

**SENATE JOURNAL
EIGHTIETH LEGISLATIVE DAY**

Helena, Montana
April 13, 1999

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Crippen presiding. Invocation by Pastor Tim Weidlick of the Grace Bible Church in Laurel, Montana, Pastor of Senator Miller. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journals for the seventy-seventh and seventy-eighth legislative days, find the same to be correct.

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 4/13/1999

Correctly printed: HB 11.

Correctly engrossed: HB 13, HB 15, HB 127, HB 260, HB 532, HB 622, HB 638, HB 651, HB 653, HB 656, HB 657, HB 659, HB 660, HB 669.

Correctly enrolled: SB 117, SB 178, SB 233, SB 241, SB 251, SB 269, SB 292, SB 293, SB 305, SB 306, SB 331, SB 345, SB 353, SB 361, SB 372, SB 381, SB 388, SB 393, SB 401, SB 411, SB 417, SB 421, SB 429, SB 434, SB 462, SB 472, SB 476, SB 486, SB 490, SB 505, SB 533, SJR 7.

Signed by the Secretary of Senate at 1:30 p.m., April 13, 1999: SB 361, SB 522.

Signed by the President at 12:45 p.m., April 13, 1999: SB 361, SB 522.

Signed by the Speaker at 5:21 p.m., April 12, 1999: SB 153.

Signed by the Speaker at 10:15 a.m., April 13, 1999: SB 14, SB 31, SB 36, SB 46, SB 94, SB 132, SB 134, SB 186, SB 219, SB 225, SB 226, SB 258, SB 270, SB 271, SB 349, SB 380, SJR 15.

Signed by the Speaker at 1:55 p.m., April 13, 1999: SB 361, SB 522.

Delivered to the Secretary of State at 11:19 a.m., April 13, 1999: SJR 15.

Delivered to the Governor for his approval at 8:30 a.m., April 13, 1999: SB 153.

FINANCE AND CLAIMS (Swysgood, Chairman): 4/13/1999

HJR 35, introduced joint resolution, be amended as follows:

1. Title, line 8.

Strike: "AN INTERIM"

Insert: "THE LEGISLATIVE FINANCE"

2. Page 1, line 15.

Following: "proposed"

Strike: "regional"

Following: "care"

Strike: "systems"

Insert: "system"

3. Page 1, line 24.

Following: "That"

Strike: "an appropriate interim committee"

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Insert: "the Legislative Finance Committee"

4. Page 1, line 26.

Following: "items"

Insert: "as prioritized by the Legislative Finance Committee"

5. Page 3, line 4.

Following: the first "the"

Strike: "interim committee"

Insert: "Legislative Finance Committee"

6. Page 3, line 5.

Strike: "Legislative Finance Committee and the"

Following: "Audit Committee"

Insert: "and other appropriate interim committees"

7. Page 3, line 6.

Following: ". "

Insert: "The Legislative Finance Committee may appoint members of the Legislative Audit Committee and other interim committees as voting members of any subcommittee assigned to this task."

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

STATE ADMINISTRATION (Cole, Chairman):
HB 350, be amended as follows:

4/13/1999

1. Title, page 1, line 8.

Following: "PROHIBITING"

Insert: "ACCEPTANCE OR DEPOSIT OF"

2. Title, line 9.

Strike: "WITHIN"

Insert: "AFTER"

Strike: "BEFORE AND AFTER AN"

Insert: "FOLLOWING A GENERAL"

3. Title, line 11.

Following: "OFFICE:"

Insert: "PROVIDING FOR A TRANSFER OF FUNDS; PROVIDING AN APPROPRIATION FOR ONLINE INTERNET ACCESS TO INFORMATION COLLECTED BY THE COMMISSIONER OF POLITICAL PRACTICES;"

4. Page 5, line 2.

Following: "which"

Insert: "acceptance or deposit of"

Strike: "are"

Insert: "is"

Following: "prohibited"

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Insert: "-- exception"

Following: the third "."

Insert: "(1)"

5. Page 5, lines 3 and 4.

Strike: "within" on line 3 through "TIME" on line 4

Insert: "later than 10 days"

6. Page 5, line 6.

Insert: "(2) Subsection (1) does not apply to a contribution of the candidate's own money."

7. Page 7, line 29.

Strike: "A"

Insert: "Except as provided in subsections (4) and (5), a"

8. Page 8, line 5.

Strike: "THAT ALL"

Insert: "which"

Following: "RETIRED."

Insert: "which debts have not been retired,"

9. Page 8.

Following: line 10

Insert: "(5) A candidate retiring campaign debt by using the candidate's own contributions shall retire that debt within 120 days of the filing of the closing report pursuant to this section."

10. Page 9.

Following: line 21

Insert: "NEW SECTION. Section 11. Transfer of funds. The amount of \$200,000 is transferred from the department of justice state special revenue account for miscellaneous grants and natural resources damage (02003) to an account in the state special revenue fund to the credit of the commissioner of political practices.

NEW SECTION. Section 12. Appropriation for online access to political practices information. There is appropriated from the account in the state special revenue fund to which money is transferred under [section 11] \$200,000 to the commissioner of political practices for the purpose of providing online internet access to information collected by the commissioner of political practices."

Renumber: subsequent sections

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

HB 670, be amended as follows:

1. Title, page 1, line 16.

Following: "DEVELOPMENT;"

Insert: "REQUIRING THE COORDINATOR OF INDIAN AFFAIRS TO REPORT IN DETAIL AT EVERY MEETING OF A CERTAIN LEGISLATIVE INTERIM COMMITTEE THE ACTIONS TAKEN BY THE COMMISSION TO CARRY OUT ITS DUTIES;"

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2. Page 16, line 13.

Strike: "and"

Insert: "(g) report in detail at every meeting of the interim committee of the legislature having jurisdiction over the office of the coordinator those actions taken by the state-tribal economic development commission established by [section 2] to carry out its duties; and"

Renumber: subsequent subsections

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

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on House Bill 100
Report No. 1, April 13, 1999

Mr. Speaker and Mr. President:

We, your **Free** Conference Committee met and considered Senate amendments to **House Bill 100** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **House Bill 100** (reference copy -- salmon) be amended as follows:

1. Title, line 16.

Strike: "33-22-703,"

2. Title, line 17.

Strike: "33-22-1819,"

3. Page 63, line 25 through page 66, line 15.

Strike: section 47 in its entirety

Renumber: subsequent sections

4. Page 80, line 6 through page 85, line 15.

Strike: section 54 in its entirety

Renumber: subsequent sections

5. Page 105, line 5.

Strike: "66"

Insert: "64"

Strike: "70"

Insert: "68"

6. Page 105, line 7.

Strike: "66"

Insert: "64"

Strike: "70"

Insert: "68"

7. Page 105, line 20.

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Strike: "68"

Insert: "66"

Strike: "72"

Insert: "70"

Strike: "74"

Insert: "72"

For the House:

Simon, Chairman
Ewer (unsigned)
L. Taylor

For the Senate:

Berry, Chairman
Cocchiarella
Sprague

President Crippen spoke on a point of personal privilege and apologized for his actions the previous day in requesting that he would have Representative Bergsagel removed from the Senate floor. He stated his actions were inappropriate, and wanted to publicly apologize to Representative Bergsagel and the members of the Senate for his actions.

MESSAGES FROM THE GOVERNOR

April 12, 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 122** sponsored by Senator T. Beck, **Senate Bill 314** sponsored by Senator D. Grimes et al., **Senate Bill 321** sponsored by Senator R. Jabs, **Senate Bill 346** sponsored by Senator D. Hargrove, **Senate Bill 352** sponsored by Senator D. Mahlum et al., **Senate Bill 355** sponsored by Senator A. Mohl, **Senate Bill 397** sponsored by Senator S. Stang, **Senate Bill 398** sponsored by Senator J. Bohlinger, **Senate Bill 399** sponsored by Senator R. Jabs, **Senate Bill 416** sponsored by Senator L. Grosfield, and **Senate Bill 435** sponsored by Senator M. Waterman on April 12, 1999.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

SB 243 - The House voted to reconsider their action and return SB 243 to the Conference Committee for further consideration:

4/12/1999

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

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4/12/1999

SB 172, introduced by Waterman
SB 192, introduced by Bohlinger
SB 199, introduced by Christiaens
SB 205, introduced by McNutt
SB 342, introduced by D. Hargrove
SB 460, introduced by A. Ellis

Senate bills concurred in and returned to the Senate:

4/12/1999

SB 151, introduced by D. Toews
SB 167, introduced by Tester

Senate amendments to House bills concurred in:

4/12/1999

HB 32, introduced by R. Johnson
HB 59, introduced by D. Mood
HB 69, introduced by M. McCann
HB 71, introduced by S. Rose
HB 90, introduced by T. Hagener
HB 98, introduced by B. Simon
HB 107, introduced by L. McCulloch
HB 113, introduced by C. Younkin
HB 126, introduced by R. Johnson
HB 188, introduced by C. Tuss
HB 209, introduced by J. Shockley
HB 232, introduced by S. Rose
HB 275, introduced by B. Barnhart
HB 304, introduced by M. Noennig
HB 310, introduced by B. Molnar
HB 348, introduced by T. Facey
HB 412, introduced by C. Juneau
HB 430, introduced by C. Squires
HB 482, introduced by J. Mangan
HB 578, introduced by S. Anderson
HB 580, introduced by T. Schmidt
HB 592, introduced by C. Hibbard
HB 625, introduced by P. Bergsagel

Senate amendments to House joint resolution concurred in:

4/12/1999

HJR 27, introduced by B. Story

MOTIONS

SB 406 - 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 406. Motion carried. The President appointed the following members:

Senator Thomas, Chairman

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Senator Berry
Senator Doherty

SB 301 - 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 301. Motion carried. The president appointed the following members:

Senator Keating, Chairman
Senator Miller
Senator Jergeson

HB 269 - Senator Harp moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House of Senate amendments to HB 269. Motion carried. The President appointed the following members:

Senator Miller, Chairman
Senator Bishop
Senator Halligan

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 170, 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, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Thomas, Toews, Wells, Wilson, Mr. President.

Total 47

Nays: Bartlett, Tester, Waterman.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 5, as amended by the Senate, concurred in as follows:

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

Total 50

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 11, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 13, as amended by the Senate, concurred in as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.
Total 43

Nays: Bartlett, Ekegren, Keating, Miller, Sprague, Taylor, Wells.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 15, as amended by the Senate, requiring 2/3 of each House, 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.

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Total 32

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

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 79, as amended by the Senate, concurred in as follows:

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

Total 41

Nays: Bartlett, Franklin, Lynch, McCarthy, Nelson, Shea, Tester, Toews, Waterman.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 127, as amended by the Senate, concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 260, as amended by the Senate, concurred in as follows:

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Yeas: Beck, Berry, Bohlinger, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Shea, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 32

Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Cole, Doherty, Ellingson, Franklin, Halligan, Jabs, Jergeson, Keating, Miller, Roush, Stang, Tester, Waterman, Wilson.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 532 concurred in as follows:

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

Nays: Jergeson.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 622, as amended by the Senate, concurred in as follows:

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

Total 0

Excused: None.

Total 0

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HB 638 concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 651, as amended by the Senate, concurred in as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 653, requiring 2/3 of entire legislature, received the following vote:

Yeas: Beck, Berry, DePratu, Grimes, Keating, Keenan, Mahlum, Mesaros, Miller, Swysgood, Taylor, Thomas, Toews, Wells.

Total 14

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Lynch, McCarthy, McNutt, Mohl, Nelson, Roush, Shea, Sprague, Stang, Tester, Waterman, Wilson, Mr. President.

Total 36

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

HB 656 concurred in as follows:

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

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 657 concurred in as follows:

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

Total 49

Nays: Nelson.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 659 concurred in as follows:

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

Total 50

Nays: None.
Total 0

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 660, as amended by the Senate, concurred in as follows:

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

Nays: Keenan, Nelson, Toews.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 669, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

SR 5 - Senator M. Cole moved that the nominations transmitted by the Governor be concurred in, confirmed, and consented to by the Senate in accordance with Senate Resolution 5, and that the ayes and nays be spread upon the Journal. Motion carried as follows:

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

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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

SR 6 - Senator L. Grosfield moved that the nomination of the Honorable Richard A. Simonton, as District Judge, Seventh Judicial District, Glendive, Montana, transmitted by the Governor be concurred in, confirmed, and consented to by the Senate in accordance with Senate Resolution 6, and that the ayes and nays be spread upon the Journal. Motion carried as follows:

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

A PROCLAMATION OF THE SENATE OF THE STATE OF MONTANA

WHEREAS, for many years the city and the people of Billings have been ably served by Mark Watson; and

WHEREAS, during his tenure as City Manager, Mr. Watson has made the people of Billings proud through his performance of his duties; and

WHEREAS, after an exemplary period of service to the City of Billings, Mr. Watson will be leaving to pursue a new career opportunity in Texas.

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

That the thanks and appreciation of the people of Billings and all of the people of Montana be extended to Mark Watson for his many years of public service, and that best wishes be extended to him for the future.

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BRUCE D. CRIPPEN
President of the Senate

STEVE DOHERTY
Senate Minority Leader

AL BISHOP
Senator, District 9

JOHN C. BOHLINGER
Senator, District 7

BILL GLASER
Senator, District 8

TOM KEATING
Senator, District 5

KEN MILLER
Senator, District 11

MIKE SPRAGUE
Senator, District 6

MACK COLE
Senator, District 4

REINY JABS
Senator, District 3

Senator J. Bohlinger moved that the Watson proclamation be adopted. Motion carried.

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

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

Session No. 1

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

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

SB 500 - House Amendments - Senator Berry moved House amendments to SB 500 be concurred in. Motion carried unanimously.

HB 626 - Senator J. Ellingson moved HB 626, second reading copy, be amended as follows :

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1. Page 2, line 10.

Strike: ", without permission,"

2. Page 2, line 10 through line 11.

Strike: "or knowingly permit any person to operate"

3. Page 4, line 11 through line 13.

Strike: "the following" on line 11 through "from" on line 13"

4. Page 4, line 14 through line 17.

Strike: "; and" on line 14 through "reservoirs" on line 17"

Amendment **adopted** unanimously.

Senator Berry excused at this time.

HB 626 - Senator J. Ellingson moved HB 626, as amended, be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Hertel, Jabs, Jergeson, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Roush, Shea, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 36

Nays: Crismore, Devlin, Glaser, Harp, Holden, Keating, Miller, Mohl, Nelson, Sprague, Stang, Swysgood, Toews.

Total 13

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

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

MOTIONS

Majority Leader Harp moved that the Senate stand in recess until the hour of 3:00 p.m. Motion carried.

Senate recessed at 1:47 p.m.

Senate reconvened at 3:00 .m.

Roll Call. All members present except Senators Berry and Crismore, excused. Quorum present.

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REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 4/13/1999
Correctly enrolled: SB 151, SB 167, SJR 10.

Examined by the sponsor and found to be correct: SB 117, SB 151, SB 167, SB 178, SB 233, SB 241, SB 251, SB 269, SB 273, SB 292, SB 293, SB 294, SB 305, SB 306, SB 331, SB 345, SB 353, SB 361, SB 372, SB 381, SB 388, SB 393, SB 401, SB 421, SB 426, SB 429, SB 434, SB 462, SB 472, SB 476, SB 486, SB 490, SB 502, SB 505, SB 522, SB 533, SB 4114, SJR 7, SJR 9, SJR 10.

Delivered to the Governor for his approval at 3:10 p.m., April 13, 1999: SB 14, SB 31, SB 36, SB 46, SB 94, SB 132, SB 134, SB 186, SB 219, SB 225, SB 226, SB 258, SB 270, SB 271, SB 349, SB 361, SB 380, SB 522.

JUDICIARY (Grosfield, Chairman): 4/13/1999
HB 516, be amended as follows:

1. Page 1, line 15.

Following: "WHEREAS,"

Strike: "IT APPEARS TO BE AN INCREASINGLY FREQUENT PHENOMENON THAT"

Insert: "there may be"

2. Page 1, line 16.

Following: "ENTITIES"

Insert: "that"

Following: "ARE"

Strike: "BECOMING"

3. Page 1, line 18 through page 2, line 11.

Strike: line 18 on page 1 through line 11 on page 2 in their entirety

Insert: "WHEREAS, conversion of portions of material assets of nonprofit health systems into for-profit health systems is a public policy issue that warrants examination in an interim study."

4. Page 2, line 17.

Following: "TO"

Strike: "THE REVENUE AND TAXATION"

Insert: "an appropriate"

5. Page 2, line 21.

Following: "15-6-201"

Insert: "(1)(b) through (1)(e), (1)(g), (1)(o), and (1)(q)"

Following: "15-31-102"

Insert: "(1)(a), (1)(b), (1)(d) through (1)(g), and (1)(j)"

6. Page 2, line 23 through line 27.

Following: "enterprise" on line 23

Strike: remainder of line 23 through "INCOME." on line 27

7. Page 3, line 12.

Following: "OF"

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Strike: "CERTAIN"

Insert: ":

(a)"

8. Page 3, line 14.

Following: "REGULATIONS"

Insert: ";

(b) the use of 15-31-102(3) provisions relating to taxing the income generated by a tax-exempt entity's commercial enterprise;

(c) the taxable status of real or personal property or portions of real or personal property used by a tax-exempt entity in conducting commercial enterprises generating unrelated business taxable income; and

(d) other related items that the committee considers appropriate"

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

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on Senate Bill 33

Report No. 1, April 13, 1999

Mr. President and Mr. Speaker:

We, your **Free** Conference Committee met and considered **Senate Bill 33** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **Senate Bill 33** (reference copy -- salmon) be amended as follows:

1. Page 16, line 15.

Following: "facility"

Insert: "in this state"

2. Page 16, line 18.

Following: "facility"

Insert: "in this state"

3. Page 16, line 21.

Following: "court"

Insert: "in another state"

4. Page 16, line 22.

Following: "state"

Insert: "in this state"

5. Page 17, line 24.

Following: "facility"

Insert: "in this state"

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6. Page 17, line 26.

Following: "facility"

Insert: "in this state"

7. Page 17, line 27.

Following: "court"

Insert: "in another state"

8. Page 17, line 28.

Following: "facility"

Insert: "in this state"

For the Senate:

F. Thomas, Chairman
Grosfield (unsigned)
Doherty

For the House:

Vick, Chairman
E. Clark
Menahan

FREE CONFERENCE COMMITTEE
on Senate Bill 229
Report No. 1, April 13, 1999

Mr. President and Mr. Speaker:

We, your **Free** Conference Committee met and considered **Senate Bill 229** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **Senate Bill 229** (reference copy -- salmon) be amended as follows:

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

Strike: "A RETROACTIVE"

Insert: "AN"

2. Page 3, line 4.

Strike: "JANUARY 1, 1999,"

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

3. Page 5, line 28.

Strike: "RETROACTIVELY, WITHIN THE MEANING OF 1-2-109,"

4. Page 5, line 29.

Strike: "July 1, 1999"

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

For the Senate:

F. Thomas, Chairman
Cocchiarella

For the House:

Fuchs, Chairman
Golie

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McNutt

Trexler

FREE CONFERENCE COMMITTEE
on Senate Bill 458
Report No. 1, April 13, 1999

Mr. President and Mr. Speaker:

We, your **Free** Conference Committee met and considered **Senate Bill 458** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **Senate Bill 458** (reference copy -- salmon) be amended as follows:

1. Page 1, line 12.

Following: "PURPOSEFUL"

Insert: "or knowing"

2. Page 1, line 25.

Following: "negligently"

Insert: ", knowingly, or negligently"

3. Page 3, line 9.

Following: "negligently"

Insert: "or knowingly"

4. Page 4.

Following: line 14

Insert: "(8) For the purposes of this section, the terms "knowingly", "negligently", and "purposely" have the same meaning as provided in 45-2-101."

For the Senate:

F. Thomas, Chairman
Doherty
Mesaros

For the House:

Rehbein, Chairman
G. Beck
Shockley

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 334
Report No.1, April 13, 1999

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 334** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 334** (reference copy -- salmon) be amended as follows:

1. Page 2, lines 20 through 25.

Following: the first "PUBLIC" on line 20

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Strike: remainder of line 20 through "SPORTSPERSONS" on line 25

2. Page 5, line 22.

Following: "year"

Strike: "AN ESTIMATE OF THE NUMBER OF ACRES OF PUBLIC LAND TO WHICH ACCESS HAS BEEN BLOCKED."

3. Page 8, lines 17 through 19.

Strike: "IF" on line 17 through "RECORDED." on line 19

For the Senate:

Mesaros, Chairman
Crismore
McCarthy

For the House:

Anderson, Chairman
Hanson
Swanson

MOTIONS

HB 253 - Senator S. Stang moved that HB 253 be taken from the committee on Taxation, printed and placed on second reading this legislative day. After discussion, Senator Lynch moved for closure. Motion carried with Senator Halligan voting nay. Senator Stang's motion **failed** as follows:

Yeas: Bartlett, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellis, Franklin, Jabs, Keating, Keenan, McCarthy, Miller, Nelson, Roush, Shea, Stang, Tester, Toews, Waterman, Wells, Wilson, Mr. President.
Total 23

Nays: Beck, Berry, Bishop, Cole, Crismore, DePratu, Devlin, Ekegren, Ellingson, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Lynch, Mahlum, McNutt, Mesaros, Mohl, Sprague, Swysgood, Taylor, Thomas.
Total 27

Paired: Doherty, Nelson, Ayes; Berry, Crismore, Noes.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 240 - Senator J. Ellingson moved that HB 240 be taken from the committee on Taxation, printed and placed on second reading this legislative day. Motion **failed** as follows:

Yeas: Bartlett, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Miller, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.
Total 20

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

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Total 30

Paired: Doherty, Nelson, Ayes; Berry, Crismore, Noes.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

Session No. 2

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

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

Senators Berry and Crismore present at this time.

HB 647 - Senator L. Grosfield moved HB 647, second reading copy, be amended as follows :

1. Title, line 13 through line 14.

Following: "PROGRAM;" on line 13

Strike: remainder of line 13 through "PANEL;" on line 14

2. Title, line 15 through line 18.

Following: "PROGRAM;" on line 15

Strike: remainder of line 15 through "LEGISLATURE;" on line 18

3. Title, line 19.

Following: "PROGRAM;"

Insert: "REVISING THE MEMBERSHIP OF THE FUTURE FISHERIES REVIEW PANEL AND
EXTENDING THE TERMINATION DATE OF THE FUTURE FISHERIES IMPROVEMENT
PROGRAM;"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "15-38-202"

Insert: "AND 87-1-273"

Following: "MCA"

Insert: ", AND SECTION 5, CHAPTER 463, LAWS OF 1995"

4. Page 1, line 26 through line 28.

Strike: line 26 through line 28 in their entirety

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5. Page 2, line 10 through line 11.

Following: "program" on line 10

Strike: remainder of line 10 through "required" on line 11

6. Page 2, line 13.

Following: "shall"

Strike: "establish and implement a statewide voluntary"

Insert: ", through its future fisheries improvement"

Following: "program"

Strike: "that restores"

Insert: ", restore"

7. Page 2, line 14.

Following: "AND"

Strike: "REDUCES"

Insert: "reduce"

8. Page 2, line 16 through page 3, line 20.

Following: "(2)" on line 16

Strike: remainder of line 16 through "(c)" on page 3, line 20

9. Page 3, line 20.

Following: "implement"

Strike: "[section 2] and"

10. Page 3, line 23.

Strike: "(6)"

Insert: "(3)"

11. Page 3, line 29 through page 5, line 2.

Strike: section 2 in its entirety

Renumber: subsequent sections

12. Page 5, line 4.

Following: "Funding of"

Insert: "future fisheries improvement program's"

13. Page 5, line 8.

Strike: "\$1 million"

Insert: "\$750,000"

14. Page 7, line 30.

Strike: "BULL TROUT AND CUTTHROAT TROUT ENHANCEMENT"

Insert: "future fisheries"

15. Page 8, line 28.

Insert: "Section 4. Section 87-1-273, MCA, is amended to read:

"87-1-273. (Temporary) Future fisheries review panel -- purpose -- appointment and duties. (1)

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The governor or governor's designee shall call for nominees for, accept and review recommendations for, and, ~~by August 1, 1995,~~ appoint a future fisheries review panel. The panel must consist of at least ~~10~~ 13 members, including but not limited to:

- (a) one member who is a representative of conservation districts;
- (b) one member with expertise in commercial agriculture ~~or silviculture~~;
- (c) one member with expertise in irrigated agriculture;
- (d) one member from the private sector who is a fisheries restoration professional;
- (e) two members who are licensed Montana anglers;
- (f) one member of the house of representatives, chosen by the speaker of the house;
- (g) one member of the senate, chosen by the committee on committees;
- (h) one member ~~who is a representative of the governor's office~~ with expertise in silviculture; ~~and~~
- (i) one member who is a Montana high school student;
- (j) one member with expertise in mining reclamation techniques;
- (k) one member with expertise in fisheries; and
- (l) one ex officio member from the Montana department of transportation who has experience in highway impacts mitigation.

(2) A member appointed to the review panel shall serve a 2-year term and may be reappointed.

(3) The purpose of the review panel is to:

(a) review, at least every 6 months, proposed projects that have been submitted by public or private entities for funding;

(b) determine what projects are eligible for inclusion in the future fisheries improvement program;

(c) approve or reject proposed projects; and

(d) forward a list of approved projects to the department.

(4) To be eligible for funding, a project must be generated at the local level and must be developed and presented to the review panel by the department, local landowners, conservation districts, or other interested citizens. Before consideration of any project that involves streambed or streambank restoration, a change in the use of water, or any other purpose that affects a particular property owner's interest in land or water, the review panel is required to find that the project is being proposed for funding with the voluntary approval of the participating property owner. (Terminates July 1, 2005--sec. 5, Ch. 463, L. 1995.)"

Renumber: subsequent sections

16. Page 8, line 29.

Strike: "\$1 MILLION"

Insert: "\$750,000"

17. Page 9, line 1.

Following: "[SECTION 1]."

Insert: "Funds from the appropriation in this section that remain unexpended after the 2001 biennium may be expended during the 2003 biennium for the purposes of [section 1]."

18. Page 9, line 2.

Insert: "**Section 6.** Section 5, Chapter 463, Laws of 1995, is amended to read:

"**Section 5. Termination.**(1) [Sections 1 and 2] terminate July 1, ~~2005~~ 2009.

(2) [Section 3] terminates July 1, 1997."

Renumber: subsequent sections

19. Page 9, line 3.

Strike: "[Sections 1 and 2] are"

Insert: "[Section 1] is"

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20. Page 9, line 5.

Strike: "sections"

Insert: "section"

Following: "1"

Strike: "and 2"

21. Page 9, line 8.

Strike: "on passage and approval"

Insert: "July 1, 1999"

22. Page 9, line 9.

Strike: "4"

Insert: "3"

Amendment **adopted** unanimously.

HB 647 - Senator L. Grosfield moved HB 647, as amended, be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Devlin, Doherty, Eck, Ellingson, Ellis, Franklin, Grosfield, Halligan, Hargrove, Harp, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Miller, Nelson, Roush, Shea, Sprague, Stang, Thomas, Waterman, Wilson, Mr. President.

Total 32

Nays: Cole, Crismore, DePratu, Ekegren, Glaser, Grimes, Hertel, Holden, Jabs, Keating, Keenan, Mesaros, Mohl, Swysgood, Taylor, Tester, Toews, Wells.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 2 - Senator J. Harp moved HJR 2, second reading copy, be amended as follows :

1. Page 3, line 18.

Following: "."

Insert: "Actual individual tax income collections for fiscal year 1999 are currently exceeding projected collections. The adjustment to estimated individual income tax collections for fiscal year 1999 does not impact the assumptions of other projections."

2. Page 4, line 4.

Strike: "\$457.703"

Insert: "\$472.703"

Amendment **adopted** as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum,

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McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.
Total 40

Nays: Bartlett, Christiaens, Doherty, Ellingson, Halligan, Jergeson, Nelson, Tester, Waterman, Wilson.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 2 - Senator B. DePratu moved HJR 2, as amended, be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.
Total 37

Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Ellingson, Franklin, Halligan, Jergeson, Nelson, Stang, Tester, Waterman, Wilson.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Taylor excused at this time.

HB 174 - Senator F. Thomas moved HB 174 be concurred in. Motion carried with Senator Jergeson voting nay.

HB 658 - Senator A. Ellis moved HB 658 be concurred in. Motion carried unanimously.

HB 661 - Senator A. Ellis moved HB 661, second reading copy, be amended as follows:

1. Page 15, line 21.

Strike: "JULY 1"

Insert: "June 30"

Amendment **adopted** unanimously.

HB 661 - Senator A. Ellis moved HB 661, as amended, be concurred in. Motion carried with Senators Christiaens and Doherty voting nay.

SB 96 - Free Conference Committee Report No. 1 - Senator B. Stang moved the Free Conference Committee report to SB 96 be adopted. Motion carried unanimously.

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SB 97 - Free Conference Committee Report No. 1 - Senator S. Stang moved the Free Conference Committee report to SB 97 be adopted. Motion carried with Senators Glaser and Miller voting nay.

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

MOTIONS

HB 647 - Senator S. Doherty moved that the rules of the Senate be temporarily suspended to allow HB 647 to be placed on third reading this legislative day. Motion carried as follows:

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

Total 41

Nays: Bishop, Crismore, Devlin, Grimes, Holden, Keating, Keenan, Mohl.

Total 8

Absent or not voting: None.

Total 0

Excused: Taylor.

Total 1

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:

HB 647, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Ellis, Franklin, Grosfield, Halligan, Hargrove, Harp, Jergeson, Lynch, McCarthy, McNutt, Nelson, Roush, Shea, Sprague, Stang, Taylor, Waterman, Wilson, Mr. President.

Total 27

Nays: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Glaser, Grimes, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, Mesaros, Miller, Mohl, Swysgood, Tester, Thomas, Toews, Wells.

Total 23

Paired: Taylor, Aye; Crismore, No.

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

REPORTS OF STANDING COMMITTEES

TAXATION (Devlin, Chairman):
HB 248, be amended as follows:

4/13/1999

1. Title, line 9.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

2. Title, line 10.

Strike: "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 2, line 16.

Strike: "on passage and approval"

Insert: "December 31, 2003"

4. Page 2, line 18 through line 19.

Strike: section 3 in its entirety

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

HB 515, be concurred in. Report adopted.

HB 540, be amended as follows:

1. Title, line 23.

Following: "15-50-207,"

Insert: "15-70-101, 15-70-125,"

2. Title, line 28.

Following: "PROVIDING"

Insert: "DELAYED"

3. Page 4, line 11.

Strike: "and"

Following: "61-3-511"

Insert: ", and 61-10-201"

4. Page 18, line 10.

Insert: "**Section 12.** Section 15-70-101, MCA, is amended to read:

"15-70-101. Disposition of funds. (1) All taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be placed in a highway revenue account in the state special revenue fund to the credit of the department of transportation. Beginning July 1, 2002, all interest and income earned on the account must be deposited to the credit of the account and any unexpended balance in the account must remain in the account. Those funds allocated to cities, towns, counties, and consolidated city-county governments in this section must, in accordance with the provisions of 15-1-501, be paid by the department of transportation from the state special revenue fund to the cities, towns, counties, and consolidated city-county governments.

(2) The amount of \$16,766,000 of the taxes collected under this chapter is statutorily appropriated, as

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provided in 17-7-502, to the department of transportation and must be allocated each fiscal year on a monthly basis to the counties, incorporated cities and towns, and consolidated city-county governments in Montana for construction, reconstruction, maintenance, and repair of rural roads and city or town streets and alleys, as provided in subsections (2)(a) through (2)(c):

(a) The amount of \$54,000 must be designated for the purposes and functions of the Montana local technical assistance transportation program in Bozeman.

(b) The amount of \$6,323,000 must be divided among the various counties in the following manner:

(i) 40% in the ratio that the rural road mileage in each county, exclusive of the national highway system and the primary system, bears to the total rural road mileage in the state, exclusive of the national highway system and the primary system;

(ii) 40% in the ratio that the rural population in each county outside incorporated cities and towns bears to the total rural population in the state outside incorporated cities and towns;

(iii) 20% in the ratio that the land area of each county bears to the total land area of the state.

(c) The amount of \$10,389,000 must be divided among the incorporated cities and towns in the following manner:

(i) 50% of the sum in the ratio that the population within the corporate limits of the city or town bears to the total population within corporate limits of all the cities and towns in Montana;

(ii) 50% in the ratio that the city or town street and alley mileage, exclusive of the national highway system and the primary system, within corporate limits bears to the total street and alley mileage, exclusive of the national highway system and primary system, within the corporate limits of all cities and towns in Montana.

(3) (a) For the purpose of allocating the funds in subsections (2)(b) and (2)(c) to a consolidated city-county government, each entity must be considered to have separate city and county boundaries. The city limit boundaries are the last official city limit boundaries for the former city and must be used to determine city and county populations and road mileages in the following manner:

(i) Percentage factors must be calculated to determine separate populations for the city and rural county by using the last official decennial federal census population figures that recognized an incorporated city and the rural county. The factors must be based on the ratio of the city to the rural county population, considering the total population in the county minus the population of any other incorporated city or town in the county.

(ii) The city and county populations must be calculated by multiplying the total county population, as determined by the latest official decennial census or the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census, minus the population of any other incorporated city or town in that county, by the factors established in subsection (3)(a)(i).

(b) The amount allocated by this method for the city and the county must be combined, and single monthly payments must be made to the consolidated city-county government.

(4) All funds allocated by this section to counties, cities, towns, and consolidated city-county governments must be used for the construction, reconstruction, maintenance, and repair of rural roads or city or town streets and alleys or for the share that the city, town, county, or consolidated city-county government might otherwise expend for proportionate matching of federal funds allocated for the construction of roads or streets that are part of the primary or secondary highway system or urban extensions to those systems. The governing body of a town or third-class city, as defined in 7-1-4111, may each year expend no more than 25% of the funds allocated to that town or third-class city for the purchase of capital equipment and supplies to be used for the maintenance and repair of town or third-class city streets and alleys.

(5) All funds allocated by this section to counties, cities, towns, and consolidated city-county governments must be disbursed to the lowest responsible bidder according to applicable bidding procedures followed in all cases in which the contract for construction, reconstruction, maintenance, or repair is in excess of \$4,000.

(6) For the purposes of this section in which distribution of funds is made on a basis related to population, the population must be determined annually for counties and biennially for cities according to the latest official decennial census or the latest interim year population estimates from the Montana department of

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commerce as supplied by the United States bureau of the census.

(7) For the purposes of this section in which determination of mileage is necessary for distribution of funds, it is the responsibility of the cities, towns, counties, and consolidated city-county governments to furnish to the department of transportation a yearly certified statement indicating the total mileage within their respective areas applicable to this chapter. All mileage submitted is subject to review and approval by the department of transportation.

(8) Except by a town or third-class city as provided in subsection (4), the funds authorized by this section may not be used for the purchase of capital equipment.

(9) Funds authorized by this section must be used for construction and maintenance programs."

Insert: "Section 13. Section 15-70-125, MCA, is amended to read:

"15-70-125. Highway nonrestricted account. There is a highway nonrestricted account in the state special revenue fund. All interest and penalties collected under this chapter, except those collected by a justice's court, must, in accordance with the provisions of 15-1-501, be placed in the highway nonrestricted account. Beginning July 1, 2002, all interest and income earned on the account must be deposited to the credit of the account and any unexpended balance in the account must remain in the account."

Renumber: subsequent sections

5. Page 18, line 30.

Strike: "36"

Insert: "38"

6. Page 20, line 7.

Strike: "36"

Insert: "38"

7. Page 21, line 8.

Strike: "36"

Insert: "38"

8. Page 21, line 15.

Strike: "36"

Insert: "38"

9. Page 22, line 11.

Strike: "36"

Insert: "38"

10. Page 22, line 17.

Strike: "36"

Insert: "38"

11. Page 23, line 14.

Strike: "36"

Insert: "38"

12. Page 26, line 18.

Strike: "36"

Insert: "38"

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13. Page 28, line 6.

Strike: "36"

Insert: "38"

14. Page 44, line 16.

Following: "fees."

Insert: "(1) All registration fees from vehicles for which an original application for title or the original Montana registration is sought must be remitted to the state treasurer every 30 days. The state treasurer shall credit the payments to the highway restricted state special revenue account."

Renumber: subsequent subsections

15. Page 44, line 17.

Strike: "(2)"

Insert: "(3)"

16. Page 47, line 27.

Strike: "36"

Insert: "38"

17. Page 48, line 1.

Following: page 47

Insert: "(3) A county that imposes a local option tax in addition to the registration fee imposed under [sections 1 through 3] shall collect the local option tax on a vehicle for which an original application for title or the original Montana registration is sought."

Renumber: subsequent subsections

18. Page 48, line 11.

Following: line 10

Insert: "(5) The proceeds of the tax collected under [section 3] must be remitted to the state treasurer every 30 days. The state treasurer shall credit the payments to the highway restricted state special revenue account."

Renumber: subsequent subsection

19. Page 48, line 17.

Strike: "36"

Insert: "38"

20. Page 48, line 21.

Following: line 20

Insert: "(3) A county that imposes a local option tax in addition to the registration fee imposed under [sections 1 through 3] shall collect the local option tax on a vehicle for which an original application for title or the original Montana registration is sought."

Renumber: subsequent subsections

21. Page 48, line 24.

Following: line 23

Insert: "(5) The proceeds of the tax collected under [section 3] must be remitted to the state treasurer every 30 days. The state treasurer shall credit the payments to the highway restricted state special revenue account."

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Renumber: subsequent subsection

22. Page 51, line 1.

Strike: "36"

Insert: "38"

23. Page 53, line 5.

Strike: "36"

Insert: "38"

24. Page 53, line 7.

Strike: "36"

Insert: "38"

25. Page 53, line 19.

Strike: "2001"

Insert: "2002"

26. Page 54, line 25.

Strike: "[SECTION 44] IS"

Insert: "[Sections 12, 13, and 46] are"

27. Page 54, line 23.

Strike: "ON PASSAGE AND APPROVAL"

Insert: "December 31, 2000"

28. Page 54, line 24.

Strike: "2000"

Insert: "2001"

29. Page 54, line 25.

Strike: "2001"

Insert: "2002"

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

HB 674, be amended as follows:

1. Page 4, line 12.

Following: "15-65-121."

Insert: "Unless prohibited under terms of original receipt of the funds used to pay the lodging facility use tax, each fund shall reimburse the state general fund for the deposit made pursuant to 15-65-121."

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

HB 678, be amended as follows:

1. Title, line 7.

Following: "GOVERNMENTS"

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Insert: ", LOCAL TAXING JURISDICTIONS,"

2. Title, line 8 through line 15.

Strike: "REIMBURSING" on line 8 through "REIMBURSEMENTS;" on line 14

Strike: "SECTIONS" on line 14

Insert: "SECTION"

3. Title, line 15.

Strike: "20-9-141" through "20-10-145,"

4. Title, line 16.

Following: "PROVIDING"

Insert: "AN"

Strike: "DATES AND A TERMINATION"

5. Page 1, line 21 through page 21, line 20.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Local government and school reimbursement. (1) Each taxing jurisdiction, including but not limited to cities, towns, counties, school districts, tax increment financing districts, special districts, authorities, or miscellaneous taxing districts, but not including the state of Montana, is entitled to reimbursement for loss of tax base as a result of the passage of [House Bill No. 128, House Bill No. 174, House Bill No. 658, Senate Bill No. 184, Senate Bill No. 200, Senate Bill No. 260, and Senate Bill No. 530] as provided in this section.

(2)(a) Each taxing jurisdiction's base reimbursement amount is determined by the formula, $A * (1 - ((B + C) / (D + (E * 1.4))))$, in which:

(i) A is the revenue raised in the jurisdiction from mill levies and motor vehicle taxes under 61-3-504 in tax year 1998 and from local government reimbursement under 15-1-111 and 15-1-112 in fiscal year 1998, except that:

(A) if a mill levy that existed in 1998 is eliminated, then the portion of the 1998 revenue allocated to that levy in factor "A" is removed from the calculation of "A"; and

(B) mill levies established after January 1, 1999, may not be used in the calculation of factor "A";

(ii) B is taxable value in the most recent completed tax year of the jurisdiction;

(iii) C is the total, in the most recent completed tax year, of all the motor vehicle manufacturer's suggested retail prices, depreciated in accordance with 61-3-503, for light vehicles in the jurisdiction;

(iv) D is the taxable value in tax year 1998 of the jurisdiction; and

(v) E is the total, in tax year 1998, of all the motor vehicle manufacturer's suggested retail prices, depreciated in accordance with 61-3-503, for light vehicles in the jurisdiction.

(b) A taxing jurisdiction is not entitled to any reimbursement if the calculated reimbursement amount is zero or a negative number.

(3) The total reimbursable amount for each fiscal year is the total of all taxing jurisdiction base reimbursement amounts for the state. Each taxing jurisdiction is entitled to reimbursement equal to base reimbursement amount, or if an insufficient amount of money has been appropriated for total reimbursement under this section, then all the base reimbursement amounts must be reduced proportionally.

(4) The reimbursement payment must be made annually in two payments on July 1 and January 1 by the department to each county treasurer. Upon receipt of the reimbursement from the department, the county treasurer shall distribute the reimbursement to each taxing jurisdiction to be allocated to mill levies in proportion to 1998 revenue from mill levies and motor vehicle taxes under 61-3-504.

(5) The governor shall include the total reimbursable amount for both years of the ensuing biennium, increased or decreased by the same percentage that the previous year's individual income tax collections have

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changed from the 1999 tax year's individual tax collections, in the present law base budget prepared for each session."

Insert: "Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. (Temporary) Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; ~~15-1-111~~; 15-23-706; 15-30-195; 15-31-702; 15-36-324; 15-36-325; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-406; 16-1-411; 16-11-308; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 20-8-107; 20-8-111; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-131; 80-2-103; 80-2-222; 80-4-416; 81-5-111; 82-11-161; 85-20-402; 87-1-513; 90-3-301; 90-4-215; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; pursuant to sec. 7(2), Ch. 29, L. 1995, the inclusion of 15-30-195 terminates July 1, 2001; pursuant to sec. 5, Ch. 461, L. 1997, the inclusion of 77-1-131 terminates October 1, 2003; and pursuant to secs. 13, 16(1), Ch. 549, L. 1997, the inclusion of 90-3-301 terminates July 1, 1999.)

17-7-502. (Effective July 1, 2008) Statutory appropriations -- definition -- requisites for validity.

(1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-23-706; 15-30-195; 15-31-702; 15-36-324; 15-36-325; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; [16-1-406;] 16-1-411; 16-11-308; 17-3-106; 17-3-212; 17-3-222; 17-5-404; 17-5-804; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-205; 19-19-305; 19-19-506; 20-8-107; 20-9-361; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 50-5-232; 50-40-206; 53-6-150; 53-6-703; 53-24-206; 60-2-220; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-103; 80-2-222; 80-4-416; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 87-1-513; 90-4-215; 90-6-331; 90-7-220; 90-7-221; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,

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paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 68(2), Ch. 422, L. 1997, this version becomes effective July 1, 2008.)"

Insert: "NEW SECTION. Section 3. Repealer. Sections 15-1-111 and 15-1-112, MCA, are repealed."

NEW SECTION. Section 4. Coordination instruction. (1) If any of the following is passed and approved in a form that contains a reimbursement mechanism for local government, then:

(a) in House Bill No. 128:

(i) [sections 19 and 20], third reading copy, are void;

(ii) [section 18] must read as follows:

NEW SECTION. Section 18. Distribution of retail telecommunications excise tax revenue. After retaining an allowance for refunds, retail telecommunications excise tax revenue collected by the department must be deposited in the state general fund."

(b) in House Bill No. 174, [section 15] of the second reading second house copy is void; and

(c) in Senate Bill No. 200, [sections 1 and 26] of the enrolled bill, are void; and

(d) in House Bill No. 658, Senate Bill No. 184, Senate Bill No. 260, or Senate Bill No. 530, any section that contains a reimbursement mechanism for local government is void.

(3) If Senate Bill No. 260 and [this act] are both passed and approved, then [section 3] of Senate Bill No. 260, amending 61-3-509, must read as follows:

"**Section 3.** Section 61-3-509, MCA, is amended to read:

61-3-509. Disposition of taxes. (1) Except as provided in subsection (2), the county treasurer shall, after deducting the district court fee, credit all taxes on motor vehicles and fees in lieu of tax on motorcycles, quadricycles, motor homes, travel trailers, campers, trailers, pole trailers, semitrailers, buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors collected under 61-3-504, 61-3-521, 61-3-527, 61-3-529, and 61-3-537, to a motor vehicle suspense fund. At some time between March 1 and March 10 of each year and every 60 days after that date, the county treasurer shall distribute the money in the motor vehicle suspense fund. ~~Except for taxes collected under 61-3-504, the county treasurer shall distribute the money in the fund~~ in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed. ~~For money in the fund collected under 61-3-504, the county treasurer shall disregard the statewide mills levied for the university system and the mills levied for state equalization aid under 20-9-360 in determining distribution proportions of the money and may not distribute money from 61-3-504 to the state for either levy. If the distribution of money collected under 61-3-504 to a school district general fund results in a lower revenue than the district received in fiscal year 1999 and the district has, for all years after fiscal year 1999, received less revenue than fiscal year 1999, then the district general fund is entitled to state reimbursement for the amount of the difference between the fiscal year 1999 revenue and the current year distributions of collections under 61-3-504.~~

(2) The county treasurer shall deduct as a district court fee ~~7%~~ 10% of the amount of the ~~2%~~ tax collected on light vehicles under 61-3-504(1). The county treasurer shall credit the fee for district courts to a separate suspense account and shall forward the amount in the account to the state treasurer at the time that the county treasurer distributes money from the motor vehicle suspense fund. The state treasurer shall credit amounts received under this subsection to the state special revenue fund to be used for purposes of state funding of district court expenses as provided in 3-5-901."

(4) If House Bill No. 90 and Senate bill No. 260 are passed and approved and amend 20-9-141, then section 20-9-141 must read as follows:

"Section 20-9-141, MCA is amended to read:

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"20-9-141. Computation of general fund net levy requirement by county superintendent. (1) The county superintendent shall compute the levy requirement for each district's general fund on the basis of the following procedure:

(a) Determine the funding required for the district's final general fund budget less the sum of direct state aid and the special education allowable cost payment for the district by totaling:

(i) the district's nonisolated school BASE budget requirement to be met by a district levy as provided in 20-9-303; and

(ii) any general fund budget amount adopted by the trustees of the district under the provisions of 20-9-308 and 20-9-353, including any additional funding for a general fund budget that exceeds the maximum general fund budget.

(b) Determine the money available for the reduction of the property tax on the district for the general fund by totaling:

(i) the general fund balance reappropriated, as established under the provisions of 20-9-104;

(ii) ~~amounts received in the last fiscal year for which revenue reporting was required for each of the following:~~

~~(A) anticipated~~ tuition payments for out-of-district pupils under the provisions of 20-5-321 through 20-5-323, except the amount of tuition received for a pupil who is a child with disabilities in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2);

~~(B)(iii) anticipated~~ revenue from taxes and fees imposed under 23-2-517, 23-2-803, 61-3-504, 61-3-521, 61-3-527, 61-3-529, 61-3-537, and 67-3-204;

~~(C)(iv) anticipated~~ oil and natural gas production taxes;

~~(v) pursuant to subsection (4), anticipated~~ revenue from coal gross proceeds under 15-23-703;

~~(D)(vi) anticipated~~ interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4);

~~(E) (vii) anticipated~~ revenue from corporation license taxes collected from financial institutions under the provisions of 15-31-702; and

~~(F) (viii) any other revenue received~~ anticipated during the school fiscal year that may be used to finance the general fund, excluding any guaranteed tax base aid; ~~and~~

~~(iii) pursuant to subsection (4), anticipated~~ revenue from coal gross proceeds under 15-23-703.

(c) Notwithstanding the provisions of subsection (2), subtract the money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from any general fund budget amount adopted by the trustees of the district, up to the BASE budget amount, to determine the general fund BASE budget levy requirement.

(d) Subtract any amount remaining after the determination in subsection (1)(c) from any additional funding requirement to be met by an over-BASE budget amount, a district levy as provided in 20-9-303, and any additional financing as provided in 20-9-353 to determine any additional general fund levy requirements.

(2) The county superintendent shall calculate the number of mills to be levied on the taxable property in the district to finance the general fund levy requirement for any amount that does not exceed the BASE budget amount for the district by dividing the amount determined in subsection (1)(c) by the sum of:

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

(b) the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202, divided by 1,000.

(3) The net general fund levy requirement determined in subsections (1)(c) and (1)(d) must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the general fund net levy requirement for the district, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) For each school district, the department of revenue shall calculate and report to the county superintendent the amount of revenue anticipated for the ensuing fiscal year from revenue from coal gross

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proceeds under 15-23-703." ""

Insert: "NEW SECTION. Section 5. Allocation of reimbursement. There is allocated \$80 million from the general fund to the department of revenue for reimbursement to taxing jurisdictions as provided in [section 1]."

Insert: "NEW SECTION. Section 6. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 1, part 1, and the provisions of Title 15, chapter 1, part 1, apply to [section 1]."

Insert: "NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 1999."

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

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 459
Report No. 1, April 13, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 459** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 459** (reference copy -- salmon) be amended as follows:

1. Page 1, line 18.

Following: "Montana"

Insert: "or of another state who has the power to make arrests"

2. Page 2, line 14.

Following: "~~criminal records~~"

Insert: "criminal records"

3. Page 2, line 15.

Strike: "THAT SATISFIES THE REQUIREMENTS OF 18 U.S.C. 922(D)"

4. Page 2, line 24 through page 3, line 1.

Strike: subsection (3) in its entirety

Insert: "(3) A determination or declaration of a Montana government entity, official, or employee is not necessary to the existence and exercise of the privilege granted by this section."

For the House:

R. Clark, Chairman
P. Clark
Curtiss

For the Senate:

McNutt, Chairman
Bartlett
J. Wells

MESSAGES FROM THE GOVERNOR

April 13, 1999

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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 20, "**AN ACT ESTABLISHING A MULTISPECIES FISH HATCHERY NEAR FORT PECK DAM; CREATING THE WARM WATER GAME FISH SURCHARGE AND WARM WATER GAME FISH STAMP THAT WILL ALLOW A LICENSEE TO FISH IN DESIGNATED WATERS FOR WARM WATER GAME FISH; DEDICATING SURCHARGE REVENUE; CREATING AN ACCOUNT AND PROVIDING FOR ADMINISTRATION OF THE ACCOUNT BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; PROHIBITING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM USING FOR THE HATCHERY MORE MONEY THAN IS IN THE ACCOUNT ESTABLISHED FOR THE HATCHERY; AND PROVIDING A CONTINGENT VOIDNESS PROVISION**" for the following reasons.

House Bill 20 establishes a fish hatchery near Fort Peck Dam. A technical error in some of the amendments that were added to the bill prohibit the Department of Fish, Wildlife and Parks from spending federal money for the hatchery even if federal money becomes available and is appropriated in House Bill 5. I am proposing amendments to make it clear that both state and federal special revenue accounts are to be established for the deposit of money received for the hatchery and that the Department may spend money from both of those accounts on the project.

Representative Kitzenberg, the sponsor of the bill, is in agreement with the proposed amendment.

Sincerely,

MARC RACICOT
Governor

**GOVERNOR'S AMENDMENTS
TO HOUSE BILL 20**

1. Title, line 10.
Strike: "AN ACCOUNT"
Insert: "ACCOUNTS"

2. Title, line 11.
Strike: "ACCOUNT"
Insert: "ACCOUNTS"

3. Title, line 13.

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Strike: "ACCOUNT"
Insert: "ACCOUNTS"

4. Page 3, line 8.
Following: "ANY"
Insert: "nonfederal"

5. Page 3, line 9.
Following: " _"
Insert: "There is an account in the federal special revenue fund into which must be deposited all federal money received for purposes of the Fort Peck multispecies fish hatchery and from which the Department may use funds for the hatchery authorized in [section 1]."

MOTIONS

HB 626 - Senator J. Bohlinger moved that he be allowed to change his vote on HB 626, second reading this legislative day, from nay to aye. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Wednesday, April 14, 1999. Motion carried.

Senate adjourned at 5:12 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate