

**HOUSE JOURNAL
57TH LEGISLATURE
FIFTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
March 10, 2001

House Chambers
State Capitol

House convened at 7:30 a.m. Mr. Speaker in the Chair. Invocation by Representative Musgrove. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bales, Branae, Buzzas, Carney, Cyr, Eggers, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Harris, Hurdle, Jent, Keane, Laslovich, Olson, Schmidt, Tramelli, and Wanzenried, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 3/10/2001
Correctly printed: **SB 8, SB 10, SB 50, SB 184, SB 199, SB 370.**
Correctly engrossed: **HB 544, SB 34.**
Signed by the Speaker at 5:15 p.m., March 9, 2001: **HB 21, HB 44, HB 71, HB 103, HB 104, HB 108, HB 110, HB 114, HB 126, HB 147, HB 223, HB 272, HB 309, HB 411, HJR 8.**

TAXATION (Story, Chairman): 3/9/2001
HB 225, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "CREATING"

Strike: "AN"

Insert: "A HIGHER"

2. Title, page 1, line 5.

Following: "THE"

Insert: "HIGHER"

Following: the second "FUND"

Insert: "OVER A 6-YEAR PERIOD"

3. Title, page 1, line 6.

Following: the second "THE"

Insert: "HIGHER"

4. Title, page 1, line 7.

Following: "SUPPORT"

Strike: "RESIDENT STUDENTS ATTENDING A UNIT OF THE UNIVERSITY SYSTEM"

Insert: "THE MONTANA HIGH SCHOOL HONOR SCHOLARSHIP PROGRAM AND OTHER STUDENT FINANCIAL AID"

5. Title, page 1, line 8.

Following: the second "THE"

Insert: "HIGHER"

Following: "FUND;"

Insert: "PROVIDING A STATUTORY APPROPRIATION;"

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6. Title, page 1, line 9.

Following: "17-5-703"

Strike: "AND"

Insert: ", "

Following: "17-6-308,"

Insert: "AND 17-7-502,"

7. Title, page 1, line 9.

Strike: "AN"

Insert: "A DELAYED"

8. Page 1, line 22.

Strike: "an"

Insert: "a higher"

9. Page 3, line 8.

Strike: "an"

Insert: "a higher"

10. Page 4, line 17.

Following: "(3)"

Insert: "(a)"

11. Page 4, line 29.

Following: "interest."

Insert: "(b)"

Strike: "2001"

Insert: "2002"

Strike: "\$100"

Insert: "\$6.5"

12. Page 4, line 30.

Following: "to the"

Insert: "higher"

Following: " . "

Insert: "In succeeding years, the board shall transfer the following amounts to the higher education trust fund:

- (i) \$20 million on July 1, 2003;
 - (ii) \$20 million on July 1, 2004;
 - (iii) \$20 million on July 1, 2005;
 - (iv) \$20 million on July 1, 2006; and
 - (v) \$13.5 million on July 1, 2007.
- (c)"

13. Page 5, line 1.

Following: the first "the"

Insert: "higher"

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14. Page 5, lines 2 and 3.

Strike: "the state general fund" on line 2

Insert: "a state special revenue account"

Following: "support" on line 2

Strike: remainder of line 2 through "system" on line 3

Insert: "the Montana high school honor scholarship program or other student financial aid administered by the board of regents. The money in the state special revenue account is statutorily appropriated, as provided in 17-7-502, to the board of regents for those purposes"

15. Page 5, line 18 through line 21.

Strike: section 3 in its entirety

Insert: "**Section 3.** Section 17-7-502, MCA, is amended to read:

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

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

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

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

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702; 15-34-115; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-6-308; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222; 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005.)"

16. Page 5, line 23.

Strike: "2001"

Insert: "2002"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

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Senate bill passed and transmitted to the House for concurrence: 3/9/2001

SB 106, introduced by Sprague

House bills concurred in and returned to the House: 3/9/2001

HB 175, introduced by Jent

HB 238, introduced by Thomas

HB 268, introduced by Ripley

HB 281, introduced by Lindeen

HB 286, introduced by Thomas

HB 358, introduced by Bales

HB 458, introduced by Barrett

HB 462, introduced by Witt

House joint resolutions concurred in and returned to the House: 3/9/2001

HJR 9, introduced by Lindeen

HJR 11, introduced by Tropila

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/9/2001

HB 166, introduced by Lee

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 544 passed as follows:

Ayes: Andersen, Bookout-Reinicke, Branae, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Himmelberger, Hurdle, Jackson, Jacobson, Jent, Kaufmann, Keane, Laible, Laslovich, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Schmidt, Schruppf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Tramelli, Tropila, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Wolery, Younkin, Mr. Speaker.

Total 72

Noes: Adams, Bales, Balyeat, Barrett, Bitney, Bixby, D. Brown, Brueggeman, Clancy, Dale, Hedges, Holden, Jayne, Juneau, Kasten, Laszloffy, Lee, Lehman, Lewis, McKenney, Pattison, Rice, Ripley, Rome, Story, Thomas, Vick, Witt.

Total 28

Voted Absentee: Branae, Buzzas, Carney, Cyr, Eggers, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Harris, Hurdle, Jent, Keane, Laslovich, Olson, Schmidt, Tramelli, Wanzenried, Ayes; Bales, No.

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

SB 34 concurred in as follows:

Ayes: Adams, Andersen, 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, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Hurdle, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 94

Noes: Bales, Esp, Holden, Kasten, Pattison, Story.
Total 6

Voted Absentee: Branae, Buzzas, Carney, Cyr, Eggers, Forrester, Fritz, Fuchs, Gallus, Galvin-Halcro, Harris, Hurdle, Jent, Keane, Laslovich, Olson, Schmidt, Tramelli, Wanzenried, Ayes; Bales, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Representative Sliter moved that **HB 124** be taken from the Select Committee on Local Government and rereferred to the Committee on Local Government. There being no objections, so ordered.

Representative Sliter moved that **HB 144** be taken from the Committee on Appropriations and rereferred to the Committee on Legislative Administration. There being no objections, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 1:00 p.m., Monday, March 12, 2001. Motion carried.

House adjourned at 7:40 a.m.

MARILYN MILLER
Chief Clerk of the House

DAN MCGEE
Speaker of the House