

**HOUSE JOURNAL
57TH LEGISLATURE
SIXTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 21, 2001

House Chambers
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Schmidt. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Eggers and Fuchs, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 3/21/2001
Correctly printed: **HB 3, HB 4, HB 9, HB 397, HB 447, HB 511, SB 60, SB 130, SB 145, SB 151, SB 218, SB 231, SB 293, SB 310, SB 311, SB 313, SB 320, SB 321, SB 323, SB 330, SB 348, SB 355, SB 390, SB 428, SB 450, SB 451, SB 457, SJR 6.**
Correctly engrossed: **SB 38, SB 56, SB 65, SB 81, SB 259, SB 285, SB 306, SB 334, SB 398, SJR 11.**
Correctly enrolled: **HB 292, HB 378, HB 386.**
Examined by the sponsor and found to be correct: **HB 378.**

APPROPRIATIONS (Vick, Chairman): 3/20/2001
HB 13, introduced bill, be amended as follows:

1. Title, page 1, lines 8 and 9.
Following: "PLANS;" on line 8
Strike: remainder of line 8 through "TEACHERS;" on line 9
2. Title, line 10.
Following: "PROGRAM;"
Insert: "REVISING THE LEGISLATOR DAILY EXPENSE DETERMINATION;"
3. Title, line 11.
Following: "2-18-315,"
Strike: "AND"
Following: "2-18-703,"
Insert: "AND 5-2-301,"
4. Page 1, line 28.
Page 1, line 30.
Following: ",~~2-18-313~~," in both places
Insert: ", 2-18-313," in both places
5. Page 2, line 1.
Following: "2-18-315"
Strike: "and the pay provided for in 2-18-313"
6. Page 3, line 2.
Following: "m"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Insert: "the pay schedules provided in"

7. Page 3, line 3.

Following: "~~and~~"

Insert: "2-18-313 and"

8. Page 3, following line 12.

Insert: "(a) (i) The pay schedules provided for in 2-18-313 indicate the annual compensation for teachers employed under the authority of the department of corrections or the department of public health and human services for fiscal years 2002 and 2003.

(ii) The compensation of each teacher on July 1, 2001, is the same as it was on June 30, 2001.

(iii) On the first day of the first pay period that includes October 1 of each fiscal year, a teacher employed under the authority of the department of public health and human services or the department of corrections before October 1, 1994, shall advance one step on the appropriate pay schedule adopted in 2-18-313. A teacher hired after October 1, 1994, shall advance on the teacher's actual anniversary date."

Renumber: subsequent subsections

9. Page 3, line 30.

Following: "~~2-18-313;~~"

Insert: "2-18-313,"

10. Page 4, line 3.

Following: "~~2-18-313;~~"

Insert: ", 2-18-313,"

11. Page 4, lines 3 and 4.

Following: "2-18-315" on line 3

Strike: remainder of line 3 through "2-18-313" on line 4

12. Page 10, line 26.

Strike: "schedule"

Insert: "schedules"

Following: "(~~1~~)"

Insert: "(1)"

13. Page 10, line 28 through line 30.

Following: "~~follows:~~" on line 28

Strike: remainder of line 28 through "agreement." on line 30

Insert: "for the period that includes October 1, 2001, until the first day of the pay period that includes October 1, 2002, is as follows:"

14. Page 12, following line 6.

Insert: "Annual Hours -- 2080 Note: Does Not Include Insurance
Term -- Twelve Months Matrix Type -- Annual
Education Level

STEP	BA	BA+15	BA+30	BA+45	BA+60	BA+75
1	26,085	26,867	27,673	28,503	29,359	30,239

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

2	26,867	27,673	28,503	29,358	30,239	31,147
3	27,673	28,503	29,358	30,239	31,147	32,082
4	28,503	29,358	30,239	31,147	32,082	33,044
5	29,358	30,239	31,147	32,082	33,044	34,035
6	30,239	31,147	32,082	33,044	34,035	35,056
7	31,147	32,082	33,044	34,035	35,056	36,108
8	32,082	33,044	34,035	35,056	36,108	37,191
9	33,044	34,035	35,056	36,108	37,191	38,307
10	34,035	35,056	36,108	37,191	38,307	39,457
11	35,056	36,108	37,191	38,307	39,457	40,640
12	36,108	37,191	38,307	39,457	40,640	41,858
13	37,191	38,307	39,457	40,640	41,858	43,114

(2) Effective on the first day of the pay period that includes October 1, 2002, the pay schedule for teachers is as follows:

Annual Hours -- 2080 Note: Does Not Include Insurance
Term -- Twelve Months Matrix Type -- Annual
Education Level

STEP	BA	BA+15	BA+30	BA+45	BA+60	BA+75
1	27,129	27,942	28,780	29,643	30,532	31,449
2	27,942	28,780	29,643	30,532	31,449	32,393
3	28,780	29,643	30,532	31,449	32,393	33,365
4	29,643	30,532	31,449	32,393	33,365	34,366
5	30,532	31,449	32,393	33,365	34,366	35,396
6	31,449	32,393	33,365	34,366	35,396	36,459
7	32,393	33,365	34,366	35,396	36,459	37,552
8	33,365	34,366	35,396	36,459	37,552	38,679
9	34,366	35,396	36,459	37,552	38,679	39,840
10	35,396	36,459	37,552	38,679	39,840	41,035
11	36,459	37,552	38,679	39,840	41,035	42,266
12	37,552	38,679	39,840	41,035	42,266	43,532
13	38,679	39,840	41,035	42,266	43,532	44,839"

15. Page 16, line 18.

Insert: "Section 7. Section 5-2-301, MCA, is amended to read:

"5-2-301. Compensation and expenses for members while in session. (1) Legislators are entitled to a salary commensurate to that of the daily rate of an entry grade 10 classified state employee in effect when the regular session of the legislature in which they serve is convened under 5-2-103 for those days during which the legislature is in session. The president of the senate and the speaker of the house must receive an additional \$5 a day in salary for those days during which the legislature is in session.

(2) Legislators may serve for no salary.

(3) Subject to subsection (4), legislators are entitled to a daily allowance, 7 days a week, during a legislative session, as reimbursement for expenses incurred in attending a session. Expense payments must stop when the legislature recesses for more than 3 days and resume when the legislature reconvenes.

(4) After November 15, and prior to December 15 of each even-numbered year, the department of administration shall conduct a survey of the allowance for daily expenses of legislators for the states of North Dakota,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

South Dakota, Wyoming, and Idaho. The department shall include the average daily expense allowance for Montana legislators in determining the average daily rate for legislators. The department shall include only states with specific daily allowances in the calculation of the average. If the average daily rate is greater than the daily rate for legislators in Montana, ~~the average is the~~ legislators are entitled to a new daily rate for legislators for those days during which the legislature is in session. The new daily rate is the daily rate for the prior legislative session, increased by the percentage rate increase as determined by the survey, a cost of living increase to reflect inflation that is calculated pursuant to 15-6-134, or 5%, whichever is less. The expense allowance is effective when the next regular session of the legislature in which the legislators serve is convened under 5-2-103.

(5) Legislators are entitled to a mileage allowance as provided in 2-18-503 for each mile of travel to the place of the holding of the session and to return to their place of residence at the conclusion of the session.

(6) In addition to the mileage allowance provided for in subsection (5), legislators, upon submittal of an appropriate claim for mileage reimbursement to the legislative services division, are entitled to:

(a) three additional round trips to their place of residence during each regular session; and

(b) additional round trips as authorized by the legislature during special session.

(7) Legislators are not entitled to any additional mileage allowance under subsection (5) for a special session if it is convened within 7 days of a regular session.""

Renumber: subsequent sections

16. Page 16, line 24.

Strike: "150,307 30,560 402,024 80,888"

Insert: "145,571 29,596 388,359 78,107"

17. Page 16, line 26.

Strike: "95,711 10,788 261,444 29,470"

Insert: "93,728 10,564 253,634 28,560"

18. Page 16, line 27.

Strike: "3,539,813 3,094,019 8,908,683 7,786,750"

Insert: "3,491,176 3,051,506 8,759,051 7,655,963"

19. Page 16, line 28.

Strike: "4,477,047 8,334,262 12,114,365 22,473,891"

Insert: "4,302,871 6,718,472 11,606,426 18,059,051"

20. Page 16, line 29.

Strike: "42,272 108,334"

Insert: "41,836 107,216 "

21. Page 17, line 6.

Strike: "1,000,000"

Insert: "800,000"

22. Page 17, following line 6.

Insert: "(3) The following money is appropriated for the biennium to the legislative branch for use when personnel vacancies do not occur, retirement costs exceed branch resources, or other contingencies arise:

Fiscal Year 2002
General Fund

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Personal Services Contingency 200,000

(4) The following money is appropriated for the biennium to the legislative branch to reduce the discrepancy between actual branch salaries and statutory market salaries:

		Fiscal Year 2002	
		General Fund	Other Funds
Statutory Market Salary Adjustment	400,000	34,500"	

And, as amended, do pass. Report adopted.

HB 14, introduced bill, be amended as follows:

3/20/2001

1. Title, page 1, line 8.

Following: "APPROPRIATIONS;"

Insert: "AMENDING SECTION 2, CHAPTER 518, LAWS OF 1999;"

2. Page 1, line 12.

Strike: "10"

Insert: "9"

3. Page 1, line 15.

Following: "projects"

Insert: ", including broadcast transmission lines, transmitters, and related equipment,"

Following: "through"

Strike: "10"

Insert: "9"

4. Page 1.

Strike: lines 26 and 27 in their entirety

5. Page 1, line 29.

Strike: "8,547,000"

Insert: "\$5,000,000" [CPF]

Page 1, following line 30.

Insert: "It is the intent of the 57th legislature that the department of corrections reduce its general fund present law base by \$300,000 a year because of the savings from paying local governments to hold offenders as a result of building the new reception center. This reduction is to occur when the new reception center starts receiving offenders. The reduction for the first year is to be on a pro rata basis for the portion of the first fiscal year that the new reception center is receiving offenders. The reduction in the following years is to be \$300,000."

6. Page 2.

Strike: lines 1 and 2 in their entirety

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

7. Page 2, following line 4.

Insert: "It is the intent of the 57th legislature that all future operating and maintenance for the Dillon armory be funded from its base budget."

8. Page 2.

Strike: lines 10 and 11 in their entirety

9. Page 2.

Strike: lines 15 and 16 in their entirety

10. Page 2, line 19.

Strike: "4,125,000"

Insert: "2,000,000"

11. Page 2.

Following: line 20

Insert: "Agricultural Experiment Station, 1,000,000"[CPF]

Insert: "MSU-Bozeman"

Insert: "Install PBS Digital Conversion, 1,892,286"[CPF]

Insert: "MSU-Bozeman"

Insert: "(2) The university system and the information services division of the department of administration will work together to develop network plans or procedures that provide for the highest degree of bandwidth and cost-sharing capability between the university system and the department that is within technical specifications agreed to by the parties and is mutually beneficial to them. This obligation to cooperate and coordinate for the purpose of seeking mutually beneficial network arrangements applies to the intercity transport services acquired by the university system or the department of administration to meet the needs of the public broadcast system, including the utilization and sharing of excess capacity bandwidth to help meet the telecommunication needs of all state agencies in a manner that is both cost-effective and compatible with the efficient operation of the public broadcast system."

Renumber: subsequent subsections

12. Page 2.

Strike: lines 21 through 26

Renumber: subsequent sections

13. Page 2, line 27.

Following: "funding"

Insert: "in the amount of \$2 million"

14. Page 3, line 1.

Following: "\$81,310,000"

Insert: "for up to 20 years and not exceeding \$1,892,286 for up to 10 years"

15. Page 3, line 8 through page 4, line 22.

Strike: sections 4 through 7 in their entirety

Renumber: subsequent sections

16. Page 5, following line 1.

Insert: "NEW SECTION. **Section 5. Agreement with Montana university system.** If Montana public broadcasting

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

services receives funding at a higher federal participation rate than 67%, the amount authorized for general obligation long-range building program bonds to install PBS digital conversion through MSU-Bozeman in [section 2] must be reduced by the amount of the increased federal share."

Insert: "NEW SECTION. Section 6. Agreement with department of corrections. The board of examiners and the department of corrections may enter into an agreement for the construction of the central reception unit in Deer Lodge, under which the department will reduce the \$5 million of bonds requested to be issued by the amount of additional federal funds that are being received for the central reception unit. After the bonds have been issued for the project, future federal funds received for construction of the central reception unit will be used to pay the portion of the debt service related to the central reception unit project in accordance with federal provisions governing use of the federal money."

Insert: "NEW SECTION. Section 7. Agreement with Montana state university agricultural experiment station. The board of examiners and the Montana state university agricultural experiment station may enter into an agreement for the construction and repair of various experiment station buildings at the following locations: \$1,250,000 for Huntley, \$180,000 for Moccasin, \$200,000 for Havre, \$210,000 for Sidney, and \$160,000 for Kalispell. The amount of \$1 million for these projects will be funded from CPF, and the amount of \$1 million will be funded from the non-LRBP fund sources in House Bill No. 5."

17. Page 5, following line 21.

Insert: "NEW SECTION. Section 11. Legislative intent to increase maintenance funding. It is the intent of the 57th legislature that the department of administration and the office of budget and program planning make a payment of \$665,000 a year of debt service from the general fund instead of the long-range building account on the 1996D bond issue, the 1997B bond issue, and the 1999C bond issue and increase the general fund statutory appropriation for debt service by a like amount. The \$665,000 a year in the long-range building account is to be appropriated by the legislature for deferred maintenance and to develop a design to expand the university of Montana college of technology in Helena."

Insert: Section 12. Section 2(1), Chapter 518, Laws of 1999, is amended to read:

"Section 2. Appropriation of bond proceeds and other funds. (1) The following money is appropriated from the CPF and other funding sources to the department of administration for the capital projects described in this section, contingent upon the respective authorization of general obligation long-range building program bonds by the 56th legislature and the sale of the bonds by the board of examiners:

Agency/Project	CPF	Other Funding Sources
DEPARTMENT OF ADMINISTRATION		
Capitol Renovation	\$3,898,750	\$
DEPARTMENT OF CORRECTIONS		
Expand Women's Prison, MWP, Billings	\$2,900,000	
Complete Pine Hills Youth Correctional Facility, Miles City	2,225,000	
Security Improvements and Wallace Expansion, MSP, Deer Lodge	3,000,000	
DEPARTMENT OF LABOR AND INDUSTRY		
Havre Job Service Supplemental	210,000	
DEPARTMENT OF MILITARY AFFAIRS		
Montana National Guard, Veterans' Affairs and Emergency Operations Center, Fort Harrison, Helena		3,500,000
Construct New Armory, Kalispell	1,800,000	

The proceeds of this bond issue, up to the amount authorized, are restricted to be used for the installation of a new water and sewer system that will serve the Kalispell armory, except for up to \$100,000 for construction of space for a veterans' administration office.

Construct New Armory, Bozeman 2,200,000

MONTANA UNIVERSITIES AND COLLEGES

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Renovate Renne Library, MSU-Bozeman 7,500,000
Rural Technology Education Center, UM-Dillon 4,170,000
Lab and Classroom Renovations, UM-All Campuses 2,000,000"

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 516, do pass. Report adopted.

3/21/2001

HB 641, do pass. Report adopted.

HJR 34, be adopted. Report adopted.

HUMAN SERVICES (Thomas, Chairman):

3/21/2001

SB 77, be amended as follows:

1. Title, line 15.

Strike: "53-4-247,"

2. Title, line 18.

Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 30, line 1 through line 5.

Strike: section 26 in its entirety

Renumber: subsequent sections

4. Page 30.

Following: line 19

Insert: "(5) "Section 1931 medicaid benefits" means medical assistance authorized by 42 U.S.C. 1396u-1 for families eligible for the Montana medicaid program, as established in Title 53, chapter 6, based on the department's income limitations, as increased each year by that year's increase in the Consumer Price Index for Urban Wage Earners, compiled by the U.S. department of labor, bureau of labor statistics, and other standards approved by the federal government for 1996 for the federal aid to families with dependent children program, as that program was established under Title IV of the federal Social Security Act (42 U.S.C. 601, et seq.)."

5. Page 32, line 14 through line 15.

Strike: "financial assistance"

6. Page 32, line 15.

Following: "project"

Insert: "section 1931 medicaid benefits"

7. Page 32, line 16.

Following: "source"

Insert: "to the assistance unit, as that term is defined in the rules of the department,"

8. Page 32, line 25.

Following: "53-4-606."

Insert: "The department may count education activities as an allowable work activity in a family investment agreement"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

for up to 60 months in a FAIM project cash assistance program consistent with federal law."

9. Page 39, line 6.

Strike: "benefits from" through "53-4-201,"

10. Page 39, line 7.

Following: "project"

Insert: "section 1931 medicaid benefits, as defined in 53-4-602,"

Following: "income"

Insert: "to the assistance unit, as that term is defined in the rules of the department"

11. Page 39, line 24 through line 25.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

12. Page 39, line 28.

Strike: "(1)(e)"

Insert: "(1)(d)"

13. Page 40, line 28 through line 29.

Strike: "financial assistance" on lines 28 and 29

Insert: "section 1931 medicaid benefits"

14. Page 40, line 29.

Strike: "53-4-201"

Insert: "53-4-602"

15. Page 40, line 30 through page 41, line 1.

Strike: "FAIM" on page 40, line 30 through "financial assistance" on page 41, line 1

Insert: "section 1931 medicaid program"

16. Page 42, line 11.

Strike: "financial assistance"

Insert: "section 1931 medicaid program"

17. Page 42, line 20.

Strike: "financial" through "53-4-201,"

18. Page 42, line 22.

Following: "~~53-4-603~~"

Insert: "section 1931 medicaid benefits, as defined in 53-4-602,"

Following: "increased"

Insert: "earned or unearned"

Strike: "from any source"

19. Page 42, line 23.

Following: "~~disregards~~"

Insert: "to the assistance unit, as that term is defined in the rules of the department"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

20. Page 43.

Following: line 19

Insert: "**Insert:** "NEW SECTION. Section 45. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to payments made after January 1, 2001, for mental health services provided to children with serious emotional disturbances for whom mental health services are not provided by any other public mental health services program and whose family income is at or below 150% of the federal poverty level."

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

SB 207, be amended as follows:

3/20/2001

1. Page 2, line 22.

Strike: "ONLY"

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

SB 309, be amended as follows:

1. Title, line 6.

Strike: "24"

Insert: "36"

2. Page 6, line 12.

Strike: "24"

Insert: "36"

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

JUDICIARY (Shockley, Chairman):

3/20/2001

SB 128, be amended as follows:

1. Title, page 1, line 4.

Following: "PENALTIES FOR"

Insert: "PROSTITUTION,"

2. Title, page 1, line 5.

Following: the first "PROSTITUTION"

Insert: ", "

3. Title, page 1, line 9.

Following: "45-2-101,"

Insert: "45-5-601,"

4. Page 11, line 6.

Insert: "**Section 2.** Section 45-5-601, MCA, is amended to read:

"**45-5-601. Prostitution.** (1) A person commits the offense of prostitution if ~~such~~ the person engages in or agrees or offers to engage in sexual intercourse with another person for compensation, whether such compensation is

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

received or to be received or paid or to be paid.

(2)(a) A ~~person~~ prostitute convicted of prostitution shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) A prostitute's client who is convicted of prostitution shall for the first offense be fined an amount not to exceed \$1,000 or be imprisoned for a term not to exceed 1 year, or both, and for a second or subsequent offense shall be fined an amount not to exceed \$10,000 or be imprisoned for a term not to exceed 5 years, or both."

Renumber: subsequent sections

5. Page 11, line 27.

Strike: "20"

Insert: "10"

6. Page 12, line 10.

Strike: "100"

Insert: "20"

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

SB 226, be concurred in. Report adopted.

SB 368, be concurred in. Report adopted.

LOCAL GOVERNMENT (Noennig, Chairman):

3/21/2001

HB 124, introduced bill, be amended as follows:

1. Title, page 1, line 11.

Following: "ALLOCATIONS;"

Insert: "CALCULATING ENTITLEMENTS BY DEDUCTING DISTRICT COURT COSTS AND PUBLIC ASSISTANCE COSTS;"

2. Title, page 1, line 13.

Strike: "ELIMINATING"

Insert: "INCLUDING"

3. Title, page 1, line 14.

Strike: "AND LAND OWNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"

Insert: "IN THE ENTITLEMENT SHARE CALCULATION"

4. Title, page 1, line 18.

Strike: "PAYMENTS"

Insert: "BLOCK GRANTS"

5. Title, page 1, line 21.

Following: "TRANSPORTATION"

Insert: "BLOCK GRANTS"

Following: "RETIREMENT"

Insert: "BLOCK GRANTS"

6. Title, page 1, line 23.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Strike: "7-6-2348,"

7. Title, page 1, line 24.

Strike: "7-6-2502,"

8. Title, page 1, line 25.

Strike: "7-6-4259,"

9. Title, page 1, line 26, through page 1, line 28.

Strike: "7-12-2105," on line 26 through "7-13-4406," on line 28

10. Title, page 2, line 5.

Following: "15-16-117,"

Insert: "15-24-303, 15-24-902, 15-24-904,"

11. Title, page 2, line 6.

Strike: "17-3-221, 17-3-222,"

Following: "17-7-502,"

Insert: "19-6-709,"

12. Title, page 2, line 7.

Strike: "20-6-413,"

13. Title, page 2, line 9.

Strike: "23-2-817,"

14. Title, page 2, line 10.

Strike: "23-5-612,"

15. Title, page 2, line 11.

Following: "53-2-207,"

Insert: "53-2-301,"

Following: "53-2-304,"

Strike: "53-2-801,"

Insert: "53-2-612,"

16. Title, page 2, line 13.

Strike: "61-3-422,"

Strike: "61-3-453,"

Following: "61-3-524,"

Insert: "61-3-527,"

17. Title, page 2, line 16.

Following: "76-15-623,"

Insert: "77-1-502, 77-1-503, 77-1-504,"

Following: "80-2-205,"

Insert: "80-2-206,"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

18. Title, page 2, line 18.

Following: "80-2-230,"

Insert: "80-2-231,"

19. Title, page 2, line 19.

Following: "81-6-210,"

Insert: "81-7-104, 81-7-113, 81-7-114,"

20. Title, page 2, line 24.

Following: "20-25-1007,"

Insert: "52-1-110, 53-2-302, 53-2-306,"

Following: "53-2-322,"

Insert: "53-2-610, 53-2-801, 53-2-802, 53-2-803, 53-2-811, 53-2-812, 53-2-813, 53-4-246, 53-4-247,"

21. Title, page 2, line 25.

Strike: "77-1-501, 77-1-502, 77-1-503, 77-1-504,"

22. Title, page 2, line 26.

Following: "80-2-223,"

Insert: "AND"

Strike: "87-1-603, AND 87-1-604,"

23. Page 3, lines 1 through 4.

Following: "payment" on line 1

Insert: "-- appropriation"

Following: "(1)" on line 1

Strike: remainder of line 1 through "." on line 4

24. Page 3, line 5.

Following: "."

Insert: "The department shall estimate each local government's base component for the fiscal year ending June 30, 2001, in an amount equal to the revenue that the local government received from the following sources prior to the passage of [this act]:

(a) personal property tax reimbursements pursuant to:

(i) sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(ii) 15-1-111; and

(iii) 15-1-112;

(b) vehicle and boat taxes and fees pursuant to:

(i) Title 23, chapter 2, part 5;

(ii) Title 23, chapter 2, part 6;

(iii) Title 23, chapter 2, part 8;

(iv) 61-3-321;

(v) Title 61, chapter 3, part 5, except for 61-3-537; and

(vi) Title 61, chapter 3, part 7;

(c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);

(d) district court fees pursuant to:

(i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);

(ii) 25-1-202;

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

- (iii) 25-1-1103;
- (iv) 25-9-506;
- (v) 25-9-804; and
- (vi) 27-9-103;
- (e) certificate of ownership fees for manufactured homes pursuant to 15-1-116;
- (f) financial institution taxes pursuant to Title 15, chapter 31, part 7;
- (g) coal severance taxes allocated for county land planning pursuant to 15-35-108;
- (h) all beer, liquor, and wine taxes pursuant to:
 - (i) 16-1-404;
 - (ii) 16-1-406; and
 - (iii) 16-1-411;
- (i) late filing fees pursuant to 61-3-201;
- (j) title and registration fees pursuant to 61-3-203;
- (k) disabled veterans flat license plate fees and purple heart license plate fees pursuant to 61-3-332;
- (l) county personalized license plate fees pursuant to 61-3-406;
- (m) special mobile equipment fees pursuant to 61-3-431; (n) single movement permit fees pursuant to 61-4-310;
- (o) state aeronautics fees pursuant to 67-3-101; and
- (p) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77, chapter 1, part 5."

25. Page 3, lines 6 through 17.

Strike: subsection (2) in its entirety

Insert: "(2) The department shall deduct from the amount calculated pursuant to subsection (1), the increased costs for the state assumption of district court expenses provided for in 3-5-901 and the increased state costs for the assumption of public assistance.

(3) (a) By July 1 of each year, the department shall calculate the growth rate of the entitlement share pool for each year of the next biennium in the following manner:

(i) The department shall calculate the average annual growth rate of Montana gross state product, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period in subsection (3)(a)(i)(A).

(ii) The department shall calculate the average annual growth rate of Montana personal income, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period in subsection (3)(a)(ii)(A).

(b) (i) For fiscal years 2002 through 2005, the entitlement share pool growth rate for the first year of the biennium must be 70% of the average of the growth rates calculated in subsections (3)(a)(i)(B) and (3)(a)(ii)(B).

(ii) The entitlement share pool growth rate for the second year of the biennium must be 70% of the average of the growth rates calculated in subsections (3)(a)(i)(A) and (3)(a)(ii)(A).

(c) (i) For fiscal year 2006 and subsequent fiscal years, the entitlement share pool growth rate for the first year of the biennium must be 54% of the average of the growth rates calculated in subsections (3)(a)(i)(B) and (3)(a)(ii)(B).

(ii) The entitlement share pool growth rate for the second year of the biennium must be 54% of the average of the growth rates calculated in subsections (3)(a)(i)(A) and (3)(a)(ii)(A)."

Renumber: subsequent subsections

26. Page 3, line 19.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Following: "."

Insert: "A local government does not include a tax increment financing district provided for in subsection (6). A local government receiving an entitlement share shall take into account revenue received on behalf of a special district."

27. Page 3, line 20.

Following: "(4)"

Insert: "(a)"

28. Page 3, line 21.

Following: "."

Insert: "The distributions must be made on a quarterly basis beginning September 15, 2001. For the fiscal year beginning July 1, 2001, the department may not include a financial institution tax reimbursement in the entitlement share for a local government or school district unless the local government or school district accrued the revenue from that tax in fiscal year 2000."

29. Page 3, line 22.

Following: line 21

Insert: "(b) (i) The amount of money representing the growth factor in the entitlement share must be calculated separately for:

(A) counties and consolidated local governments; and

(B) incorporated cities and towns.

(ii) The amount of money representing the growth factor in the entitlement share for counties and consolidated local governments is allocated as follows:

(A) 50% of the growth factor must be allocated to counties and consolidated local governments based upon each county's or consolidated local government's percentage of the entire entitlement share for all counties and consolidated local governments; and

(B) 50% of the growth factor must be allocated to each county or consolidated local government based upon the percentage that each county's or consolidated local government's population bears to the state population as determined by the latest official decennial census or the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) The amount of money representing the growth factor in the entitlement share for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth factor must be allocated to incorporated cities and towns based upon each city's or town's percentage of the entire entitlement share for all incorporated cities and towns; and

(B) 50% of the growth factor must be allocated to each incorporated city or town based upon the percentage that each city's or town's population bears to the percentage of the state's population residing within incorporated cities and towns as determined by the latest official decennial census or the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census."

30. Page 3, line 23.

Following: "district"

Insert: "referred to in subsection (6)(b)"

31. Page 3, lines 26 and 27.

Following: "(b)" on line 26

Insert: "One-half of the payments provided for in this subsection (6)(b) must be made by November 30 and the other half by May 31 of each year."

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Strike: "(5)(a)" on line 26

Insert: "(6)(a)"

Following: "districts" on line 26

Strike: remainder of line 26 through "government" on line 27

32. Page 4, line 14.

Insert: "(c) The entitlement share for industrial tax increment financing districts is as follows:

(i) for fiscal years 2002 and 2003:

Missoula County Airport Industrial \$4,812

Silver Bow Ramsay Industrial 1,195,188;

(ii) for fiscal years 2004 and 2005:

Missoula County Airport Industrial \$2,406

Silver Bow Ramsay Industrial 597,594; and

(iii) \$0 for all succeeding fiscal years.

(7) The estimated entitlement share base for local governments does not include revenue received from countywide transportation block grants or from countywide retirement block grants.

(8) The estimates for the entitlement share base in subsection (1) must be calculated as if the fees in Chapter 515, Laws of 1999, were in effect for all of fiscal year 2001.

(9) (a) If revenue that is included in the entitlement share under subsections (1)(b) through (1)(p) is significantly reduced, except through legislative action, the department shall deduct the amount of revenue loss from the entitlement share beginning in the succeeding fiscal year and the department shall work with local governments to propose legislation to adjust the entitlement share to reflect an allocation of the loss of revenue.

(b) For the purposes of subsection (9)(a), a significant reduction is a loss that causes the amount of revenue received in the current year to be less than 95% of the amount of revenue received in the base year."

33. Page 5, line 1 through line 26.

Strike: "-- appropriation"

Following: "." on line 1

Strike: remainder of line 1 through line 26 in their entirety

Insert: "(1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$33,422 for fiscal year 2002 and \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

(a) \$3,641,987 in fiscal year 2002;

(b) \$3,696,617 in fiscal year 2003;

(c) \$3,752,066 in fiscal year 2004; and

(d) in each succeeding fiscal year, the amount in subsection (2)(d), increased by 1.5% in each succeeding fiscal year.

(3) For fiscal year 2002 and for each succeeding fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) \$1.50 for each new application for a motor vehicle title and for each transfer of a motor vehicle title, as provided for in 61-3-508; and

(ii) 50 cents for each passenger car or truck under 8,001 pounds GVW registered for licensing, as provided for in 61-3-508;

(b) to the noxious weed state special revenue account provided for in 80-7-816:

(i) \$1 for each off-highway vehicle subject to payment of the fee in lieu of tax, as provided for in 23-2-803;

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

and

- (ii) \$1.50 for each motor vehicle subject to registration or reregistration pursuant to 61-3-510;
 - (c) to the department of fish, wildlife, and parks:
 - (i) \$2.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512;
 - (ii) \$5 for each snowmobile registered under 23-2-616;
 - (iii) \$1 for each duplicate snowmobile decal issued under 23-2-617;
 - (iv) \$5 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809; and
 - (v) \$3.50 for each recreational vehicle, camper, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-512;
 - (d) to the state veteran's cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate issued pursuant to 61-3-332; and
 - (e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle, other than trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement.
- (4) For each fiscal year, beginning with fiscal year 2002, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). Transfer amounts for fiscal year 2002 must be based on vehicle counts for calendar year 2000. Transfer amounts in each succeeding fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available."
- Renumber:** subsequent subsection

34. Page 7, line 29.

Following: "~~(11):~~"

Insert: "There must be paid into this account the filing fees paid under 25-1-201(3)(a) and (6)."

35. Page 18, line 10 through line 20.

Strike: section 23 in its entirety

Renumber: subsequent sections

36. Page 18, line 30 through page 19, line 10.

Strike: section 25 in its entirety

Renumber: subsequent sections

37. Page 20, line 12.

Strike: "The"

Insert: "Subject to 15-10-420, the"

38. Page 21, line 28 through page 22, line 8.

Strike: section 33 in its entirety

Renumber: subsequent sections

39. Page 27, line 17 through page 42, line 13.

Strike: section 44 through section 63 in their entirety

Renumber: subsequent sections

40. Page 66, line 7.

Following: "not exceed"

Insert: "an amount equal to the actual cost paid, up to"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Following: "\$70"

Insert: ", "

41. Page 66, line 27.

Following: "and"

Insert: "veterans' license plate sales and"

42. Page 71, line 7.

Strike: "taxable value of"

Insert: "revenue generated by"

43. Page 71, line 24.

Following: "20-5-324(5)"

Insert: "or 20-6-413"

44. Page 73, line 19.

Strike: "and"

45. Page 73, line 22.

Following: "improvements"

Insert: "; and

(f) the dissolution or termination of a tax increment financing district"

46. Page 73, lines 23 through 25.

Following: "(4)" on line 23

Strike: remainder of line 23 through "(b)" on line 25

47. Page 73, line 28.

Following: "20-5-324(5)"

Insert: "or 20-6-413"

48. Page 75, line 7.

Insert: "**Section 98.** Section 15-24-303, MCA, is amended to read:

"15-24-303. (Temporary) Proration of tax on personal property -- refund. (1) The tax on personal property brought, driven, coming into, or otherwise located in the state on or after the assessment date must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year. This section does not apply to motor vehicles taxed under Title 61, chapter 3, part 5, or to livestock assessed for which a fee is imposed under 15-24-902(2).

(2) If property upon which taxes have been paid is removed from the state, the taxpayer may obtain a refund of a prorated portion of the taxes, subject to the requirements of 15-16-613.

15-24-303. (Effective January 1, 2003) Proration of tax on personal property -- refund. (1) The tax on personal property brought, driven, coming into, or otherwise located in the state on or after the assessment date must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year. This section does not apply to motor vehicles taxed under Title 61, chapter 3, part 5, or to livestock subject to the per capita levy fee under 15-24-921.

(2) If property upon which taxes have been paid is removed from the state, the taxpayer may obtain a refund of a prorated portion of the taxes, subject to the requirements of 15-16-613.""

Insert: "**Section 99.** Section 15-24-902, MCA, is amended to read:

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

"15-24-902. (Temporary) Assessment Number of livestock --election for assessment on average inventory basis. (1) Except as provided in subsection (2), the department of revenue shall ~~assess~~ determine the number of all nonexempt livestock in each county where they are located on February 1 of each year. The livestock must be ~~assessed~~ assigned to the person by whom they were owned or claimed or in whose possession or control they were at midnight of February 1 in that year.

(2) An owner of livestock may elect to have a fee imposed on nonexempt livestock ~~assessed~~ on the average inventory basis as provided in 15-24-927. The owner shall file an election with the department on the statement required under 15-24-903. An owner of livestock making an election to have a fee imposed on nonexempt livestock ~~assessed~~ on the average inventory basis is bound by that election for 6 years. After 6 years, the election to have a fee imposed on nonexempt livestock ~~assessed~~ on the average inventory basis remains in effect unless the owner otherwise notifies the department before February 1.

15-24-902. (Effective January 1, 2003) Assessment Number of livestock. The department shall ~~assess~~ determine the number of livestock for the purposes of the per capita ~~levy fee~~ imposed under 15-24-921 in each county where they are located on February 1 of each year. The livestock must be ~~assessed~~ assigned to the person by whom they were owned or claimed or in whose possession or control they were at midnight of February 1 in that year."

Insert: "Section 100. Section 15-24-904, MCA, is amended to read:

"15-24-904. (Temporary) Penalty for violation of law. If any person, company, or corporation who is the owner or is in charge of any livestock within this state fails to make the statement or statements as provided in 15-24-903, the department shall, after 10 days' notice to the person who failed to file the report, assess the penalty provided in 15-8-309.

15-24-904. (Effective January 1, 2003) Penalty for violation of law. If a person, company, or corporation who is the owner or is in charge of livestock within this state fails to make the statement or statements as provided in 15-24-903, the department shall, after 10 days' notice to the person who failed to file the report, access the penalty provided in 15-8-309 ~~for the~~ on the per capita ~~levy fee~~, as provided in 15-24-921."

Renumber: subsequent sections

49. Page 75, line 24.

Strike: "counties"

Insert: "department"

50. Page 76, line 14.

Strike: "counties"

Insert: "department"

51. Page 76, line 26.

Following: "Reimbursement to"

Strike: "county"

Insert: "department"

Strike: "from county"

52. Page 76, line 27.

Strike: the first "treasurer"

Following: "The"

Strike: "county treasurer"

Insert: "department"

53. Page 76, line 28.

Strike: "to the county"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

54. Page 76, line 29 through page 77, line 2.

Following: "(2)" on line 29

Strike: remainder of line 29 through "." on page 77, line 2

Strike: "county treasurer"

Insert: "department"

55. Page 77, lines 4 and 5.

Strike: "state treasurer" on line 4

Insert: "department of livestock"

Following: "by the" on line 4

Strike: remainder of line 4 through "treasurer" on line 5

Insert: "department"

56. Page 85, line 27 through page 86, line 11.

Strike: sections 129 and 130 in their entirety

Renumber: subsequent sections

57. Page 86, line 25.

Following: "~~17-3-222~~;"

Insert: "17-3-222;"

58. Page 86, line 26.

Strike: "19-6-709;"

59. Page 86, line 27.

Following: "~~23-5-612~~;"

Insert: "23-5-612;"

60. Page 87, line 14.

Insert: "**Section 110.** Section 19-6-709, MCA, is amended to read:

"19-6-709. (Temporary) Supplemental benefits for certain retirees. (1) In addition to any retirement benefit payable under this chapter, a retired member or a survivor determined by the board to be eligible under subsection (2) must receive an annual lump-sum benefit payment beginning in September 1991 and each succeeding year as long as the member remains eligible.

(2) To be eligible for the benefits under this section, a person must be receiving a monthly benefit before July 1, 1991, may not be covered by 19-6-710, and must be:

(a) a retired member who is 55 years of age or older and who has been receiving a service retirement benefit for at least 5 years prior to the date of distribution;

(b) a survivor of a member who would have been eligible under subsection (2)(a); or

(c) a recipient of a disability or survivorship benefit under 19-6-601 or 19-6-901.

(3) A retired member otherwise qualified under this section who is employed in a position covered by a retirement system under Title 19 is ineligible to receive any lump-sum benefit payments provided for in this section until the member's service in the covered position is terminated. Upon termination of the member's covered service, the retired member becomes eligible in the next fiscal year succeeding the member's termination.

(4) ~~(a) An amount equal to 25 cents of each motor vehicle registration fee provided for in 61-3-321(5) must be paid from the general fund to the pension trust fund at the end of each fiscal year. The payment is statutorily appropriated, as provided in 17-7-502, to the pension fund for payment of benefits to eligible recipients. The total funds must be distributed by the board in lump-sum payments to eligible recipients along with their normal retirement benefit~~

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

payment.

~~(b)~~ The lump-sum payment must be distributed proportionally to all eligible recipients based on service credit at the time of retirement, subject to the following:

~~(i)(a)~~ a recipient under subsection (2)(c) is considered to have 20 years of service for the purposes of the distributions;

~~(ii)(b)~~ any recipient of a service retirement benefit exceeding the maximum monthly benefit under 19-6-707(2)(a) must have the recipient's service credit reduced 25% for the purposes of the distributions;

~~(iii)(c)~~ the maximum annual increase in the amount of supplemental benefits paid to each individual under this section is the percentage increase for the previous calendar year in the annual average consumer price index for urban wage earners and workers, compiled by the bureau of labor statistics of the United States department of labor or its successor agency.

~~(c) Any amount deposited in the pension trust fund under subsection (4)(a) for the payment of supplemental benefits under this section that exceeds the limitation of subsection (4)(b)(iii) must be used to amortize unfunded liabilities of the retirement system.~~

~~(5) Every 10 years following July 1, 1991, the board shall review the size of the additional fee collected under 61-3-321(5) and paid to the pension trust fund in accordance with subsection (4)(a) and recommend to each legislature following the board's review any legislation necessary to reduce the fee to the minimum amount necessary to provide the supplemental benefits provided by this section. (Terminates upon death of last eligible recipient--sec. 1, Ch. 567, L. 1991.)"~~

Renumber: subsequent sections

61. Page 89, line 20 through page 90, line 10.

Strike: section 138 in its entirety

Renumber: subsequent sections

62. Page 92, line 24.

Strike: "and"

63. Page 92, line 25.

Following: "15-23-703"

Insert: "; and

(vi) school district block grants distributed under [section 243]"

64. Page 93, line 24.

Insert: "**Section 120.** Section 20-9-141, MCA, is amended to read:

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

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

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

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

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

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

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

~~(ii) 98% of actual amounts received in fiscal year 1999 for light vehicle taxes under 61-3-504;~~
~~(iii)(ii) amounts received in the last fiscal year for which revenue reporting was required for each of the following:~~
~~(A) revenue from taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204;~~
~~(B)(A) interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4); and~~
~~(C)(B) any other revenue received during the school fiscal year that may be used to finance the general fund, excluding any guaranteed tax base aid;~~
~~(iv)(iii) anticipated tuition payments for out-of-district pupils under the provisions of 20-5-321 through 20-5-323, except the amount of tuition received for a pupil who is a child with a disability in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2);~~
~~(v)(iv) anticipated oil and natural gas production taxes; and~~
~~(vi)(v) pursuant to subsection (4), anticipated revenue from coal gross proceeds under 15-23-703 and property tax reimbursements under 15-1-111, 15-1-112, and section 167, Chapter 584, Laws of 1999; and~~
~~(vii) anticipated revenue from corporation license taxes collected from financial institutions under the provisions of 15-31-702.~~

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

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

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

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

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

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

(4) For each school district, the department of revenue shall calculate and report to the county superintendent the amount of revenue anticipated for the ensuing fiscal year from revenue from coal gross proceeds under 15-23-703 and property tax reimbursements under 15-1-111, 15-1-112, and section 167, Chapter 584, Laws of 1999. ""

Renumber: subsequent sections

65. Page 97, line 5.

Following: line 4

Insert: "(iv) countywide school retirement block grants distributed under [section 244];"

Renumber: subsequent subsections

66. Page 98, line 14.

Insert: "**Section 125.** Section 20-9-501, MCA, is amended to read:

"**20-9-501. Retirement fund.** (1) The trustees of a district employing personnel who are members of the teachers' retirement system or the public employees' retirement system or who are covered by unemployment insurance

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

or who are covered by any federal social security system requiring employer contributions shall establish a retirement fund for the purposes of budgeting and paying the employer's contributions to the systems. The district's contribution for each employee who is a member of the teachers' retirement system must be calculated in accordance with Title 19, chapter 20, part 6. The district's contribution for each employee who is a member of the public employees' retirement system must be calculated in accordance with 19-3-316. The district's contributions for each employee covered by any federal social security system must be paid in accordance with federal law and regulation. The district's contribution for each employee who is covered by unemployment insurance must be paid in accordance with Title 39, chapter 51, part 11.

(2) The trustees of a district required to make a contribution to a system referred to in subsection (1) shall include in the retirement fund of the final budget the estimated amount of the employer's contribution. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to the systems in accordance with the financial administration provisions of this title.

(3) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:

(a) determining the sum of the money available to reduce the retirement fund levy requirement by adding:

(i) any anticipated money that may be realized in the retirement fund during the ensuing school fiscal year; including anticipated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-537, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204;

(ii) oil and natural gas production taxes;

(iii) coal gross proceeds taxes under 15-23-703;

(iv) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the retirement fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the retirement fund. The retirement fund operating reserve may not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and must be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget.

(v) any other revenue anticipated that may be realized in the retirement fund during the ensuing school fiscal year, excluding any guaranteed tax base aid.

(b) notwithstanding the provisions of subsection (8), subtracting the money available for reduction of the levy requirement, as determined in subsection (3)(a), from the budgeted amount for expenditures in the final retirement fund budget.

(4) The county superintendent shall:

(a) total the net retirement fund levy requirements separately for all elementary school districts, all high school districts, and all community college districts of the county, including any prorated joint district or special education cooperative agreement levy requirements; and

(b) report each levy requirement to the county commissioners on the fourth Monday of August as the respective county levy requirements for elementary district, high school district, and community college district retirement funds.

(5) The county commissioners shall fix and set the county levy or district levy in accordance with 20-9-142.

(6) The net retirement fund levy requirement for a joint elementary district or a joint high school district must be prorated to each county in which a part of the district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided in 20-9-151.

(7) The net retirement fund levy requirement for districts that are members of special education cooperative agreements must be prorated to each county in which the district is located in the same proportion as the special education cooperative budget is prorated to the member school districts. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county in the same manner as provided in 20-9-151, and the county commissioners shall fix and levy the net retirement fund levy for each county in the same manner as provided in 20-9-152.

(8) The county superintendent shall calculate the number of mills to be levied on the taxable property in the

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

county to finance the retirement fund net levy requirement by dividing the amount determined in subsection (4)(a) by the sum of:

- (a) the amount of guaranteed tax base aid that the county will receive for each mill levied, as certified by the superintendent of public instruction; and
- (b) the taxable valuation of the district divided by 1,000.
- (9) The levy for a community college district may be applied only to property within the district."

Renumber: subsequent sections

67. Page 100, line 12.

Following: line 11

Insert: "(i) school district block grants distributed under [section 243];"

Renumber: subsequent subsections

68. Page 100, line 29.

Insert: "**Section 127.** Section 20-10-144, MCA, is amended to read:

"20-10-144. Computation of revenue and net tax levy requirements for district transportation fund budget. Before the second Monday of August, the county superintendent shall compute the revenue available to finance the transportation fund budget of each district. The county superintendent shall compute the revenue for each district on the following basis:

(1) The "schedule amount" of the budget expenditures that is derived from the rate schedules in 20-10-141 and 20-10-142 must be determined by adding the following amounts:

(a) the sum of the maximum reimbursable expenditures for all approved school bus routes maintained by the district (to determine the maximum reimbursable expenditure, multiply the applicable rate for each bus mile by the total number of miles to be traveled during the ensuing school fiscal year on each bus route approved by the county transportation committee and maintained by the district); plus

(b) the total of all individual transportation per diem reimbursement rates for the district as determined from the contracts submitted by the district multiplied by the number of pupil-instruction days scheduled for the ensuing school attendance year; plus

(c) any estimated costs for supervised home study or supervised correspondence study for the ensuing school fiscal year; plus

(d) the amount budgeted in the budget for the contingency amount permitted in 20-10-143, except if the amount exceeds 10% of the total of subsections (1)(a), (1)(b), and (1)(c) or \$100, whichever is larger, the contingency amount on the budget must be reduced to the limitation amount and used in this determination of the schedule amount; plus

(e) any estimated costs for transporting a child out of district when the child has mandatory approval to attend school in a district outside the district of residence.

(2) (a) The schedule amount determined in subsection (1) or the total transportation fund budget, whichever is smaller, is divided by 2 and is used to determine the available state and county revenue to be budgeted on the following basis:

(i) one-half is the budgeted state transportation reimbursement, except that the state transportation reimbursement for the transportation of special education pupils under the provisions of 20-7-442 must be 50% of the schedule amount attributed to the transportation of special education pupils; and

(ii) one-half is the budgeted county transportation fund reimbursement and must be financed in the manner provided in 20-10-146.

(b) When the district has a sufficient amount of fund balance for reappropriation and other sources of district revenue, as determined in subsection (3), to reduce the total district obligation for financing to zero, any remaining amount of district revenue and fund balance reappropriated must be used to reduce the county financing obligation in subsection (2)(a)(ii) and, if the county financing obligations are reduced to zero, to reduce the state financial obligation

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

in subsection (2)(a)(i).

(c) The county revenue requirement for a joint district, after the application of any district money under subsection (2)(b), must be prorated to each county incorporated by the joint district in the same proportion as the ANB of the joint district is distributed by pupil residence in each county.

(3) The total of the money available for the reduction of property tax on the district for the transportation fund must be determined by totaling:

(a) anticipated federal money received under the provisions of 20 U.S.C. 7701, et seq., or other anticipated federal money received in lieu of that federal act;

(b) anticipated payments from other districts for providing school bus transportation services for the district;

(c) anticipated payments from a parent or guardian for providing school bus transportation services for a child;

(d) anticipated or reappropriated interest to be earned by the investment of transportation fund cash in accordance with the provisions of 20-9-213(4);

~~(e) anticipated or reappropriated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-537, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204;~~

~~(f)~~(e) anticipated revenue from coal gross proceeds under 15-23-703;

~~(g)~~(f) anticipated oil and natural gas production taxes;

~~(h)~~(g) anticipated local government severance tax payments for calendar year 1995 production;

~~(i)~~(h) anticipated transportation payments for out-of-district pupils under the provisions of 20-5-320 through 20-5-324;

~~(j)~~(i) any other revenue anticipated by the trustees to be earned during the ensuing school fiscal year that may be used to finance the transportation fund; and

~~(k)~~(j) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the transportation fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the transportation fund. The operating reserve may not be more than 20% of the final transportation fund budget for the ensuing school fiscal year and is for the purpose of paying transportation fund warrants issued by the district under the final transportation fund budget.

(4) The district levy requirement for each district's transportation fund must be computed by:

(a) subtracting the schedule amount calculated in subsection (1) from the total preliminary transportation budget amount; and

(b) subtracting the amount of money available to reduce the property tax on the district, as determined in subsection (3), from the amount determined in subsection (4)(a).

(5) The transportation fund levy requirements determined in subsection (4) for each district must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the transportation fund levy requirements for the district, and the levy must be made by the county commissioners in accordance with 20-9-142."''

Renumber: subsequent sections

69. Page 101, line 28.

Following: line 27

Insert: "(v) countywide school transportation block grants distributed under [section 245];"

Renumber: subsequent subsections

70. Page 102, line 12.

Insert: "**Section 129.** Section 20-10-146, MCA, is amended to read:

"20-10-146. County transportation reimbursement. (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation or individual transportation that is actually rendered by a district in accordance with this title, board of public education transportation policy, and the

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

transportation rules of the superintendent of public instruction must be the same as the state transportation reimbursement payment, except that:

(a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;

(b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; and

(c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321.

(2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:

(a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory attendance agreement provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year, ~~including anticipated revenue from property taxes and fees imposed under 23-2-517, 23-2-803, 61-3-521, 61-3-527, 61-3-529, 61-3-537, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204;~~

(ii) oil and natural gas production taxes;

(iii) anticipated local government severance tax payments for calendar year 1995 production;

(iv) coal gross proceeds taxes under 15-23-703;

(v) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;

(vi) federal forest reserve funds allocated under the provisions of 17-3-213; and

(vii) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and

(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on the fourth Monday of August by the county superintendent, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments. ""

Renumber: subsequent sections

71. Page 104, line 5.

Following: "fees,"

Insert: "motorcycle safety fees,"

72. Page 105, line 27.

Strike: "\$6"

Insert: "\$2.50"

73. Page 109, line 9.

Strike: "\$6"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Insert: "\$5, a registration fee of 50 cents"

74. Page 109, lines 28 and 29.

Following: "to the" on line 28

Strike: remainder of line 28 through "61-3-509" on line 29

Insert: "state general fund"

75. Page 112, line 14 through page 113, line 5.

Strike: section 159 in its entirety

Renumber: subsequent sections

76. Page 118, line 22 through page 119, line 10.

Strike: section 162 in its entirety

Renumber: subsequent sections

77. Page 120, line 10.

Strike: "All"

Insert: "Except as provided in subsections (3) and (5) through (7), all"

78. Page 122, line 7.

Following: line 6

Insert: "(3) (a) Of the fee for filing a petition for dissolution of marriage, \$5 must be deposited in the children's trust fund account established in 41-3-702, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714, and \$30 must be deposited in the partner and family member assault intervention and treatment fund account established in 40-15-110.

(b) Of the fee for filing a petition for legal separation, \$5 must be deposited in the children's trust fund account established in 41-3-702 and \$30 must be deposited in the partner and family member assault intervention and treatment fund account established in 40-15-110.

(4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of district court may not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under subsection (1)(a).

(5) The clerk of district court shall remit to the credit of the adoption services state special revenue account established in 42-2-105 \$70 of the filing fee required in subsection (1)(q).

(6) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714.

(7) The fees collected under subsections (1)(d), (1)(g), and (1)(j) must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund for district court operations."

79. Page 126, line 27.

Following: "(~~q~~)"

Insert: "and from the district court filing fee pursuant to 25-1-201(5)"

80. Page 128, line 23.

Insert: "**Section 153.** Section 53-2-301, MCA, is amended to read:

"**53-2-301. County departments offices of public assistance to be established.** There ~~shall~~ must be established in each county of the state, ~~except in a county that has transferred its public assistance and protective services responsibilities to the state under the provisions of part 8 of this chapter, a county department of public welfare,~~

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

~~which shall consist of a county board of public welfare and such staff personnel as may be necessary for the efficient performance of the one or more local offices of public assistance activities of the county. If conditions warrant and if two or more county boards enter into an agreement, two or more counties may combine be combined into one administrative unit and the department may use the same local office of public assistance and staff personnel throughout the administrative unit to administer public assistance in the combined counties."~~

{Internal References to 53-2-301:
53-2-802*r}""

Renumber: subsequent sections

81. Page 130, lines 2 and 3.

Following: "(2)" on line 2

Strike: remainder of line 2 through "chapter, the" on line 3

Insert: "The"

82. Page 131, lines 8 and 9.

Following: "(2)" on line 8

Strike: remainder of line 8 through "chapter, the" on line 9

Insert: "The"

83. Page 131, line 13 through line 24.

Strike: section 174 in its entirety

Insert: "**Section 155.** Section 53-2-612, MCA, is amended to read:

"53-2-612. Lien of department or county upon third-party recoveries. (1) Upon notice by the department, a county, or the recipient to a third party or the third party's insurer as provided in subsection (5)(b), the department or county has a lien upon all money paid by a third party or the third party's insurer in satisfaction of a judgment or settlement arising from a recipient's claim for damages or compensation for personal injury, disease, illness, or disability to the extent that the department or county has paid medical assistance on behalf of the recipient for the same personal injury, disease, illness, or disability.

(2) The department or county may, in the name of the recipient on whose behalf medical assistance has been paid by the department or county, commence and prosecute to final conclusion any action that may be necessary to recover from a third party or the third party's insurer compensation or damages for medical assistance paid by the department or county on behalf of the recipient. This section does not affect the right of the recipient to initiate and prosecute to final conclusion an action for damages or compensation in the recipient's own name in accordance with the provisions of this section.

(3) (a) The lien:

(i) applies to all money paid by a third party or a third party's insurer regardless of whether the recovery is allocated by the parties or a court to any particular type or element of damages; and

(ii) is subordinate to the lien of an attorney under 37-61-420.

(b) Unless specifically provided by law, the recipient's right to recover damages or compensation from a third party or a third party's insurer may not be reduced or denied on the ground that the recipient's costs of medical treatment and medical-related services have been paid by the department or county under any public assistance program.

(c) From the amount collected by the department, county, or recipient from legal proceedings or as a result of settlement, reasonable attorney fees and costs must be first deducted and paid. Unless the department or county and the recipient agree to a different settlement, the amount previously paid as medical assistance by the department or county, less a pro rata share of attorney fees and costs, must be deducted next and paid to the department or county. The remainder, if any, must be paid to the recipient.

(d) In all cases of payment to the department or county out of an amount collected from a third party or

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

insurer on a recipient's claim, the amount of the lien must be reduced by a pro rata share of attorney fees and costs as provided in subsection (3)(c), but the department or county may not be required to participate in payment of attorney fees and costs unless the recipient's claim results in recovery out of which the department or county receives full or partial payment of its lien.

(e) Except as provided in subsections (3)(e)(i) and (3)(e)(ii), the department may not impose a lien under this section upon a self-sufficiency trust established pursuant to Title 53, chapter 18, part 1, or upon the assets of a self-sufficiency trust established pursuant to Title 53, chapter 18, part 1.

(i) The department may impose a lien under this section upon a self-sufficiency trust or upon the assets of a self-sufficiency trust established pursuant to Title 53, chapter 18, part 1, if the department is required by federal law to recover or collect from the trust or its assets as a condition of receiving federal financial participation for the medicaid program.

(ii) To the extent otherwise permitted by this section, the department is not precluded from asserting a claim or imposing a lien upon real or personal property prior to transfer of the property to the trust. If the department imposes a lien upon property prior to transfer to a self-sufficiency trust, any transfer of the property to the trust is subject to the lien.

(4) (a) A recipient of medical assistance or the recipient's legal representative shall notify the department or county by certified letter within 30 days if the recipient or the recipient's legal representative asserts a claim against a third party or a third party's insurer for damages or compensation for a personal injury, disease, illness, or disability for which the department or county paid medical assistance in whole or in part or for which the recipient has applied for medical assistance. The notice must be mailed to the director of the department or the director of the county department that paid medical assistance. At the same time, a copy must be sent by certified mail to the third party or the third party's insurer.

(b) The notice must contain the following information:

(i) the name and address of the recipient and the recipient's legal representative, if any;

(ii) the name and address of the third party alleged to be liable to the recipient;

(iii) the name and address of any known insurer of the third party; and

(iv) the judicial district and docket number of any action filed.

(c) A recipient or the recipient's legal representative who has received actual notice that the department or county has paid medical assistance is liable to the department or county for the amount it is entitled to receive under this section if:

(i) the recipient or the recipient's legal representative fails to timely notify the department or county or fails to mail a copy of the notice to the third party or the third party's insurer; and

(ii) a third party or the third party's insurer that did not receive notice from the department or county as provided for in subsection (5)(b) pays the recipient or the recipient's legal representative without satisfying any lien of the department or county.

(5) (a) If a third party or the third party's insurer that has received notice of the department's or county's lien as provided for in subsection (5)(b) makes payment in whole or in part of the recipient's claim without first satisfying the lien of the department or county, the third party or the third party's insurer is liable to the department or county for the amount the department or county is entitled to receive under this section.

(b) For the purposes of subsection (5)(a), a third party or the third party's insurer has been given notice if:

(i) the department or county mails, by certified mail, to the third party or the third party's insurer:

(A) a statement of the medical assistance paid or that may be paid by the department or county on behalf of the recipient; and

(B) a claim for reimbursement;

(ii) the recipient or the recipient's legal representative mails, by certified mail, to the third party or the third party's insurer:

(A) a copy of the notice required by subsection (4)(a); or

(B) a statement stating that the recipient has applied for or has received medical assistance from the department or county in connection with the same claim; or

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

(iii) the recipient or the recipient's legal representative has commenced an action against the third party or the third party's insurer for damages or compensation for personal injury, disease, illness, or disability for which the department or county has paid or may pay medical assistance, in whole or in part, and the department or county files in the court in which the action is pending a notice of lien stating that a lien is claimed for medical assistance on any money paid in satisfaction of any judgment in or settlement of the action and that:

(A) medical assistance in a stated amount has been paid by the department or county on behalf of the recipient; or

(B) medical assistance may be paid on behalf of the recipient.

(6) As used in this section, the following definitions apply:

(a) "County" means a county ~~department of welfare in a county that has not transferred its public assistance responsibilities to the state under the provisions of Title 53, chapter 2, part 8~~ provided medical assistance to a recipient through an indigent assistance program operated at the option of the county.

(b) "Legal representative" means an attorney having or exercising authority on behalf of a recipient with respect to a claim or action to recover damages or compensation from a third party or a third party's insurer.

(c) "Recipient" means a person on whose behalf the department or a county has paid or may pay medical assistance for the cost of medical treatment and medical-related services for personal injury, disease, illness, or disability. If the context allows, the term includes a recipient's legal representative.

(d) "Third party" means an individual, institution, corporation, or public or private agency that is or may be liable to pay all or part of the cost of medical treatment and medical-related services for personal injury, disease, illness, or disability of a recipient of medical assistance from the department or a county and includes but is not limited to insurers, health service organizations, and parties liable or who may be liable in tort.""

Renumber: subsequent sections

84. Page 136, line 7.

Strike: "\$6"

Insert: "\$5"

85. Page 136, lines 25 and 26.

Following: "(a)" on line 25

Strike: remainder of line 25 through "\$18" on line 26

Insert: "light vehicles under 2,850 pounds, \$13.25"

86. Page 137, lines 2 and 3.

Strike: ", travel trailers," on line 2

Insert: "with a declared weight of less than 2,500 pounds"

Following: "and" on line 2

Strike: remainder of line 2 through "\$12" on line 3

Insert: "\$8.25"

87. Page 137, line 11.

Following: "61-3-411"

Strike: "1"

Insert: "that are:

(i) over 2,850 pounds,"

88. Page 137, line 12.

Following: line 11

Insert: "(ii) under 2,850 pounds, \$5;"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

89. Page 137, line 12.

Strike: "\$6"

Insert: "\$9;

(e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton \$18.25;

(f) logging trucks less than 1 ton, \$23.25;

(g) motor homes, \$21.75;

(h) motorcycles and quadricycles, \$9.75;

(i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25; and

(j) trailers and semitrailers in excess of 6,000 pounds, \$16.25"

90. Page 137, line 20 through line 25.

Strike: subsection (3) in its entirety

Insert: "(3) An additional fee of \$5 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002."

91. Page 138, line 7.

Strike: "Revenue"

Insert: "Except as otherwise provided in this section, revenue"

92. Page 138, line 21.

Strike: "in lieu of the fee provided in"

Strike: "61-3-321(3)"

93. Page 145, line 5.

Strike: "\$20"

Insert: "\$25"

94. Page 145, line 6.

Following: "\$10"

Insert: "a fee of \$10"

95. Page 146, line 9.

Following: "\$10"

Insert: "for a vehicle weighing more than 2,850 pounds and \$5 for a vehicle weighing 2,850 pounds or less"

96. Page 147, lines 11 through 20.

Strike: section 187 in its entirety

Renumber: subsequent sections

97. Page 147, line 28.

Strike: "\$10"

Insert: "\$5"

98. Page 148, line 23.

Strike: "\$10"

Insert: "\$5"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

99. Page 149, line 5 through line 11.

Strike: section 190 in its entirety

Renumber: subsequent sections

100. Page 151, line 16.

Strike: "\$6"

Insert: "\$1"

101. Page 152, line 1.

Insert: "Section 174. Section 61-3-527, MCA, is amended to read:

"61-3-527. Fee in lieu of tax for motorcycles and quadricycles -- schedule of fees -- permanent registration. (1) (a) There is a fee in lieu of property tax imposed on motorcycles and quadricycles. The fee is in addition to annual registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer for motorcycles or quadricycles that constitute inventory of the dealership.

(2) The owner of a motorcycle or quadricycle shall pay a fee based on the age of the motorcycle or quadricycle and the size of the engine, as follows:

(a) The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic centimeter to 600 cubic centimeters is as follows:

- (i) less than 5 years old, \$30;
- (ii) 5 years old and less than 11 years old, \$15; and
- (iii) 11 years old and older, \$6.

(b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:

- (i) less than 5 years old, \$55;
- (ii) 5 years old and less than 11 years old, \$20; and
- (iii) 11 years old and older, \$6.

(c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:

- (i) less than 5 years old, \$90;
- (ii) 5 years old and less than 11 years old, \$50; and
- (iii) 11 years old and older, \$6.

(3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year.

(b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

(4) (a) The owner of a motorcycle or quadricycle that is 11 years old or older and that is subject to the fee in lieu of tax under this section may permanently register the motorcycle or quadricycle upon payment of a \$30 fee in lieu of tax, the applicable registration and license fees under 61-3-321, and an amount equal to five times the applicable fees imposed or amounts calculated for each of the following:

(i) the motorcycle safety ~~training~~ fee under ~~20-25-1007~~ 61-3-321 to be deposited in the account provided for in 20-25-1002;

(ii) weed control fees under ~~61-3-510~~ [section 3(3)(b)];

(iii) \$1 for the former county motor vehicle computer ~~fees under 61-3-511~~ fee; and

(iv) if applicable, renewal fees for personalized plates under 61-3-406.

(b) A person who permanently registers a motorcycle or quadricycle as provided in this subsection (4) shall pay an additional \$2 fee at the time of registration for deposit in the state general fund. The department shall pay from

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

the general fund an amount equal to the \$2 fee collected under this subsection (4)(b) from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709."

Renumber: subsequent sections

102. Page 164, line 6.

Following: "."

Insert: "Payments to the department of revenue are due on or before November 30 of each year."

103. Page 166, line 13.

Insert: "**Section 199.** Section 77-1-502, MCA, is amended to read:

"77-1-502. Computation of state land equalization payment amount. (1) The department of revenue shall compute the amount of taxes ~~which that~~ would be payable on the county assessments of ~~said state-owned grazing, agricultural, or forest~~ property as if it were owned by and taxable to a taxpayer of ~~such the~~ county.

(2) If the land is not classified, the sum ~~to be listed shall~~ must be determined by the average tax payment made on like property within the county ~~where said~~ in which the land is situated, not to exceed 12 cents per grazing acre, 35 cents per agricultural acre, and 12 cents per forest acre. The average tax may be derived from the most recent biennial report of the department of revenue. The total figure arrived at by this method ~~shall~~ must be called the gross assessment figure.

(3) The county exemption factor ~~shall~~ must be determined by dividing the percentage that the state-owned land bears to the total land area of the county into 6%. This quotient ~~shall~~ must be multiplied by the gross assessment figure, and the product is called the state exemption figure.

(4) The state exemption figure ~~shall~~ must be subtracted from the gross assessment to give the state land equalization payment amount."

Insert: "**Section 200.** Section 77-1-503, MCA, is amended to read:

"77-1-503. Form to be completed by department of revenue. The department shall provide a form for each county to be followed and completed by the department of revenue. The department of revenue shall, before October 1, make the computations required and submit to the department the completed forms, which must show the computations and method used in arriving at the state land equalization payment amount."

Insert: "**Section 201.** Section 77-1-504, MCA, is amended to read:

"77-1-504. Processing of statements. The department shall examine for accuracy the statement returned by the department of revenue, and the state land equalization payment amount may not be approved unless the state exemption figure is deducted from the gross assessment figure in the statement. The department shall, before November 1 of each year, prepare and file a claim with the department of administration for all counties that are eligible for state land equalization payments amounts, and this claim must show the amount of money that each eligible county will receive through the entitlement share provided for in [section 1]."

Renumber: subsequent sections

104. Page 168, line 1.

Insert: "**Section 206.** Section 80-2-206, MCA, is amended to read:

"80-2-206. Cash payment. When an applicant for hail insurance tenders cash for the insurance to the department of revenue, the applicant is allowed a discount of 4%. The hail insurance must be issued upon the cash payment less the 4%. The charge for the insurance must be based on the maximum rates shown on the application for hail insurance. If the current rates are reduced later, the board of hail insurance shall arrange for the proper refund to the insured. All cash received by the department of revenue must be promptly turned over to the county treasurer, who shall furnish the insured with a current receipt and place the money in the hail insurance fund deposited with the state treasurer."

Renumber: subsequent sections

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

105. Page 168, lines 15 and 16.

Strike: "cause an assessment" on line 15

Insert: "send a bill to the grain grower"

Following: "amount" on line 15

Strike: remainder of line 15 through "assessments" on line 16

Insert: "due for hail insurance under the provisions of this part"

106. Page 170, line 19.

Strike: "county treasurer"

Insert: "department of revenue"

107. Page 170, lines 20 and 21.

Following: "payable" on line 20

Strike: remainder of line 20 through "county" on line 21

Insert: "to the department of revenue"

108. Page 170, line 27.

Strike: "county treasurer"

Insert: "department of revenue"

109. Page 172, lines 7 and 8.

Following: "The" on line 7

Strike: remainder of line 7 through "state" on line 8

Insert: "department of revenue"

110. Page 172, lines 9 and 10.

Following: "collected" on line 9

Strike: remainder of line 9 through "fund" on line 10

Strike: "county treasurer"

Insert: "department of revenue"

Strike: "remit"

Insert: "deposit"

111. Page 172, lines 11 and 12.

Strike: "in" through "to" on line 11

Insert: "with"

Following: "treasurer" on line 11

Strike: remainder of line 11 through "state" on line 12

Strike: "All county treasurers"

Insert: "The department of revenue"

112. Page 172, line 13 through line 16.

Following: "the" on line 13

Strike: remainder of line 13 through line 16 in their entirety

113. Page 172, line 20.

Strike: "treasurer"

Insert: "department of revenue"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

114. Page 172, line 24.

Insert: "**Section 217.** Section 80-2-231, MCA, is amended to read:

"80-2-231. Foreclosure of lien. If the person receiving hail insurance secured by a crop lien fails to pay ~~said~~ the fee for insurance to the ~~county treasurer~~ department of revenue by December 1 of the year in which the crop ~~so~~ insured is grown, the ~~county treasurer~~ department shall on that day or as soon as possible ~~thereafter~~ after that day deliver to the sheriff of ~~said~~ the county a full, true, and correct copy of the lien on file in the office of the clerk and recorder and ~~such~~ the sheriff ~~must~~ shall immediately demand from the person or persons signing ~~such~~ the lien payment of the amount due, ~~thereon and, if the same~~ If the fee is not paid to the sheriff upon ~~such~~ demand being made, the sheriff ~~must forthwith~~ shall seize and sell in the manner provided by law for the sale of personal property under execution a sufficient amount of grain belonging to ~~such~~ the person to pay the amount due for hail insurance together with interest and costs and expenses of seizure and sale."

Renumber: subsequent sections

115. Page 172, line 26.

Strike: "State treasurer's"

Insert: "Department of revenue's"

Strike: "county and"

116. Page 172, line 27.

Strike: "state treasurer"

Insert: "department of revenue"

117. Page 173, line 3 through line 6.

Strike: subsection (2) in its entirety

Insert: "(2) The department of revenue may retain 2% of the gross annual fees imposed and collected under this part for administrative costs associated with billing and collection of hail insurance premiums."

118. Page 179, line 11.

Insert: "**Section 231.** Section 81-7-104, MCA, is amended to read:

"81-7-104. (Temporary) Predator control moneys money -- use of proceeds. (1) The department of livestock shall allocate a portion of the money from the levy fee under 15-24-921 for the purpose of protecting livestock in the state against destruction, depredation, and injury by wild animals, whether the livestock is on lands in private ownership, in the ownership of the state, or in the ownership of the United States, including open ranges and all lands in or of the public domain. This protection may be by any means of effective predatory animal destruction, extermination, and control, including systematic hunting and trapping and payment of bounties.

(2) Money ~~shall~~ may be paid out only on claims ~~duly and regularly~~ presented to the department of livestock and approved by the department in accordance with the law applicable either to claims for bounties or for other expenditures ~~necessary and proper~~ for predatory animal control ~~by means and~~ methods other than payment of bounties, as determined by the department. Money designated for predator control ~~shall~~ must be available for the payment of bounty claims and for expenditures for planned, seasonal, or other campaigns directed or operated by the department in cooperation with other agencies for the systematic destruction, extermination, and control of predatory wild animals, as determined by the department and its advisory committee. ~~No claims~~ Claims may ~~not~~ not be approved in excess of ~~moneys~~ money available for ~~such purposes~~ that purpose, and ~~no~~ warrants may ~~not~~ not be registered against the ~~moneys~~ money.

81-7-104. (Effective on occurrence of contingency) Predator control money -- use of proceeds. (1) The department of livestock shall allocate a portion of the money from the levy fee under 15-24-921 for the purpose of protecting livestock in the state against destruction, depredation, and injury by predatory animals, whether the livestock is on lands in private ownership, in the ownership of the state, or in the ownership of the United States, including open

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

ranges and all lands in or of the public domain. This protection may be by any means of effective predatory animal destruction, extermination, and control, including systematic hunting and trapping and payment of bounties.

(2) Money ~~must~~ may be paid out only on claims ~~duly and regularly~~ presented to the department of livestock and approved by the department in accordance with the law applicable either to claims for bounties or for other expenditures ~~necessary and proper~~ for predatory animal control by ~~means and~~ methods other than payment of bounties, as determined by the department. Money designated for predator control must be available for the payment of bounty claims and for expenditures for planned, seasonal, or other campaigns directed or operated by the department in cooperation with other agencies for the systematic destruction, extermination, and control of predatory animals, as determined by the department and its advisory committee. Claims may not be approved in excess of money available for ~~those purposes that purpose~~, and warrants may not be registered against the money.'''

Insert: "Section 232. Section 81-7-113, MCA, is amended to read:

"81-7-113. Claim for bounty. (1) A sheriff, undersheriff, and deputy sheriff, to prevent fraud, shall carefully examine each skin presented. If the examination discloses that the scalp and ears with the skin from the entire head of the animal have not been severed, punched, patched, or marked, ~~he~~ the officer shall, in the presence of the person presenting the skin, mark the skin by severing the skin from the head, including the ears, and then redeliver the skin to the person presenting it. ~~and~~ The officer shall require an affidavit from the claimant that the claimant killed the animal. The affidavit ~~shall~~ must be on forms prescribed by the department and contain information the department requires.

(2) The officer shall require affidavits from two ~~resident taxpayers~~ residents residing in the vicinity in which the animal was killed, setting forth that they are ~~resident taxpayers~~ residents paying fees on livestock, giving their post-office addresses, and stating that they are personally acquainted with the person presenting the skin and, to their knowledge, the person did kill the animal from which the skin was taken within 30 days preceding the offering of the skin for a bounty to the sheriff, undersheriff, or deputy sheriff to which it is presented. ~~A taxpayer~~ An individual who makes a false certificate or affidavit under this section in a material portion is guilty of a felony, punishable the same as for the crime of perjury.'''

Insert: "Section 233. Section 81-7-114, MCA, is amended to read:

"81-7-114. Certificate and record of sheriff. (1) Upon receiving the affidavit required pursuant to 81-7-113, the officer shall deliver to the person claiming a bounty a certificate addressed to the county clerk of the officer's county and immediately deliver to the county clerk a duplicate of the certificate, showing the date, number, and kind of skins marked for severing and the name of the person presenting the skins. The certificate must also recite that the filing of the affidavits ~~of taxpayers~~ required by 81-7-113 has been done and the examination of the skins has been made as required. The certificate must be signed by the officer in the officer's official capacity. ~~When a doubt exists as to the kind of skin presented, whether wolf or coyote, the certificate must be issued for the lesser bounty.~~ Each sheriff shall keep a record of all skins marked and severed, showing the date, number, and kinds and the names of the persons presenting the skins. This record is an official record. The sheriff, undersheriff, or deputy sheriff may not perform any duties under 81-7-111 through 81-7-118 and 81-7-120 through 81-7-122 except at the county seat.

(2) The sheriff shall, not later than the 15th of each month, give to the county clerk and recorder a report setting forth the names of the persons presenting skins, with the number of the certificate and the kind and number of the skins presented. The sheriff shall report for each certificate issued during the month.'''

Renumber: subsequent sections

119. Page 183, line 29.

Strike: "grant"

Insert: "grants"

120. Page 184, line 4.

Following: line 3

Insert: "(b) Block grants must be calculated using the electronic reporting system that is used by the office of public

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

instruction and school districts. The electronic reporting system must be used to allocate a portion of the block grant amount into each district's fiscal year 2002 budget as an anticipated revenue source by fund. The same block grant amount must be anticipated by and distributed to schools in fiscal year 2003."

Renumber: subsequent subsection

121. Page 184, line 4.

Strike: "each school district"

Insert: "the office of public instruction"

122. Page 184, line 5.

Strike: "estimate"

Insert: "calculation"

123. Page 184, line 6.

Strike: "a school district"

Insert: "the office of public instruction"

124. Page 184, line 7.

Strike: "estimating"

Insert: "calculating"

125. Page 184, line 8 through line 12.

Strike: subsection (2) in its entirety

Insert: "(2) If the biennial appropriation provided in [section 248(1)] is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003."

126. Page 184, lines 13 and 14.

Following: "year," on line 13

Strike: remainder of line 13 through "and" on line 14

Insert: "70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed"

127. Page 184, line 19.

Strike: "reimbursement"

Insert: "block grants"

128. Page 184, line 20.

Following: "distribute"

Insert: "one-half of"

Following: "retirement"

Insert: "in November and the remainder in May. The total amount for each county is"

129. Page 184, line 24 through page 186, line 20.

Strike: line 24 through line 20 in their entirety

Insert: "

Beaverhead	\$80,727	\$47,294	\$57,659	\$33,780
------------	----------	----------	----------	----------

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Big Horn	77,447	45,680	46,523	27,441
Blaine	76,621	12,770	53,653	8,942
Broadwater	0	91,649	0	75,672
Carbon	42,553	80,412	34,377	64,963
Carter	8,116	4,539	3,673	2,054
Cascade	323,422	178,686	251,476	138,937
Chouteau	69,171	37,653	45,206	24,607
Custer	70,943	33,196	56,123	26,261
Daniels	0	32,353	0	9,672
Dawson	77,150	34,912	45,667	20,665
Deer Lodge	34,633	14,778	25,465	10,866
Fallon	0	0	0	0
Fergus	123,340	81,665	88,585	58,653
Flathead	522,254	276,994	431,450	228,833
Gallatin	370,480	175,786	301,887	143,240
Garfield	12,412	10,232	7,144	5,889
Glacier	78,361	33,351	53,586	22,806
Golden Valley	0	16,746	0	11,496
Granite	13,646	46,566	11,325	38,648
Hill	141,335	81,653	108,625	62,755
Jefferson	117,517	59,951	71,774	36,615
Judith Basin	5,040	17,507	2,523	8,763
Lake	172,810	139,366	156,930	126,559
Lewis and Clark	327,597	201,564	289,078	177,864
Liberty	15,338	12,782	5,511	4,593
Lincoln	72,625	98,326	47,729	64,619
Madison	0	97,554	0	78,367
McCone	18,252	12,442	5,115	3,487
Meagher	10,399	8,132	6,284	4,914
Mineral	0	28,854	0	15,069
Missoula	445,729	331,926	253,697	188,923
Musselshell	32,355	22,758	26,326	18,517
Park	150,193	79,577	131,858	69,863
Petroleum	0	16,598	0	12,995
Phillips	10,043	90,929	6,147	55,655
Pondera	74,719	56,463	54,524	41,203
Powder River	14,224	11,348	0	0
Powell	71,372	23,211	61,349	19,952
Prairie	0	25,354	0	15,372
Ravalli	80,870	160,889	69,499	138,268
Richland	70,963	25,700	14,180	5,135
Roosevelt	83,692	71,023	63,900	54,227
Rosebud	354,727	282,481	338,145	269,277
Sanders	199,229	124,792	191,238	119,787
Sheridan	0	47,488	0	3,290
Silver Bow	223,241	126,482	169,182	95,854
Stillwater	91,202	75,689	81,464	67,607
Sweet Grass	36,400	35,741	30,129	29,584
Teton	56,345	40,530	36,245	26,072

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Toole	42,930	50,933	22,043	26,152
Treasure	017,010	0	10,395	
Valley	16,798	96,104	10,872	62,203
Wheatland	19,177	11,081	13,169	7,609
Wibaux	0	8,474	0	0
Yellowstone	1,063,326	607,615	760,595	434,626
Totals	\$5,999,723	\$4,453,585	\$4,541,931	\$3,309,596"

130. Page 186, line 22.

Strike: "reimbursement"

Insert: "block grants"

131. Page 186, line 23.

Following: "distribute"

Insert: "one-half of"

132. Page 186, line 24.

Strike: "reimbursement"

Insert: "in November and the remainder in May. The total amount for each county is"

133. Page 186, line 27 through page 187, line 27.

Strike: line 27 through line 27 in their entirety

Insert: "

Beaverhead	\$35,940	\$35,940
Big Horn	60,303	60,303
Blaine	14,601	14,601
Broadwater	17,464	17,464
Carbon	29,164	29,164
Carter	10,067	10,067
Cascade	95,360	95,360
Chouteau	38,902	38,902
Custer	9,920	9,920
Daniels	26,650	26,650
Dawson	28,907	28,907
Deer Lodge	15,975	15,975
Fallon	34,849	19,656
Fergus	71,699	71,699
Flathead	101,290	101,290
Gallatin	95,017	95,017
Garfield	21,461	21,461
Glacier	44,466	44,466
Golden Valley	4,958	4,958
Granite	9,094	9,094
Hill	58,525	58,525
Jefferson	49,927	49,927
Judith Basin	22,199	22,199
Lake	76,390	76,390

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Lewis and Clark	64,171	64,171
Liberty	18,706	18,706
Lincoln	66,522	66,522
Madison	26,594	26,594
McCone	20,107	20,107
Meagher	6,218	6,218
Mineral	9,429	9,429
Missoula	118,387	118,387
Musselshell	18,052	18,052
Park	35,214	35,214
Petroleum	10,992	10,992
Phillips	40,748	40,748
Pondera	28,698	28,698
Powder River	27,508	25,623
Powell	19,383	19,383
Prairie	11,896	11,896
Ravalli	68,785	68,785
Richland	61,592	61,592
Roosevelt	34,372	34,372
Rosebud	100,172	100,172
Sanders	74,890	74,890
Sheridan	39,176	39,176
Silver Bow	24,545	24,545
Stillwater	30,949	30,949
Sweet Grass	17,244	17,244
Teton	36,387	36,387
Toole	23,620	23,620
Treasure	6,915	6,915
Valley	35,583	35,583
Wheatland	11,186	11,186
Wibaux	9,969	3,110
Yellowstone	192,011	192,011
Totals	\$2,263,149	\$2,239,212"

134. Page 188, line 7.

Strike: "\$64,950,619" through "2003"

Insert: "\$130,228,584 for the biennium ending June 30, 2003,"

135. Page 188, line 8.

Strike: "255"

Insert: "243"

136. Page 188, line 9.

Strike: "\$10,419,699"

Insert: "\$10,453,308"

137. Page 188, line 10.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Strike: "\$7,798,815"

Insert: "\$7,851,527"

138. Page 188, line 11.

Strike: "reimbursements"

Insert: "block grants"

Strike: "256"

Insert: "244"

139. Page 188, line 12.

Strike: "\$2,265,148"

Insert: "\$2,263,149"

140. Page 188, line 13.

Strike: "\$2,240,756"

Insert: "\$2,239,212"

141. Page 188, line 14.

Strike: "reimbursements"

Insert: "block grants"

Strike: "257"

Insert: "245"

142. Page 188, line 15.

Insert: "NEW SECTION. Section 249. Inclusion of appropriations in budget. The governor shall include the appropriation in [section 248(1)] in the present law base budget prepared for the 58th legislative session for continued funding of the school district budget items funded by that appropriation."

Insert: "NEW SECTION. Section 250. Reservation of funds. The amount of \$7,447,018 must be reserved for countywide retirement and countywide transportation in fiscal year 2004 and the amount of \$4,812,299 must be reserved for countywide retirement and countywide transportation in fiscal year 2005."

Renumber: subsequent sections

143. Page 188, line 16.

Following: "Repealer."

Insert: "(1)"

144. Page 188, line 18.

Strike: "15-31-701, 15-31-702,"

145. Page 188, line 19.

Following: "20-25-1007,"

Insert: "52-1-110, 53-2-302, 53-2-306,"

Following: "53-2-322,"

Insert: "53-2-610, 53-2-801, 53-2-802, 53-2-803, 53-2-811, 53-2-812, 53-2-813, 53-4-246, 53-4-247,"

146. Page 188, line 20.

Strike: "77-1-501, 77-1-502, 77-1-503, 77-1-504,"

Following: "80-2-223,"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Insert: "and"

147. Page 188, line 21.

Strike: "87-1-603, and 87-1-604,"

148. Page 188, line 22.

Insert: "(2) Sections 15-31-701 and 15-31-702 are repealed."

149. Page 188, line 29.

Strike: "and (3)"

Insert: "through (4)"

150. Page 189, line 1.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

151. Page 189, line 2.

Strike: "119"

Insert: "96"

152. Page 189, line 3.

Insert: "(3) [Sections 120, 125, 127, and 129] are effective July 1, 2003.

(4) [Section 251(2) and this section] are effective on passage and approval."

153. Page 189, line 4.

Strike: "118"

Insert: "95"

154. Page 189, line 5.

Strike: "3 and 255"

Insert: "119, 124, 126, 128, and 243"

Strike: "257"

Insert: "245"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

3/20/2001

SB 315, introduced by Franklin

SB 466, introduced by Waterman

House amendments to Senate bill concurred in:

3/20/2001

SB 168, introduced by Stonington

House bills concurred in and returned to the House:

3/20/2001

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

HB 292, introduced by Fuchs
HB 378, introduced by Lee
HB 386, introduced by Fuchs

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

3/20/2001

HB 266, introduced by Clancy
HB 412, introduced by Wolery
HB 455, introduced by Lewis
HB 472, introduced by Rome
HB 517, introduced by Mangan
HB 578, introduced by Callahan

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

3/20/2001

HJR 1, introduced by McCann
HJR 32, introduced by Bixby

MESSAGES FROM THE GOVERNOR

March 19, 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 21** sponsored by Representative Eggers et al., **House Bill 40** sponsored by Representative Witt, **House Bill 78** sponsored by Representative E. Clark, **House Bill 103** sponsored by Representative Olson et al., **House Bill 108** sponsored by Representative Noennig et al., **House Bill 110** sponsored by Representative Noennig et al., **House Bill 112** sponsored by Representative Brueggeman, **House Bill 130** sponsored by Representative Lawson, **House Bill 138** sponsored by Representative Mangan, **House Bill 272** sponsored by Representative Olson et al., and **House Bill 308** sponsored by Representative Younkin on March 19, 2001.

Sincerely,

JUDY MARTZ
Governor

March 20, 2001

The Honorable Dan McGee
Speaker of the House
State Capitol

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Helena, Montana 59620

Dear Representative McGee:

Please be informed that I have signed **House Bill 71** sponsored by Representative Gallik, **House Bill 104** sponsored by Representative P. Clark, **House Bill 114** sponsored by Representative Story, **House Bill 126** sponsored by Representative Younkin, **House Bill 147** sponsored by Representative Dale, **House Bill 223** sponsored by Representative Schmidt et al., **House Bill 281** sponsored by Representative Lindeen et al., **House Bill 309** sponsored by Representative Younkin et al., and **House Bill 411** sponsored by Representative Harris et al. on March 20, 2001.

Sincerely,

JUDY MARTZ
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committees:

HB 647, introduced by Gillan, Dell, Forrester, Gallus, Mangan, Schmidt, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 37, introduced by Pattison, Callahan, Clancy, Gallus, Keane, McCann, Mood, Waitschies, referred to Transportation.

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

SB 315, introduced by Franklin, Beck, Bishop, DePratu, Hargrove, Laslovich, Schmidt, B. Thomas, referred to Human Services.

SB 466, introduced by Waterman, referred to Human Services.

**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 Devlin in the chair.

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

SB 107 - Representative Newman moved **SB 107** 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, McCann,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

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

Total 100

Noes: None.

Total 0

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 146 - Representative Holden moved **SB 146** 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, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 159 - Representative Gutsche moved **SB 159** 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, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick,

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 184 - Representative Olson moved **SB 184** be concurred in. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Dell, Devlin, Eggers, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, 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, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 95

Noes: Buzzas, Gallus, Hurdle, Kaufmann.
Total 4

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.
Total 0

Absent or not voting: McCann.
Total 1

SB 432 - Representative McKenney moved **SB 432** be concurred in.

SB 432 - Representative R. Brown moved **SB 432**, second reading copy, be amended as follows :

1. Title, line 5.

Following: "IMPROVEMENTS"

Insert: "EQUIPMENT, AND TECHNOLOGY"

2. Page 2, line 3.

Following: "7-15-4288"

Insert: ", equipment, and technology"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

3. Page 2, line 14.

Following: "improvements"

Insert: "or acquire the equipment and technology"

4. Page 2, line 16.

Following: "improvement"

Insert: "or the acquisition of equipment and technology"

5. Page 2, line 17.

Following: "infrastructure"

Insert: ", equipment, and technology"

6. Page 2, line 19.

Following: "infrastructure"

Insert: "and the acquisition of equipment and technology "

7. Page 2, line 21.

Following: "Infrastructure"

Insert: ", equipment, and technology"

Strike: "is"

Insert: "are"

8. Page 2, line 22.

Following: "state"

Insert: ", "

9. Page 2, line 24.

Following: "project"

Insert: "the use"

10. Page 2, line 25.

Following: "infrastructure"

Insert: ", equipment, and technology"

Amendment **adopted** as follows:

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

Total 83

Noes: Buzzas, P. Clark, Erickson, Gallik, Gillan, Golie, Gutsche, Hurdle, Kaufmann, Lindeen, McCann, Schmidt, Smith.

Total 13

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Excused: Eggers, Fuchs.
Total 2

Absent or not voting: Dell, Jent.
Total 2

Representative Sliter moved consideration of **SB 432** be placed at the bottom of the second reading board. Motion carried.

HB 3 - Representative Fisher moved **HB 3** do pass. Motion carried as follows:

Ayes: Adams, Andersen, Bales, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Curtiss, Cyr, Dale, Davies, Devlin, Eggers, Erickson, Esp, Fisher, Fuchs, Gallik, Gallus, Gillan, Golie, Haines, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Kasten, Laible, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, Price, Raser, Rice, Rome, Schmidt, Schrupf, Shockley, Sliter, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 78

Noes: Balyeat, Bixby, Branae, Dell, Facey, Forrester, Fritz, Galvin-Halcro, Gutsche, Harris, Hurdle, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lee, Ripley, Smith, Somerville, Wanzenried.
Total 21

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.
Total 0

Absent or not voting: K. Peterson.
Total 1

HB 4 - Representative Witt moved **HB 4** do pass. Motion carried as follows:

Ayes: Andersen, Bales, 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, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Hedges, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Walters, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.
Total 86

Noes: Adams, Balyeat, Dell, Esp, Harris, Himmelberger, Hurdle, Laible, Laszloffy, Pattison, Vick, Waitschies, Wanzenried.
Total 13

Voted Absentee: Eggers, Fuchs, Ayes.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Excused: None.
Total 0

Absent or not voting: Mood.
Total 1

HB 9 - Representative Kasten moved **HB 9** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Curtiss, Cyr, Dale, Dell, 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, 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, Schrupf, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Waddill, Waitschies, Wanzenried, Whitaker, Wolery, Younkin.
Total 87

Noes: Adams, Balyeat, Brueggeman, Clancy, Davies, Devlin, Laszloffy, Pattison, Shockley, Vick, Walters, Witt, Mr. Speaker.
Total 13

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 397 - Representative Jackson moved **HB 397** do pass.

HB 397 - Representative Jackson moved **HB 397**, second reading copy, be amended as follows :

1. Page 2, line 4.

Strike: "AND INCLUDING THE FLATHEAD INDIAN RESERVATION;"

Insert: ". At least one representative from this basin must be a representative of the Confederated Salish and Kootenai tribal government."

Amendment **adopted** 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, Erickson, Esp, Facey, Fisher, Forrester, Fritz, 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.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Total 98

Noes: None.

Total 0

Excused: Eggers, Fuchs.

Total 2

Absent or not voting: None.

Total 0

Motion that **HB 397**, as amended, do pass 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, Erickson, Esp, Facey, Fisher, Forrester, Fuchs, Gallik, Gallus, 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, Schmidt, Schrupf, Shockley, Sliter, Smith, Somerville, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 92

Noes: Eggers, Fritz, Galvin-Halcro, Gillan, Golie, Ripley, Rome, Steinbeisser.

Total 8

Voted Absentee: Fuchs, Aye; Eggers, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 447 - Representative Lewis moved **HB 447** do pass. Motion carried as follows:

Ayes: Andersen, Bales, Barrett, Bookout-Reinicke, Brueggeman, Buzzas, Callahan, Clancy, E. Clark, Curtiss, Cyr, Dale, Eggers, Esp, Fisher, Fritz, Fuchs, Gallik, Gallus, Golie, Haines, Hedges, Holden, Jackson, Jacobson, Jent, Kaufmann, Keane, Lehman, Lenhart, Lewis, Lindeen, Masolo, McKenney, Mood, Musgrove, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Shockley, Sliter, Smith, Steinbeisser, Thomas, Tramelli, Tropila, Waddill, Waitschies, Walters, Whitaker, Younkin, Mr. Speaker.

Total 58

Noes: Adams, Balyeat, Bitney, Bixby, Branae, D. Brown, R. Brown, Carney, P. Clark, Davies, Dell, Devlin, Erickson, Facey, Forrester, Galvin-Halcro, Gillan, Gutsche, Harris, Himmelberger, Hurdle, Jayne, Juneau, Kasten, Laslovich, Laszloffy, Lawson, Lee, Mangan, Matthews, McCann, Newman, Raser, Schmidt, Schrupf, Somerville, Story, Vick, Wanzenried, Witt, Wolery.

Total 41

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.

Total 0

Absent or not voting: Laible.

Total 1

HB 348 - Representative Shockley moved **HB 348** do pass. Motion carried as follows:

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

Total 82

Noes: Adams, R. Brown, Eggers, Erickson, Facey, Gallik, Gutsche, Hurdle, Juneau, Mangan, McCann, K. Peterson, Smith, Somerville, Thomas, Waddill, Wanzenried, Mr. Speaker.

Total 18

Voted Absentee: Fuchs, Aye; Eggers, No.

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 Devlin moved the Committee of the Whole report be adopted. Report adopted 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, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, 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, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 94

Noes: Gallik, Mangan, Wanzenried.

Total 3

Excused: Eggers, Fuchs.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Total 2

Absent or not voting: Hurdle.

Total 1

MOTIONS

Representative Sliter requested the House reconsider its action on **SB 398**. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 38, as amended by the House, 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, Dell, Devlin, Eggers, Erickson, Esp, 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, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lewis, Lindeen, Mangan, Masolo, Matthews, McCann, McKenney, Mood, Musgrove, Newman, Noennig, Olson, Pattison, A. 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: Fisher, K. Peterson.

Total 2

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 56 concurred in as follows:

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

Total 82

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Noes: Buzzas, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Golie, Gutsche, Harris, Hurdle, Jent, Juneau, Kaufmann, Keane, Lee, Newman, Raser, Smith.

Total 18

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 65 concurred in as follows:

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

Total 79

Noes: Adams, R. Brown, Cyr, Davies, Dell, Eggers, Erickson, Golie, Gutsche, Himmelberger, Juneau, Laszloffy, Lee, Lewis, Matthews, McCann, Schmidt, Vick, Wanzenried, Mr. Speaker.

Total 20

Voted Absentee: Fuchs, Aye; Eggers, No.

Excused: None.

Total 0

Absent or not voting: P. Clark.

Total 1

SB 81 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, 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, Musgrove, Newman, Noennig, Olson, Pattison, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrumpf, Shockley, Sliter, Smith, Somerville, Steinbeisser, Story, Thomas, Tramelli, Tropila, Vick, Waddill, Waitschies, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin, Mr. Speaker.

Total 100

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Noes: None.
Total 0

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 259 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, 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, 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 100

Noes: None.
Total 0

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 285 concurred in as follows:

Ayes: Andersen, Bales, Barrett, Bitney, Bixby, Bookout-Reinicke, D. Brown, Brueggeman, Buzzas, Callahan, Carney, Clancy, E. Clark, P. Clark, Cyr, Dale, Devlin, Erickson, Esp, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Himmelberger, Holden, Hurdle, Jackson, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Masolo, Matthews, McCann, McKenney, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rice, Ripley, Rome, Schmidt, Schrupf, Shockley, Sliter, Steinbeisser, Thomas, Tramelli, Tropila, Wanzenried, Witt, Wolery, Younkin.
Total 74

Noes: Adams, Balyeat, Branae, R. Brown, Curtiss, Davies, Dell, Eggers, Golie, Jacobson, Jayne, Kasten, Laible, Lewis, Mangan, Mood, Pattison, Smith, Somerville, Story, Vick, Waddill, Waitschies, Walters, Whitaker, Mr.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Speaker.
Total 26

Voted Absentee: Fuchs, Aye; Eggers, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 334 concurred in as follows:

Ayes: Bitney, Bookout-Reinicke, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, Cyr, Dale, Dell, Eggers, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hedges, Holden, Hurdle, Jacobson, Jayne, Jent, Kasten, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lewis, Mangan, Matthews, McKenney, Mood, Musgrove, Newman, Noennig, Olson, A. Peterson, K. Peterson, Price, Raser, Rome, Schmidt, Schrupf, Shockley, Sliter, Smith, Thomas, Tropila, Waddill, Walters, Wanzenried, Whitaker, Witt, Wolery, Younkin.
Total 63

Noes: Adams, Andersen, Bales, Balyeat, Barrett, Bixby, Branae, Brueggeman, Clancy, P. Clark, Curtiss, Davies, Devlin, Erickson, Facey, Gallus, Golie, Himmelberger, Jackson, Juneau, Laible, Laszloffy, Lee, Lehman, Lindeen, Masolo, McCann, Pattison, Rice, Ripley, Somerville, Steinbeisser, Story, Tramelli, Vick, Waitschies, Mr. Speaker.
Total 37

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 11 concurred in as follows:

Ayes: Adams, Andersen, Bales, Balyeat, Barrett, Bitney, Bixby, Bookout-Reinicke, Branae, D. 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, 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: R. Brown.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Total 1

Voted Absentee: Eggers, Fuchs, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative Facey requested on **HB 9**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Raser requested on **SB 56**, third reading today, that her vote be changed from yes to no. There being no objections, so ordered.

Representative Gillan requested on **SB 285**, third reading today, that her vote be changed from no to yes. There being no objections, so ordered.

Representative Jackson requested on **HB 3**, second reading today, that his vote be shown as yes. There being no objections, so ordered.

Representative Holden requested on **SB 56**, third reading today, that her vote be shown as yes. There being no objections, so ordered.

Speaker McGee requested on **SB 285**, third reading today, that his vote be changed from yes to no. There being no objections, so ordered.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Hedges, Chairman):

3/21/2001

HB 628, introduced bill, be amended as follows:

1. Title, page 1, line 11.

Strike: "SECTION"

Insert: "SECTIONS"

2. Title, page 1, line 12.

Following: "17-7-502"

Insert: "AND 80-5-123"

3. Page 3, line 10.

Following: "members."

Insert: "Two of the five appointed members of the mediation council must be Montana production growers."

4. Page 4, line 7.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Following: "mail"

Insert: "or as otherwise provided in state law"

5. Page 4, line 10.

Strike: "15"

Insert: "21"

6. Page 4, line 13.

Following: "mail"

Insert: "or as otherwise provided in state law"

7. Page 6, line 16.

Insert: "**Section 12.** Section 80-5-123, MCA, is amended to read:

"80-5-123. Label requirements for agricultural, vegetable, flower, and indigenous seeds. (1) Each container of agricultural, vegetable, flower, and indigenous seeds sold in this state for sowing purposes must bear a conspicuous, unaltered label or tag, plainly written or printed in English. Bulk sales must be accompanied by the required label information, which must be given to the seed purchaser. The following information, which may not be modified or denied in the labeling or on another label attached to the container, must be included on a label:

(a) name and address of the seed labeler;

(b) lot number identification;

(c) germination rate and date of germination test or a notation of the year for which the seed was packaged for sale;

(d) state or country of origin; ~~and~~

(e) notice calling attention to the requirement for mediation under [section 1]; and

(f) seed kind or variety. The department shall establish rules specifying the kinds of seed for which variety must be stated and the kinds of seeds for which the variety may be stated and when the words "variety not stated" may be used. Kinds of seeds not listed by department rule may be stated as kind only or as kind and variety.

(2) In addition to the required label information listed in subsection (1), the department shall establish by rule additional label requirements for agricultural seed, including grass, lawn, and turf seed, and for vegetable, flower, and indigenous seeds. The additional label requirements may include:

(a) percentage of kind or variety of each seed component present in a container;

(b) percentage of weed seed present, both restricted and common weed seed;

(c) amount of inert material present;

(d) warnings for treated seed; and

(e) requirements for coated seed, inoculated seed, seed that is below standard, seed sold in bulk, hybrid seed, seed mixtures, and seed in containers, mats, tapes, and other planting devices.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 245, be amended as follows:

1. Title, page 1, line 6.

Following: "INDIVIDUALS"

Insert: "OR FAMILY FARM CORPORATIONS"

Following: "IN"

Strike: "THE"

Insert: "AN ELIGIBLE"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

2. Title, page 1, line 12.

Following: "DATE"

Insert: "AND A CONTINGENT TERMINATION PROVISION"

3. Page 1, line 25.

Strike: "WHOSE"

4. Page 1, line 26.

Strike: "MAJOR" through "WHO"

Insert: "or family farm corporation that"

Following: "FILES"

Insert: "net"

5. Page 1.

Following: line 29

Insert: "(4) "Family farm corporation" means a corporation that consists of immediate family members.

(5) "Immediate family members" means family members that are within the second degree of consanguinity or affinity."

Renumber: subsequent subsections

6. Page 1, line 30.

Following: "BEING"

Strike: "AND" through "CONSISTS OF"

7. Page 2, line 1.

Strike: "IMMEDIATE" through "PRODUCTS"

8. Page 2, line 5.

Following: "individual"

Insert: "or a family farm corporation"

9. Page 2, line 7.

Following: "individual's"

Insert: "or family farm corporation's"

10. Page 2, line 8.

Strike: "HOUSEHOLD"

Insert: "individual or family farm corporation"

11. Page 2, line 10.

Following: "taxpayer's"

Strike: "taxable"

Insert: "net"

12. Page 2, line 11.

Following: "business"

Insert: "included in federal adjusted gross income"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

13. Page 2.

Following: line 16

Insert: "(4) A portion of a deposit distributed within 6 months of the date deposited is income in the year for which an exclusion was taken. The taxpayer shall file a return or amended return as necessary to report the income in the appropriate year."

14. Page 2.

Following: line 24

Insert: "(3) The trustee shall report to the department if a portion of a deposit is distributed within 6 months of the date of deposit."

Renumber: subsequent subsections

15. Page 6, line 4.

Following: "[sections 1 through 5]"

Insert: "in any tax year for which a deduction is not provided for federal income tax purposes"

16. Page 7.

Following: line 18

Insert: "NEW SECTION. Section 9. Contingent termination. [This act] terminates on certification by the director of the department of revenue to the governor of the passage and approval of a similar program and deduction at the federal level. The director shall provide a copy of the certification to the secretary of state and the code commissioner."

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

SB 261, be concurred in. Report adopted.

APPROPRIATIONS (Vick, Chairman):

3/21/2001

HB 6, introduced bill, be amended as follows:

1. Page 1.

Following: "conservation" on line 17

Insert: "\$590,741 that is available in the reclamation and development grants state special revenue account and"

2. Page 2, line 9.

Strike: "100,000"

Insert: "94,300"

3. Page 2, line 23.

Strike: "100,000"

Insert: "75,000"

4. Page 3, line 5.

Strike: "98,352"

Insert: "73,764"

5. Page 4, line 9.

Strike: "99,014"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Insert: "74,261"

6. Page 4, line 17.

Strike: "100,000"

Insert: "75,000"

7. Page 4, following line 20.

Insert: "Circle, Town of 60,000"

Insert: "(Well Repair)"

Insert: "Stillwater County Commissioners 74,153"

Insert: "(Improving Soil Productivity and Water Quality in South Central Montana Through Land Use Changes)"

8. Page 4, following line 22.

Insert: "Helena Valley Irrigation District 100,000"

Insert: "(Fixed Wheel Gate and Hydraulic Cylinder Repair)"

9. Page 4.

Strike: lines 23 through 29 in their entirety

10. Page 4, line 30.

Strike: "100,000"

Insert: "75,000"

11. Page 5.

Strike: lines 2 through 3 in their entirety

12. Page 5.

Strike: lines 10 through 13 in their entirety

13. Page 5, line 14.

Strike: "99,991"

Insert: "74,993"

14. Page 5, line 22.

Strike: "67,605"

Insert: "50,704"

15. Page 5, line 26.

Strike: "88,463"

Insert: "27,919"

16. Page 6, line 2.

Strike: "100,000"

Insert: "75,000"

17. Page 6, following line 8.

Insert: "Whitefish, City of 58,650"

Insert: "(Whitefish City Beach)"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Insert: "Lockwood Water and Sewer District 100,000"
Insert: "(Wastewater Collection System)"
Insert: "Department of Natural Resources and Conservation 75,000"
Insert: "(Seepage Monitoring Program, DNRC Dams)"
Insert: "Department of Natural Resources and Conservation 75,000"
Insert: "(Seepage Monitoring Program, DFWP Dams)"

18. Page 7, following line 17.

Insert: "NEW SECTION. Section 5. Review of previously authorized grants. Recipients of renewable resource grants authorized by previous legislatures that have not completed startup conditions must be notified by the department of natural resources and conservation that the legislature, at the next regular session, will review renewable resource grants to determine if the commitment of the renewable resource grant should be withdrawn."
Renumber: subsequent sections

19. Page 7, line 23.

Strike: "5"
Insert: "6"

And, as amended, do pass. Report adopted.

HB 8, introduced bill, be amended as follows:

1. Page 1, line 29.

Following: "is"
Strike: "4.5% or the rate at which the state"

2. Page 1.

Strike: line 30 in its entirety
Insert: "as follows:"

3. Page 2.

Following: line 3
Insert: "The interest rate will be 4.5% on the first \$250,000, 2.25% on the next increment of the loan up to \$500,000, and 0% on the amount of the loan over \$500,000. The department of natural resources and conservation will then determine an average rate for the full term of the loan, which may be up to 20 years."

4. Page 2, following line 5.

Insert: "The interest rate will be 2.25% for up to 20 years."

5. Page 2, following line 7.

Insert: "The interest rate will be 4.5% on the first \$250,000, 2.25% on the next increment of the loan up to \$500,000, and 0% on the amount of the loan over \$500,000. The department of natural resources and conservation will then determine an average rate for the full term of the loan, which may be up to 20 years."

6. Page 2, following line 9.

Insert: "The interest rate will be 4.5% or the rate at which the state bonds are sold, whichever is lower, for up to 20 years."

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

7. Page 3, line 12.

Following: "is"

Strike: "4% or the rate at which the state"

8. Page 3, line 13.

Strike: "bonds are sold, whichever is lower, for up to 20 years."

Insert: "as follows:"

9. Page 3, following line 16.

Insert: "The interest rate will be 4.5% on the first \$250,000, 2.25% on the next increment of the loan up to \$500,000, and 0% on the amount of the loan over \$500,000. The department of natural resources and conservation will then determine an average rate for the full term of the loan, which may be up to 20 years."

10. Page 3, line 30.

Strike: "\$19,897,448"

Insert: "\$18,956,102"

11. Page 4, line 1.

Strike: "\$2,161,295"

Insert: "\$1,305,526"

12. Page 4, line 2.

Strike: "\$1,808,859"

Insert: "\$1,723,282"

And, as amended, do pass. Report adopted.

HB 105, introduced bill, be amended as follows:

1. Title, page 1, line 11.

Following: "PROVIDING"

Strike: "FOR A FUND TRANSFER AND"

2. Title, page 1, line 12.

Following: "DATES"

Insert: "AND A TERMINATION DATE"

3. Page 2.

Following: line 14

Insert: "(b) proceeds from bonds received from the board of investments;"

Renumber: subsequent subsections

4. Page 2, line 22.

Following: "department."

Insert: "Administration costs to implement [sections 1 through 7] must be requested in the general appropriations bill."

5. Page 5, line 2 through line 5.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Strike: section 9 in its entirety
Renumber: subsequent sections

6. Page 5, line 13.

Strike: "10"

Insert: "9"

7. Page 5, following line 13.

Insert: "NEW SECTION. **Section 11. Termination.** [This act] terminates July 1, 2003."

And, as amended, do pass. Report adopted.

HB 121, introduced bill, be amended as follows:

1. Title, page 1, line 7 and line 8.

Strike: line 7 and line 8 in their entirety

Insert: "FOR SCHOOL FISCAL YEAR 2002, INCREASING THE BASIC ENTITLEMENT FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 SCHOOL DISTRICT ELEMENTARY PROGRAM TO \$18,818, THE BASIC ENTITLEMENT FOR A HIGH SCHOOL DISTRICT TO \$209,090, THE TOTAL PER-ANB ENTITLEMENT FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 DISTRICT ELEMENTARY PROGRAM TO \$3,819, AND THE TOTAL PER-ANB ENTITLEMENT FOR A HIGH SCHOOL DISTRICT OR A K-12 DISTRICT HIGH SCHOOL PROGRAM TO \$5,090; FOR SCHOOL FISCAL YEARS AFTER JULY 1, 2002,"

2. Title, line 10.

Following: "\$19,096"

Strike: "; INCREASING"

Insert: ", "

3. Title, line 11.

Following: "\$212,180"

Strike: "; INCREASING"

Insert: ", "

4. Title, line 12 and line 13.

Following: "\$3,876" on line 12

Strike: "; " on line 12 through "INCREASING" on line 13

Insert: ", AND"

5. Title, page 1, line 14.

Following: "\$5,165;"

Strike: "PROVIDING AN APPROPRIATION;"

6. Title, line 15.

Following: "AND"

Insert: "A"

7. Title, line 16.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Strike: "DATES"

Insert: "DATE"

8. Page 2, line 12.

Strike: "\$206,000"

Insert: "\$209,090"

9. Page 2, line 13.

Strike: "\$18,540"

Insert: "\$18,818"

10. Page 2, line 17.

Strike: "\$18,540"

Insert: "\$18,818"

11. Page 2, line 19.

Strike: "\$206,000"

Insert: "\$209,090"

12. Page 2, line 24.

Strike: "105% of" in both places

13. Page 2, line 30.

Strike: "\$5,015"

Insert: "\$5,090"

14. Page 3, line 5.

Strike: "\$3,763"

Insert: "\$3,819"

15. Page 3, line 10.

Strike: "\$3,763"

Insert: "\$3,819"

16. Page 3, line 13.

Strike: "\$5,015"

Insert: "\$5,090"

17. Page 4, line 21.

Strike: "105% OF" in both places

18. Page 5, line 15 through page 7, line 14.

Strike: section 3 and section 4 in their entirety

Renumber: subsequent sections

19. Page 7, line 17.

Strike: "6"

Insert: "4"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

20. Page 7, line 21 through line 23.

Strike: line 21 through line 23 in their entirety

21. Page 7, line 25.

Strike: "DATES"

Insert: "DATE"

Strike: "(1)"

22. Page 7, line 26.

Strike: line 26 in its entirety

And, as amended, do pass. Report adopted.

HB 226, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "TRUST"

Insert: "IMPACT"

2. Title, line 9.

Strike: "TRUST"

Insert: "IMPACT FUND"

3. Page 1, line 30 through page 2, line 18.

Strike: line 30 through line 18 in their entirety

Insert: "(2) At the conclusion of fiscal year 2002, the state treasurer shall distribute 25% of all money received in fiscal year 2002 in excess of \$26,756,000 pursuant to subsection (3). At the conclusion of fiscal year 2003, the state treasurer shall distribute 25% of all money received in fiscal year 2003 in excess of \$20,474,000 pursuant to subsection (3). At the conclusion of fiscal year 2004 and each fiscal year thereafter, the state treasurer shall distribute 25% of all money received in excess of \$20 million pursuant to subsection (3).

(3) On August 15 following the close of the fiscal year, the state treasurer shall distribute one-half of the distributions in subsection (2) to eligible counties and one-half to the economic development impact fund established in [section 2]. The distribution to the eligible counties must be allocated based on the proportion that the total amount of revenue generated by mineral extraction in an eligible county bears to the total amount of money received by the state. A county is eligible for purposes of this section if extraction occurs in that county to which a portion of the money received by the state under subsection (1) is attributable."

4. Page 2, line 21.

Strike: "trust"

Insert: "impact"

5. Page 2, line 22.

Strike: "trust"

Insert: "impact"

Following: "deposited in the"

Insert: "impact"

Following: "money in the"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Insert: "impact"

6. Page 2, line 25.

Strike: "trust "

Insert: "impact"

Following: "fund"

Insert: "and to pay the administrative expenses of the extraction board provided for in [section 3]"

7. Page 2, line 26.

Strike: "trust"

Insert: "impact"

8. Page 3, line 13.

Strike: "trust"

Insert: "impact"

9. Page 3, line 15.

Strike: "trust"

Insert: "impact"

And, as amended, do pass. Report adopted.

HB 318, introduced bill, be amended as follows:

1. Title, line 6 through line 9.

Strike: "ALLOWING" on line 6 through "BY" on line 9

Insert: "STATUTORILY APPROPRIATING UP TO \$30,000 FROM THE EMPLOYMENT SECURITY ACCOUNT TO"

2. Title, line 10.

Following: "INJURED"

Insert: "LAW ENFORCEMENT OFFICERS AND"

3. Title, line 11 through line 13.

Strike: "REQUIRING" on line 11 through "ADMINISTRATION;" on line 13

4. Title, line 13 through line 14.

Strike: "THE DIVISION OF CRIME CONTROL AND"

5. Title, line 15.

Strike: "THE DIVISION OF CRIME CONTROL AND"

6. Title, line 17.

Strike: "SECTIONS 17-2-121,"

Insert: "SECTION"

Strike: "33-2-705, AND 33-2-708,"

7. Page 1, line 22.

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Following: "officers"

Insert: "-- statutory appropriation"

Following: "."

Insert: "(1) For the purposes of this section, "public safety worker" means a firefighter, paramedic, or emergency medical technician."

Renumber: subsequent subsections

8. Page 1, line 23.

Following: "7-32-201,"

Insert: "or a public safety worker"

9. Page 1, line 24.

Following: "officer"

Insert: "or public safety worker"

10. Page 1, line 25.

Following: "officer's"

Insert: "or public safety worker's"

11. Page 1, line 25.

Strike: "division"

Insert: "department of administration"

12. Page 1, line 25 through line 26.

Strike: "from the crime victims compensation and assistance account established in 53-9-109,"

13. Page 1, line 27.

Following: "subsection"

Strike: "(2)"

Insert: "(3)"

14. Page 2, line 2.

Following: "exceed"

Strike: "\$50,000"

Insert: "\$30,000"

15. Page 2, line 4.

Following: "officer"

Insert: "or public safety worker"

16. Page 2, line 5.

Following: "officer" in two places

Insert: "or public safety worker"

17. Page 2, line 7.

Strike: "division"

Insert: "department of administration"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

18. Page 2.

Following: line 8

Insert: "(6) Up to \$30,000 is statutorily appropriated, as provided in 17-7-502, from the employment security account established in 39-51-409, to the department of administration on an annual basis for the purposes of providing matching funds to an organization if it applies and qualifies under this section. Any unexpended funds remaining in the appropriation at the end of each fiscal year must revert to the general fund.

(7) Matching funds are limited to one for an officer, public safety worker, or family in a lifetime."

19. Page 2, line 10 through page 3, line 14.

Strike: section 2 through section 4 in their entirety

Renumber: subsequent sections

20. Page 3, line 28.

Strike: "[section 3]"

Insert: "[section 1]"

21. Page 4, line 18 through page 6, line 23.

Strike: sections 6 and 7 in their entirety

Renumber: subsequent sections

22. Page 6, line 25 through line 28.

Strike: "(1)" on line 25 through "are" on line 28

Insert: "[Section 1] is"

23. Page 6, line 29.

Strike: "[sections 2 and 3]"

Insert: "[section 1]"

And, as amended, do pass. Report adopted.

HB 526, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "BOARDS;"

Strike: "PROVIDING AN APPROPRIATION;"

2. Page 4, line 29.

Following: "governor."

Insert: "Implementation is contingent on the availability and appropriation of funding."

3. Page 5, line 2 through line 5.

Strike: section 7 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 625, introduced bill, be amended as follows:

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

1. Title, page 1, line 5.

Following: "OF"

Insert: "PROGRAMS, SERVICES, AND"

2. Title, page 1, line 5 and line 6.

Following: "MONTANA;" on line 5

Strike: remainder of line 5 through "APPROPRIATION;" on line 6

3. Page 1, line 11.

Strike: "10"

Insert: "11"

4. Page 1, line 19.

Following: line 18

Insert: "(e) a representative of a Montana employer, who is interested in preparing students to enter the workforce,
appointed by the governor;

(f) a public school finance officer appointed by the superintendent of public instruction;"

Renumber: subsequent subsections

5. Page 1, line 20.

Strike: "and"

6. Page 1, line 21.

Following: "(f)"

Strike: "three representatives"

Insert: "one representative"

Following: "from"

Insert: "a"

Strike: "associations"

Insert: "association"

7. Page 1, line 22.

Following: "instruction"

Strike: "."

Insert: "; and"

8. Page 1, following line 22.

Insert: "(i) one representative from a statewide education association appointed by the governor."

9. Page 1, line 29.

Following: the third "of"

Insert: "programs, services, and"

10. Page 2, following line 8.

Insert: "(h) adequacy and equity of services and programs among schools;"

Renumber: subsequent subsections

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

11. Page 2, line 30 through page 3, line 2.

Strike: section 2 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (McKenney, Chairman):

3/21/2001

HB 357, be amended as follows:

3/20/2001

1. Title, line 4 through line 5.

Strike: "DEPOSITING" on line 4 through "ACCOUNT OF" on line 5

Insert: "PROVIDING APPROPRIATIONS TO"

2. Title, line 6.

Strike: "WINNERS" through "FOR"

Insert: "BREEDERS OF"

3. Title, line 7.

Following: "HORSES"

Insert: "THAT HAVE WON A RACE IN MONTANA"

4. Title, line 8.

Strike: "PROVIDING FOR A STATUTORY APPROPRIATION;"

Strike: "17-7-502,"

Insert: "15-35-108 AND"

Strike: "AND"

5. Title, line 9.

Strike: "23-5-610,"

Following: "PROVIDING"

Strike: "AN"

Following: "EFFECTIVE"

Strike: "DATE AND AN APPLICABILITY DATE"

Insert: "DATES"

6. Page 1, line 30 through page 2, line 1.

Strike: "proceeds" on page 1, line 30 through "tax" on page 2, line 1

Insert: "funds appropriated to the Montana growth through agriculture program provided for in Title 90, chapter 9, and money deposited in the general fund from the Montana lottery"

7. Page 2, line 6 through line 8.

Strike: "deposited" on line 6 through "money" on line 8

Insert: "appropriated to the board as provided for in 15-35-108"

8. Page 2, line 9.

Following: "payments to"

Strike: "winners of races that are run exclusively for"

Insert: "the breeders of"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Following: "horses"

Insert: "that have won a race in Montana"

9. Page 2, line 12 through line 13.

Following: "amount" on line 12

Strike: "deposited" through "23-5-610(6)(a)(ii)"

Insert: "appropriated"

10. Page 2, line 15 through line 16.

Strike: "deposited" on line 15 through "23-5-610(6)(a)(ii)" on line 16

Insert: "appropriated pursuant to 15-35-108"

11. Page 2, line 21.

Following: "won by"

Strike: "winners of races that are run exclusively for"

Following: "horses"

Insert: "that are winners of races in Montana"

12. Page 2, line 25 through page 3, line 25.

Strike: section 2 in its entirety

Insert: "**Section 2.** Section 15-35-108, MCA, is amended to read:

"15-35-108. (Temporary) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 8.36% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) (a) Subject to subsection (7)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, for the biennium ending June 30, 2001, as follows:

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

- (i) \$65,000 to the cooperative development center;
- (ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9, including any unencumbered amount up to \$386,125 to the board of horseracing for the purposes provided in [section 1];
- (iii) to the department of commerce:
 - (A) \$350,000 for business recruitment;
 - (B) \$125,000 for a small business development center;
 - (C) \$50,000 for a small business innovative research program;
 - (D) \$425,000 for certified communities;
 - (E) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and
 - (F) \$300,000 for export trade enhancement; and
- (iv) \$600,000 to the department of administration for the purpose of reimbursing tax increment financing industrial districts as provided in 7-15-4299. Reimbursement must be made to qualified districts on a proportional basis to the loss of taxable value as a result of Chapter 285, Laws of 1999, and as documented by the department of revenue. This documentation must be provided to the budget director and to the legislative fiscal analyst. The reimbursement may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the district. (Terminates June 30, 2001--sec. 10(1), Ch. 10, Sp. L. May 2000.)

15-35-108. (Effective July 1, 2001) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

- (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.
- (2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.
- (3) The amount of 8.36% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.
- (4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.
- (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.
- (6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.
- (7) (a) Subject to subsections (7)(b) and (7)(c), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.
 - (b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:
 - (i) \$65,000 to the cooperative development center;
 - (ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9, including \$386,125 to the board of horseracing for the purposes provided for in [section 1];
 - (iii) to the department of commerce;

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

- (A) \$350,000 for business recruitment;
- (B) \$125,000 for a small business development center;
- (C) \$50,000 for a small business innovative research program;
- (D) \$425,000 for certified communities;
- (E) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and
- (F) \$300,000 for export trade enhancement; and

(iv) \$600,000 to the department of administration for the purpose of reimbursing tax increment financing industrial districts as provided in 7-15-4299. Reimbursement must be made to qualified districts on a proportional basis to the loss of taxable value as a result of Chapter 285, Laws of 1999, and as documented by the department of revenue. This documentation must be provided to the budget director and to the legislative fiscal analyst. The reimbursement may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the district.

(c) Beginning July 1, 2001, there is transferred annually from the interest income referred to in subsection (7)(b) \$4.85 million to the research and commercialization expendable trust fund created in 90-3-1002. (Terminates June 30, 2005--sec. 10(2), Ch. 10, Sp. L. May 2000.)

15-35-108. (Effective July 1, 2005) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 8.36% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) Beginning July 1, 1997, and ending June 30, 1999, the amount of 0.87% must be allocated to an account in the state special revenue fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. Beginning July 1, 1999, the amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) All other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.""

13. Page 4, line 7 through line 8.

Strike: "video" on line 7 through "account" on line 8

Insert: "appropriation"

Strike: "[section 1]" on line 8

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

Insert: "15-35-108"

14. Page 4, line 10 through page 7, line 30.

Strike: section 4 in its entirety

Renumber: subsequent sections

15. Page 8, line 1.

Insert: "NEW SECTION. Section 4. Appropriation. (1) There is appropriated \$250,000 from the general fund to the board of horseracing for the biennium beginning July 1, 2001.

(2) The appropriation provided for in subsection (1) must be used for the purposes described in [section 1]."

16. Page 8, line 6.

Strike: section 6 in its entirety

Insert: "NEW SECTION. Section 6. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Section 4] is effective July 1, 2001."

17. Page 8, line 8 through line 9.

Strike: section 7 in its entirety

And, as amended, do pass. Report adopted.

SB 96, be concurred in. Report adopted.

SB 314, be amended as follows:

3/20/2001

1. Page 2, line 9.

Following: "AGENCY"

Strike: "in the state"

Following: "technician"

Insert: "in the state"

2. Page 2, line 15.

Following: "euthanasia;"

Insert: "(6) adopt rules for the storage and handling of controlled substances by certified agencies and euthanasia technicians and provide for the inspection of certified agencies' storage, handling, and accounting procedures for controlled substances;"

Renumber: subsequent subsection

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

SB 373, be concurred in. Report adopted.

3/20/2001

SB 438, be concurred in. Report adopted.

SB 482, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Curtiss, Chairman):

3/21/2001

HB 364, introduced bill, be amended as follows:

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

1. Page 1, line 12.

Following: "state,"

Insert: "the presiding officer of the public service commission, a member of the northwest power planning council designated by the governor,"

2. Page 1, line 15.

Following: "."

Insert: "The member of the northwest power planning council shall serve at the pleasure of the governor."

3. Page 1, line 21.

Following: "rulings;"

Strike: "and"

4. Page 1, line 22.

Following: "rules"

Strike: "."

Insert: "; and

(d) actions taken by a public utility, as defined in 69-3-101, that has undertaken litigation against the state that undermines the state's duty to protect the health, safety, and welfare of its citizens with respect to reliable and affordable supplies of electrical energy."

5. Page 2, line 7.

Following: "appointment of"

Insert: "the member of the northwest power planning council and"

And, as amended, do pass. Report adopted.

HB 627, introduced bill, be amended as follows:

1. Page 1, line 10.

Following: "appropriated"

Strike: "\$1 million"

Insert: "\$5,000"

2. Page 1, line 12.

Following: first "to"

Strike: "establish"

Insert: "study the feasibility of establishing"

3. Page 1, line 14.

Following: "."

Insert: "The study results must be presented to the 58th legislature."

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Thomas, Chairman):

3/21/2001

SB 82, be amended as follows:

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

1. Page 8, line 1.

Strike: "200%"

Insert: "150%"

2. Page 11, line 10.

Strike: "200%"

Insert: "150%"

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

SB 171, be concurred in. Report adopted.

JUDICIARY (Shockley, Chairman):

3/21/2001

SB 204, be amended as follows:

1. Title, page 1, line 7.

Strike: "IN A CIVIL PROCEEDING"

2. Page 2, line 13.

Following: "paid"

Insert: "to a victim"

3. Page 2, line 14.

Following: "may"

Insert: "be treated as a civil judgment against the offender and may"

Strike: "in a civil proceeding"

4. Page 2, line 15.

Following: "law"

Insert: ", including execution upon a judgment,"

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

SB 328, be concurred in. Report adopted.

SB 426, be amended as follows:

3/20/2001

1. Title, line 6.

Following: line 5

Insert: "DEFINING "PRETRIAL SERVICES AGENCY";"

2. Page 1, line 11.

Following: "**bail**"

Insert: "-- definition"

3. Page 1, line 20.

Following: "a"

Insert: "verified"

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

4. Page 1, line 24.

Following: "a"

Insert: "verified"

5. Page 1, line 27.

Insert: "(5) As used in this section, "pretrial services agency" means a government agency or a private entity under contract with a local government whose employees have the minimum training required in 46-23-1003 and that is designated by a district court, justice's court, municipal court, or city court to provide services pending a trial."

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

LEGISLATIVE ADMINISTRATION (Bookout-Reinicke, Chairman):

3/21/2001

HB 144, introduced bill, be amended as follows:

1. Title, line 7.

Following: "PROCEEDINGS;"

Insert: "CREATING A STATE GOVERNMENT BROADCASTING ACCOUNT; INCREASING THE LOBBYIST LICENSE FEE AND USING THE FEE INCREASE TO SUPPORT THE BROADCASTING SERVICE; AUTHORIZING A GENERAL FUND LOAN;"

2. Title, line 8.

Strike: "SECTION"

Insert: "SECTIONS 5-7-103 AND"

3. Page 2, line 8.

Strike: "3"

Insert: "4"

4. Page 3.

Following: line 26

Insert: "NEW SECTION. Section 4. State government broadcasting account. (1) There is a state government broadcasting account in the state special revenue fund provided for in 17-2-102.

(2) There must be deposited in the account:

(a) the portion of the lobbyist license fee provided for in 5-7-103(4)(b);

(b) any gift, donation, grant, legacy, bequest, or devise made for the purposes of [sections 1 through 4];

(c) interest or other income earned on the money in the account.

(3) Money in the account is available to the division by appropriation and must be used for the development, operation, and maintenance of a state government broadcasting service as provided for in [sections 1 through 4]."

Insert: "**Section 5.** Section 5-7-103, MCA, is amended to read:

"5-7-103. Licenses -- fees -- eligibility -- waiver. (1) Any adult of good moral character who is otherwise qualified under this chapter may be licensed as a lobbyist. The commissioner shall provide a license application form. The application form may be obtained from and must be filed in the office of the commissioner. Upon approval of the application and receipt of the license fee by the commissioner, a license must be issued that entitles the licensee to practice lobbying on behalf of one or more enumerated principals. The license fee is ~~\$50~~ \$150 for each lobbyist. Each license expires on December 31 of each even-numbered year or may be terminated at the request of the lobbyist. A lobbyist who believes that payment of the license fee may constitute a hardship may

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

apply to the commissioner for a waiver of the fee required by this section. The commissioner may waive all or a portion of the license fee upon proof by the lobbyist that payment of the fee constitutes a hardship.

(2) (a) Except as provided in subsection (2)(b), an application may not be disapproved without affording the applicant a hearing. The hearing must be held and the decision entered within 10 days of the date of the filing of the application.

(b) An application may not be approved if a principal has failed to file reports required under 5-7-208.

(3) The fines ~~and license fees~~ collected under this chapter must be deposited in the state treasury.

(4) The commissioner shall deposit the license fee provided for in subsection (1) as follows:

(a) \$50 in the general fund; and

(b) \$100 in the state special revenue account provided for in [section 4].

~~(4)~~(5) The commissioner may adopt rules to implement the waiver provisions of subsection (1).""

Renumber: subsequent sections

5. Page 4, line 22.

Strike: "3"

Insert: "4"

6. Page 5.

Following: line 7

Insert: "NEW SECTION. Section 7. General fund loan. (1) The department of administration shall authorize a loan of \$60,000 from the general fund to the legislative services division to administer the state government broadcasting service provided for in [sections 1 through 4].

(2) The division shall repay the loan on or before June 30, 2003, from the state government broadcasting account under terms and conditions determined by the department."

Renumber: subsequent sections

7. Page 5, line 9.

Strike: "general fund"

Insert: "state government broadcasting account"

8. Page 5, line 10.

Strike: "\$1.3 million"

Insert: "\$260,000 for the biennium ending June 30, 2003, to enable the division to seek grants, gifts, donations, and in-kind contributions from private and public sources"

9. Page 5, line 17.

Strike: "3"

Insert: "4"

10. Page 5, line 19.

Strike: "3"

Insert: "4"

And, as amended, do pass. Report adopted.

SB 419, be concurred in. Report adopted.

TAXATION (Story, Chairman):

3/20/2001

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

HB 617, introduced bill, be amended as follows:

1. Page 2, line 22.

Strike: "(2)(f)"

Insert: "(2)(h)"

2. Page 3, line 5.

Strike: "and"

3. Page 3, line 6.

Following: "15-30-111(6)"

Insert: ";

(g) the additional amount for expenditures for the purchase of recycled material under 15-32-610; and

(h) the deduction for a land sale to a beginning farmer under 80-12-211"

4. Page 3, line 8.

Strike: ":"

5. Page 3, line 9 through line 12.

Strike: "(a)" on line 9

Strike: ";" on line 9 through "80-12-211" on line 12

6. Page 28, line 6.

Strike: "5%"

Insert: "3%"

7. Page 41, line 4.

Strike: "LC0710"

Insert: "House Bill No. 617"

8. Page 43, line 7.

Strike: "LC0710"

Insert: "House Bill No. 617"

9. Page 43, line 12.

Strike: "LC0710"

Insert: "House Bill No. 617"

10. Page 43.

Following: line 19

Insert: "(3) If House Bill No. 598 and [this act] are both passed and approved and if House Bill No. 598 repeals 80-12-211, then [sections 1(2)(h) and 33 of this act] are void."

And, as amended, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committees:

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

HB 648, introduced by Kaufmann, Gallik, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 38, introduced by Waddill, Anderson, Bales, Balyeat, Berry, Bishop, Bitney, Bixby, Bohlinger, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, Christiaens, Clancy, E. Clark, P. Clark, Cocchiarella, Curtiss, Cyr, Dale, Dell, DePratu, Devlin, Doherty, Ellingson, Ellis, Esp, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Glaser, Golie, Grimes, Grosfield, Haines, Halligan, Hargrove, Harrington, Harris, Himmelberger, Jackson, Jacobson, Jayne, Jent, Jergeson, Juneau, Keane, Laible, Laslovich, Laszloffy, Lawson, Lee, Lehman, Lenhart, Lindeen, Mangan, Masolo, McGee, McNutt, Nelson, Noennig, O'Neil, Olson, Pattison, Pease, A. Peterson, K. Peterson, Price, Rice, Ripley, Rome, Roush, Ryan, Schmidt, Schrupf, Shea, Sliter, Somerville, Sprague, Steinbeisser, Stonington, Tash, Taylor, Tester, B. Thomas, F. Thomas, Toole, Tramelli, Tropila, Wanzenried, Waterman, Wells, Whitaker, Witt, Wolery, Younkin, Zook, referred to State Administration.

COMMUNICATIONS AND PETITIONS

**A PROCLAMATION OF THE SENATE AND THE
HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA**

***WHEREAS**, June 25, 2000 through July 26, 2003 is the 50th Anniversary of the hostilities in Korea, beginning with the invasion of South Korea by North Korean Communist forces, most commonly known as the Korean War; and*

***WHEREAS**, more than 5.6 million Americans served this nation during this conflict; and*

***WHEREAS**, 33,686 Americans lost their lives during the Korean War; and*

***WHEREAS**, 17,320 Americans lost their lives worldwide in associated Cold War operations during the Korean War; and*

***WHEREAS**, more than 19,500 Montanans served their state and nation as members of the United States Armed Forces during this same period; and*

***WHEREAS**, more than 5,000 Montanans served in the surrounding areas around the Korean combat zone from 1950-53; and*

***WHEREAS**, nearly 200 Montanans lost their lives in Korea during the Korean War; and*

***WHEREAS**, 28 Montanans are presently considered to be Prisoners of War or Missing In Action (POW-MIA) as a result of the Korean War; and*

WHEREAS**, thousands of Montanans have served in Korea since the cessation of hostilities on July 26, 1953, and many more will continue to serve in Korea because of America's commitment to world peace; **THEREFORE

As representatives of the 57th Montana State Legislature, we do hereby proclaim the period of June 25, 2000 through July 26, 2003, as "KOREAN WAR COMMEMORANCE."

The proclamation was signed by Senate President Beck, Senate Minority Leader Doherty, Speaker of the House

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 21, 2001

McGee, House Minority Leader Gillan.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Sliter moved that the House adjourn until 12:00 p.m., Thursday, March 22, 2001. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER
Chief Clerk of the House

DAN MCGEE
Speaker of the House