

**SENATE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 19, 1999

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

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

Miller, Chairman

Senator Wilson present at this time.

BILLS AND JOURNAL (Miller, Chairman): 4/19/1999

Correctly printed: HJR 36.

Signed by the Secretary of Senate at 11:30 a.m., April 17, 1999: SB 170, SB 305, SB 306, SB 353, SB 372, SB 381, SB 388, SB 393, SB 401, SB 411, SB 417, SB 421, SB 426, SB 429, SB 434, SB 462, SR 5, SR 6.

Signed by the Secretary of Senate at 9:30 a.m., April 19, 1999: SB 10, SB 20, SB 54, SB 79, SB 113, SB 169, SB 172, SB 192, SB 274, SB 342, SB 424, SB 500, SB 532.

Signed by the President at 7:45 a.m., April 19, 1999: SB 172, SB 192, SB 342.

Signed by the President at 8:00 a.m., April 19, 1999: SB 10, SB 20, SB 54, SB 79, SB 113, SB 169, SB 274, SB 424, SB 500, SB 532.

Delivered to the Secretary of State at 10:15 a.m., April 19, 1999: SR 5, SR 6.

STATE ADMINISTRATION (Cole, Chairman): 4/19/1999

FINAL REPORT

SR 7, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on Senate Bill 81

Report No. 1, April 17, 1999

Mr. President and Mr. Speaker:

We, your **Free** Conference Committee met and considered **Senate Bill 81** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **Senate Bill 81** (reference copy -- salmon) be amended as follows:

1. Title, line 22.

Strike: "EXCESS"

Insert: "TOBACCO SETTLEMENT PROCEED"

2. Page 7, line 29.

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Strike: "EXCESS"

Insert: "Tobacco settlement"

Following: "FUND."

Insert: "Funds received from the tobacco settlement must be deposited in the general fund."

Following: "THE"

Insert: "children's health insurance"

3. Page 8, line 3.

Following: the first "FROM"

Insert: "the general fund from"

Strike: "2000"

Insert: "2001"

4. Page 8, line 18 and line 20.

Strike: "9" in both places

Insert: "10" in both places

For the Senate:

Harp, Chairman
Christiaens
Keenan

For the House:

L. Soft, Chairman
Noennig
Squires

FREE CONFERENCE COMMITTEE
on Senate Bill 111
Report No. 1, April 16, 1999

Mr. President and Mr. Speaker:

We, your **Free** Conference Committee met and considered **Senate Bill 111** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **Senate Bill 111** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

Following: "TAXATION;"

Insert: "PHASING IN THE EXEMPTION FOR PROPERTY THAT IS CENTRALLY ASSESSED; REQUIRING RULEMAKING TO DETERMINE THE VALUATION METHODOLOGY FOR INTANGIBLE PERSONAL PROPERTY; REQUIRING REPORTS TO THE LEGISLATURE;"

2. Title, line 11.

Strike: "A DELAYED"

Insert: "AN IMMEDIATE"

Strike: "AN"

Strike: the second "DATE"

Insert: "DATES"

3. Page 1, line 16.

Strike: second "Intangible"

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Insert: "Except as provided in subsection (3), intangible"

4. Page 1, line 24.

Insert: "(3) The exemption for intangible personal property that is centrally assessed, other than property under 15-23-101(4) and (5), must be phased in over 3 years beginning in tax year 2000. Ten percent of the intangible personal property is exempt for tax year 2000, and two-thirds of the intangible personal property is exempt for tax year 2001. Centrally assessed intangible personal property is fully exempt from taxation in tax year 2002 and thereafter.

(4) The department shall adopt administrative rules prior to valuation determinations for tax year 2000 that specify the valuation methodology for centrally assessed intangible personal property. To the extent that the unit value includes intangible personal property, that value must be removed from the unit value according to the provisions in subsection (3).

(5) The department must report intangible personal property annually to the revenue and taxation interim committee of the Montana legislature and to the Montana legislature meeting in the year 2001."

5. Page 8, line 18.

Strike: "January 1, 2000,"

Insert: "on passage and approval"

6. Page 8, line 19.

Strike: "applies"

Insert: "[sections 1 through 7 and 11 through 13] apply"

Following: "1999."

Insert: "[Sections 8, 9, and 10] apply to property tax years beginning after December 31, 2002."

For the Senate:

DePratu, Chairman
Devlin
Halligan (unsigned)

For the House:

Hibbard, Chairman
Harrington (unsigned)
Somerville

FREE CONFERENCE COMMITTEE
on House Bill 11
Report No. 1, April 16, 1999

Mr. Speaker and Mr. President:

We, your **Free** Conference Committee met and considered **House Bill 11** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **House Bill 11** (reference copy -- salmon) be amended as follows:

1. Page 6, line 26.

Following: "ENACTED"

Insert: "or is invalidated by a final judicial decision"

For the House:

Mood, Chairman

For the Senate:

T. Beck, Chairman

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McCann
Sliter

Lynch
Swysgood

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 13
Report No. 1, April 19, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 13** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 13** (reference copy -- salmon) be amended as follows:

1. Page 25, line 9.
Strike: "3 YEARS"
Insert: "6 months"

2. Page 25, line 12.
Strike: "3 YEARS"
Insert: "6 months"

For the House:

R. Johnson, Chairman (unsigned)
Menahan
Witt

For the Senate:

Keating, Chairman (unsigned)
T. Beck
Doherty

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 488
Report No. 1, April 19, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 488** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 488** (reference copy -- salmon) be amended as follows:

1. Title, line 8 through line 9.
Strike: "ALLOW" on line 8 through "CHARGE A" on line 9
Insert: "ENSURE THAT MONTANA RESIDENTS DO NOT NEED TO HAVE A STATE LICENSE OR TO PAY A STATE"

2. Page 1, line 29.
Following: "not"
Insert: "not"

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3. Page 1, line 30.

Strike: "IN" through "LANDS"

4. Page 2, line 5.

Strike: "ALLOWING" through "REQUIRE"

Insert: "prohibiting the state from requiring"

5. Page 2, line 7.

Strike: "ALLOWING" through "REQUIRE"

Insert: "prohibiting the state from requiring"

For the House:

Wagner, Chairman
Fuchs (unsigned)
Golie

For the Senate:

Bishop, Chairman
Franklin
Swysgood (unsigned)

MESSAGES FROM THE GOVERNOR

April 17, 1999

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

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

Dear President Crippen and Speaker Mercer:

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 Senate Bill 270, "**AN ACT ALLOWING A COUNTY TO CHARGE THE DEPARTMENT OF REVENUE FOR SPACE PROVIDED IN A COUNTY COURTHOUSE OR OTHER COUNTY BUILDING; LIMITING THE AMOUNT THAT CAN BE CHARGED; AND AMENDING SECTION 15-8-102, MCA,**" for the following reason.

Senate Bill 270 provides the mechanism for counties to charge rent to the Department of Revenue for county office space. The language of the bill authorizes counties to charge rent only for the Department's "assessment and appraisal staff." The Department plans to co-locate in some counties its employees who work on unemployment and income taxation as well as on property taxes. The use of the words "assessment and appraisal" will create confusion about exactly what the counties' authority is with respect to charging rent to the Department.

For these reasons I am returning Senate Bill 270 with a proposed amendment that would remove the confusing language. It is my understanding that Senator Devlin, the sponsor of the bill, is agreeable with the amendment.

Sincerely,

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Marc Racicot
Governor

**GOVERNOR'S AMENDMENTS TO
Senate Bill No. 270**

1. Page 1, line 13.
Strike: "assessment and appraisal"

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to Senate bill concurred in and returned to the Senate: 4/17/1999

SB 166, introduced by Lynch

Free conference committee report #1 **rejected** by committee of the whole: 4/17/1999

SB 97, introduced by S. Stang

Free conference committee report #1 **adopted**: 4/19/1999

HB 478, introduced by G. Golie

Senate amendments to House bills concurred in: 4/19/1999

HB 260, introduced by D. Mood

HB 530, introduced by D. McGee

HB 641, introduced by C. Squires

HB 647, introduced by B. Raney

HB 669, introduced by B. Story

MOTIONS

HB 313 - Senator B. Stang moved that HB 313 be taken from the committee on Finance and Claims, printed and placed on second reading this legislative day. Motion **failed** as follows:

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

Total 20

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

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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SB 97 - Senator Harp moved that the **Free** Conference Committee on SB 97 be **dissolved** and that the President be authorized to reappoint a **Free** Conference Committee on SB 97. Motion carried. The President appointed the following members:

Senator Hargrove, Chairman
Senator Grosfield
Senator Stang

SB 406 - Senator Harp moved that the **Free** Conference Committee on SB 406 be **dissolved** and that the President be authorized to reappoint a **Free** Conference Committee on SB 406. Motion carried. The President appointed the following members:

Senator Thomas, Chairman
Senator Berry
Senator Doherty

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 205, Conference Committee Report No. 1, adopted 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, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: Bishop, Miller.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 271, as amended by the Governor, passed as follows:

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

Nays: Ellingson, Franklin.
Total 2

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 14, as amended by the House, adopted as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 41

Nays: Crismore, Devlin, Keenan, Mesaros, Miller, Mohl, Swysgood, Taylor, Toews.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 20, as amended by the House, adopted 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, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 46

Nays: Bartlett, Miller, Mohl, Tester.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 185, as amended by the Governor, concurred in as follows:

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

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 337, Free Conference Committee Report No. 1, adopted as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 420, Conference Committee Report No. 1, adopted as follows:

Yeas: Beck, Berry, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Swysgood, Taylor, Thomas, Toews, Waterman, Wells, Mr. President.
Total 38

Nays: Bartlett, Bishop, Christiaens, Doherty, Ellingson, Franklin, Lynch, McCarthy, Shea, Stang, Tester, Wilson.
Total 12

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 470, Conference Committee Report No. 1, adopted 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, Toews, Waterman, Wells, Wilson, Mr. President.

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Total 48

Nays: Bartlett, Nelson.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 512, as amended by the Governor, concurred in as follows:

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

Total 47

Nays: Devlin, Swysgood, Toews.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 616, as amended by the Governor, 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

HJR 36 concurred in as follows:

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Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, 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 7 - Senator M. Cole moved that the nomination transmitted by the Governor be concurred in, confirmed, and consented to by the Senate in accordance with Senate Resolution 7, 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

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on Senate Bill 97
Report No. 2, April 19, 1999

Mr. President and Mr. Speaker:

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We, your **Free** Conference Committee met and considered **Senate Bill 97** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **Senate Bill 97** (reference copy -- salmon) be amended as follows:

1. Page 11, line 22.

Strike: "SHALL"

Insert: "may, in their discretion,"

For the Senate:

Hargrove, Chairman
Grosfield
Stang

For the House:

Bitney, Chairman
Noennig
Squires (unsigned)

FREE CONFERENCE COMMITTEE
on Senate Bill 406
Report No. 2, April 19, 1999

Mr. President and Mr. Speaker:

We, your **Free** Conference Committee met and considered **Senate Bill 406** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **Senate Bill 406** (reference copy -- salmon) be amended as follows:

1. Page 22, line 24.

Strike: "OR"

Insert: "of"

For the Senate:

F. Thomas, Chairman
Berry
Doherty

For the House:

R. Johnson, Chairman
E. Bergsagel
Ewer

FREE CONFERENCE COMMITTEE
on House Bill 57
Report No. 1, April 16, 1999

Mr. Speaker and Mr. President:

We, your **Free** Conference Committee met and considered **House Bill 57** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

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And, recommend that **House Bill 57** (reference copy -- salmon) be amended as follows:

1. Page 3, line 16.

Strike: "JANUARY 1, 2001"

Insert: "July 1, 2000"

For the House:

R. Johnson, Chairman
Buzzas
McKenney

For the Senate:

Glaser, Chairman
F. Thomas
Wilson

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 127
Report No. 1, April 19, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 127** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 127** (reference copy -- salmon) be accepted by the House.

For the House:

Kasten, Chairman
R. Johnson
Mangan (unsigned)

For the Senate:

Keenan, Chairman
Bishop
Halligan

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 626
Report No. 1, April 19, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 626** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 626** (reference copy -- salmon) be amended as follows:

1. Page 2, line 11.

Strike: "100"

Insert: "75"

2. Page 2, line 13.

Strike: "100"

Insert: "75"

For the House:

For the Senate:

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Trexler, Chairman
Harper
Simon

Bishop, Chairman
Ekegren
Ellingson

MESSAGES FROM THE OTHER HOUSE

HJR 2 - The House failed to concur in Senate amendments to HJR 2, authorized the Speaker to appoint the following free conference committee, and requested that the Senate appoint a like committee to confer on HJR 2:

4/19/1999

Representative Hibbard, Chairman
Representative Harrington
Representative Story

SPECIAL ORDERS OF THE DAY

Senators Bartlett, Hertel, Mesaros, Stang, Toews and Wilson, who will be leaving the Senate due to term limits, after having served 8 years, gave brief speeches telling of their legislative experiences and the enjoyment they have received serving in the Senate.

**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 Keating in the chair.

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

SB 81 - Free Conference Committee Report No. 1 - Senator J. Harp moved the Free Conference Committee report to SB 81 be adopted. Motion carried unanimously.

SB 111 - Free Conference Committee Report No. 1 - Senator B. DePratu moved the Free Conference Committee report to SB 111 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, Roush, Shea, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.
Total 35

Nays: Bartlett, Christiaens, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Stang, Tester, Waterman, Wilson.
Total 15

Absent or not voting: None.
Total 0

Excused: None.

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Total 0

SB 270 - Governor's Amendments - Senator G. Devlin moved Governor's amendments to SB 270 be concurred in. Motion carried unanimously.

SB 534 - House Amendments - Senator B. Keenan moved House amendments to SB 534 be concurred in. Motion carried unanimously.

HB 5 - Free Conference Committee Report No. 1 - Senator T. Beck moved the **Free** Conference Committee report to HB 5 be adopted. Motion carried unanimously.

HB 11 - Free Conference Committee Report No. 1 - Senator T. Beck moved the **Free** Conference Committee report to HB 11 be adopted. Motion carried unanimously.

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

MOTIONS

HJR 2 - Senator Harp moved that the President be authorized to appoint a **Free** Conference Committee on HJR 2 to meet with a like committee from the House to confer on HJR 2. Motion carried. The President appointed the following members:

Senator Devlin, Chairman
Senator DePratu
Senator Waterman

Majority Leader Harp moved that the Senate stand in recess until the hour of 3:15 p.m. this day. Motion carried.

Senate recessed at 2:50 p.m.

Senate reconvened at 3:27 p.m.

Roll Call. All members present. Quorum present.

**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 Keating in the chair.

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

SB 97 - Free Conference Committee Report No. 2 - Senator S. Stang moved the Free Conference Committee

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report to SB 97 be adopted. Motion carried unanimously.

SB 406 - Free Conference Committee Report No. 2 - Senator S. Doherty moved the Free Conference Committee report to SB 406 be adopted. Motion carried unanimously.

HB 57 - Free Conference Committee Report No. 1 - Senator B. Glaser requested that HB 57 be placed at the bottom of the second reading board while waiting for a copy of the report. Request granted.

HB 127 - Conference Committee Report No. 1 - Senator B. Keenan moved the Conference Committee report to HB 127 be adopted. Motion carried unanimously.

HB 488 - Conference Committee Report No. 1, requiring 2/3 of entire legislature - Senator A. Bishop moved the Conference Committee report to HB 488 be adopted. Motion received the following vote:

Yeas: Bishop, Christiaens, DePratu, Doherty, Ekegren, Ellingson, Franklin, Halligan, Keenan, Lynch, Miller, Shea, Sprague, Wells, Wilson.

Total 15

Nays: Bartlett, Beck, Berry, Bohlinger, Cocchiarella, Cole, Crismore, Devlin, Eck, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Mr. President.

Total 35

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 488 - Conference Committee Report No. 1 -Senator C. Swysgood moved that HB 488 be indefinitely postponed. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Christiaens, Cocchiarella, Cole, Crismore, Devlin, Eck, Ellis, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Mahlum, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Swysgood, Taylor, Tester, Thomas, Toews, Mr. President.

Total 32

Nays: Bishop, Bohlinger, DePratu, Doherty, Ekegren, Ellingson, Franklin, Glaser, Halligan, Lynch, McCarthy, Miller, Sprague, Stang, Waterman, Wells, Wilson.

Total 17

Absent or not voting: Keenan.

Total 1

Excused: None.

Total 0

HB 626 - Conference Committee Report No. 1 - Senator A. Bishop moved the Conference Committee report to HB 626 be adopted. Motion carried as follows:

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Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, Miller, Shea, Sprague, Taylor, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 35

Nays: Beck, Crismore, Devlin, Eck, Harp, Hertel, McNutt, Mesaros, Mohl, Nelson, Roush, Stang, Swysgood, Tester, Toews.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Devlin assumed the chair.

HB 13 - Conference Committee Report No. 1 - Senator T. Keating moved the Conference Committee report to HB 13 be adopted. After discussion, Senator Keating made a substitute motion that the Conference Committee Report to HB 13 be **not** adopted. Motion **failed** as follows:

Yeas: Bartlett, Crismore, Ekegren, Franklin, Grosfield, Jabs, Keating, Keenan, Miller, Mohl, Roush, Sprague, Taylor, Tester, Wells.

Total 15

Nays: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Devlin, Doherty, Eck, Ellingson, Ellis, Glaser, Grimes, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Nelson, Shea, Stang, Swysgood, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 35

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Thereupon, the original motion of Senator Keating that the Conference Committee report to HB 13 be adopted, carried as follows:

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

Total 37

Nays: Bartlett, Crismore, Ekegren, Franklin, Keating, Keenan, Miller, Nelson, Roush, Sprague, Taylor, Tester, Wells.

Total 13

Absent or not voting: None.

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Total 0

Excused: None.
Total 0

Senator Keating resumed the chair.

HB 57 - Free Conference Committee Report No. 1 - Senator B. Glaser moved the Free Conference Committee report to HB 57 be adopted. Motion carried unanimously.

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

MOTIONS

HB 488 - Senator Harp moved that the Senate reconsider its action in indefinitely postponing the Conference Committee Report to HB 488 during second reading this legislative day. Motion carried.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on House Bill 533
Report No. 1, April 19, 1999

Mr. Speaker and Mr. President:

We, your **Free** Conference Committee met and considered **House Bill 533** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **House Bill 533** (reference copy -- salmon) be amended as follows:

1. Page 2, line 6.

Following: the first "license."

Insert: "Resident minors who are 15 years of age may hunt migratory game birds with only a conservation license."

2. Page 2, line 15.

Following: "~~license~~."

Insert: "(2) A resident, as defined by 87-2-102, under 15 years of age may purchase Class A-3 and A-5 licenses at a price equal to one-half the fee paid by a resident who is 15 years of age or older and under 62 years of age."

3. Page 2, line 16.

Strike: "(2)"

Insert: "(3)"

4. Page 3, line 1 through line 2.

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

Renumber: subsequent subsections

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5. Page 3, line 8 through line 9.

Strike: "FOR" on line 8 through "LICENSE." on line 9

For the House:

Walters, Chairman
Gallus
Shockley

For the Senate:

Mesaros, Chairman
McCarthy
M. Taylor

MESSAGES FROM THE GOVERNOR

April 19, 1999

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

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

Dear President Crippen and Speaker Mercer:

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 Senate Bill 186, "**AN ACT PROVIDING FOR BREATH TESTS FOR PERSONS SUSPECTED OF CARRYING A CONCEALED WEAPON WHILE UNDER THE INFLUENCE OF ALCOHOL; REGULATING TEST ADMINISTRATION AND USE; PROVIDING FOR REVOCATION OF A PERMIT FOR REFUSAL TO TAKE A TEST; REVISING THE PLACES INSIDE OF WHICH A CONCEALED WEAPON MAY NOT BE CARRIED; AND AMENDING SECTIONS 45-8-327 AND 45-8-328, MCA,**" for the following reasons.

Senate Bill 186 changes current law to permit the carrying of concealed weapons in, among other places, bars and restaurants where alcohol is served. The problems that may arise from such a relaxation of the law as it pertains to bars and restaurants where alcohol is served, seem obvious. In an effort to address such concerns, the bill gives peace officers permission to request breath tests of those in bars and restaurants who appear to be under the influence of an alcoholic beverage.

The current prohibition against carrying a concealed weapon in a bar or restaurant has been on the books since 1991. Since that time Montana's population has increased, more alcohol is served and more permits are issued for concealed weapons. Although I can understand the reasons for changing the law as it pertains to those places other than a bar or restaurant where alcohol is served, I feel strongly that these amendments, as they pertain to carrying a concealed weapon in a bar or restaurant where alcohol is served, are ill-advised.

My proposed amendments would keep in place the prohibition on carrying concealed weapons into bars and restaurants where alcohol is served. Without the ability to carry concealed weapons in bars and restaurants where alcohol is served, there is no need for Section 1 of the Senate Bill 186, which authorizes breath tests in these establishments, and so I am proposing that Section 1 be struck from the bill as well. The amendments leave in place

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the provisions in the bill that permit carrying concealed weapons while using a drive-up bank window, an automatic teller machine or unstaffed financial services locations.

For these reasons I am returning Senate Bill 186 with proposed amendments.

Sincerely,

Marc Racicot
Governor

**GOVERNOR'S AMENDMENTS TO
Senate Bill No. 186**

1. Title, lines 1 through 7.

Following: "ACT" on line 1

Strike: "PROVIDING" on line 1 through "TEST;" on line 7

2. Title, line 8.

Strike: "SECTIONS 45-8-327 AND"

Insert: "SECTION"

3. Page 1, line 12 through page 2, line 9.

Strike: section 1 in its entirety

Renumber: subsequent section

4. Page 2, line 17.

Strike: "OR"

5. Page 2, line 27.

Strike: " _ "

Insert: " ; or "

(c) a room in which alcoholic beverages are sold, dispensed, and consumed under a license issued under Title 16 for the sale of alcoholic beverages for consumption on the premises."

6. Page 2, line 29.

Strike: "established in subsection (1)"

April 19, 1999

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

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

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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 an amendment House Bill 90, "**AN ACT AUTHORIZING A DISTRICT TO ANTICIPATE THE AMOUNT OF CERTAIN NONLEVY REVENUE FOR COMPUTATION OF THE GENERAL FUND LEVY REQUIREMENT; CLARIFYING THE TAXABLE VALUATION USED TO CALCULATE THE NUMBER OF MILLS LEVIED; AUTHORIZING A DISTRICT TO IMPOSE A LEVY TO ELIMINATE ANY NEGATIVE FUND BALANCE AND RESTORE RESERVES TO THE PRIOR YEAR'S OPERATING RESERVE; AMENDING SECTION 20-9-141, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, AN APPLICABILITY DATE, AND A TERMINATION DATE,**" for the following reasons.

House Bill 90 authorizes school districts to anticipate the amount of certain nonlevy revenue when they are computing the general fund levy. According to current law, the previous year's motor vehicle tax collections are utilized to establish the budget and levy requirements of every district each year. Due to the passage of Senate Bill 260, however, taxation on motor vehicles will decline as a source of nonlevy revenue in school districts throughout the State.

Because motor vehicle tax revenues will fall short of previous year's revenues due to the reductions in Senate Bill 260, districts will be left with a shortage of revenues to reach their approved base budgets. This amendment will correct the situation, allowing districts to estimate their projected revenues from motor vehicle taxes so that they can levy adequate mills to fund their base budgets.

Representative Hagener, the sponsor of the bill, is aware of and agrees with this proposed amendment.

Sincerely,

MARC RACICOT
Governor

**GOVERNOR'S AMENDMENTS
TO HB 90**

1. Page 2, line 5.

Strike: "AND"

2. Page 2, line 6.

Following: "(vi)"

Insert: "anticipated revenue from taxes and fees imposed under 61-3-504 and 61-3-537 in an amount that is no less than 75% of the previous year's revenue from these sources; and
(vii)"

3. Page 2, line 11.

Strike: "61-3-504"

4. Page 2, line 12.

Strike: "61-3-537"

April 19, 1999

The Honorable John Mercer

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Speaker of the House
State Capitol
Helena MT 59620

The Honorable Bruce Crippen
President of the Senate
State Capitol
Helena, MT 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 an amendment House Bill 321, **“AN ACT REQUIRING THE DEPARTMENT OF COMMERCE TO INSPECT ELEVATORS, ESCALATORS, DUMBWAITERS, INCLUDING DUMBWAITERS WITH AUTOMATIC TRANSFER DEVICES, MOVING WALKS, MATERIAL LIFTS, WHEELCHAIR LIFTS, AND STAIRWAY CHAIR LIFTS TO ENSURE COMPLIANCE WITH THE STATE BUILDING CODE; EXCEPTING PRIVATE RESIDENCES AND FARM AND RANCH OPERATIONS FROM THE REQUIREMENT; AND AMENDING SECTIONS 50-60-701, 50-60-702, AND 50-60-703, MCA; AND PROVIDING AN EFFECTIVE DATE,”** for the following reasons.

House Bill 321 expands the elevator inspection program to make the inspection mandatory and to include freight elevators. The existing inspection program is permissive and is limited to passenger elevators. The fiscal note states that because of the additional estimated 1,000 freight elevators to be inspected, the workload of the program will increase by 80%, and an additional 1.5 FTE will be required.

While the expanded program is to be funded by inspection fees, there is no spending authority in House Bill 2, nor does House Bill 2 provide for the 1.5 FTE needed to carry out the inspections. The existing program cannot handle the increased workload nor can it absorb the additional costs within its existing budget. Consequently, I am proposing that House Bill 321 be rendered void if adequate resources are not provided in House Bill 2.

It is my understanding that Representative Fuchs, the sponsor of the bill, understands the need for the proposed amendment.

Sincerely,

MARC RACICOT
Governor

**GOVERNOR'S AMENDMENTS
TO HB 321**

1. Page 3.

Following: line 18.

Insert: **“NEW SECTION. Section 5. Contingent voidness.** [This Act] is void if the necessary spending authority and additional 1.5 FTE assumed in the fiscal note are not included in House Bill No. 2.

Renumber: subsequent section

MESSAGES FROM THE OTHER HOUSE

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SB 323, introduced by S. Doherty, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, **failed** in the House on third reading and was transmitted to the Senate with the following vote:

Yeas - 50
Nays - 50

4/19/1999

Senate joint resolution concurred in and returned to the Senate:

4/19/1999

SJR 21, introduced by Hargrove

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Thomas introduced the Senate pages for the last week of the fifty-sixth legislature.

Majority Leader Harp moved that the Senate adjourn until 10:00 a.m., Tuesday, April 20, 1999. Motion carried.

Senate adjourned at 4:42 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate