

**SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY**

Helena, Montana
March 20, 1999

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. Acting President Stang presiding. Invocation by Reverend Tom Banks. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, and Waterman, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/20/1999
Correctly printed: SB 532, SJR 16, SJR 17, HB 47, HB 96, HB 106, HB 125, HB 180, HB 182, HB 201, HB 204, HB 205, HB 209, HB 250, HB 264, HB 266, HB 300, HB 306, HB 336, HB 353, HB 390, HB 411, HB 443, HB 585, HJR 12, HJR 19, HJR 29, HJR 31.
Correctly engrossed: SB 361, HB 91, HB 310, HB 395, HB 461, HB 470.
Correctly enrolled: SB 60, SB 72, SB 165, SB 176, SB 189, SB 214.
Examined by the sponsor and found to be correct: SB 72, SB 165, SB 176, SB 189, SB 214.
Signed by the Speaker at 3:30 p.m., March 19, 1999: SB 187, SB 289.
Signed by the President at 4:30 p.m., March 19, 1999: SB 112, SB 128.

BUSINESS AND INDUSTRY (Hertel, Chairman): 3/17/1999
HB 598, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Toews, Chairman): 3/19/1999
HB 301, be amended as follows:

1. Title, page 1, line 6.

Strike: "AND AUDIOLOGISTS"

2. Title, page 1, line 8.

Strike: "OR AUDIOLOGIST"

3. Page 1, line 22.

Strike: "pathology- or audiology-related"

Insert: "pathology-related"

4. Page 1, line 26.

Following: "application"

Insert: "that resulted in the offer and acceptance of employment"

5. Page 2, line 3.

Following: "WHO"

Strike: "PLEDGES" through "MEETING"

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Insert: "can show written proof of ongoing enrollment in a program of study that would meet"

6. Page 2, line 14.

Following: "SERVICE."

Insert: "the American speech-language-hearing association employment placement service,"

7. Page 2, line 15 through line 18.

Following: "NEWSPAPER."

Strike: remainder of line 15 through "(2)(b)(iii)." on line 18

8. Page 4, line 15.

Strike: "or audiologists"

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

HJR 1, be concurred in. Report adopted.

HJR 13, be concurred in. Report adopted.

HJR 14, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Beck, Chairman):

3/20/1999

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, March 20, 1999:

TITLE

NAME

Pages:

Jordan Cole
Kristen Browning
Cameron Milton
Darah Johnson
Brett Saylor
Mark Nelson
Clint Peterson
MaryAnn Koopman

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

TITLE

NAME

Pages:

Rachel Carroll, Great Falls, MT
Dara Ferron, Lima, MT
Krystal Buckland, Hardin, MT
Gail Holdeman, Plentywood, MT
Rebecca DuBose, Stevensville, MT
Amy Woodward, Deer Lodge, MT
Jacquie Colwell, Joliet, MT
Megan Rice, Denton, MT

Report Adopted.

STATE ADMINISTRATION (Cole, Chairman):

3/19/1999

PRELIMINARY REPORT

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SR 4, introduced resolution, be amended as follows:

1. Page 6, line 9.

Strike: line 9

And, as amended, be adopted. Report adopted.

HB 578, be amended as follows:

1. Page 1, line 10.

Following: "(1)"

Insert: "(a)"

2. Page 1.

Following: line 15

Insert: "(b) The provisions of subsection (1)(a) do not apply to collections of the Montana historical society established pursuant to 22-3-101."

3. Page 1, line 22.

Following: "~~access;~~"

Insert: "(c) expenses incurred by the agency for providing online computer access to the person requesting access;"

Renumber: subsequent subsections

4. Page 2, line 11.

Strike: "(2)(a)"

Insert: "(2)"

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

HB 632, be concurred in. Report adopted.

MOTIONS

HB 539 - Senator M. Taylor moved consideration of HB 539 be passed for the day. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 533, introduced by G. Devlin, J. Bohlinger, B. DePratu, D. Eck, J. Ellingson, B. Glaser, S. Stang (by request of Senate Taxation Standing Committee), 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 325, Free Conference Committee, adopted as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.

Total 8

HB 47, as amended by the Senate, concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.

Total 8

HB 96 concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.

Total 8

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HB 106 concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.

Total 8

HB 125 concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.

Total 8

HB 182, as amended by the Senate, concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.

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Total 8

HB 204, as amended by the Senate, concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.

Total 8

HB 209, as amended by the Senate, concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.

Total 8

HB 266, as amended by the Senate, concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.
Total 8

HB 306 concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Thomas, Wells, Wilson, Mr. President.
Total 42

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.
Total 8

HB 310, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Thomas, Wells, Wilson, Mr. President.
Total 40

Nays: Bartlett, Christiaens.
Total 2

Absent or not voting: None.
Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.
Total 8

HB 411 concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Thomas, Wells, Wilson, Mr. President.
Total 42

Nays: None.
Total 0

Absent or not voting: None.

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Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.

Total 8

HB 585 concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.

Total 8

HJR 12 concurred in as follows:

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

Total 42

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.

Total 8

HJR 19 concurred in as follows:

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

Total 42

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.
Total 8

HJR 31 concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Lynch, Mahlum, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Thomas, Wells, Mr. President.
Total 38

Nays: Cocchiarella, Keenan, Miller, Wilson.
Total 4

Absent or not voting: None.
Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Tester, Toews, Waterman.
Total 8

**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 McNutt in the chair.

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

HB 404 - Senator F. Thomas moved consideration of HB 404 be moved to the bottom of the second reading board. Motion carried.

HB 348 - Senator J. Wells moved HB 348 be concurred in. Motion carried unanimously.

HB 412 - Senator L. Nelson moved HB 412 be concurred in. Motion carried with Senator Wells voting nay.

Senator M. Taylor excused at this time.

HB 485 - Senator B. Crismore moved HB 485 be concurred in. Motion carried unanimously.

HB 509 - Senator F. Thomas moved HB 509 be concurred in. Motion carried unanimously.

HB 593 - Senator D. Hargrove moved consideration of HB 593 be placed below HB 205 on the second reading board for purpose of amendment. Motion carried.

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HJR 8 - Senator M. Cole moved HJR 8 be concurred in. After discussion, Senator M. Cole requested consideration of HJR 8 be placed below HB 250 on the second reading board for purpose of amendment. Request granted.

HJR 11 - Senator L. Grosfield moved HJR 11 be concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Thomas, Wells, Mr. President.

Total 30

Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Nelson, Stang, Wilson.

Total 11

Absent or not voting: None.

Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Taylor, Tester, Toews, Waterman.

Total 9

HJR 20 - Senator D. Shea moved HJR 20 be concurred in. Motion carried unanimously.

HJR 21 - Senator M. Sprague moved HJR 21 be concurred in. Motion carried unanimously.

HB 91 - Senator W. Glaser moved HB 91 be concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Cole, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Thomas, Wells, Mr. President.

Total 25

Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Crismore, Doherty, Eck, Ellingson, Franklin, Jergeson, Lynch, Nelson, Roush, Shea, Stang, Wilson.

Total 16

Absent or not voting: None.

Total 0

Excused: Beck, Halligan, Holden, McCarthy, Swysgood, Taylor, Tester, Toews, Waterman.

Total 9

Senator Jabs excused at this time.

HB 186 - Senator F. Thomas moved HB 186 be concurred in. Motion carried unanimously.

HB 201 - Senator V. Cocchiarella moved HB 201 be concurred in. Motion carried unanimously.

HB 205 - Senator D. Hargrove moved HB 205 be concurred in. Motion carried unanimously.

Senator Devlin assumed the chair.

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HB 593 - Senator L. Grosfield moved HB 593, second reading copy, be amended as follows :

1. Page 2, line 11.

Following: "~~or~~"

Insert: "or"

2. Page 2, line 13.

Strike: ";OR"

Insert: "."

3. Page 2, line 14.

Strike: Line 14 in its entirety

Insert: "(6) Nothing in this section prohibits a mediator from conveying information from one party to another during the mediation, unless a party objects to disclosure."

Amendment **adopted** unanimously.

HB 593 - Senator L. Grosfield moved HB 593, as amended, be concurred in. Motion carried unanimously.

HB 250 - Senator W. McNutt moved HB 250 be concurred in. Motion carried unanimously.

Senator McNutt resumed the chair.

HJR 8 - Senator M. Cole moved consideration of HJR 8 be passed for the day. Motion carried.

HB 264 - Senator V. Cocchiarella moved HB 264 be concurred in. Motion carried unanimously.

HB 300 - Senator L. Nelson moved consideration of HB 300 be passed for the day. Motion carried.

HB 196 - Senator F. Thomas moved HB 196 be concurred in. Motion carried as follows:

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

Total 39

Nays: None.

Total 0

Absent or not voting: Mohl.

Total 1

Excused: Beck, Halligan, Holden, Jabs, McCarthy, Swysgood, Taylor, Tester, Toews, Waterman.

Total 10

HB 336 - Senator J. Bohlinger moved HB 336 be concurred in. Motion carried unanimously.

HB 353 - Senator D. Mahlum moved HB 353 be concurred in. Motion carried unanimously.

HB 366 - Senator L. Nelson moved consideration of HB 366 be passed for the day. Motion carried.

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Senator Grosfield excused at this time.

HB 390 - Senator D. Berry moved HB 390 be concurred in. Motion carried unanimously.

HB 395 - Senator J. Ellingson moved HB 395 be concurred in. Motion carried unanimously.

HB 443 - Senator D. Mahlum moved HB 443 be concurred in. Motion carried unanimously.

HB 461 - Senator T. Keating moved HB 461 be concurred in. Motion carried unanimously.

HB 470 - Senator B. Keenan moved HB 470 be concurred in. Motion carried with Senator Bartlett voting nay.

Senator Grosfield present at this time.

HB 625 - Senator J. Wells moved HB 625 be concurred in. Motion carried as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cole, DePratu, Devlin, Eck, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Thomas, Wells, Wilson, Mr. President.

Total 29

Nays: Cocchiarella, Crismore, Doherty, Ellingson, Franklin, Jergeson, Lynch, Nelson, Roush, Shea, Stang.

Total 11

Absent or not voting: None.

Total 0

Excused: Beck, Halligan, Holden, Jabs, McCarthy, Swysgood, Taylor, Tester, Toews, Waterman.

Total 10

HJR 29 - Senator D. Eck moved HJR 29 be concurred in. Motion carried unanimously.

HB 404 - Senator F. Thomas moved HB 404, second reading copy, be amended as follows:

1. Title, line 4.

Following: "ACT"

Insert: "INCREASING THE LEGISLATIVE MEMBERSHIP OF THE TRANSITION ADVISORY COMMITTEE ON ELECTRIC UTILITY INDUSTRY RESTRUCTURING;"

2. Title, line 6.

Strike: "AN"

Strike: "DATE"

Insert: "DATES"

3. Page 1.

Following: line 8

Insert: "Section 1. Section 69-8-501, MCA, is amended to read:

"**69-8-501. Transition advisory committee.** (1) A transition advisory committee on electric utility industry restructuring is created. The transition advisory committee is composed of ~~eight~~ twelve voting members who are

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appointed as follows:

(a) The speaker of the house shall appoint ~~four~~ six members from the house of representatives, not more than ~~two~~ three of whom may be from one political party.

(b) The president of the senate shall appoint ~~four~~ six members from the senate, not more than ~~two~~ three of whom may be from one political party.

(2) The following entities shall appoint nonvoting advisory representatives to the transition advisory committee:

(a) The director of the department of environmental quality shall appoint one department representative.

(b) The legislative consumer committee shall appoint one representative.

(c) One representative of the cooperative utility industry is appointed as designated by the Montana electrical cooperative association.

(d) The public utilities in the state of Montana shall appoint one member.

(e) The commission shall appoint one member.

(f) The governor shall appoint the following nonvoting committee members:

(i) one representative from the industrial community with an interest in the restructuring of the electric utility industry;

(ii) one representative from the nonindustrial retail electric consumer sector;

(iii) one representative from organized labor;

(iv) one representative from the community comprising environmental and conservation interests;

(v) one representative from a low-income program provider;

(vi) one representative of Montanas Indian tribes; and

(vii) one representative of the electric power market industry.

(3) In case of a vacancy, a replacement must be selected in the manner of the original appointment.

(4) Legislative members are entitled to salary and expenses as provided in 5-2-302.

(5) The public service commission, legislative services division, and appropriate state agencies shall provide staff assistance as requested by the committee.

(6) Transition advisory committee members must be appointed within 60 days of May 2, 1997, to an initial term expiring on December 31, 1999. Subsequent terms must be for up to 2 years expiring on January 1 of odd-numbered years.

(7) The voting members shall select a transition advisory committee presiding officer.

(8) The transition advisory committee on electric utility industry restructuring must dissolve on the earlier of either the date that full transition to retail competition is completed or December 31, 2004.

(9) The transition advisory committee shall provide an annual report on the status of electric utility restructuring on or before November 1 to the governor, the speaker of the house, the president of the senate, and the commission and shall provide quarterly interim summary reports to the members of the legislature through January 1, 1999.

(10) The transition advisory committee shall meet at least quarterly or as often as is necessary to conduct its business.

(11) The transition advisory committee shall analyze and report on the transition to effective competition in the competitive electricity supply market. The annual report made in the year 2000 must evaluate specifically the pilot programs for customers with loads under 1,000 kilowatts and must include legislative recommendations, if it appears appropriate, about the best means to further encourage the development of customer choice and meaningful market access for the benefit of smaller customers. The annual report for the year 2000 must also address the need, if any, for additional consumer protection including protection from abusive or anticompetitive practices.

(12) The criteria that the transition advisory committee must use to evaluate effective competition in the electricity supply market include but are not limited to the following:

(a) the level of demand for power supply choice and the availability of market prices for smaller customers;

(b) the existence of sufficient markets and bargaining power to the benefit of smaller customers and the best means to encourage and support the development of sufficient markets;

(c) the level of interest among electricity suppliers and the opportunity for electricity suppliers to serve

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smaller customers; and

(d) the existence of the requisite technical and administrative support that enables smaller customers to have choice of electricity supply.

(13) The transition advisory committee shall recommend legislation if necessary to promote electric utility restructuring and retail choice of electricity suppliers.

(14) The transition advisory committee shall make recommendations to the governor, regarding the implementation of statewide universal system benefits and universal energy assistance funds, in time to allow for those funds to be created on or before January 1, 1999. This may include recommendations regarding the assignment of an existing government agency or private, nonprofit entity as the fund administrator and administration guidelines for the funds, including the means by which funds may be made available for use.

(15) The transition advisory committee shall monitor and evaluate the universal system benefits programs and comparable levels of funding for the region and make recommendations to the 58th legislature to adjust the funding level provided for in 69-8-402 to coincide with the related activities of the region at that time.

(16) On or before July 1, 2002, the transition advisory committee, in coordination with the commission, shall conduct a reevaluation of the ongoing need for universal system benefits programs and annual funding requirements and shall make recommendations to the 58th legislature regarding the future need for those programs. The determination must focus specifically on the existence of markets to provide for any or all of the universal system benefits programs or whether other means for funding those programs have developed. These recommendations may also address how future reevaluations will be provided for, if necessary.

(17) On or before November 1, 2001, the transition advisory committee shall collect information to determine whether Montana utilities or their affiliates have an opportunity to sell electricity to customers outside of the state of Montana comparable to the opportunity provided pursuant to this chapter to utilities or their affiliates located outside the state of Montana. That information must be included in the report to the 58th legislature.

(18) On or before November 1, 1998, the transition advisory committee shall make recommendations to the governor and the legislature regarding the provision of low-income energy assistance programs in Montana by all energy providers."

Renumber: subsequent sections

4. Page 2, line 15.

Strike: section 3 in its entirety

Insert: "NEW SECTION. **Section 4. Effective dates.** (1) [Section 1 and this section] are effective on passage and approval.

(2) [Sections 2 and 3] are effective July 1, 1999."

Amendment **adopted** unanimously.

HB 404 - Senator F. Thomas moved HB 404, as amended, be concurred in. Motion carried unanimously.

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

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Thomas acknowledged the Senate pages, gave a brief overview of their future plans, and thanked them for their work for the Senate through the week.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Monday, March 22, 1999. Motion carried.

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Senate adjourned at 11:17 a.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate