

**HOUSE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 3, 2001

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Shockley. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bookout-Reinicke and Forrester, excused. Quorum present.

Mr. Speaker introduced the honorary pages for the week:

Alyssa Fairclough, Helena  
Jenniffer Steinbeisser, Sidney

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 3/3/2001  
Correctly printed: **HB 525, SB 4, SB 29, SB 41, SB 149, SB 205.**  
Correctly engrossed: **HB 533, HB 578, SB 32, SB 45, SB 59, SB 75.**

**BUSINESS AND LABOR** (McKenney, Chairman): 3/2/2001  
**SB 122**, be concurred in. Report adopted.  
**SB 142**, be concurred in. Report adopted.  
**SB 279**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House: 3/2/2001

**HB 20**, introduced by Shockley  
**HB 80**, introduced by Smith  
**HB 97**, introduced by Lewis  
**HB 113**, introduced by Devlin  
**HB 145**, introduced by Dale  
**HB 185**, introduced by Gallus  
**HB 191**, introduced by Gallus  
**HB 192**, introduced by Mood

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/2/2001

**HB 18**, introduced by Somerville  
**HB 111**, introduced by Lawson

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

**MESSAGES FROM THE GOVERNOR**

March 2, 2001

The Honorable Dan McGee  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 23** sponsored by Representative Erickson and **House Bill 155** sponsored by Representative Noennig on March 2, 2001.

Sincerely,

JUDY MARTZ  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 623**, introduced by Mangan, Fritz, Golie, Lenhart, Matthews, Schmidt, referred to Taxation.  
**HB 624**, introduced by Masolo, Grimes, referred to Appropriations.

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

**SB 19**, introduced by Halligan, referred to Federal Relations, Energy, and Telecommunications.  
**SB 46**, introduced by Bishop (by request of the Department of Revenue), referred to Judiciary.  
**SB 48**, introduced by Sprague (by request of the Department of Revenue), referred to Business and Labor.  
**SB 73**, introduced by Glaser (by request of the Revenue and Taxation Interim Committee), referred to Taxation.  
**SB 96**, introduced by Mahlum (by request of the Business and Labor Interim Committee), referred to Business and Labor.  
**SB 117**, introduced by Tester, referred to Education.  
**SB 131**, introduced by Taylor (by request of the Legislative Finance Committee), referred to State Administration.  
**SB 138**, introduced by Nelson (by request of the Local Government Funding and Structure Committee), referred to Local Government.  
**SB 151**, introduced by Mahlum (by request of the Business and Labor Interim Committee), referred to Business and Labor.  
**SB 163**, introduced by Grosfield (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.  
**SB 181**, introduced by Cobb, referred to Local Government.  
**SB 196**, introduced by Tester, R. Holden, Jergeson, Nelson, Waddill, referred to Agriculture.  
**SB 207**, introduced by Keenan, Waterman, referred to Human Services.  
**SB 218**, introduced by Ryan, Galvin-Halcro, referred to Education.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

- SB 221**, introduced by Johnson, referred to Business and Labor.
- SB 226**, introduced by Wells, referred to Local Government.
- SB 231**, introduced by Grimes, Beck, Cole, Doherty, Ekegren, Facey, Glaser, Kitzenberg, Lawson, Mahlum, McNutt, Nelson, Olson, Ryan, Shea, Stonington, F. Thomas, referred to Education.
- SB 243**, introduced by Johnson, referred to Federal Relations, Energy, and Telecommunications.
- SB 277**, introduced by Shea, referred to Business and Labor.
- SB 286**, introduced by Stonington, referred to Fish, Wildlife and Parks.
- SB 292**, introduced by Sprague, referred to Business and Labor.
- SB 293**, introduced by Doherty, Gallus, Lindeen, Toole (by request of the Attorney General), referred to Transportation.
- SB 298**, introduced by Glaser, Forrester, referred to Business and Labor.
- SB 303**, introduced by Hargrove, referred to Taxation.
- SB 304**, introduced by Nelson, Hedges, referred to Fish, Wildlife and Parks.
- SB 305**, introduced by Cocchiarella, referred to Business and Labor.
- SB 309**, introduced by Halligan, Franklin, B. Thomas, referred to Human Services.
- SB 313**, introduced by F. Thomas, Beck, Berry, Elliott, Grosfield, Lawson, Lehman, Mangan, Masolo, Mood, Olson, Ripley, Ryan, Shea, Sliter, Tester, Wolery, referred to Federal Relations, Energy, and Telecommunications.
- SB 314**, introduced by Doherty, referred to Business and Labor.
- SB 319**, introduced by Cole, Beck, Crismore, Curtiss, Ekegren, Ellis, Forrester, Fuchs, Grosfield, Hargrove, Hedges, L. Holden, Kasten, Kitzenberg, Lenhart, Lewis, Masolo, Matthews, McNutt, Miller, Mohl, Olson, Sliter, Sprague, Steinbeisser, Story, Tash, Taylor, B. Thomas, Wells, Zook, referred to Federal Relations, Energy, and Telecommunications.
- SB 323**, introduced by McNutt, Beck, Bitney, R. Brown, DePratu, Ekegren, Ellis, Forrester, Mahlum, Mood, Sliter, Somerville, Sprague, F. Thomas, referred to Business and Labor.
- SB 325**, introduced by Mahlum, Bales, Barrett, Berry, Bohlinger, Butcher, Buzzas, Christiaens, E. Clark, Cocchiarella, Cole, Crismore, Dale, Dell, DePratu, Doherty, Ekegren, Ellis, Esp, Facey, Forrester, Franklin, Gallus, Galvin-Halcro, Gillan, Golie, Grosfield, Halligan, Harrington, Jent, Jergeson, Kaufmann, Keane, Kitzenberg, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, McNutt, Nelson, Olson, Pattison, Price, Raser, Ripley, Rome, Roush, Ryan, Schmidt, Schrupf, Shea, Sliter, Somerville, Story, Tash, Tester, F. Thomas, Walters, Wanzenried, referred to Taxation.
- SB 326**, introduced by Taylor, Beck, Berry, Bookout-Reinicke, Brueggeman, Butcher, Cole, Devlin, Esp, R. Holden, Kitzenberg, Lawson, Lewis, Mahlum, McNutt, Mood, Olson, Rome, Roush, Somerville, Steinbeisser, Tester, F. Thomas, referred to Appropriations.
- SB 327**, introduced by Doherty, Lindeen, F. Thomas, referred to Federal Relations, Energy, and Telecommunications.
- SB 333**, introduced by Beck, Rome, referred to Local Government.
- SB 340**, introduced by Berry, referred to Business and Labor.
- SB 344**, introduced by Cobb, referred to Education.
- SB 348**, introduced by Elliott, P. Clark, DePratu, Mahlum, referred to Transportation.
- SB 354**, introduced by Crismore, Beck, Berry, Cole, Grimes, Keenan, Mahlum, Miller, Mood, Sliter, F. Thomas, referred to Natural Resources.
- SB 355**, introduced by Crismore, referred to Transportation.
- SB 358**, introduced by DePratu, Tramelli, Wanzenried, referred to Transportation.
- SB 359**, introduced by Halligan, referred to Local Government.
- SB 360**, introduced by Waterman, referred to Federal Relations, Energy, and Telecommunications.
- SB 361**, introduced by McNutt, Grosfield, F. Thomas, referred to Human Services.
- SB 362**, introduced by Tester, referred to State Administration.
- SB 368**, introduced by Shea, Bitney, Halligan, McNutt, referred to Local Government.
- SB 369**, introduced by Glaser, Jacobson, Taylor, Toole, referred to Business and Labor.
- SB 370**, introduced by Halligan, Beck, Berry, Cocchiarella, Doherty, McCarthy, McNutt, Newman, Shea, Shockley,

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Sliter, F. Thomas, Younkin, referred to State Administration.  
**SB 375**, introduced by Grimes, referred to Natural Resources.  
**SB 376**, introduced by DePratu, Beck, Bitney, Crismore, Dale, Ellis, Grimes, Grosfield, Haines, R. Holden, Laible, McNutt, Mohl, Mood, Sliter, Somerville, Sprague, Tash, F. Thomas, referred to Natural Resources.  
**SB 377**, introduced by Grimes, Bales, Beck, Berry, Bitney, D. Brown, Cole, Crismore, Curtiss, Dale, Ellis, Grosfield, Haines, Hargrove, R. Holden, Kasten, Laible, Matthews, McGee, McNutt, Mood, Sliter, Tash, F. Thomas, Younkin, referred to Natural Resources.  
**SB 378**, introduced by Tash, referred to Natural Resources.  
**SB 379**, introduced by Tash, referred to Natural Resources.  
**SB 381**, introduced by Cobb, referred to State Administration.  
**SB 384**, introduced by Ryan, referred to Judiciary.  
**SB 387**, introduced by Ellingson, referred to Federal Relations, Energy, and Telecommunications.  
**SB 389**, introduced by Cobb, referred to Agriculture.  
**SB 390**, introduced by Cobb (by request of the Office of Public Instruction), referred to Education.  
**SB 393**, introduced by F. Thomas, Beck, Berry, Cocchiarella, DePratu, Doherty, Grosfield, Hargrove, Harrington, Jergeson, Juneau, Keane, Kitzenberg, Lenhart, McGee, McNutt, Sliter, Tester, Witt, referred to Transportation.  
**SB 396**, introduced by Grosfield, Beck, Berry, Grimes, Hargrove, Hedges, Mangan, Masolo, McCann, McGee, McNutt, Mood, Olson, Roush, Shea, Sliter, Tester, F. Thomas, referred to State Administration.  
**SB 397**, introduced by Grosfield, Beck, Berry, Grimes, Hargrove, Hedges, Mangan, Masolo, McCann, McGee, McNutt, Mood, Olson, Roush, Shea, Sliter, Tester, F. Thomas, referred to State Administration.  
**SB 400**, introduced by Jergeson, referred to Taxation.  
**SB 402**, introduced by Shea, Cyr, Harrington, referred to Local Government.  
**SB 404**, introduced by Franklin, referred to Education.  
**SB 405**, introduced by Jergeson, Brueggeman, Lindeen, Zook (by request of the Senate Finance Standing Committee), referred to Federal Relations, Energy, and Telecommunications.  
**SB 407**, introduced by Berry, referred to Local Government.  
**SB 408**, introduced by McCarthy, Beck, P. Clark, Cole, Crismore, Curtiss, Doherty, Ellis, Forrester, Gallus, Gillan, Grimes, Grosfield, Halligan, Keane, Lindeen, McNutt, Mood, Shea, F. Thomas, Younkin, referred to Natural Resources.  
**SB 420**, introduced by Waterman, referred to Human Services.  
**SB 421**, introduced by F. Thomas, Beck, DePratu, Doherty, Ekegren, Gallus, Gillan, Golie, Harrington, Keenan, Lawson, Lewis, Mahlum, Matthews, McNutt, Musgrove, Roush, Sliter, Sprague, Steinbeisser, Tester, referred to Business and Labor.  
**SB 423**, introduced by Ellis, referred to Education.  
**SB 424**, introduced by Glaser, referred to Federal Relations, Energy, and Telecommunications.  
**SB 426**, introduced by Halligan, referred to Judiciary.  
**SB 428**, introduced by Harrington, Bohlinger, Buzzas, Carney, Christiaens, Clancy, Cocchiarella, Cyr, Doherty, Ellingson, Erickson, Franklin, Fritz, Gallik, Galvin-Halcro, Golie, Jacobson, Jent, Jergeson, Juneau, Kaufmann, Keane, Kitzenberg, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCarthy, Musgrove, Nelson, Newman, Pease, Raser, Roush, Schmidt, Shea, Stonington, Tester, Wanzenried, referred to Business and Labor.  
**SB 430**, introduced by Ellis, Glaser, Keenan, Shea, Waterman, referred to Education.  
**SB 431**, introduced by Stonington, Bishop, P. Clark, referred to Fish, Wildlife and Parks.  
**SB 432**, introduced by Taylor, DePratu, Mahlum, Shockley, F. Thomas, referred to Business and Labor.  
**SB 433**, introduced by Elliott, Bohlinger, Christiaens, Grimes, Hargrove, Mahlum, Stonington (by request of the Senate Local Government Standing Committee), referred to State Administration.  
**SB 436**, introduced by Ellis, Branae, Grimes, Musgrove, Olson, Ryan, Wolery, referred to Education.  
**SB 437**, introduced by Cole, Adams, Andersen, Bales, Berry, Brueggeman, Butcher, E. Clark, Crismore, Hedges, Kitzenberg, Masolo, McCarthy, Pattison, Ripley, Steinbeisser, F. Thomas, referred to Fish, Wildlife and Parks.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

- SB 438**, introduced by Christiaens, Gillan, Halligan, R. Holden, referred to Business and Labor.
- SB 440**, introduced by Christiaens, Haines, referred to Human Services.
- SB 441**, introduced by Christiaens (by request of the State Auditor), referred to Business and Labor.
- SB 442**, introduced by Cobb, referred to Human Services.
- SB 443**, introduced by Butcher, Bishop, Bohlinger, DePratu, Ekegren, Ellingson, Glaser, Hargrove, Keenan, F. Thomas, Toole, Wells, referred to State Administration.
- SB 445**, introduced by Taylor (by request of the Governor), referred to Business and Labor.
- SB 446**, introduced by DePratu, Brueggeman, Curtiss, Davies, Ekegren, Ellis, Fisher, Grimes, Hedges, Jackson, Kasten, Keenan, Kitzenberg, Laible, Lawson, Mohl, Shockley, Sliter, Somerville, Story, Tash, F. Thomas, Waitschies, Walters, referred to Federal Relations, Energy, and Telecommunications.
- SB 448**, introduced by Christiaens, Bishop, Bohlinger, Cobb, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harrington, Juneau, Shea, Wanzenried, referred to Transportation.
- SB 449**, introduced by Tester, referred to Natural Resources.
- SB 450**, introduced by Grimes, referred to Business and Labor.
- SB 451**, introduced by Johnson, referred to Transportation.
- SB 454**, introduced by Waterman, referred to Human Services.
- SB 455**, introduced by Doherty, Juneau, referred to Natural Resources.
- SB 457**, introduced by Ryan, Tropila, referred to Education.
- SB 459**, introduced by Franklin, referred to Human Services.
- SB 461**, introduced by Franklin, referred to Human Services.
- SB 465**, introduced by Franklin (by request of the State Auditor), referred to Business and Labor.
- SB 467**, introduced by Grimes, Younkin, referred to Judiciary.
- SB 469**, introduced by DePratu, referred to Business and Labor.
- SB 470**, introduced by O'Neil, referred to Natural Resources.
- SB 472**, introduced by Grosfield, Hargrove, Mangan, referred to State Administration.
- SB 473**, introduced by Waterman, referred to Human Services.
- SB 474**, introduced by Grimes, referred to Business and Labor.
- SB 476**, introduced by Keenan, Bishop, Christiaens, E. Clark, Glaser, Grimes, Lawson, Nelson, Schrupf, B. Thomas, referred to Human Services.
- SB 477**, introduced by Jergeson, Bishop, Christiaens, E. Clark, Glaser, Grimes, Lawson, Nelson, Schrupf, B. Thomas, Waterman, referred to Human Services.
- SB 479**, introduced by Hargrove, referred to Natural Resources.
- SB 480**, introduced by Berry, referred to Business and Labor.
- SB 482**, introduced by Ekegren, Whitaker, referred to Business and Labor.
- SB 484**, introduced by Beck, referred to Natural Resources.
- SB 487**, introduced by Halligan, referred to Judiciary.
- SB 489**, introduced by Grosfield, referred to Judiciary.
- SB 491**, introduced by Taylor (by request of the Senate Energy and Telecommunications Standing Committee), referred to Federal Relations, Energy, and Telecommunications.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

- SJR 3**, introduced by McCarthy, P. Clark, Crismore, Gillan, Tester, Younkin (by request of the Environmental Quality Council), referred to Natural Resources.
- SJR 12**, introduced by Beck, B. Thomas, referred to State Administration.
- SJR 13**, introduced by Crismore, referred to Natural Resources.
- SJR 16**, introduced by R. Holden (by request of the Senate Agriculture, Livestock, and Irrigation Standing Committee), referred to Federal Relations, Energy, and Telecommunications.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

**SJR 18**, introduced by Taylor, Adams, Andersen, Bales, Balyeat, Barrett, BerryBohlinger, Dee Brown, R. Brown, Brueggeman, Butcher, Clancy, E. Clark, Cole, Crismore, Curtiss, Dale, Davies, DePratu, Devlin, Ekegren, Ellis, Fisher, Fuchs, Glaser, Grimes, Grosfield, Haines, Hedges, Himmelberger, Jackson, Kasten, Keenan, Laible, Laszloffy, Lehman, Lewis, Mahlum, Masolo, McGee, McNutt, Miller, Mohl, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Sliter, Somerville, Sprague, Steinbeisser, Story, Tash, B. Thomas, F. Thomas, Vick, Waddill, Waitschies, Walters, Wells, Witt, Wolery, Younkin, referred to Federal Relations, Energy, and Telecommunications.

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

Representative Sliter moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Younkin in the chair.

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

**SB 106** - Representative Steinbeisser moved **SB 106** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Gillan, Haines, Hedges, Himmelberger, Holden, Jent, Kasten, Laible, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Mangan, Masolo, Matthews, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 63

Noes: Bixby, Branae, Buzzas, Callahan, Carney, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jackson, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lee, Lindeen, McCann, Musgrove, Newman, K. Peterson, Raser, Schmidt, Tramelli, Tropila, Wanzenried, Wolery.

Total 36

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Forrester.

Total 1

**SB 148** - Representative Price moved **SB 148** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley,

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Forrester.  
Total 1

**SB 157** - Representative Whitaker moved **SB 157** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.  
Total 79

Noes: Bixby, Branae, Buzzas, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Hurdle, Jacobson, Juneau, Lenhart, Raser, Tramelli, Wanzenried.  
Total 20

Voted Absentee: Bookout-Reinicke, Forrester, Ayes.

Excused: None.  
Total 0

Absent or not voting: Jent.  
Total 1

**SB 37** - Representative Olson moved **SB 37** be concurred in.

Representative Lewis expressed a conflict of interest and abstained from voting.

Motion that **SB 37**, be concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart,

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Lindeen, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 91

Noes: Branae, P. Clark, Dell, Fritz, Harris, Hurdle, Lawson, Mangan.

Total 8

Voted Absentee: Bookout-Reinicke, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: Lewis.

Total 1

**HB 29 - Senate Amendments** - Representative Noennig moved Senate amendments to **HB 29** be **not** concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Bookout-Reinicke, Forrester.

Total 2

Voted Absentee: Bookout-Reinicke, Forrester, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 19 - Senate Amendments** - Representative Lenhart moved Senate amendments to **HB 19** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible,



HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bookout-Reinicke, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: Davies.

Total 1

**HB 132 - Senate Amendments** - Representative Brueggeman moved Senate amendments to **HB 132** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 97

Noes: McCann, Sliter, Smith.

Total 3

Voted Absentee: Bookout-Reinicke, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 40 - Senate Amendments** - Representative Witt moved Senate amendments to **HB 40** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich,

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Facey, Laible, Story.

Total 3

Voted Absentee: Bookout-Reinicke, Forrester, Ayes.

Excused: None.

Total 0

Absent or not voting: Golie, Sliter, Witt.

Total 3

Representative McKenney assumed the chair.

**HB 277** - Representative Masolo moved **HB 277** do pass.

**HB 277** - Representative Lewis moved **HB 277**, second reading copy, be amended as follows :

1. Title, line 16.

**Following:** " ; "

**Insert:** "USING THE COAL FUNDS TO INCREASE THE TOTAL PER-ANB AND BASIC ENTITLEMENTS FOR PUBLIC SCHOOLS FOR SCHOOL FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2001; INCREASING THE BASIC ENTITLEMENT FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 DISTRICT ELEMENTARY PROGRAM TO \$19,374; INCREASING THE BASIC ENTITLEMENT FOR A HIGH SCHOOL DISTRICT TO \$215,270; INCREASING THE TOTAL PER-ANB ENTITLEMENT FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 DISTRICT ELEMENTARY PROGRAM TO \$3,932; INCREASING THE TOTAL PER-ANB ENTITLEMENT FOR A HIGH SCHOOL DISTRICT OR A K-12 DISTRICT HIGH SCHOOL PROGRAM TO \$5,241; PROVIDING FOR INCREASES IN BASIC ENTITLEMENTS AND PER-ANB ENTITLEMENTS BASED UPON INCREASED GROWTH IN MONTANA WAGE AND SALARY INCOME; AMENDING SECTION 20-9-306, MCA;"

2. Title, line 18.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

3. Page 13, line 21.

**Insert:** "**Section 1.** Section 20-9-306, MCA, is amended to read:

"**20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$206,000~~ subject to [section 2], \$215,270 for each high school district;

(b) ~~\$18,540~~ subject to [section 2], \$19,374 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) ~~\$18,540~~ subject to [section 2], \$19,374 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$206,000~~ subject to [section 2], \$215,270 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, subject to [section 2], a maximum rate of ~~\$5,015~~ \$5,241 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, subject to [section 2], a maximum rate of ~~\$3,763~~ \$3,932 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) subject to [section 2], a maximum rate of ~~\$3,763~~ \$3,932 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) subject to [section 2], a maximum rate of ~~\$5,015~~ \$5,241 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."''

**"NEW SECTION. Section 2. Adjustment of entitlement amounts.** (1) For school fiscal years beginning on or after July 1, 2003, the basic entitlement for each high school district, the basic entitlement for each elementary school district or K-12 district elementary program, the total per-ANB entitlement for an elementary school district or a K-12 district elementary program, and the total per-ANB entitlement for a high school district or a K-12 district

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

high school program must be adjusted annually as provided in subsection (2).

(2) (a) The department of revenue shall adjust the entitlements referred to in subsection (1) and contained in 20-9-306 to reflect any increase in inflation-adjusted Montana wage and salary income in the last full year for which data is available.

(b) The department shall calculate the percentage growth in subsection (2)(a) by using the formula  $(W/CPI) - 1$ , where:

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

(ii) CPI is the consumer price index for the most current available year used in subsection (2)(b)(i) divided by the consumer price index for the year prior to the most current available year as used in subsection (2)(b)(i).

(c) For purposes of determining the percentage growth in subsection (2)(a), the department shall use the wage and salary data series referred to as the bureau of economic analysis of the United States department of commerce Montana wage and salary disbursements. Inflation must be measured by the consumer price index, U.S. city average, all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(3) The department of revenue shall certify the adjusted amounts referred to in subsection (1) to the office of public instruction, the office of budget and program planning, and the legislative fiscal analyst at a time that allows the amounts to be included in the executive budget submitted to the legislature.

**Renumber:** subsequent sections

4. Page 14, line 4.

**Insert:** "NEW SECTION. Section 4. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 20, chapter 9, part 3, and the provisions of Title 20, chapter 9, part 3, apply to [section 2]."

**Renumber:** subsequent sections

5. Page 14, line 6.

**Strike:** "1"

**Insert:** "3"

6. Page 14, line 11.

**Following:** "date"

**Insert:** "-- applicability"

**Following:** "2001"

**Insert:** ", and applies to school budgets for school fiscal years beginning on or after July 1, 2001"

Amendment **adopted** as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Gallus, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Wanzanried.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Total 40

Voted Absentee: Bookout-Reinicke, Aye.

Excused: Forrester.

Total 1

Absent or not voting: None.

Total 0

**HB 277** - Representative Younkin moved **HB 277**, second reading copy, be further amended as follows :

1. Title, line 16.

**Following:** " ; "

**Insert:** "APPROPRIATING \$10 MILLION EACH FISCAL YEAR FROM THE COAL SEVERANCE TAX PERMANENT FUND TO THE UNIVERSITY SYSTEM TO BE USED TO OFFSET PROPOSED TUITION INCREASES FOR RESIDENT STUDENTS;"

2. Page 13, line 22.

**Following:** "transfer"

**Insert:** "-- appropriation"

3. Page 13, line 26.

**Following:** "(2)"

**Insert:** "(1)"

4. Page 13, line 28.

**Insert:** "(2) There is appropriated \$10 million for each fiscal year of the biennium from the coal severance tax permanent trust to the office of the commissioner of higher education. The commissioner shall allocate the appropriation among the units of the university system based upon the percentage of resident students attending each unit compared to the total of resident students in the university system. The appropriation must be used to offset proposed tuition increases for resident students."

5. Page 14, line 6.

**Following:** "TRANSFERS"

**Insert:** "and appropriates"

Amendment **not** adopted as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bookout-Reinicke, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Jackson, Kasten, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Thomas, Vick, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 49

Noes: Adams, Bitney, Bixby, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Himmelberger, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lenhart, Lindeen, Mangan,

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Matthews, McCann, Musgrove, Newman, Raser, Smith, Story, Tramelli, Tropila, Walters, Wanzenried.  
Total 50

Voted Absentee: Bookout-Reinicke, Sliter, Ayes; Forrester, No.

Excused: None.  
Total 0

Absent or not voting: Schmidt.  
Total 1

**HB 277** - Representative Mangan moved **HB 277**, second reading copy, be further amended as follows :

1. Title, page 1, line 16.

**Following:** " ; "

**Insert:** "PROVIDING FOR A FUND TRANSFER FROM THE GENERAL FUND TO REIMBURSE THE COAL SEVERANCE TAX PERMANENT TRUST;"

2. Page 13, line 22.

**Strike:** "transfer"

**Insert:** "transfers"

**Following:** " . "

**Insert:** "(1)"

3. Page 13, line 28.

**Following:** line 27

**Insert:** "(2) There is transferred \$20 million for each fiscal year of the biennium from the general fund to the coal severance tax permanent trust."

Amendment **not** adopted as follows:

Ayes: Branae, Buzzas, Callahan, Carney, Cyr, Dell, Forrester, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Harris, Jacobson, Jayne, Jent, Lenhart, Mangan, Matthews, Schmidt, Smith, Tramelli.

Total 22

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Fritz, Fuchs, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lewis, Lindeen, Masolo, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 78

Voted Absentee: Forrester, Aye; Bookout-Reinicke, No.

Excused: None.  
Total 0

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Absent or not voting: None.  
Total 0

**HB 277** - Representative Gillan moved **HB 277**, second reading copy, be further amended as follows :

1. Page 1.

**Strike:** "House committee of the Whole amendment #490720CW.HDC (Representative Lewis) and House Committee of the Whole Amendment #490810CW.HDC (Representative Younkin)"

2. Title, page 1, line 14.

**Following:** "YEAR;"

**Strike:** remainder of line 14

**Insert:** "CREATING AN EDUCATION TRUST FUND WITHIN"

3. Title, page 1, line 15.

**Following:** "TRUST"

**Strike:** "TO THE GENERAL FUND TO"

**Insert:** "; ALLOCATING \$100 MILLION TO THE EDUCATION TRUST FUND; PROVIDING THAT 90 PERCENT OF THE INTEREST AND EARNINGS ON THE EDUCATION TRUST FUND MUST"

4. Title, page 1, line 16.

**Following:** "EDUCATION"

**Insert:** "AND THE OTHER 10 PERCENT OF THE INTEREST AND EARNINGS MUST BE DEPOSITED IN THE EDUCATION TRUST FUND; USING THE COAL FUNDS TO INCREASE THE TOTAL PER-ANB AND BASIC ENTITLEMENTS FOR PUBLIC SCHOOLS FOR SCHOOL FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2001; INCREASING THE BASIC ENTITLEMENT FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 DISTRICT ELEMENTARY PROGRAM TO \$18,818 FOR SCHOOL FISCAL YEAR 2002 AND TO \$19,383 FOR SUCCEEDING SCHOOL FISCAL YEARS; INCREASING THE BASIC ENTITLEMENT FOR A HIGH SCHOOL DISTRICT TO \$209,090 FOR SCHOOL FISCAL YEAR 2002 AND TO \$215,363 FOR SUCCEEDING SCHOOL FISCAL YEARS; INCREASING THE TOTAL PER-ANB ENTITLEMENT FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 DISTRICT ELEMENTARY PROGRAM TO \$3,819 FOR SCHOOL FISCAL YEAR 2002 AND TO \$3,934 FOR SUCCEEDING SCHOOL FISCAL YEARS; INCREASING THE TOTAL PER-ANB HIGH SCHOOL DISTRICT OR A K-12 DISTRICT HIGH SCHOOL PROGRAM TO \$5,090 FOR SCHOOL FISCAL YEAR 2002 AND TO \$5,243 FOR SUCCEEDING SCHOOL FISCAL YEARS"

5. Title, page 1, line 17.

**Following:** "MCA;"

**Insert:** "AMENDING SECTIONS 17-5-703, 17-6-308, AND 20-9-306, MCA;"

6. Title, page 1, lines 17 and 18.

**Strike:** "AN" on line 17

**Strike:** "DATE" on line 18

**Insert:** "DATES, APPLICABILITY DATES, AND A TERMINATION DATE"

7. Page 13, line 22 through line 27.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

8. Page 14, line 4.

**Insert: "Section 1.** Section 17-5-703, MCA, is amended to read:

**"17-5-703. (Temporary) Coal severance tax trust funds.** (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a treasure state endowment fund;

(c) a treasure state endowment regional water system fund;

(d) a coal severance tax permanent fund;

(e) a coal severance tax income fund; ~~and~~

(f) an education trust fund; and

~~(g)~~ a coal severance tax school bond contingency loan fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (3) through (5).

(3) (a) ~~On January 21, 1992, and continuing as~~ As long as any school district bonds secured by state loans under 20-9-466 are outstanding, the state treasurer shall from time to time and as provided in subsection (3)(b) transfer from the coal severance tax bond fund to the coal severance tax school bond contingency loan fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall transfer the amount referred to in subsection (3)(a) until and unless the balance in the coal severance tax school bond contingency loan fund is equal to the amount due as principal of and interest on the school district bonds secured by state loans under 20-9-466 during the next following 12 months.

(4) (a) ~~Beginning July 1, 1993, and ending~~ Until June 30, 2013, the state treasurer shall quarterly transfer to the treasure state endowment fund 75% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of amounts that are transferred pursuant to subsection (3).

(b) ~~Beginning July 1, 1999, and ending~~ Until June 30, 2013, the state treasurer shall quarterly transfer to the treasure state endowment regional water system fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of amounts that are transferred pursuant to subsection (3).

(c) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.

(d) The state treasurer shall monthly transfer from the treasure state endowment regional water system fund to the treasure state endowment regional water system special revenue account the amount of earnings required to meet the obligations of the state that are payable from the account for regional water systems authorized under 90-6-715. Earnings not transferred to the treasure state endowment regional water system special revenue account must be retained in the treasure state endowment regional water system fund.

(5) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund. (Terminates June 30, 2013--sec. 6, Ch. 495, L. 1999.)

**17-5-703. (Effective July 1, 2013) Coal severance tax trust funds.** (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance



HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

tax must be deposited;

- (b) a treasure state endowment fund;
- (c) a coal severance tax permanent fund;
- (d) a coal severance tax income fund; ~~and~~
- (e) an education trust fund; and
- ~~(e)(f)~~ a coal severance tax school bond contingency loan fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (3) through (5).

(3) (a) ~~On January 21, 1992, and continuing as~~ As long as any school district bonds secured by state loans under 20-9-466 are outstanding, the state treasurer shall from time to time and as provided in subsection (3)(b) transfer from the coal severance tax bond fund to the coal severance tax school bond contingency loan fund any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall transfer the amount referred to in subsection (3)(a) until and unless the balance in the coal severance tax school bond contingency loan fund is equal to the amount due as principal of and interest on the school district bonds secured by state loans under 20-9-466 during the next following 12 months.

(4) ~~(a) Beginning July 1, 1993, and ending June 30, 2013, the state treasurer shall quarterly transfer to the treasure state endowment fund 50% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund and in excess of amounts that are transferred pursuant to subsection (3):~~

~~(b) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.~~

(5) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund."

**Insert: "Section 2.** Section 17-6-308, MCA, is amended to read:

**"17-6-308. Authorized investments.** (1) Except as provided in subsections (2) through (4) and subject to the provisions of 17-6-201, the Montana permanent coal tax trust fund must be invested as authorized by rules adopted by the board.

(2) The board may make loans from the permanent coal tax trust fund to the capital reserve account created pursuant to 17-5-1515 to establish balances or restore deficiencies in the account. The board may agree in connection with the issuance of bonds or notes secured by the account or fund to make the loans. Loans must be on terms and conditions determined by the board and must be repaid from revenue realized from the exercise of the board's powers under 17-5-1501 through 17-5-1518 and 17-5-1521 through 17-5-1529, subject to the prior pledge of the revenue to the bonds and notes.

(3) The board shall manage the seed capital and research and development loan portfolios created by the former Montana board of science and technology development. The board shall establish an appropriate repayment schedule for all outstanding research and development loans made to the university system. The board is the successor in interest to all agreements, contracts, loans, notes, or other instruments entered into by the Montana board of science and technology development as part of the seed capital and research and development loan portfolios, except agreements, contracts, loans, notes, or other instruments funded with coal tax permanent trust funds. The board shall administer the agreements, contracts, loans, notes, or other instruments funded with coal tax permanent trust funds. Until the department makes a loan pursuant to the provisions of part 5 of this chapter, the \$915,000 in funds under its administration must be invested by the board pursuant to the provisions of 17-6-201. As loans made pursuant to part

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

5 of this chapter are repaid, the board shall deposit the proceeds or loans made from the coal severance tax trust fund in the coal severance tax permanent fund until all investments are paid back with 7% interest. On July 1, 2001, the board shall transfer \$100 million from the coal severance tax permanent fund to the education trust fund. The board shall deposit 10% of the interest and earnings on the education trust fund in the fund and shall deposit the remaining 90% of the earnings in the state general fund to be used for funding the basic and total per-ANB entitlements as provided in Title 20, chapter 9, part 3.

(4) The board shall allow the Montana health facility authority to administer \$15 million of the permanent coal tax trust fund for capital projects. Until the authority makes a loan pursuant to the provisions of Title 90, chapter 7, the funds under its administration must be invested by the board pursuant to the provisions of 17-6-201. As loans for capital projects made pursuant to this subsection are repaid, the principal and interest payments on the loans must be deposited in the coal severance tax permanent fund until all principal and interest have been repaid. The board and the authority shall calculate the amount of the interest charge. Individual loan amounts may not exceed 10% of the amount administered under this subsection.

(5) The board shall adopt rules to allow a nonprofit corporation to apply for economic assistance. The rules must recognize that different criteria may be needed for nonprofit corporations than for for-profit corporations.

(6) All repayments of proceeds pursuant to subsection (3) of investments made from the coal severance tax trust fund must be deposited in the coal severance tax permanent fund."''

**Insert: "Section 3.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "BASE" means base amount for school equity.
- (2) "BASE aid" means:
  - (a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and
  - (b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.
- (3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.
- (4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.
- (5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.
- (6) "Basic entitlement" means:
  - (a) ~~\$206,000~~ \$209,090 for each high school district;
  - (b) ~~\$18,540~~ \$18,818 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and
  - (c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:
    - (i) ~~\$18,540~~ \$18,818 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus
    - (ii) ~~\$206,000~~ \$209,090 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.
- (7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.
- (8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,090 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$3,819 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,763~~ \$3,819 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,090 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

**Insert: "Section 4.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$206,000~~ \$215,363 for each high school district;

(b) ~~\$18,540~~ \$19,383 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) ~~\$18,540~~ \$19,383 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$206,000~~ \$215,363 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,243 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$3,934 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,763~~ \$3,934 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,243 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB. ""

**Renumber:** subsequent section

9. Page 14, line 6.

**Strike:** "[SECTION 1]"

**Insert:** "[Section 2]"

10. Page 14, line 7.

**Following:** "fund"

**Insert:** "and because [section 1] creates a subfund in the coal severance tax trust fund"

11. Page 14, line 8.

**Following:** "State,"

**Insert:** ", as interpreted by the Montana supreme court in Montanans for the Coal Trust v. State,"

12. Page 14, line 11.

**Strike:** "date"

**Insert:** "dates -- applicability"

**Following:** "."

**Strike:** "[This act]"

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

**Following:** "2001"

**Insert:** ", and applies to school budgets for the school fiscal year beginning July 1, 2001"

13. Page 14.

**Following:** line 11

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

**Insert:** "(2) [Section 4] is effective July 1, 2002, and applies to school budgets for school fiscal years beginning on or after July 1, 2002.

**Insert:** "NEW SECTION. Section 7. Termination. [Section 3] terminates June 30, 2002."

Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Musgrove, Newman, Price, Raser, Ripley, Schmidt, Smith, Tramelli, Tropila, Wanzenried, Younkin.

Total 47

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Rice, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Mr. Speaker.

Total 53

Voted Absentee: Forrester, Aye; Bookout-Reinicke, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Himmelberger moved for cloture. Motion requiring a two-thirds vote, failed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Masolo, Matthews, McCann, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Curtiss, Cyr, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lindeen, Mangan, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Wanzenried, Wolery.

Total 38

Excused: Bookout-Reinicke, Forrester, Jayne.

Total 3

Absent or not voting: None.

Total 0

Representative Jayne excused at this time.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Motion that **HB 277**, as amended, do pass carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Davies, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Masolo, McKenney, Mood, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schrumpf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Vick, Waddill, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 57

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dell, Eggers, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Raser, Schmidt, Smith, Tramelli, Tropila, Walters, Wanzenried.

Total 43

Voted Absentee: Bookout-Reinicke, Aye; Forrester, Jayne, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 44** - Representative Laslovich moved **SB 44** be concurred in. Motion carried as follows:

Ayes: Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, Cyr, Dale, Dell, Devlin, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Holden, Hurdle, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lenhart, Lindeen, Mangan, Matthews, McKenney, Musgrove, Newman, Noennig, Olson, Price, Raser, Ripley, Rome, Schmidt, Shockley, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Younkin.

Total 54

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, P. Clark, Curtiss, Davies, Eggers, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Jackson, Kasten, Laible, Laszloffy, Lehman, Lewis, Masolo, McCann, Mood, Pattison, A. Peterson, K. Peterson, Rice, Schrumpf, Sliter, Smith, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Mr. Speaker.

Total 46

Voted Absentee: Bookout-Reinicke, Forrester, Jayne, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Sliter moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McKenney moved the Committee of the Whole report be adopted.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Representative Sliter made a substitute motion that **HB 277** be segregated from the Committee of the Whole report and the remainder of the report be adopted.

Report adopted as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Dale, Devlin, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jent, Kasten, Laible, Laszloffy, Lawson, Lehman, Lewis, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Somerville, Steinbeisser, Story, Thomas, Tropila, Vick, Waitschies, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 59

Noes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Davies, Dell, Eggers, Erickson, Facey, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Juneau, Kaufmann, Keane, Laslovich, Lee, Lenhart, Lindeen, Musgrove, Newman, Noennig, Raser, Smith, Tramelli, Waddill, Walters, Wanzenried.

Total 38

Excused: Bookout-Reinicke, Forrester, Jayne.

Total 3

Absent or not voting: None.

Total 0

**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 533** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 99

Noes: Musgrove.

Total 1

Voted Absentee: Bookout-Reinicke, Forrester, Jayne, Ayes.

Excused: None.

Total 0

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Absent or not voting: None.  
Total 0

**HB 578** passed as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schruppf, Sliter, Smith, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Wanzenried, Whitaker, Witt, Wolery, Younkin.  
Total 93

Noes: Harris, Kasten, Lawson, Shockley, Somerville, Walters, Mr. Speaker.  
Total 7

Voted Absentee: Bookout-Reinicke, Forrester, Jayne, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 32** concurred in as follows:

Ayes: Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cyr, Dale, Dell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Harris, Hurdle, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Matthews, McCann, Musgrove, Newman, Noennig, A. Peterson, Price, Raser, Schmidt, Shockley, Smith, Thomas, Tramelli, Tropila, Waddill, Wanzenried, Witt, Wolery, Younkin.  
Total 53

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Clancy, E. Clark, Curtiss, Davies, Devlin, Eggers, Esp, Fisher, Fuchs, Haines, Hedges, Himmelberger, Holden, Jackson, Jayne, Kasten, Laible, Laszloffy, Masolo, McKenney, Mood, Olson, Pattison, K. Peterson, Rice, Ripley, Rome, Schruppf, Sliter, Somerville, Steinbeisser, Story, Vick, Waitschies, Walters, Whitaker, Mr. Speaker.  
Total 47

Voted Absentee: Forrester, Aye; Bookout-Reinicke, Jayne, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

**SB 45** concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 98

Noes: Dell, Schrupf.

Total 2

Voted Absentee: Bookout-Reinicke, Forrester, Jayne, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 59** concurred in as follows:

Ayes: Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cyr, Dell, Devlin, Eggers, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Tramelli, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 84

Noes: Adams, Clancy, Curtiss, Dale, Davies, Erickson, Kasten, Kaufmann, McCann, Pattison, K. Peterson, Thomas, Vick, Waitschies, Mr. Speaker.

Total 15

Voted Absentee: Bookout-Reinicke, Forrester, Jayne, Ayes.

Excused: None.

Total 0

Absent or not voting: D. Brown.

Total 1

**SB 75** concurred in as follows:

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, Devlin, Eggers, Erickson, Facey, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.

Total 94

Noes: Davies, Esp, Fisher, Laszloffy, Vick, Mr. Speaker.

Total 6

Voted Absentee: Bookout-Reinicke, Forrester, Jayne, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**TRANSPORTATION** (Somerville, Chairman):  
**HB 544**, introduced bill, be amended as follows:

3/3/2001

1. Page 2, line 5.

**Following:** "4,"

**Insert:** "and subject to subsection (4),"

2. Page 2.

**Following:** line 6

**Insert:** "(4)(a) The department may not contract with a designated agent as provided in subsection (3) unless at least two responsible and responsive bidders submit bids in response to the department's request for proposals or invitation for bids.

(b) The department may not use the sole source procurement method provided for in 18-4-306 for the purposes of this program."

**Renumber:** subsequent subsections

3. Page 2, line 20.

**Following:** "registrations"

**Insert:** ", excluding registrations provided for in 61-3-529, 61-3-711 through 61-3-733, and 61-3-736 through 61-3-738,"

4. Page 2, line 29.

**Following:** "insurer"

**Insert:** ", excluding any policy issued for a commercial motor vehicle registered or proportionately registered in Montana or in any other jurisdiction,"

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

**Following:** "and"  
**Insert:** "that"

5. Page 3, line 26.

**Following:** "for"  
**Strike:** "3"  
**Insert:** "2"

6. Page 5.

**Following:** line 5

**Insert:** "(3) A certificate or electronic report from the designated agent documenting or verifying the insurance status of a specific individual or motor vehicle supersedes an insurance card issued at least 15 days before the report."

**Renumber:** subsequent subsection

7. Page 15, line 2.

**Following:** "3(3)"  
**Insert:** ", 3(4),"

And, as amended, do pass. Report adopted.

**MOTIONS**

Representative Sliter moved that **HB 607** be taken from the Committee on Appropriations and rereferred to the Committee on State Administration. Motion carried.

Representative Facey moved that **HB 277** be rereferred to the Committee on Education.

Representative Sliter made a substitute motion that **HB 277** be rereferred to the Committee on Taxation. Motion carried.

Representative Sliter moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to **HB 29**. Motion carried.

The Speaker appointed the following members:

Representative Noennig, Chairman  
Representative Harris  
Representative K. Peterson

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Monday, March 5, 2001. Motion carried.

House adjourned at 12:15 p.m.

HOUSE JOURNAL  
FORTY-NINTH LEGISLATIVE DAY - MARCH 3, 2001

MARILYN MILLER  
Chief Clerk of the House

DAN MCGEE  
Speaker of the House