohl, Nelson, Swysgood, Taylor, Wells, Mr. President.

Total 16

Nays: Beck, Berry, Bohlinger, Christiaens, Crismore, Doherty, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Jabs, Jergeson, Lynch, Mahlum, McCarthy, Mesaros, Miller, Roush, Shea, Sprague, Stang, Tester, Thomas, Toews, Waterman, Wilson.

Total 32

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

SB 400 - Senator J. Lynch moved that SB 400 be indefinitely postponed. Motion carried as follows:

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Yeas: Berry, Bohlinger, Christiaens, Cole, Crismore, Doherty, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Hargrove, Harp, Hertel, Jabs, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Roush, Shea, Sprague, Stang, Thomas, Waterman, Wilson.

Total 30

Nays: Bartlett, Beck, Bishop, Cocchiarella, DePratu, Devlin, Ellingson, Grosfield, Holden, Keating, Mohl, Nelson, Swysgood, Taylor, Tester, Toews, Wells, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

SB 416 - Senator L. Grosfield moved SB 416 do pass. Motion carried unanimously.

SB 426 - Senator M. Sprague moved SB 426 do pass. Motion carried unanimously.

SB 434 - Senator M. Waterman moved SB 434, second reading copy, be amended as follows :

1. Page 1, line 19.

Strike: "on and after July 1, 1997"

Amendment **adopted** unanimously.

SB 434 - Senator M. Cole moved SB 434, second reading copy, be further amended as follows:

1. Title, line 6.

Strike: "A DELAYED"

Strike: "DATE"

Insert: "DATES"

2. Page 2, line 19.

Following: the second "election"

Insert: ":

(A)"

3. Page 2, line 20.

Strike: the second ", "

Insert: ";

Following: "and"

Insert: "(B)"

4. Page 2, line 27 and 28.

Strike: "[the effective date of this act]"

Insert: "January 1, 2000"

5. Page 2, line 30.

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Strike: "date"

Insert: "dates"

Strike: "[This"

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

6. Page 2.

Following: line 30

Insert: "(2) [Section 2(3)(b)(ii)(A) and (4)] are effective on passage and approval."

Amendment **adopted** unanimously.

SB 434 - Senator M. Waterman moved SB 434, as amended, do pass. Motion carried unanimously.

SB 435 - Senator M. Waterman moved SB 435 do pass. Motion carried unanimously.

SB 468 - Senator V. Cocchiarella moved SB 468 do pass. Motion carried unanimously.

SB 469 - Senator M. Waterman moved SB 469 do pass. Motion carried unanimously.

SB 477 - Senator D. Mahlum moved SB 477, second reading copy, be amended as follows :

1. Page 1, line 17.

Following: "apply to"

Insert: ":

(a)"

Following: "owned"

Strike: "or"

Insert: ", "

Following: "leased"

Insert: ", or otherwise provided"

Following: "~~or~~"

Strike: " to"

Insert: ";

(b) an employer that reimburses an employee for mileage or travel expenses, other than parking, for participation in a ridesharing arrangement;

(c) an employer that makes employee participation in ridesharing programs a requirement of employment;

(d)"

2. Page 1, line 18.

Following: "employment"

Strike: " "

Insert: " ;"

Following: "OR"

Strike: "TO"

Insert: "(e)"

Amendment **adopted** unanimously.

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SB 477 - Senator D. Mahlum moved SB 477, as amended, do pass. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 46

Nays: Bartlett.

Total 1

Absent or not voting: None.

Total 0

Excused: Grosfield, Halligan, Keenan.

Total 3

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Jergeson moved the Committee of the Whole report be adopted. Report adopted.

MOTIONS

SB 307 - Senator D. Grimes moved that SB 307 be taken from the committee on Business and Industry, printed and placed on second reading the forty-third legislative day. Motion **carried** as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Cole, DePratu, Devlin, Eck, Ellingson, Glaser, Grimes, Grosfield, Hargrove, Harp, Holden, Jergeson, Keating, Mesaros, Miller, Mohl, Stang, Swysgood, Taylor, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 29

Nays: Beck, Christiaens, Cocchiarella, Crismore, Doherty, Ekegren, Ellis, Franklin, Hertel, Jabs, Lynch, Mahlum, McCarthy, McNutt, Nelson, Roush, Shea, Sprague, Tester.

Total 19

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

ANNOUNCEMENTS

Senator Thomas introduced the Senate pages and thanked them for their good work through the week.

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 8:00 a.m., Monday, February 22, 1999. Motion carried.

Senate adjourned at 12:06 p.m.

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ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate