

**SENATE JOURNAL
SEVENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 30, 1999

Senate Chambers
State Capitol

Senate convened at 11:00 a.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

Correctly printed: SJR 18, SR 5, HB 11, HB 74, HB 183, HB 269, HB 458, HB 482, HB 527, HB 530, HB 617, HB 649, HJR 16.

Correctly engrossed: SB 184, SB 460, HB 71, HB 321, HB 396, HB 470, HB 490, HB 536, HJR 18.

Correctly enrolled: SB 13, SB 276, SB 371, SB 404, SB 419, SB 452, SB 478, SB 488.

Examined by the sponsor and found to be correct: SB 13, SB 276, SB 371, SB 404, SB 419, SB 452, SB 478, SB 488.

Delivered to the Secretary of State at 3:36 p.m., March 29, 1999: SJR 5, SR 4.

Delivered to the Governor for his approval at 8:40 a.m., March 30, 1999: SB 57, SB 63, SB 71, SB 124, SB 207, SB 210, SB 239, SB 439.

FISH AND GAME (Mesaros, Chairman):
HB 315, be amended as follows:

3/30/1999

1. Title, line 5 through line 12.

Strike: "DESIGNATING" on line 5 through "SITES;" on line 12

Insert: "REQUIRING THAT THE FISH, WILDLIFE, AND PARKS COMMISSION RULES PROVIDE FOR THE ESTABLISHMENT OF PRIMITIVE FISHING ACCESS SITES; REQUIRING THAT THE RULES ADDRESS THE SCOPE AND NATURE OF THE DEVELOPMENT ALLOWED AT PRIMITIVE FISHING ACCESS SITES; ELIMINATING USER FEES AT PRIMITIVE FISHING ACCESS SITES FOR A PERSON WHO POSSESSES A VALID STATE PARKS PASSPORT; AMENDING SECTION 23-1-105, MCA;"

2. Page 1, line 30.

Strike: "through 5"

Insert: "and 2"

3. Page 2, line 3 through page 5, line 5.

Strike: sections 2 through 5 in their entirety

Insert: "NEW SECTION. Section 2. Primitive fishing access sites -- rulemaking. (1) Pursuant to the authority provided in 87-1-301, the fish, wildlife, and parks commission may designate certain fishing access sites as primitive fishing access sites. The rules must require that the primitive fishing access sites designated by the commission may not be developed beyond what is necessary to maintain the site for public use. The rules must specifically prohibit the new development or new installation of:

(a) fencing of the perimeter unless it is necessary for the security of the site or for preventing conflicts near

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the site;

(b) access roads beyond those that are maintained to prevent degradation of the site and provide reasonable and safe vehicular access;

(c) paved roads or parking areas;

(d) signs beyond those that are necessary to provide directions from the nearest public road and those that provide regulation, public safety, or interpretive information;

(e) latrines unless determined necessary for health or sanitation as determined by the regional park manager or county sanitarian;

(f) potable water stations;

(g) boat ramps larger than a single lane;

(h) camping or picnic areas; and

(i) barriers beyond those necessary to prevent unauthorized off-road travel.

(2) The rules may allow for replacement of existing facilities and maintenance of existing improvements."

Insert: "Section 3. Section 23-1-105, MCA, is amended to read:

"23-1-105. Fees and charges. (1) The department ~~shall have power to~~ may levy and collect reasonable fees or other charges for the use of privileges and conveniences as may be provided and to grant concessions as it considers advisable, except as provided in ~~subsection~~ subsections (2) and (5). All money derived from the activities of the department must be deposited in the state treasury in a state special revenue fund to the credit of the department.

(2) Overnight camping fees established by the department under subsection (1) must be discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and either 62 years of age or older or certified as disabled in accordance with rules adopted by the department.

(3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person is not allowable unless it is shown that at that time the vehicle was being used without the consent of the registered owner.

(4) Money received from the collection of fees and charges is not subject to the deposit requirements of 17-6-105. The department shall deposit money collected under this section within a reasonable time after receipt.

(5) A person who possesses a valid state parks passport is not required to pay a fee for noncommercial day use or for camping at any primitive fishing access site designated pursuant to [section 2]."

Renumber: subsequent sections

4. Page 5, line 7.

Strike: "through 5"

Insert: "and 2"

5. Page 5, line 9.

Strike: "through 5"

Insert: "and 2"

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

HB 478, be amended as follows:

1. Title, line 5.

Strike: "LIMITING THE"

Insert: "ALLOWING THE FISH, WILDLIFE, AND PARKS COMMISSION TO SET THE NUMBER OF"

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2. Title, line 6.

Following: "DRAWING;"

Insert: "DIRECTING THE COMMISSION TO DEVELOP RULES ALLOWING FOR GROUP LICENSE APPLICATIONS;"

3. Title, line 7.

Following: "\$110;"

Insert: "PROVIDING FOR A 3-DAY NONRESIDENT UPLAND GAME BIRD LICENSE;"

4. Page 1, line 18 through line 19.

Strike: "no" on line 18 through the first "may" on line 19

Insert: "the commission may set the number of licenses to"

5. Page 1.

Following: line 22

Insert: "(4) The commission shall develop and adopt rules that provide for a group of applicants to participate in the drawing system under one application. The rules must require that each member of a group that is successful in the drawing obtain the license required by 87-2-402 or by [section 2]."

Insert: "NEW SECTION. Section 2. Class B-2--three-day nonresident upland game bird license. A person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older, upon payment of a fee of \$60, may receive a 3-day nonresident upland game bird license. The license entitles the holder to hunt upland game birds and possess the carcasses of upland game birds as authorized by department rules for 3 consecutive calendar days as indicated on the license."

Renumber: subsequent section

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

FINANCE AND CLAIMS (Swysgood, Chairman):

3/30/1999

HB 180, be concurred in. Report adopted.

HB 645, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 243
Report No.1, March 29, 1999

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 243** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 243** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

Following: "~~ACT~~;"

Insert: "REVISING THE PURPOSE STATEMENT OF THE YOUTH COURT ACT;"

2. Title, line 13.

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Following: "~~41-5-102~~,"

Insert: "41-5-102,"

3. Page 2, line 20.

Insert: "**Section 1.** Section 41-5-102, MCA, is amended to read:

"41-5-102. Declaration of purpose. The Montana Youth Court Act must be interpreted and construed to effectuate the following express legislative purposes:

(1) to preserve the unity and welfare of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of a youth coming within the provisions of the Montana Youth Court Act;

(2) to prevent and reduce youth delinquency through immediate, consistent, enforceable, and avoidable consequences of youths' actions and to ~~establish~~ remove the element of retribution from the penalties imposed upon youth who commit violations of the law and to substitute a program of supervision, care, rehabilitation, detention, competency development, community protection, and, in appropriate cases, restitution as ordered by the youth court;

(3) to achieve the purposes of subsections (1) and (2) in a family environment whenever possible, separating the youth from the parents only when necessary for the welfare of the youth or for the safety and protection of the community;

(4) to provide judicial procedures in which the parties are ~~assured~~ ensured a fair, accurate hearing and recognition and enforcement of their constitutional and statutory rights."

Renumber: subsequent sections

For the Senate:

F. Thomas, Chairman
Grimes
Halligan

For the House:

D. McGee, Chairman
Facey
Shockley

MOTIONS

HB 11 - Senator Swysgood moved HB 11 be taken from the second reading board and rereferred to the committee on Finance and Claims for purpose of amendment. Motion carried.

HB 490 - Senator Hargrove moved HB 490 be taken from the second reading board and rereferred to the committee on Finance and Claims as the money amount has been changed, and needs to be looked at. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SJR 20, introduced by McCarthy, Crismore, Crismore, Swysgood, Tash, referred to Natural Resources.

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

HB 174, introduced by C. Hibbard (by request of the Revenue Oversight Committee), referred to Taxation.

HB 515, introduced by L. Grinde, C. Ahner, J. Barnett, T. Beck, E. Bergsagel, P. Bergsagel, A. Bishop, S. Bookout-Reinicke, M. Brainard, R. Brown, J. Cobb, M. Cole, B. Crippen, B. DePratu, G. Devlin, S. Fisher, D. Fuchs, D. Grimes, M. Hanson, D. Hargrove, J. Harp, D. Hedges, J. Hertel, D. McGee, J. Mercer, B. Molnar, D. Mood, K. Ohs, B. Raney, B. Simon, P. Sliter, R. Somerville, M. Sprague, C. Swysgood, B. Tash, M. Taylor, F. Thomas, J. Witt, referred to Business and Industry.

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HB 660, introduced by R. Menahan, G. Beck, T. Beck, S. Gallus, D. Harrington, J. Lynch, B. McCarthy, B. Pavlovich, J. Quilici, D. Shea, referred to Finance and Claims.

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

HJR 33, introduced by D. Haines, A. Curtiss, D. Fuchs, B. Raney, B. Thomas, J. Witt, referred to Fish and Game.

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 184 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, Shea, Sprague, Stang, Swysgood, Taylor, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 47

Nays: Nelson, Roush, Tester.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 460 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, 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

Nays: Glaser, Keenan, Wells.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 18 adopted as follows:

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Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, 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, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 45

Nays: Devlin, Doherty, Swysgood, Taylor, Toews.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 71, 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, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 46

Nays: Glaser, Keenan, Taylor, Wells.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 74, 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, Wells, Wilson, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 183, 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, Wells, Wilson, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 269, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, 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, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 45

Nays: Bishop, Crismore, Swysgood, Toews, Waterman.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 321, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Berry, Christiaens, Cocchiarella, Cole, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Grimes, Halligan, Hargrove, Hertel, Holden, Jabs, Keating, Lynch, Mahlum, McCarthy, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman, Wilson.

Total 29

Nays: Beck, Bishop, Bohlinger, Crismore, DePratu, Devlin, Glaser, Grosfield, Harp, Jergeson, Keenan, McNutt, Mesaros, Miller, Mohl, Nelson, Swysgood, Taylor, Toews, Wells, Mr. President.

Total 21

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

HB 396, 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, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.
Total 46

Nays: Keenan, Swysgood, Taylor, Wells.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 458 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, Wells, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 482, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Stang, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 44

Nays: Beck, Devlin, Halligan, Keenan, Shea, Swysgood.
Total 6

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 527 concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 45

Nays: Beck, Devlin, Jabs, Keenan, Swysgood.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 530, as amended by the Senate, concurred in as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.
Total 41

Nays: Bartlett, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Stang, Waterman.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 617 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Mr. President.
Total 46

Nays: Devlin, Jergeson, Mesaros, Wilson.

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Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 16, as amended by the Senate, concurred in as follows:

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

Total 36

Nays: Devlin, Ekegren, Hargrove, Hertel, Keating, Keenan, McNutt, Miller, Mohl, Swysgood, Taylor, Thomas, Toews, Wells.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced.

MOTIONS

Majority Leader Harp moved that the Senate stand in recess until the hour of 2:00 p.m. Motion carried.

Senate recessed at 11:24 p.m.

Senate reconvened at 2:00 p.m.

Roll Call. All members present. Quorum present.

President Crippen introduced Senate employees Betty Paulsen, Karen Webb, Claudia Bunn and Doris Cason, who will be leaving their positions shortly, and thanked them for their good work through the session.

MESSAGES FROM THE GOVERNOR

March 29, 1999

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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:

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 No. 166, **“AN ACT REVISING COUNTY SHERIFF AND CITY POLICE RESPONSIBILITIES FOR HANDLING ABANDONED VEHICLES; PROVIDING FOR PAYMENT OF CERTAIN ABANDONED VEHICLE REMOVAL CHARGES FROM MOTOR VEHICLE DISPOSAL FEES, SUBJECT TO THE AVAILABILITY OF FUNDING; TRANSFERRING RESPONSIBILITY FOR DETERMINING VALUE OF A JUNK VEHICLE FROM THE STATE TO COUNTIES; AMENDING SECTIONS 61-12-401, 61-12-402, 61-12-403, 61-12-404, 75-10-503, AND 75-10-532, MCA; AND PROVIDING AN EFFECTIVE DATE,”** for the following reasons.

Senate Bill 166 amends the motor vehicle recycling and disposal statutes contained in Title 75, Chapter 10, part 5, MCA. Section 75-10-532, MCA, currently provides that money from the sale or recycling of junk vehicles, from motor vehicle wrecking facility license fees, and from motor vehicle disposal fees must be used for the control, collection, recycling, and disposal of junk vehicles. Section 75-10-534, MCA, requires the Department of Environmental Quality to fund approved budgets for the counties' junk vehicle programs. The Department provides this funding to the counties from the junk vehicle license fees and sale revenues.

Senate Bill 166 amends 75-10-532 by authorizing the Department of Environmental Quality to also use junk vehicle revenues to reimburse sheriffs and police departments for the costs of removing abandoned vehicles. However, House Bill 2, as currently written, does not appropriate enough funding to the Department of Environmental Quality to pay for both the county junk vehicle programs and the costs of removing abandoned vehicles. Senate Bill 166 anticipates this contingency by providing that the abandoned vehicle funding authorization is “subject to the availability of funding.” This language does not, however, clearly indicate whether the Department in this situation must totally fund the junk vehicle programs and not fund the removal programs or whether it must fund a portion of each.

I believe that the intent of the Legislature is to ensure that the junk vehicle programs are always fully funded. I agree with this intent. I am therefore proposing amendments that would clearly so provide by requiring separate appropriations for junk vehicles and for abandoned vehicles.

It is my understanding that Senator Lynch, the sponsor of Senate Bill 166, is aware of and agreeable to this amendment.

Sincerely,

MARC RACICOT
Governor

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**GOVERNOR'S AMENDMENTS
TO SB 166**

1. Page 4, line 30.

Strike: "(1)"

2. Page 5, line 3.

Following: "and"

Insert: ", to the extent the legislature appropriates funds expressly and solely for this purpose,"

3. Page 5, lines 5 and 6.

Strike: subsection (2) in its entirety

MOTIONS

Majority Leader Harp moved the rules of the Senate be temporarily suspended to allow the staff of the Legislative Fiscal Analyst's office and the Office of Budget and Program Planning be allowed on the floor of the Senate during consideration of HB 2 on the seventy-second legislative day, March 31, 1999. 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, Wells, Wilson, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 109 - Senator Halligan moved that HB 109 be taken from the second reading board this legislative day and rereferred to the committee on Finance and Claims. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SR 6, introduced by Grosfield, referred to Judiciary.

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

Session No. 1

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

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

HB 596 - Senator M. Taylor moved HB 596 be concurred in. Motion carried unanimously.

HJR 18 - Senator B. Wilson moved HJR 18 be concurred in. Motion carried with Senators Jabs, Mohl and Swysgood voting nay.

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

HB 536 - Senator T. Beck moved HB 536, second reading copy, be amended as follows :

1. Title, page 1, line 17.

Strike: "AN IMMEDIATE" on line 16

Strike: the first "DATE"

Insert: "DATES"

2. Page 5, line 9 through line 10.

Following: "insurance," on line 9

Insert: "["

Following: "PAYMENTS" on line 10

Insert: "]"

3. Page 8, line 21.

Strike: "date"

Insert: "dates"

Strike: "[This act]"

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

4. Page 8.

Following: line 21

Insert: "(2) [Sections 2 and 3] and the bracketed language in [section 4(5)(b)] are effective January 1, 2000."

Amendment **adopted** unanimously.

HB 536 - Senator T. Beck moved HB 536, as amended, be concurred in. Motion carried unanimously.

HB 649 - Senator J. Lynch moved HB 649 be concurred in. Motion carried unanimously.

SB 107, House Amendments - Senator D. Mahlum moved House Amendments to SB 107 be concurred in. Motion carried with Senator Swysgood voting nay.

SB 122, House Amendments - Senator T. Beck moved House Amendments to SB 122 be concurred in. Motion carried unanimously.

SB 137, House Amendments - Senator E. Franklin moved House Amendments to SB 137 be concurred in. Motion carried unanimously.

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SB 154, House Amendments - Senator A. Mohl moved House Amendments to SB 154 be concurred in. Motion carried unanimously.

SB 356 - House Amendments - Senator A. Mohl moved House amendments to SB 356 be concurred in. Motion carried as follows:

Yeas: Beck, Bishop, Bohlinger, Cole, Crismore, DePratu, Doherty, Ellingson, Franklin, Halligan, Hargrove, Harp, Jabs, Jergeson, Keating, Mahlum, McNutt, Mohl, Nelson, Roush, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Wilson, Mr. President.

Total 28

Nays: Bartlett, Berry, Christiaens, Cocchiarella, Devlin, Eck, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hertel, Holden, Keenan, Lynch, McCarthy, Mesaros, Miller, Shea, Toews, Waterman, Wells.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 367 - House Amendments - Senator F. Thomas moved House amendments to SB 367 be concurred in. Motion carried unanimously.

SB 416 - House Amendments - Senator L. Grosfield moved House amendments to SB 416 be concurred in. Motion carried unanimously.

Senator Harp moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Hertel moved the Committee of the Whole report be adopted. Report adopted.

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Mesaros, Chairman):

3/30/1999

HB 488, be amended as follows:

1. Title, lines 5 and 6.

Strike: "ENSURE" on line 5 through the second "STATE" on line 6

Insert: "ALLOW THE STATE TO REQUIRE A LICENSE OR CHARGE A"

2. Page 1, line 26.

Strike: "not"

3. Page 1, line 27.

Following: "residents"

Insert: "in order for the state to secure the full recreational value of the lands"

4. Page 2, line 2.

Strike: "prohibiting the state from requiring"

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Insert: "allowing the state to require"

5. Page 2, line 4.

Strike: "prohibiting the state from requiring"

Insert: "allowing the state to require"

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

HB 533, be amended as follows:

1. Title, line 5.

Following: "UPLAND"

Insert: "AND MIGRATORY"

2. Title, line 7.

Following: "UPLAND"

Insert: "AND MIGRATORY"

3. Title, line 8.

Strike: "AND"

Strike: "SECTION"

Insert: "SECTIONS 87-2-411 AND"

Following: "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE AND A TERMINATION DATE"

4. Page 1, line 21.

Insert: "**Section 1.** Section 87-2-411, MCA, is amended to read:

"**87-2-411. License required to hunt migratory game birds.** It is unlawful for any person ~~15~~ 16 years of age or older to hunt migratory game birds without first having obtained a valid migratory bird license from the department. The fee for the license is \$5."

Renumber: subsequent sections

5. Page 2, line 2 through line 5.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

6. Page 2, line 6 through line 11.

Strike: "minor" on line 6 through "license" on line 11

Insert: "who is 12 years of age or older and under 18 years of age may purchase a youth combination sports license at a price that, rounded to the nearest dollar, is 46% of the fee paid for the Class AAA combination sports license by a resident who is 18 years of age or older and under 62 years of age.

(b) The youth combination sports license includes:

(i) a conservation license;

(ii) a fishing license;

(iii) an upland game bird license;

(iv) an elk license; and

(v) a deer license.

(c) For a resident who is 12 years of age or older and under 16 years of age, the youth combination sports

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license also includes a migratory game bird license.

(d) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A fishing license at a price that is 50% of the fee paid by a resident who is 18 years of age or older and under 62 years of age.

(e) A resident who is 15 years of age or older and under 18 years of age may purchase a Class A-1 upland game bird license at 50% of the fee paid by a resident who is 18 years of age or older and under 62 years of age. For a resident who is 15 years of age, the half-price game bird license provided in this subsection (2)(e) includes a migratory game bird license"

Renumber: subsequent subsections

7. Page 2, line 12.

Strike: "(d)" through "a"

Insert: "(f)"

8. Page 2, line 24 through line 25.

Strike: section 2 in its entirety

9. Page 2.

Following: line 25

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective March 1, 2000."

Insert: "NEW SECTION. **Section 4. Termination.** [This act] terminates February 29, 2002."

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

NATURAL RESOURCES (Crismore, Chairman):

3/30/1999

SJR 20, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on Senate Bill 200

Report No.1, March 30, 1999

Mr. President and Mr. Speaker:

We, your **Free** Conference Committee met and considered **Senate Bill 200** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 200** (reference copy -- salmon) be amended as follows:

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.

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Strike: "1998"
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"

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Insert: "1999"

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: the second "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.

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Strike: "1998"

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"

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51. Page 13, line 9.

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"

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Insert: "2001"

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"

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74. Page 14, line 26.

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"

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84. Page 16, line 3.

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"

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94. Page 17, line 20.

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"

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Insert: "2002"

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;
 - (c) 6% of its assessed value for tax year 2000;
 - (d) 5% of its assessed value for tax year 2001;
 - (e) 4% of its assessed value for tax year 2002; and
 - (f) 3% of its assessed value for tax year 2003.
- (5) If, in any year beginning with tax year 2004, the percentage of growth in inflation adjusted Montana wage and salary income, in the last full year for which data is available is at least 2.85% from the prior year, then the tax rate for class eight property will be reduced by 1% each year, beginning with the tax year in which the percentage is reached, until the tax rate reaches zero.
- (6) For purposes of subsections (4)(b) through (4)(e), 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

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106. Page 34, line 9.

Strike: "24"

Insert: "26"

107. Page 35, line 7.

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.

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Strike: "80%"
Insert: "60%"

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

118. Page 36, line 23.
Following: line 22
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%"

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Insert: "43%"

127. Page 37, line 16.

Strike: "2003"

Insert: "2004"

128. Page 37, line 17.

Strike: "1998"

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"

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Following: "TOTAL"

Insert: "taxes assessed against"

138. Page 40, line 27.

Strike: "REVENUE COLLECTED"

Insert: "property"

139. Page 40, line 28.

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.

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Strike: "24"
Insert: "26"

148. Page 42, line 6.
Strike: "24"
Insert: "26"

149. Page 42, line 25.
Strike: "3"
Strike: "through"

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"

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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."

For the Senate:

M. Taylor, Chairman
DePratu
Halligan (unsigned)

For the House:

Mood, Chairman
Story
G. Beck (unsigned)

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/30/1999

SB 5, introduced by J. Tester
SB 179, introduced by R. Holden
SB 257, introduced by D. Grimes
SB 314, introduced by D. Grimes
SB 330, introduced by A. Mohl
SB 346, introduced by D. Hargrove
SB 355, introduced by A. Mohl
SB 397, introduced by S. Stang
SB 398, introduced by J. Bohlinger
SB 399, introduced by R. Jabs
SB 446, introduced by M. Taylor
SB 473, introduced by S. Doherty

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/30/1999

SB 36, introduced by B. Keenan
SB 46, introduced by C. Swysgood
SB 97, introduced by S. Stang
SB 132, introduced by J. Hertel
SB 153, introduced by Halligan
SB 186, introduced by Wells
SB 225, introduced by J. Hertel
SB 271, introduced by M. Taylor
SB 293, introduced by A. Bishop
SB 306, introduced by D. Grimes
SB 353, introduced by E. Franklin
SB 417, introduced by M. Waterman
SB 462, introduced by L. Grosfield
SB 472, introduced by J. Wells
SB 482, introduced by K. Mesaros
SB 490, introduced by B. Glaser

Senate bill **not** concurred in and returned to the Senate:

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SB 429, introduced by D. Shea

House bills passed and transmitted to the Senate for concurrence:

3/30/1999

HB 341, introduced by R. Lenhart
HB 389, introduced by B. Davies
HB 540, introduced by L. Grinde
HB 626, introduced by H. Harper
HB 647, introduced by B. Raney
HB 661, introduced by B. Rehbein

FIRST READING AND COMMITMENT OF BILLS

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

HB 341, introduced by R. Lenhart, P. Clark, G. Devlin, S. Doherty, D. Ewer, M. Halligan, R. Holden, S. Kitzenberg, R. Peck, B. Raney, B. Rehbein, J. Tropila, referred to Fish and Game.
HB 389, introduced by B. Davies, R. Dale, B. Rehbein, B. Tash, referred to Finance and Claims.
HB 540, introduced by L. Grinde, D. Adams, J. Andersen, S. Anderson, J. Barnett, T. Beck, D. Berry, A. Bishop, J. Bohlinger, R. Brown, R. Clark, B. Crippen, W. Crismore, R. Dale, B. Davies, G. Devlin, S. Fisher, D. Fuchs, D. Grimes, L. Grosfield, D. Haines, M. Hanson, D. Hargrove, J. Harp, D. Hedges, C. Hibbard, V. Jackson, B. Kasten, B. Lawson, R. Lenhart, D. Mahlum, J. Mangan, G. Masolo, D. McGee, J. McKenney, J. Mercer, K. Mesaros, D. Mood, M. Noennig, K. Ohs, B. Rehbein, S. Rose, B. Simon, P. Sliter, R. Somerville, J. Stovall, B. Tash, L. Taylor, M. Taylor, B. Thomas, F. Thomas, C. Younkin, T. Zook, referred to Taxation.
HB 626, introduced by H. Harper, J. Ellingson, referred to Fish and Game.
HB 647, introduced by B. Raney, P. Clark, W. Crismore, S. Doherty, S. Gallus, L. Grinde, L. Grosfield, G. Gutsche, J. Harp, H. Harper, J. Mercer, D. Mood, P. Sliter, S. Stang, E. Swanson, referred to Fish and Game.
HB 661, introduced by B. Rehbein, E. Bergsagel, G. Devlin, L. Grinde, M. Hanson, D. Hedges, R. Holden, B. Kasten, T. Keating, W. McNutt, L. Nelson, G. Roush, B. Simon, referred to Taxation.

SPECIAL ORDERS OF THE DAY

**A PROCLAMATION OF THE SENATE AND THE HOUSE
OF REPRESENTATIVES OF THE STATE OF MONTANA**

WHEREAS, from 1993 to 1996, Dr. Jeff Baker served as Commissioner of Higher Education for the Montana University System . In addition to his position as Commissioner, Dr. Baker served as chief executive officer for Montana's six 4-year institutions and five colleges of technology, as chief executive officer of the Montana Guaranteed Student Loan program, and as president of the Montana Higher Education Student Assistance Corporation. Prior to his selection as Commissioner, Dr. Baker served from 1988 to 1993 as dean and vice president for academic affairs at Carroll College in Helena, Montana. From 1996 until the time of his death, Dr. Baker served as president of Luther College in Decorah, Iowa; and

WHEREAS, as Commissioner of Higher Education, Dr. Baker was responsible for planning and implementing the restructuring of the Montana University System and worked diligently to establish the Montana Tuition Assistance program, which provides cash assistance to low-income working students enrolled in the Montana

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University System. In tribute to his commitment to the needs of these students, the Board of Regents has appropriately renamed its scholarship program the "Baker grants"; and

WHEREAS, as the primary representative of the Montana University System before the Senate and House of Representatives, Dr. Baker confronted many contentious and controversial issues, yet consistently treated everyone with respect and dignity. Before legislative committees, Dr. Baker earned a reputation for honesty, forthrightness, good humor, and never-ending enthusiasm and together with his wife, Shirley, bestowed kindness and graciousness on all who came to know them; and

WHEREAS, Dr. Jeff Baker was a true friend to the Legislature and the citizens of Montana and through his unselfish service, made Montana a better place.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature hereby honor Dr. Jeff Baker for his dedicated service, scholarship, and unwavering commitment to students and to the improvement of education in the State of Montana.

BE IT FURTHER RESOLVED, that the original of this resolution be delivered to the Board of Regents of the Montana University System and that a copy be delivered to the family of Dr. Jeff Baker.

BRUCE CRIPPEN
President of the Senate

JOHN A. MERCER
Speaker of the House of Representatives

STEVE DOHERTY
Senator, District No. 24
Senate Minority Leader

EMILY SWANSON
Representative, House District No. 30
House Minority Leader

Senator S. Doherty moved that the Baker Proclamation be adopted. 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, Wells, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

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MOTIONS

Majority Leader Harp moved that the Senate stand in recess until the hour of 4:00 p.m. Motion carried.

Senate recessed at 3:00 p.m.

Senate reconvened at 4:02 p.m.

Roll Call. All members present except Senators Swysgood and Waterman, excused. Quorum present.

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

Session No. 2

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

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

Senator Shea excused at this time.

Senators Swysgood and Waterman present at this time.

HB 315 - Senator J. Ellingson moved HB 315 be concurred in. Motion carried as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, DePratu, Doherty, Eck, Ekegren, Ellingson, Franklin, Grosfield, Halligan, Hargrove, Holden, Jabs, Jergeson, Keating, Lynch, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Taylor, Thomas, Waterman, Wells, Mr. President.

Total 33

Nays: Beck, Cole, Crismore, Devlin, Ellis, Glaser, Grimes, Harp, Hertel, Keenan, Mahlum, Stang, Swysgood, Tester, Toews, Wilson.

Total 16

Absent or not voting: None.

Total 0

Excused: Shea.

Total 1

HB 478 - Senator S. Doherty moved HB 478 be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Halligan, Hargrove, Harp, Jabs, Keating, Lynch, Mahlum, McCarthy, McNutt, Miller, Sprague, Taylor, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 31

Nays: Cocchiarella, Cole, Crismore, Devlin, Grimes, Grosfield, Hertel, Holden, Jergeson, Keenan, Mesaros, Mohl,

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Nelson, Roush, Stang, Swysgood, Tester, Toews.
Total 18

Absent or not voting: None.
Total 0

Excused: Shea.
Total 1

HB 488 - Senator K. Miller moved HB 488, second reading copy, be amended as follows :

1. Title, line 8 through line 9.

Strike: "ALLOW THE STATE TO REQUIRE A LICENSE OR CHARGE A"

Insert: "ENSURE THAT MONTANA RESIDENTS DO NOT NEED TO HAVE A STATE LICENSE OR TO PAY A STATE"

2. Page 1, line 29.

Following: "not"

Insert: "not"

3. Page 1, line 30.

Strike: "IN ORDER FOR THE STATE TO SECURE THE FULL RECREATIONAL VALUE OF THE LANDS"

4. Page 2, line 5.

Strike: "ALLOWING THE STATE TO REQUIRE"

Strike: "a fee for"

Insert: "requiring free"

5. Page 2, line 7.

Strike: "ALLOWING THE STATE TO REQUIRE"

Strike: "a fee for"

Insert: "requiring free"

Amendment **failed** as follows:

Yeas: Bishop, Bohlinger, Christiaens, DePratu, Doherty, Ellingson, Franklin, Glaser, Grimes, Halligan, Jabs, Jergeson, Keating, Keenan, Miller, Nelson, Roush, Sprague, Taylor, Thomas, Wells, Wilson, Mr. President.

Total 23

Nays: Bartlett, Beck, Berry, Cocchiarella, Cole, Crismore, Devlin, Eck, Ekegren, Ellis, Grosfield, Hargrove, Harp, Hertel, Holden, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Stang, Swysgood, Tester, Toews, Waterman.

Total 26

Absent or not voting: None.
Total 0

Excused: Shea.
Total 1

Senator Shea present at this time.

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HB 488 - Senator B. DePratu moved HB 488 (requiring 2/3 vote of entire legislature) be concurred in. Motion received the following vote:

Yeas: Beck, Bishop, DePratu, Doherty, Ellingson, Franklin, Glaser, Harp, Keenan, Wells, Wilson.
Total 11

Nays: Bartlett, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Devlin, Eck, Ekegren, Ellis, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Mr. President.

Total 39

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 533 - Senator J. Lynch moved HB 533 be concurred in. Motion carried with Senator Swysgood voting nay.

SB 243 - Conference Committee Report No. 1 - Senator F. Thomas moved the Conference Committee report to SB 243 be adopted. Motion carried unanimously.

SJR 20 - Senator B. McCarthy moved SJR 20 be adopted. Motion carried as follows:

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

Total 41

Nays: Bartlett, Bishop, Cocchiarella, Doherty, Ellingson, Franklin, Halligan, Nelson, Tester.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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

MOTIONS

SB 445 - Senator Harp moved that the Senate suspend the rules of the Senate to allow the late return of SB 445 into the Senate. SB 445 is currently in the House Fish and Game Committee, and they failed to have time to take executive action on SB 445. Motion carried 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, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

ANNOUNCEMENTS

Majority Leader Harp moved that the Senate adjourn until 8:00 a.m., Wednesday, March 31, 1999. Motion carried.

Senate adjourned at 5:47 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate