

**SENATE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 26, 1999

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. Acting President Swysgood presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Wells and members of the Judiciary Committee, excused. Quorum present.

Senator Swysgood introduced the Dillon Junior Fiddlers, under the direction of Mr. Sandy James, Music Director. The Dillon Junior Fiddlers range in age from 6 to 19 and have been nominated by Senator Burns to be in the Independence Day parade in Washington, D. C.

**Judiciary Committee members present at this time.**

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

Miller, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 3/26/1999

Correctly printed: SB 164, SB 529, SB 531, SB 532, SB 533, HB 277, HB 316, HB 527, HB 528, HB 558, HB 581, HB 629, HJR 4, HJR 6, HJR 15, HJR 24.

Correctly printed: HB 81, HB 111, HB 153, HB 283, HB 296, HB 421, HB 486, HB 523, HJR 7.

Correctly engrossed: SB 184, SB 424, SJR 16, HB 20, HB 314, HB 337, HB 396, HB 435, HB 504, HB 584, HB 641, HJR 5.

Correctly enrolled: SB 100.

Examined by the sponsor and found to be correct: SB 100.

Signed by the President at 10:00 a.m., March 26, 1999: SB 15, SB 40, SB 240, SB 374.

Signed by the Secretary of Senate at 10:30 a.m., March 26, 1999: SB 15, SB 40, SB 64, SB 70, SB 235, SB 240, SB 288, SB 348, SB 364, SB 369, SB 374, SB 386, SB 415, SB 438, SB 457, SB 466, SJR 3, SJR 12.

Signed by the Speaker at 12:48 p.m., March 26, 1999: SB 15, SB 40, SB 240, SB 374.

Signed by the Speaker at 1:34 p.m., March 26, 1999: SB 64, SB 70, SB 235, SB 288, SB 348, SB 364, SB 369, SB 386, SB 415, SB 438, SB 457, SB 466, SJR 3, SJR 12.

**BUSINESS AND INDUSTRY** (Hertel, Chairman): 3/26/1999

**HB 321**, be concurred in. Report adopted.

**HB 437**, be concurred in. Report adopted.

**HJR 32**, be concurred in. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Toews, Chairman): 3/25/1999

**SB 460**, introduced bill, be amended as follows:

1. Title, page 1, lines 4 and 5.

**Following:** "LAWS;" on line 4

**Strike:** remainder of line 4 through "CONSTITUTION;" on line 5

2. Title, page 1, line 6.

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**Strike:** "JUNE"  
**Insert:** "MAY"

3. Title, page 1, line 7 through line 9.

**Following:** "DATE;" on line 7  
**Strike:** remainder of line 7 through "ELECTORATE;" on line 9  
**Following:** "ADJUSTING" on line 9  
**Insert:** "CERTAIN"

4. Title, page 1, line 10.

**Strike:** "JUNE"  
**Insert:** "MAY"  
**Strike:** "DEFINING "TAX INCREASE" FOR PURPOSES OF ELECTIONS;"

5. Title, page 1, lines 13 through 21.

**Following:** "DECREASE;" on line 13  
**Strike:** remainder of line 13 through "INCREASE;" on line 14  
**Following:** "20-3-304," on line 14  
**Insert:** "20-3-305,"  
**Following:** "20-4-207," on line 14  
**Strike:** remainder of line 14 through "20-7-714," on line 16  
**Strike:** "20-9-141," on line 17 through "20-9-302,"  
**Strike:** "20-9-311, 20-9-314," on line 17  
**Strike:** "20-9-366," on line 18 through "20-20-102," on line 19  
**Following:** "20-20-105," on line 19  
**Strike:** "20-20-106, 20-20-108,"  
**Insert:** "AND"  
**Strike:** "AND 20-20-417," on line 20  
**Following:** the first "MCA;" on line 20  
**Strike:** remainder of line 20 through "PROVISION;" on line 21  
**Strike:** "AN IMMEDIATE" on line 21  
**Strike:** "DATE"  
**Insert:** "DATES"

6. Page 1, line 29.

**Strike:** ", other than tax measures,"

7. Page 2, lines 5 and 6.

**Following:** "law." on line 5  
**Strike:** remainder of line 5 through "election." on line 6

8. Page 2, line 15.

Page 2, line 24.

Page 2, line 29.

**Strike:** "June" on all three lines  
**Insert:** "May"

9. Page 3, line 4.

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Page 3, line 10

**Strike:** "June" in both places

**Insert:** "May"

10. Page 3, line 6.

**Following:** line 5

**Insert:** "**Section 4.** Section 20-3-305, MCA, is amended to read:

**"20-3-305. Candidate qualification and nomination.** (1) Except as provided in 20-3-338, any person who is qualified to vote in a district under the provisions of 20-20-301 ~~shall be~~ is eligible for the office of trustee.

(2) Except as provided in 20-3-338, any five electors qualified under the provisions of 20-20-301 of any district, except a first-class elementary district, may nominate as many trustee candidates as there are trustee positions subject to election at the ensuing election. The name of each person nominated for candidacy ~~shall~~ must be submitted to the clerk of the district not less than ~~40~~ 55 days before the regular school election day at which ~~he~~ the person is to be a candidate. If there are different terms to be filled, the term for which each candidate is nominated ~~shall~~ must also be indicated."

**Renumber:** subsequent sections

11. Page 4, line 24 through page 24, line 27.

**Strike:** sections 6 through 24 in their entirety

**Renumber:** subsequent sections

12. Page 25, lines 2 and 3.

**Strike:** "final statement of the prior year's"

13. Page 25, line 10 through page 54, line 11.

**Strike:** sections 26 through 49 in their entirety

**Renumber:** subsequent sections

**Insert:** **Section 8. Section 20-9-308, MCA, is amended to read:**

**"20-9-308. BASE budgets and maximum general fund budgets.** (1) The trustees of a district shall adopt a general fund budget that:

~~(a) except as provided in subsection (2), is at least equal to the BASE budget established for the district;~~  
~~or and,~~

~~(b) except as provided in section 3, Chapter 38, Special Laws of November 1993, and subsection (4) of this section (3), does not exceed the maximum general fund budget established for the district.~~

~~(2) (a) If the BASE budget for a district for the school fiscal year is greater than the general fund budget of the district for the prior school fiscal year, the trustees of the district:~~

~~\_\_\_\_\_ (i) shall increase the general fund budget by at least:~~

~~\_\_\_\_\_ (A) 25% of the range between the district general fund budget for the school fiscal year ending June 30, 1994, and the BASE budget for the district for the school fiscal year beginning July 1, 1994;~~

~~\_\_\_\_\_ (B) 33.3% of the range between the district general fund budget for the school fiscal year ending June 30, 1995, and the BASE budget for the district for the school fiscal year beginning July 1, 1995;~~

~~\_\_\_\_\_ (C) 50% of the range between the district general fund budget for the school fiscal year ending June 30, 1996, and the BASE budget for the district for the school fiscal year beginning July 1, 1996; or~~

~~\_\_\_\_\_ (D) the remainder of the range between the district general fund budget for the school fiscal year ending June 30, 1997, and the BASE budget for the district for the school fiscal year beginning July 1, 1997;~~

~~\_\_\_\_\_ (ii) may increase the general fund budget beyond the amount in subsection (2)(a)(i) but not by more than 4% of the previous year's general fund budget or by more than 4% of the previous year's general fund per-ANB multiplied by the current year's ANB for budgeting purposes pursuant to subsection (2)(b).~~

~~\_\_\_\_\_ (b) The trustees shall submit a proposition on any amount exceeding the limitations in subsection (2)(a)(i)~~

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to the electors of the district, as provided in 20-9-353.

~~(3)(2)~~ (a) Whenever the trustees of a district adopt a general fund budget that exceeds the BASE budget for the district but does not exceed the maximum general fund budget for the district, the trustees shall submit a proposition to the electors of the district, as provided in 20-9-353, for any budget amount that exceeds the:

(i) previous year's general fund budget amount; or

(ii) the previous year's general fund budget per-ANB multiplied by the current year's ANB for budgeting purposes.

(b) A general fund budget adopted under this subsection ~~(3)~~ (2) may not exceed the greater of:

(i) 104% of the previous year's general fund budget as adjusted by the provisions of section 3, Chapter 38, Special Laws of November 1993; or

(ii) 104% of the previous year's general fund budget per-ANB multiplied by the current year's ANB for budgeting purposes as adjusted by the provisions of section 3, Chapter 38, Special Laws of November 1993.

~~(4)(a)(3)~~ If the maximum general fund budget for a district for an ensuing school fiscal year is less than the general fund budget for the district for the current school fiscal year, as adjusted by the provisions of section 3, Chapter 38, Special Laws of November 1993, the trustees of the district may not adopt a general fund budget for the ensuing school fiscal year that is greater than the district's general fund budget for the current school fiscal year. The trustees may adopt a general fund budget greater than the maximum general fund budget only if the budget adopted for the previous year was greater than the district's maximum general fund budget for the previous year. However, the budget adopted for the current year may not exceed the lesser of:

(a) the adopted budget for the previous year; or

(b) the district's current maximum general fund budget plus the over maximum general fund budget amount adopted for the previous year.

~~(b)(c)~~ Except for the school fiscal year beginning July 1, 1994, the The trustees of the district shall submit a proposition to raise any general fund budget amount that is in excess of the maximum general fund budget for the district to the electors who are qualified under 20-20-301 to vote on the proposition, as provided in 20-9-353.

~~(5)(4)~~ Whenever the trustees of a district adopt a general fund budget that does not exceed the BASE budget for the district, the trustees shall finance this amount with The BASE budget for the district must be financed by the following sources of revenue:

(a) state equalization aid as provided in 20-9-343, including any guaranteed tax base aid for which the district may be eligible, as provided in 20-9-366 through 20-9-369;

(b) county equalization aid, as provided in 20-9-331 and 20-9-333;

(c) a district levy for support of a school not approved as an isolated school under the provisions of 20-9-302;

(d) payments in support of special education programs under the provisions of 20-9-321;

(e) nonlevy revenue as provided in 20-9-141; and

(f) a BASE budget levy on the taxable value of all property within the district.

~~(6)(5)~~ The over-BASE budget amount of a district must be financed by a levy on the taxable value of all property within the district or other revenue available to the district as provided in 20-9-141."

{Internal References to 20-9-308: (ALL OK)

20-6-703 20-6-704 20-7-435 20-9-141

20-9-303 20-9-307 20-9-353 20-9-353

20-9-353 20-9-353 20-9-353 20-9-353

20-9-353}"

**Insert: Section 9. Section 20-9-353, MCA, is amended to read:**

**"20-9-353. Additional financing for general fund -- election for authorization to impose.** (1) The trustees of a district may propose to adopt:

~~(a) a budget amount up to the BASE budget amount for the district general fund that is within the limitations and required budget increases provided in 20-9-308(2);~~

~~(b)(a)~~ an over-BASE budget amount for the district general fund that does not exceed the maximum general

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fund budget for the district or other limitations, as provided in 20-9-308~~(3)~~(2); or

~~(e)~~(b) a general fund budget amount in excess of the maximum general fund budget amount for the district, as provided in 20-9-308~~(4)~~(3).

(2) Any increase in the local property tax levy that results from the budget amount proposed by the trustees must be submitted to the qualified electors of the district. The trustees are not required to submit to the qualified electors any increase in state funding of the basic or per-ANB entitlements approved by the legislature. When the trustees of a district determine that a voted amount of financing is required for the general fund budget, the trustees shall submit the proposition to finance the additional voted amount of general fund financing budget authority to the electors who are qualified under 20-20-301 to vote upon the proposition. The special election must be called and conducted in the manner prescribed by this title for school elections. The ballot for the election must state the amount of money to be financed, the approximate number of mills required to raise all or a portion of the money, and the purpose for which the money will be expended estimated increase in local property taxes over the prior year needed to fund the budget amount proposed by the trustees. The ballot must be in the following format:

PROPOSITION

The district levied (state the total amount of local property taxes levied in support of the district's prior year's general fund budget) dollars to support the previous year's general fund budget. If this proposition is approved, the local property taxes requested in support of the district's prior year's general fund budget will increase by approximately (state the approximate additional local property taxes).

Shall the district be authorized to expend the sum of (state the additional amount to be expended), and being approximately (give number) mills, for the purpose of (insert the purpose for which the additional financing is made) increase the local property taxes by the amount referenced in this subsection?

FOR budget authority and any the additional levy.

AGAINST budget authority and any the additional levy.

(3) If the election on any additional financing local property taxes for the general fund is approved by a majority vote of the electors voting at the election, the proposition carries and the trustees may use any portion or all of the authorized amount in adopting the final general fund budget. The trustees shall certify any additional levy amount authorized by the special election on the budget form that is submitted to the county superintendent, and the county commissioners shall levy the authorized number of mills on the taxable value of all taxable property within the district, as prescribed in 20-9-141, ~~to raise the amount of the additional levy.~~

(4) Authorization to levy an additional tax to support a budget amount adopted as allowed by 20-9-308~~(4)~~(3) is effective for only 1 school fiscal year.

(5) All levies adopted under this section must be authorized by a special election conducted before August 1 of the school fiscal year for which it is effective.

(6) If the trustees of a district are required to submit a proposition to finance an ~~increased amount up to the BASE budget amount, as provided in 20-9-308(2)(b), an increased over-BASE budget amount, as provided in 20-9-308(3)(a)(2), or an amount in excess of the maximum general fund budget amount for the district, as allowed by 20-9-308(4)(3),~~ to the electors of the district, the trustees shall comply with the provisions of subsections (2) through ~~(4)~~ (5) of this section."

**Renumber:** subsequent sections

14. Page 54, line 15.

**Strike:** "June"

**Insert:** "May"

15. Page 54, line 26 through page 55, line 17.

**Strike:** section 51 and 52 in their entirety

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**Renumber:** subsequent sections

16. Page 55, line 23.

**Strike:** "15"

**Insert:** "50"

17. Page 55, line 26.

**Strike:** "as provided in 13-13-205"

**Insert:** "at least 45 days before the election"

18. Page 56, line 2 through page 60, line 25.

**Strike:** sections 54 through 59 in their entirety

**Renumber:** subsequent section

**Insert:** "NEW SECTION. Section 12. Coordination instruction. If House Bill No. 496 and [this act] are both passed and approved, then House Bill No. 496 is void."

19. Page 60, lines 27 through 29.

**Following:** "**applicability.**" on line 27

**Strike:** "[This"

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

**Following:** "effective" on line 27

**Strike:** remainder of line 27 through "approval" on line 28

**Insert:** "July 1, 1999,"

**Strike:** "on or after [the effective date of this act]"

**Insert:** "after July 1, 1999

**Following:** line 28

**Insert:** "(2) [Section 6 and this section] are effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 590**, be amended as follows:

1. Title, page 1, line 6.

**Following:** "REQUIRE"

**Strike:** "FINGERPRINTING AND"

**Following:** "A"

**Insert:** "NAME-BASED CRIMINAL"

2. Title, page 1, line 10.

**Strike:** "FINGERPRINTING AND"

3. Title, page 1, line 11.

**Strike:** "FINGERPRINTING AND"

**Following:** "A"

**Insert:** "NAME-BASED CRIMINAL"

4. Title, page 1, line 14.

**Strike:** "FINGERPRINTING AND"

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5. Title, page 1, lines 15 and 16.

**Following:** "CONSENT TO"

**Strike:** "FINGERPRINTING AND"

**Following:** the first "A" on line 16

**Insert:** "NAME-BASED CRIMINAL"

6. Title, page 1, line 17.

**Strike:** "FINGERPRINTING AND"

**Following:** "CONDUCTING A"

**Insert:** "NAME-BASED CRIMINAL"

7. Title, page 1, lines 24 through 25.

**Strike:** "PROVIDING" on line 24 through "PROVISION;" line 25

**Following:** "PROVIDING" on line 25

**Insert:** "AN"

**Strike:** "DATES"

**Insert:** "DATE"

8. Page 1, line 29.

**Strike:** "Fingerprinting and"

**Insert:** "Name-based criminal"

9. Page 2, line 3.

**Strike:** "fingerprinting and"

**Following:** "a"

**Insert:** "name-based criminal"

10. Page 2, line 5.

**Strike:** "the fingerprinting and"

11. Page 2, line 8.

**Strike:** "fingerprinting"

**Insert:** "background check"

12. Page 2, line 22.

**Strike:** "\$60"

**Insert:** "\$33"

**Following:** "for"

**Strike:** "fingerprinting and"

13. Page 2, line 27.

**Strike:** "PROCESSING FINGERPRINTS AND"

**Following:** "CONDUCTING"

**Insert:** "name-based criminal"

14. Page 2, line 28.

**Strike:** "FINGERPRINTING AND"

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15. Page 3, line 1.

**Strike:** "PROCESS FINGERPRINTS AND"

16. Page 3, line 6.

**Strike:** "Fingerprinting and"

**Insert:** "Name-based criminal"

17. Page 3, line 10.

**Strike:** "fingerprinting and"

**Following:** "and a"

**Insert:** "name-based criminal"

18. Page 3, lines 15 and 16.

**Strike:** "\$32" on line 15

**Insert:** "\$5"

**Following:** "for"

**Strike:** "fingerprinting and"

**Following:** "check" on line 15

**Strike:** remainder of line 15 through "5]" on line 16

19. Page 3, line 17.

**Strike:** "fingerprinting and"

20. Page 3, line 20.

**Strike:** "FINGERPRINTING AND"

**Insert:** "Name-based criminal"

21. Page 3, lines 23 and 24.

**Following:** "CONSENT TO" on line 23

**Strike:** "FINGERPRINTING AND"

**Following:** "AND A" on line 24

**Insert:** "name-based criminal"

22. Page 3, line 25.

**Strike:** "\$32"

**Insert:** "\$5"

**Following:** "FOR"

**Strike:** "FINGERPRINTING AND"

23. Page 3, line 26.

**Following:** "CHECK."

**Strike:** remainder of line 26

24. Page 3, line 29.

**Strike:** "FINGERPRINTS"

**Insert:** "name-based criminal background check requests"

25. Page 4, line 4.

**Strike:** "FINGERPRINTS"

**Insert:** "requests"



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26. Page 4, line 6.

**Strike:** "FINGERPRINT"

**Following:** "PROCESSING"

**Insert:** "background check requests"

27. Page 4, line 19.

**Following:** "(2)"

**Insert:** "(a)"

28. Page 4, lines 21 and 22.

**Following:** "to"

**Strike:** ";" on line 21 through "(a)" on line 22

29. Page 4, line 26.

**Strike:** "; AND"

**Insert:** "."

30. Page 4, line 27.

**Following:** "(b)"

**Insert:** "The department of justice and other criminal justice agencies may accept name-based criminal background check requests from and may provide available local, state, multistate, federal (to the extent allowed by federal law), and other criminal history record information to"

31. Page 5, line 1.

**Strike:** "FINGERPRINTS"

**Insert:** "name-based criminal background check requests"

32. Page 5, line 4.

**Strike:** "FINGERPRINTS"

**Insert:** "request"

33. Page 5, line 5.

**Strike:** "FINGERPRINTS ARE"

**Insert:** "name is"

34. Page 5, line 16.

**Strike:** "A SET OF FINGERPRINTS AND"

**Strike:** "ADDITIONAL"

35. Page 5, lines 17 and 18.

**Following:** "SHALL" on line 17

**Strike:** remainder of line 17 through "SHALL" on line 18

36. Page 5, line 23.

**Strike:** "FINGERPRINTS"

**Insert:** "name-based criminal background check requests"

**Strike:** "OF"

**Insert:** "regarding"

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37. Page 5, line 24.

**Strike:** "FINGERPRINTS"

**Insert:** "request"

38. Page 5, line 25.

**Strike:** "FINGERPRINTS ARE"

**Insert:** "name is"

39. Page 6, line 6.

**Strike:** "A SET OF FINGERPRINTS AND"

**Strike:** "ADDITIONAL"

40. Page 6, lines 7 and 8.

**Following:** "SHALL" on line 7

**Strike:** remainder of line 7 through "SHALL" on line 8

41. Page 6, line 22 through line 25.

**Strike:** section 8 in its entirety

**Renumber:** subsequent section

42. Page 6, line 27.

**Strike:** "dates"

**Insert:** "date"

**Strike:** "(1)" through "[this"

**Insert:** "[This"

43. Page 6, line 29 through line 30.

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

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

**FINANCE AND CLAIMS** (Swysgood, Chairman):

3/26/1999

**HB 8**, be concurred in. Report adopted.

**JUDICIARY** (Grosfield, Chairman):

3/26/1999

**HB 54**, be amended as follows:

1. Title, line 5.

**Strike:** "PROVIDING THAT"

**Insert:** "CREATING"

2. Title, page 6.

**Strike:** "INCLUDES ASSAULT"

**Following:** "FLUID"

**Strike:** "COMMITTED BY AN INCARCERATED PERSON"

3. Title, line 7.

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**Following:** "OFFENSE;"  
**Insert:** "AND"

4. Title, line 7 through line 9.

**Following:** "FLUID" on line 7  
**Strike:** remainder of line 7 through "DATE" on line 9

5. Page 1, line 13 through page 4, line 11.

**Strike:** everything following the enacting clause

**Insert:** "NEW SECTION. Section 1. Assault with bodily fluid. (1) A person commits the offense of assault with a bodily fluid if the person purposely or knowingly causes one of the person's bodily fluids to make physical contact with a law enforcement officer or staff person of a detention facility:

(a) during or after an arrest for a criminal offense;

(b) while the person is incarcerated in or being transported to or from a state prison or a county, city, or regional jail or detention facility; or

(c) if the person is a minor, while the youth is detained in or being transported to or from a county, city, or regional jail or detention facility or a youth detention facility, secure detention facility, regional detention facility, short-term detention center, state youth correctional facility, or shelter care facility.

(2) A person convicted of the offense of assault with a bodily fluid shall be fined an amount not to exceed \$1,000 or incarcerated in a county jail or a state prison for a term not to exceed 1 year, or both.

(3) The youth court has jurisdiction of any violation of this section by a minor, unless the charge is filed in district court, in which case the district court has jurisdiction.

(4) As used in this section, "bodily fluid" means any bodily secretion, including but not limited to feces, urine, blood, and saliva."

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

**HB 59**, be amended as follows:

1. Title, line 5.

**Strike:** "EXPANDING" through "SUBJECT"

**Insert:** "AUTHORIZING PLEA AGREEMENTS SUBJECTING OFFENDERS"

2. Title, line 6.

**Following:** "LAWS;"

**Insert:** "REQUIRING THE DEPARTMENT OF CORRECTIONS TO APPLY LEVEL DESIGNATIONS TO OFFENDERS SUBJECT TO REGISTRATION REQUIREMENTS IF LEVELS WERE NOT DESIGNATED AT SENTENCING;"

3. Page 5, line 15.

**Following:** "PLEA"

**Strike:** "BARGAIN"

**Insert:** "agreement"

**Following:** "DEFENDANT"

**Insert:** "convicted of an offense that would otherwise not be subject to registration under this part"

4. Page 5, line 16.

**Following:** "WITH"

**Insert:** "the registration requirements of"

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**Following:** the first "PLEA"

**Strike:** "BARGAIN"

**Insert:** "agreement"

**Following:** the second "PLEA"

**Strike:** "BARGAIN"

**Insert:** "agreement"

5. Page 6, line 13 through line 18.

**Strike:** subsection (5) in its entirety

**Insert:** "(5) If, at the time of sentencing, the sentencing judge did not apply a level designation to a sexual offender who is required to register under this part, the department shall designate the offender as level 1, 2, or 3 when the offender is released from confinement."

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

**HB 185**, be concurred in. Report adopted.

**HB 255**, be amended as follows:

1. Title, line 7.

**Following:** "SECTIONS"

**Insert:** "27-1-718,"

2. Page 1.

**Following:** line 11

**Insert:** "**Section 1.** Section 27-1-718, MCA, is amended to read:

**"27-1-718. Civil penalty for shoplifting.** (1) An adult or emancipated minor who takes possession of any goods, wares, or merchandise displayed or offered for sale by any store or other mercantile establishment without the consent of the owner or seller and with the intention of converting the goods to the taker's own use without having paid the purchase price of the goods is liable to the owner or seller for a penalty, whether or not the goods have been returned undamaged, in the amount of the greater of \$100 or the retail value of the goods, not to exceed ~~\$500~~ \$1,000. This amount is in addition to actual damages.

(2) When an unemancipated minor takes possession of any goods, wares, or merchandise displayed or offered for sale by any store or other mercantile establishment without the consent of the owner or seller and with the intention of converting the goods to the minor's own use without having paid the purchase price of the goods, the minor's parent or legal guardian having custody of the minor is liable to the owner or seller for a penalty, whether or not the goods have been returned undamaged, equal to the greater of \$100 or the retail value of the goods, not to exceed ~~\$500~~ \$1,000. For the purposes of this subsection (2), liability may not be imposed upon any governmental or private agency that has been assigned responsibility for the minor child pursuant to court order or action of the department of corrections or the department of public health and human services.

(3) Judgments and claims arising under this section may be assigned.

(4) A conviction for violation of 45-6-301 is not a condition precedent to maintenance of a civil action under this section.

(5) For purposes of this section, the term "emancipated minor" means a person under 18 years of age who is self-supporting from personal earnings or is married. A person who received more than 25% of the cost of support from any person other than an agency of the government may not be considered an emancipated minor."

**Renumber:** subsequent sections

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

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**HB 339**, be amended as follows:

1. Page 1, line 11.

**Following:** "districts."

**Insert:** "(1)"

2. Page 1, line 12.

**Strike:** "shall"

**Insert:** "is requested to"

3. Page 1, line 13.

**Following:** "redistricted."

**Insert:** "The committee shall report the results of its study to the 57th regular session of the legislature."

4. Page 1, line 14.

**Following:** "based on"

**Insert:** "the factors listed in subsection (2), the committee shall prepare for introduction in the 57th regular session of the legislature legislation redistricting the state's judicial districts.

(2) Factors to be considered by the committee shall include but not be limited to:

(a)"

5. Page 1, line 16.

**Following:** "commerce"

**Strike:** "and based on"

**Insert:** ";

(b)"

6. Page 1, line 16 through line 19.

**Following:** "case load" on line 16

**Strike:** remainder of line 16 through "load" on line 19

**Insert:** ";

(c) the relative proportions of civil, criminal, juvenile, and family law cases in each district's case load;

(d) the extent to which special masters, alternative dispute resolution techniques, and other measures have been used in the districts;

(e) the distances between county seats in existing districts and any districts that may be proposed by the committee;

(f) the impact on counties of any changes proposed in the districts; and

(g) other factors that the committee determines to be significant to the determination of whether the state's judicial districts should be redistricted.

(3) For the purposes of this study, subcommittees of the committee must include, to the extent allowed by law, judges, county commissioners, and other affected parties.

(4) The legislative council may accept gifts, grants, donations, and other funding to assist in this study."

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

**HB 361**, be concurred in. Report adopted.

**HB 455**, be concurred in. Report adopted.

**HB 459**, be amended as follows:

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1. Page 2, line 15.

**Following:** "a"

**Strike:** "criminal records"

2. Page 2, line 16.

**Following:** "applicants"

**Insert:** "that satisfies the requirements of 18 U.S.C. 922(d)"

3. Page 2, line 17 through line 22.

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

**Insert:** "(2) The attorney general shall develop and maintain a list of states from which permits are recognized under this section for the use by law enforcement agencies in this state."

4. Page 2, line 23 through line 24.

**Following:** "(3)" on line 23

**Strike:** remainder of line 23 through the first "permit" on line 24

**Insert:** "The following persons"

**Following:** "state"

**Strike:** "without"

**Insert:** "and shall obtain"

**Following:** "valid"

**Insert:** "Montana"

**Following:** "permit"

**Insert:** "in order to lawfully carry a concealed weapon in this state:

(a) a person who is exempt from the concealed weapon laws of the person's state of residence, unless the person is exempt because the person is a sworn law enforcement officer in that state;

(b) a person from a state that does not require its citizens to obtain a permit in order to lawfully carry a concealed weapon"

5. Page 2, line 25 through line 26.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsection

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

**HB 566**, be amended as follows:

1. Page 2, line 23.

**Strike:** "SHALL"

**Insert:** "is requested to"

**Strike:** "REQUIRED"

**Insert:** "authorized"

2. Page 4, line 18.

**Following:** "during"

**Insert:** "recent"

3. Page 4, line 19.

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**Following:** "firearms"

**Insert:** ", including handguns"

4. Page 5, line 19.

**Following:** line 18

**Insert:** "Social Security # ....."

5. Page 7, line 5.

**Following:** line 4

**Insert:** "IN COMPLETE DETAIL, PLEASE EXPLAIN YOUR REASONS FOR REQUESTING THIS PERMIT

(Attach additional sheet if necessary):

.....  
.....  
.....  
.....  
.....  
....."

6. Page 8, line 4.

**Following:** "a"

**Strike:** "criminal record and"

**Following:** "applicant"

**Insert:** "to determine whether the applicant is eligible for a permit under 45-8-321"

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

**LABOR AND EMPLOYMENT RELATIONS** (Keating, Chairman):

3/26/1999

**HB 57**, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "AN IMMEDIATE"

**Insert:** "A DELAYED"

2. Page 3, line 15.

**Strike:** "on passage and approval"

**Insert:** "January 1, 2001"

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

**HJR 16**, be amended as follows:

1. Page 1, line 16.

**Strike:** "living wage"

**Insert:** "better standard of living"

2. Page 1, line 27.

**Following:** line 26

**Insert:** "WHEREAS, Montana's tax policy has led to a slowdown in job growth; and  
WHEREAS, the regulations imposed on employers in Montana have been excessive; and

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WHEREAS, despite Montana's successful efforts in recent years in decreasing workers' compensation rates, Montana's workers' compensation rates remain some of the highest in the region, which negatively impacts the ability of employers to increase payroll and job growth; and"

3. Page 2, line 6 through line 12.

**Strike:** "That" on line 6 through "that" on line 12

**Insert:** "That"

4. Page 2, line 13.

**Following:** "workers"

**Insert:** "as they decide whether"

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

**LOCAL GOVERNMENT** (Sprague, Chairman):

3/26/1999

**HB 560**, be amended as follows:

1. Page 2, line 16 through line 17.

**Strike:** "or" on line 16 through "jurisdiction" on line 17

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

**TAXATION** (Devlin, Chairman):

3/26/1999

**SB 370**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "5"

**Insert:** "33"

2. Title, line 7.

**Strike:** "PROPERTY TAXES"

**Insert:** "THE COUNTYWIDE TEACHERS' RETIREMENT TAX LEVY"

3. Title, line 11.

**Strike:** the first "AND"

**Following:** "7-7-4428,"

**Insert:** "AND 20-9-501,"

4. Page 1, line 18.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

**Insert:** "16"

5. Page 1, lines 19 and 20.

**Strike:** "gift item, luxury item, or other item normally sold to the public or to transient visitors or tourists"

**Insert:** "goods or services sold at retail by the establishments listed in 7-6-1503(2)(a) and rental equipment and vehicles intended to be used for recreation, such as automobiles, recreational vehicles, boats, snowmobiles, skis, and camping equipment"



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6. Page 2, line 16.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

**Insert:** "16"

7. Page 2, line 22.

**Following:** "rate --"

**Insert:** "luxury"

8. Page 2, line 25.

**Following:** "all"

**Insert:** "luxury"

9. Page 3, line 1.

**Strike:** "and"

10. Page 3, line 2.

**Following:** "facilities"

**Insert:** "; and

(v) places that charge an admission fee"

11. Page 3, line 5 through page 4, line 12.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

12. Page 8, line 2.

**Strike:** "municipal or county"

13. Page 8, line 4.

**Strike:** "municipal or county"

**Insert:** "countywide teachers' retirement fund"

**Following:** "levy"

**Insert:** "under 20-9-501"

14. Page 8, line 5.

**Strike:** "5%"

**Insert:** "33%"

15. Page 12, line 10.

**Strike:** "Transition"

**Insert:** "Resort tax--grandfather provision--reestablishment"

**Following:** "."

**Insert:** "(1)"

16. Page 12, line 11 through line 19.

**Strike:** "as" on line 11 through "act]." on line 19

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**Insert:** "in the manner adopted by the resort community, resort area, or resort area district under 7-6-1501 through 7-6-1550, as those sections read prior to [the effective date of this act]. The resort tax remains in effect on the items and for the duration approved by the electorate under 7-6-1504. Prior to its expiration and if approved by the electorate, a resort tax may be reestablished for a specific duration.

(2) A resort community, resort area, or resort area district established prior to [the effective date of this act] remains separate from any county adopting a local option sales tax unless the electorate of the resort community, resort area, or resort area district agrees to abandon the resort tax and adopt a local option tax. All proceeds of a resort tax must be distributed to the resort community, resort area, or resort area district in which it was collected. Any local option tax imposed by a county may not be imposed in the resort community, resort area, or resort area district. The proceeds of a county local option sales tax may not be distributed to the resort community, resort area, or resort area district."

17. Page 12, line 20.

**Insert:** "Section 17. Section 20-9-501, MCA, is amended to read:

**"20-9-501. Retirement fund.** (1) The trustees of a district employing personnel who are members of the teachers' retirement system or the public employees' retirement system or who are covered by unemployment insurance or who are covered by any federal social security system requiring employer contributions shall establish a retirement fund for the purposes of budgeting and paying the employer's contributions to the systems. The district's contribution for each employee who is a member of the teachers' retirement system must be calculated in accordance with Title 19, chapter 20, part 6. The district's contribution for each employee who is a member of the public employees' retirement system must be calculated in accordance with 19-3-316. The district's contributions for each employee covered by any federal social security system must be paid in accordance with federal law and regulation. The district's contribution for each employee who is covered by unemployment insurance must be paid in accordance with Title 39, chapter 51, part 11.

(2) The trustees of a district required to make a contribution to a system referred to in subsection (1) shall include in the retirement fund of the final budget the estimated amount of the employer's contribution. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to the systems in accordance with the financial administration provisions of this title.

(3) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:

- (a) determining the sum of the money available to reduce the retirement fund levy requirement by adding:
  - (i) any anticipated money that may be realized in the retirement fund during the ensuing school fiscal year, including anticipated revenue from ~~property~~ taxes and fees imposed under 7-6-1507, 23-2-517, 23-2-803, 61-3-504, 61-3-521, 61-3-527, 61-3-529, 61-3-537, and 67-3-204;
  - (ii) oil and natural gas production taxes;
  - (iii) anticipated local government severance tax payments for calendar year 1995 production as provided in 15-36-325;
  - (iv) coal gross proceeds taxes under 15-23-703;
  - (v) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the retirement fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the retirement fund. The retirement fund operating reserve may not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and must be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget.
  - (vi) any other revenue anticipated that may be realized in the retirement fund during the ensuing school fiscal year, excluding any guaranteed tax base aid.
- (b) notwithstanding the provisions of subsection (8), subtracting the money available for reduction of the levy requirement, as determined in subsection (3)(a), from the budgeted amount for expenditures in the final retirement fund budget.

(4) The county superintendent shall:

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(a) total the net retirement fund levy requirements separately for all elementary school districts, all high school districts, and all community college districts of the county, including any prorated joint district or special education cooperative agreement levy requirements; and

(b) report each levy requirement to the county commissioners on the fourth Monday of August as the respective county levy requirements for elementary district, high school district, and community college district retirement funds.

(5) The county commissioners shall fix and set the county levy in accordance with 20-9-142.

(6) The net retirement fund levy requirement for a joint elementary district or a joint high school district must be prorated to each county in which a part of the district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided in 20-9-151.

(7) The net retirement fund levy requirement for districts that are members of special education cooperative agreements must be prorated to each county in which the district is located in the same proportion as the special education cooperative budget is prorated to the member school districts. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county in the same manner as provided in 20-9-151, and the county commissioners shall fix and levy the net retirement fund levy for each county in the same manner as provided in 20-9-152.

(8) The county superintendent shall calculate the number of mills to be levied on the taxable property in the county to finance the retirement fund net levy requirement by dividing the amount determined in subsection (4)(a) by the sum of:

(a) the amount of guaranteed tax base aid that the county will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the taxable valuation of the district divided by 1,000."

**Renumber:** subsequent sections

18. Page 12, line 21.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

**Insert:** "16"

19. Page 12, line 23.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

**Insert:** "16"

20. Page 12, line 29 through line 30.

**Strike:** section 20 in its entirety

**Renumber:** subsequent sections

21. Page 13, line 2.

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

**Insert:** "[This "

22. Page 13, line 4 through line 5.

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

And, as amended, do pass. Report adopted.

**SB 530**, introduced bill, be amended as follows:

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1. Title, line 12.

**Strike:** "A RETROACTIVE"

**Insert:** "AN"

2. Page 27, lines 7 and 8.

**Strike:** "Retroactive applicability" on line 7

**Insert:** "Applicability"

**Strike:** "retroactively," on line 7 through "1-2-109," on line 8

**Strike:** "December 31, 1998"

**Insert:** "June 30, 1999"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE GOVERNOR**

March 25, 1999

The Honorable Bruce Crippen  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Crippen:

Please be informed that I have signed **Senate Bill 99** sponsored by Senator J. Tester et al., **Senate Bill 245** sponsored by Senator Waterman, **Senate Bill 260** sponsored by Senator B. Glaser et al., and **Senate Bill 428** sponsored by Senator S. Stang on March 25, 1999.

Sincerely,

MARC RACICOT  
Governor

March 25, 1999

The Honorable Bruce Crippen  
President of the Senate  
State Capitol  
Helena MT 59620

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Crippen and Speaker Mercer:

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In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 200, "AN ACT STIMULATING ECONOMIC GROWTH AND ENCOURAGING BUSINESS RETENTION; PROVIDING PROGRESSIVE EXEMPTION FROM TAXATION OF CLASS EIGHT PROPERTY; PROVIDING LIMITED REPORTING REQUIREMENTS FOR EXEMPT BUSINESS EQUIPMENT; REDUCING INCREMENTALLY THE TAX RATE ON CLASS SIX PROPERTY FROM 4 PERCENT TO 1 PERCENT BEGINNING IN TAX YEAR 1999; ELIMINATING THE PROPERTY TAX ON CLASS SIX PROPERTY IN 2002; REIMBURSING LOCAL TAXING JURISDICTIONS FOR THE PHASED-IN RATE REDUCTION AND ELIMINATION OF CLASS SIX PROPERTY; REVISING THE INDEBTEDNESS LIMITATIONS OF LOCAL TAXING JURISDICTIONS TO OFFSET CLASS SIX PROPERTY TAX RATE REDUCTIONS; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 7-7-107, 7-7-108, 7-7-2101, 7-7-2203, 7-14-2524, 7-14-2525, 7-16-2327, 15-1-101, 15-6-136, 15-6-201, 15-6-207, 15-8-301, 15-24-301, 15-24-303, 15-24-902, 15-24-903, 15-24-904, 15-24-922, 17-7-502, 20-9-406, 81-7-303, AND 81-7-603, MCA; REPEALING SECTIONS 15-6-136, 15-6-138, 15-24-901, 15-24-920, 15-24-926, 15-24-927, AND 15-24-931, MCA; AND PROVIDING EFFECTIVE DATES AND APPLICABILITY DATES" for the following reasons.

For the last six years, the legislative branch and the executive branch have worked together to eliminate the structural fiscal imbalance that we inherited in 1993. Now as our revenue growth allows us to provide additional tax relief, we must insure that it is done in a reasonable and responsible manner.

The fiscal impact of SB200 for the 2001 biennium is reasonable and responsible. However, even though I am a strong supporter of further business equipment tax reductions, I cannot in good conscience approve the level of tax relief for the 2003 and future bienniums without reasonable assurance that sufficient revenue growth will occur as a result of our tax relief efforts and be available to prevent a future structural imbalance.

For these reasons, I am proposing amendments which would set a smaller tax exemption level, begin the tax rate reductions earlier and provide for a trigger mechanism to allow tax rate reductions in tax year 2002 and subsequent tax years if the targeted General Fund revenue growth is achieved. The targeted revenue growth will allow us the opportunity to provide additional tax relief while maintaining the State's fiscal integrity.

Sincerely,

MARC RACICOT  
Governor

Governor's Amendments to SB 200:

1. Title, line 11.

**Following:** "PROVIDING"

**Insert:** "A PHASED-IN RATE REDUCTION AND A"

2. Title, line 13.

**Following:** "EQUIPMENT;"

**Insert:** "PROVIDING EXEMPTIONS FOR CLASS SIX PROPERTY;"

3. Title, line 14.

**Strike:** "1999"

**Insert:** "2000"

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4. Title, line 15.

**Strike:** "2002"

**Insert:** "2003"

5. Title, line 16.

**Following:** "PROPERTY;"

**Insert:** "REIMBURSING LOCAL TAXING JURISDICTIONS FOR THE EXEMPTIONS AND PHASED-IN RATE REDUCTION FOR CLASS EIGHT PROPERTY;"

6. Title, line 21.

**Following:** "15-6-136,"

**Insert:** "15-6-138,"

7. Title, line 23.

**Strike:** "15-6-138,"

8. Page 1, line 30.

**Strike:** "1999, 2000, and 2001"

**Insert:** "2000, 2001, and 2002"

9. Page 2, line 11.

**Strike:** "1998" in both places

**Insert:** "1999" in both places

10. Page 2, line 13.

**Strike:** "1998" in both places

**Insert:** "1999" in both places

11. Page 2, line 17.

**Strike:** "1998"

**Insert:** "1999"

12. Page 2, line 18.

**Strike:** "1998"

**Insert:** "1999"

13. Page 2, line 19.

**Strike:** "1998"

**Insert:** "1999"

14. Page 2, line 20.

**Strike:** "1998"

**Insert:** "1999"

15. Page 2, line 22.

**Strike:** "1998" in both places

**Insert:** "1999" in both places

16. Page 2, line 24.

**Strike:** "1998"

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**Insert:** "1999"

17. Page 2, line 25.

**Strike:** "1998"

**Insert:** "1999"

18. Page 2, line 26.

**Strike:** "1999"

**Insert:** "2000"

19. Page 2, line 27.

**Strike:** "2000"

**Insert:** "2001"

20. Page 2, line 28.

**Strike:** "2001"

**Insert:** "2002"

21. Page 3, line 3.

**Strike:** "1998, 1999, 2000, and 2001"

**Insert:** "1999, 2000, 2001, and 2002"

22. Page 3, line 4.

**Strike:** "2002"

**Insert:** "2003"

23. Page 3, line 5.

**Strike:** "2002"

**Insert:** "2003"

24. Page 3, line 6.

**Strike:** "1998" in both places

**Insert:** "1999" in both places

25. Page 3, line 7.

**Strike:** "1999"

**Insert:** "2000"

26. Page 3, line 23.

**Strike:** "1998"

**Insert:** "1999"

27. Page 3, line 24.

**Strike:** "1998"

**Insert:** "1999"

28. Page 3, line 26.

**Strike:** "1998"

**Insert:** "1999"

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29. Page 3, line 28.

**Strike:** "1998"

**Insert:** "1999"

30. Page 3, line 29.

**Strike:** "1998"

**Insert:** "1999"

31. Page 3, line 30.

**Strike:** "1998"

**Insert:** "1999"

32. Page 4, lines 20 and 21.

**Following:** "facilities" on line 20

**Strike:** remainder of line 20 through "PROPERTY" on line 21

33. Page 4, line 22.

**Following:** "and"

**Insert:** "and"

34. Page 4, lines 23 through 29.

**Following:** "facility" on line 23

**Strike:** remainder of line 23 through "2003" on line 29

35. Page 11, line 17.

**Strike:** "2000"

**Insert:** "2001"

36. Page 11, line 18.

**Strike:** "1998"

**Insert:** "1999"

**Strike:** "20%"

**Insert:** "9%"

37. Page 11, line 21.

**Strike:** "2001"

**Insert:** "2002"

38. Page 11, line 22.

**Strike:** "1998"

**Insert:** "1999"

**Strike:** "40%"

**Insert:** "26%"

39. Page 11, line 25.

**Strike:** "2002"

**Insert:** "2003"

40. Page 11, line 26.

**Strike:** "1998"



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**Insert:** "1999"  
**Strike:** "60%"  
**Insert:** "43%"

41. Page 11, line 29.  
**Strike:** "2003"  
**Insert:** "2004"

42. Page 11, line 30.  
**Strike:** "1998"  
**Insert:** "1999"

43. Page 12, line 1.  
**Strike:** "80%"  
**Insert:** "60%"

44. Page 12, line 2.  
**Strike:** "AND"

45. Page 12, line 3.  
**Following:** line 2  
**Insert:** "(e) for bonds to be issued during fiscal year 2005, an additional 77% of the taxable value of former class eight property within the local government for tax year 1999, multiplied by 39%; and"  
**Renumber:** subsequent subsection

46. Page 12, line 3.  
**Strike:** "2004"  
**Insert:** "2006"

47. Page 12, line 4.  
**Strike:** "100%"  
**Insert:** "94%"

48. Page 13, line 5.  
**Strike:** "2000"  
**Insert:** "2001"

49. Page 13, line 6.  
**Strike:** "1998"  
**Insert:** "1999"  
**Strike:** "20%"  
**Insert:** "9%"

50. Page 13, line 8.  
**Strike:** "2001"  
**Insert:** "2002"

51. Page 13, line 9.

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**Strike:** "1998"

**Insert:** "1999"

**Strike:** "40%"

**Insert:** "26%"

52. Page 13, line 11.

**Strike:** "2002"

**Insert:** "2003"

53. Page 13, line 12.

**Strike:** "1998"

**Insert:** "1999"

**Strike:** "60%"

**Insert:** "43%"

54. Page 13, line 14.

**Strike:** "2003"

**Insert:** "2004"

55. Page 13, line 15.

**Strike:** "1998"

**Insert:** "1999"

56. Page 13, line 16.

**Strike:** "80%"

**Insert:** "60%"

57. Page 13, line 17.

**Strike:** "AND"

58. Page 13, line 18.

**Following:** line 17

**Insert:** "(g) for indebtedness to be incurred during fiscal year 2005, an additional 77% of the taxable value of former class eight property within the county for tax year 1999, multiplied by 23%; and"

**Renumber:** subsequent subsection

59. Page 13, line 18.

**Strike:** "2004"

**Insert:** "2006"

60. Page 13, line 19.

**Strike:** "100%"

**Insert:** "94%"

61. Page 14, line 10.

**Strike:** "2000"

**Insert:** "2001"

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62. Page 14, line 11.

**Strike:** "1998"

**Insert:** "1999"

63. Page 14, line 12.

**Strike:** "20%"

**Insert:** "9%"

64. Page 14, line 14.

**Strike:** "2001"

**Insert:** "2002"

65. Page 14, line 15.

**Strike:** "1998"

**Insert:** "1999"

66. Page 14, line 16.

**Strike:** "40%"

**Insert:** "26%"

67. Page 14, line 18.

**Strike:** "2002"

**Insert:** "2003"

68. Page 14, line 19.

**Strike:** "1998"

**Insert:** "1999"

69. Page 14, line 20.

**Strike:** "60%"

**Insert:** "43%"

70. Page 14, line 22.

**Strike:** "2003"

**Insert:** "2004"

71. Page 14, line 23.

**Strike:** "1998"

**Insert:** "1999"

72. Page 14, line 24.

**Strike:** "80%"

**Insert:** "60%"

73. Page 14, line 25.

**Strike:** "AND"

74. Page 14, line 26.

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**Following:** line 25

**Insert:** "(g) for general obligation bonds to be issued during fiscal year 2005, an additional 77% of the taxable value of former class eight property within the county for tax year 1999, multiplied by 11.25%; and"

**Renumber:** subsequent subsection

75. Page 14, line 26.

**Strike:** "2004"

**Insert:** "2006"

76. Page 14, line 27.

**Strike:** "100%"

**Insert:** "94%"

77. Page 15, line 23.

**Strike:** "2000"

**Insert:** "2001"

78. Page 15, line 24.

**Strike:** "1998"

**Insert:** "1999"

**Strike:** "20%"

**Insert:** "9%"

79. Page 15, line 26.

**Strike:** "2001"

**Insert:** "2002"

80. Page 15, line 27.

**Strike:** "1998"

**Insert:** "1999"

**Strike:** "40%"

**Insert:** "26%"

81. Page 15, line 29.

**Strike:** "2002"

**Insert:** "2003"

82. Page 15, line 30.

**Strike:** "1998"

**Insert:** "1999"

**Strike:** "60%"

**Insert:** "43%"

83. Page 16, line 2.

**Strike:** "2003"

**Insert:** "2004"

84. Page 16, line 3.

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**Strike:** "1998"  
**Insert:** "1999"

85. Page 16, line 4.  
**Strike:** "80%"  
**Insert:** "60%"

86. Page 16, line 5.  
**Strike:** "AND"

87. Page 16, line 6.  
**Following:** line 5  
**Insert:** "(f) for fiscal year 2005, an additional 77% of the taxable value of former class eight property within the county for tax year 1999, multiplied by 11.25%; and"  
**Renumber:** subsequent subsection

88. Page 16, line 6.  
**Strike:** "2004"  
**Insert:** "2006"  
**Strike:** "100%"  
**Insert:** "94%"

89. Page 17, line 13.  
**Strike:** "2000"  
**Insert:** "2001"

90. Page 17, line 14.  
**Strike:** "1998"  
**Insert:** "1999"  
**Strike:** "20%"  
**Insert:** "9%"

91. Page 17, line 16.  
**Strike:** "2001"  
**Insert:** "2002"

92. Page 17, line 17.  
**Strike:** "1998"  
**Insert:** "1999"  
**Strike:** "40%"  
**Insert:** "26%"

93. Page 17, line 19.  
**Strike:** "2002"  
**Insert:** "2003"

94. Page 17, line 20.

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**Strike:** "1998"

**Insert:** "1999"

**Strike:** "60%"

**Insert:** "43%"

95. Page 17, line 22.

**Strike:** "2003"

**Insert:** "2004"

96. Page 17, line 23.

**Strike:** "1998"

**Insert:** "1999"

97. Page 17, line 24.

**Strike:** "80%"

**Insert:** "60%"

98. Page 17, line 25.

**Strike:** "AND"

99. Page 17, line 26.

**Following:** line 25

**Insert:** "(vi) for fiscal year 2005, an additional 77% of the taxable value of former class eight property within the county for tax year 1999, multiplied by 13%; and"

**Renumber:** subsequent subsection

100. Page 17, line 26.

**Strike:** "2004"

**Insert:** "2006"

**Strike:** "100%"

**Insert:** "94%"

101. Page 22, line 1.

**Strike:** "1998"

**Insert:** "1999"

102. Page 22, line 2.

**Strike:** "1999"

**Insert:** "2000"

103. Page 22, line 3.

**Strike:** "2000"

**Insert:** "2001"

104. Page 22, line 4.

**Strike:** "2001"

**Insert:** "2002"

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105. Page 22, line 5.

**Insert:** "Section 12. Section 15-6-138, MCA, is amended to read:

**"15-6-138. Class eight property -- description -- taxable percentage.** (1) Class eight property includes:

- (a) all agricultural implements and equipment;
- (b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;
- (c) all manufacturing machinery, fixtures, equipment, tools that are not exempt under 15-6-201(1)(r), and supplies except those included in class five;
- (d) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;
- (e) special mobile equipment as defined in 61-1-104;
- (f) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;
- (g) x-ray and medical and dental equipment;
- (h) citizens' band radios and mobile telephones;
- (i) radio and television broadcasting and transmitting equipment;
- (j) cable television systems;
- (k) coal and ore haulers;
- (l) theater projectors and sound equipment; and
- (m) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, "coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds per axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(3) "Commercial establishment" includes any hotel; motel; office; petroleum marketing station; or service, wholesale, retail, or food-handling business.

(4) Class eight property is taxed at:

~~(a) 7% of its market value for tax year 1997; and~~

~~(b) 6% of its market value for tax years beginning after December 31, 1997;~~

~~(b) 6% of its assessed value for tax year 2000; and~~

~~(c) 5% of its assessed value for tax year 2001.~~

(5) If the state general fund revenue for the fiscal year ending June 30, 2001, exceeds the total general fund revenue for the prior fiscal year by more than 4%, then the tax rate for class eight property will be reduced by 1% each year, beginning with tax year 2002, until the rate reaches zero.

(6) For purposes of subsections (4)(b) and (4)(c), the term "assessed value" means the market value of the property less the allowable exemption provided in subsection (7).

(7) The following amount of class eight property is exempt for each taxpayer by county:

(a) \$5,000 for tax years 2000 and 2001; and

(b) \$7,500 for tax years beginning after December 31, 2001.

(8) If a taxpayer owns or possesses class eight property in more than one local government taxing jurisdiction, as defined in [section 26], the taxpayer's exemption must be allocated among each jurisdiction in proportion to the market value of the class eight property present in each taxing jurisdiction."

**Renumber:** subsequent sections

106. Page 34, line 9.

**Strike:** "24"

**Insert:** "26"

107. Page 35, line 7.

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**Strike:** "24"  
**Insert:** "26"

108. Page 36, line 10.  
**Strike:** "2000"  
**Insert:** "2001"

109. Page 36, line 11.  
**Strike:** "1998"  
**Insert:** "1999"  
**Strike:** "20%"  
**Insert:** "9%"

110. Page 36, line 13.  
**Strike:** "2001"  
**Insert:** "2002"

111. Page 36, line 14.  
**Strike:** "1998"  
**Insert:** "1999"  
**Strike:** "40%"  
**Insert:** "26%"

112. Page 36, line 16.  
**Strike:** "2002"  
**Insert:** "2003"

113. Page 36, line 17.  
**Strike:** "1998"  
**Insert:** "1999"  
**Strike:** "60%"  
**Insert:** "43%"

114. Page 36, line 19.  
**Strike:** "2003"  
**Insert:** "2004"

115. Page 36, line 20.  
**Strike:** "1998"  
**Insert:** "1999"

116. Page 36, line 21.  
**Strike:** "80%"  
**Insert:** "60%"

117. Page 36, line 22.  
**Strike:** "AND"

118. Page 36, line 23.  
**Following:** line 22



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**Insert:** "(vi) for bonds to be issued during fiscal year 2005, an additional 77% of the taxable value of former class eight property within the district for tax year 1999, multiplied by 45%; and"

**Renumber:** subsequent subsection

119. Page 36, line 23.

**Strike:** "2004"

**Insert:** "2006"

120. Page 36, line 24.

**Strike:** "100%"

**Insert:** "94%"

121. Page 37, line 7.

**Strike:** "2000"

**Insert:** "2001"

122. Page 37, line 8.

**Strike:** "1998"

**Insert:** "1999"

**Strike:** "20%"

**Insert:** "9%"

123. Page 37, line 10.

**Strike:** "2001"

**Insert:** "2002"

124. Page 37, line 11.

**Strike:** "1998"

**Insert:** "1999"

**Strike:** "40%"

**Insert:** "26%"

125. Page 37, line 13.

**Strike:** "2002"

**Insert:** "2003"

126. Page 37, line 14.

**Strike:** "1998"

**Insert:** "1999"

**Strike:** "60%"

**Insert:** "43%"

127. Page 37, line 16.

**Strike:** "2003"

**Insert:** "2004"

128. Page 37, line 17.

**Strike:** "1998"

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**Insert:** "1999"

129. Page 37, line 18.

**Strike:** "80%"

**Insert:** "60%"

130. Page 37, line 19.

**Strike:** "AND"

131. Page 37, line 20.

**Following:** line 19

**Insert:** "(vi) for bonds to be issued during fiscal year 2005, an additional 77% of the taxable value of former class eight property within the district for tax year 1999, multiplied by 90%; and"

**Renumber:** subsequent subsection

132. Page 37, line 20.

**Strike:** "2004"

**Insert:** "2006"

133. Page 37, line 21.

**Strike:** "100%"

**Insert:** "94%"

134. Page 40, line 15.

**Following:** "EXEMPTION"

**Insert:** "and rate reduction"

135. Page 40, line 17.

**Following:** " \_ "

**Insert:** "The reimbursement provided in this section is in addition to other statutory reimbursements."

136. Page 40, line 19.

**Following:** "EXEMPTION"

**Insert:** "and tax rate reduction"

137. Page 40, line 26.

**Following:** "ESTIMATED"

**Insert:** "taxes that would have been assessed against"

**Strike:** "REVENUE COLLECTIONS"

**Insert:** "property"

**Following:** "TOTAL"

**Insert:** "taxes assessed against"

138. Page 40, line 27.

**Strike:** "REVENUE COLLECTED"

**Insert:** "property"

139. Page 40, line 28.

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**Following:** "ESTIMATED"

**Insert:** "taxes that would have been assessed against"

**Strike:** "REVENUE COLLECTIONS"

**Insert:** "property"

140. Page 41, line 4.

**Strike:** "OF 6%"

**Insert:** "provided in 15-6-138 for the current tax year"

141. Page 41, line 5.

**Following:** "BY"

**Strike:** "THE"

**Insert:** "each"

142. Page 41, line 7.

**Strike:** "THAT IMPOSES SIMILAR MILLS, FOR INSTANCE IN TWO ELEMENTARY SCHOOL DISTRICTS"

143. Page 41, line 8.

**Strike:** "THE SIMILAR TAXING JURISDICTIONS"

**Insert:** "each taxing jurisdiction"

144. Page 41, lines 11 and 12.

**Following:** "JURISDICTION" on line 11

**Strike:** remainder of line 11 through "DISTRICTS." on line 12

**Insert:** "means a local government rather than a state taxing jurisdiction that levied mills against property described in 15-6-138, including county governments, incorporated city and town governments, consolidated county and city governments, local elementary and high school districts, local community college districts, miscellaneous districts, and special districts. The term includes countywide mills levied for equalization of school retirement or transportation, but does not include tax increment financing districts. The term also does not include county or state school equalization levies provided for in 20-9-331, 20-9-333, and 20-9-360 or the university levy provided for in [section 1 of Senate Bill No. 79]. It also does not include any state levy for welfare programs provided for in 53-2-813."

145. Page 41, line 30.

**Strike:** "(1)"

146. Page 42, line 2.

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

147. Page 42, line 5.

**Strike:** "24"

**Insert:** "26"

148. Page 42, line 6.

**Strike:** "24"

**Insert:** "26"

149. Page 42, line 25.

**Strike:** "3"

**Strike:** "through"

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150. Page 42, line 26.

**Strike:** "9."

**Following:** "11,"

**Insert:** "12, 15,"

**Strike:** "21."

**Following:** "22,"

**Insert:** "23,"

**Strike:** "27"

**Insert:** "28"

**Strike:** "29"

**Insert:** "30"

151. Page 42, line 27.

**Strike:** "31"

**Insert:** "32"

152. Page 42, line 28.

**Strike:** "[SECTIONS 2(1)(C), 14, AND 24 25]"

**Insert:** "[Sections 3 through 9 and 23]"

**Strike:** "January"

**Insert:** "July"

153. Page 42, lines 29 and 30.

**Following:** "SECTIONS" on line 29

**Strike:** remainder of line 29 through "26(1)" on line 30

**Insert:** "2, 10, 13, 14, 16 through 21, and 24 through 27"

154. Page 43, line 1.

**Strike:** "2002"

**Insert:** "2003"

155. Page 43, line 2.

**Strike:** "12(1)(AA)"

**Insert:** "13(1)(aa)"

**Strike:** "JANUARY 1, 2004"

**Insert:** "if the tax rate in [section 12], amending 15-6-138, reaches zero"

156. Page 43, lines 4 and 5.

**Strike:** section 31 in its entirety

**Insert:** "NEW SECTION. Section 32. Coordination. If [LC 1924]is passed and approved, then [sections 1 and 26 of this act] are void."

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence:

3/25/1999

**HB 9**, introduced by M. McCann

**HB 14**, introduced by R. Johnson

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**HB 72**, introduced by J. Mercer  
**HB 127**, introduced by R. Johnson  
**HB 252**, introduced by Mood  
**HB 313**, introduced by B. Raney  
**HB 420**, introduced by R. Dale  
**HB 490**, introduced by S. Anderson  
**HB 496**, introduced by A. Curtiss  
**HB 569**, introduced by R. Erickson  
**HB 621**, introduced by J. Witt  
**HB 648**, introduced by R. Menahan  
**HB 651**, introduced by M. Hanson  
**HB 652**, introduced by M. Guggenheim  
**HB 653**, introduced by E. Bergsagel  
**HB 656**, introduced by S. Bookout-Reinicke  
**HB 658**, introduced by E. Clark  
**HB 669**, introduced by B. Story

**MOTIONS**

**Senator J. Lynch** moved that the rules of the Senate be temporarily suspended to allow the late drafting and introduction of a Joint Resolution concerning a memorial newsroom named for J. D. Holmes, longtime dean of the Capitol News Corp. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 200, Governor's Amendments** - Senator Harp moved that the Governor's Amendments to SB 200 be placed at the top of the second reading board this legislative day. Motion carried.

**HB 71** - Senator Harp moved that HB 71 on the second reading board this legislative day be passed for the day in order to be considered with other bills of a similar subject. Motion carried.

**HB 678** - Senator Harp moved that the rules of the Senate be temporarily suspended to allow the late transmittal into the Senate of HB 678, which concerns reimbursement to schools for lost revenue. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel,

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Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 9**, introduced by M. McCann (by request of the Montana Arts Council and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 14**, introduced by R. Johnson (by request of the Gaming Advisory Council and the Governor), referred to Finance and Claims.

**HB 72**, introduced by J. Mercer (by request of the Teachers' Retirement Board), referred to Finance and Claims.

**HB 127**, introduced by R. Johnson (by request of the Department of Public Health and Human Services), referred to Finance and Claims.

**HB 252**, introduced by Mood, DePratu, Grosfield, Ohs, Simon, Swanson, M. Taylor, Tester, Tuss, Waterman (by request of The Joint Select Committee on Jobs and Income), referred to Finance and Claims.

**HB 313**, introduced by B. Raney, referred to Finance and Claims.

**HB 420**, introduced by R. Dale, T. Beck, J. Bohlinger, B. Crippen, B. DePratu, G. Devlin, L. Grinde, J. Hertel, D. Mahlum, J. Mercer, K. Ohs, P. Sliter, R. Somerville, S. Stang, B. Tash, referred to Finance and Claims.

**HB 490**, introduced by S. Anderson, T. Beck, E. Bergsagel, J. Bohlinger, V. Cocchiarella, B. Crippen, E. Franklin, D. Fuchs, B. Glaser, D. Grimes, L. Grosfield, M. Halligan, D. Hargrove, J. Harp, J. Hertel, B. Keenan, D. McGee, A. Mohl, K. Ohs, D. Shea, F. Thomas, C. Younkin, referred to State Administration.

**HB 496**, introduced by A. Curtiss, C. Ahner, P. Bergsagel, D. Haines, M. Hanson, B. Kasten, S. Orr, L. Taylor, D. Wagner, referred to Education and Cultural Resources.

**HB 569**, introduced by R. Erickson, D. Ewer, T. Facey, G. Gutsche, M. Halligan, H. Harper, C. Hibbard, L. McCulloch, R. Somerville, C. Squires, referred to Taxation.

**HB 621**, introduced by J. Witt, G. Beck, R. Brown, W. Crismore, S. Doherty, J. Ellingson, E. Franklin, D. Fuchs, G. Golie, T. Hagener, D. Haines, T. Keating, M. Lindeen, J. Mangan, J. McKenney, L. Nelson, R. Peck, G. Roush, B. Ryan, T. Schmidt, J. Stovall, J. Tester, J. Tropila, C. Tuss, B. Wilson (by request of the House Appropriations Committee), referred to Finance and Claims.

**HB 648**, introduced by R. Menahan, S. Gallus, J. Lynch, B. Pavlovich, J. Quilici, G. Roush, referred to Highways and Transportation.

**HB 651**, introduced by M. Hanson, referred to Taxation.

**HB 652**, introduced by M. Guggenheim, referred to Taxation.

**HB 653**, introduced by E. Bergsagel, referred to Finance and Claims.

**HB 656**, introduced by S. Bookout-Reinicke, referred to Taxation.

**HB 658**, introduced by E. Clark, G. Roush, referred to Taxation.

**HB 669**, introduced by B. Story, B. DePratu, K. Gillan, C. Hibbard, S. Stang, referred to Taxation.

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**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 63, as amended by the House**, passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 71, as amended by the House**, passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 124, as amended by the House**, passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 164** passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 207, as amended by the House,** passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 210, as amended by the House,** passed as follows:

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

Nays: Miller.



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Total 1

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 239, as amended by the House**, passed as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 439, as amended by the House**, passed as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 531** passed as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague,

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Stang, Swysgood, Tester, Thomas, Toews, Wilson, Mr. President.  
Total 45

Nays: Bartlett, Miller, Taylor, Waterman.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 533** passed as follows:

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

Nays: Wilson.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SJR 5, as amended by the House**, adopted as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SJR 16** adopted as follows:

Yeas: Berry, Cole, Crismore, DePratu, Doherty, Eck, Ellingson, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp,

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Holden, Jabs, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Roush, Shea, Sprague, Swysgood, Taylor, Thomas, Toews, Mr. President.

Total 30

Nays: Bartlett, Beck, Bishop, Bohlinger, Christiaens, Cocchiarella, Devlin, Ekegren, Franklin, Halligan, Hertel, Jergeson, Keenan, Mohl, Nelson, Stang, Tester, Waterman, Wilson.

Total 19

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**HB 153, as amended by the Senate**, concurred in as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**HB 283** concurred in as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**HB 296** concurred in as follows:

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

Total 47

Nays: Taylor, Waterman.

Total 2

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**HB 421** concurred in as follows:

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

Total 45

Nays: Glaser, Grimes, Keenan, Mohl.

Total 4

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**HB 486, as amended by the Senate**, concurred in as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

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**HB 523** concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**HJR 7** concurred in as follows:

Yeas: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wilson, Mr. President.  
Total 31  
Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman.  
Total 18

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**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 Waterman in the chair.

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

**SB 200 - Governor's Amendments** - Senator M. Taylor moved Governor's amendments to SB 200 be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, 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, Wilson, Mr. President.  
Total 47

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Nays: Keenan.  
Total 1

Absent or not voting: Cocchiarella.  
Total 1

Excused: Wells.  
Total 1

**HB 506** - Senator T. Beck moved HB 506, second reading copy, be amended as follows :

1. Page 5, line 20.

**Following:** "location that" on line 20

**Insert:** "meets the standards and"

2. Page 5, line 21.

**Following:** "~~standards and~~"

**Strike:** "MEETS THE STANDARDS AND"

3. Page 5, line 25.

**Following:** "DISPUTE,"

**Strike:** "THE written" on line 25 through ". The" on line 27

**Insert:** "the" on line 27

Amendment **adopted** unanimously.

**HB 506** - Senator T. Beck moved HB 506, as amended, be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Harp, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Mr. President.

Total 39

Nays: Christiaens, Ellis, Hargrove, Hertel, Holden, Jabs, Nelson, Toews, Waterman, Wilson.

Total 10

Absent or not voting: None.

Total 0

Excused: Wells.  
Total 1

**SB 529** - Senator G. Jergeson moved SB 529, a Constitutional Amendment, do pass. Motion received the following votes:

Yeas: Bartlett, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Sprague, Stang, Tester, Waterman, Wilson.

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Total 20

Nays: Beck, Berry, Bishop, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Swysgood, Taylor, Thomas, Toews, Mr. President.

Total 29

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SJR 15** - Senator F. Thomas moved SJR 15 be adopted. Motion carried unanimously.

**HB 6** - Senator J. Lynch moved HB 6 be concurred in. Motion carried unanimously.

**HB 203** - Senator S. Bartlett moved HB 203 be concurred in. Motion carried unanimously.

**HB 207** - Senator J. Lynch moved HB 207 be concurred in. Motion carried unanimously.

**HB 212** - Senator C. Christiaens moved HB 212 be concurred in. Motion carried as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ellingson, Franklin, Grimes, Halligan, Hargrove, Hertel, Jergeson, Keating, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Roush, Thomas, Waterman, Wilson, Mr. President.

Total 28

Nays: Bartlett, Beck, Berry, Devlin, Ellis, Glaser, Grosfield, Harp, Holden, Jabs, Keenan, Lynch, Mesaros, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Toews.

Total 20

Absent or not voting: Ekegren.

Total 1

Excused: Wells.

Total 1

**HB 229** - Senator T. Keating moved HB 229 be concurred in. Motion carried unanimously.

**HB 244** - Senator S. Doherty moved HB 244 be concurred in. Motion carried unanimously.

**HB 257** - Senator D. Hargrove moved HB 257 be concurred in. Motion carried unanimously.

**HB 302** - Senator J. Lynch moved HB 302 be concurred in. Motion carried unanimously.

**HB 308** - Senator J. Ellingson moved HB 308 be concurred in. Motion carried unanimously.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. Acting

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President Swysgood in the chair. Chairman Waterman moved the Committee of the Whole report be adopted. Report adopted.

**MOTIONS**

**SB 169** - Senator Harp moved that the Acting President be authorized to appoint a Conference Committee, and request the House to appoint a like committee, to confer on House Amendments to SB 169. Motion carried. The acting president appointed the following members:

Senator Taylor, Chairman  
Senator Berry  
Senator Roush

**Senator Harp** moved that all bills in the Finance and Claims Committee be considered appropriation bills for the purpose of meeting transmittal deadlines and therefore would have to be transmitted by the eightieth legislative day, April 13, 1999. Motion carried as follows:

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

Nays: None.  
Total 0

Absent or not voting: Franklin, Taylor.  
Total 2

Excused: Wells.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 7:00 a.m., Saturday, March 27, 1999. Motion carried.

Senate adjourned at 3:25 p.m.

ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate