

**SENATE JOURNAL
SEVENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
April 9, 1999

Senate Chambers
State Capitol

Senate convened at 12 noon. President Crippen presiding. Invocation by Reverend Keith Johnson. Accompanied by Andrea Small at the piano, Amy Casterline performed a beautiful vocal rendition of Ave Maria. Both Amy and Andrea are employees of the House of Representatives. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Cocchiarella, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 4/9/1999
Correctly printed: SR 6, HB 4, HB 14, HB 109, HB 115, HB 513, HB 644, HB 653, HB 676.
Correctly engrossed: SJR 14, HB 5, HB 158, HB 420, HB 515, HB 607, HB 652.
Correctly enrolled: SB 27, SB 82, SB 126, SB 183, SB 216, SB 232, SB 326, SB 409, SB 453, SB 504.
Examined by the sponsor and found to be correct: SB 27, SB 82, SB 126, SB 183, SB 216, SB 232, SB 326, SB 409, SB 453, SB 504.
Signed by the President at 3:10 p.m., April 8, 1999: SB 107, SB 122, SB 154, SB 356, SB 367, SB 416.
Signed by the Secretary of Senate at 9:15 a.m., April 9, 1999: SB 107, SB 122, SB 154, SB 356, SB 367, SB 416.
Signed by the Speaker at 10:35 a.m., April 9, 1999: SB 107, SB 122, SB 154, SB 356, SB 367, SB 416.

FISH AND GAME (Mesaros, Chairman): 4/9/1999
HB 341, be amended as follows:

1. Page 2, line 13.

Following: "PERSON"

Insert: ", nor do the prohibitions apply to school trust lands within the boundaries of the park"

2. Page 2, line 14.

Following: "COUNTY"

Insert: "and the state school trust"

3. Page 2, line 16.

Strike: "PRIVATE"

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

HB 626, be amended as follows:

1. Page 2, line 11.

Strike: "50"

Insert: "100"

2. Page 2, line 13.

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Strike: "50"

Insert: "100"

3. Page 3, line 5.

Following: "(3)(b)"

Insert: "or when towing a waterskier from or to a dock or shore"

4. Page 3, line 9.

Strike: "no-wake" through "standup"

Insert: "the minimum speed necessary to operate a"

5. Page 3, line 10 through line 11.

Strike: " " on line 10 through "shore" on line 11

6. Page 3, line 27.

Following: "safety, "

Insert: "public welfare, "

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

HB 647, be amended as follows:

1. Title, line 7.

Strike: the first "RECOVERY"

Insert: "ENHANCEMENT"

Strike: the second "RECOVERY"

Insert: "ENHANCEMENT"

2. Title, line 8.

Following: "TROUT"

Insert: "POPULATIONS"

3. Title, line 12.

Strike: "RECOVERY"

Insert: "ENHANCEMENT"

4. Title, line 13.

Strike: "RECOVERY"

Insert: "ENHANCEMENT"

5. Title, line 18.

Strike: "RECOVERY"

Insert: "ENHANCEMENT"

6. Page 2, line 9.

Strike: "recovery"

Insert: "enhancement"

7. Page 2, line 10.

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Strike: "recovery"
Insert: "populations"

8. Page 2, line 15.
Strike: "recovery"
Insert: "enhancement"

9. Page 2, line 22.
Strike: "recovery improvement"
Insert: "enhancement"

10. Page 2, line 28.
Strike: "recovery improvement"
Insert: "enhancement"

11. Page 3, line 10.
Strike: "recovery improvement"
Insert: "enhancement"

12. Page 3, line 13.
Strike: "recovery improvement"
Insert: "enhancement"

13. Page 3, line 16.
Strike: "recovery improvement"
Insert: "enhancement"

14. Page 3, line 18.
Strike: "recovery improvement"
Insert: "enhancement"

15. Page 3, line 21.
Strike: "recovery"
Insert: "enhancement"

16. Page 3, line 22.
Strike: "recovery"
Insert: "enhancement"

17. Page 3, line 26.
Strike: "recovery"
Insert: "enhancement"

18. Page 3, line 28.
Strike: "recovery"
Insert: "enhancement"

19. Page 4, line 17.

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Strike: "recovery"
Insert: "enhancement"

20. Page 4, lines 18 and 19.
Strike: "recovery improvement"
Insert: "enhancement"

21. Page 4, line 30.
Strike: "recovery"
Insert: "enhancement"

22. Page 5, line 2.
Strike: "recovery"
Insert: "populations"

23. Page 5, line 7.
Strike: "recovery"
Insert: "enhancement"

24. Page 7, line 24.
Following: "."
Insert: "The bull trout and cutthroat trout enhancement review panel shall approve and fund qualified mineral reclamation projects before other types of qualified projects."

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

HJR 33, be concurred in. Report adopted.

FINANCE AND CLAIMS (Swysgood, Chairman): 4/7/1999
HB 92, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman): 4/9/1999
HB 648, be amended as follows:

1. Title, line 5.
Following: "VEHICLES"
Insert: "EVERY 4 YEARS"
Strike: "2002"
Insert: "2000"

2. Title, line 6.
Strike: "PROVIDING AN APPROPRIATION;"

3. Page 1, line 25.
Strike: "minimum"
Insert: "maximum"

4. Page 1, line 29.

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Following: "(3)"

Insert: "(a)"

5. Page 2, line 1.

Strike: "2001"

Insert: "1999"

6. Page 2.

Following: line 2

Insert: "(b) Beginning January 1, 2000, the department shall manufacture and issue new number plates every 4 years."

7. Page 6, line 20 through line 23.

Strike: section 2 in its entirety

Renumber: subsequent sections

8. Page 6, line 28.

Strike: "2001"

Insert: "1999"

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

JUDICIARY (Grosfield, Chairman):

4/9/1999

SJR 19, introduced joint resolution, be amended as follows:

1. Page 1, line 15.

Following: "WHEREAS,"

Strike: "arguments justifying"

2. Page 1, line 16.

Following: "activity,"

Strike: "are"

Insert: "is"

3. Page 1, line 17.

Following: "of"

Strike: "life"

Insert: "a lifetime of"

Following: "imprisonment"

Insert: "and associated legal proceedings"

Following: "be"

Strike: "markedly"

4. Page 1, line 17 through line 18.

Following: "less" on line 17

Strike: remainder of line 17 through "Texas," on line 18

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5. Page 1, line 22.

Following: "sciences"

Strike: ", coupled with organized public pressure,"

6. Page 1, line 24 through line 25.

Strike: lines 24 and 25 in their entirety

7. Page 2, line 17.

Following: "preparing"

Insert: "cases"

8. Page 2, line 18.

Following: the first "the"

Insert: "true"

Following: "costs of"

Insert: "pursuing a lifetime of imprisonment case and of"

9. Page 2, line 20.

Following: "penalty"

Insert: "and lifetime of imprisonment"

And, as amended, be adopted. Report adopted.

LOCAL GOVERNMENT (Sprague, Chairman):
SJR 21, be adopted. Report adopted.

4/8/1999

STATE ADMINISTRATION (Cole, Chairman):
PRELIMINARY REPORT
SR 5, be adopted. Report adopted.

4/8/1999

HJR 34, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 8, 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 210** sponsored by Senator Lynch et al., **Senate Bill 452** sponsored by Senator Beck et al. on April 7, 1999. I have also signed **Senate Bill 276** sponsored by Senator D. Berry, **Senate Bill 362** sponsored by Senator T. Keating, **Senate Bill 412** sponsored by Senator S. Stang et al., **Senate Bill 468** sponsored by Senator V. Cocchiarella et al., **Senate Bill 471** sponsored by Senator M. Cole, **Senate Bill 501** sponsored by Senator J. Hertel, and **Senate Bill 521** sponsored by Senator D. Hargrove et al. on April 8, 1999.

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Sincerely,
MARC RACICOT
Governor

April 9, 1999

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

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

Dear Speaker Mercer and President Crippen:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 185, "**AN ACT PROVIDING FOR A DETENTION CENTER INSPECTION PROGRAM; REQUIRING DETENTION CENTERS AND HOLDING FACILITIES TO COMPLY WITH THE PROGRAM; PROVIDING THE BOARD OF CRIME CONTROL ADMINISTRATIVE AND RULEMAKING AUTHORITY; PROVIDING FOR DELAYED ENFORCEMENT AUTHORITY; AMENDING SECTIONS 7-32-2222, 7-32-2241, 44-4-301, 44-4-302, 50-1-202, 50-1-203, AND 50-2-118, MCA; AND PROVIDING EFFECTIVE DATES**" for the following reasons.

House Bill 185 creates a detention center inspection program to be carried out by the Montana Board of Crime Control. The Board would be required to provide counties with mandatory standards for detention centers (primarily jails). The Board would also train inspectors, be in charge of conducting inspections, review inspection reports, approve action plans to bring detention centers into compliance, and enforce the standards. All of these responsibilities are to be added to the existing duties of a small state agency, without any additional resources.

The fiscal note for HB 185 notes that \$200,000 is estimated to cover the costs of this program, and the introduced version of the bill included an appropriation for that amount. However, the House Appropriations Committee removed the funding for the program, and there is no funding for it in House Bill 2.

The Board of Crime Control does not have existing resources to fund the program established by this bill. If the bill passes without an appropriation for the necessary funding, the Board will be unable to carry out the program, yet it will be vulnerable to lawsuits demanding that it carry out the Legislature's will. In addition, the Board may be exposed to significant liability should jail accidents occur. Therefore, I am proposing an amendment that will make the bill effective only upon adequate funding for the inspection program.

It is my understanding that Representative Menahan, the sponsor of the bill, is in agreement with the proposed amendment.

Sincerely,
MARC RACICOT
Governor

GOVERNOR'S AMENDMENTS

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TO HB 185

1. Title, line 11.

Following: "MCA;"

Insert: "PROVIDING A CONTINGENT VOIDNESS PROVISION;"

2. Page 9.

Following: line 7

Insert: "NEW SECTION." **Section 12. Contingent voidness.** [This act] is void if an appropriation of at least \$200,000 is not included in House Bill No. 2 to cover the costs associated with [this act]."

Renumber: subsequent sections.

new amendment necessary to reflect insertion of section 12. (per clerical dated 4/20/1999)

Page 9, line 17

Strike: "11,"

Strike: "12"

Insert: "13"

will read: [sections 1 through 3, 5 through 13, and this section] are effective.....

April 9, 1999

The Honorable Bruce Crippen

President of the Senate

State Capitol

Helena, Montana 59620

Dear Senator Crippen:

Attached is our fourth list of board appointments not yet confirmed by the Montana Legislature. We have supplied the following information for each member:

Board Name
Member Name
Member Address and Phone Numbers
Brief Member Biography
Position Requirement

If I or my staff can be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

MARC RACICOT

Governor

Board of Athletics

MCA 2-15-1882

Mr. John Kinna

P.O. Box 876

Fairfield, MT 59436

HPH: 467-3319

Appt: 04/24/99

Term: 04/25/02

Qual: Public member

BPH: 771-3104

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John received his B.S. in Corporate Fitness from Montana State University in 1986. He has been involved in the Health Management Administration field since earning his degree. Currently, John is the Assistant Administrator at the Great Falls Clinic with duties that range from providing leadership to coordinating both patient and non-patient care activities.

Board of County Printing

MCA 2-15-1811

Ms. Marianne Roose
P.O. Box 2012
Eureka, MT 59917
HPN: 882-4544
BPN: 296-3139

Appt: 04/07/99
Term: 04/01/01
Qual: County Commissioner

Marianne graduated from Lincoln County High School in 1962. She has been a homemaker, business owner and has extensive clerical knowledge. In 1990 she became the full time Lincoln County Justice Court clerk and County Courthouse annex manager. She was appointed in 1997 to fill the term of County Commissioner and was elected to the position in 1998. She is a very active member of the Lincoln County Electrical Co-operative and is a board member on the Northwest Public Power Board.

Ms. Julie Jordan
HC 32 Box 4961
Miles City, MT 59301
HPN: 354-6271
BPN: 557-2760

Appt: 04/07/99
Term: 04/01/01
Qual: County Commissioner

Julie graduated from Custer County High School in 1961. Her previous work experience has been with the Farm Home Administration as a clerk/secretary and a board member for over ten years. Julie has ranched in the Garfield County area for over 35 years and is now semi-retired. She was appointed as County Commissioner in 1997 and went on to win the election in November, 1998.

Ms. Nancy Clark
Box 216
Ryegate, MT 59074
HPN: 568-2553
BPN: Same

Appt: 04/07/99
Term: 04/01/01
Qual: Public member

Nancy is married to Representative Bob Clark and is a RN and EMT. She remains very active in her community and surrounding communities monitoring blood pressure and hypertension education. She has served on the Wheatland Memorial Hospital Board.

Mr. Verle Rademacher
Box 349
White Sulphur Springs, MT 59645
HPN: 547-3830

Appt: 04/07/99
Term: 04/01/01
Qual: Printing industry
BPN: 547-3831

Verle has been the owner/publisher of the Meagher County News for over 30 years and founded Wagon Box Publishing in 1990. He is a former president of the Montana Press Assn. and a member of the Montana Newspaper Advertising Service Board.

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Mr. Curtiss Starr
Box 850
Malta, MT 59538
HPN: 654-1995
BPN: 654-2020

Appt: 04/07/99
Term: 04/01/01
Qual: Printing industry

Curtiss received a B.S. degree in journalism from Utah State University. He has a long history of involvement in the newspaper industry. In 1992, Curtis and his wife purchased Phillips County News and he is still the owner/editor of the paper.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/9/1999

SB 14, introduced by A. Ellis
SB 31, introduced by S. Stang
SB 226, introduced by J. Hertel
SB 270, introduced by G. Devlin
SB 349, introduced by C. Christiaens
SB 380, introduced by J. Lynch

Senate joint resolution concurred in and returned to the Senate: 4/9/1999

SJR 15, introduced by F. Thomas

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/9/1999

SB 170, introduced by M. Taylor
SB 301, introduced by T. Keating
SB 406, introduced by S. Doherty
SB 500, introduced by D. Berry

SB 96 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following free conference committee to meet with a like committee from the Senate to confer on SB 96: 4/8/1999

Representative Bitney, Chairman
Representative R. Erickson
Representative Noennig

SB 499 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following free conference committee to meet with a like committee from the Senate to confer on SB 499: 4/8/1999

Representative Ohs, Chairman
Representative Eggers
Representative Tash

House bill passed and transmitted to the Senate for concurrence: 4/9/1999

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HB 670, introduced by B. Eggers

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

4/9/1999

HJR 35, introduced by Wyatt

MOTIONS

SB 200 - Majority Leader Harp moved that the Senate send a committee to the governor to recall SB 200 from the governor for purposes of further consideration. Motion carried as follows:

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

Nays: Bartlett, Christiaens, Doherty, Eck, Ellingson, Franklin, Jergeson, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman.
Total 14

Absent or not voting: None.
Total 0

Excused: Cocchiarella.
Total 1

President Crippen appointed Senators Swysgood, Chairman, Senator Devlin, Senator Halligan and Senator Wilson to proceed to the governor's office to recall SB 200.

The Senate stood at ease while the committee was excused to visit the governor's office.

Roll Call. All members present except Senator Cocchiarella, excused.

The committee returned and informed the Senate that the Governor had acceded to the request and returned SB 200 to the Senate.

MOTIONS

HB 433 - Senator E. Franklin moved that HB 433 be taken from the table in the committee on Finance and Claims, printed and placed on second reading the seventy-eighth legislative day, April 10, 1999. Motion **failed** as follows:

Yeas: Bartlett, Christiaens, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Nelson, Roush, Shea, Sprague, Stang, Tester, Waterman, Wilson.
Total 20

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

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Total 29

Absent or not voting: None.

Total 0

Excused: Cocchiarella.

Total 1

MESSAGES FROM THE GOVERNOR

April 9, 1999

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

Dear Senator Crippen:

By this letter, I am acceding to the request of the Senate and the House of Representatives to recall Senate Bill 200. Senate Bill 200 is returned herewith.

Sincerely,

MARC RACICOT
Governor

MOTIONS

SB 200 - Senator Harp moved that the Senate reconsider its action in adopting the **Free** Conference Committee report on SB 200 on April 1, 1999, the seventy-third legislative day. Senator Doherty stated that a motion to suspend the rules was necessary to reconsider action that took place more than one day previous. President Crippen ruled that Senator Harp's motion was in order. Senator Doherty appealed the rule of the chair. President Crippen again stated the motion was in order and that the Rules Committee would meet on the appeal later in the day. Majority Leader Harp's motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.
Total 32

Nays: Bartlett, Christiaens, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.
Total 17

Absent or not voting: None.

Total 0

Excused: Cocchiarella.

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Total 1

SB 200 - Majority Leader Harp moved that the President be authorized to appoint a **Free** Conference committee on SB 200. Motion carried as follows:

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

Total 32

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

Total 17

Absent or not voting: None.

Total 0

Excused: Cocchiarella.

Total 1

The President appointed the following members:

Senator Taylor, Chairman

Senator DePratu

Senator Halligan

ANNOUNCEMENTS

Senator M. Taylor announced a Free Conference Committee on SB 200 in Room 325 at 2:00 p.m. this day.

MOTIONS

SB 33 - Senator Harp moved that the President be authorized to appoint a **Free** Conference Committee to meet with a like committee from the House to confer on SB 33. Motion carried. The President appointed the following members:

Senator Thomas, Chairman

Senator Grosfield

Senator Doherty

SB 458 - Senator Harp moved that the President be authorized to appoint a **Free** Conference Committee to meet with a like committee from the House to confer on SB 458. Motion carried. The President appointed the following members:

Senator Thomas, Chairman

Senator Mesaros

Senator Doherty

SB 482 - Senator Harp moved that the President be authorized to appoint a **Free** Conference Committee to meet

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with a like committee from the House to confer on SB 482. Motion carried. The President appointed the following members:

Senator Hertel, Chairman
Senator Mesaros
Senator Cocchiarella

HB 515 - Senator Harp moved that HB 515, which has been reported out of the the committee on Business and Industry, be rereferred to the committee on Taxation. Motion carried.

SB 200 - Senator Harp moved that the President be authorized to appoint a committee to notify the House of Representatives that the Senate has requested SB 200 be returned from the Governor. The President appointed Senator Taylor, Chairman, Senator DePratu and Senator Tester. The committee was dismissed.

The Senate stood at ease while the committee informed the House of Representatives that SB 200 had been returned from the governor.

Roll Call. All members present except Senator Cocchiarella, excused.

The committee reported that the House had been informed that SB 200 had been recalled from the Governor, and that the House would be willing to work with the Senate in further considering SB 200.

FIRST READING AND COMMITMENT OF BILLS

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

HB 670, introduced by B. Eggers, B. Crippen, S. Doherty, H. Harper, R. Jabs, G. Jergeson, C. Juneau, M. McCann, J. Mercer, A. Mohl, L. Nelson, F. Smith, E. Swanson, F. Thomas, referred to State Administration.

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

HJR 35, introduced by Wyatt, Anderson, P. Clark, R. Clark, Eggers, Gallus, Hurdle, Kitzenberg, D. McGee, Molnar, Noennig, Shockley, L. Soft, C. Williams, Younkin (by request of the House Judiciary Standing Committee), referred to Finance and Claims.

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

Session 1

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

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

HB 4 - Senator G. Jergeson moved HB 4 be concurred in. Motion carried unanimously.

HB 7 - Senator J. Lynch moved HB 7 be concurred in. Motion carried unanimously.

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HB 9 - Senator J. Lynch moved HB 9 be concurred in. Motion carried unanimously.

HB 14, Requiring 2/3 vote of each house - Senator T. Beck moved HB 14 be concurred in. Motion received the following vote:

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

Total 32

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

Total 17

Absent or not voting: None.

Total 0

Excused: Cocchiarella.

Total 1

HB 115 - Senator C. Christiaens moved HB 115 be concurred in. Motion carried unanimously.

HB 128 - Senator J. Harp moved consideration HB 128 be placed below HB 607 on the second reading board this day. Motion carried unanimously.

Senator Devlin assumed the chair.

HB 158 - Senator L. Grosfield moved HB 158 be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Lynch, Mahlum, McNutt, Mesaros, Miller, Roush, Shea, Sprague, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 36

Nays: Bartlett, Christiaens, Eck, Glaser, Jergeson, Keenan, McCarthy, Mohl, Nelson, Stang, Swysgood, Taylor, Wells.

Total 13

Absent or not voting: None.

Total 0

Excused: Cocchiarella.

Total 1

Senator Grosfield resumed the chair.

HB 109 - Senator M. Halligan moved HB 109, second reading copy, be amended as follows :

1. Title, line 9 through line 11.

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Following: "MACHINE;" on line 9

Strike: remainder of line 9 through "TREATMENT:" on line 11

2. Page 6, line 27.

Following: "of"

Insert: "one-third of"

3. Page 6, line 27.

Strike: "AS FOLLOWS:"

4. Page 6, line 28.

Strike: "(A) 32.8%"

Following: "fund:"

Insert: "."

5. Page 6, line 30 through page 7, line 2.

Following: "~~(5)~~" on page 6, line 30

Strike: ":" on page 6, line 30 through "(C) 66.7%" on page 7, line 2

Insert: "(b) The department shall, in accordance with the provisions of 15-1-501, forward the remaining two-thirds of the tax collected under subsection (5)"

6. Page 8, line 11.

Following: line 10

Insert: "(2) (a) A licensed machine owner is entitled to a tax credit for each video gambling machine for which a permit has been issued under this part if:

(i) the permit was active for the video gambling machine on December 31, 2000;

(ii) the department determines that the video gambling machine is incapable, in the form in which it was approved by the department, of communicating with the automated accounting and reporting system authorized by [section 1]; and

(iii) the licensed machine owner participates in the automated accounting and reporting system and incurs actual hardware or software costs prior to December 31, 2003, for conversion of the video gambling machine to make it compatible with the automated system.

(b) The amount of the tax credit allowed under subsection (2)(a) is \$250 for each video gambling machine or the actual hardware and software cost necessary for conversion of the video gambling machine to the automated accounting and reporting system, whichever is less.

(3) If a tax credit is claimed under subsection (2)(a), the credit is deducted from the tax due for the quarter or quarters that begin after the video gambling machine for which the tax credit is claimed is connected to the automated accounting and reporting system authorized by [section 1]."

Renumber: subsequent subsections

7. Page 9, line 1 through line 2.

Following: "of" on line 1

Insert: "one-third of"

Following: "~~(5)~~" on line 1

Strike: "(3) AS FOLLOWS:" on line 1 through "(A) 32.8%" on line 2

Insert: "(5)"

Following: "fund:"

Insert: "."

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8. Page 9, line 4 through line 6.

Following: "~~(5)~~" on line 4

Strike: remainder of line 4 through "(C) 66.7%" on line 6

Insert: "(b) The department shall, in accordance with the provisions of 15-1-501, forward the remaining two-thirds of the tax collected under subsection (5)"

9. Page 9, line 9.

Strike: "(3)"

Insert: "(5)"

10. Page 10, line 25 through line 30.

Strike: section 8 in its entirety

Renumber: subsequent sections

11. Page 11, line 12 through line 22.

Strike: section 10 through section 11 in their entirety

Renumber: subsequent sections

12. Page 11, line 25.

Strike: "9 THROUGH 11, AND 13"

Insert: "8, and 10"

13. Page 11, line 26.

Strike: "AND 8"

Amendment **adopted** as follows:

Yeas: Beck, Berry, Bohlinger, Christiaens, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Halligan, Harp, Hertel, Jabs, Jergeson, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Tester, Thomas, Waterman, Wells, Wilson.

Total 37

Nays: Bartlett, Bishop, Grimes, Grosfield, Hargrove, Holden, Keating, Miller, Stang, Taylor, Toews, Mr. President.

Total 12

Absent or not voting: None.

Total 0

Excused: Cocchiarella.

Total 1

HB 109 - Senator K. Miller moved HB 109, second reading copy, be further amended as follows :

1. Title, line 13 through line 14.

Following: line 12

Strike: line 13 through "SYSTEM;" on line 14

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2. Page 5, line 22 through page 6, line 6.

Strike: subsection (2) through subsection (3) in their entirety

Renumber: subsequent subsections

3. Page 6, line 26.

Strike: "(7)"

Insert: "(5)"

4. Page 6, line 27.

Strike: "(5)"

Insert: "(3)"

5. Page 7, line 5.

Strike: "(5)"

Insert: "(3)"

Amendment **failed** as follows:

Yeas: Bohlinger, Grimes, Holden, Miller, Toews, Waterman, Wells, Mr. President.

Total 8

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

Total 41

Absent or not voting: None.

Total 0

Excused: Cocchiarella.

Total 1

Senators Taylor, DePratu and Stang excused at this time.

HB 109 - Senator D. Grimes moved HB 109, second reading copy, be amended as follows :

1. Page 9, line 23 through line 25.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

Amendment **failed** as follows:

Yeas: Bishop, Bohlinger, Grimes, Holden, Miller, Thomas, Waterman, Wells, Mr. President.

Total 9

Nays: Bartlett, Beck, Berry, Christiaens, Cole, Crismore, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Tester, Toews, Wilson.

Total 37

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Absent or not voting: None.
Total 0

Excused: Cocchiarella, DePratu, Stang, Taylor.
Total 4

HB 109 - Senator M. Halligan moved HB 109, as amended, be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cole, Crismore, Devlin, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Tester, Thomas, Waterman, Wells, Wilson.
Total 40

Nays: Bishop, Eck, Holden, Miller, Toews, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Cocchiarella, DePratu, Stang, Taylor.
Total 4

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 Grosfield moved the Committee of the Whole report be adopted. Report adopted.

Senator Halligan excused at this time.

MOTIONS

SB 59 - Senator Harp moved that the President be authorized to appoint a Conference Committee, and request the House to appoint a like committee, to confer on House Amendments to SB 59. Motion carried. The president appointed the following members:

Senator Wells, Chairman
Senator Taylor
Senator Franklin

SB 334 - Senator Harp moved that the President be authorized to appoint a Conference Committee, and request the House to appoint a like committee, to confer on House Amendments to SB 334. Motion carried. The president appointed the following members:

Senator Mesaros, Chairman
Senator Crismore
Senator McCarthy

SB 338 - Senator Harp moved that the President be authorized to appoint a Conference Committee, and request the House to appoint a like committee, to confer on House Amendments to SB 338. Motion carried. The president appointed the following members:

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Senator Mesaros, Chairman
Senator Crismore
Senator McCarthy

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 4/9/1999
Delivered to the Governor for his approval at 2:55 p.m., April 9, 1999: SB 107, SB 122, SB 154, SB 356, SB 367, SB 416.

FINANCE AND CLAIMS (Swysgood, Chairman): 4/9/1999
SB 534, be amended as follows:

1. Title, line 9.

Strike: "REGIONAL"

Following: "SYSTEM;"

Insert: "REQUIRING A MENTAL HEALTH MANAGED CARE SYSTEM TO COMPLY WITH MEDICAID MANAGED CARE LAWS;"

2. Title, line 10.

Following: "RESPONSIBILITIES;"

Insert: "PROVIDING RULEMAKING AUTHORITY; CREATING THE OFFICE OF A MENTAL HEALTH MANAGED CARE OMBUDSMAN;"

Strike: "53-6-116 AND"

Insert: "33-1-102, 33-31-115, 33-31-202, 53-1-413,"

Following: "53-6-131,"

Insert: "53-6-704, 53-6-706, AND 53-6-709,"

3. Page 1, line 14.

Following: "manner"

Insert: "and to ensuring access to services and quality of care"

4. Page 1, line 24 through page 2, line 10.

Strike: section 1 in its entirety

Insert: "**Section 1.** Section 33-1-102, MCA, is amended to read:

"33-1-102. Compliance required -- exceptions -- health service corporations -- health maintenance organizations -- governmental insurance programs. (1) A person may not transact a business of insurance in Montana or a business relative to a subject resident, located, or to be performed in Montana without complying with the applicable provisions of this code.

(2) The provisions of this code do not apply with respect to:

(a) domestic farm mutual insurers as identified in chapter 4, except as stated in chapter 4;

(b) domestic benevolent associations as identified in chapter 6, except as stated in chapter 6; and

(c) fraternal benefit societies, except as stated in chapter 7.

(3) This code applies to health service corporations as prescribed in 33-30-102. The existence of the corporations is governed by Title 35, chapter 2, and related sections of the Montana Code Annotated.

(4) This code does not apply to health maintenance organizations or to managed care community networks, as defined in 53-6-702, to the extent that the existence and operations of those organizations are governed by chapter 31 or to the extent that the existence and operations of those networks are governed by Title 53, chapter 6, part 7.

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(5) This code does not apply to workers' compensation insurance programs provided for in Title 39, chapter 71, parts 21 and 23, and related sections.

~~(6) This code does not apply to the functions performed by a managed care contractor providing mental health services under the Montana medicaid program as established in Title 53, chapter 6.~~

(6) The department of public health and human services may limit the amount, scope, and duration of services for programs established under Title 53 that are provided under contract by entities subject to this title. The department of public health and human services may establish more restrictive eligibility requirements and fewer services than may be required by this title.

(7) This code does not apply to the state employee group insurance program established in Title 2, chapter 18, part 8.

(8) This code does not apply to insurance funded through the state self-insurance reserve fund provided for in 2-9-202.

(9) (a) This code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state in which the political subdivisions undertake to separately or jointly indemnify one another by way of a pooling, joint retention, deductible, or self-insurance plan.

(b) This code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state or any arrangement, plan, or program of a single political subdivision of this state in which the political subdivision provides to its officers, elected officials, or employees disability insurance or life insurance through a self-funded program. "

Insert: "Section 2. Section 33-31-115, MCA, is amended to read:

"33-31-115. Applicability to managed health care community networks entity. (1) A managed health care community network entity, as defined in 53-6-702, is governed by the provisions of Title 53, chapter 6, part 7, and by this chapter, but the commissioner may by rule reduce or eliminate a requirement of this chapter if the requirement is demonstrated to be unnecessary for the operation of a managed health care community network entity.

(2) The department of public health and human services may limit the amount, scope, and duration of services provided by a managed health care entity under contract for programs established under Title 53. These services may be less than services required by this title."

Insert: "Section 3. Section 33-31-202, MCA, is amended to read:

"33-31-202. Issuance of certificate of authority. (1) The commissioner shall issue or deny a certificate of authority to any person filing an application pursuant to 33-31-201 within 180 days after receipt of the application. The commissioner shall grant a certificate of authority upon payment of the application fee prescribed in 33-31-212 if the commissioner is satisfied that each of the following conditions is met:

(a) The persons responsible for the conduct of the applicant's affairs are competent and trustworthy.

(b) The health maintenance organization will effectively provide or arrange for the provision of basic health care services on a prepaid basis, through insurance or otherwise, except to the extent of reasonable requirements for copayments. This requirement does not apply to the physical or mental health care services provided by a health maintenance organization to a person receiving medicaid services under the Montana medicaid program as established in Title 53, chapter 6.

(c) The health maintenance organization is financially responsible and can reasonably be expected to meet its obligations to enrollees and prospective enrollees. In making this determination, the commissioner may consider:

(i) the financial soundness of the arrangements for health care services and the schedule of charges used in connection with the services;

(ii) the adequacy of working capital;

(iii) any agreement with an insurer, a health service corporation, a government, or any other organization for ensuring the payment of the cost of health care services or the provision for automatic applicability of an alternative coverage in the event of discontinuance of the health maintenance organization;

(iv) any agreement with providers for the provision of health care services;

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(v) any deposit of cash or securities submitted in accordance with 33-31-216; and

(vi) any additional information that the commissioner may reasonably require.

(d) The enrollees must be afforded an opportunity to participate in matters of policy and operation pursuant to 33-31-222.

(e) Nothing in the proposed method of operation, as shown by the information submitted pursuant to 33-31-201 or by independent investigation, violates any provision of this chapter or rules adopted by the commissioner.

(2) The commissioner may deny a certificate of authority only if the requirements of 33-31-404 are complied with."

Insert: "Section 4. Section 53-1-413, MCA, is amended to read:

"53-1-413. Deposit of payments and collections. (1) Except as provided in 90-7-220, 90-7-221, and this section, the department shall deposit payments and collections of charges for a resident's cost of care in the state treasury to the credit of the general fund.

(2) Payments and collections for services provided to residents of the Montana veterans' home must be deposited in the special revenue account for the benefit of the home. Payments and collections for services provided to residents of the Montana chemical dependency treatment center must be deposited in the state special revenue account for the facility.

(3) Subject to 90-7-221, payments from a managed care organization that is contracting with the department to administer a mental health managed care program for services provided by the Montana state hospital and the Montana mental health nursing care center must be deposited in the state special revenue account, subject to appropriation by the legislature for the benefit of those institutions.

(4) Medicaid payments for services provided by the Montana state hospital and the Montana mental health nursing care center must be deposited in the federal special revenue fund and are subject to appropriation for the benefit of the mental health managed care program."

Renumber: subsequent sections

5. Page 4, line 21.

Following: "households"

Insert: "not eligible for medicaid"

6. Page 5, line 3.

Following: ". "

Insert: "The department shall ensure that each contractor is required to comply with the provisions of Title 53, chapter 6, part 7, for the medicaid portion of the program. The department may include a pharmacy benefit as part of the managed care contract for persons served as allowed under 53-6-131(10)."

7. Page 5, line 8.

Following: the first "care"

Insert: "and appropriate level of services"

8. Page 5, line 9.

Strike: "must include case management that reviews and determines"

Insert: "shall review and determine"

9. Page 5, line 12.

Following: line 11

Insert: "(3) The department may enter into contracts with managed care entities. These contracts may be based upon a fixed monetary amount or a capitated amount per individual, and each contractor shall assume all

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or a part of the financial risk of providing services to a set population of eligible individuals. The department may require the participation of recipients in managed care systems based upon geographical, financial, medical, or other factors that the department may determine are relevant to the development and efficient operation of the managed care systems.

(4) The department may establish eligibility requirements, resource and income standards, premiums, fees, and copayments. Eligible individuals may not have a family income that exceeds the amount established pursuant to 53-6-131(10).

(5) The department shall establish the amount, scope, and duration of services to be provided under the program. The services to be provided and eligibility requirements may be more limited than those in the medicaid program under chapter 6."

10. Page 5, line 12 through line 13.

Strike: "(3)"

Insert: "(6)(a)"

Strike: "a consumer"

Insert: "an"

Following: "council"

Insert: ", to be known as the mental health oversight advisory council,"

Following: "provide" on line 12

Strike: "consumer" on line 13

11. Page 5, line 14.

Following: "system."

Strike: "Consumers must be included as a majority of any"

Insert: "The"

Following: "council"

Strike: "and"

Insert: "membership"

Following: "must include"

Insert: ":

(i) one-half of the members as consumers of mental health services, including"

12. Page 5, line 15.

Strike: the second "public"

13. Page 5, line 17.

Strike: "public"

Following: "services"

Strike: ". Other members of an advisory council may be"

Insert: "; and

(ii)"

14. Page 5, line 18.

Following: "consumers,"

Insert: "members of the public at large,"

Strike: "and"

15. Page 5, line 19.

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Strike: "and contractor"

Following: "representatives"

Insert: ", and a representative of the commissioner of insurance"

Following: ". "

Insert: "(b)"

16. Page 5, line 21.

Following: line 20

Insert: "(c) Geographic representation must be considered when appointing members to the advisory council in order to provide as wide a representation as possible.

(d) The advisory council shall provide a copy of any recommendations made to the department to the legislative finance committee and any other designated appropriate legislative interim committee.

(7) The department shall formally evaluate contract performance with regard to specific outcome measures. The department shall explicitly identify performance and outcome measures that contractors are required to achieve in order to comply with contract requirements and to continue the contract. The contract must provide for progressive intermediate sanctions that may be imposed for nonperformance. The evaluation must be performed at least annually."

17. Page 5, line 22.

Following: "proposals."

Insert: "(1)"

18. Page 5, line 23.

Strike: "regional"

19. Page 5, line 25.

Strike: "within a specified region"

20. Page 5, line 28.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

21. Page 5, line 30.

Strike: "fully"

Insert: "fixed monetary or"

Strike: "regional"

Following: "assumes"

Insert: "all or part of"

22. Page 6, line 1.

Following: "for"

Strike: "consumer"

Insert: "local"

Strike: "within each region"

Insert: "that shall report to and meet on a regular basis with the advisory council provided for in [section 6(6)]"

23. Page 6, line 2.

Strike: "regional"

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Insert: "local"

24. Page 6, line 3 through line 5.

Following: "(5)"

Strike: remainder of line 3 through "nonperformance" on line 5

Insert: "a requirement that each contractor shall comply with the provisions of Title 53, chapter 6, part 7, for the medicaid portion of the program"

25. Page 6, line 6.

Following: "services"

Insert: "through an adequate provider network, as provided for in Title 33, chapter 36,"

26. Page 6, line 7.

Following: "requirements"

Strike: remainder of line 7 through "security" on line 7

27. Page 6, line 8 through line 10.

Strike: line 8 through line 10 in their entirety

Insert: "(g) a provision that, prior to final award of the contract, the successful bidder shall enter into a contract with the Montana state hospital and the Montana mental health nursing care center that is consistent with 53-1-402, 53-1-413, and 90-7-312 and that includes financial incentives for the development and use of community-based services, rather than the use of the state institutional services;"

28. Page 6, line 11 and line 12.

Following: "for"

Strike: "the"

Following: "individuals" on line 11

Strike: "and" on line 11 through "and" on line 12

Insert: ";

(i)"

Strike: "medically needy" on line 12

Renumber: subsequent subsections

29. Page 6, line 15.

Strike: "and"

30. Page 6, line 16.

Strike: "fee"

Following: "for"

Insert: "premiums or"

31. Page 6, line 17.

Strike: "by copayment and specific"

Insert: "taking into account income and"

Following: "level"

Insert: ";

(l) a provision for children who need mental health services that are provided under substantive interagency agreements between state agencies responsible for addictive and mental disorders, foster care, children with developmental disabilities, special education, and juvenile corrections; and

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(m) requirements to ensure that the mental health managed care system will be operated in a cost-effective manner"

32. Page 6, line 18.

Following: line 17

Insert: "(2) Services for nonmedicaid-eligible individuals may be more limited than those services provided to medicaid-eligible individuals.

(3) If the department determines that an acceptable proposal does not exist in order to award a contract, then the department may provide mental health services as otherwise permitted by law.

(4) The department shall contract with an independent professional consulting firm that is knowledgeable and experienced in developing statewide managed mental health care systems. The department shall require, as part of the contract, that the consulting firm make regular reports to the legislative finance committee and any other appropriate legislative interim committee. Reports must be made at least every 6 months and must include information about the development and implementation of the new mental health managed care system.

(5) The term of a mental health managed care contract may not be more than 5 years. The department may revert to a care-managed fee-for-service reimbursement for services during the transition from a single statewide contract for mental health managed care to one or more contracts for mental health managed care."

Insert: "NEW SECTION. Section 8. Rulemaking authority. (1) The department shall adopt appropriate rules necessary for the administration of a program to provide mental health managed care services. The rules must establish eligibility criteria and may include but are not limited to financial standards and criteria for income and resources, treatment of resources, nonfinancial criteria, residency, application, termination, definition of terms, and confidentiality of applicant and recipient information.

(2) The department shall adopt rules establishing the amount, scope, and duration of services. The rules may also include but are not limited to ensuring that services are medically necessary and that the services are the most efficient and cost-effective available.

(3) The department may adopt rules establishing rates of reimbursement of services provided under this part, selection and qualification of providers, and standards for managed care.

(4) Rules adopted by the department must take into account, when appropriate, the availability of appropriated funds, the actual costs of services, the quality of services, the professional knowledge and skills necessary for the delivery of services, and the availability of services."

Insert: "**Section 9.** Section 53-6-704, MCA, is amended to read:

"53-6-704. Different benefit packages. (1) The department may by rule provide for different benefit packages for different categories of persons enrolled in the program. Alcohol and substance abuse services, services for mental disorders, services related to children with chronic or acute conditions requiring longer-term treatment and follow up, and rehabilitation care provided by a freestanding rehabilitation hospital or a rehabilitation unit may be excluded from a benefit package ~~if~~ and those services are may be made available through a separate delivery system. If a service is excluded from the program but made available in a separate delivery system by a managed care entity, that managed care entity is subject to this part. An exclusion does not prohibit the department from developing and implementing demonstration projects for categories of persons or services. Benefit packages for persons eligible for medical assistance under Title 53, chapter 6, parts 1 and 4, may be based on the requirements of those parts and must be consistent with the Title XIX of the Social Security Act. This part applies only to services purchased by the department.

(2) The program established by this part may be implemented by the department in various contracting areas at various times. The health care delivery systems and providers available under the program may vary throughout the state. ~~★ Except as otherwise provided in a contract for mental health services,~~ a licensed managed health care entity must be permitted to contract in any geographic area for which it has a sufficient provider

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network and that otherwise meets the requirements of the state contract."

Insert: "Section 10. Section 53-6-706, MCA, is amended to read:

"53-6-706. Requirements relating to enrollees. (1) All individuals enrolled in the program must be provided with a full written explanation of all fee-for-service and managed health care plan options as provided by rule. The department shall provide to enrollees, upon enrollment in the program and at least annually, notice of the process for requesting an appeal under the department's administrative appeal procedures. The department shall maintain a toll-free telephone number for program enrollees' use in reporting problems with managed health care entities.

(2) If an individual becomes eligible for participation in the program while the individual is hospitalized, the department ~~may not enroll~~ is not prohibited from enrolling the individual in the program ~~until after prior to~~ the individual has been discharged individual's discharge from the hospital. This subsection does not apply to a newborn infant whose mother is enrolled in the program.

(3) The department shall, by rule, establish rates for managed health care entities that:

- (a) are ~~certified to be actuarially sound~~, in accordance with federal requirements and with the department's current payment system;
- (b) take into account any difference of cost to provide health care to different populations based on age and eligibility category. The rates for managed health care entities must be determined on a capitated basis.
- (c) are based on treatment settings reasonably available to enrollees."

Insert: "Section 11. Section 53-6-709, MCA, is amended to read:

"53-6-709. Legislative auditor -- oversight. (1) In order to prevent, detect, and eliminate fraud, waste, abuse, mismanagement, and misconduct and to determine that the program is administered fairly and effectively, the legislative auditor shall oversee ~~all aspects of~~ the managed care covered by this part.

(2) A medical provider may not be compelled to provide individual medical records of patients unless the records are provided in accordance with the provisions of the Government Health Care Information Act. State and local governmental agencies shall provide the requested information, assistance, or cooperation.

(3) All activities conducted by the legislative auditor must be conducted in a manner that ensures the preservation of evidence for use in criminal prosecutions. The legislative auditor may present for prosecution the findings of any activity to the office of the attorney general or to United States attorneys in Montana.

(4) The legislative auditor shall report all convictions, terminations, and suspensions taken against vendors, contractors, and health care providers to the department and to any agency responsible for licensing or regulating those persons or entities.

(5) The legislative auditor shall make periodic reports, findings, and recommendations regarding its oversight activities authorized by this section.

(6) This part does not limit investigations by the department that may otherwise be required by law or that may be necessary in the department's capacity as the central administrative authority responsible for administration of public aid programs in this state."

Insert: "NEW SECTION. Section 12. Mental health managed care ombudsman. There is a mental health managed care ombudsman. The ombudsman must be appointed by the governor for a term of 4 years. The ombudsman is attached to the mental disabilities board of visitors for administrative purposes. The ombudsman shall oversee all aspects of mental health managed care under the provisions of Title 53, chapters 6 and 21. The ombudsman shall represent the interests of consumers of services with the contractor or the department of public health and human services."

Insert: "NEW SECTION. Section 13. Inpatient hospital youth psychiatric benefits. The department may authorize inpatient hospital youth psychiatric benefits for medicaid-eligible children in a freestanding youth psychiatric hospital in any fee-for-service medicaid system."

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Insert: "NEW SECTION. Section 14. Transition. The department shall seek to continue its medicaid mental health managed care waiver as long as possible during the transition period to the new mental health managed care program as provided in [section 6]. If the state loses its existing medicaid waiver for mental health managed care, then it shall immediately pursue a new waiver for the transition to a new mental health managed care system as provided in [section 6]."

Renumber: subsequent sections

33. Page 6, line 19.

Strike: "[Section 3] is"

Insert: "(1) [Sections 6 through 8 and 14] are"

34. Page 6, line 20.

Strike: "6" in both places

Insert: "21"

Strike: "[section 3]"

Insert: "[sections 6 through 8 and 14]"

35. Page 6, line 21.

Following: line 20

Insert: "(2) [Section 12] is intended to be codified as an integral part of Title 2, chapter 15, part 2, and the provisions of Title 2, chapter 15, part 2, apply to [section 12].

(3) [Section 13] is intended to be codified as an integral part of Title 53, chapter 6, part 1, and the provisions of Title 53, chapter 6, part 1 apply to [section 13]."

And, as amended, do pass Report adopted.

HB 72, be concurred in. Report adopted.

HB 135, be concurred in. Report adopted.

HB 260, be amended as follows:

1. Page 2, line 15.

Strike: "SECTION"

Insert: "sections"

Following: "3"

Insert: "and 3"

2. Page 9, line 26.

Following: "account"

Insert: "established in [section 17]"

3. Page 10, line 4.

Following: "account"

Insert: "established in [section 17]"

4. Page 12, line 17.

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Strike: "A TAX"

5. Page 12, line 18.

Following: "OPERATOR"

Insert: "that is subject to the tax imposed under 15-35-103 a tax"

6. Page 12, line 19.

Strike: "9"

Insert: "16"

7. Page 12, line 21.

Insert: "NEW SECTION. Section 9. Quarterly statement and payment of tax. Each coal mine operator shall compute the license tax due on each quarter-year's worth of coal production on forms prescribed by the department. The statement must indicate the tonnage produced, the average Btu value of the production, the contract sales price received for the production, and other information that the department may require. Each coal mine operator shall provide a statement of the tons of coal sold to each purchaser for the quarter. The completed form in duplicate, with the tax payment, must be delivered to the department not later than 30 days following the close of the quarter. The form must be signed by the coal mine operator if the operator is an individual or by an officer of the operator if the operator is a business entity. A person operating more than one coal mine in this state may include all of the operator's mines in one statement. The department may grant a reasonable extension of time for filing statements and payment of taxes due upon good cause shown.

Insert: "NEW SECTION. Section 10. Penalty for delinquent tax. The department shall add to the amount of all delinquent taxes a penalty as provided in [section 1 of House Bill No. 132]. The penalty amount may be waived by the department if reasonable cause for the failure or neglect to file the quarterly statement is provided to the department.

Insert: "NEW SECTION. Section 11. Deficiency assessment -- review -- interest. (1) When the department determines that the amount of tax due is greater than the amount disclosed by a return, it shall mail to the taxpayer a notice, pursuant to 15-1-211, of the additional tax proposed to be assessed. The taxpayer may seek review of the determination pursuant to 15-1-211.

(2) A deficiency assessment bears interest until paid as provided in [section 1 of House Bill No. 132].

Insert: "NEW SECTION. Section 12. Credit for overpayment -- interest on overpayment. (1) If the department determines that the amount of tax, penalty, or interest due for any year is less than the amount paid, the amount of the overpayment must be credited against any tax, penalty, or interest then due from the taxpayer and the balance refunded to the taxpayer or its successor through reorganization, merger, or consolidation or to its shareholders upon dissolution.

(2) Except as provided in subsection (3), interest must be allowed on overpayments at the same rate that is charged on deficiency assessments provided in 15-35-112 due from the due date of the return or from the date of overpayment, whichever date is later, to the date the department approves refunding or crediting of the overpayment.

(3) (a) Interest may not accrue during any period that the processing of a claim for refund is delayed more than 30 days by reason of failure of the taxpayer to furnish information requested by the department for the purpose of verifying the amount of the overpayment.

(b) Interest is not allowed:

(i) if the overpayment is refunded within 6 months from the date the return is due or from the date the return is filed, whichever is later; or

(ii) if the amount of the interest is less than \$1.

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(c) A payment not made incident to a bona fide and orderly discharge of an actual tax liability or one reasonably assumed to be imposed by the coal producer's license tax may not be considered an overpayment with respect to which interest is allowable.

Insert: "NEW SECTION. Section 13. Statute of limitations. (1) Except as otherwise provided in this section, a deficiency may not be assessed or collected with respect to the year for which a return is filed unless the notice of additional tax proposed to be assessed is mailed within 5 years from the date the return was filed. For the purposes of this section, a return filed before the last day prescribed for filing is considered as filed on the last day. If the taxpayer, before the expiration of the period prescribed for assessment of the tax, consents in writing to an assessment after that time, the tax may be assessed at any time prior to the expiration of the period agreed upon.

(2) A refund or credit may not be allowed or paid with respect to the year for which a return is filed after 5 years from the last day prescribed for filing the return or after 1 year from the date of the overpayment, whichever period expires later, unless before the expiration of the period the taxpayer files a claim for the refund or credit or the department has determined the existence of the overpayment and has approved the refund or credit. If the taxpayer has agreed in writing under the provisions of subsection (1) to extend the time within which the department may propose an additional assessment, the period within which a claim for refund or credit may be filed or a credit or refund allowed if a claim is not filed is automatically extended.

(3) If a return is required to be filed and the taxpayer fails to file the return, the tax may be assessed or an action to collect the tax may be brought at any time. If a return is required to be filed and the taxpayer files a fraudulent return, the 5-year period provided for in subsection (1) does not begin until discovery of the fraud by the department.

Insert: "NEW SECTION. Section 14. Procedure on failure to file statement. (1) If any person fails, neglects, or refuses to file any statement required by [sections 7 through 16] within the time required or fails to pay the tax required by [sections 7 through 16] on or before the date the payment is due, the department shall immediately after the time has expired proceed to inform itself as best it may regarding the amount of coal produced by the person within this state during the quarter and during each month of the quarter and shall determine and fix the amount of the license taxes due to the state from that person for the quarter.

(2) The department shall add to the amount of all delinquent coal producer's license taxes a penalty as provided in [section 1 of House Bill No. 132]."

Insert: "NEW SECTION. Section 15. Rulemaking authority. The department may adopt rules necessary for the tax administration under [sections 7 through 16]."

Renumber: subsequent sections

8. Page 12, line 23.

Strike: "7"

Insert: "8"

Following: "BE"

Insert: "deposited in the coal producer's license tax bond account established in [section 17] to pay debt service on outstanding bonds issued pursuant to Title 17, chapter 5, part 7. The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on outstanding coal severance tax bonds and on outstanding coal severance tax school bond contingency loan bonds. If coal severance tax receipts retained in the coal severance tax bond fund and in the coal severance tax school bond contingency loan fund are insufficient to meet all principal and interest payments in that year, then the amount that is deficient must be retained in the coal producer's license tax bond account. At no time may the total amount retained in the coal severance tax bond fund, the coal severance tax

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school bond contingency loan fund, and the coal producer's license tax bond account exceed the amount necessary to make annual debt service payments for coal severance tax bonds and coal severance tax school bond contingency loan bonds. All coal producer's license tax revenue in excess of the amount retained for payment of annual debt service on outstanding coal severance tax bonds and coal severance tax school contingency loan bonds must be"

9. Page 12, line 24.

Strike: "\$1.8 MILLION IS DEPOSITED IN"

Insert: "for the fiscal year beginning July 1, 1999, and until June 30, 2001, \$2.3 million each fiscal year is allocated to"

10. Page 12, line 25.

Following: "(B)"

Insert: ", and beginning July 1, 2001, \$600,000 is allocated to that account each fiscal year"

Strike: "AND"

11. Page 12, line 26.

Following: line 25

Insert: "(2) \$2.5 million is allocated to the agriculture seed capital account, provided for in 90-9-301, to be used for purposes of Title 90, chapter 1, part 1, and Title 90, chapter 9, part 2; and"

Renumber: subsequent subsection

12. Page 12, line 26.

Strike: "SUBSECTION"

Insert: "subsections"

Following: "(1)"

Insert: "and (2)"

13. Page 12, lines 27 through 29.

Strike: "49%" on line 27

Insert: "35.9%"

Following: "ALLOCATED" on line 27

Strike: remainder of line 27 through "TRANSFERRED" on line 29

14. Page 12, line 30.

Strike: " ± "

Insert: " ; "

15. Page 13, line 1.

Strike: "12.24%"

Insert: "15.38%"

16. Page 13, line 2.

Strike: "8.53%"

Insert: "10.72%"

17. Page 13, line 4.

Strike: "1.3%"

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Insert: "1.63%"

18. Page 13, line 6.

Strike: "0.97%"

Insert: "1.22%"

19. Page 13, line 8.

Strike: "0.64%"

Insert: "0.83% is allocated"

20. Page 13, line 9.

Strike: "1.33%"

Insert: "1.67%"

21. Page 13, line 14.

Following: "10."

Strike: "SPECIAL"

Insert: "Coal producer's license tax bond special"

Following: "ACCOUNT"

Strike: "FOR COAL SEVERANCE TAX BONDS"

Insert: "-- pledge"

Following: "IS"

Insert: "a"

22. Page 13, line 15.

Strike: "SEVERANCE"

Insert: "producer's license"

23. Page 13, line 16.

Strike: "9"

Insert: "16"

24. Page 13, line 17.

Following: "BONDS"

Insert: "and on all coal severance tax school bond contingency loan bonds"

25. Page 13, lines 18 and 19.

Strike: "BOND PLEDGE" on line 18

Insert: "annual payment of debt service on outstanding bonds"

Following: "BE" on line 18

Strike: remainder of line 18 through "]" on line 19

Insert: "allocated as provided in [section 16]"

26. Page 14, line 14.

Following: "OF"

Strike: "\$100"

Insert: "\$50"

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27. Page 14, line 17.

Strike: "PROGRAM SPECIALISTS --"

28. Page 14, line 29 through page 15, line 3.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

29. Page 15, line 14.

Insert: "NEW SECTION. Section 22. Coordination instruction. If Senate Bill No. 220 is passed and approved, then [section 16 of this act] must read as follows:

"**Section 16. Coal producer's license tax allocation.** Coal producer's license taxes collected pursuant to [section 8] must be deposited in the coal producer's license tax bond account established in [section 17] to pay debt service on outstanding bonds issued pursuant to Title 17, chapter 5, part 7. The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on outstanding coal severance tax bonds and on outstanding coal severance tax school bond contingency loan bonds. If coal severance tax receipts retained in the coal severance tax bond fund and in the coal severance tax school bond contingency loan fund are insufficient to meet all principal and interest payments in that year, then the amount that is deficient must be retained in the coal producer's license tax bond account. At no time may the total amount retained in the coal severance tax bond fund, the coal severance tax school bond contingency loan fund, and the coal producer's license tax bond account exceed the amount necessary to make annual debt service payments for coal severance tax bonds and coal severance tax school bond contingency loan bonds. All coal producer's license tax revenue in excess of the amount retained for payment of annual debt service on outstanding coal severance tax bonds and coal severance tax school contingency loan bonds must be allocated as follows:

(1) for the fiscal year beginning July 1, 1999, and until June 30, 2001, \$2.3 million each fiscal year is allocated to the treasure state endowment special revenue account provided for in 17-5-703(4)(b), and beginning July 1, 2001, \$600,000 is allocated to that account each fiscal year;

(2) \$2.5 million is allocated to the agriculture seed capital account, provided for in 90-9-301, to be used for purposes of Title 90, chapter 1, part 1, and Title 90, chapter 9, part 2;

(3) beginning July 1, 2001, \$1.7 million each year is allocated to the treasure state endowment regional water system special revenue account provided for in [section 2 of Senate Bill No. 220]; and

(4) the amount remaining after the allocation in subsections (1) through (3) is allocated as follows:

(a) 35.9% is allocated to the research and commercialization expendable trust fund established in [section 2];

(b) 15.38% is allocated to the long-range building program account established in 17-7-205;

(c) 10.72% is allocated to the account in the state special revenue fund provided for in 15-35-108(3) to be used as provided in that subsection;

(d) 1.63% is allocated to the nonexpendable trust for parks acquisition or management to be used as provided in Title 23, chapter 1, part 1;

(e) 1.22% is allocated to the debt service fund type to the credit of the renewable resource loan debt service fund;

(f) 0.83% is allocated to the cultural and aesthetic trust fund provided for in 15-35-108(6);

(g) beginning July 1, 1999, and ending June 30, 2007, 1.67% is allocated to the long-range building program fund in the debt service fund type to fund the bonds issued for the purchase of Virginia City and Nevada City property; and

(h) the remainder is allocated to the state general fund.""

Renumber: subsequent sections

30. Page 15, line 15.

Strike: "10"

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Insert: "17"

31. Page 15, line 16.

Strike: "12"

Insert: "19"

Strike: "13"

Insert: "20"

(new amendment to reflect amendment 30 - per clerical dated 4/9/1999)

Page 15, line 17.

Strike: "10"

Insert: "17"

32. Page 15, line 17.

Strike: "12"

Insert: "19"

Strike: "13"

Insert: "20"

33. Page 15, line 18.

Strike: "9"

Insert: "16"

34. Page 15, line 19.

Strike: "9"

Insert: "16"

35. Page 15, line 20.

Strike: "11"

Insert: "18"

36. Page 15, line 21.

Strike: "11"

Insert: "18"

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

HB 389, be amended as follows:

1. Page 1, line 12.

Following: "through"

Strike: "5"

Insert: "4"

2. Page 2, line 14.

Following: "through"

Strike: "5"

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Insert: "4"

3. Page 2, line 17.

Following: "through"

Strike: "5"

Insert: "4"

4. Page 2, line 20.

Following: "through"

Strike: "5"

Insert: "4"

5. Page 3, line 2.

Following: "obligate"

Strike: "available funding to fund"

Insert: "funds for"

6. Page 3, line 3.

Following: "range"

Strike: "improvements with"

Insert: "improvement"

Following: "grants"

Strike: "no later than 1 year after funds accrue"

Insert: "within the year for which they are appropriated"

7. Page 3, line 13 through page 4, line 9.

Strike: section 5 in its entirety

Renumber: subsequent sections

8. Page 6, line 9 through page 6, line 11.

Following: "APPROPRIATED"

Strike: "\$125,000" on page 6, line 9 through "51" on page 6, line 11

Insert: "\$60,000 for the biennium ending June 30, 2001, from the state special revenue fund of the department of fish, wildlife, and parks"

9. Page 6, line 12.

Strike: "51."

Insert: "4]. This appropriation is in addition to the appropriation in House Bill No. 2 for the shooting range grant program."

10. Page 6, line 19.

Following: "through"

Strike: "5"

Insert: "4"

11. Page 6, line 21.

Following: "through"

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Strike: "5"
Insert: "4"

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

HB 621, be amended as follows:

1. Page 1, line 16.

Following: "commerce"

Insert: "\$300,000"

Following: "from the"

Strike: "general fund \$300,000"

Insert: "research and commercialization state special revenue account created in House Bill No. 260"

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

TAXATION (Devlin, Chairman):

4/9/1999

HB 638, be concurred in. Report adopted.

HB 651, be amended as follows:

1. Title, line 5 through line 7.

Strike: "; BASING" on line 5 through "INCOME" on line 7

Insert: "TO INCORPORATE MONTANA ITEMS THAT CHANGE THE AMOUNT OF THE FEDERAL
CALCULATION OF NET OPERATING LOSS"

2. Page 1, line 13.

Strike: "(1)"

3. Page 1, line 14.

Strike: "1954"

Insert: "1986"

4. Page 1, line 15 through page 2, line 6.

Strike: "and" on page 1, line 15 through "amended" on page 2, line 6

Insert: "except that the net operating loss determined under section 172(c) of the Internal Revenue Code (26 U.S.C. 172(c)) means taxable income, as defined in 15-30-101(18), computed with the modifications specified in section 172(d) of the Internal Revenue Code (26 U.S.C. 172(d)) as they relate to items provided for in this chapter"

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

HB 656, be concurred in. Report adopted.

HB 657, be concurred in. Report adopted.

HB 659, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

4/9/1999

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SB 273, introduced by R. Jabs
SB 294, introduced by M. Cole
SB 359, introduced by E. Franklin
SB 426, introduced by M. Sprague
SB 502, introduced by L. Grosfield
SB 522, introduced by M. Cole

Senate joint resolution concurred in and returned to the Senate: 4/9/1999

SJR 9, introduced by M. Cole

MOTIONS

Majority Leader Harp moved that the Senate stand in recess until the hour of 5:00 p.m. Motion carried.

Senate recessed at 2:45 p.m.

Senate resumed at 5:00 p.m.

Roll Call. All members present except Senator Cocchiarella, excused.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 4/9/1999
Correctly engrossed: SJR 19, HB 648.

TAXATION (Devlin, Chairman): 4/9/1999

HB 669, be amended as follows:

1. Title, line 7.

Following: "SECTIONS"

Insert: "15-8-111,"

Following: "15-23-101"

Insert: ", "

2. Page 1, line 12.

Insert: "**Section 1.** Section 15-8-111, MCA, is amended to read:

"15-8-111. Assessment -- market value standard -- exceptions. (1) All taxable property must be assessed at 100% of its market value except as otherwise provided.

(2) (a) Market value is the value at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.

(b) If the department uses construction cost as one approximation of market value, the department shall fully consider reduction in value caused by depreciation, whether through physical depreciation, functional obsolescence, or economic obsolescence.

(c) Except as provided in subsection (3), the market value of special mobile equipment and agricultural tools, implements, and machinery is the average wholesale value shown in national appraisal guides and manuals or the value before reconditioning and profit margin. The department shall prepare valuation schedules showing the average wholesale value when a national appraisal guide does not exist.

(3) The department may not adopt a lower or different standard of value from market value in making the official assessment and appraisal of the value of property, except:

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(a) the wholesale value for agricultural implements and machinery is the average wholesale value category as shown in Guides 2000, Northwest Region Official Guide, published by the North American equipment dealers association, St. Louis, Missouri. If the guide or the average wholesale value category is unavailable, the department shall use a comparable publication or wholesale value category.

(b) for agricultural implements and machinery not listed in an official guide, the department shall prepare a supplemental manual in which the values reflect the same depreciation as those found in the official guide; and

(c) as otherwise authorized in Titles 15 and 61.

(4) For purposes of taxation, assessed value is the same as appraised value.

(5) The taxable value for all property is the percentage of market or assessed value established for each class of property.

(6) The assessed value of properties in 15-6-131 through 15-6-133 and 15-6-145 is as follows:

(a) Properties in 15-6-131, under class one, are assessed at 100% of the annual net proceeds after deducting the expenses specified and allowed by 15-23-503 or, if applicable, as provided in 15-23-515, 15-23-516, 15-23-517, or 15-23-518.

(b) Properties in 15-6-132, under class two, are assessed at 100% of the annual gross proceeds.

(c) Properties in 15-6-133, under class three, are assessed at 100% of the productive capacity of the lands when valued for agricultural purposes. All lands that meet the qualifications of 15-7-202 are valued as agricultural lands for tax purposes.

(d) Properties in 15-6-143, under class ten, are assessed at 100% of the forest productivity value of the land when valued as forest land.

(e) Railroad transportation properties in 15-6-145 are assessed based on the valuation formula described in 15-23-202.

(7) Land and the improvements on the land are separately assessed when any of the following conditions occur:

(a) ownership of the improvements is different from ownership of the land;

(b) the taxpayer makes a written request; or

(c) the land is outside an incorporated city or town."

Renumber: subsequent sections

3. Page 2.

Following: line 22

Insert: "(8) "Operating revenue" means the amount of money that the railroad is entitled to receive or that accrues to its benefit from services rendered in transporting property or persons by rail."

Renumber: subsequent subsection

4. Page 3, line 20 through line 21.

Strike: "THE" on line 20 through "15-8-111." on line 21

5. Page 4, line 13.

Strike: "2"

Insert: "3"

6. Page 4, line 15.

Strike: "2"

Insert: "3"

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

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REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on Senate Bill 200
Report No. 2, April 9, 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"

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. Page 1, line 30.

Strike: "1999, 2000, and 2001"

Insert: "2000, 2001, and 2002"

8. Page 2, line 11.

Strike: "1998" in both places

Insert: "1999" in both places

9. Page 2, line 13.

Strike: "1998" in both places

Insert: "1999" in both places

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10. Page 2, line 17.

Strike: "1998"

Insert: "1999"

11. Page 2, line 18.

Strike: "1998"

Insert: "1999"

12. Page 2, line 19.

Strike: "1998"

Insert: "1999"

13. Page 2, line 20.

Strike: "1998"

Insert: "1999"

14. Page 2, line 22.

Strike: "1998" in both places

Insert: "1999" in both places

15. Page 2, line 24.

Strike: "1998"

Insert: "1999"

16. Page 2, line 25.

Strike: "1998"

Insert: "1999"

17. Page 2, line 26.

Strike: "1999"

Insert: "2000"

18. Page 2, line 27.

Strike: "2000"

Insert: "2001"

19. Page 2, line 28.

Strike: "2001"

Insert: "2002"

20. Page 3, line 3.

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

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

21. Page 3, line 4.

Strike: "2002"

Insert: "2003"

22. Page 3, line 5.

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Strike: "2002"
Insert: "2003"

23. Page 3, line 6.
Strike: "1998" in both places
Insert: "1999" in both places

24. Page 3, line 7.
Strike: "1999"
Insert: "2000"

25. Page 3, line 23.
Strike: "1998"
Insert: "1999"

26. Page 3, line 24.
Strike: "1998"
Insert: "1999"

27. Page 3, line 26.
Strike: "1998"
Insert: "1999"

28. Page 3, line 28.
Strike: "1998"
Insert: "1999"

29. Page 3, line 29.
Strike: "1998"
Insert: "1999"

30. Page 3, line 30.
Strike: "1998"
Insert: "1999"

31. Page 4, lines 20 and 21.
Following: "facilities" on line 20
Strike: remainder of line 20 through "PROPERTY" on line 21

32. Page 4, line 22.
Following: "~~and~~"
Insert: "and"

33. Page 4, lines 23 through 29.
Following: "facility" on line 23
Strike: remainder of line 23 through "2003" on line 29

34. Page 11, line 17.
Strike: "2000"

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Insert: "2001"

35. Page 11, line 18.

Strike: "1998"

Insert: "1999"

Strike: "20%"

Insert: "60%"

36. Page 11, line 21.

Strike: "2001"

Insert: "2002"

37. Page 11, line 22.

Strike: "1998"

Insert: "1999"

Strike: "40%"

Insert: "60%"

38. Page 11, line 25.

Strike: "2002"

Insert: "2003"

39. Page 11, line 26.

Strike: "1998"

Insert: "1999"

40. Page 11, line 29.

Strike: "year 2003 and succeeding fiscal years"

Insert: "years in which the tax rate for class eight property is 2%"

41. Page 11, line 30.

Strike: "1998"

Insert: "1999"

42. Page 12, line 1.

Strike: "80%"

Insert: "77%"

43. Page 12, line 3.

Strike: "YEAR 2004 AND SUCCEEDING FISCAL YEARS"

Insert: "years in which the tax rate for class eight property is 1%"

44. Page 12, line 4.

Strike: "100%"

Insert: "94%"

45. Page 12, line 5.

Following: "39%"

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Insert: "; and

(f) for bonds to be issued during the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of class eight property within the local government for tax year 1999, in each case of former class eight property, multiplied by 39%"

46. Page 13, line 5.

Strike: "2000"

Insert: "2001"

47. Page 13, line 6.

Strike: "1998"

Insert: "1999"

Strike: "20%"

Insert: "60%"

48. Page 13, line 8.

Strike: "2001"

Insert: "2002"

49. Page 13, line 9.

Strike: "1998"

Insert: "1999"

Strike: "40%"

Insert: "60%"

50. Page 13, line 11.

Strike: "2002"

Insert: "2003"

51. Page 13, line 12.

Strike: "1998"

Insert: "1999"

52. Page 13, line 14.

Strike: "year 2003 and succeeding fiscal years"

Insert: "years in which the tax rate for class eight property is 2%"

53. Page 13, line 15.

Strike: "1998"

Insert: "1999"

54. Page 13, line 16.

Strike: "80%"

Insert: "77%"

55. Page 13, line 18.

Strike: "YEAR 2004 AND SUCCEEDING FISCAL YEARS"

Insert: "years in which the tax rate for class eight property is 1%"

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56. Page 13, line 19.

Strike: "100%"

Insert: "94%"

57. Page 13, line 20.

Following: "23%"

Insert: "; and

(h) for indebtedness to be incurred during the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 23%"

58. Page 14, line 10.

Strike: "2000"

Insert: "2001"

59. Page 14, line 11.

Strike: "1998"

Insert: "1999"

60. Page 14, line 12.

Strike: "20%"

Insert: "60%"

61. Page 14, line 14.

Strike: "2001"

Insert: "2002"

62. Page 14, line 15.

Strike: "1998"

Insert: "1999"

63. Page 14, line 16.

Strike: "40%"

Insert: "60%"

64. Page 14, line 18.

Strike: "2002"

Insert: "2003"

65. Page 14, line 19.

Strike: "1998"

Insert: "1999"

66. Page 14, line 22.

Strike: "year 2003 and succeeding fiscal years"

Insert: "years in which the tax rate for class eight property is 2%"

67. Page 14, line 23.

Strike: "1998"

Insert: "1999"

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68. Page 14, line 24.

Strike: "80%"

Insert: "77%"

69. Page 14, lines 26 and 27.

Following: the first "FISCAL" on line 26

Strike: remainder of line 26 through "YEARS" on line 27

Insert: "years in which the tax rate for class eight property is 1%"

70. Page 14, line 27.

Strike: "100%"

Insert: "94%"

71. Page 14, line 28.

Following: "11.25%"

Insert: "; and

(h) for general obligation bonds to be issued during the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 11.25%"

72. Page 15, line 23.

Strike: "2000"

Insert: "2001"

73. Page 15, line 24.

Strike: "1998"

Insert: "1999"

Strike: "20%"

Insert: "60%"

74. Page 15, line 26.

Strike: "2001"

Insert: "2002"

75. Page 15, line 27.

Strike: "1998"

Insert: "1999"

Strike: "40%"

Insert: "60%"

76. Page 15, line 29.

Strike: "2002"

Insert: "2003"

77. Page 15, line 30.

Strike: "1998"

Insert: "1999"

78. Page 16, line 2.

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Strike: "year 2003 and succeeding fiscal years"

Insert: "years in which the tax rate for class eight property is 2%"

79. Page 16, line 3.

Strike: "1998"

Insert: "1999"

80. Page 16, line 4.

Strike: "80%"

Insert: "77%"

81. Page 16, line 6.

Strike: "YEAR 2004 AND SUCCEEDING FISCAL YEARS"

Insert: "years in which the tax rate for class eight property is 1%"

Strike: "100%"

Insert: "94%"

82. Page 16, line 8.

Following: "11.25%"

Insert: "; and

(g) for the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 11.25%"

83. Page 17, line 13.

Strike: "2000"

Insert: "2001"

84. Page 17, line 14.

Strike: "1998"

Insert: "1999"

Strike: "20%"

Insert: "60%"

85. Page 17, line 16.

Strike: "2001"

Insert: "2002"

86. Page 17, line 17.

Strike: "1998"

Insert: "1999"

Strike: "40%"

Insert: "60%"

87. Page 17, line 19.

Strike: "2002"

Insert: "2003"

88. Page 17, line 20.

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Strike: "1998"
Insert: "1999"

89. Page 17, line 22.

Strike: "year"
Strike: "2003 and succeeding fiscal years"
Insert: "years in which the tax rate for class eight property is 2%"

90. Page 17, line 23.

Strike: "1998"
Insert: "1999"

91. Page 17, line 24.

Strike: "80%"
Insert: "77%"

92. Page 17, line 26.

Strike: "YEAR 2004 AND SUCCEEDING FISCAL YEARS"
Insert: "years in which the tax rate for class eight property is 1%"
Strike: "100%"
Insert: "94%"

93. Page 17, line 28.

Following: "13%"
Insert: "; and

(vii) for the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the county for tax year 1999, in each case of former class eight property, multiplied by 13%"

94. Page 22, line 1.

Strike: "1998"
Insert: "1999"

95. Page 22, line 2.

Strike: "1999"
Insert: "2000"

96. Page 22, line 3.

Strike: "2000"
Insert: "2001"

97. Page 22, line 4.

Strike: "2001"
Insert: "2002"

98. 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:

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- (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; and~~

~~(b) 3% of its market value for tax years beginning after December 31, 1999.~~

(5) (a) If, in any year beginning with tax year 2004, the percentage 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 until the tax rate reaches zero.

(b) The department shall calculate the percentage growth in subsection (5)(a) by using the formula $(W/CPI) - 1$, where:

(i) W is the Montana wage and salary income for the most current available year divided by the Montana wage and salary income for the year prior to the most current available year; and

(ii) CPI is the consumer price index for the most current available year used in subsection (5)(b)(i) divided by the consumer price index for the year prior to the most current available year as used in subsection (5)(b)(i).

(c) For purposes of determining the percentage growth in subsection (5)(a), the department shall use the wage and salary data series referred to as the bureau of economic analysis of the United States department of commerce Montana wage and salary disbursements. Inflation must be measured by the consumer price index, U.S. city average, all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(6) Beginning with tax year 2000, the class eight property of a person or business entity that owns an aggregate of \$5,000 or less in market value of class eight property is exempt from taxation."

Renumber: subsequent sections

99. Page 27, line 17.

Following: "requirements"

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Insert: "; however, all new businesses shall report their class eight property so that the department can determine the market value of the property"

100. Page 34, line 9.

Strike: "24"

Insert: "26"

101. Page 35, line 7.

Strike: "24"

Insert: "26"

102. Page 36, line 10.

Strike: "2000"

Insert: "2001"

103. Page 36, line 11.

Strike: "1998"

Insert: "1999"

Strike: "20%"

Insert: "60%"

104. Page 36, line 13.

Strike: "2001"

Insert: "2002"

105. Page 36, line 14.

Strike: "1998"

Insert: "1999"

Strike: "40%"

Insert: "60%"

106. Page 36, line 16.

Strike: "2002"

Insert: "2003"

107. Page 36, line 17.

Strike: "1998"

Insert: "1999"

108. Page 36, line 19.

Strike: "year"

Strike: "2003 and succeeding fiscal years"

Insert: "years in which the tax rate for class eight property is 2%"

109. Page 36, line 20.

Strike: "1998"

Insert: "1999"

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110. Page 36, line 21.

Strike: "80%"

Insert: "77%"

111. Page 36, line 23.

Strike: "YEAR 2004 AND SUCCEEDING FISCAL YEARS"

Insert: "years in which the tax rate for class eight property is 1%"

112. Page 36, line 24.

Strike: "100%"

Insert: "94%"

113. Page 36, line 25.

Following: "45%"

Insert: "; and

(vii) for bonds to be issued during the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the district for tax year 1999, in each case of former class eight property, multiplied by 45%"

114. Page 37, line 7.

Strike: "2000"

Insert: "2001"

115. Page 37, line 8.

Strike: "1998"

Insert: "1999"

Strike: "20%"

Insert: "60%"

116. Page 37, line 10.

Strike: "2001"

Insert: "2002"

117. Page 37, line 11.

Strike: "1998"

Insert: "1999"

Strike: "40%"

Insert: "60%"

118. Page 37, line 13.

Strike: "2002"

Insert: "2003"

119. Page 37, line 14.

Strike: "1998"

Insert: "1999"

120. Page 37, line 16.

Strike: "year"

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Strike: "2003 and succeeding fiscal years"

Insert: "years in which the tax rate for class eight property is 2%"

121. Page 37, line 17.

Strike: "1998"

Insert: "1999"

122. Page 37, line 18.

Strike: "80%"

Insert: "77%"

123. Page 37, line 20.

Strike: "YEAR 2004 AND SUCCEEDING FISCAL YEARS"

Insert: "years in which the tax rate for class eight property is 1%"

124. Page 37, line 21.

Strike: "100%"

Insert: "94%"

125. Page 37, line 22.

Following: "90%"

Insert: "; and

(vii) for bonds to be issued during the fiscal year and succeeding fiscal years in which 15-6-138 is repealed, an additional 100% of the taxable value of former class eight property within the district for tax year 1999, in each case of former class eight property, multiplied by 90%"

126. Page 40, line 15.

Following: "EXEMPTION"

Insert: "and rate reduction"

127. Page 40, line 17.

Strike: "THIS SECTION"

Insert: "15-6-138"

Following: " _ "

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

128. Page 40, line 19.

Following: "EXEMPTION"

Insert: "and tax rate reduction"

129. 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"

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130. Page 40, line 27.

Strike: "REVENUE COLLECTED"

Insert: "property"

131. Page 40, line 28.

Following: "ESTIMATED"

Insert: "taxes that would have been assessed against"

Strike: "REVENUE COLLECTIONS"

Insert: "property"

132. Page 41, line 4.

Strike: "OF 6%"

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

133. Page 41, line 5.

Following: "BY"

Strike: "THE"

Insert: "each"

134. Page 41, lines 6 through 10.

Strike: lines 6 through 10 in their entirety

135. 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. For purposes of calculating the reimbursement, the local government shall include countywide mills levied for equalization of school retirement or transportation, but may not include tax increment financing districts or 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 may not include any state levy for welfare programs provided for in 53-2-813."

136. Page 42, line 5.

Strike: "24"

Insert: "26"

137. Page 42, line 6.

Strike: "24"

Insert: "26"

138. Page 42, line 25.

Strike: "3"

Strike: "through"

139. Page 42, line 26.

Strike: "9."

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Following: "11,"
Insert: "12, 15,"
Strike: "21,"
Following: "22,"
Insert: "26,"
Strike: "27"
Insert: "28"
Strike: "29"
Insert: "30"

140. Page 42, line 27.
Strike: "31"
Insert: "32"

141. Page 42, line 28.
Strike: "[SECTIONS 2(1)(C), 14, AND 24 25]"
Insert: "[Sections 3 through 9 and 23]"

Strike: "January"
Insert: "July"

142. 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, 24, 25, and 27(1)"

143. Page 43, line 1.
Strike: "2002"
Insert: "2003"

144. Page 43, line 2.
Strike: "12(1)(AA)"
Insert: "13(1)(aa)"
Strike: "26(2)"
Insert: "27(2)"
Strike: "JANUARY 1, 2004"
Insert: "if the tax rate in [section 12], amending 15-6-138, reaches zero"

145. Page 43, lines 4 through 11.
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)

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MOTIONS

SB 200, Free Conference Committee Report No. 2 - Senator Harp moved that the Free Conference Committee Report on SB 200 be placed below SJR 14 on the second reading board this legislative day. Motion carried.

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

Session 2

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

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

HB 420 - Senator T. Keating moved HB 420 be concurred in. Motion carried as follows:

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

Total 36

Nays: Bartlett, Christiaens, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Shea, Tester, Wilson.

Total 13

Absent or not voting: None.

Total 0

Excused: Cocchiarella.

Total 1

HB 607 - Senator A. Bishop moved HB 607 be concurred in. Motion carried with Senators Swysgood and Mesaros voting nay.

Senator V. Cocchiarella present at this time.

HB 128 - Senator J. Harp moved HB 128 be concurred in. Motion carried unanimously.

HB 644 - Senator T. Keating moved HB 644 be concurred in. Motion carried as follows:

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

Total 39

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Nays: Christiaens, Doherty, Eck, Ellingson, Franklin, Jergeson, McCarthy, Nelson, Stang, Toews.
Total 10

Absent or not voting: None.
Total 0

Excused: Harp.
Total 1

HB 653 - Senator M. Taylor moved consideration of HB 653 be passed for the day. Motion carried unanimously.

HB 676 - Senator M. Waterman moved HB 676 be concurred in. Motion carried unanimously.

SJR 14 - Senator S. Bartlett moved SJR 14 be adopted. Motion carried unanimously.

SB 200 - Free Conference Committee Report No. 2 - Senator M. Taylor moved the Free Conference Committee report to SB 200 be adopted. Motion carried as follows:

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

Nays: Bartlett, Christiaens, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Shea, Stang, Tester, Waterman.
Total 14

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 Grosfield moved the Committee of the Whole report be adopted. Report adopted.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Swysgood, Chairman):

4/9/1999

HB 11, be amended as follows:

1. Page 1, line 20.
Following: "through"
Strike: "3"
Insert: "4"

2. Page 1, line 23.

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Page 1, line 27

Page 3, line 1

Page 3, line 4

Strike: "3"

Insert: "4"

3. Page 3, line 8.

Following: line 7

Insert: "NEW SECTION. **Section 2. Appropriations from treasure state endowment special revenue account.** (1) There is appropriated to the department of commerce the interest earnings of the treasure state endowment fund and the money allocated by House Bill No. 260 to be deposited in the treasure state endowment special revenue account to finance grants authorized by this section.

(2) The funds appropriated in this section must be used by the department to make grants to the local government entities listed in subsection (3) for the described purposes and in amounts not to exceed the amounts set out in subsection (3). The appropriations are subject to the conditions set forth in [sections 3 and 4] and this section and described in the treasure state endowment program January 1999 report to the 56th legislature. The legislature, pursuant to 90-6-710, approves the grants listed in subsection (3), in the order indicated in the list of projects. The department shall award funds up to the amounts approved in this section based on the manner of disbursement set forth in [section 4] until available funds are expended. The department shall provide funds not accepted or used by local governments to other local governments whose projects have been authorized for grants as listed in subsection (3). When additional funds become available for the grants listed in subsection (3), they must be awarded to projects as set forth in [section 4]. It is the intent of the legislature that projects numbered 29 through 32 listed in subsection (3) may not receive grant funds until sufficient funds have been deposited in the treasure state endowment special revenue account and are available for that purpose.

(3) The following are the authorized projects for grants in the order of their priority:

	<u>Applicant/Project</u>	<u>Matching Grant</u>
1.	Harrison Water and Sewer District, Madison County (wastewater)	\$500,000
2.	Arlee Water and Sewer District, Lake County (wastewater)	500,000
3.	Highwood Water and Sewer District, Choteau County (water)	400,000
4.	City of Missoula (wastewater)	500,000
5.	City of Thompson Falls (water)	500,000
6.	Town of Philipsburg (water)	121,900
7.	Town of Ekalaka (wastewater)	87,200
8.	Rae Water and Sewer District, Gallatin County (wastewater)	485,850
9.	City of Big Timber (wastewater)	500,000
10.	City of Glasgow (wastewater, storm drainage)	500,000
11.	Corvallis Sewer District, Ravalli County (wastewater)	410,760
12.	Town of Boulder (water)	500,000
13.	Town of Denton (wastewater)	415,000
14.	City of Cut Bank (water)	500,000
15.	Richland County (bridge)	181,155
16.	Town of Geraldine (wastewater)	300,000
17.	Augusta Water and Sewer District, Lewis and Clark County (wastewater)	500,000

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18.	City of Havre (water)	303,747
19.	Sweetgrass Water and Sewer District, Toole County (wastewater)	213,000
20.	Lewis and Clark County (bridge)	500,000
21.	Town of Drummond (wastewater)	292,850
22.	South Hills Water and Sewer District, Yellowstone County (water)	500,000
23.	City of Helena (water)	500,000
24.	City of Red Lodge (wastewater)	500,000
25.	Town of Chester (water)	220,150
26.	Willow Creek Sewer District, Gallatin County (wastewater)	500,000
27.	City of Columbia Falls (wastewater)	500,000
28.	Lacasa Grande Water and Sewer District, Lewis and Clark County (water)	500,000
29.	Elk Meadows Water and Sewer District, Missoula County (water)	210,000
30.	City of Harlem (water)	179,311
31.	Midvale Water and Sewer District, Lincoln County (water)	374,720
32.	City of Shelby (water)	400,000

(4) If sufficient funds are available, this section constitutes a valid obligation of funds to the entities listed in subsection (3) for purposes of encumbering the treasure state endowment special revenue account funds received during the 2001 biennium under 17-7-302. However, a local government's entitlement to receive funds is dependent on the local government's compliance with the conditions described in [section 4] and on the availability of funds.

(5) If funds deposited in the treasure state endowment special revenue account during the biennium ending June 30, 2001, are insufficient to fully fund the projects numbered 1 through 28 in subsection (3) that have satisfied the conditions described in [section 4], these projects will be fully funded from deposits in the treasure state endowment special revenue account made during the biennium ending June 30, 2003, before projects authorized by the 57th legislature in 2001 receive funding from the account."

Renumber: subsequent sections

4. Page 3, line 10.

Strike: "section"

Insert: "sections"

Following: "1(3)"

Insert: "and 2(3)"

5. Page 3, line 15.

Following: "through"

Strike: "3"

Insert: "4"

Strike: "section"

Insert: "sections"

Following: "1(3)"

Insert: "and 2(3)"

6. Page 4, line 20.

Following: line 19

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Insert: "NEW SECTION. **Section 5. Contingent voidness.** If House Bill No. 260 is enacted, [section 1] of [this act] is void and references to that section must be stricken. If House Bill No. 260 is not enacted, [section 2] of [this act] is void and references to that section must be stricken."

Renumber: subsequent section

7. Page 4, line 21.

Following: "Sections"

Strike: "2 and 3"

Insert: "3 through 5"

8. Page 4, line 23.

Following: "(2)"

Strike: "[Section 1]"

Insert: "Pursuant to [section 5], either [section 1 or 2]"

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

HB 15, be concurred in. Report adopted.

HB 79, be amended as follows:

1. Title, page 1, line 8.

Following: " ; "

Insert: "TRANSFERRING ADMINISTRATION OF THE STATE DEFERRED COMPENSATION PROGRAM TO THE PUBLIC EMPLOYEES' RETIREMENT BOARD;"

2. Title, page 1, line 18.

Strike: "AND A MEMBER LOAN FEATURE"

3. Title, page 1, line 23.

Strike: "PROVIDING" through "LOANS"

Insert: "AUTHORIZING A LONG-TERM LOAN FROM THE DEPARTMENT OF ADMINISTRATION TO THE PUBLIC EMPLOYEES' RETIREMENT BOARD TO PAY FOR DEFINED CONTRIBUTION PLAN STARTUP COSTS"

4. Title, page 1, line 28.

Strike: first "AND"

Following: "19-21-203,"

Insert: "19-50-101, 19-50-102, 19-50-201, 19-50-202, AND 19-50-203,"

Following: " ; "

Insert: "REPEALING SECTION 19-50-206, MCA;"

5. Page 3, lines 2 and 19.

Strike: "64"

Insert: "63"

6. Page 11, line 5.

Strike: "64"

Insert: "63"

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7. Page 15, line 18.

Strike: "64"

Insert: "63"

8. Page 19, lines 8 and 14.

Strike: "64"

Insert: "63"

9. Page 20, line 6 through line 7.

Strike: ";" on line 6 through "(a)" on line 7

10. Page 20, line 8 through line 11.

Strike: "; or" on line 8 through "facilitated" on line 11

11. Page 20, line 15.

Strike: "64"

Insert: "63"

12. Page 27, line 3.

Strike: "64"

Insert: "63"

13. Page 31, line 23.

Strike: "64"

Insert: "63"

14. Page 35, line 9.

Strike: "64"

Insert: "63"

15. Page 37, lines 12 and 20.

Strike: "64"

Insert: "63"

16. Page 38, line 19 and 28.

Strike: "64"

Insert: "63"

17. Page 39, line 8 through line 9.

Strike: subsection 4 in its entirety

Renumber: subsequent subsections

18. Page 39, line 14.

Strike: "64"

Insert: "63"

19. Page 40, lines 8 and 17.

Strike: "64"

Insert: "63"

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20. Page 41, line 12.

Strike: "60(1)(b)"

Insert: "59(1)(b)"

21. Page 43, line 10.

Strike: "3"

Insert: "5"

22. Page 47, line 7.

Strike: "60"

Insert: "59"

23. Page 47, line 27.

Strike: "64"

Insert: "63"

24. Page 47, line 29 through page 48, line 16.

Strike: section 59 in its entirety

Renumber: subsequent sections

25. Page 48, line 29.

Strike: "64"

Insert: "63"

26. Page 49, line 15.

Following: "of"

Insert: "employee investment"

Strike: "required"

27. Page 49, line 15 through line 16.

Strike: "Pursuant" on line 15 through "department" on line 16

Insert: "(1) The board"

28. Page 49, line 16 through line 17.

Strike: "a defined" on line 16 through "plan" on line 17

Insert: "an employee investment"

29. Page 49, line 17.

Strike: ", " through "years"

30. Page 49, line 18.

Strike: "and shall"

Insert: "to: (a)"

31. Page 49, line 20.

Following: "[section 55]"

Insert: ";

(b) advise the board about negotiating, contracting, or modifying services for the state deferred compensation plan provided for in chapter 50; and

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(c) review existing deferred compensation plans and to advise the board on the administration of the program"

32. Page 49, line 20 through line 21.

Strike: "On" on line 20 through line 21 in its entirety

33. Page 49, line 26.

Strike: "64"

Insert: "63"

34. Page 50, lines 10, 12, and 14.

Strike: "64"

Insert: "63"

35. Page 50.

Following: line 20

Insert: "**Section 67.** Section 19-50-101, MCA, is amended to read:

"**19-50-101. Definitions.** For the purposes of this chapter, unless a different meaning is plainly implied by the context, the following definitions apply:

(1) "Administrator" or "board" means the ~~department of administration created by 2-15-1001~~ public employees' retirement board created in 2-15-1009 or an appropriate officer of a political subdivision.

~~(2) "Advisory council" means the state employee group benefits advisory council provided for in 2-15-1016.~~

~~(3)~~(2) "Deferred compensation" means that income which an employee may legally defer in a deferred compensation plan established under this chapter pursuant to the rulings of the internal revenue service and which, while invested, is exempt from state and federal income tax on the employee's contribution and on the interest, dividends, and capital gains until ultimately distributed to the employee.

~~(4) "Department" means the department of administration created by 2-15-1001.~~

~~(5)~~(3) "Eligible deferred compensation plan" means a plan meeting the requirements of section 457 of the Internal Revenue Code.

~~(6)~~(4) "Employee" means any person, including independent contractors and elected officials, receiving compensation from the state or a political subdivision for performing services.

~~(7)~~(5) "Fund" means the state deferred compensation investment account.

~~(8)~~(6) "Participant" means an employee enrolled in the plan.

~~(9)~~(7) "Political subdivision" means any city, town, county, or other political subdivision of the state of Montana."

Insert: "**Section 68.** Section 19-50-102, MCA, is amended to read:

"**19-50-102. Deferred compensation programs permitted -- rules.** (1) The state or a political subdivision may establish deferred compensation plans that are eligible under section 457 of the Internal Revenue Code of 1954 (26 U.S.C. 457), as amended or superseded, and in compliance with regulations of the U.S. department of the treasury. Eligible deferred compensation plans for employees may be established in addition to any retirement, pension, or other benefit plan administered by the state or a political subdivision.

(2) An employee may enter into a written agreement with the state or a political subdivision to defer a part of the employee's compensation to one or more of the investment options provided in subsection (4) for the purpose of investment as provided by this chapter. The total amount deferred may not exceed the employee's annual salary and may not exceed the amounts permitted under applicable sections of the Internal Revenue Code.

(3) Compensation deferred pursuant to this chapter is included as compensation for the purpose of computing retirement or pension benefits.

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(4) The department board or an appropriate officer of a political subdivision shall from time to time select the type of investment options and the financial institutions or entities in which state or political subdivision employee deferred compensation plan funds may be invested. The department board or an appropriate officer of a political subdivision shall notify affected plan members of potential changes in investment options and financial institutions before the changes are made. The investment options and entities may include:

(a) a state deferred compensation investment fund established pursuant to Title 17 for the purpose of administering a state-invested deferred compensation plan. All contributions made by participants in the state deferred compensation investment fund and all interest or increase in the fund must be credited to the fund. These state-invested funds may be commingled with other state investment funds, but separate accounting must be maintained. The assets of the fund must be maintained for the benefit of participants and may not be diverted except for paying the reasonable expenses for administering the state deferred compensation investment fund.

(b) savings accounts in federally insured financial institutions;

(c) life insurance contracts and fixed annuity and variable annuity contracts from companies that are licensed to do business in the state and subject to regulation by the insurance commissioner;

(d) investment funds managed pursuant to investment services contracts maintained by the department board or an appropriate officer of a political subdivision with investment managers registered with the United States securities and exchange commission;

(e) mutual funds provided through contracts maintained by the department board or an appropriate officer of a political subdivision with mutual fund companies regulated by the United States securities and exchange commission; or

(f) a combination of the items in subsections (4)(a) through (4)(e).

(5) The deferred compensation plan funds invested pursuant to this section and the income from those funds must be held in a trust, custodial account, or insurance contract for the exclusive benefit of participants and their beneficiaries.

(6) The administrator may allocate any necessary costs against the assets and interest earnings accumulated in funds, accounts, or contracts established under this chapter.

(7) The department board or appropriate officer of a political subdivision shall promulgate rules not inconsistent with this chapter for the proper administration of deferred compensation plans established under this chapter. ""

Insert: "Section 69. Section 19-50-201, MCA, is amended to read:

"19-50-201. Department Board authorized to make contracts with political subdivisions. (1) Effective July 1, 1983, a political subdivision may become a contracting employer and make all or specified groups of its employees eligible to participate in the state-administered deferred compensation program by a contract entered into and between the department board and the legislative body of the political subdivision. The contract may include any provisions that are consistent with this chapter and necessary for the administration of the deferred compensation program.

(2) The approval and termination of the contract shall be subject to the following provisions:

(a) The legislative body of the political subdivision shall adopt a resolution to enter into a contract with the department board authorizing its employees to participate in the state-administered deferred compensation program. The resolution must contain a summary of the major provisions of the state-administered deferred compensation program.

(b) The contract must specify that the political subdivision agrees that the department board is the administrator of the deferred compensation program and agrees to the rules and conditions established by the department board for the proper administration of the plan.

(c) The contract may be revoked or amended in the manner prescribed in the original approval of contracts. ""

Insert: "Section 70. Section 19-50-202, MCA, is amended to read:

"19-50-202. Administration of program. The deferred compensation program shall be administered by the department board or the appropriate officer designated by a political subdivision. Payroll deductions shall

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be made, in each instance, by the appropriate payroll officer. The administrator shall protect the interests of program participants and safeguard the assets of the deferred compensation plan and shall contract with private corporations, institutions, or individuals for administrative and marketing services. The administrator may solicit bids for options under 19-50-102. All contracts with marketing representatives must provide that all options in 19-50-102 be presented in an unbiased manner and in a manner so as to conform to applicable rules promulgated by the administrator, be reported on a periodic basis to all employees participating in eligible deferred compensation plans, and not be the subject of unreasonable solicitation of employees to participate in the program. All costs or fees in relation to the marketing of options provided under 19-50-102 shall be paid by the underwriting companies selected by the administrator or by the interest earnings accruing to the assets of the state deferred compensation investment fund."

Insert: "Section 71. Section 19-50-203, MCA, is amended to read:

"**19-50-203. Payments authorized.** Notwithstanding any other provision of law to the contrary, the ~~department board~~ or a political subdivision is hereby authorized to make payments to eligible deferred compensation plans designated by this chapter. Such payments shall not be construed to be a prohibited use of the general assets of the state or a political subdivision."

Insert: "NEW SECTION. Section 72. **Repealer.** Section 19-50-206, MCA, is repealed."

Renumber: subsequent sections

36. Page 50, line 22.

Strike: "(1)"

37. Page 50, line 23 through page 51, line 9.

Following: "plan," on line 23

Insert: "the public employees' retirement board is authorized to take a long-term loan from the department of administration, which shall provide for the loan from the investment fund type established under the provisions of House Bill No. 645. The loan must be repaid with interest under terms and conditions determined by the department."

Strike: "PURSUANT" on line 23 through page 51, line 9 in its entirety

38. Page 51, lines 19 and 20.

Strike: "64"

Insert: "63"

39. Page 51, line 22.

Following: "instruction."

Insert: "(1)"

40. Page 51, line 25.

Strike: "64"

Insert: "63"

41. Page 51.

Following: line 27

Insert: "(2) If House Bill No. 645 is not passed and approved, then [section 73] of [this act] must read:"

Insert: "NEW SECTION. Section 73. **Loan from board of investments.** To pay the startup costs of the defined contribution retirement plan, the public employees' retirement board may receive a loan from the intercap revolving loan program adopted pursuant to 17-5-1605."

42. Page 51, lines 29 and 30.

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Following: "[the" on line 29
Insert: "immediate"
Strike: "of this" on line 29 through "act" on line 30
Insert: "provided under [section 78(2)]"

43. Page 52, line 9 through line 10.
Strike: "61" on line 9 through "75" on line 10
Insert: "60, 61, 64, 65, 74 through 77, 79, and 80"

44. Page 52, line 11.
Strike: "63" through "68"
Insert: "62, 63, and 66 through 73"

45. Page 52, line 14.
Strike: "60"
Insert: "59"

46. Page 52, line 15.
Strike: "66"
Insert: "65"

47. Page 52, line 25.
Strike: "62, and 64"
Insert: "61, and 63"

48. Page 52, line 27.
Strike: "61"
Insert: "60"

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

HB 127, be amended as follows:

1. Title, page 1, line 7.
Following: "~~REQUIREMENTS;~~"
Insert: "CONFORMING THE PROVISION FOR JURISDICTION OVER A NONRESIDENT TO FEDERAL FULL FAITH AND CREDIT REQUIREMENTS;"

2. Title, page 1, line 14.
Following: "~~OBLIGOR;~~"
Insert: "ALLOWING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO SUBSTITUTE A SUPPORT ORDER MADE IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES FOR AN ADMINISTRATIVE DEFAULT ORDER; ALLOWING FOR AMENDMENT OF AN ADMINISTRATIVE SUPPORT ORDER;"

3. Title, page 1, line 19.
Following: "~~40-4-210,~~"
Insert: "40-4-210,"
Following: "~~40-5-225,~~"

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Insert: "40-5-225,"

4. Page 2, following line 28.

Insert: "Section 1. Section 40-4-210, MCA, is amended to read:

"40-4-210. Child support jurisdiction -- nonresident individual. ~~A court of this state that is competent to decide child support matters may exercise~~ (1) In a proceeding to establish or modify a child support order, a district may acquire personal jurisdiction over a nonresident individual or the individual's guardian or conservator ~~in a child support determination in the initial or modification decree~~ if:

(1)(a) the individual is personally served with notice within this state in accordance with Rule 4B, Montana Rules of Civil Procedure;

(2)(b) the individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document that has the effect of waiving any contest to personal jurisdiction;

(3)(c) the individual has resided with the child within this state;

(4)(d) the child was adopted within this state when at least one parent was a resident;

(5)(e) the individual resided in this state and provided prenatal expenses or support for the child;

(6)(f) the child resides in this state as a result of the acts or directives of the individual;

(7)(g) the individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse; or

(8)(h) there is any other basis consistent with the constitutions of this state and the United States for the exercise of the personal jurisdiction.

(2) A district court shall recognize and, if petitioned to do so, enforce according to its terms a child support order issued by a court or administrative agency of another state if the order was made consistent with the full faith and credit provisions of 28 U.S.C. 1738B.

(3) A district court may not establish a subsequent child support order that conflicts with an existing order entitled to recognition under subsection (2) or, except as provided in subsection (6), modify an existing order entitled to recognition under subsection (2).

(4) In interpreting a child support order issued in another state, including the duration of current payments and other obligations of support, a district court shall apply the law of the issuing state.

(5) In an action to enforce arrears under a child support order issued in another state, a district court shall apply the statute of limitations of this state or of the issuing state, whichever provides the longer period of limitation

(6) A district court has jurisdiction to modify a child support order issued by a court or administrative agency of another state only after meeting the requirements of 40-5-194 and the standards for modification of interstate support orders set out in 28 U.S.C. 1738B."

Renumber: subsequent sections

5. Page 11, line 20.

Following: "occur"

Insert: "or the department may withhold the fee amount out of any payment collected on behalf of the obligee. The obligor must receive full credit for the payment as if the withholding of fees did not occur"

6. Page 15, following line 9.

Insert: "Section 7. Section 40-5-225, MCA, is amended to read:

"40-5-225. Notice of financial responsibility -- temporary and final support obligations -- administrative procedure. (1) In the absence of an existing support order, when the requirements of this section are met, the department may enter an order requiring a child's parent or parents to pay an amount each month for the support of the child. The support order must include a medical support order as required by 40-5-208.

(2) An action to establish a support order must be commenced by serving a notice of financial

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responsibility on the parent or parents. The notice must include a statement:

- (a) of the names of the child, the obligee, and, if different than the obligee, the child's guardian or caretaker relative;
- (b) of the dollar amount of the support obligation to be paid each month for the child;
- (c) that in addition to child support, the parent or parents may be ordered to provide for the child's medical support needs;
- (d) that any party may request a hearing to contest the amount of child support shown in the notice or to contest the establishment of a medical support order;
- (e) that if a party does not timely file a request for hearing, support, including medical support, will be ordered as declared in the notice or in accordance with the child support guidelines adopted under 40-5-209;
- (f) that if a party does request a hearing, the other parties may refuse to participate in the proceedings; ~~however,~~ and that the child support and medical support order will be determined using the information available to the department or provided at the hearing;
- (g) that a party's refusal to participate is a consent to entry of a child support and medical support order consistent with the department's determination; and
- (h) that the parties are entitled to a fair hearing under 40-5-226.

(3) If a support action is pending in district court and a temporary or permanent support obligation has not been ordered or if a paternity action is pending and there is clear and convincing evidence of paternity based on paternity blood tests or other evidence, the department may enter an order requiring a child's parent or parents to pay an amount each month for the temporary support of the child pending entry of a support order by the district court. The temporary support order must include a medical support order as required by 40-5-208.

(4) An action to establish a temporary support order must be commenced by serving a notice of temporary support obligation on the parent or parents. In addition to the statements required in subsection (2), the notice must include a statement that:

- (a) a party may request a hearing to show that a temporary support obligation is inappropriate under the circumstances; and
- (b) the temporary support order will terminate upon the entry of a final support order or an order of nonpaternity. If the final order is retroactive, any amount paid for a particular period under the temporary support order must be credited against the amounts due under the final order for the same period, but excess amounts may not be refunded. If an order of nonpaternity is issued or if the final support order states that periodic support obligation is not proper, the obligee shall refund to the obligor any improper amounts paid under the temporary support order, plus any costs that the obligee ~~{obligor}~~ incurs in recovering the amount to be refunded.

(5) (a) If a temporary support order is entered or if proceedings are commenced under this section for a married obligor, the department shall vacate any support order or dismiss any proceeding under this part if it finds that the parties to the marriage have:

- (i) reconciled without the marriage having been dissolved;
- (ii) made joint application to the department to vacate the order or dismiss the proceeding; and
- (iii) provided proof that the marriage has been resumed.

(b) The department may not vacate a support order or dismiss a proceeding under this subsection (5) if it determines that the rights of a third person or the child are affected. The department may issue a new notice of temporary support obligation under this section if the parties subsequently separate.

(6) A notice of financial responsibility and the notice of temporary support obligation may be served either by certified mail or in the manner prescribed for the service of a summons in a civil action in accordance with the Montana Rules of Civil Procedure.

(7) If prior to service of a notice under this section, the department has sufficient financial information, the department's allegation of the obligor's monthly support responsibility, whether temporary or final, must be based on the child support guidelines established under 40-5-214. If the information is unknown to the department, the allegations of the parent's or parents' monthly support responsibility must be based on the

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greater of:

(a) the maximum amount of public assistance that could be payable to the child under Title 53 if the child were otherwise eligible for assistance; or

(b) the child's actual need as alleged by the custodial parent, guardian, or caretaker of the child.

(8) (a) A party who objects to a notice of financial responsibility or notice of temporary support obligation may file a written request for a hearing with the department:

(i) within 20 days from the date of service of a notice of financial responsibility; and

(ii) within 10 days from the date of service of a notice of temporary support obligation.

(b) If the department receives a timely request for a hearing, it shall conduct one under 40-5-226.

(c) If the department does not receive a timely request for a hearing, it shall order the parent or parents to pay child support and to provide for the child's medical needs as stated in the notice. The child support obligation must be the amount stated in the notice or determined in accordance with the child support guidelines adopted under 40-5-209.

(9) If the department is unable to enter an obligation in accordance with the child support guidelines because of default of a party, the department may, upon notice to the parties to the original order, substitute a support order made in accordance with the guidelines for the defaulted order.

(10) After establishment of an order under this section, the department may initiate a subsequent action on the original order to establish a support obligation for another child of the same parents.

~~(9)~~(11) A child support and medical support order under subsection (1) continues until the child attains 18 years of age or the child's graduation from high school, whichever occurs later, but not later than the child's 19th birthday, unless the child is sooner emancipated by court order. A temporary support obligation established under subsection (3) continues until terminated as provided in subsection (5) or until the temporary order is superseded by a final order, judgment, or decree."

Renumber: subsequent sections

7. Page 32, line 10.

Strike: "2"

Insert: "3"

Strike: "6"

Insert: "8"

Strike: "9"

Insert: "11"

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

HB 532, be concurred in. Report adopted.

HB 660, be amended as follows:

1. Title, page 1, line 5 through line 6.

Strike: "A RETIREMENT INCENTIVE" on line 5 through "INSURANCE" on line 6

Insert: "SEVERANCE"

2. Title, page 1, line 6 through line 7.

Strike: "WHO" on line 6 through "OR" on line 7

3. Title, page 1, line 8.

Strike: "SPECIFYING THE ELIGIBILITY CRITERIA AND BENEFITS;"

4. Title, page 1, line 9 through line 10.

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Strike: "AND A RETROACTIVE" on line 9 through "DATE" on line 10

5. Page 1.

Following: line 12

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Severance benefits for certain state hospital employees. The department of public health and human services shall provide severance benefits to Montana state hospital employees who are involuntarily terminated due to a reduction in force during the biennium ending June 30, 2001. Pursuant to 2-18-622, the department shall enter into written agreements with collective bargaining units of affected employees to negotiate benefits."

Insert: "NEW SECTION. Section 2. Appropriation. There is appropriated from the general fund \$250,000 to the department of public health and human services for the biennium ending June 30, 2001, to be used for the purposes of [section 1]."

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

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

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 117, 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, Wells, Wilson, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 169, Conference Committee Report No. 1, 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 49

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Nays: Bartlett.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 178, as amended by the House, passed 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, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 45

Nays: Devlin, Holden, Miller, Swysgood, Toews.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 233, as amended by the House, passed as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 42

Nays: Bishop, Devlin, Ellis, Keenan, Stang, Swysgood, Taylor, Toews.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 241, 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, Wells, Wilson,

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Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 251, 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, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: Stang.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 269, 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, Wells, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 292, as amended by the House, passed 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

SB 293, 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, Wells, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 305, as amended by the House, passed as follows:

Yeas: Beck, Berry, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.
Total 30

Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Glaser, Halligan, Jergeson, Lynch, McCarthy, Roush, Shea, Sprague, Stang, Tester, Waterman, Wilson.
Total 20

Absent or not voting: None.
Total 0

Excused: None.

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Total 0

SB 306, 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, Wells, Wilson, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 331, 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, Toews, Waterman, Wilson, Mr. President.

Total 48

Nays: Thomas, Wells.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 345, as amended by the House, passed as follows:

Yeas: Bartlett, Beck, Berry, 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, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 47

Nays: Bishop, Mohl, Toews.

Total 3

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

SB 353, 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, 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

SB 361, as amended by the House, passed as follows:

Yeas: Beck, Berry, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Mr. President.

Total 34

Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Grosfield, Halligan, Jergeson, Miller, Shea, Sprague, Stang, Wilson.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 372, 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, Wells, Wilson, Mr. President.

Total 50

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 381, 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, Wells, Wilson, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 388, 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, Wells, Wilson, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 393, 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,

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Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson,

Roush, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: Stang.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 401, as amended by the House, 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, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Taylor, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 45

Nays: Bartlett, Jergeson, Stang, Swysgood, Tester.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 411, 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, Wells, Wilson, Mr. President.
Total 49

Nays: Waterman.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SB 417, as amended by the House, passed as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Waterman, Wilson, Mr. President.
Total 42

Nays: Bishop, Devlin, Miller, Mohl, Swysgood, Thomas, Toews, Wells.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 421, as amended by the House, passed as follows:

Yeas: Bartlett, Beck, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harp, Hertel, Jabs, Jergeson, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mohl, Shea, Sprague, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.
Total 36

Nays: Berry, Crismore, Devlin, Grimes, Holden, Keating, Mesaros, Miller, Nelson, Roush, Stang, Swysgood, Toews, Wells.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 429, 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, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: Miller, Toews.
Total 2

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

SB 434, 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, Wells, Wilson, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 462, as amended by the House, passed as follows:

Yeas: Bartlett, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, 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, Toews, Waterman, Wells, Wilson, Mr. President.

Total 46

Nays: Beck, Bishop, Devlin, Swysgood.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 472, as amended by the House, passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, 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, Thomas, Toews, Wells.

Total 42

Nays: Doherty, Eck, Ekegren, Ellingson, Tester, Waterman, Wilson, Mr. President.

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Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 476, as amended by the House, 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, Miller, Mohl, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 46

Nays: Bartlett, Nelson, Toews, Waterman.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 486, 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, Wells, Wilson, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 490, 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,

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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

SB 505, 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, Wells, Wilson,
Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 533, 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, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl,
Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson,
Mr. President.

Total 49

Nays: Lynch.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SJR 7, as amended by the House, adopted as follows:

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

Total 41

Nays: DePratu, Ellis, Jergeson, Keenan, Miller, Nelson, Toews, Wells, Wilson.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

MOTIONS

SB 361 - Senator D. Shea moved that she be allowed to change her vote on SB 361, third reading, from yea to nay. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 9:00 a.m., Saturday, April 10, 1999. Motion carried.

Senate adjourned at 7:20 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate