

**SENATE JOURNAL
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
April 20, 1999

Senate Chambers
State Capitol

Senate convened at 10:00 a.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 4/20/1999
Correctly enrolled: SB 33, SB 164, SB 166, SB 195, SB 199, SB 220, SB 229, SB 265, SB 302, SB 333, SB 334, SB 430, SB 441, SB 454, SB 458, SB 460, SB 487, SB 492, SB 530, SJR 14, SJR 16, SJR 18, SJR 20, SJR 21, SR 7.
Examined by the sponsor and found to be correct: SB 33, SB 164, SB 166, SB 195, SB 199, SB 220, SB 229, SB 265, SB 302, SB 333, SB 334, SB 430, SB 441, SB 454, SB 458, SB 460, SB 487, SB 492, SB 530, SJR 14, SJR 16, SJR 18, SJR 20, SJR 21, SR 7.
Signed by the Speaker at 10:44 a.m., April 20, 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.
Delivered to the Governor for his approval at 11:20 a.m., April 20, 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.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on House Joint Resolution 2
Report No. 1, April 20, 1999

Mr. Speaker and Mr. President:

We, your **Free Conference Committee** met and considered **House Joint Resolution 2** (reference copy -- salmon) and recommend this **Free Conference Committee** report be adopted.

And, recommend that **House Joint Resolution 2** (reference copy -- salmon) be amended as follows:

1. Page 3, line 5.
Strike: "\$1,053,122,000" through "\$1,105,249,000"
Insert: "\$1,068,122,000, \$1,128,363,000, and \$1,125,835,000"

2. Page 6, line 10.
Strike: "11.228 8.823"
Insert: "37.428 29.409"
LFA shall adjust totals.

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For the House:

Hibbard, Chairman
Story
Harrington (unsigned)

For the Senate:

Devlin, Chairman
DePratu
Waterman (unsigned)

MESSAGES FROM THE GOVERNOR

April 19, 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 27** sponsored by Senator J. Hertel, **Senate Bill 69** sponsored by Senator S. Stang, **Senate Bill 137** sponsored by Senator E. Franklin, **Senate Bill 183** sponsored by Senator Nelson et al., **Senate Bill 190** sponsored by Senator Halligan, **Senate Bill 216** sponsored by Senator Swysgood et al., **Senate Bill 219** sponsored by Senator Waterman et al., **Senate Bill 232** sponsored by Senator DePratu et al., **Senate Bill 236** sponsored by Senator Doherty et al., **Senate Bill 269** sponsored by Senator Toews et al., **Senate Bill 292** sponsored by Senator A. Bishop, **Senate Bill 294** sponsored by Senator M. Cole et al., **Senate Bill 326** sponsored by Senator J. Tester et al., **Senate Bill 423** sponsored by Senator D. Mahlum, **Senate Bill 470** sponsored by Senator D. Eck et al., and **Senate Bill 476** sponsored by Senator A. Bishop on April 19, 1999.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

Free conference committee report #1 not adopted: 4/20/1999

SB 482, introduced by K. Mesaros

Conference committee report #1 adopted: 4/20/1999

SB 59, introduced by J. Wells

SB 338, introduced by K. Mesaros

Free Conference committee report #1 adopted:

SB 96, introduced by S. Stang

HB 314, introduced by B. Raney

Senate amendments to House bills concurred in: 4/20/1999

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HB 174, introduced by C. Hibbard
HB 341, introduced by R. Lenhart
HB 350, introduced by M. Brainard
HB 515, introduced by L. Grinde
HB 670, introduced by B. Eggers
HB 674, introduced by C. Hibbard

Senate amendments to House joint resolution concurred in: 4/20/1999

HJR 35, introduced by Wyatt

Governor's amendments to House bill concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/20/1999

HB 20, introduced by S. Kitzenberg

MOTIONS

SB 482 - Senator K. Mesaros moved that the rules of the Senate be temporarily suspended to allow a motion to be made that the Senate reconsider its action in accepting the **Free** Conference Committee Report on SB 482 on the eighty-third legislative day. Motion carried as follows:

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

Nays: Bishop.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 482 - Senator K. Mesaros moved that the Senate reconsider its action in adopting the **Free** Conference Committee Report on SB 482 on third reading the eighty-third legislative day. Motion carried unanimously.

Majority Leader Harp moved that the Senate stand in recess until the hour of 10:45 a.m. this legislative day for purpose of party caucuses. Motion carried.

Senate recessed at 10:13 a.m.

Senate reconvened at 10:57 a.m.

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

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**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 J. Lynch in the chair.

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

Senators Devlin and Stang excused at this time.

SB 186 - Governor's Amendments - Senator J. Wells moved Governor's amendments to SB 186 be **not** concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Cole, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, McNutt, Miller, Nelson, Sprague, Taylor, Thomas, Toews, Wells.

Total 28

Nays: Bartlett, Bohlinger, Christiaens, Cocchiarella, Crismore, Doherty, Eck, Ellingson, McCarthy, Mesaros, Mohl, Roush, Shea, Tester, Waterman, Wilson, Mr. President.

Total 17

Absent or not voting: Franklin, Mahlum.

Total 2

Excused: Devlin, Stang, Swysgood.

Total 3

SB 482 - House Amendments - Senator K. Mesaros moved House amendments to SB 482 be concurred in. Motion carried unanimously.

HB 533 - Free Conference Committee Report No. 1 - Senator K. Mesaros moved the **Free** Conference Committee report to HB 533 be adopted. Motion carried unanimously.

HB 20 - Governor's Amendments - Senator W. McNutt moved Governor's amendments to HB 20 be concurred in. Motion carried unanimously.

HB 366 - Governor's Amendments - Senator M. Halligan moved Governor's amendments to HB 366 be concurred in. Motion carried unanimously.

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

MESSAGES FROM THE GOVERNOR

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April 20, 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

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 260, **“AN ACT ENCOURAGING ECONOMIC DEVELOPMENT THROUGH INVESTMENT IN RESEARCH AND COMMERCIALIZATION PROJECTS; ESTABLISHING A RESEARCH AND COMMERCIALIZATION EXPENDABLE TRUST FUND; ESTABLISHING A COAL PRODUCER’S LICENSE TAX; ALLOCATING COAL PRODUCER’S LICENSE TAX REVENUE; PROVIDING FOR A CREDIT AGAINST COAL SEVERANCE TAXES FOR COAL PRODUCER’S LICENSE TAXES PAID; STATUTORILY APPROPRIATING COAL PRODUCER’S LICENSE TAXES TO SUPPORT RESEARCH AND COMMERCIALIZATION CENTERS AND TO BE USED AS MATCHING FUNDS; AMENDING SECTIONS 17-5-703, 17-5-709, AND 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE,”** for the following reasons.

House Bill 260 creates a coal producers’ license tax and a research and commercialization expendable trust fund. The purpose of the bill is to support research and commercialization projects and thereby encourage economic development in Montana.

Section 16 of House Bill 260 sets forth a list of funds and accounts to which the proceeds from the coal producers’ license tax are allocated. There are presently two yet unfunded projects that I am proposing be added to this list. One is a presidential preference primary in Montana to be held to coincide with the proposed Western Regional Presidential Preference Primary Election, still under consideration in House Bill 490. The other involves the ongoing planning and building of industrial infrastructure by tax increment financing industrial districts.

The reductions in taxable value on business equipment in Senate Bill 200 have created a unique problem for tax increment financing industrial districts which have been developing critically important industrial infrastructure based upon the revenue flow from business equipment taxes. The payment for and creation of that industrial infrastructure is a critical component of the broad economic development programs and job creation that are the ultimate purpose for the funding that is in House Bill 260.

These amendments will provide the funding for House Bill 490’s presidential preference primary election in Montana and will provide targeted funds to allow existing tax increment financing industrial districts to continue to develop infrastructure in an effort to support vitally-needed economic development for Montana.

Sincerely,

MARC RACICOT
Governor

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**GOVERNOR'S AMENDMENTS TO
HOUSE BILL NO. 260**

1. Pages 10 and 11, line 29.

Strike: "section 3"

Insert: "sections 3 and 16"

2. Page 16, line 1.

Following: "PART 2:"

Strike: "AND"

3. Page 16, line 2.

Following: "(3)"

Insert: " For fiscal year 2000, there is \$450,000 allocated to the secretary of state for the Montana presidential preference primary election to be conducted in accordance with [House Bill No. 490];

(4) For fiscal year 2000, there is \$150,000 and for fiscal year 2001 and future years there is \$600,000 allocated to the department of administration for tax increment financing industrial districts; and

(5)"

4. Page 16, line 4.

Strike: "35.9%"

Insert: "33.33%"

5. Page 16, line 8.

Strike: "15.38%"

Insert: "16.99%"

6. Page 16, line 10.

Strike: "10.72%"

Insert: "11.15%"

7. Page 16, line 12.

Strike: "1.63%"

Insert: "1.70%"

8. Page 16, line 14.

Strike: "1.22%"

Insert: "1.27%"

9. Page 16, line 16.

Strike: "0.83%"

Insert: "0.86%"

10. Page 16, line 18.

Strike: "1.67%"

Insert: "1.74%"

11. Page 19, line 18.

Following: ":",

Strike: "and"

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12. Page 19, line 19.

Insert: "for fiscal year 2000, there is \$450,000 allocated to the secretary of state for the Montana presidential preference primary election to be conducted in accordance with [House Bill No. 490];

(5) for fiscal year 2000, there is \$150,000 and for fiscal year 2001 and future years there is \$600,000 allocated to the department of administration for tax increment financing industrial districts; and

(6)"

13. Page 19, line 20.

Strike: "35.9%"

Insert: "33.33%"

14. Page 19, line 22.

Strike: "15.38%"

Insert: "16.99%"

15. Page 19, line 23.

Strike: "10.72%"

Insert: "11.15%"

16. Page 19, line 25.

Strike: "1.63%"

Insert: "1.70%"

17. Page 19, line 27.

Strike: "1.22%"

Insert: "1.27%"

18. Page 19, line 29.

Strike: "0.83%"

Insert: "0.86%"

19. Page 19, line 30.

Strike: "1.67%"

Insert: "1.74%"

20. Page 20, following line 12.

Insert: "**NEW SECTION. Section 24. Coordination instruction.** If House Bill No. 490 is not passed and approved, then:

(1) [section 16(3) and section 22(4)] are void; and

(2) [section 16(4) and section 22(5)] must read as follows:

"for fiscal year 2000 and future years, there is \$600,000 allocated to the department of administration for tax increment financing industrial districts."

Renumber: Subsequent section

Senators Devlin, Stang and Swysgood present at this time.

MOTIONS

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HB 490 - Senator D. Hargrove moved that HB 490 be taken from the table in the committee on Finance and Claims, printed and placed on second reading this legislative day. Motion **passed** as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Keenan, Lynch, Mahlum, McNutt, Mesaros, Shea, Sprague, Stang, Taylor, Thomas, Wells, Mr. President.

Total 27

Nays: Bartlett, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Eck, Ellingson, Franklin, Halligan, Jabs, Jergeson, Keating, McCarthy, Miller, Mohl, Nelson, Roush, Swysgood, Tester, Toews, Waterman, Wilson.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Harp moved that the Senate stand in recess until the hour of 1:30 p.m. this legislative day. Motion carried.

Senate recessed at 11:34 a.m.

Senate reconvened at 1:37 p.m.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

4/20/1999

Correctly printed: HB 490.

Signed by the Speaker at 2:03 p.m., April 20, 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.

Delivered to the Governor for his approval at 3:45 p.m., April 20, 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.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on House Bill 540

Report No. 1, April 20, 1999

Mr. Speaker and Mr. President:

We, your **Free** Conference Committee met and considered **House Bill 540** (reference copy -- salmon) and

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recommend this **Free** Conference Committee report be adopted.

And, recommend that **House Bill 540** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 28.

Strike: "DELAYED"

2. Page 18, line 13.

Strike: "2002"

Insert: "2001"

3. Page 20, line 28.

Strike: "2002"

Insert: "2001"

4. Page 58, lines 1.

Strike: "DECEMBER 31, 2000" on line 1

Insert: "on approval by the electorate"

5. Page 58, line 2.

Strike: "2001"

Insert: "2000"

6. Page 58, line 3.

Strike: "2002"

Insert: "2001"

For the House:

Rose, Chairman
Grinde
Raney

For the Senate:

Devlin, Chairman
Stang
Swysgood

MESSAGES FROM THE OTHER HOUSE

Conference committee report # 1 adopted: 4/20/1999

SB 243, introduced by F. Thomas

SB 301, introduced by T. Keating

HB 459, introduced by R. Clark

HJR 5, introduced by R. Jore

Free conference committee report #1 adopted: 4/20/1999

HB 100, introduced by B. Simon

HB 506, introduced by P. Sliter

Conference committee report #1 **not** adopted by Committee of the Whole: 4/20/1999

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SB 205, introduced by McNutt

MOTIONS

HB 15 - Senator M. Halligan moved that the Senate temporarily suspend the rules to allow the Senate to reconsider its action in rejecting HB 15. Motion **failed** as follows:

Yeas: Beck, Bishop, Cocchiarella, Doherty, Eck, Ellingson, Ellis, Franklin, Grimes, Halligan, Jergeson, Mahlum, Mesaros, Roush, Stang, Swysgood, Tester, Toews, Wilson, Mr. President.

Total 20

Nays: Bartlett, Berry, Bohlinger, Christiaens, Cole, Crismore, DePratu, Devlin, Ekegren, Glaser, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, McCarthy, McNutt, Miller, Mohl, Nelson, Shea, Sprague, Taylor, Thomas, Waterman, Wells.

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Harp moved that the Senate temporarily suspend the rules to allow any bill passed on second reading on the eighty-seventh legislative day to be placed on the third reading board on the same day. After discussion, Senator Harp withdrew his motion.

President Crippen ruled that it was his authority to declare the last day of session, and he would rule that it would be the eighty-seventh legislative day, April 21, 1999, and therefore Senator Harp's motion was not needed.

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

Session No. 2

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

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

HJR 2 - Free Conference Committee Report No. 1 - Senator J. Devlin moved the Free Conference Committee report to HJR 2 be adopted. Motion carried as follows:

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

Total 32

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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 490 - Senator D. Hargrove moved HB 490, second reading copy, be amended as follows :

1. Title, page 1, line 13.

Strike: "PROVIDING AN APPROPRIATION;"

2. Page 8, line 5 through page 8, line 10.

Strike: Section 9 in its entirety

Renumber: subsequent section

Amendment **adopted** with Senators Christiaens and Eck voting nay.

HB 490 - Senator D. Hargrove moved HB 490, as amended, be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Lynch, Mahlum, McNutt, Mesaros, Mohl, Shea, Sprague, Taylor, Thomas, Wells, Wilson, Mr. President.

Total 32

Nays: Bartlett, Devlin, Doherty, Ellingson, Halligan, Jabs, Jergeson, Keating, Keenan, McCarthy, Miller, Nelson, Roush, Stang, Swysgood, Tester, Toews, Waterman.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader 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 J. Lynch moved the Committee of the Whole report be adopted. Report adopted.

MOTIONS

SB 205 - Senator W. McNutt moved that the Senate reconsider its action in adopting the Conference Committee Report to SB 205. Motion carried as follows:

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

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Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 47

Nays: Bartlett, Doherty, Jergeson.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 205 - Senator W. McNutt moved that the House Amendments to SB 205 be placed on the second reading board this legislative day. Motion carried.

SPECIAL ORDERS OF THE DAY

Continuing with speeches by Senators retiring due to term limits, Senators Devlin, Eck, Keating, Lynch and Swysgood gave brief speeches describing their years in the legislature and the gratification of serving in the legislature and the true and lasting friendships that have accompanied their years in the legislature.

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

Roll Call. All members present. Quorum present.

Senator Grosfield excused at this time.

MOTIONS

SB 406 - Senator Thomas moved that the Senate reconsider its action in adopting the **Free** Conference Committee Report No. 1 and **Free** Conference Committee No. 2 to SB 406. Motion carried as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Grosfield.
Total 1

REPORTS OF SELECT COMMITTEES

SENATE JOURNAL
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FREE CONFERENCE COMMITTEE
on Senate Bill 406
Report No. 3, April 20, 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 3, lines 7, 10, and 14.

Strike: "[SECTION 31]" in three places

Insert: "69-8-403"

2. Page 21, line 12.

Strike: "utility"

Insert: "services provider"

3. Page 21, line 16.

Strike: "utility"

Insert: "services provider"

4. Page 22, line 24.

Strike: "OR"

Insert: "of"

5. Page 22, line 25.

Strike: "[THIS ACT]"

Insert: "[sections 1 through 28] or this chapter"

6. Page 28, line 7.

Strike: "69-8-404"

Insert: "[section 32]"

7. Page 30.

Following: line 18

Insert: "NEW SECTION. Section 32. Default supplier license. (1) In developing licensing rules for default suppliers, the commission shall promote and facilitate the development of a competitive market for electricity supply.

(2) Default supplier licensing rules must ensure that:

(a) a default supplier may not purchase electricity for or sell electricity to commercial or industrial electric consumers having individual accounts with an average monthly demand in the previous calendar year of 100 kilowatts or more or to new commercial or industrial electric consumers having individual accounts with an estimated monthly demand of 100 kilowatts or more;

(b) a default supplier may not discount its commission- approved rates to retain or gain customers;

(c) a default supplier may not obligate customers to a contractual term or service;

(d) federal power marketing administration power or benefits acquired by a default supplier are distributed as widely and equitably as possible among small customers and in a manner that encourages competition;

(e) a default supplier, except when the default supplier is the distribution services provider, may not

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construct, purchase, take, receive, or otherwise acquire or own, hold, equip, maintain, or operate electric generating plants or transmission or distribution lines or systems, except that a default supplier may enter into transmission or distribution agreements for the lease or use of capacity on transmission and distribution systems owned by others to supply electricity to its customers in the state;

(f) a default supplier may not offer for sale any products other than electricity supply or provide electricity supply to members or customers other than those residing in the state or sell electricity or otherwise engage in the marketing of electricity on the wholesale market, but may dispose of excess electricity associated with temporary load-energy imbalances.

(3) Except as provided in subsection (2)(e), a default supplier may provide only a single electricity supply service to all of its small customers. A default supplier may also offer an additional electricity supply service that includes a component of renewable energy.

(4) A default supplier may not offer other supply services unless the default supplier forms a separate entity."

Renumber: subsequent sections

8. Page 30, line 25.

Strike: "IN PROVIDING THIS SERVICE"

Insert: "of reentering the default supplier business"

9. Page 31, line 9.

Strike: "SECTION"

Insert: "Sections"

Following: "32"

Insert: "and 33"

10. Page 31, line 10.

Strike: "SECTION"

Insert: "sections"

Following: "32"

Insert: "and 33"

For the Senate:

F. Thomas, Chairman

Berry

Doherty

For the House:

E. Bergsagel, Chairman

Ewer

R. Johnson

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

Session No. 3

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

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

HB 540 - Free Conference Committee Report No. 1 - Senator J. Devlin moved the Free Conference Committee report to HB 540 be adopted. Motion carried as follows:

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

Total 30

Nays: Bartlett, Bishop, Cole, Doherty, Eck, Ellingson, Ellis, Franklin, Halligan, Jabs, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Tester, Waterman, Wilson.

Total 19

Absent or not voting: None.

Total 0

Excused: Grosfield.

Total 1

SB 205 - House Amendments - Senator W. McNutt moved House amendments to SB 205 be concurred in. Motion carried unanimously.

SB 406 - Free Conference Committee Report No. 3 - Senator F. Thomas moved the Free Conference Committee report number 3 to SB 406 be adopted. Motion carried with Senator Toews voting nay.

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 J. Lynch 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 4:50 p.m. Motion carried.

Senate recessed at 4:32 p.m.

Senate reconvened at 5:13 p.m.

Roll Call. All members present. Quorum present.

MOTIONS

HB 127 - Senator Harp moved that the Conference Committee on HB 127 be **dissolved** and that the President be authorized to reappoint a Conference Committee. Motion carried. The President appointed the following members:

Senator Keenan, 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:

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SB 81, 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, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 45

Nays: Keating, Keenan, Miller, Toews, Wells.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 97, Free Conference Committee Report No. 2, 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, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 47

Nays: Keenan, Miller, Wells.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 111, Free Conference Committee Report No. 1, adopted 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, as amended by the Governor, passed as follows:

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

Total 47

Nays: Keenan, Miller, Toews.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 534, as amended by the House, passed as follows:

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

Total 48

Nays: Lynch, Miller.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 11, 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.

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Total 0

Excused: None.

Total 0

HB 13 - Conference Committee Report No. 1, adopted as follows:

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

Total 41

Nays: Bartlett, Crismore, Ekegren, Keating, Keenan, Sprague, Taylor, Tester, Wells.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 57, Free 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, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 44

Nays: Bartlett, Grimes, Jabs, Nelson, Toews, Wells.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 488, Conference Committee Report No. 1, requiring 2/3 of entire legislature, received the following vote:

Yeas: Bishop, DePratu, Doherty, Eck, Ellingson, Franklin, Glaser, Halligan, Harp, Keating, Keenan, Lynch, Miller, Mohl, Sprague, Wells.

Total 16

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

Total 34

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 626, Conference Committee Report No. 1, adopted as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Jabs, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Shea, Taylor, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 33

Nays: Beck, Cocchiarella, Devlin, Ellis, Harp, Holden, Keating, Keenan, Miller, Mohl, Nelson, Roush, Sprague, Stang, Swysgood, Tester, Toews.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

HB 15 - Senator M. Halligan moved that the Senate temporarily suspend the rules to allow a motion to reconsider its action in rejecting HB 15. Motion **passed** as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Stang, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.
Total 40

Nays: Bartlett, Christiaens, Lynch, McCarthy, Nelson, Roush, Shea, Tester, Waterman, Wilson.
Total 10

Paired: Grosfield, Aye; Lynch, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 15 - Senator M. Halligan moved that the Senate reconsider its action in rejecting HB 15 on a previous legislative day and that it be placed on third reading the eighty-seventh legislative day, April 21, 1999. Motion carried as follows:

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

Total 44

Nays: Christiaens, Lynch, McCarthy, Nelson, Toews.

Total 5

Absent or not voting: None.

Total 0

Excused: Grosfield.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 8:00 a.m., Wednesday, April 21, 1999. Motion carried.

Senate adjourned at 5:47 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate