

**SENATE JOURNAL
57TH LEGISLATURE
EIGHTY-FIRST LEGISLATIVE DAY**

Helena, Montana
April 10, 2001

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

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Examined by the sponsor and found to be correct: SB 187, SB 190, SB 245, SB 248, SB 324, SB 325, SB 329, SB 333, SB 338, SB 355, SB 379, SB 396, SB 408, SB 451, SB 454, SB 466, SB 469, SB 473, SB 474, SB 476, SB 477, SB 491, SB 493, SB 511, SJR 2, SJR 12, SJR 16, SJR 22.

Signed by the Speaker at 3:35 p.m., April 9, 2001: SB 128, SB 147, SB 226, SB 428, SB 479, SJR 18.

Signed by the Speaker at 3:45 p.m., April 9, 2001: SB 89, SB 108, SB 116, SB 182, SB 256, SB 262, SB 274, SB 282, SJR 17.

Signed by the Speaker at 7:30 a.m., April 10, 2001: SB 300, SB 323, SB 357.

Signed by the President at 11:00 a.m., April 10, 2001: SB 169, SB 171, SB 181, SB 218, SB 236, SB 237, SB 253, SB 261, SB 265, SB 286, SB 288, SB 293, SB 298, SB 304, SB 309, SB 310, SB 311, SB 318, SB 319, SB 328, SB 330, SB 354, SB 356, SB 359, SB 375, SB 377, SB 378, SB 397, SB 405, SB 420, SB 426, SB 431, SB 433, SB 436, SB 438, SB 442, SB 443, SB 448, SB 449, SB 450, SB 455, SB 459, SB 465, SB 480, SJR 6, SJR 8, SJR 10.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 283**
Report No. 1, April 9, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 283** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 283** (reference copy – salmon) be amended as follows:

1. Page 8, line 9.

Following: "any"

Insert: "pertinent"

2. Page 9, line 3 through line 7.

Following: "children." on line 3

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Strike: remainder of line 3 through "RESULTS." on line 7

3. Page 9, line 8.

Strike: "SHALL"

Insert: "may"

4. Page 9, line 9.

Following: "(I)"

Strike: remainder of line 9

Insert: "the safety of the child;"

5. Page 9, lines 20 and 21.

Following: "1997"

Strike: ", AS" line 20 through "ENACTED" on line 21

6. Page 15, line 19.

Strike: ", AS ENACTED"

For the Senate:
Grimes, Chairman
Wells
Waterman

For the House:
Noennig, Vice Chairman
L. Holden
Eggers

MESSAGES FROM THE OTHER HOUSE

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

4/9/2001

SB 176, introduced by McNutt

SB 179, introduced by Zook

SB 191, introduced by DePratu

SB 315, introduced by Franklin

SB 322, introduced by Shea

SB 445, introduced by Taylor

Senate bill **not** concurred in and returned to the Senate:

4/9/2001

SB 220, introduced by Bohlinger

House joint resolution passed and transmitted to the Senate for concurrence:

4/9/2001

HJR 39, introduced by Shockley

Conference Committees appointed:

HB 324 - The House failed to concur in Senate amendments to **HB 324**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 324**.

4/9/2001

Representative Brueggeman, Vice Chairman

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Representative Noennig
Representative Mangan

HB 359 - The House failed to concur in Senate amendments to **HB 359**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 359**. 4/9/2001

Representative Shockley, Vice Chairman
Representative Wolery
Representative P. Clark

HB 360 - The House failed to concur in Senate amendments to **HB 360**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 360**. 4/9/2001

Representative Shockley, Vice Chairman
Representative Wolery
Representative P. Clark

HB 572 - The House failed to concur in Senate amendments to **HB 572**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 572**. 4/9/2001

Representative Story, Vice Chairman
Representative Olson
Representative Matthews

Free Conference Committees appointed:

HB 208 - The House failed to concur in Senate amendments to **HB 208**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 208**. 4/9/2001

Representative Noennig, Vice Chairman
Representative K. Peterson
Representative Harris

HB 459 - The House failed to concur in Senate amendments to **HB 459**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 459**. 4/9/2001

Representative D. Mood, Vice Chairman
Representative Younkin
Representative Forrester

HB 605 - The House failed to concur in Senate amendments to **HB 605**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 605**. 4/9/2001

Representative Mood, Vice Chairman
Representative Clancy
Representative Matthews

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MOTIONS

HB 324 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House on Senate amendments to **HB 324**. Motion carried. The President appointed the following members:

Senator Grimes, Chairman
Senator Holden
Senator Jergeson

HB 359 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House on Senate amendments to **HB 359**. Motion carried. The President appointed the following members:

Senator Grosfield, Chairman
Senator O'Neil
Senator Doherty

HB 360 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House on Senate amendments to **HB 360**. Motion carried. The President appointed the following members:

Senator Grosfield, Chairman
Senator O'Neil
Senator Pease

HB 572 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House on Senate amendments to **HB 572**. Motion carried. The President appointed the following members:

Senator Crismore, Chairman
Senator Grosfield
Senator Shea

HB 208 - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House on **HB 208**. Motion carried. The President appointed the following members:

Senator Grosfield, Chairman
Senator Bishop
Senator Doherty

HB 390 - Majority Leader Thomas moved that the **Conference Committee on HB 390** be **dissolved** and that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House on **HB 390**. Motion carried. The President appointed the following members:

Senator Glaser, Chairman
Senator Cobb

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Senator McCarthy

HB 437 - Majority Leader Thomas moved that the **Conference Committee on HB 437** be **dissolved** and that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House on **HB 437**. Motion carried. The President appointed the following members:

Senator Ekegren, Chairman
Senator Cole
Senator Shea

HB 459 - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House on **HB 459**. Motion carried. The President appointed the following members:

Senator Crismore, Chairman
Senator Grimes
Senator Shea

HB 605 - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House on **HB 605**. Motion carried. The President appointed the following members:

Senator Crismore, Chairman
Senator Tash
Senator Nelson

HB 625 - Majority Leader Thomas moved that consideration of **HB 625** be placed at the bottom of the second reading board this legislative day. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

HJR 39, introduced by Shockley, referred to Judiciary.

MOTIONS

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

Senate recessed at 10:22 a.m.

Senate reconvened at 10:50 a.m.

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

MOTIONS

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Senator Christiaens moved that the rules of the Senate be suspended to allow the late introduction of a bill to study health insurance, due to Senator Christiaens' absence the previous week. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Toole, Waterman, Wells, Zook, Mr. President.

Total 45

Nays: None.

Total 0

Absent or not voting: Cocchiarella, Johnson, Stonington, Thomas.

Total 4

Excused: Grimes.

Total 1

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

Session I

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

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

SB 131 - House Amendments - Senator Taylor moved House amendments to **SB 131** be concurred in. Motion carried unanimously.

SB 326 - House Amendments - Senator Taylor moved House amendments to **SB 326** be concurred in. Motion carried with Senator R. Johnson voting nay.

SB 489 - House Amendments - Senator Grosfield moved House amendments to **SB 489** be concurred in. Motion carried unanimously.

SB 495 - House Amendments - Senator F. Thomas moved House amendments to **SB 495** be concurred in. Motion carried unanimously.

SB 135 - Conference Committee Report No. 1 - Senator Waterman moved the Conference Committee report to **SB 135** be adopted. Motion carried unanimously.

HJR 2 - Senator Ellis moved consideration of **HJR 2** be placed at the bottom of the second reading board this legislative day. Motion carried.

HB 226 - Senator Jergeson moved consideration of **HB 226** be placed at the bottom of the second reading board for

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the purpose of amendment. Motion carried.

HB 142 - Free Conference Committee Report No. 1 - Senator Berry moved the Free Conference Committee report to **HB 142** be adopted. Motion carried unanimously.

HB 473 - Senator Crismore moved consideration of **HB 473** be passed for the day. Motion carried.

HB 544 - Senator F. Thomas moved consideration of **HB 544** be added to the afternoon agenda. Motion carried.

HB 625 - Senator Ryan moved **HB 625** be concurred in. After introduction, the committee reverted to the body of the bill for purpose of amendment.

HB 625 - Senator Ellis moved **HB 625**, second reading copy, be amended as follows :

1. Page 1, lines 25 and 26.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

2. Page 1, lines 27 and 28.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

Senator Ellis **withdrew amendment No. 1**

Amendment No. 2 failed as follows:

Yeas: Berry, Butcher, Cobb, DePratu, Ellis, Franklin, Halligan, Hargrove, Holden, Johnson, Miller, Stonington, Thomas, Waterman, Wells, Zook.

Total 16

Nays: Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Ekegren, Ellingson, Elliott, Glaser, Grosfield, Harrington, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Tash, Taylor, Tester, Toole, Mr. President.

Total 31

Absent or not voting: McNutt, Stapleton.

Total 2

Excused: Grimes.

Total 1

HB 625 - Senator Ellis moved **HB 625**, second reading copy, be amended as follows :

1. Page 2, line 11.

Strike: "and"

2. Page 2, line 12.

Strike: "."

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Insert: "; and"

3. Page 2, line 13.

Following: line 12

Insert: "(p) determining if the existence of 25 budgeted and nonbudgeted funds unreasonably restricts local decisionmakers."

Amendment **adopted** unanimously.

HB 625 - Senator Grosfield moved **HB 625**, second reading copy, be further amended as follows :

1. Page 1, line 13.

Following: line 12

Insert: "WHEREAS, Montana's K-12 public schools are among the best in the nation, despite the fact that funding of K-12 public schools is becoming increasingly challenging; and

WHEREAS, significant technological innovations in educational materials and teaching methods are being developed and improved; and

WHEREAS, public schools are increasingly facing demands for, and competition from, electronic delivery of education; and

WHEREAS, some existing problems facing educators could be remedied through more flexible delivery of educational programming through electronic means; and

WHEREAS, some home-schooled students could enhance the quality of their education through electronic delivery of educational programming and through limited participation in public K-12 school curricula.

2. Page 2, line 6.

Following: line 5

Insert: "(h) analyzing the relationship between increasing staffing levels in the classroom in the face of declining enrollment and the resulting financial impacts to school districts and the state;

(i) analyzing the financial impacts to teacher salaries, in comparison to other states, from the declining classroom sizes that have been imposed on K-12 schools in recent years, including what the impacts would be if the Montana student-teacher ratios had remained at the 1995 levels;

(j) analyzing the educational and financial implications that improved technology can have for school funding and structure in the future and the role that distance learning can play in this structure to the benefit of both student education and school district budgets;

(k) analyzing appropriate means for school districts to calculate ANB regarding nontraditional, part-time, or distance-learning students;

Renumber: subsequent subsections

Amendment **adopted** with Senator Doherty voting nay.

Senator Grimes present at this time.

HB 625 - Senator Grosfield moved **HB 625**, second reading copy, be further amended as follows :

1. Title, line 8 through line 9.

Strike: "ESTABLISHING" on line 8 through "FUNDING;" on line 9

2. Title, line 10.

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Strike: "SELECT"

Insert: "EDUCATION INTERIM"

3. Page 1, line 19.

Following: "duties"

Insert: "-- hearings"

4. Page 2, line 15.

Strike: "select" through "[section 2]"

Insert: "education interim committee"

5. Page 2.

Following: line 15

Insert: "(3) The education interim committee shall:

(a) hold hearings on the preliminary report prepared and submitted by the governor. The hearings must be held at various locations around the state to facilitate public comment on the governor's report.

(b) by August 1, 2002, provide to the governor for the governor's consideration a summary of the hearings and recommendations for changes to the report."

Renumber: subsequent subsections

6. Page 2, line 16.

Strike: "select"

Insert: "education interim"

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

Strike: section 2 in its entirety

Renumber: subsequent sections

8. Page 3, line 24.

Strike: "select" through "funding"

Insert: "education interim committee"

Amendment **adopted** as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Thomas, Toole, Waterman, Zook.

Total 42

Nays: Butcher, Glaser, Jergeson, Taylor, Wells, Mr. President.

Total 6

Absent or not voting: Franklin, Tester.

Total 2

Excused: None.

Total 0

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HB 625 - Senator Ryan moved **HB 625**, as amended, be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Elliott, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Zook, Mr. President.

Total 42

Nays: Doherty, Keenan, Miller, Mohl, Stapleton, Waterman, Wells.

Total 7

Absent or not voting: Franklin.

Total 1

Excused: None.

Total 0

Senator Thomas moved the committee rise, report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman DePratu moved the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

Majority Leader Thomas moved that the Senate stand in recess until the hour of 3:00 p.m. this day. Motion carried.

Senate recessed at 12:30 p.m.

Senate reconvened at 3:04 p.m.

Roll Call. All members present except Senators Butcher and Grimes, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

4/10/2001

Correctly Engrossed: HB 226, HB 625.

Signed by the Secretary of Senate at 11:45 a.m., April 10, 2001: SB 3, SB 50, SB 51, SB 60, SB 77, SB 82, SB 96, SB 104, SB 130, SB 132, SB 138, SB 152, SB 167, SB 170, SB 197, SB 203, SB 204, SB 210, SB 221, SB 229, SB 241, SB 289, SB 305, SB 313, SB 340, SB 358, SB 360, SB 373, SJR 13.

Signed by the President at 12:15 p.m., April 10, 2001: SB 396, SB 466, SB 469, SB 473, SB 474, SB 476, SB 477, SB 491, SJR 2.

Signed by the Secretary of Senate at 12:15 p.m., April 10, 2001: SB 128, SB 147, SB 226, SB 300, SB 323, SB 357, SB 428, SB 479, SJR 18.

Signed by the Secretary of Senate at 12:30 p.m., April 10, 2001: SB 89, SB 108, SB 116, SB 182, SB 256, SB 262, SB 274, SB 282, SJR 17.

Signed by the Speaker at 1:00 p.m., April 10, 2001: SB 31, SB 94, SB 145, SB 163, SB 279, SB 380, SB 387, SB 440, SJR 9.

Delivered to the Governor for approval at 1:50 p.m., April 10, 2001: SB 3, SB 50, SB 51, SB 60, SB 77, SB 82, SB 96, SB 104, SB 130, SB 132, SB 138, SB 152, SB 167, SB 170, SB 197, SB 203, SB 204, SB 210, SB 221,

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SB 229, SB 241, SB 289, SB 300, SB 305, SB 313, SB 323, SB 340, SB 357, SB 358, SB 360, SB 373.
Delivered to the Secretary of State at 2:20 p.m., April 10, 2001: SJR 13, SJR 17, SJR 18.
Signed by the Speaker at 2:35 p.m., April 10, 2001: SB 448, SB 449, SB 450, SB 455, SB 459, SB 465, SB 476, SB 477, SB 480.
Signed by the Speaker at 2:45 p.m., April 10, 2001: SB 396, SB 466, SB 469, SB 473, SB 474, SB 476, SB 477, SB 491, SJR 2.
Signed by the Speaker at 2:55 p.m., April 10, 2001: SB 405, SB 420, SB 426, SB 431, SB 433, SB 436, SB 438, SB 442, SB 443.
Signed by the Secretary of Senate at 3:30 p.m., April 10, 2001: SB 31, SB 94, SB 145, SB 163, SB 279, SB 380, SB 387, SB 440, SJR 9.
Signed by the Secretary of Senate at 4:00 p.m., April 10, 2001: SB 405, SB 420, SB 426, SB 431, SB 436, SB 438, SB 442, SB 443.
Signed by the Secretary of Senate at 4:15 p.m., April 10, 2001: SB 448, SB 449, SB 450, SB 455, SB 459, SB 465, SB 476, SB 477, SB 480.
Signed by the Secretary of Senate at 4:30 p.m., April 10, 2001: SB 396, SB 466, SB 469, SB 473, SB 474, SB 476, SB 477, SB 491, SJR 2.
Signed by the Speaker at 4:30 p.m., April 10, 2001: SB 330, SB 354, SB 356, SB 359, SB 375, SB 377, SB 378, SB 397.
Signed by the President at 4:30 p.m., April 10, 2001: SB 187, SB 190, SB 245, SB 248, SB 324, SB 325, SB 329, SB 338, SB 379, SB 408, SB 451, SB 454, SB 493, SB 511, SJR 16, SR 22.
Signed by the Secretary of Senate at 7:05 p.m., April 10, 2001: SR 22.

Senator Butcher present at this time.

TAXATION (DePratu, Chairman):
SJR 21, be adopted. Report adopted.

4/10/2001

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 423**
Report No. 1, April 10, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 423** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 423** (reference copy – salmon) be amended further as follows:

1. Title, page 1, line 5.

Strike: "15"

Insert: "10"

2. Page 3, line 4.

Strike: "15%"

Insert: "10%"

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For the Senate:

J. Wells, Chairman
Ryan
Ellis

For the House:

J. Andersen, Vice Chairman
Jacobson
K. Peterson

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 432**
Report No. 1, April 10, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 432** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 432** (reference copy – salmon) be accepted by the Senate.

For the Senate:

Stapleton, Chairman
Harrington
Taylor

For the House:

McKenney, Vice Chairman
Whitaker
Mangan

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 266**
Report No. 1, April 10, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 266** met April 10, 2001, and considered:

1. Senate Committee on Judiciary amendments to the third reading copy, dated March 16, 2001.

We recommend that **House Bill 266** (reference copy – salmon) be amended as follows:

1. Page 1, line 28.

Following: line 27

Insert: "(3) An applicant may contest a written statement of legal authority in district court. The prevailing party must be awarded costs and attorney fees incurred in a contest or defense under this section."

For the House:

Shockley, Vice Chairman
P. Clark
Clancy

For the Senate:

K. Miller, Chairman
Kitzenberg
Stonington (Unsigned)

FIRST READING AND COMMITMENT OF BILLS

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

SJR 22, introduced by Christiaens, Bohlinger, Elliott, Glaser, Hargrove, Harrington, Mahlum, McCarthy, Nelson, Stonington, F. Thomas, Toole, Waterman (by request of the Senate Local Government Standing Committee), referred to Local Government.

MOTIONS

HB 544 - Senator Ryan moved that **HB 544** be taken from second reading and rereferred to the committee on Business. Motion passed as follows:

Yeas: Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, Doherty, Elliott, Ellis, Franklin, Glaser, Grosfield, Halligan, Harrington, Holden, Jergeson, Johnson, Kitzenberg, McCarthy, McNutt, Miller, Nelson, Pease, Roush, Ryan,

Shea, Stonington, Tash, Taylor, Tester, Toole, Waterman, Zook, Mr. President.

Total 34

Nays: Berry, Bishop, Bohlinger, DePratu, Ekegren, Ellingson, Hargrove, Keenan, Mohl, O'Neil, Sprague, Stapleton, Thomas.

Total 13

Absent or not voting: Mahlum, Wells.

Total 2

Excused: Grimes.

Total 1

SB 57 - Majority Leader Thomas moved the President be authorized to appoint a **Conference Committee**, and request the House to appoint a like committee to confer on House Amendments to **SB 57**. Motion carried. The President appointed the following members:

Senator Stapleton, Chairman

Senator Johnson

Senator Nelson

SB 514 - Majority Leader Thomas moved the President be authorized to appoint a **Conference Committee**, and request the House to appoint a like committee to confer on House Amendments to **SB 514**. Motion carried. The President appointed the following members:

Senator Berry, Chairman

Senator Grosfield

Senator Cocchiarella

HB 146 - Majority Leader Thomas moved that the **Conference Committee** on **HB 146** be **dissolved** and that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House on **HB 146**. Motion carried. The President appointed the following members:

Senator Grimes, Chairman

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Senator McNutt
Senator Halligan

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

Session II

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

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

HJR 2 - Senator Ellis moved **HJR 2** be concurred in. After introduction, the committee reverted to the body of the bill for purpose of amendment.

Senator Miller assumed the chair.

HJR 2 - Senator Stonington moved **HJR 2**, second reading copy, be amended as follows :

1. Page 4, line 16.
Strike: "\$598.531"
Insert: "\$603.531"

2. Page 4, line 17.
Strike: "\$575.077"
Insert: "\$580.077"

The LFD shall amend totals.

Amendment **failed** as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ekegren, Ellingson, Franklin, Halligan, Harrington, Holden, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.
Total 23

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Elliott, Ellis, Glaser, Grosfield, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Taylor, Thomas, Wells, Zook, Mr. President.
Total 24

Absent or not voting: Grimes, Hargrove, Tash.
Total 3

Excused: None.
Total 0

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Senator DePratu reassumed the chair.

HJR 2 - Senator Ellis moved **HJR 2** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 29

Nays: Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Franklin, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 20

Absent or not voting: Grimes.

Total 1

Excused: None.

Total 0

HB 226 - Senator Jergeson moved **HB 226**, second reading copy, be amended as follows :

1. Page 2, line 28.

Following: "[SECTION 21]."

Insert: "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."

2. Page 3.

Following: line 3

Insert: "(4) Money received by a county must be allocated by the county to school districts and special districts in which mineral leasing occurs based upon each district's percentage allocation of countywide property tax levies."

Amendment **adopted** unanimously.

HB 226 - Senator R. Holden moved **HB 226**, as amended, be concurred in. Motion carried unanimously.

HB 69 - Senator Beck moved **HB 69** be concurred in. Motion carried unanimously.

Senator Kitzenberg excused at this time.

HB 121 - Senator Glaser moved **HB 121** be concurred in. After discussion, the committee reverted to the body of the bill for amendment.

HB 121 - Senator Glaser moved **HB 121**, second reading copy, be amended as follows :

NOTE:

1. Title, page 1, line 26.

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Strike: "CONTINGENCIES"
Insert: "A CONTINGENCY"

2. Title, page 1, line 27.

Following: "495"

Strike: " "

Insert: "AND "

Following: "390"

Strike: " "

3. Title, page 1, line 28.

Strike: "AND" through "ENROLLMENT"

4. Page 10, line 21.

Strike: "JULY"

Insert: "April"

Following: "2002."

Insert: "and"

5. Page 10, line 22.

Strike: the second "AND" through "OCCUR,"

6. Page 12, line 21 through page 16, line 17.

Strike: subsection (2) in its entirety

Re-number: subsequent subsection

7. Page 16, lines 18 and 19.

Following: "NO."

Strike: "390" through "OCCUR" on line 19

Insert: "495 is enjoined or declared unconstitutional before April 1, 2002"

8. Page 17, line 12.

Strike: "\$209,111"

Insert: "\$209,873"

9. Page 17, line 13.

Strike: "\$18,820"

Insert: "\$18,889"

10. Page 17, line 17.

Strike: "\$18,820"

Insert: "\$18,889"

11. Page 17, line 19.

Strike: "\$209,111"

Insert: "\$209,873"

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12. Page 18, line 1.

Strike: "~~\$5,091~~"

Insert: "\$5,109"

13. Page 18, line 5.

Strike: "~~\$3,820~~"

Insert: "\$3,834"

14. Page 18, line 11.

Strike: "~~\$3,820~~"

Insert: "\$3,834"

15. Page 18, line 14.

Strike: "~~\$5,091~~"

Insert: "\$5,109"

16. Page 19, line 9.

Strike: "~~\$212,269~~"

Insert: "\$211,531"

17. Page 19, line 10.

Strike: "~~\$19,104~~"

Insert: "\$19,038"

18. Page 19, line 14.

Strike: "~~\$19,104~~"

Insert: "\$19,038"

19. Page 19, line 16.

Strike: "~~\$212,269~~"

Insert: "\$211,531"

20. Page 19, line 28.

Strike: "~~\$5,168~~"

Insert: "\$5,149"

21. Page 20, line 2.

Strike: "~~\$3,878~~"

Insert: "\$3,864"

22. Page 20, line 8.

Strike: "~~\$3,878~~"

Insert: "\$3,864"

23. Page 20, line 11.

Strike: "~~\$5,168~~"

Insert: "\$5,149"

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24. Page 20, line 22 through line 24.

Strike: subsection (4) in its entirety

Amendment **adopted** as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, O'Neil, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 34

Nays: Christiaens, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Holden, Jergeson, McCarthy, Nelson, Pease, Tester, Toole, Waterman.

Total 15

Absent or not voting: None.

Total 0

Excused: Kitzenberg.

Total 1

HB 121 - Senator Ellingson moved **HB 121**, second reading copy, be further amended as follows :

1. Title, page 1, line 11.

Strike: "\$18,889"

Insert: "\$18,540"

2. Title, page 1, line 12.

Strike: "\$209,873"

Insert: "\$210,738"

3. Title, page 1, line 13.

Strike: "\$3,834"

Insert: "\$3,850"

4. Title, page 1, line 15.

Strike: "\$5,109"

Insert: "\$5,130"

5. Title, page 1, line 16.

Strike: "CONTINGENTLY"

6. Title, page 1, line 18.

Strike: "\$19,244"

Insert: "\$19,819"

7. Title, page 1, line 19.

Strike: "\$213,819"

Insert: "\$220,221"

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8. Title, page 1, line 21.

Strike: "\$3,906"

Insert: "\$4,023"

9. Title, page 1, line 23.

Strike: "\$5,205"

Insert: "\$5,361"

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

Strike: "PROVIDING" on line 26 through "ENROLLMENT;" on line 28

11. Title, page 1, line 29.

Strike: "AN"

Following: "DATES,"

Strike: "DATE AND"

Insert: "DATES,"

12. Title, page 1, line 30.

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

13. Page 2, line 26.

Strike: "\$209,873"

Insert: "\$210,738"

14. Page 2, line 27.

Strike: "\$18,889"

Insert: "\$18,966"

15. Page 3, line 2.

Strike: "\$18,889"

Insert: "\$18,966"

16. Page 3, line 4.

Strike: "\$209,873"

Insert: "\$210,738"

17. Page 3, line 16.

Strike: "\$5,109"

Insert: "\$5,130"

18. Page 3, line 21.

Strike: "\$3,834"

Insert: "\$3,850"

19. Page 3, line 26.

Strike: "\$3,834"

Insert: "\$3,850"

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20. Page 3, line 30.

Strike: "\$5,109"

Insert: "\$5,130"

21. Page 10, line 20 through page 20, line 24.

Strike: sections 2 and 3 in their entirety

Insert: "**Section 2.** Section 20-9-306, MCA, is amended to read:

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

- (1) "BASE" means base amount for school equity.
- (2) "BASE aid" means:
 - (a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and
 - (b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.
- (3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.
- (4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.
- (5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.
- (6) "Basic entitlement" means:
 - (a) ~~\$206,000~~ \$220,221 for each high school district;
 - (b) ~~\$18,540~~ \$19,819 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and
 - (c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:
 - (i) ~~\$18,540~~ \$19,819 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus
 - (ii) ~~\$206,000~~ \$220,221 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.
- (7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.
- (8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.
- (9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.
- (10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:
 - (a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,361 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;
 - (b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$4,023 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of

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1,000 receiving the same amount of entitlement as the 1,000th ANB; and

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

(i) a maximum rate of ~~\$3,763~~ \$4,023 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,361 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

Insert: "NEW SECTION. Section 3. Effective dates

-- **applicability.** (1) [Section 1] is effective July 1, 2001, and applies to school budgets for the school fiscal year beginning July 1, 2001.

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

Insert: "NEW SECTION. Section 4. Termination. [Section 1] terminates June 30, 2002."

Amendment **not** adopted as follows:

Yeas: Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Nelson, Pease, Roush, Ryan, Stonington, Tester, Toole, Waterman.

Total 18

Nays: Berry, Bishop, Bohlinger, Butcher, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 30

Absent or not voting: Shea.

Total 1

Excused: Kitzenberg.

Total 1

HB 121 - Senator Ellingson moved **HB 121**, second reading copy, be further amended as follows :

1. Title, page 1, line 11.

Strike: "\$18,889"

Insert: "\$18,961"

2. Title, page 1, line 12.

Strike: "\$209,873"

Insert: "\$210,676"

3. Title, page 1, line 13.

Strike: "\$3,834"

Insert: "\$3,848"

4. Title, page 1, line 15.

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Strike: "\$5,109"

Insert: "\$5,129"

5. Title, page 1, line 16.

Strike: "CONTINGENTLY"

6. Title, page 1, line 18.

Strike: "\$19,244"

Insert: "\$19,391"

7. Title, page 1, line 19.

Strike: "\$213,819"

Insert: "\$215,458"

8. Title, page 1, line 21.

Strike: "\$3,906"

Insert: "\$3,935"

9. Title, page 1, line 23.

Strike: "\$5,205"

Insert: "\$5,245"

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

Strike: "PROVIDING" on line 26 through "ENROLLMENT;" on line 28

11. Title, page 1, line 29.

Strike: "AN"

Following: "DATES,"

Strike: "DATE AND"

Insert: "DATES,"

12. Title, page 1, line 30.

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

13. Page 2, line 26.

Strike: "\$209,873"

Insert: "\$210,676"

14. Page 2, line 27.

Strike: "\$18,889"

Insert: "\$18,961"

15. Page 3, line 2.

Strike: "\$18,889"

Insert: "\$18,961"

16. Page 3, line 4.

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Strike: "\$209,873"
Insert: "\$210,676"

17. Page 3, line 16.
Strike: "\$5,109"
Insert: "\$5,129"

18. Page 3, line 21.
Strike: "\$3,834"
Insert: "\$3,848"

19. Page 3, line 26.
Strike: "\$3,834"
Insert: "\$3,848"

20. Page 3, line 30.
Strike: "\$5,109"
Insert: "\$5,129"

21. Page 10, line 20 through page 20, line 24.

Strike: sections 2 and 3 in their entirety

Insert: "**Section 2.** Section 20-9-306, MCA, is amended to read:

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

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

(2) "BASE aid" means:

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

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

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

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

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

(6) "Basic entitlement" means:

(a) ~~\$206,000~~ \$215,458 for each high school district;

(b) ~~\$18,540~~ \$19,391 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

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

(i) ~~\$18,540~~ \$19,391 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$206,000~~ \$215,458 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through

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grade 8.

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

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

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

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

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,245 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$3,935 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

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

(i) a maximum rate of ~~\$3,763~~ \$3,935, for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,245 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

Insert: "NEW SECTION. Section 3. Effective dates

-- **applicability.** (1) [Section 1] is effective July 1, 2001, and applies to school budgets for the school fiscal year beginning July 1, 2001.

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

Insert: "NEW SECTION. Section 4. Termination. [Section 1] terminates June 30, 2002."

Amendment **not** adopted as follows:

Yeas: Bohlinger, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 21

Nays: Berry, Bishop, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 28

Absent or not voting: None.

Total 0

Excused: Kitzenberg.

Total 1

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HB 121 - Senator Harrington moved **HB 121**, second reading copy, be further amended as follows :

1. Title, page 1, line 27.

Strike: "SENATE BILL NO. 390."

Insert: "AND"

2. Page 10, lines 21 and 22.

Following: "2002." on line 21

Strike: remainder of line 21 through "APPROVED." on line 22

3. Page 12, line 21.

Strike: "AND SENATE BILL NO. 390 ARE"

Insert: "is"

4. Page 16, line 18.

Following: "(3)"

Strike: "IF" through "IF"

Insert: "If"

Amendment **not** adopted as follows:

Yeas: Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Nelson, Pease, Roush, Shea, Stonington, Tester, Toole, Waterman.

Total 19

Nays: Berry, Bohlinger, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, O'Neil, Ryan, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 29

Absent or not voting: Bishop.

Total 1

Excused: Kitzenberg.

Total 1

Senator Bishop excused at this time.

HB 121 - Senator Glaser moved **HB 121**, as amended, be concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Johnson, Keenan, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Roush, Sprague, Stapleton, Tash, Taylor, Thomas, Toole, Wells, Zook, Mr. President.

Total 33

Nays: Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Pease, Ryan, Shea, Stonington, Tester, Waterman.

Total 15

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Absent or not voting: None.
Total 0

Excused: Bishop, Kitzenberg.
Total 2

HB 474 - Senator F. Thomas moved **HB 474** be concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Mahlum, McNutt, Mohl, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 27

Nays: Cobb, Doherty, Ellingson, Elliott, Franklin, Harrington, Holden, Jergeson, Johnson, Keenan, Miller, Nelson, O'Neil, Pease, Roush, Stonington, Tester, Toole, Waterman.
Total 19

Absent or not voting: Hargrove, McCarthy.
Total 2

Excused: Bishop, Kitzenberg.
Total 2

HB 124 - Senator Ellis moved **HB 124** be concurred in. After discussion, the committee reverted to the body of the bill for amendment.

HB 124 - Senator Elliott moved **HB 124**, second reading copy, be amended as follows :

(Amendment No. 811336CW.sjo)

1. Title, page 1, lines 10 through 12.

Following: "ENTITLEMENTS TO" on line 10

Strike: remainder of line 10 through "COSTS" on line 12

Insert: "OFFSET PROPERTY TAX REDUCTIONS"

2. Title, page 1, lines 13 through 23.

Strike: "PROVIDING" on line 13 through ";" on line 23

3. Title, page 1, line 24.

Strike: "3-2-714, 3-5-901,"

4. Title, page 1, line 25.

Following: "7-6-2319,"

Insert: "7-6-2324,"

5. Title, page 1, line 26.

Strike: "7-6-2523,"

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6. Title, page 2, lines 7 and 8.

Strike: "10-2-501, 10-2-603," on line 7

Following: "13-13-230," on line 7

Insert: "15-1-111, 15-1-112,"

Strike: "15-1-501," on line 7

Following: "15-10-420," on line 7

Strike: remainder of line 7 through "16-1-411," on line 8

7. Title, page 2, line 9.

Strike: "19-6-709,"

8. Title, page 2, lines 10 through 13.

Strike: "20-9-141," on line 10

Following: "20-9-168," on line 10

Strike: remainder of line 10 through "20-10-146," on line 11

Strike: "20-25-1002," on line 11

Following: "22-1-304," on line 11

Strike: remainder of line 11 through "25-1-201," on line 13

Strike: "40-4-215,"

9. Title, page 2, line 14.

Strike: "40-4-226, 41-3-1122, 42-2-105,"

Strike: "52-6-105, 53-2-207, 53-2-301, 53-2-304,"

10. Title, page 2, lines 15 through 18.

Strike: "53-2-612, 53-3-115, 53-3-116," on line 15

Following: "53-21-204," on line 15

Strike: remainder of line 15 through "67-3-205," on line 18

Strike: "72-16-909, 72-16-912,"

11. Title, page 2, line 19.

Strike: "75-10-533,"

Strike: "76-13-201,"

12. Title, page 2, lines 20 through 24.

Following: "76-15-623," on line 20

Strike: remainder of line 19 through "81-7-202," on line 24

13. Title, page 2, line 25.

Following: "MCA"

Strike: ", "

14. Title, page 2, line 26.

Strike: AND SECTION 5, CHAPTER 95, LAWS OF 2001"

15. Title, page 2, line 27.

Following: line 26

Insert: "3-5-404,"

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16. Title, page 2, line 28 through title, page 3, line 2.

Following: "7-34-2136," on page 2, line 28

Strike: remainder of line 28 through "15-1-112," on page 2, line 29

Insert: "AND"

Following: "15-7-122," on page 2, line 29

Strike: remainder of line 29 through "80-7-810," on page 3, line 2

17. Title, page 3, lines 3 and 4.

Following: "MCA"

Insert: ", AND SECTIONS 66(2) AND 68(2), CHAPTER 422, LAWS OF 1997"

Following: "PROVIDING" on line 3

Insert: "AN"

Following: "EFFECTIVE" on line 3

Strike: remainder of line 3 through "APPLICABILITY" on line 4

18. Page 3, line 12 through page 6, line 4.

Following: "." on page 3, line 12

Strike: remainder of line 12 through page 6, line 4 in its entirety

Insert: "The amount of each local government's entitlement share is the amount received pursuant to section 167, Chapter 584, Laws of 1999."

Renumber: subsequent subsections

19. Page 6, lines 6 through 11.

Strike: "and" on line 6

Following: "town"

Insert: ", a school district, a miscellaneous district, or any other local district that levies mills"

Following: "." on line 6

Strike: remainder of line 6 through line 11 in its entirety

Insert: "The term does not include the state."

20. Page 6, lines 12 and 13.

Strike: "(A)" on line 12

Following: "section" on line 12

Strike: remainder of line 12 through "(6)" on line 13

21. Page 6, line 19 through page 9, line 8.

Strike: page 6, line 19 through page 9, line 8 in their entirety

22. Page 9, line 27 through page 12, line 22.

Strike: section 3 in its entirety

Renumber: subsequent sections

23. Page 14, lines 5 through 13.

Strike: section 5 in its entirety

Renumber: subsequent sections

24. Page 14, line 30 through page 16, line 26.

Strike: sections 7 and 8 in their entirety

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Renumber: subsequent sections

25. Page 23, line 27.

Insert: "Section 17. Section 7-6-2324, MCA, is amended to read:

"7-6-2324. Limitations on appropriations after budget adopted -- exception. (1) The estimates of expenditures, itemized and classified as required in 7-6-2313 and 7-6-2314 and as finally fixed and adopted and as may be amended as provided in 7-6-2320 by the board of county commissioners, constitutes the appropriations for the county for the fiscal year intended to be covered by the estimates.

(2) Except as provided in ~~3-5-404~~, 7-6-2325, and 7-31-2101, the county commissioners and every other county official, including judges of the district court, ~~is~~ are limited in the making of expenditures or incurring of liabilities to the amount of the detailed appropriations and classifications, respectively.

(3) This section does not apply to a county that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

Renumber: subsequent sections

26. Page 27, line 28 through page 28, line 8.

Strike: section 28 in its entirety

Renumber: subsequent sections

27. Page 72, line 14 through page 74, line 6.

Strike: sections 90 and 91 in their entirety

Renumber: subsequent sections

28. Page 74, line 15.

Insert: "Section 87. Section 15-1-111, MCA, is amended to read:

"15-1-111. (Temporary) Reimbursement to local governments and schools -- duties of department and county treasurer -- statutory appropriation. (1) Prior to September 1, 1990, the department's agent in the county shall supply the following information to the department for each taxing jurisdiction within the county:

- (a) the number of mills levied in the jurisdiction for tax year 1989;
- (b) the number of mills levied in the jurisdiction for tax year 1990;
- (c) the total taxable valuation for tax years 1989 and 1990, reported separately for each year, of all personal property not secured by real property; and
- (d) the total taxable valuation for tax years 1989 and 1990, reported separately for each year, of all personal property secured by real property.

(2) After receipt of the information from its agent, the department shall calculate the amount of revenue lost to each taxing jurisdiction, using current year mill levies, due to the annual reduction in personal property tax rates set forth in 15-6-138, prior to 1994, and any reduction in taxes based upon recalculation of the effective tax rate for property in 15-6-145, prior to 1994. The department shall total the amounts for all taxing jurisdictions within the county.

(3) (a) The department shall remit to the county treasurer 50% of the amount of revenue reimbursable, determined pursuant to subsection (1), on or before November 30 and the remaining 50% on or before May 31.

(b) For tax year 1993 through tax year 1998, the department shall remit to the county treasurer of each county the same amount remitted to the county treasurer for the fiscal year 1991, as adjusted by the result of dissolved or combined taxing jurisdictions, as provided for in subsection (7). Fifty percent of the amount must be remitted on or before November 30 and the remaining 50% on or before May 31.

(c) (i) For ~~tax year 1999 through tax year 2008~~ each succeeding tax year, the department shall remit to the county treasurer of each county the same amount remitted to the county treasurer for ~~the fiscal year 1991, progressively reduced by 10% of the 1991 amount each year, in accordance with the following schedule:~~

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<u>Tax Year</u>	<u>Percentage of 1991</u> <u>Remittance Amount</u>
1999	90
2000	80
2001	70
2002	60
2003	50
2004	40
2005	30
2006	20
2007	10
2008 and following years to 2001.	

(ii) The amount remitted must be adjusted by the result of dissolved or combined taxing jurisdictions, as provided for in subsection (7). Fifty percent of the amount must be remitted on or before November 30 and the remaining 50% on or before May 31.

(4) Upon receipt of the reimbursement from the department, the county treasurer shall distribute the reimbursement to each taxing jurisdiction as calculated by the department.

(5) For the purposes of this section and subject to subsection (7), "taxing jurisdiction" means a jurisdiction levying mills against personal property and includes but is not limited to a county, city, school district, tax increment financing district, and miscellaneous taxing district and the state of Montana.

(6) The amounts necessary for the administration of this section are statutorily appropriated, as provided in 17-7-502, from the general fund to reimburse eligible taxing jurisdictions for reductions in tax rates on personal property.

(7) The following apply to taxing jurisdictions that were altered after tax year 1989:

(a) A taxing jurisdiction that existed in tax year 1989 and that no longer exists is not entitled to reimbursement under this section.

(b) A taxing jurisdiction that existed in tax year 1989 and that is split into two or more taxing jurisdictions or that is annexed to or is consolidated with another taxing jurisdiction is entitled to reimbursement based on the portion of 1989 taxable value within each new taxing jurisdiction. The department shall determine the portion of 1989 taxable value located in each taxing jurisdiction.

(c) A taxing jurisdiction that did not exist in tax year 1989 is not entitled to reimbursement under this section unless the jurisdiction was created as described in subsection (7)(b). (Repealed effective July 1, 2008--secs. 66(2), 68(2), Ch. 422, L. 1997.)"

"Section 88. Section 15-1-112, MCA, is amended to read:

"15-1-112. Business equipment tax rate reduction reimbursement to local government taxing jurisdictions. (1) On or before January 1, 1996, for the reduction in payment under subsection (4) and by June 1 of 1996, 1997, and 1998 for all other reimbursements in this section, the department of revenue shall determine a reimbursement amount associated with reducing the tax rate in 15-6-138 and provide that information to each county treasurer. The reimbursement amount must be determined for each local government taxing jurisdiction that levied mills on the taxable value of property described in 15-6-138 in the corresponding tax year. However, the reimbursement does not apply to property described in 15-6-138 that has a reduced tax rate under 15-24-1402.

(2) (a) The reimbursement amount to be used as the basis for the payment reduction under subsection (4) is the product of multiplying the tax year 1995 taxable value of property described in 15-6-138 for each local government taxing jurisdiction by the tax year 1995 mill levy for the jurisdiction and then multiplying by 1/9th.

(b) (i) The reimbursement amount for each local government taxing jurisdiction for tax year 1996 is the amount determined under subsection (2)(a) unless the tax year 1996 market value of property described in 15-6-138, for the particular local government taxing jurisdiction, is more than the tax year 1995 market value for property described in 15-6-138 in the same jurisdiction.

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(ii) If the tax year 1996 market value is greater than the tax year 1995 market value for a particular jurisdiction, then the reimbursement amount for tax year 1996 is the result of subtracting the simulated 1996 tax from the 1995 tax. The 1995 tax is the tax for the particular jurisdiction, determined by multiplying the actual taxable valuation of property described in 15-6-138, for tax year 1995, by the tax year 1995 mill levy for the jurisdiction. The simulated 1996 tax for the particular jurisdiction is the actual tax year 1996 taxable value of property described in 15-6-138 multiplied by the tax year 1995 mill levy for the particular jurisdiction. If the simulated 1996 tax is greater than the 1995 tax, the reimbursement amount is zero.

(c) (i) The reimbursement amount for each local government taxing jurisdiction for tax year 1997 is the amount determined under subsection (2)(a) multiplied by two unless the tax year 1997 market value of property described in 15-6-138, for the particular local government taxing jurisdiction, is more than the tax year 1995 market value for property described in 15-6-138 in the same jurisdiction.

(ii) If the tax year 1997 market value is greater than the tax year 1995 market value for a particular jurisdiction, then the reimbursement amount for tax year 1997 is the result of subtracting the simulated 1997 tax from the 1995 tax. The 1995 tax is the tax for the particular jurisdiction, determined by multiplying the actual taxable valuation of property described in 15-6-138, for tax year 1995, by the tax year 1995 mill levy for the jurisdiction. The simulated 1997 tax for the particular jurisdiction is the actual tax year 1997 taxable value of property described in 15-6-138 multiplied by the tax year 1995 mill levy for the particular jurisdiction. If the simulated 1997 tax is greater than the 1995 tax, the reimbursement amount is zero.

(d) (i) The reimbursement amount for each local government taxing jurisdiction for tax year 1998 is the amount determined under subsection (2)(a) multiplied by three unless the tax year 1998 market value of property described in 15-6-138, for the particular local government taxing jurisdiction, is more than the tax year 1995 market value for property described in 15-6-138 in the same jurisdiction.

(ii) If the tax year 1998 market value is greater than the tax year 1995 market value for a particular jurisdiction, then the reimbursement amount for tax year 1998 is the result of subtracting the simulated 1998 tax from the 1995 tax. The 1995 tax is the tax for the particular jurisdiction, determined by multiplying the actual taxable valuation of property described in 15-6-138, for tax year 1995, by the tax year 1995 mill levy for the jurisdiction. The simulated 1998 tax for the particular jurisdiction is the actual tax year 1998 taxable value of property described in 15-6-138 multiplied by the tax year 1995 mill levy for the particular jurisdiction. If the simulated 1998 tax is greater than the 1995 tax, the reimbursement amount is zero.

(3) (a) For purposes of this section, "local government taxing jurisdiction" means a local government rather than a state taxing jurisdiction that levied mills against property described in 15-6-138, including county governments, incorporated city and town governments, consolidated county and city governments, tax increment financing districts, local elementary and high school districts, local community college districts, miscellaneous districts, and special districts. The term includes countywide mills levied for equalization of school retirement or transportation.

(b) The term does not include county or state school equalization levies provided for in 20-9-331, 20-9-333, and 20-9-360. It also does not include any state levy for welfare programs provided for in 53-2-813.

(c) Each tax increment financing district must receive the benefit of the state mill on the incremental taxable value of the district.

(4) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1996 by an amount equal to 38% of the reimbursement amount determined under subsection (2)(a) for all of the local government taxing jurisdictions in the county.

(5) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of 1996 by an amount equal to 31% of the reimbursement amount for tax year 1996 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(6) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1997 by an amount equal to 31% of the reimbursement amount for tax year 1996 for all of the local government taxing jurisdictions in the county and by an amount equal to 38% of the reimbursement amount for tax year 1997 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(7) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in

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December of 1997 by an amount equal to 31% of the reimbursement amount for tax year 1997 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(8) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1998 by an amount equal to 31% of the reimbursement amount for tax year 1997 for all of the local government taxing jurisdictions in the county and by an amount equal to 38% of the reimbursement amount for tax year 1998 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(9) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of 1998 by an amount equal to 31% of the reimbursement amount for tax year 1998 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(10) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1999 by an amount equal to 69% of the reimbursement amount for tax year 1998 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(11) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of ~~the years 1999 through 2007~~ each year by an amount equal to 31% of the reimbursement amount determined in subsection (13) for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(12) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of ~~the years 2000 through 2008~~ each year by an amount equal to 69% of the reimbursement amount determined in subsection (13) for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(13) (a) The reimbursement amount for ~~tax year 1999 and each subsequent tax year for 9 years must be progressively reduced each year by 10%~~ is 70% of the reimbursement amount for tax year 1998; ~~according to the following schedule:~~

Tax Year	Percentage of 1998 Reimbursement Amount
1999	90
2000	80
2001	70
2002	60
2003	50
2004	40
2005	30
2006	20
2007	10
2008 and following years	0

(b) The reimbursement amount for each tax year must be the basis for reducing the amount remitted to the state for the levy imposed under 20-9-360 in December of the same year and June of the following year.

(14) The county treasurer shall use the funds from the reduced payment to the state for the levy imposed under 20-9-360 to reimburse each local government taxing jurisdiction in the amount determined by the department under subsection (2). The reimbursement must be distributed to funds within local government taxing jurisdictions in the same manner as taxes on property described in 15-6-138 are distributed. The reimbursement in June must be distributed based on the prior year's mill levy, and the reimbursement in December must be based on the current year's mill levy.

(15) Each local government taxing jurisdiction receiving reimbursements shall consider the amount of reimbursement that will be received and lower the mill levy otherwise necessary to fund the budget by the amount that would otherwise have to be raised by the mill levy.

(16) A local government taxing jurisdiction that ceases to exist after October 1, 1995, will no longer be considered for revenue loss or reimbursement purposes. A local government taxing jurisdiction that is created after January 1, 1996, will not be considered for revenue loss or reimbursement purposes. If a local government taxing

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jurisdiction that existed prior to January of 1996 is split between two or more taxing jurisdictions or is annexed to or is consolidated with another taxing jurisdiction, the department shall determine how much of the revenue loss and reimbursement is attributed to the new jurisdictions."

Renumber: subsequent sections

29. Page 77, line 5 through page 78, line 1.

Strike: section 94 in its entirety

Renumber: subsequent sections

30. Page 82, line 11 through page 94, line 27.

Strike: sections 96 through 107 in their entirety

Renumber: subsequent sections

31. Page 95, line 26.

Following: "~~15-31-702~~;"

Insert: "15-31-702;"

32. Page 95, line 27.

Following: "~~16-1-411~~;"

Insert: "16-1-404; 16-1-406; 16-1-411;"

33. Page 95, line 28.

Following: "~~19-6-709~~;"

Insert: "19-6-709;"

34. Page 95, line 29.

Following: "23-5-409;"

Insert: "23-5-610;"

35. Page 96, line 1.

Following: "~~67-3-205~~;"

Insert: "67-3-205;"

36. Page 96, line 2.

Following: "~~77-1-505~~;"

Insert: "77-1-505;"

37. Page 96, line 18 through page 97, line 26.

Strike: section 109 in its entirety

Renumber: subsequent sections

38. Page 102, line 11 through page 104, line 7.

Strike: section 118 in its entirety

Renumber: subsequent sections

39. Page 106, line 13 through page 110, line 25.

Strike: sections 120 through 122 in their entirety

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40. Page 113, line 3 through page 115, line 17.

Strike: section 123 in its entirety

Renumber: subsequent sections

41. Page 118, line 4 through page 119, line 16.

Strike: section 124 in its entirety

Renumber: subsequent sections

42. Page 122, lines 19 through 26.

Strike: section 128 in its entirety

Renumber: subsequent sections

43. Page 130, line 10 through page 146, line 18.

Strike: sections 130 through 142 in their entirety

Renumber: subsequent sections

44. Page 147, line 13 through page 152, line 26.

Strike: sections 143 and 144 in their entirety

Renumber: subsequent sections

45. Page 153, line 18 through page 157, line 2.

Strike: section 145 in its entirety

Renumber: subsequent sections

46. Page 158, line 26 through page 161, line 26.

Strike: sections 147 through 150 in their entirety

Renumber: subsequent sections

47. Page 163, line 3 through page 166, line 19.

Strike: section 153 through section 156 in their entirety

Renumber: subsequent sections

48. Page 167, line 4 through page 172, line 7.

Strike: section 157 through section 159 in their entirety

Renumber: subsequent sections

49. Page 174, line 21 through page 186, line 28.

Strike: section 162 through section 169 in their entirety

Renumber: subsequent sections

50. Page 187, line 11 through page 188, line 22.

Strike: sections 170 and 171 in their entirety

51. Page 189, line 2 through page 197, line 11.

Strike: section 172 through section 183 in their entirety

Renumber: subsequent sections

52. Page 201, lines 1 through 24.

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Strike: section 187 through section 189 in their entirety
Renumber: subsequent sections

53. Page 204, line 27 through page 205, line 11.
Strike: section 196 in its entirety
Renumber: subsequent sections

54. Page 207, line 17 through page 226, line 10.
Strike: section 201 through section 238 in their entirety
Renumber: subsequent sections

55. Page 229, line 10 through page 237, line 25.
Strike: section 245 through section 247 in their entirety
Renumber: subsequent sections

56. Page 238, line 4 through page 240, line 10.
Strike: sections 248 through 253 in their entirety
Renumber: subsequent sections

57. Page 240, line 12.
Strike: "(1)"
Following: "Sections"
Insert: "3-5-404,"

58. Page 240, line 14.
Strike: "15-1-111, 15-1-112,"
Insert: "and"

59. Page 240, lines 15 through 18.
Strike: "17-3-214" on line 15 through "80-7-810," on line 18
Following: "MCA,"
Insert: " and sections 66(2) and 68(2), Chapter 422, Laws of 1997,"

60. Page 240, line 19.
Strike: subsection (2) in its entirety

61. Page 240, line 21.
Strike: "[Sections 1, ~~and 3, 5, AND 252~~] are"
Insert: "[Section 1] is"

62. Page 240, line 23.
Strike: "[sections 1, ~~and 3, 5, AND 252~~]"
Insert: "[section 1]"

63. Page 241, line 2.
Strike: "NOT"
Strike: ":",

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64. Page 241, lines 3 through 7.

Strike: "(A) [SECTION 1(1)(D) OF THIS ACT]" on line 3

Insert: ", Senate Bill No. 176"

Following: "VOID" on line 3

Strike: remainder of line 3 through "VOID" on line 7

65. Page 241, line 8 through page 243, line 20.

Strike: subsections (3) through (10) in their entirety

Renumber: subsequent subsection

66. Page 245, lines 28 and 29.

Strike: "dates" on line 28

Insert: "date"

Following: "dates." on line 28

Strike: remainder of line 28 through "]" on line 29

Insert: "[This act]"

67. Page 246, lines 3 through 6.

Strike: lines 3 through 6 in their entirety

Amendment **failed** as follows:

Yeas: Butcher, Cobb, Doherty, Elliott, Glaser, Hargrove, Harrington, Holden, Jergeson, Mohl, O'Neil, Pease, Roush, Tester, Thomas, Wells, Mr. President.

Total 17

Nays: Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Nelson, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Toole, Waterman, Zook.

Total 31

Absent or not voting: None.

Total 0

Excused: Bishop, Kitzenberg.

Total 2

HB 124 - Senator Elliott moved **HB 124**, second reading copy, be amended as follows :(811358CW.srf)

1. Title, page 1, lines 10 through 12.

Following: "ENTITLEMENTS TO" on line 10

Strike: remainder of line 10 through "COSTS" on line 12

Insert: "OFFSET PROPERTY TAX REDUCTIONS"

2. Title, page 1, lines 13 through 23.

Strike: "PROVIDING" on line 13 through ";" on line 23

3. Title, page 1, line 24.

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Strike: "3-2-714, 3-5-901,"

4. Title, page 1, line 25.

Following: "7-6-2319,"

Insert: "7-6-2324,"

5. Title, page 1, line 26.

Strike: "7-6-2523,"

6. Title, page 2, lines 7 and 8.

Strike: "10-2-501, 10-2-603," on line 7

Strike: "15-1-501," on line 7

Following: "15-10-420," on line 7

Strike: remainder of line 7 through "16-1-411," on line 8

7. Title, page 2, line 9.

Strike: "19-6-709,"

8. Title, page 2, lines 10 through 13.

Strike: "20-9-141," on line 10

Following: "20-9-168" on line 10

Strike: remainder of line 10 through "20-10-146," on line 11

Strike: "20-25-1002," on line 11

Following: "22-1-304," on line 11

Strike: remainder of line 11 through "25-1-201," on line 13

Strike: "40-4-215,"

9. Title, page 2, line 14.

Strike: "40-4-226, 41-3-1122, 42-2-105,"

Strike: "52-6-105, 53-2-207, 53-2-301, 53-2-304,"

10. Title, page 2, lines 15 through 18.

Strike: "53-2-612, 53-3-115, 53-3-116," on line 15

Following: "53-21-204," on line 15

Strike: remainder of line 15 through "67-3-205," on line 18

Strike: "72-16-909, 72-16-912,"

11. Title, page 2, line 19.

Strike: "75-10-533,"

Strike: "76-13-201,"

12. Title, page 2, lines 20 through 24.

Following: "76-15-623," on line 20

Strike: remainder of line 19 through "81-7-202," on line 24

13. Title, page 2, line 25.

Following: "MCA"

Strike: ", "

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14. Title, page 2, line 26.

Strike: AND SECTION 5, CHAPTER 95, LAWS OF 2001"

15. Title, page 2, line 27.

Following: line 26

Insert: "3-5-404,"

16. Title, page 2, line 28 through title, page 3, line 2.

Following: "7-34-2136," on page 2, line 28

Strike: remainder of line 28 through "15-1-112," on page 2, line 29

Insert: "AND"

Following: "15-7-122," on page 2, line 29

Strike: remainder of line 29 through "80-7-810," on page 3, line 2

17. Title, page 3, lines 3 and 4.

Following: "MCA"

Insert: ", AND SECTIONS 66(2) AND 68(2), CHAPTER 422, LAWS OF 1997"

Following: "PROVIDING" on line 3

Insert: "AN"

Following: "EFFECTIVE" on line 3

Strike: remainder of line 3 through "APPLICABILITY" on line 4

18. Page 3, line 12 through page 6, line 4.

Following: "." on page 3, line 12

Strike: remainder of line 12 through page 6, line 4 in its entirety

Insert: "The amount of each local government's entitlement share is the amount received pursuant to section 167, Chapter 584, Laws of 1999."

Renumber: subsequent subsections

19. Page 6, lines 6 through 11.

Strike: "and" on line 6

Following: "town"

Insert: ", a school district, a miscellaneous district, or any other local district that levies mills"

Following: "." on line 6

Strike: remainder of line 6 through line 11 in its entirety

Insert: "The term does not include the state."

20. Page 6, lines 12 and 13.

Strike: "(A)" on line 12

Following: "section" on line 12

Strike: remainder of line 12 through "(6)" on line 13

21. Page 6, line 19 through page 9, line 8.

Strike: page 6, line 19 through page 9, line 8 in their entirety

22. Page 9, line 27 through page 12, line 22.

Strike: section 3 in its entirety

Renumber: subsequent sections

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23. Page 14, lines 5 through 13.

Strike: section 5 in its entirety

Renumber: subsequent sections

24. Page 14, line 30 through page 16, line 26.

Strike: sections 7 and 8 in their entirety

Renumber: subsequent sections

25. Page 23, line 27.

Insert: "**Section 17.** Section 7-6-2324, MCA, is amended to read:

"7-6-2324. Limitations on appropriations after budget adopted -- exception. (1) The estimates of expenditures, itemized and classified as required in 7-6-2313 and 7-6-2314 and as finally fixed and adopted and as may be amended as provided in 7-6-2320 by the board of county commissioners, constitutes the appropriations for the county for the fiscal year intended to be covered by the estimates.

(2) Except as provided in ~~3-5-404~~, 7-6-2325; and 7-31-2101, the county commissioners and every other county official, including judges of the district court, ~~is~~ are limited in the making of expenditures or incurring of liabilities to the amount of the detailed appropriations and classifications, respectively.

(3) This section does not apply to a county that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

Renumber: subsequent sections

26. Page 27, line 28 through page 28, line 8.

Strike: section 28 in its entirety

Renumber: subsequent sections

27. Page 72, line 14 through page 74, line 6.

Strike: sections 90 and 91 in their entirety

Renumber: subsequent sections

28. Page 77, line 5 through page 78, line 1.

Strike: section 94 in its entirety

Renumber: subsequent sections

29. Page 82, line 11 through page 94, line 27.

Strike: sections 96 through 107 in their entirety

Renumber: subsequent sections

30. Page 95, line 26.

Following: "~~15-31-702~~;"

Insert: "15-31-702;"

31. Page 95, line 27.

Following: "~~16-1-411~~;"

Insert: "16-1-404; 16-1-406; 16-1-411;"

32. Page 95, line 28.

Following: "~~19-6-709~~;"

Insert: "19-6-709;"

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33. Page 95, line 29.

Following: "23-5-409;

Insert: "23-5-610;"

34. Page 96, line 1.

Following: "~~67-3-205~~;"

Insert: "67-3-205;"

35. Page 96, line 2.

Following: "~~77-1-505~~;"

Insert: "77-1-505;"

36. Page 96, line 18 through page 97, line 26.

Strike: section 109 in its entirety

Renumber: subsequent sections

37. Page 102, line 11 through page 104, line 7.

Strike: section 118 in its entirety

Renumber: subsequent sections

38. Page 106, line 13 through page 110, line 25.

Strike: sections 120 through 122 in their entirety

39. Page 113, line 3 through page 115, line 17.

Strike: section 123 in its entirety

Renumber: subsequent sections

40. Page 118, line 4 through page 119, line 16.

Strike: section 124 in its entirety

Renumber: subsequent sections

41. Page 122, lines 19 through 26.

Strike: section 128 in its entirety

Renumber: subsequent sections

42. Page 130, line 10 through page 146, line 18.

Strike: sections 130 through 142 in their entirety

Renumber: subsequent sections

43. Page 147, line 13 through page 152, line 26.

Strike: sections 143 and 144 in their entirety

Renumber: subsequent sections

44. Page 153, line 18 through page 157, line 2.

Strike: section 145 in its entirety

Renumber: subsequent sections

45. Page 158, line 26 through page 161, line 26.

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Strike: sections 147 through 150 in their entirety

Renumber: subsequent sections

46. Page 163, line 3 through page 166, line 19.

Strike: section 153 through section 156 in their entirety

Renumber: subsequent sections

47. Page 167, line 4 through page 172, line 7.

Strike: section 157 through section 159 in their entirety

Renumber: subsequent sections

48. Page 174, line 21 through page 186, line 28.

Strike: section 162 through section 169 in their entirety

Renumber: subsequent sections

49. Page 187, line 11 through page 188, line 22.

Strike: sections 170 and 171 in their entirety

50. Page 189, line 2 through page 197, line 11.

Strike: section 172 through section 183 in their entirety

Renumber: subsequent sections

51. Page 201, lines 1 through 24.

Strike: section 187 through section 189 in their entirety

Renumber: subsequent sections

52. Page 204, line 27 through page 205, line 11.

Strike: section 196 in its entirety

Renumber: subsequent sections

53. Page 207, line 17 through page 226, line 10.

Strike: section 201 through section 238 in their entirety

Renumber: subsequent sections

54. Page 229, line 10 through page 237, line 25.

Strike: section 245 through section 247 in their entirety

Renumber: subsequent sections

55. Page 238, line 4 through page 240, line 10.

Strike: sections 248 through 253 in their entirety

Renumber: subsequent sections

56. Page 240, line 12.

Strike: "(1)"

Following: "Sections"

Insert: "3-5-404,"

57. Page 240, line 14.

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Strike: "15-1-111, 15-1-112,"

Insert: "and"

58. Page 240, lines 15 through 18.

Strike: "17-3-214" on line 15 through "80-7-810," on line 18

Following: "MCA,"

Insert: " and sections 66(2) and 68(2), Chapter 422, Laws of 1997,"

59. Page 240, line 19.

Strike: subsection (2) in its entirety

60. Page 240, line 21.

Strike: "[Sections 1, ~~and~~ 3, 5, AND 252] are"

Insert: "[Section 1] is"

61. Page 240, line 23.

Strike: "[sections 1, ~~and~~ 3, 5, AND 252]"

Insert: "[section 1]"

62. Page 241, line 2.

Strike: "NOT"

Strike: ":",

63. Page 241, lines 3 through 7.

Strike: "(A) [SECTION 1(1)(D) OF THIS ACT]" on line 3

Insert: ", Senate Bill No. 176"

Following: "VOID" on line 3

Strike: remainder of line 3 through "VOID" on line 7

64. Page 241, line 8 through page 243, line 20.

Strike: subsections (3) through (10) in their entirety

ReNUMBER: subsequent subsection

65. Page 245, lines 28 and 29.

Strike: "**dates**" on line 28

Insert: "**date**"

Following: "**dates.**" on line 28

Strike: remainder of line 28 through "]" on line 29

Insert: "[This act]"

66. Page 246, lines 3 through 6.

Strike: lines 3 through 6 in their entirety

Amendment **failed** as follows:

Yeas: Cobb, Doherty, Elliott, Glaser, Hargrove, Holden, Jergeson, Keenan, O'Neil, Roush, Tester, Thomas, Wells.

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Total 13

Nays: Berry, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Harrington, Johnson, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Toole, Waterman, Zook, Mr. President.

Total 35

Absent or not voting: None.

Total 0

Excused: Bishop, Kitzenberg.

Total 2

HB 124 - Senator Ellis moved **HB 124** be concurred in. Motion **failed** as follows:

Yeas: Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Ekegren, Ellingson, Ellis, Franklin, Grosfield, Halligan, Harrington, Johnson, Mahlum, McCarthy, McNutt, Nelson, Ryan, Shea, Stonington, Toole, Waterman, Zook.

Total 24

Nays: Butcher, Cobb, DePratu, Doherty, Elliott, Glaser, Grimes, Hargrove, Holden, Jergeson, Keenan, Miller, Mohl, O'Neil, Pease, Roush, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: Bishop, Kitzenberg.

Total 2

HB 124 - Senator F. Thomas moved **HB 124** be **indefinitely postponed**. After discussion, Senator Thomas **withdrew** his motion to indefinitely postpone because it was brought to his attention that the title of HB 124 was the only piece of legislation left that allowed the transfer of state funds to the counties.

HB 124 - Senator F. Thomas moved **HB 124** be concurred in.

Senator Glaser rose on a point of order concerning Senator Thomas' motion to concur. Senator Thomas stated the rules do not prohibit a second do concur motion.

The Committee reverted to the body of the bill for amendment.

HB 124 - Senator Thomas moved **HB 124**, second reading copy, be amended by Senator Elliott's amendment No. 811336CW.srf as follows :

1. Title, page 1, lines 10 through 12.

Following: "ENTITLEMENTS TO" on line 10

Strike: remainder of line 10 through "COSTS" on line 12

Insert: "OFFSET PROPERTY TAX REDUCTIONS"

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2. Title, page 1, lines 13 through 23.

Strike: "PROVIDING" on line 13 through ";" on line 23

3. Title, page 1, line 24.

Strike: "3-2-714, 3-5-901,"

4. Title, page 1, line 25.

Following: "7-6-2319,"

Insert: "7-6-2324,"

5. Title, page 1, line 26.

Strike: "7-6-2523,"

6. Title, page 2, lines 7 and 8.

Strike: "10-2-501, 10-2-603," on line 7

Following: "13-13-230," on line 7

Insert: "15-1-111, 15-1-112,"

Strike: "15-1-501," on line 7

Following: "15-10-420," on line 7

Strike: remainder of line 7 through "16-1-411," on line 8

7. Title, page 2, line 9.

Strike: "19-6-709,"

8. Title, page 2, lines 10 through 13.

Strike: "20-9-141," on line 10

Following: "20-9-168" on line 10

Strike: remainder of line 10 through "20-10-146," on line 11

Strike: "20-25-1002," on line 11

Following: "22-1-304," on line 11

Strike: remainder of line 11 through "25-1-201," on line 13

Strike: "40-4-215,"

9. Title, page 2, line 14.

Strike: "40-4-226, 41-3-1122, 42-2-105,"

Strike: "52-6-105, 53-2-207, 53-2-301, 53-2-304,"

10. Title, page 2, lines 15 through 18.

Strike: "53-2-612, 53-3-115, 53-3-116," on line 15

Following: "53-21-204," on line 15

Strike: remainder of line 15 through "67-3-205," on line 18

Strike: "72-16-909, 72-16-912,"

11. Title, page 2, line 19.

Strike: "75-10-533,"

Strike: "76-13-201,"

12. Title, page 2, lines 20 through 24.

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Following: "76-15-623," on line 20

Strike: remainder of line 19 through "81-7-202," on line 24

13. Title, page 2, line 25.

Following: "MCA"

Strike: ", "

14. Title, page 2, line 26.

Strike: AND SECTION 5, CHAPTER 95, LAWS OF 2001"

15. Title, page 2, line 27.

Following: line 26

Insert: "3-5-404,"

16. Title, page 2, line 28 through title, page 3, line 2.

Following: "7-34-2136," on page 2, line 28

Strike: remainder of line 28 through "15-1-112," on page 2, line 29

Insert: "AND"

Following: "15-7-122," on page 2, line 29

Strike: remainder of line 29 through "80-7-810," on page 3, line 2

17. Title, page 3, lines 3 and 4.

Following: "MCA"

Insert: ", AND SECTIONS 66(2) AND 68(2), CHAPTER 422, LAWS OF 1997"

Following: "PROVIDING" on line 3

Insert: "AN"

Following: "EFFECTIVE" on line 3

Strike: remainder of line 3 through "APPLICABILITY" on line 4

18. Page 3, line 12 through page 6, line 4.

Following: "." on page 3, line 12

Strike: remainder of line 12 through page 6, line 4 in its entirety

Insert: "The amount of each local government's entitlement share is the amount received pursuant to section 167, Chapter 584, Laws of 1999."

Renumber: subsequent subsections

19. Page 6, lines 6 through 11.

Strike: "and" on line 6

Following: "town"

Insert: ", a school district, a miscellaneous district, or any other local district that levies mills"

Following: "." on line 6

Strike: remainder of line 6 through line 11 in its entirety

Insert: "The term does not include the state."

20. Page 6, lines 12 and 13.

Strike: "(A)" on line 12

Following: "section" on line 12

Strike: remainder of line 12 through "(6)" on line 13

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21. Page 6, line 19 through page 9, line 8.

Strike: page 6, line 19 through page 9, line 8 in their entirety

22. Page 9, line 27 through page 12, line 22.

Strike: section 3 in its entirety

Renumber: subsequent sections

23. Page 14, lines 5 through 13.

Strike: section 5 in its entirety

Renumber: subsequent sections

24. Page 14, line 30 through page 16, line 26.

Strike: sections 7 and 8 in their entirety

Renumber: subsequent sections

25. Page 23, line 27.

Insert: "**Section 17.** Section 7-6-2324, MCA, is amended to read:

"7-6-2324. Limitations on appropriations after budget adopted -- exception. (1) The estimates of expenditures, itemized and classified as required in 7-6-2313 and 7-6-2314 and as finally fixed and adopted and as may be amended as provided in 7-6-2320 by the board of county commissioners, constitutes the appropriations for the county for the fiscal year intended to be covered by the estimates.

(2) Except as provided in ~~3-5-404~~, 7-6-2325; and 7-31-2101, the county commissioners and every other county official, including judges of the district court, ~~is~~ are limited in the making of expenditures or incurring of liabilities to the amount of the detailed appropriations and classifications, respectively.

(3) This section does not apply to a county that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

Renumber: subsequent sections

26. Page 27, line 28 through page 28, line 8.

Strike: section 28 in its entirety

Renumber: subsequent sections

27. Page 72, line 14 through page 74, line 6.

Strike: sections 90 and 91 in their entirety

Renumber: subsequent sections

28. Page 74, line 15.

Insert: "**Section 87.** Section 15-1-111, MCA, is amended to read:

"15-1-111. (Temporary) Reimbursement to local governments and schools -- duties of department and county treasurer -- statutory appropriation. (1) Prior to September 1, 1990, the department's agent in the county shall supply the following information to the department for each taxing jurisdiction within the county:

(a) the number of mills levied in the jurisdiction for tax year 1989;

(b) the number of mills levied in the jurisdiction for tax year 1990;

(c) the total taxable valuation for tax years 1989 and 1990, reported separately for each year, of all personal property not secured by real property; and

(d) the total taxable valuation for tax years 1989 and 1990, reported separately for each year, of all personal property secured by real property.

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"15-1-112. Business equipment tax rate reduction reimbursement to local government taxing jurisdictions. (1) On or before January 1, 1996, for the reduction in payment under subsection (4) and by June 1 of 1996, 1997, and 1998 for all other reimbursements in this section, the department of revenue shall determine a reimbursement amount associated with reducing the tax rate in 15-6-138 and provide that information to each county treasurer. The reimbursement amount must be determined for each local government taxing jurisdiction that levied mills on the taxable value of property described in 15-6-138 in the corresponding tax year. However, the reimbursement does not apply to property described in 15-6-138 that has a reduced tax rate under 15-24-1402.

(2) (a) The reimbursement amount to be used as the basis for the payment reduction under subsection (4) is the product of multiplying the tax year 1995 taxable value of property described in 15-6-138 for each local government taxing jurisdiction by the tax year 1995 mill levy for the jurisdiction and then multiplying by 1/9th.

(b) (i) The reimbursement amount for each local government taxing jurisdiction for tax year 1996 is the amount determined under subsection (2)(a) unless the tax year 1996 market value of property described in 15-6-138, for the particular local government taxing jurisdiction, is more than the tax year 1995 market value for property described in 15-6-138 in the same jurisdiction.

(ii) If the tax year 1996 market value is greater than the tax year 1995 market value for a particular jurisdiction, then the reimbursement amount for tax year 1996 is the result of subtracting the simulated 1996 tax from the 1995 tax. The 1995 tax is the tax for the particular jurisdiction, determined by multiplying the actual taxable valuation of property described in 15-6-138, for tax year 1995, by the tax year 1995 mill levy for the jurisdiction. The simulated 1996 tax for the particular jurisdiction is the actual tax year 1996 taxable value of property described in 15-6-138 multiplied by the tax year 1995 mill levy for the particular jurisdiction. If the simulated 1996 tax is greater than the 1995 tax, the reimbursement amount is zero.

(c) (i) The reimbursement amount for each local government taxing jurisdiction for tax year 1997 is the amount determined under subsection (2)(a) multiplied by two unless the tax year 1997 market value of property described in 15-6-138, for the particular local government taxing jurisdiction, is more than the tax year 1995 market value for property described in 15-6-138 in the same jurisdiction.

(ii) If the tax year 1997 market value is greater than the tax year 1995 market value for a particular jurisdiction, then the reimbursement amount for tax year 1997 is the result of subtracting the simulated 1997 tax from the 1995 tax. The 1995 tax is the tax for the particular jurisdiction, determined by multiplying the actual taxable valuation of property described in 15-6-138, for tax year 1995, by the tax year 1995 mill levy for the jurisdiction. The simulated 1997 tax for the particular jurisdiction is the actual tax year 1997 taxable value of property described in 15-6-138 multiplied by the tax year 1995 mill levy for the particular jurisdiction. If the simulated 1997 tax is greater than the 1995 tax, the reimbursement amount is zero.

(d) (i) The reimbursement amount for each local government taxing jurisdiction for tax year 1998 is the amount determined under subsection (2)(a) multiplied by three unless the tax year 1998 market value of property described in 15-6-138, for the particular local government taxing jurisdiction, is more than the tax year 1995 market value for property described in 15-6-138 in the same jurisdiction.

(ii) If the tax year 1998 market value is greater than the tax year 1995 market value for a particular jurisdiction, then the reimbursement amount for tax year 1998 is the result of subtracting the simulated 1998 tax from the 1995 tax. The 1995 tax is the tax for the particular jurisdiction, determined by multiplying the actual taxable valuation of property described in 15-6-138, for tax year 1995, by the tax year 1995 mill levy for the jurisdiction. The simulated 1998 tax for the particular jurisdiction is the actual tax year 1998 taxable value of property described in 15-6-138 multiplied by the tax year 1995 mill levy for the particular jurisdiction. If the simulated 1998 tax is greater than the 1995 tax, the reimbursement amount is zero.

(3) (a) For purposes of this section, "local government taxing jurisdiction" means a local government rather than a state taxing jurisdiction that levied mills against property described in 15-6-138, including county governments, incorporated city and town governments, consolidated county and city governments, tax increment financing districts, local elementary and high school districts, local community college districts, miscellaneous districts, and special districts. The term includes countywide mills levied for equalization of school retirement or transportation.

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(b) The term does not include county or state school equalization levies provided for in 20-9-331, 20-9-333, and 20-9-360. It also does not include any state levy for welfare programs provided for in 53-2-813.

(c) Each tax increment financing district must receive the benefit of the state mill on the incremental taxable value of the district.

(4) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1996 by an amount equal to 38% of the reimbursement amount determined under subsection (2)(a) for all of the local government taxing jurisdictions in the county.

(5) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of 1996 by an amount equal to 31% of the reimbursement amount for tax year 1996 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(6) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1997 by an amount equal to 31% of the reimbursement amount for tax year 1996 for all of the local government taxing jurisdictions in the county and by an amount equal to 38% of the reimbursement amount for tax year 1997 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(7) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of 1997 by an amount equal to 31% of the reimbursement amount for tax year 1997 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(8) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1998 by an amount equal to 31% of the reimbursement amount for tax year 1997 for all of the local government taxing jurisdictions in the county and by an amount equal to 38% of the reimbursement amount for tax year 1998 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(9) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of 1998 by an amount equal to 31% of the reimbursement amount for tax year 1998 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(10) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1999 by an amount equal to 69% of the reimbursement amount for tax year 1998 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(11) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of ~~the years 1999 through 2007~~ each year by an amount equal to 31% of the reimbursement amount determined in subsection (13) for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(12) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of ~~the years 2000 through 2008~~ each year by an amount equal to 69% of the reimbursement amount determined in subsection (13) for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(13) (a) The reimbursement amount for ~~tax year 1999 and each subsequent tax year for 9 years must be progressively reduced each year by 10%~~ is 70% of the reimbursement amount for tax year 1998, ~~according to the following schedule:~~

_____ Tax Year _____	_____ Percentage of 1998 _____ Reimbursement Amount
_____ 1999 _____	_____ 90
_____ 2000 _____	_____ 80
_____ 2001 _____	_____ 70
_____ 2002 _____	_____ 60
_____ 2003 _____	_____ 50
_____ 2004 _____	_____ 40
_____ 2005 _____	_____ 30
_____ 2006 _____	_____ 20

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~~2007-10~~

~~2008 and following years 0.~~

(b) The reimbursement amount for each tax year must be the basis for reducing the amount remitted to the state for the levy imposed under 20-9-360 in December of the same year and June of the following year.

(14) The county treasurer shall use the funds from the reduced payment to the state for the levy imposed under 20-9-360 to reimburse each local government taxing jurisdiction in the amount determined by the department under subsection (2). The reimbursement must be distributed to funds within local government taxing jurisdictions in the same manner as taxes on property described in 15-6-138 are distributed. The reimbursement in June must be distributed based on the prior year's mill levy, and the reimbursement in December must be based on the current year's mill levy.

(15) Each local government taxing jurisdiction receiving reimbursements shall consider the amount of reimbursement that will be received and lower the mill levy otherwise necessary to fund the budget by the amount that would otherwise have to be raised by the mill levy.

(16) A local government taxing jurisdiction that ceases to exist after October 1, 1995, will no longer be considered for revenue loss or reimbursement purposes. A local government taxing jurisdiction that is created after January 1, 1996, will not be considered for revenue loss or reimbursement purposes. If a local government taxing jurisdiction that existed prior to January of 1996 is split between two or more taxing jurisdictions or is annexed to or is consolidated with another taxing jurisdiction, the department shall determine how much of the revenue loss and reimbursement is attributed to the new jurisdictions."

Renumber: subsequent sections

29. Page 77, line 5 through page 78, line 1.

Strike: section 94 in its entirety

Renumber: subsequent sections

30. Page 82, line 11 through page 94, line 27.

Strike: sections 96 through 107 in their entirety

Renumber: subsequent sections

31. Page 95, line 26.

Following: "~~15-31-702~~;"

Insert: "15-31-702;"

32. Page 95, line 27.

Following: "~~16-1-411~~;"

Insert: "16-1-404; 16-1-406; 16-1-411;"

33. Page 95, line 28.

Following: "~~19-6-709~~;"

Insert: "19-6-709;"

34. Page 95, line 29.

Following: "23-5-409;

Insert: "23-5-610;"

35. Page 96, line 1.

Following: "~~67-3-205~~;"

Insert: "67-3-205;"

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36. Page 96, line 2.

Following: "~~77-1-505~~;"

Insert: "77-1-505;"

37. Page 96, line 18 through page 97, line 26.

Strike: section 109 in its entirety

Renumber: subsequent sections

38. Page 102, line 11 through page 104, line 7.

Strike: section 118 in its entirety

Renumber: subsequent sections

39. Page 106, line 13 through page 110, line 25.

Strike: sections 120 through 122 in their entirety

40. Page 113, line 3 through page 115, line 17.

Strike: section 123 in its entirety

Renumber: subsequent sections

41. Page 118, line 4 through page 119, line 16.

Strike: section 124 in its entirety

Renumber: subsequent sections

42. Page 122, lines 19 through 26.

Strike: section 128 in its entirety

Renumber: subsequent sections

43. Page 130, line 10 through page 146, line 18.

Strike: sections 130 through 142 in their entirety

Renumber: subsequent sections

44. Page 147, line 13 through page 152, line 26.

Strike: sections 143 and 144 in their entirety

Renumber: subsequent sections

45. Page 153, line 18 through page 157, line 2.

Strike: section 145 in its entirety

Renumber: subsequent sections

46. Page 158, line 26 through page 161, line 26.

Strike: sections 147 through 150 in their entirety

Renumber: subsequent sections

47. Page 163, line 3 through page 166, line 19.

Strike: section 153 through section 156 in their entirety

Renumber: subsequent sections

48. Page 167, line 4 through page 172, line 7.

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Strike: section 157 through section 159 in their entirety

Renumber: subsequent sections

49. Page 174, line 21 through page 186, line 28.

Strike: section 162 through section 169 in their entirety

Renumber: subsequent sections

50. Page 187, line 11 through page 188, line 22.

Strike: sections 170 and 171 in their entirety

51. Page 189, line 2 through page 197, line 11.

Strike: section 172 through section 183 in their entirety

Renumber: subsequent sections

52. Page 201, lines 1 through 24.

Strike: section 187 through section 189 in their entirety

Renumber: subsequent sections

53. Page 204, line 27 through page 205, line 11.

Strike: section 196 in its entirety

Renumber: subsequent sections

54. Page 207, line 17 through page 226, line 10.

Strike: section 201 through section 238 in their entirety

Renumber: subsequent sections

55. Page 229, line 10 through page 237, line 25.

Strike: section 245 through section 247 in their entirety

Renumber: subsequent sections

56. Page 238, line 4 through page 240, line 10.

Strike: sections 248 through 253 in their entirety

Renumber: subsequent sections

57. Page 240, line 12.

Strike: "(1)"

Following: "Sections"

Insert: "3-5-404,"

58. Page 240, line 14.

Strike: "15-1-111, 15-1-112,"

Insert: "and"

59. Page 240, lines 15 through 18.

Strike: "17-3-214" on line 15 through "80-7-810," on line 18

Following: "MCA,"

Insert: " and sections 66(2) and 68(2), Chapter 422, Laws of 1997,"

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60. Page 240, line 19.

Strike: subsection (2) in its entirety

61. Page 240, line 21.

Strike: "[Sections 1, ~~and 3, 5, AND 252~~] are"

Insert: "[Section 1] is"

62. Page 240, line 23.

Strike: "[sections 1, ~~and 3, 5, AND 252~~]"

Insert: "[section 1]"

63. Page 241, line 2.

Strike: "NOT"

Strike: ":",

64. Page 241, lines 3 through 7.

Strike: "(A) [SECTION 1(1)(D) OF THIS ACT]" on line 3

Insert: ", Senate Bill No. 176"

Following: "VOID" on line 3

Strike: remainder of line 3 through "VOID" on line 7

65. Page 241, line 8 through page 243, line 20.

Strike: subsections (3) through (10) in their entirety

Renumber: subsequent subsection

66. Page 245, lines 28 and 29.

Strike: "dates" on line 28

Insert: "date"

Following: "dates." on line 28

Strike: remainder of line 28 through "]" on line 29

Insert: "[This act]"

67. Page 246, lines 3 through 6.

Strike: lines 3 through 6 in their entirety

HB 124 - Senator Beck made a **substitute motion** to amend **HB 124** using Senator Elliott's previous amendment No. 811358CW.srf. After discussion, Senator Beck **withdrew** the amendment.

HB 124 - Senator Elliott's **amendment No. 811336CW.sjo adopted** by the following vote.

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Glaser, Grimes, Halligan, Hargrove, Harrington, Holden, Jergeson, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 39

Nays: Cocchiarella, Ellis, Franklin, Grosfield, Johnson, Keenan, Miller, Shea, Stapleton.

Total 9

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Absent or not voting: None.
Total 0

Excused: Bishop, Kitzenberg.
Total 2

HB 124 - Senator F. Thomas moved **HB 124**, as amended, be concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 38

Nays: Butcher, Cobb, Glaser, Holden, Keenan, Miller, Mohl, O'Neil, Stapleton, Wells.
Total 10

Absent or not voting: None.
Total 0

Excused: Bishop, Kitzenberg.
Total 2

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman DePratu moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

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

HB 5, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: Cobb.
Total 1

Absent or not voting: None.
Total 0

Excused: Bishop, Kitzenberg.
Total 2

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HB 13, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 46

Nays: Keenan, Mohl, O'Neil.
Total 3

Paired: Kitzenberg, Aye; O'Neil, No.

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 273, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Christiaens, Cobb, Cocchiarella, Crismore, DePratu, Doherty, Ellingson, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Nelson, Pease, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook.
Total 37

Nays: Butcher, Cole, Ekegren, Ellis, Keenan, Miller, Mohl, O'Neil, Roush, Wells, Mr. President.
Total 11

Absent or not voting: None.
Total 0

Excused: Bishop, Kitzenberg.
Total 2

HB 516, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 46

Nays: O'Neil, Wells.
Total 2

Absent or not voting: None.
Total 0

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Excused: Bishop, Kitzenberg.
Total 2

HB 526, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook.
Total 41

Nays: Butcher, Keenan, Miller, Mohl, O'Neil, Wells, Mr. President.
Total 7

Absent or not voting: None.
Total 0

Excused: Bishop, Kitzenberg.
Total 2

HB 577 concurred in as follows:

Yeas: Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Keenan, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 42

Nays: Butcher, Cobb, Johnson, Miller, Mohl, Wells.
Total 6

Absent or not voting: None.
Total 0

Excused: Bishop, Kitzenberg.
Total 2

HB 610 concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: Miller.
Total 1

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Absent or not voting: None.
Total 0

Excused: Bishop, Kitzenberg.
Total 2

HB 615 concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop, Kitzenberg.
Total 2

HB 639 concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop, Kitzenberg.
Total 2

HB 645, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.
Total 45

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Nays: Ellingson, Miller, Toole.
Total 3

Absent or not voting: None.
Total 0

Excused: Bishop, Kitzenberg.
Total 2

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 427**
Report No.1, April 10, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 427** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 427** (reference copy – salmon) be amended as follows:

1. Page 1, line 29.

Following: "~~section.~~"

Insert: "The bonds issued under this section are subject to any other statutory debt limitations."

For the Senate:

Mahlum, Chairman
Johnson
Christiaens

For the House:

Esp, Vice Chairman
Price
Mangan

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 118**
Report No. 1, April 10, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee **on House Bill 118**, met April 10, 2001, and considered:

1. Senate Committee on Natural Resources amendments to third reading copy, dated March 5, 2001; and
2. Senate Committee of the Whole amendments to the second house, second reading copy, dated March 6, 2001.

We recommend that **House Bill 118** (reference copy – salmon) be amended as follows:

1. Title, line 7.

Following: "QUALITY;"

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Insert: "LIMITING THE PURPOSES FOR WHICH THE DEPARTMENT MAY USE INFORMATION OBTAINED BY THE SMALL BUSINESS STATIONARY SOURCE REPRESENTATIVE;"

2. Page 2.

Following: line 20

Insert: "(3) Subject to Article II, section 9, of the Montana constitution, the small business stationary source representative may not provide information that the representative obtains from a small business stationary source to the department for use in any administrative or judicial action to enforce the requirements of this chapter, unless the information discloses a violation that constitutes an imminent and substantial danger to human health, safety, or the environment"

For the House:

Laszloffy, Vice Chairman
Clancy
Cyr

For the Senate:

Grosfield, Chairman
Crismore
Cocchiarella

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 559**
Report No. 1, April 10, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 559**, met April 10, 2001, and considered:

1. Senate Committee on Judiciary amendments to third reading copy, dated March 27, 2001.

We recommend that **House Bill 559** (reference copy - salmon) be amended as follows:

1. Page 1, line 15.

Strike: "-- MOBILE HOME SPACE RENTALS EXEMPTED"

2. Page 1, lines 15 and 17.

Strike: "70-24-436" on line 15 through "HOME" on line 17

Insert: "this chapter"

3. Page 1, line 25.

Strike: "WITHIN THE NOTICE PERIOD"

Insert: "before the date specified in the notice"

4. Page 2, line 6.

Strike: subsection (D) in its entirety

Renumber: subsequent subsections

5. Page 2, line 7.

Following: "(1)(b)"

Strike: "1"

Insert: "or"

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Strike: "OR (1)(D)."

6. Page 2, following line 14.

Insert: "(f) This subsection (1) does not apply to a rental agreement involving a tenant who rents space for a mobile home but does not rent the mobile home."

7. Page 2, line 19.

Following: "z"

Insert: "This subsection does not apply to a rental agreement involving a tenant who rents space for a mobile home but does not rent the mobile home."

8. Page 3, following line 1.

Insert: "(6) Subsections (3) through (5) apply to all rental agreements, including those involving a tenant who rents space for a mobile home but does not rent the mobile home."

Renumber: subsequent subsections

9. Page 3, following line 4.

Insert: "(a) the rental agreement does not involve a tenant who rents space for a mobile home but does not rent the mobile home; and"

10. Page 3, line 5.

Following: "~~B~~"

Insert: "(b)"

11. Page 3, lines 7 and 8.

Strike: subsection (7) in its entirety

12. Page 3, line 22.

Strike: "15"

Insert: "3"

13. Page 3, line 30.

Following: "park"

Insert: ", its manager, or its owner, the notice period is 24 hours;"

14. Page 4, lines 1 through 3.

Strike: "IF" on line 1 through "DAYS;" on line 3

15. Page 4, line 10.

Following: "z"

Insert: "In addition, if the termination was for a violation of subsection (1)(a), the tenant has the right to reinstate the tenancy, after termination, upon payment any time prior to judgment of all delinquent rent, together with costs and reasonable attorney fees incurred by the landlord in the enforcement of subsection (1)(a)."

16. Page 6, lines 3 through 10.

Strike: subsections (4) through (6) in their entirety

For the House:

For the Senate:

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Noennig, Vice Chairman
Laible
Matthews

K. Miller, Chairman
Grimes
Christiaens

FREE CONFERENCE COMMITTEE
on **Senate Bill 151**
Report No. 1, April 10, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 151** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 151** (reference copy – salmon) be amended further as follows:

1. Title, line 7.

Following: "TO"

Insert: "INDIVIDUAL MEMBERS OF"

2. Page 1, line 23.

Following: "fitness"

Strike: ", "

Insert: "or"

Following: "conditioning"

Strike: ", or well-being"

3. Page 2, line 2.

Following: "to"

Insert: "individual members of"

For the Senate:

Mahlum, Chairman
Berry
Jergeson

For the House:

R. Brown, Vice Chairman
Barrett
Gallus

FREE CONFERENCE COMMITTEE
on **Senate Bill 196**
Report No. 1, April 9, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 196** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 196** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 10 through 11.

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Following: "DATE"

Insert: "AND A CONTINGENT TERMINATION PROVISION"

2. Page 1, line 28.

Following: "'PLACARD'"

Strike: "HAS THE MEANING PROVIDED IN 50-31-103"

Insert: "means a nonpermanent sign used to display or describe food items for sale"

3. Page 3.

Following: line 30

Insert: "NEW SECTION. Section 8. Contingent termination. [This act] terminates on certification by the director of the department of commerce to the governor of the passage and approval of a similar program at the federal level. The director shall provide a copy of the certification to the secretary of state and the code commissioner."

For the Senate:

R. Holden, Chairman
Tester
Ekegren

For the House:

Hedges, Vice Chairman
Waitschies
McCann

MOTIONS

HB 242 - Majority Leader Thomas moved that the **Conference Committee on HB 242** be **dissolved** and that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House on **HB 242**. Motion carried. The President appointed the following members:

Senator Mahlum, Chairman
Senator O'Neil
Senator Toole

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 10:00 a.m., Wednesday, April 11, 2001. Motion carried.

Senate adjourned at 9:00 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate