

**SENATE JOURNAL
57TH LEGISLATURE
SIXTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 27, 2001

Senate Chambers
State Capitol

Senate convened at 11:00 a.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Cobb, Holden, Johnson and Nelson, excused. Quorum present.

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

Miller, Chairman

Senators Cobb and Johnson present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

3/27/2001

Correctly printed: SB 338, SB 520, HB 151, HB 159, HB 213, HB 332, HB 419, HB 444.

Correctly enrolled: HB 42, HB 190, HB 254, HB 256, HB 290, HB 360, HB 408, HB 434, HB 452, HB 454, HB 463, HB 492, HB 563, HB 596, HB 620, HJR 24, HJR 29, HJR 31.

Examined by the sponsor and found to be correct: SB 38, SB 159, SB 184, SB 306, SJR 4.

Signed by the Speaker at 1:15 p.m., March 26, 2001: SB 8, SB 33, SB 52, SB 74, SB 164, SB 166, SB 194, SB 199, SB 228, SB 257, SB 268, SB 370.

Signed by the Speaker at 10:10 a.m., March 27, 2001: SB 23, SB 42.

Signed by the President at 12:30 p.m., March 27, 2001: SB 107, SB 146, SR 21.

Signed by the Secretary of Senate at 1:00 p.m., March 27, 2001: SB 8, SB 23, SB 33, SB 42, SB 52, SB 56, SB 65, SB 74, SB 81, SB 164, SB 166, SB 175, SB 194, SB 199, SB 228, SB 257, SB 259, SB 268, SB 285, SB 334, SB 370, SJR 11, SR 19, SR 21.

Signed by the Secretary of Senate at 1:15 p.m., March 27, 2001: SB 10, SB 90, SB 168, SB 260, SB 421.

Signed by the President at 1:45 p.m., March 27, 2001: SB 38, SB 159, SB 184, SB 306, SJR 4.

Delivered to the Governor for approval at 3:10 p.m., March 27, 2001: SB 8, SB 10, SB 23, SB 33, SB 42, SB 52, SB 56, SB 74, SB 81, SB 90, SB 164, SB 166, SB 168, SB 175, SB 194, SB 199, SB 228, SB 257, SB 259, SB 260, SB 268, SB 285, SB 334, SB 370, SB 421.

Delivered to the Secretary of State at 3:50 p.m., March 27, 2001: SJR 11, SR 19, SR 21.

MESSAGES FROM THE GOVERNOR

March 26, 2001

The Honorable Tom Beck
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Dan McGee
Speaker of the House

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State Capitol
Helena, MT 59620

Dear President Beck and Speaker McGee:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with an amendment Senate Bill 80, "AN ACT CLARIFYING THE MANAGEMENT RESPONSIBILITIES OF THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; ADDING THREE MEMBERS TO THE COMMISSION; ALLOWING FOR THE HIRING OF ADDITIONAL COMMISSION STAFF; ALLOWING THE COMMISSION TO CONDUCT BUILDING PRESERVATION, STABILIZATION, OR MAINTENANCE COSTING OVER \$200,000 WITHOUT LEGISLATIVE CONSENT UNDER CERTAIN CIRCUMSTANCES; PROVIDING THAT INTEREST ON MONEY IN THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT ACCOUNT BE DEPOSITED IN THE STATE SPECIAL REVENUE FUND TO THE CREDIT OF THE COMMISSION; AND AMENDING SECTIONS 22-3-1001, 22-3-1002, 22-3-1003, AND 22-3-1004, MCA", for the following reasons.

I have no objections to the broad objectives of SB 80, nor to all but one of its specific measures. I would, however, recommend that the current language in Section 2 specifically identifying an administrative level position and designating that specific position as a member of the Montana Heritage Preservation and Development Commission be deleted and language designating the appropriate director be substituted. I have attached my amendment to that effect.

Section 2 of the bill currently names the director of the Montana Historical Society, the director of the Department of Fish, Wildlife and Parks and the "travel director of the Department of Commerce's travel promotion and development division" as the executive branch agency representatives on the Commission. The "travel director" is not actually a "director", but rather is a division administrator position serving under the director. I recommend that, for the sake of consistency and as a matter of policy, the director of the Department of Commerce be named as the third executive branch agency representative to the Commission.

The bill does not designate a specific position inside either of the other two executive branch agencies represented on the Commission, but rather makes such a designation only within the Department of Commerce. Thus, the directors of the other two agencies are left with the discretion to determine whether the directors themselves or an appropriate designee can most appropriately serve in that role. That discretion is not similarly afforded to the director of the Department of Commerce.

You can rest assured that, in any instance where directors of executive branch agencies are designated as representatives on a commission established by the legislative branch, those directors and my office will ensure that the most appropriate executive branch officials will be tasked to serve in those positions. In this particular case, there is no doubt that the representative will be either the director or another appropriate individual from within the Travel Development and Promotion Division. I firmly believe, however, that, as a matter of consistency and policy, the decision as to which specific position or individual within an executive branch agency will be tasked with such duties is more appropriately left to my office and to my cabinet officials.

Senator Mahlum, the sponsor of the bill, is aware of and agrees with this recommended amendment.

Sincerely,
JUDY MARTZ
Governor

**GOVERNOR'S AMENDMENTS
TO SENATE BILL 80**

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Drafted by the Office of the Governor
March 26, 2001

1. Page 2, line 1

Strike: "and the travel director of the department of commerce's travel promotion and development division"

Insert: "and the director of the department of commerce"

MOTIONS

HB 596 - Senator Taylor moved that **HB 596** be taken from the third reading board this legislative day and referred to the committee on Business and Labor. Motion carried as follows:

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

Total 34

Nays: Christiaens, Doherty, Ellingson, Elliott, Franklin, Harrington, Jergeson, O'Neil, Pease, Ryan, Stonington, Tester, Waterman.

Total 13

Absent or not voting: Toole.

Total 1

Excused: Holden, Nelson.

Total 2

Senator Thomas moved that consideration of **SB 495, HB 73, and HB 504** be passed for the day. Motion carried.

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

Session 1

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

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

HB 261 - Senator O'Neil moved **HB 261** be concurred in. Motion carried unanimously.

SB 499 - Senator K. Miller moved **SB 499** do pass. Motion **failed** as follows:

Yeas: Berry, Bohlinger, Butcher, Cobb, Cole, Crismore, Glaser, Grimes, Grosfield, Johnson, Keenan, Kitzenberg, McCarthy, Miller, Mohl, O'Neil, Stapleton, Taylor, Thomas, Wells, Zook.

Total 21

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Nays: Bishop, Christiaens, Cocchiarella, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Jergeson, Mahlum, McNutt, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Tester, Toole, Waterman, Mr. President.

Total 26

Absent or not voting: Ellis.

Total 1

Excused: Holden, Nelson.

Total 2

SB 499 - Senator Franklin moved that **SB 499** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Bishop, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Hargrove, Harrington, Jergeson, Mahlum, McCarthy, McNutt, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 22

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

Total 25

Absent or not voting: Ellis.

Total 1

Excused: Holden, Nelson.

Total 2

HB 539 - Senator Halligan moved **HB 539**, second reading copy, be amended as follows :

1. Title, line 8.

Strike: "SECTION"

Insert: "SECTIONS 31-1-106 AND"

2. Page 13, line 25.

Insert: "**Section 20.** Section 31-1-106, MCA, is amended to read:

"**31-1-106. Legal interest.** (1) Except as otherwise provided by the Uniform Commercial Code, ~~or~~ 31-1-111 and 31-1-112, or [section 11], unless there is an express contract in writing fixing a different rate or a law or ordinance or resolution of a public body fixing a different rate on its obligations, interest is payable on all ~~moneys~~ money at the rate of 10% a year after ~~they become~~ it becomes due on:

(a) any instrument of writing, except a judgment;

(b) an account stated;

(c) ~~moneys~~ money lent or due on any settlement of accounts from the date on which the balance is ascertained; and

(d) ~~moneys~~ money received for the use of another person and detained from ~~him~~ that person.

(2) In the computation of interest for a period of less than 1 year, 365 days constitute a year."

Renumber: subsequent sections

Amendment **adopted** as follows:

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Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Glaser, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.

Total 39

Nays: Ellingson, Elliott, Franklin, Ryan, Toole.

Total 5

Absent or not voting: Ellis, Grimes, Kitzenberg, Mohl.

Total 4

Excused: Holden, Nelson.

Total 2

HB 539 - Senator Beck moved **HB 539**, second reading copy, be further amended as follows :

1. Page 7, line 28.

Following: "rate"

Insert: "for each 30-day period"

Amendment **adopted** unanimously.

HB 539 - Senator Sprague moved **HB 539**, as amended, be concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, DePratu, Doherty, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.

Total 36

Nays: Bishop, Crismore, Ellingson, Elliott, Franklin, Halligan, Keenan, Miller, Ryan, Stonington, Toole.

Total 11

Absent or not voting: Johnson.

Total 1

Excused: Holden, Nelson.

Total 2

HB 42 - Senator Beck moved consideration of **HB 42** be placed below **SB 213** on the second reading board. Motion carried.

HB 295 - Senator McNutt moved **HB 295** be concurred in. Motion carried with Senator Ryan voting nay.

SB 213 - Senator Glaser moved **SB 213** do pass. After discussion, the committee reverted to the body of the bill for amendment.

SB 213 - Senator Cobb moved **SB 213**, second reading copy, be amended as follows :

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1. Page 5, line 30.

Strike: "10%"

Insert: "30%"

Amendment **adopted** as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cole, Doherty, Ekegren, Ellis, Franklin, Grimes, Grosfield, Hargrove, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Pease, Roush, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.

Total 32

Nays: Cocchiarella, DePratu, Ellingson, Elliott, Glaser, Halligan, Harrington, Jergeson, Johnson, McCarthy, Ryan, Shea, Stonington, Toole, Waterman.

Total 15

Absent or not voting: Crismore.

Total 1

Excused: Holden, Nelson.

Total 2

SB 213 - Senator Ellis moved **SB 213**, second reading copy, be further amended as follows :

1. Title, line 11.

Following: " ; "

Insert: "PROVIDING THAT LOCAL OPTION TAX AND RESORT TAX AUTHORITY TERMINATES 2 YEARS AFTER THE IMPOSITION OF A GENERAL STATEWIDE SALES OR USE TAX;"

2. Page 10, line 4.

Following: line 3

Insert: "NEW SECTION. Section 14. Local taxing authority -- termination within 2 years of enactment of statewide sales or use tax. (1) Except as provided in subsection (2), if a general statewide sales or use tax is imposed by law, the authority of local governments, resort communities, and resort areas to impose taxes under the provisions of [sections 1 through 9] and Title 7, chapter 6, part 15, terminates 2 years after the general statewide sales or use tax is imposed.

(2) If a local government, resort community, resort area, or resort district has pledged tax revenue from a tax imposed under Title 7, chapter 6, part 15, for the payment of bonds that were issued prior to [the effective date of this act], the authority to impose taxes under Title 7, chapter 6, part 15 terminates when the bonds have been paid."

Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Bishop, Butcher, Cobb, Crismore, Ellingson, Ellis, Grimes, Miller, O'Neil, Stapleton, Tash, Taylor, Tester, Thomas, Wells.

Total 15

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Nays: Berry, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Ekegren, Elliott, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Pease, Roush, Ryan, Sprague, Stonington, Toole, Waterman, Zook, Mr. President.
Total 32

Absent or not voting: Shea.
Total 1

Excused: Holden, Nelson.
Total 2

SB 213 - Senator Glaser moved **SB 213**, as amended, do pass. Motion carried as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Ekegren, Franklin, Glaser, Halligan, Harrington, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Ryan, Shea, Sprague, Stonington, Toole, Waterman.
Total 26

Nays: Berry, Cobb, Crismore, Ellingson, Elliott, Ellis, Grimes, Grosfield, Hargrove, Jergeson, O'Neil, Pease, Roush, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.
Total 20

Absent or not voting: Butcher, Tester.
Total 2

Excused: Holden, Nelson.
Total 2

HB 42 - Senator R. Johnson moved **HB 42**, second reading copy, be amended as follows :

1. Title, page 1, line 6.

Strike: "ANNUAL"

Insert: "ONE-TIME"

2. Title, page 1, line 7.

Strike: "PROVIDING AN APPROPRIATION;"

3. Page 1, line 13.

Following: "a"

Insert: "one-time"

4. Page 1, line 14.

Strike: "annually"

5. Page 1, line 15.

Strike: ", for" through "certification,"

6. Page 1, lines 25 through page 2, line 3.

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Following: "standards." on line 25

Strike: remainder of line 25 through "(4)" on page 2, line 3

Insert: "(3)"

7. Page 2, line 4 through line 16.

Following: line 3

Strike: line 4 through "compensation" line 15

Insert: "eligible teacher"

8. Page 2, line 19.

Strike: "(9)"

Insert: "(4)"

9. Page 2, line 26 through line 28.

Strike: section 2 in its entirety

Renumber: subsequent sections

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

HB 42 - Senator Beck moved **HB 42**, as amended, be concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Glaser, Grosfield, Johnson, Kitzenberg, Mahlum, McNutt, Mohl, O'Neil, Pease, Roush, Ryan, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 32

Nays: Bishop, Butcher, Cobb, Cocchiarella, Ekegren, Halligan, Hargrove, Harrington, Jergeson, Keenan, McCarthy, Miller, Shea, Stonington, Wells.

Total 15

Absent or not voting: Grimes.

Total 1

Excused: Holden, Nelson.

Total 2

HB 208 - Senator Grosfield moved **HB 208** be concurred in. Motion carried unanimously.

HB 219 - Senator McNutt moved **HB 219** be concurred in. Motion carried unanimously.

HB 319 - Senator Harrington moved **HB 319**, second reading copy, be amended as follows :

1. Title, line 4.

Following: "ACT"

Insert: "REQUIRING A PERSON SELLING A VEHICLE OR TRADING A VEHICLE TO A DEALER TO DISCLOSE WHETHER TAXES OR FEES IN LIEU OF TAX ARE DUE OR PAST DUE AT THE TIME OF TRANSFER;"

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2. Page 1, line 23.

Following: "~~vehicle~~"

Insert: "A person selling a vehicle or trading a vehicle to a dealer shall disclose to the purchaser any amount of taxes or fees in lieu of tax that are due or past due on the vehicle at the time the person sells a vehicle or trades a vehicle to a dealer. If the disclosure is not made, the person selling the vehicle or trading the vehicle to the dealer shall pay the taxes or fees."

3. Page 1, line 26.

Following: " ;"

Insert: "This subsection (2)(b) does not apply to fleet vehicles, leased vehicles, or rental return vehicles."

Amendment **adopted** unanimously.

HB 319 - Senator Harrington moved **HB 319**, as amended, be concurred in. Motion carried unanimously.

HB 334 - Senator McNutt moved **HB 334** be concurred in. Motion carried unanimously.

HB 612 - Senator F. Thomas moved **HB 612**, second reading copy, be amended as follows :

1. Title, line 18.

Following: " ;"

Strike: "AND"

Insert: "PROVIDING SPECIFIC PROCEDURES FOR THE SPECIAL ELECTION ON SENATE BILL NO. 119; PROVIDING THAT THE PROVISIONS OF TITLE 13, CHAPTER 27, MCA, AND CERTAIN OTHER LAWS RELATING TO ELECTIONS DO NOT APPLY TO THE SPECIAL ELECTION; PROVIDING FOR THE PURCHASE OF PRINTING AND DISTRIBUTION SERVICES AND MATERIALS ASSOCIATED WITH THE PRINTING AND DISTRIBUTION OF A VOTER INFORMATION PAMPHLET AND BALLOTS FOR THE SPECIAL ELECTION;"

2. Title, line 20.

Following: "MCA"

Insert: " ; AND PROVIDING EFFECTIVE DATES"

3. Page 13, line 18.

Insert: "NEW SECTION. Section 15. Suspension of election laws -- purpose -- notice. (1) Due to the severity of Montana's fiscal problems, the legislature and the governor find that it is in the best interests of the citizens of the state of Montana to conduct a special election on the question of whether or not cigarette and tobacco tax increases, as represented by [Senate Bill No. 119], should be adopted. The legislature and the governor also find that statutes covering ballot measures and the election on ballot measures, generally found in Title 13, chapter 27, are insufficient to accommodate the pressing need to dispose of the question of increasing cigarette and tobacco taxes. Consequently, procedures expediting the election, specified in [sections 15 through 33], are enacted to protect and further the interests of the electorate and Montana's citizens.

(2) For purposes of the special election to be held on [Senate Bill No. 119]:

(a) the provisions of 13-1-108, 13-2-301(1)(b), 13-12-201, 13-13-205, and Title 13, chapter 27, do not apply;

(b) notice of the special election must be published at least once a week for the 2 successive weeks before the election on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the jurisdiction where the election will be held; and

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(c) the secretary of state shall publish a notice specifying the day registration will close in a newspaper of general circulation in each county at least 1 week before the close of registration."

Insert: "NEW SECTION. Section 16. Procedures for special election. (1) For the special election required in [Senate Bill No. 119], the procedures set forth in [sections 15 through 33] apply.

(2) In [sections 15 through 33], wherever the word "ballot issue", "issue", "ballot measure", "ballot form", or "ballot" appears, the word applies to [Senate Bill No. 119]."

Insert: "NEW SECTION. Section 17. Transmittal of ballot issue to attorney general. (1) The secretary of state shall transmit a copy of the ballot issue and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 40 days before the election at which the issue will be voted on by the people.

(2) If the ballot form is not approved by the attorney general pursuant to [section 19], the secretary of state shall immediately submit a new ballot form to the attorney general."

Insert: "NEW SECTION. Section 18. Review by attorney general -- preparation of statements -- fiscal note.

(1) Upon receipt of a ballot issue from the office of the secretary of state pursuant to [section 17], the attorney general shall examine the issue as to form and, if it has an effect on the revenue, expenditures, or fiscal liability of the state, shall order a fiscal note incorporating an estimate of the effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected or knowledgeable, is responsible for preparing the fiscal note and shall return it within 2 days. If a fiscal note was prepared for the issue for consideration by the 57th Montana legislature, the secretary of state shall provide to the attorney general the fiscal note prepared for the legislature at the same time the ballot issue is transmitted and the budget director need not prepare a new fiscal note.

(2) The attorney general shall endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general, within 3 days of receipt of the ballot issue, shall prepare:

(a) a statement, not to exceed 100 words, explaining the purpose of the measure; and

(b) statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against the measure.

(3) Within 3 days of receipt of a fiscal note, if one is necessary, the attorney general shall prepare a fiscal statement of no more than 50 words, using the fiscal note prepared for the ballot issue if one was prepared. The statement must be used on the ballot.

(4) The statement of purpose and the statements of implication must express the true and impartial explanation of the ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice for or against the measure. The statement of purpose, statements of implication, and fiscal statement must be transmitted to the secretary of state no later than 1 day following completion of the statements.

(5) The statement of purpose, unless altered by a court under [section 20], must appear on the ballot in addition to the language included in [Senate Bill No. 119].

(6) The statements of implication must be placed beside the diagram provided for marking of the ballot in a manner similar to but not limited to the following example:

FOR extending the right to vote to persons 18 years of age.

AGAINST extending the right to vote to persons 18 years of age."

Insert: "NEW SECTION. Section 19. Review of ballot form by attorney general. The attorney general shall examine the ballot form submitted pursuant to [section 17] and within 2 days of receipt of the ballot form shall notify the secretary of state of approval or rejection of the ballot form. If the ballot form is rejected, the attorney general shall approve or reject a new ballot form submitted by the secretary of state pursuant to [section 17] within 1 day of receiving the new form."

Insert: "NEW SECTION. Section 20. Court review of attorney general statements. (1) If a majority of the 57th Montana legislature, by roll call vote, believes that the statement of purpose, a statement of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to [section 18] does not satisfy the requirements of [section 18], a representative of the majority may, within 2 days of the roll call vote, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and

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requesting the court to alter the statement.

(2) On the same day on which an action is filed under subsection (1), the person filing the action shall serve notice of the action upon the secretary of state and upon the attorney general.

(3) An action filed under subsection (1) takes precedence over all other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement that the court determines will meet the requirements of [section 18].

(4) A statement certified by the court must be placed on the official ballot.

(5) A copy of the statement certified by the court, in final form, must be filed in the office of the secretary of state by the person filing the action.

(6) A party may appeal the order of the district court to the Montana supreme court by filing a notice of appeal within 2 days of the date of the order of the district court.

(7) An action filed under subsection (6) takes precedence over all other cases and matters in the Montana supreme court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement that the court determines will meet the requirements of [section 18]. A decision by the supreme court is final.

(8) A statement certified by the supreme court must be placed on the official ballot.

(9) A copy of the statement certified by the supreme court, in final form, must be filed in the office of the secretary of state by the person filing the action."

Insert: "NEW SECTION. Section 21. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for the ballot issue to be voted on at the June 5, 2001, special election, as applicable:

(a) ballot title, fiscal statement, if applicable, and complete text of the issue;
(b) the form in which the issue will appear on the ballot; (c) arguments advocating approval and rejection of the issue; and
(d) rebuttal arguments.

(2) The pamphlet must also contain a notice advising the recipient as to where additional copies of the pamphlet may be obtained.

(3) The secretary of state may publish a single pamphlet for all of the ballot issues to be voted on at the June 5, 2001, special election. The secretary of state may arrange the information in the order that seems most appropriate, but the information for all issues in the pamphlet must be presented in the same order."

Insert: "NEW SECTION. Section 22. Committees to prepare arguments for and against ballot issue. (1) The arguments advocating approval or rejection of a ballot issue and rebuttal arguments must be submitted to the secretary of state by committees appointed as provided in this section.

(2) (a) Within 3 days following adoption by the legislature of [Senate Bill No. 119], a committee advocating the approval of the ballot issue must be appointed. The committee must be composed of one senator known to favor the issue, who must be appointed by the president of the senate and serve as the presiding officer; one representative known to favor the issue, who must be appointed by the speaker of the house of representatives; and one individual, who need not be a member of the legislature but who must be appointed by the first two members.

(b) If any member of the committee is not appointed within the time provided in subsection (2)(a), the chief justice of the Montana supreme court shall make the appointment within 2 days following expiration of the time allowed in subsection (2)(a). (3) (a) Within 3 days following adoption by the legislature of [Senate Bill No. 119], a committee advocating rejection of the ballot issue must be appointed. The committee advocating rejection of an issue must be composed of one senator, who must be appointed by the president of the senate and serve as the presiding officer; one representative, who must be appointed by the speaker of the house of representatives; and one individual, who need not be a member of the legislature but who must be appointed by the first two members. Whenever possible, the members must be known to oppose the issue.

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(b) If any member of the committee is not appointed within the time provided in subsection (3)(a), the chief justice of the Montana supreme court shall make the appointment within 2 days following expiration of the time allowed in subsection (3)(a). (4) (a) A person may not be required to serve on a committee under this section, and the person making an appointment must receive written acceptance of appointment from the appointee.

(b) The speaker of the house of representatives and the president of the senate shall notify the secretary of state of each person appointed to the committees in subsections (2) and (3) immediately upon receipt of written acceptance of appointment by the appointee."

Insert: "NEW SECTION. Section 23. Notice of appointment to committee. All appointees to a committee pursuant to [section 22] must be notified by the secretary of state by certified mail, return receipt requested, no later than 1 day after the deadline set for appointment of committee members, of the deadlines for submission of the committee's arguments."

Insert: "NEW SECTION. Section 24. Committee expenses. Each committee appointed under [section 22] is entitled to receive funds, not to exceed \$100, for the preparation of arguments and expenses of members. Itemized claims for actual expenses incurred, approved by a majority of the committee, must be submitted to the secretary of state for payment from funds appropriated for that purpose."

Insert: "NEW SECTION. Section 25. Limitation on length of argument -- time of filing. An argument advocating approval or rejection of a ballot measure is limited to 500 words or less and must be filed, in typewritten form, with the secretary of state no later than 30 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation shall approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline."

Insert: "NEW SECTION. Section 26. Rebuttal arguments. The secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day following the filing of both the approval and rejection arguments for the issue in the office of the secretary of state. The committees may prepare rebuttal arguments, limited to 250 words or less, that must be filed, in typewritten form, with the secretary of state no later than 3 days after the deadline for filing the original arguments. Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument must be approved and signed by a majority of the committee responsible for its preparation. Separate signed letters of approval may be submitted in the same manner as for the original arguments."

Insert: "NEW SECTION. Section 27. Rejection of improper arguments. (1) The secretary of state shall reject, with the approval of the attorney general:

(a) an argument or other matter held to contain obscene, vulgar, profane, scandalous, libelous, or defamatory matter;

(b) any language that in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility toward or that tends to cast ridicule or shame upon a group of persons by reason of race, color, religion, or sex; or

(c) any matter not allowed to be sent through the mail. (2) Rejected arguments may not be filed or printed in the voter information pamphlet."

Insert: "NEW SECTION. Section 28. Liability for contents of argument. [Sections 15 through 33] do not relieve an author of any argument from civil or criminal responsibility for statements contained in an argument printed in the voter information pamphlet."

Insert: "NEW SECTION. Section 29. Printing and distribution of voter information pamphlet -- public exigencies. (1) As soon as possible, the secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for the ballot measure. The requisition must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter

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in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) (a) The provisions of 18-4-133(1) apply to the purchase of or a contract for services or materials associated with the printing, delivery, or distribution of the voter information pamphlet and the ballots for the special election on [Senate Bill No. 119].

(b) The department of administration may call for bids and shall contract for the printing and delivery of the voter information pamphlet. The contract must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by no later than 21 days before the election at which the ballot issue will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing must take place as soon as is possible after the pamphlets are received from the printer.

(5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on [Senate Bill No. 119]."

Insert: "NEW SECTION. Section 30. Secretary of state to certify ballot form. (1) Within 5 days after receiving approval of the ballot form from the attorney general under [section 19], the secretary of state shall furnish to the official of each county responsible for preparing and printing the ballots a certified copy of the form in which the ballot issue is to appear on the ballot.

(2) The secretary of state shall list for the issue:

(a) the number;

(b) the method of placement on the ballot;

(c) the title;

(d) the attorney general's explanatory statement, if applicable;

(e) the fiscal statement, if applicable; and

(f) the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot.

(3) The secretary of state shall use, for the ballot issue, the title of the legislative act and language as may be specifically required in [Senate Bill No. 119]. Following the number of the ballot issue, the secretary of state shall state that the issue has been placed on the ballot as an act referred by the legislature."

Insert: "NEW SECTION. Section 31. Preparation of ballots by county officials -- absentee ballots. (1) Each of the county officials responsible for the preparation and printing of the ballots shall print or have printed the ballot issue on the official ballot in the form certified by the secretary of state pursuant to [section 30].

(2) The county election administrator shall ensure that sufficient ballots are printed and available for absentee voting at least 14 days prior to the election."

Insert: "NEW SECTION. Section 32. Determination of results of special election. The votes on the ballot issue must be counted, canvassed, and returned by the regular boards of judges, clerks, and officers in the manner that votes for candidates are counted, canvassed, and returned. The abstract of the votes on the ballot issue must be prepared and returned to the secretary of state in the manner provided by 13-15-501 for abstracts of votes for state officers, except that the county election administrator shall provide the required information and shall send the abstract of votes to the secretary of state by certified mail in an envelope marked "special election returns", which envelope must be received by the secretary of state no later than 5 p.m. on the sixth day following the election. The board of state canvassers shall proceed within 7 days after the special election at which the ballot issue is voted upon to canvass the votes given for the ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare and file in the office of the secretary of state a statement of the canvass, giving the number and title of the ballot issue, the whole number of votes cast in the state for and against the ballot issue, and the effective date of the ballot issue approved by a majority of those voting on the issue. The secretary of state shall

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transmit a certified copy of the statement of the canvass to the governor within 10 days following the special election."

Insert: "NEW SECTION. Section 33. Copy of approved issues sent to legislative services division. The secretary of state shall send a certified copy of the ballot issue approved by a majority of those voting on the issue and a copy of the statement of the canvass to the executive director of the legislative services division at the same time the certified copy of the statement of the canvass is transmitted to the governor under [section 32]."

Insert: "NEW SECTION. Section 34. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. Section 35. Effective dates. (1) [Sections 15 through 34 and this section] are effective on passage and approval.

(2) [Sections 1 through 14] are effective October 1, 2001."

Amendment **adopted** as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Ellis, Glaser, Grosfield, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Mohl, O'Neil, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 29

Nays: Doherty, Elliott, Franklin, Grimes, Halligan, Hargrove, Harrington, Jergeson, McCarthy, Miller, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tester, Toole, Waterman.

Total 19

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 612 - Senator Bohlinger moved **HB 612**, as amended, be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Ellis, Glaser, Grosfield, Keenan, Mahlum, McNutt, Mohl, O'Neil, Roush, Ryan, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook, Mr. President.

Total 31

Nays: Elliott, Franklin, Grimes, Halligan, Hargrove, Harrington, Jergeson, McCarthy, Miller, Pease, Sprague, Stonington, Toole, Waterman.

Total 14

Absent or not voting: Johnson, Kitzenberg, Shea.

Total 3

Excused: Holden, Nelson.

Total 2

Senator Thomas moved the committee rise, report progress, and beg leave to sit again. Motion carried.

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Committee arose. Senate resumed. President Beck in the chair. Chairman Elliott 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:

SB 338 passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, 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: Holden, Nelson.
Total 2

HB 190 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, 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: Holden, Nelson.
Total 2

HB 254, as amended by the Senate, concurred in as follows:

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

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Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 408 concurred in as follows:

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

Total 45

Nays: Cobb, Cocchiarella, Miller.

Total 3

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HB 454, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, 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: Holden, Nelson.

Total 2

HB 463, as amended by the Senate, concurred in as follows:

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Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Pease, Roush, Ryan, Shea, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 44

Nays: Mohl, O'Neil, Sprague, Stapleton.
Total 4

Absent or not voting: None.
Total 0

Excused: Holden, Nelson.
Total 2

HB 492, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Elliott, Ellis, Glaser, Grimes, Grosfield, Halligan, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, O'Neil, Pease, Roush, Shea, Sprague, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Zook, Mr. President.
Total 37

Nays: Bishop, Doherty, Franklin, Hargrove, Holden, Keenan, Miller, Mohl, Ryan, Stapleton, Tester, Wells.
Total 12

Paired: Stonington, Aye; Holden, No.

Absent or not voting: None.
Total 0

Excused: Nelson.
Total 1

HB 563, as amended by the Senate, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, 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

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Excused: Holden, Nelson.
Total 2

HB 620, as amended by the Senate, passed as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, 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: Holden, Nelson.
Total 2

HJR 24 adopted as follows:

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

Nays: Butcher, Ellis, Miller, Mohl, Stapleton, Taylor.
Total 6

Absent or not voting: None.
Total 0

Excused: Holden, Nelson.
Total 2

HJR 29 adopted as follows:

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

Nays: Butcher.

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Total 1

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

HJR 31, as amended by the House, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Johnson, Kitzenberg, Mahlum, McCarthy, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 41

Nays: Cocchiarella, Jergeson, Keenan, McNutt, Miller, Sprague, Stapleton.

Total 7

Absent or not voting: None.

Total 0

Excused: Holden, Nelson.

Total 2

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Ekegren, Vice Chairman):

3/27/2001

HB 346, be concurred in. Report adopted.

HB 397, be concurred in. Report adopted.

HB 531, be amended as follows:

1. Title, line 12.

Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 2, line 26.

Insert: "NEW SECTION. Section 3. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2000."

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

HB 628, be amended as follows:

1. Title, page 1, line 11.

Following: "APPROPRIATION;"

Insert: "AND"

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2. Title, page 1, line 12.

Following: "MCA"

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, line 6.

Following: "10]"

Insert: "on an as-needed basis when a mediation complaint has been filed"

4. Page 3, line 9.

Following: "council"

Insert: ", upon the receipt of a mediation complaint,"

5. Page 5, line 8.

Following: "investigations;"

Strike: "and"

6. Page 5, line 9.

Strike: "."

Insert: "; and"

7. Page 5.

Following: line 9

Insert: "(d) types of seed that are exempted from the requirements of [sections 1 through 10]."

8. Page 7, line 24.

Strike: line 24 in its entirety

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

BUSINESS AND LABOR (Taylor, Chairman):

3/27/2001

SB 520, introduced bill, be amended as follows:

1. Page 2, line 16.

Following: "\$10"

Insert: "each year"

And, as amended, do pass. Report adopted.

HB 348, be concurred in. Report adopted.

FINANCE (Keenan, Chairman):

3/27/2001

HB 2, be amended as follows:

1. Page BP-2.

Strike: lines 7 and 8 in their entirety

Renumber: subsequent sections

2. Page BP-2, following line 8.

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Insert: "NEW SECTION. Section 8. Vacancy savings analysis. The legislature is concerned about the use of the concept of vacancy savings in establishing funding for personal services. It is the intent of the legislature that an analysis of vacancy savings be completed prior to the 2003 legislative session to include the consideration of alternative options for funding of personal services at an appropriate level. The legislative finance committee is requested to include this analysis as part of the House Bill No. 613 personal services study if House Bill No. 613 is passed and approved or to include the analysis in the committee work plan for the legislative fiscal division. The legislative finance committee is encouraged to work cooperatively with the governor's budget director in completing this analysis."

Insert: "NEW SECTION. Section 9. FTE reduction. (1) The number of FTE has been reduced for all positions in the executive branch (excluding the university system) that have been identified by the legislature as vacant for over 7 months. The reduction is inclusive in the number of FTE shown in the agency and program tables in the legislative fiscal analyst narrative accompanying this bill. The eliminated positions are not to be funded in the present law base budget submitted by the governor for the 2005 biennium. The Legislative Fiscal Division Fiscal Report shall include a table listing the position numbers of the FTE that are eliminated. The number of FTE eliminated by agency is as follows:

department of transportation	120.62
department of revenue	19.28
department of administration	3.34
department of public health and human services	42.61
department of fish, wildlife and parks	13.29
department of environmental quality	17.75
department of livestock	2.00
department of natural resources and conservation	13.15
department of agriculture	10.61
department of commerce	16.00
department of justice	5.25
department of public service regulation	1.50
department of corrections	31.30
department of labor and industry	10.25
department of military affairs	1.00
office of public instruction	1.50

(2) Any additional positions in the executive branch (excluding the university system) that have been vacant for over 9 months as of July 1, 2001, or that attain a 9-month or longer vacancy period as of the last day of each month thereafter must also be removed from the present law base budget. The office of budget and program planning shall extract a listing from the state personnel accounting system as of the last day of each month that identifies positions vacant for over 9 months and shall remove those positions from the present law base for development of the biennial budget. A copy of each monthly report must be provided to the legislative fiscal analyst."

Insert: "NEW SECTION. Section 10. Goals, benchmarks, and objectives. Each department, the Montana university system, and, when appropriate, each division of each department shall place their respective specific and measurable goals, benchmarks, and objectives for each year of the 2003 biennium on their respective internet websites or, when appropriate, on the state's internet website. On July 1, 2001, and again on July 1, 2002, each department and the Montana university system shall report progress on the appropriate website in meeting the goals, benchmarks, and objectives and what changes, if any, were made to ensure that those goals, benchmarks, and objectives are attained."

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Insert: "NEW SECTION. Section 11. State agency energy conservation goals. It is the intent of the legislature to encourage state agencies to implement an energy conservation program that will, at a minimum, reduce agency energy consumption by a prescribed goal. The goal for agencies with 100 or more FTE is to achieve a reduction in each fiscal year of the 2003 biennium of 15% of their total use of electricity and natural gas, as compared to the previous year, on each of an agency's state-owned or state-leased buildings. The goal for agencies with less than 100 FTE is a 9% reduction of energy usage, using the same measurement periods and criteria. The governor's budget director shall report in writing annually in September 2002 and September 2003 to the legislative finance committee on the percentage reduction achieved by each agency for the preceding fiscal year and summarize the conservation methods and practices used."

Insert: "NEW SECTION. Section 12. Report from governor's office on energy management efforts. The governor's office, in cooperation with the commissioner of higher education, shall provide a report to the 58th legislature that details the efforts of state agencies to address energy costs. The report must include but is not limited to energy management activities of the department of environmental quality, the department of administration, and the Montana university system. The report should enumerate data, activities, and recommendations in the following areas:

- (1) projected savings and other benefits from the state building energy conservation program, including building commissioning projects;
- (2) potential changes to the conservation program that would encourage agency participation;
- (3) other energy conservation efforts of state agencies;
- (4) changes needed to encourage state agencies to conserve energy that do not require expending money on energy conservation projects;
- (5) other energy conservation options and funding proposals;
- (6) progress on the utility bill monitoring pilot project and potential benefits coming from the project;
- (7) state government efforts to more efficiently purchase natural gas and electricity, including any plans to include more state facilities under the natural gas term contract and efforts to aggregate state agency electricity demand; and
- (8) other recommendations to the legislature that would improve state government energy management efforts."

Renumber: subsequent sections

3. Page A-1, line 5.

Strike: "4,159,440 4,460,606" [General Fund FY02 and FY03]

Insert: "4,291,663 4,594,020" [General Fund FY02 and FY03]

4. Page A-1, line 6.

Following: "(21)"

Insert: "(Biennial)"

5. Page A-1, line 12.

Strike: "1,360,939 1,295,891" [State Special Revenue FY02 and FY03]

Insert: "1,396,837 1,331,915" [State Special Revenue FY02 and FY03]

6. Page A-1.

Strike: line 17 through line 20 in their entirety

7. Page A-1, line 23.

Strike: "1,105,898 1,107,913"[State Special Revenue FY02 and FY03]

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Insert: "1,106,011 1,108,068"[State Special Revenue FY02 and FY03]

8. Page A-2, line 5.

Strike: "2,928,544 2,944,592" [General Fund FY02 and FY03]

Insert: "2,860,201 2,875,865" [General Fund FY02 and FY03]

Strike: "1,142,118 1,067,090" [State Special FY02 and FY03]

Insert: "1,150,000 1,075,000" [State Special FY02 and FY03]

Strike: "362,548 362,544" [Federal FY02 and FY03]

Insert: "183,725 183,725" [Federal FY02 and FY03]

9. Page A-2, line 9.

Strike: "50,000 50,000" [General Fund FY02 and FY03]

Insert: "82,182 82,182" [General Funds FY02 and FY03]

Strike: "100,000" [Federal Funds FY02]

Insert: "190,000" [Federal Funds FY02]

10. Page A-3.

Strike: line 1 through line 5 in their entirety

11. Page A-3, line 15.

Strike: "1,098,307 1,100,469" [General Fund FY02 and FY03]

Insert: "1,173,706 1,176,439" [General Fund FY02 and FY03]

Strike: "284,355 285,047" [State Special FY02 and FY03]

Insert: "286,634 287,333" [State Special FY02 and FY03]

12. Page A-4, line 13.

Strike: "28,903 29,400" [Federal FY02 and FY03]

Insert: "29,605 30,104" [Federal FY02 and FY03]

13. Page A-4.

Strike: line 18 through line 24 in their entirety

14. Page A-5, line 4.

Strike: "345,658 346,876"[General Fund FY02 and FY03]

Insert: "345,738 346,987"[General Fund FY02 and FY03]

15. Page A-5, line 14.

Strike: "527,085 525,042"[State Special Revenue FY02 and FY03]

Insert: "527,253 525,276"[State Special Revenue FY02 and FY03]

16. Page A-5, line 19.

Strike: "2,358,912 2,372,693" [State Special FY02 and FY03]

Insert: "2,404,683 2,418,935" [State Special FY02 and FY03]

17. Page A-5, line 25.

Strike: "190,139 190,167"[State Special Revenue FY02 and FY03]

Insert: "190,212 190,269"[State Special Revenue FY02 and FY03]

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18. Page A-6, line 1.

Strike: "318,143 320,405" [General Fund FY02 and FY03]

Insert: "334,569 336,873" [General Fund FY02 and FY03]

19. Page A-6.

Strike: line 10 through line 13 in their entirety

Insert: "Item 3 includes a reduction of \$9,149 in fiscal year 2002 and \$9,181 in fiscal year 2003 of general fund money. The office may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

20. Page A-6, line 14.

Following: "the first "of"

Strike: "\$7,548"

Insert: "\$2,890"

Following: "and"

Strike: "\$7,548"

Insert: "\$2,890"

Following: "equivalent of a"

Strike: "25%"

Insert: "10%"

21. Page A-6, line 19.

Strike: "16,248,715 16,257,464" [State Special FY02 and FY03]

Insert: "16,452,584 16,520,894" [State Special FY02 and FY03]

Strike: "1,246,811 1,180,637" [Federal Revenue FY02 and FY03]

Insert: "1,249,771 1,183,602" [Federal Revenue FY02 and FY03]

22. Page A-7, line 1.

Strike: "70,205,027 72,961,782" [State Special FY02 and FY03]

Insert: "71,531,203 74,292,575" [State Special FY02 and FY03]

Strike: "295,859,433 305,140,211" [Federal FY02 and FY03]

Insert: "296,588,388 305,871,704" [Federal FY02 and FY03]

23. Page A-8.

Strike: lines 10 and 15 in their entirety

24. Page A-9, line 5.

Strike: "1,459,317 1,486,979" [General Fund FY02 and FY03]

Insert: "1,498,751 1,526,552" [General Fund FY02 and FY03]

Strike: "1,060,499 1,064,878" [Proprietary Fund FY02 and FY03]

Insert: "1,085,594 1,090,060" [Proprietary Fund FY02 and FY03]

25. Page A-9, line 12.

Strike: "71,980,698 72,054,268" [General Fund FY02 and FY03]

Insert: "72,429,203 72,509,096" [General Fund FY02 and FY03]

Strike: "177,913 178,222" [State Special FY02 and FY03]

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Insert: "186,096 186,433" [State Special FY02 and FY03]

Strike: "1,037,116 1,088,494" [Federal FY02 and FY03]

Insert: "1,079,011 1,130,535" [Federal FY02 and FY03]

26. Page A-9, line 19 through page A-10, line 1.

Strike: line 19 on page A-9 through line 1 on page A-10

Insert: "Item 5 includes a reduction of \$215,326 in fiscal year 2002 and \$216,071 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

27. Page A-10, line 2.

Following: the first "of"

Strike: "\$126,505"

Insert: "\$15,066"

Following: "and"

Strike: "\$126,505"

Insert: "\$15,066"

Following: "equivalent of a"

Strike: "25%"

Insert: "3%"

28. Page A-10, line 9.

Strike: "1,060,713 1,067,214"[General Fund FY02 and FY03]

Insert: "1,070,018 1,076,779"[General Fund FY02 and FY03]

29. Page A-10, line 10.

Strike: "63,442 61,575" [Federal FY02 and FY03]

Insert: "64,315 62,451" [Federal FY02 and FY03]

30. Page A-10, line 18.

Strike: "1,137,381 1,147,185"[State Special Revenue FY02 and FY03]

Insert: "1,137,916 1,147,932"[State Special Revenue FY02 and FY03]

31. Page A-10, line 22.

Strike: "515,636 518,391"[General Fund FY02 and FY03]

Insert: "515,947 518,826"[General Fund FY02 and FY03]

32. Page A-11, line 6.

Strike: "1,057,488 1,059,793" [General Fund FY02 and FY03]

Insert: "1,092,389 1,095,102" [General Fund FY02 and FY03]

Strike: "8,190 8,926" [State Special FY02 and FY03]

Insert: "26,600 27,400" [State Special FY02 and FY03]

33. Page A-11, line 8.

Strike: "331,529 333,322"[General Fund FY02 and FY03]

Insert: "331,812 333,714"[General Fund FY02 and FY03]

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34. Page A-11, line 15.

Following: the first "of"

Strike: "\$12,772"

Insert: "\$4,122"

Following: "and"

Strike: "\$12,772"

Insert: "\$4,122"

Following: "equivalent of"

Strike: "a 25% "

Insert: "an 8% "

35. Page A-11.

Strike: line 17 through line 21 in their entirety

Insert: "Item 6 includes a reduction of \$21,490 in fiscal year 2002 and \$21,564 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

36. Page A-11, line 24.

Strike: "177,438 178,767"[State Special Revenue FY02 and FY03]

Insert: "177,534 178,901"[State Special Revenue FY02 and FY03]

37. Page B-1, line 4.

Strike: "132,537,828 135,860,524" [Federal Funds FY02 and FY03]

Insert: "135,636,532 138,709,228" [Federal Funds FY02 and FY03]

38. Page B-2, lines 19 and 20.

Strike: lines 19 and 20 in their entirety

Renumber: subsequent subsections

39. Page B-3, line 2.

Strike: "18,099,081 19,263,815" [General Funds FY02 and FY03]

Insert: "18,195,626 19,360,361" [General Funds FY02 and FY03]

Strike: "23,925,700 24,078,980" [Federal Funds FY02 and FY03]

Insert: "24,060,700 24,213,980" [Federal Funds FY02 and FY03]

40. Page B-3, line 11.

Strike: "528,302 532,126"[General Fund FY02 and FY03]

Insert: "538,820 542,713"[General Fund FY02 and FY03]

Strike: "1,281,084 1,343,448"[State Special FY02 and FY03]

Insert: "1,288,540 1,350,933"[State Special FY02 and FY03]

Strike: "724,527 729,403"[Federal Revenue FY02 and FY03]

Insert: "746,866 751,828"[Federal Revenue FY02 and FY03]

41. Page B-3.

Following: line 11

Insert: "a. Deputy Director (Restricted)

37,000 37,000" [General Fund FY02 and FY03]

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"15,750 15,750" [State Special Revenue FY02 and FY03]
"47,250 47,250" [Federal Funds FY02 and FY03]

42. Page B-4, line 5 through 7.

Strike: line 5 through line 7

Renumber: subsequent subsections

43. Page B-4, line 18.

Strike: "9,440,854 9,172,195" [General Fund FY02 and FY03]

Insert: "10,385,987 10,132,250" [General Fund FY02 and FY03]

Strike: "2,225,746 2,821,547" [State Special FY02 and FY03]

Insert: "2,567,695 3,167,089" [State Special FY02 and FY03]

Strike: "14,931,385 15,364,116" [Federal FY02 and FY03]

Insert: "15,881,424 16,329,740" [Federal FY02 and FY03]

44. Page B-4, line 23.

Strike: "44,616,059" [General Fund FY03]

Insert: "44,665,024" [General Fund FY03]

Strike: "56,039,368" [Federal Funds FY03]

Insert: "56,086,810" [Federal Funds FY03]

45. Page B-5, line 14.

Strike: "49,330,595 51,070,016" [General Fund FY02 and FY03]

"70,203,669 74,984,631" [Federal Funds FY02 and FY03]

Insert: "49,890,155 51,783,923" [General Fund FY02 and FY03]

"70,643,821 75,394,948" [Federal Funds FY02 and FY03]

46. Page B-5, line 17.

Strike: "(Restricted)"

47. Page B-6.

Following: line 9

Insert: "Funds appropriated for grants or benefits and claims or indicated in legislative intent as having been appropriated for grants or benefits and claims may be expended only as grants or benefits and claims."

48. Page B-6, line 21.

Following: "TRIBE"

Insert: "within the exterior boundaries of the Montana reservations"

49. Page B-6, line 24.

Strike: "1u"

Insert: "1t"

50. Page B-7, line 1.

Strike: "1v"

Insert: "1u"

51. Page B-7, lines 2 through 8.

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Strike: lines 2 through 8 in their entirety

Insert: "Projects funded in items 1a, 1d, 1f, 1g, 1h, 1i, 1j, 1k, 1l, 1m, 1n, 1o, 1p, 1q, 1r, 1s, 1t, and 1u are considered approved special projects related to welfare reform for the purpose of implementation of 53-4-210. Prior to the expenditure of these funds, the department shall provide notice both verbally and in writing to tribes that have implemented a federally approved tribal family assistance plan that funding for special projects is available. Tribes that operate a tribal family assistance plan may receive the funds in these items, and the department may award all or a portion of these funds to tribes that operate tribal family assistance plans as allowable within federal regulations.

Funds in item 3a may be used only to fund a deputy director position within the department."

52. Page B-7, line 18.

Strike: "5e"

Insert: "5d"

53. Page B-7, line 22.

Following: the first "of"

Strike: "\$266,059"

Insert: "\$158,038"

Following: "and"

Strike: "\$266,059"

Insert: "\$158,038"

Following: "equivalent of a"

Strike: "25%"

Insert: "15%"

54. Page B-7, line 24 through page B-8, line 3.

Strike: line 24 on page B-7 through line 3 on page B-8 in their entirety

Insert: "Item 7 includes a reduction of \$542,660 in fiscal year 2002 and \$544,550 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

The department shall make every effort to achieve an unqualified opinion in the financial compliance audit issued by the legislative audit division for the 2 years ending June 30, 2003. The legislature expects the department to take action to ensure that this achievement occurs, including exempting the fiscal bureau from vacancy savings requirements, exempting the fiscal bureau from reductions in staffing, establishing clear and appropriate fiscal policies and processes, and any other management actions that may reasonably be expected to result in the achievement of an unqualified audit opinion

55. Page B-8.

Following: line 16

Insert: "The disability services division shall complete a report on the impact that applying income criteria to determine eligibility for developmental disabilities program services and benefits would have on individuals, the waiting list for services, and the budget for the developmental disabilities program. The report must be presented to the legislative finance committee by June 30, 2002. The report to the legislative finance committee should include by age group (0-3, 4-5, 6-18, 18-21, and over 21 years of age) and by residential setting (recipient home, group home, institution, etc.):

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(1) the number of nonmedicaid-eligible recipients and the value of services, by funding source, provided to individuals and families with income at or below 200% of the federal poverty level; and

(2) the number of nonmedicaid-eligible recipients and the value of services, by funding source, provided to individuals and families with income at or below 150% of the federal poverty level.

The fiscal year 2003 funds in items 8, 8a, and 8b may not be expended until the report has been presented to the legislative finance committee."

56. Page B-9.

Following: line 15

Insert: "Item 10 includes \$559,560 in general fund money in fiscal year 2002 and \$713,907 in fiscal year 2003 that must be used to fund mental health services for persons eligible for the mental health services plan. At least \$480,000 of these general fund appropriations must be used for grants to one or more local children's mental health provider coalitions to prevent placement of emotionally disturbed children in out-of-home services."

57. Page B-9, line 16.

Following: "fund services at Montana state hospital"

Strike: "or" through "hospital"

Insert: "and for staff and utilization review activities to reduce the use of institutional services. Any funds not spent for staff and utilization review activities must be used to fund community services, which will reduce the need for inpatient and institutional care"

58. Page B-9, lines 18 and 19.

Following: "children."

Strike: the remainder of line 18 and through line 19

Insert: "Any unexpended funds appropriated in item 10b must be transferred to the human and community services division in support of the state's attainment of the maintenance of effort related to the TANF block grant."

59. Page B-9, lines 21 and 22.

Following: "one-time"

Strike: the remainder of lines 21 and 22.

Insert: "increases in reimbursement for services provided in frontier counties by county-funded mental health medicaid service providers."

60. Page C-1, line 4.

Strike: "5,667,680 5,694,298"[State Special Revenue FY02 and FY03]

Insert: "5,683,118 5,715,726"[State Special Revenue FY02 and FY03]

61. Page C-2, line 17.

Strike: "278,934 278,932" [General Fund FY02 and FY03]

Insert: "279,256 279,255" [General Fund FY02 and FY03]

Strike: "4,138,109 4,182,753" [State Special FY02 and FY03]

Insert: "4,518,999 4,564,968" [State Special FY02 and FY03]

Strike: "79,857 79,266" [Federal FY02 and FY03]

Insert: "244,914 244,896" [Federal FY02 and FY03]

62. Page C-5.

Strike: line 7 through line 11 in their entirety

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Insert: "Item 6 includes a reduction of \$224 in fiscal year 2002 and \$225 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

63. Page C-7, line 21.

Strike: "~~1,172,630~~ ~~1,139,839~~" [General Fund FY02 and FY03]

Insert: "1,217,914 1,185,231 [General Fund FY02 and FY03]

Strike: "~~8,132,523~~ ~~8,192,383~~" [State Special FY02 and FY03]

Insert: "8,282,151 8,342,531" [State Special FY02 and FY03]

Strike: "~~3,575,290~~ ~~3,560,032~~" [Federal FY02 and FY03]

Insert: "3,716,638 3,701,871" [Federal FY02 and FY03]

64. Page C-8.

Following: line 20

Insert: "m. Zortman/Landusky Long-Term Water Treatment Trust (Restricted/OTO)
540,000" [state special revenue FY 2003]

65. Page C-9, line 2.

Following: the first "of"

Strike: "\$21,618"

Insert: "\$7,328"

Following: "and"

Strike: "\$21,618"

Insert: "\$7,328"

Following: "equivalent of"

Strike: "a 25% "

Insert: "an 8% "

66. Page C-9.

Strike: line 4 through line 8 in their entirety

Insert: "Item 5 includes a reduction of \$21,608 in fiscal year 2002 and \$21,683 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

Item 5m includes a restricted, one-time-only appropriation of up to \$540,000 from state special revenue funds in fiscal year 2003 that have been transferred from the resource indemnity trust fund. The appropriation is contingent upon the state treasurer's certification to the office of budget and program planning and to the legislative finance committee that the trust balance is in excess of \$100 million. Upon meeting the contingency in fiscal year 2003, the office of budget and program planning is authorized to transfer up to \$540,000 in cash from the resource indemnity trust fund to a state special revenue fund to be used to purchase federal debt obligation securities that mature in June 2017 to partially fund the long-term water treatment trust for the former Zortman and Landusky mines."

67. Page C-9, line 14.

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Strike: "~~8,252~~ ~~10,820~~" [General Fund FY02 and FY03]
Insert: "14,748 17,416" [General Fund FY02 and FY03]
Strike: "~~907,038~~ ~~931,716~~" [State Special FY02 and FY03]
Insert: "1,028,923 1,054,776" [State Special FY02 and FY03]
Strike: "~~105,584~~ ~~76,561~~" [Federal FY02 and FY03]
Insert: "116,009 87,157" [Federal FY02 and FY03]

68. Page C-9, line 20.

Strike: "183,209 183,225"[FY 02 & 03 General Fund]
Insert: "190,933 190,949"[FY 02 & 03 General Fund]

69. Page C-10, line 24 through page C-11, line 7.

Strike: line 24 on page C-10 through line 7 on page C-11 in their entirety
Insert: Item 1 includes a reduction of \$4,398 in fiscal year 2002 and \$4,413 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

70. Page C-11, line 11.

Strike: "~~1,299,670~~ ~~1,309,976~~" [General Fund FY02 and FY03]
Insert: "1,542,278 1,553,621" [General Fund FY02 and FY03]
Strike: "~~249,104~~ ~~256,683~~" [State Special FY02 and FY03]
Insert: "425,067 433,259" [State Special FY02 and FY03]
Strike: "~~83,283~~ ~~83,207~~" [Federal FY02 and FY03]
Insert: "105,000 105,000" [Federal FY02 and FY03]

71. Page C-11, following line 15.

Insert: "c. Debt Service to Reimburse Montana Science Institute (Restricted/OTO)
38,000" [General fund FY 03]

72. Page C-11, line 17.

Strike: "1,131,563 1,142,434"[State Special Revenue FY02 and FY03]
Insert: "1,132,008 1,143,052"[State Special Revenue FY02 and FY03]

73. Page C-11, line 21.

Strike: "1,822,370 1,741,099"[General Fund FY02 and FY03]
Insert: "1,822,848 1,741,762"[General Fund FY02 and FY03]

74. Page C-11.

Strike: line 22 through line 24 in their entirety
Renumber: subsequent subsections

75. Page C-12, line 19.

Strike: "5,927,624 5,988,090"[General Fund FY02 and FY03]
Insert: "5,930,069 5,991,483"[General Fund FY02 and FY03]

76. Page C-13, line 6.

Strike: "724,000 726,262"[General Fund FY02 and FY03]

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Insert: "724,261 726,624"[General Fund FY02 and FY03]

77. Page C-13, line 10.

Strike: "6,052,809 6,088,257"[General Fund FY02 and FY03]

Insert: "6,056,464 6,093,328"[General Fund FY02 and FY03]

Strike: "10,919,855 11,030,296"[State Special Revenue FY02 and FY03]

Insert: "10,922,550 11,034,040"[State Special Revenue FY02 and FY03]

78. Page C-14, line 10.

Following: the first "of"

Strike: "\$83,468"

Insert: "\$33,468"

Following: "and"

Strike: "\$83,468"

Insert: "\$33,468"

Following: "equivalent of a"

Strike: "25%"

Insert: "10%"

79. Page C-14.

Strike: lines 12 through 18 in their entirety

Insert: Item 1 includes a reduction of \$107,169 in fiscal year 2002 and \$107,543 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

80. Page C-15.

Strike: line 6 through line 7 in their entirety

81. Page C-15, line 16.

Following: "6b"

Strike: "are those"

Insert: "includes"

82. Page C-15, line 24.

Strike: "156,022 178,786" [General Fund FY02 and FY03]

Insert: "165,498 188,279" [General Fund FY02 and FY03]

Strike: "368,162 353,155" [State Special FY02 and FY03]

Insert: "446,473 431,837" [State Special FY02 and FY03]

Strike: "58,458 58,264" [Federal FY02 and FY03]

Insert: "68,813 68,655" [Federal FY02 and FY03]

Strike: "42,834 44,894" [Proprietary FY02 and FY03]

Insert: "48,892 50,973" [Proprietary FY02 and FY03]

83. Page C-16, line 5.

Strike: "4,453,416 4,435,233"[State Special Revenue FY02 and FY03]

Insert: "4,454,865 4,437,272"[State Special Revenue FY02 and FY03]

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84. Page C-16, line 13.

Strike: "353,612 356,431"[General Fund FY02 and FY03]

Insert: "353,758 356,635"[General Fund FY02 and FY03]

Strike: "3,183,896 3,146,249"[State Special Revenue FY02 and FY03]

Insert: "3,184,793 3,147,491"[State Special Revenue FY02 and FY03]

Strike: "267,689 267,947"[Proprietary Funds FY02 and FY03]

Insert: "267,859 268,174"[Proprietary Funds FY02 and FY03]

85. Page C-16, line 21.

Following: the first "of"

Strike: "\$9,627"

Insert: "\$4,827"

Following: "and"

Strike: "\$9,627"

Insert: "\$4,827"

Following: "equivalent of a"

Strike: "25%"

Insert: "13%"

86. Page C-16, line 23 through page C-17, line 2.

Strike: line 23 on page C-16 through line 2 on page C-17 in their entirety

Insert: "Item 1 includes a reduction of \$2,715 in fiscal year 2002 and \$2,725 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

87. Page C-17, line 5.

Strike: "694,288 697,611"[State Special Revenue FY02 and FY03]

Insert: "694,566 697,997"[State Special Revenue FY02 and FY03]

88. Page C-17, line 9.

Strike: "1,567,590 1,578,405"[State Special Revenue FY02 and FY03]

Insert: "1,568,342 1,579,449"[State Special Revenue FY02 and FY03]

89. Page C-17, line 17.

Strike: "147,704 148,951"[General Fund FY02 and FY03]

Insert: "147,755 149,021"[General Fund FY02 and FY03]

90. Page C-17, line 22.

Strike: "1,129,870 1,136,289" [General Fund FY02 and FY03]

Insert: "1,165,124 1,171,914" [General Fund FY02 and FY03]

Strike: "110,840 110,363" [State Special FY02 and FY03]

Insert: "247,344 247,339" [State Special FY02 and FY03]

Strike: "4,041,009 4,041,299" [Federal FY02 and FY03]

Insert: "4,069,728 4,070,118" [Federal FY02 and FY03]

91. Page C-18, line 5.

Strike: "435,416 440,187"[General Fund FY02 and FY03]

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Insert: "435,473 440,266"[General Fund FY02 and FY03]
Strike: "1,835,248 1,895,206"[State Special Revenue FY02 and FY03]
Insert: "1,835,393 1,895,408"[State Special Revenue FY02 and FY03]
Strike: "8,179,068 8,179,480"[Federal Special Revenue FY02 and FY03]
Insert: "8,179,207 8,179,673"[Federal Special Revenue FY02 and FY03]

92. Page C-18, line 11.

Strike: "427,602 430,187"[General Fund FY02 and FY03]
Insert: "427,754 430,398"[General Fund FY02 and FY03]

93. Page C-18, line 15.

Strike: "3,189,177 3,181,356"[State Special Revenue FY02 and FY03]
Insert: "3,190,643 3,183,391"[State Special Revenue FY02 and FY03]

94. Page C-18, line 21.

Strike: "53,450,092 56,319,440"[Federal Special Revenue FY02 and FY03]
Insert: "53,450,673 56,320,247"[Federal Special Revenue FY02 and FY03]

95. Page C-19, line 1.

Strike: "8,529,262 8,867,477" [Proprietary FY02 and FY03]
Insert: "8,565,683 8,904,330" [Proprietary FY02 and FY03]

96. Page C-19, line 7.

Strike: "238,108 239,319"[State Special Revenue FY02 and FY03]
Insert: "238,204 239,452"[State Special Revenue FY02 and FY03]

97. Page C-19, line 11.

Strike: "265,624 268,227"[General Fund FY02 and FY03]
Insert: "265,757 268,411"[General Fund FY02 and FY03]

98. Page C-19, following line 18.

Insert: "b. Federal Building Rent 70,338 [State Special FY03] 55,038 [Federal Special FY03]
c. Federal Building/Move (OTO)
10,000 32,000 [State Special FY02 and FY03] 18,000 6,000" [Federal Special FY02 and FY03]

99. Page C-19, line 25 through page C-20, line 4.

Strike: line 25 on page C-19 through line 4 on page C-20 in their entirety
Insert: "Item 5 includes a reduction of \$13,252 in fiscal year 2002 and \$13,298 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

100. Page C-20, line 5.

Following: "fund"
Strike: "\$340,961"
Insert: "\$515,961"
Following: "and"

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107. Page D-1, line 15.

Strike: "2,494,360 2,511,938"[General Fund FY02 and FY03]

Insert: "2,495,448 2,513,448"[General Fund FY02 and FY03]

108. Page D-1, line 19.

Strike: "946,936 949,496"[general fund FY02 and FY03]

Insert: "947,203 949,866"[general fund FY02 and FY03]

Strike: "2,257,622 2,267,500"[state special revenue FY02 & 03]

Insert: "2,258,625 2,268,893"[state special revenue FY02 & 03]

109. Page D-1, line 21.

Strike: "8,136,355 8,189,320"[General Fund FY02 and FY03]

Insert: "8,186,167 8,240,751"[General Fund FY02 and FY03]

110. Page D-1, line 23.

Strike: "17,043,371 17,340,140"[State Special Revenue FY02 and FY03]

Insert: "17,050,446 17,349,960"[State Special Revenue FY02 and FY03]

111. Page D-1, line 25.

Strike: "2,306,218 2,320,009"[General Fund FY02 and FY03]

Insert: "2,307,322 2,321,541"[General Fund FY02 and FY03]

Strike: "317,530 318,765"[State Special Revenue FY02 and FY03]

Insert: "317,557 318,802"[State Special Revenue FY02 and FY03]

Strike: "1,340,017 1,345,719"[Federal Special Revenue FY02 and FY03]

Insert: "1,340,519 1,346,416"[Federal Special Revenue FY02 and FY03]

112. Page D-2, line 4.

Strike: "1,104,358 1,089,466"[General Fund FY02 and FY03]

Insert: "1,104,721 1,089,970"[General Fund FY02 and FY03]

113. Page D-2, line 6.

Strike: "354,085 352,410"[State Special Revenue FY02 and FY03]

Insert: "354,448 352,914"[State Special Revenue FY02 and FY03]

114. Page D-2, line 11.

Strike: "2,587,002 2,599,915" [General Fund FY02 and FY03]

Insert: "2,793,463 2,807,583"[General Fund FY02 and FY03]

Strike: "357,968 356,916"[State Special FY02 and FY03]

Insert: "656,401 656,387"[State Special FY02 and FY03]

Strike: "745,904 745,797"[Federal Fund FY02 and FY03]

Insert: "771,611 771,594"[Federal Fund FY02 and FY03]

Strike: "9,936 9,935"[Proprietary Fund FY02 and FY03]

Insert: "10,199 10,199"[Proprietary Fund FY02 and FY03]

115. Page D-2, line 15.

Strike: "2,057,290 2,046,498"[General Fund FY02 and FY03]

Insert: "2,057,834 2,047,253"[General Fund FY02 and FY03]

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116. Page D-3, line 9.

Following: the first "of"

Strike: "\$77,142"

Insert: "\$31,502"

Following: "and"

Strike: "\$77,142"

Insert: "\$31,502"

Following: "equivalent of a"

Strike: "25%"

Insert: "10%"

117. Page D-3.

Strike: line 13 through line 17 in their entirety

Insert: "Item 9 includes a reduction of \$127,892 in fiscal year 2002 and \$128,336 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

118. Page D-4, line 3.

Strike: "2,407,836 2,388,482"[State Special FY02 and FY03]

Insert: "2,428,904 2,409,962"[State Special FY02 and FY03]

Strike: "15,432 15,430"[Federal Fund FY02 and FY03]

Insert: "13,667 13,666"[Federal Fund FY02 and FY03]

119. Page D-4.

Strike: lines 14 and 15 in their entirety

120. Page D-4, line 19.

Strike: "14,207,232 14,238,985"[General Fund FY02 and FY03]

Insert: "14,800,869 14,409,598"[General Fund FY02 and FY03]

Strike: "58,110 54,227"[Proprietary FY02 and FY03]

Insert: "67,057 65,181"[Proprietary FY02 and FY03]

121. Page D-4.

Following: line 21

Insert: "b. Establishment of Criteria and Treatment of Hepatitis C
103,510 567,909"[general fund FY02 and FY03]

122. Page D-4, line 23.

Strike: "32,629,140 34,353,289"[FY 02 & 03 General Fund]

Insert: "32,634,379 34,358,528"[FY 02 & 03 General Fund]

123. Page D-5.

Following: line 6

Insert: "Because the percentage of American Indians in our state's correctional system ranges from 17% in the men's prison to up to 40% in the women's prison, it is important that the department maintain open communications and liaisons with the Montana tribes. Therefore, the department shall designate one of its current full-time equivalent employees in the administration and support services division to have

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included as a part of the employee's job responsibilities the duty to serve as a liaison with the Montana tribes and the department regarding American Indian inmate issues and concerns in all correctional facilities, including contracted bed facilities.

The department is encouraged to use telemedicine technology to the fullest extent possible to effect savings within the department."

124. Page D-5.

Strike: line 7 through line 10 in their entirety

Insert: "Item 1 includes a reduction of \$401,402 in fiscal year 2002 and \$402,801 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

125. Page D-5, line 11.

Following: the first "of"

Strike: "\$112,296"

Insert: "\$107,057"

Following: "and"

Strike: "\$112,296"

Insert: "\$107,057"

Following: "equivalent of a"

Strike: "25%"

Insert: "24%"

126. Page D-5, line 19.

Strike: "691,220 693,564"[General Fund FY02 and FY03]

Insert: "691,355 693,752"[General Fund FY02 and FY03]

Strike: "6,694,562 6,726,459"[State Special Revenue FY02 and FY03]

Insert: "6,701,113 6,735,551"[State Special Revenue FY02 and FY03]

Strike: "24,353,747 24,370,144"[Federal Special Revenue FY02 and FY03]

Insert: "24,354,444 24,371,112"[Federal Special Revenue FY02 and FY03]

127. Page D-5.

Following: line 23

Insert: "c. Displaced Homemaker Program 235,605 235,605" [General Fund FY02 and FY03]

128. Page D-5, line 25.

Strike: "6,184,411 6,233,008"[Federal Special Revenue FY02 and FY03]

Insert: "6,186,716 6,236,208"[Federal Special Revenue FY02 and FY03]

129. Page D-6, line 7.

Strike: "121,453 122,010"[General Fund FY02 and FY03]

Insert: "149,746 150,348"[General Fund FY02 and FY03]

Strike: "295,486 299,585"[State Special FY02 and FY03]

Insert: "530,987 536,048"[State Special FY02 and FY03]

Strike: "180,874 181,699"[Federal Fund FY02 and FY03]

Insert: "445,678 447,421"[Federal Fund FY02 and FY03]

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130. Page D-6, line 11.

Strike: "886,421 890,932"[General Fund FY02 and FY03]

Insert: "886,698 891,317"[General Fund FY02 and FY03]

Strike: "5,713,800 5,752,229"[State Special Revenue FY02 and FY03]

Insert: "5,815,940 5,849,545"[State Special Revenue FY02 and FY03]

Strike: "650,833 654,100"[Federal Special Revenue FY02 and FY03]

Insert: "761,902 765,250"[Federal Special Revenue FY02 and FY03]

131. Page D-6, line 17.

Strike: "2,964,617 2,966,338"[Federal Special Revenue FY02 and FY03]

Insert: "2,964,714 2,966,472"[Federal Special Revenue FY02 and FY03]

132. Page D-6, line 21.

Strike: "422,851 428,777"[State Special Revenue FY02 and FY03]

Insert: "422,967 428,938"[State Special Revenue FY02 and FY03]

133. Page D-7, line 5.

Following: the first "of"

Strike: "\$16,420"

Insert: "\$923"

Following: "and"

Strike: "\$16,420"

Insert: "\$923"

Following: "equivalent of a"

Strike: "25%"

Insert: "1%"

134. Page D-7.

Strike: line 7 through line 11 in their entirety

Insert: "Item 3 includes a reduction of \$7,635 in fiscal year 2002 and \$7,661 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

135. Page D-7, line 14.

Strike: "366,616 365,215"[General Fund FY02 and FY03]

Insert: "367,042 365,807"[General Fund FY02 and FY03]

136. Page D-7, line 24.

Strike: "1,113,087 1,116,859"[General Fund FY02 and FY03]

Insert: "1,114,027 1,118,162"[General Fund FY02 and FY03]

Strike: "1,669,673 1,675,346"[Federal Special Revenue FY02 and FY03]

Insert: "1,671,040 1,677,243"[Federal Special Revenue FY02 and FY03]

137. Page D-8, lines 1 and 2.

Strike: line 1 and line 2 in their entirety

138. Page D-8, line 5.

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Strike: "1,139,606 1,198,121"[General Fund FY02 and FY03]

Insert: "1,181,699 1,240,481"[General Fund FY02 and FY03]

Strike: "123,218 221,614"[State Special FY02 and FY03]

Insert: "124,400 222,800"[State Special FY02 and FY03]

Strike: "3,549,352 3,645,916"[Federal Fund FY02 and FY03]

Insert: "3,640,929 3,738,366"[Federal Fund FY02 and FY03]

139. Page D-8, line 9.

Strike: "200,249 208,431"[General Fund FY02 and FY03]

Insert: "200,334 208,550"[General Fund FY02 and FY03]

Strike: "2,019,140 2,014,587"[Federal Special Revenue FY02 and FY03]

Insert: "2,020,763 2,016,840"[Federal Special Revenue FY02 and FY03]

140. Page D-8, line 13.

Strike: "505,171 507,632"[General Fund FY02 and FY03]

Insert: "505,769 508,462"[General Fund FY02 and FY03]

Strike: "1,766,187 1,326,648"[Federal Special Revenue FY02 and FY03]

Insert: "1,766,785 1,327,478"[Federal Special Revenue FY02 and FY03]

141. Page D-8, line 19.

Strike: "688,957 684,164"[General Fund FY02 and FY03]

Insert: "689,897 685,468"[General Fund FY02 and FY03]

Strike: "161,428 161,495"[State Special Revenue FY02 and FY03]

Insert: "161,513 161,614"[State Special Revenue FY02 and FY03]

142. Page D-9, line 3.

Following: "FTE"

Strike: "is"

Insert: "are"

143. Page D-9, line 4.

Following: line 3

Insert: "The general fund appropriation in item 2b may be used only for matching funds for Montana residents."

144. Page D-9, line 4.

Following: the first "of"

Strike: "\$26,615"

Insert: "\$14,018"

Following: "and"

Strike: "\$26,615"

Insert: "\$14,018"

Following: "equivalent of a"

Strike: "25%"

Insert: "13%"

145. Page D-9.

Strike: line 6 through line 10 in their entirety

Insert: "Item 4 includes a reduction of \$20,312 in fiscal year 2002 and \$20,381 in fiscal year 2003 of general fund

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money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

146. Page E-1, line 5.

Strike: "~~4,130,606~~ ~~4,150,180~~"[General Fund FY02 and FY03]

Insert: "4,291,310 4,311,387"[General Fund FY02 and FY03]

Strike: "~~165,549~~ ~~165,615~~"[State Special FY02 and FY03]

Insert: "169,100 169,178"[State Special FY02 and FY03]

147. Page E-1, line 12.

Strike: "~~7,488,690~~ ~~7,499,974~~"[Federal Fund FY02 and FY03]

Insert: "7,537,148 7,548,601"[Federal Fund FY02 and FY03]

148. Page E-1, line 15 and line 16.

Strike: line 15 and line 16 in their entirety

149. Page E-1, line 19.

Strike: "(Biennial)"

Insert: "(Restricted/Biennial)"

150. Page E-1, line 21.

Strike: "~~435,316,549~~ ~~443,202,726~~"[General Fund FY02 and FY03]

Insert: "432,677,022 440,553,781"[General Fund FY02 and FY03]

151. Page E-1, line 22.

Strike: "(Biennial)"

Insert: "(Restricted/Biennial)"

152. Page E-1, line 24.

Strike: "(Biennial)"

Insert: "(Restricted/Biennial)"

153. Page E-2, line 1.

Strike: "(Biennial)"

Insert: "(Restricted/Biennial)"

154. Page E-2, line 17 through line 21.

Strike: lines 17 through 21 in their entirety

Renumber: subsequent subsections

155. Page E-3.

Strike: line 18 through line 22 in their entirety

Insert: "Item 1 includes a reduction of \$24,236 in fiscal year 2002 and \$24,322 in fiscal year 2003 of general fund money. The office may reallocate this reduction in funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

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156. Page E-3, line 12.

Strike: "\$35,313" in both places

Insert: "\$19,069" in both places

Strike: "25%"

Insert: "13.5%"

157. Page E-3, line 25.

Strike: line 25 in its entirety

158. Page E-4, line 1

Strike: "2O"

Insert: "2m"

Strike: "2R"

Insert: "2p"

159. Page E-4, line 6.

Strike: line 6 in its entirety

Insert: "The legislature requests the board of public education, the office of the superintendent of public instruction, and the education interim committee to examine the reasons for the continuing decline of teachers' salaries as a percent of the total K-12 budget and to provide written recommendations on how to reverse this trend within existing budgets to the education interim committee by June 1, 2002."

The legislature requests the board of public education, the office of the superintendent of public instruction, and the education interim committee to examine state rules and regulations impacting K-12 education for the purpose of identifying rules or regulations that could be changed or deleted in order to maximize budget flexibility for local school districts and to provide the same or improved quality of education services to students. The board of public education and the office of the superintendent of public instruction shall report findings and recommendations to the education interim committee by June 1, 2002.

The legislature requests the board of public education, the office of the superintendent of public instruction, and the education interim committee to examine federal laws and regulations impacting K-12 education for the purpose of identifying laws or regulations that could be changed or deleted in order to maximize budget flexibility for local school districts and to provide the same or improved quality of education services to students. The board of public education and the office of the superintendent of public instruction shall report findings and recommendations to the governor by January 1, 2002. The governor shall follow up on the recommendations and report the recommendation implementation status to the education interim committee by September 1, 2002."

160. Page E-4, line 9.

Strike: "145,629 142,524"[General Fund FY02 and FY03]

Insert: "164,125 170,507"[General Fund FY02 and FY03]

Strike: "11,425 11,425"[State Special Revenue FY02 and FY03]

Strike: "12,041 12,041"[State Special Revenue FY02 and FY03]

161. Page E-4, lines 12 and 13.

Strike: lines 12 and 13 in their entirety.

162. Page E-4, lines 21 through 23.

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Strike: lines 21 through 23 in their entirety.

163. Page E-5, line 1.

Strike: "300,395 298,071"[General Fund FY02 and FY03]

Insert: "302,064 300,387"[General Fund FY02 and FY03]

164. Page E-5, line 8.

Strike: "901,119 904,583" [General Fund FY02 and FY03]

Insert: "918,708 922,187" [General Fund FY02 and FY03]

165. Page E-5, line 11.

Strike: "1,767,363 1,767,599"[General Fund FY02 and FY03]

Insert: "1,832,762 1,833,174"[General Fund FY02 and FY03]

Strike: "229,534 229,515"[State Special FY02 and FY03]

Insert: "235,065 235,065"[State Special FY02 and FY03]

Strike: "62,316 62,311"[Federal Fund FY02 and FY03]

Insert: "63,898 63,898"[Federal Fund FY02 and FY03]

166. Page E-5.

Strike: lines 16 through 22 in their entirety

Insert: "Item 4 includes a reduction of \$26,189 in fiscal year 2002 and \$26,279 in fiscal year 2003 of general fund money. The school may reallocate this reduction in funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

167. Page E-5, line 25.

Strike: "313,215 301,681"[General Fund FY02 and FY03]

Insert: "314,029 302,551"[General Fund FY02 and FY03]

168. Page E-6, line 7.

Following: the first "of"

Strike: "\$1,803"

Insert: "\$1,132"

Following: "and"

Strike: "\$1,803"

Insert: "\$1,132"

Following: "equivalent of a"

Strike: "25%"

Insert: "16%"

169. Page E-6, line 12.

Strike: "1,779,412 1,520,246"[General Fund FY02 and FY03]

Insert: "1,790,071 1,531,254"[General Fund FY02 and FY03]

Strike: "173,670 173,656"[State Special FY02 and FY03]

Insert: "177,710 177,710"[State Special FY02 and FY03]

Strike: "1,193,389 743,364"[Federal Fund FY02 and FY03]

Insert: "1,200,694 750,694"[Federal Fund FY02 and FY03]

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170. Page E-6, line 20.

Strike: "140,487" [State Special FY02]

Insert: "115,487" [State Special FY02]

Strike: "475,000" [Federal Special FY02]

Insert: "0"

171. Page E-6, following line 20.

Insert: "b. Legislative Contract Authority (Biennial/OTO) 25,000 [State Special FY02]
475,000" [Federal Special FY01]

172. Page E-7, line 1.

Following: the first "of"

Strike: "\$7,261"

Insert: "\$4,561"

Following: "and"

Strike: "\$7,261"

Insert: "\$4,561"

Following: "equivalent of a"

Strike: "25%"

Insert: "16%"

173. Page E-7.

Strike: line 3 through line 6 in their entirety

174. Page E-7, line 7.

Strike: "2"

Insert: "2b"

175. Page E-7, line 17.

Strike: "780,945 784,760"[General Fund FY02 and FY03]

Insert: "796,224 800,573"[General Fund FY02 and FY03]

Strike: "205,190 199,792"[State Special FY02 and FY03]

Insert: "217,473 212,116"[State Special FY02 and FY03]

Strike: "49,671 50,468"[Federal Fund FY02 and FY03]

Insert: "56,796 57,616"[Federal Fund FY02 and FY03]

Strike: "63,534 63,512"[Proprietary FY02 and FY03]

Insert: "70,000 70,000"[Proprietary FY02 and FY03]

176. Page E-8, line 14.

Following: the first "of"

Strike: "\$6,549"

Insert: "\$5,278"

Following: "and"

Strike: "\$6,549"

Insert: "\$5,278"

177. Page E-8.

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Strike: line 16 through line 20

Insert: "Item 1 includes a reduction of \$9,453 in fiscal year 2002 and \$9,483 in fiscal year 2003 of general fund money. The society may reallocate this reduction in funding among programs when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

178. Page E-8, line 22.

Following: "fund"

Strike: "\$340,961"

Insert: "\$515,961"

Following: "and"

Strike: "\$336,677"

Insert: "\$511,677"

179. Page E-9, line 3.

Strike: "Lewis and Clark Grant Funding	100,000	100,000"
Insert: "Lewis and Clark Bicentennial Commission	200,000	200,000
Historical Interpretation	75,000	75,000"

180. Page E-9, line 6.

Strike: "1,221,994 1,236,481"[FY02 and FY03 General Fund]

Insert: "1,228,557 1,243,480"[FY02 and FY03 General Fund]

181. Page E-9, line 15.

Strike: "5,540,013 5,597,528"[FY02 and FY03 General Fund]

Insert: "5,646,013 5,674,378"[FY02 and FY03 General Fund]

182. Page E-9, line 21.

Strike: "7,741,446 6,101,291"[Federal Fund FY02 and FY03]

Insert: "7,765,831 6,125,761"[Federal Fund FY02 and FY03]

183. Page E-9, line 23.

Strike: "99,820,715 100,321,170"[FY02 and FY03 General Fund]

Insert: "99,963,345 100,475,675"[FY02 and FY03 General Fund]

184. Page E-10, line 4.

Strike: "9,667,170 9,702,731"[FY02 and FY03 General Fund]

Insert: "9,672,791 9,708,352"[FY02 and FY03 General Fund]

185. Page E-10, line 8.

Strike: "3,974,244 3,989,997"[FY02 and FY03 General Fund]

Insert: "3,988,784 4,004,537"[FY02 and FY03 General Fund]

186. Page E-10, line 12.

Strike: "1,516,947 1,521,761"[FY02 and FY03 General Fund]

Insert: "1,524,204 1,529,018"[FY02 and FY03 General Fund]

187. Page E-11, line 4.

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Following: the first "of"
Strike: "\$16,926"
Insert: "\$11,255"
Following: "and"
Strike: "\$16,926"
Insert: "\$11,255"
Following: "equivalent of a"
Strike: "25%"
Insert: "17%"

188. Page E-11, line 14.
Strike: "1,990"
Insert: "2,030"

189. Page E-11, line 15.
Strike: "2,011"
Insert: "2,040"

190. Page E-11.
Following: line 24
Insert: "Item 7 includes a reduction of \$779,826 in fiscal year 2002 and \$782,537 in fiscal year 2003 of general fund money. The board of regents may reallocate this reduction in funding among university system units, as defined in 17-7-102(13), when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year."

191. Page E-12, line 8.
Following: "of"
Strike: "\$110,388,170"
Insert: "\$110,421,986"
Following: the first "and"
Strike: "\$109,729,925"
Insert: "\$109,776,960"

192. Page R-7, line 17.
Strike: "\$4,793,553 \$4,985,295"
Insert: "\$5,362,500 \$5,775,000"

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

JUDICIARY (Grosfield, Chairman):
HB 146, be amended as follows:

3/27/2001

1. Page 24, line 15.
Following: line 14
Insert: "NEW SECTION. Section 23. Coordination instruction. (1) If Senate Bill No. 386 is not passed and approved, then:

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- (a) [sections 2 through 5, 9 through 11, and 13 through 22 of this act] are void;
- (b) section 2, Chapter 161, Laws of 1999, is amended to read:

"Section 2. Section 82, Chapter 550, Laws of 1997, is amended to read:

"Section 82. Termination. [Section 73] terminates December 31, ~~1998~~ 2000 2002.""; and

- (c) section 82, Chapter 550, Laws of 1997, is amended to read:

"Section 82. Termination. [Section 73] terminates December 31, ~~1998~~ 2002."

- (2) If Senate Bill No. 386 and [this act] are both passed and approved, then:

- (a) the amendment to subsection (11) of 41-5-103 made by [section 1 of this act] is void;
- (b) [section 2 of this act] is void and 41-5-121 is amended to read:

Section 2. Section 41-5-121, MCA, is amended to read:

"41-5-121. Youth placement committees -- composition. (1) In each judicial district, the department shall establish a youth placement committee for the purposes of:

- (a) recommending an appropriate placement of a youth referred to the department under 41-5-1512 and 41-5-1513; or

- (b) recommending available community services or alternative placements whenever a change is required in the placement of a youth who is currently in the custody of the department under 41-5-1512 or 41-5-1513.

However, the committee may not substitute its judgment for that of the superintendent of a state youth correctional facility regarding the discharge of a youth from the facility.

(2) The committee consists of not less than five members and must include persons who are knowledgeable about the youth, treatment and placement options, and other resources appropriate to address the needs of the youth. Members may include:

- (a) two representatives of the department;
 - (b) a representative of the department of public health and human services;
 - (c) either the chief probation officer or the youth's probation officer;
 - (d) a mental health professional;
 - (e) a representative of a school district located within the boundaries of the judicial district who must have personal knowledge of and experience with the youth;
 - (f) if an Indian child or children are involved, someone, preferably an Indian person, knowledgeable about Indian culture and family matters;
 - (g) a parent or guardian; and
 - (h) a youth services provider.
- (3) Committee members serve without compensation.
- (4) Notwithstanding the provisions of 41-5-123, the committee may be convened by the department or the probation officer of the youth court.

(5) If a representative of the school district within the boundaries of which the youth is recommended to be placed and will be attending school is not included on the committee, the person who convened the committee shall inform the school district of the final placement decision for the youth.

(6) The department may not disburse funds from the budget allocation accounts established pursuant to [section 1 of Senate Bill No. 386] unless the youth court has established a youth placement committee as provided in this section."

- (c) [sections 3 through 5, 11, and 13 through 22 of this act] are void;
- (d) [section 9 of this act] is void and 41-5-1512 is amended to read:

"Section 6. Section 41-5-1512, MCA, is amended to read:

"41-5-1512. Disposition of youth in need of intervention or youth who violate consent adjustments.

(1) If a youth is found to be a youth in need of intervention or to have violated a consent adjustment, the youth court may enter its judgment making one or more of the following dispositions:

- (+) (a) place the youth on probation. The youth court shall retain jurisdiction in a disposition under this subsection.

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~~(2)~~(b) place the youth in a residence that ensures that the youth is accountable, that provides for rehabilitation, and that protects the public. Before placement, the sentencing judge shall seek and consider placement recommendations from the youth placement committee. The judge may not place the youth in a residence unless the department informs the judge that resources are available for placement of the youth at that residence.

~~(3)~~(c) commit the youth to the department for the purposes of funding a private, out-of-home, residential placement subject to the conditions in 41-5-1522. In an order committing a youth to the department, the court shall determine whether continuation in the youth's own home would be contrary to the welfare of the youth and whether reasonable efforts have been made to prevent or eliminate the need for removal of the youth from the youth's home.

~~(4)~~(d) order restitution for damages that result from the offense for which the youth is disposed by the youth or by the person that contributed to the delinquency of the youth;

~~(5)~~(e) require the performance of community service;

~~(6)~~(f) require the youth, the youth's parents or guardians, or the persons having legal custody of the youth to receive counseling services;

~~(7)~~(g) require the medical and psychological evaluation of the youth, the youth's parents or guardians, or the persons having legal custody of the youth;

~~(8)~~(h) require the parents, guardians, or other persons having legal custody of the youth to furnish services the court may designate;

~~(9)~~(i) order further care, treatment, evaluation, or relief that the court considers beneficial to the youth and the community and that does not obligate funding from the department for services outside the state of Montana without the department's approval, except that a youth may not be placed by a youth court in a residential treatment facility as defined in 50-5-101. Only the department may, pursuant to subsection (3) of this section, place a youth in a residential treatment facility.

~~(10)~~(j) subject to the provisions of 41-5-1504, commit the youth to a mental health facility if, based upon the testimony of a professional person as defined in 53-21-102, the court finds that the youth is found to be suffering from a mental disorder, as defined in 53-21-102, and meets the criteria in 53-21-126(1);

~~(11)~~(k) place the youth under home arrest as provided in Title 46, chapter 18, part 10;

~~(12)~~(l) order confiscation of the youth's driver's license, if the youth has one, by the probation officer for a specified period of time, not to exceed 90 days. The probation officer shall notify the department of justice of the confiscation and its duration. The department of justice may not enter the confiscation on the youth's driving record. The probation officer shall notify the department of justice when the confiscated driver's license has been returned to the youth. A youth's driver's license may be confiscated under this subsection more than once. The probation officer may, in the probation officer's discretion and with the concurrence of a parent or guardian, return a youth's confiscated driver's license before the termination of the time period for which it had been confiscated. The confiscation may not be used by an insurer as a factor in determining the premium or part of a premium to be paid for motor vehicle insurance covering the youth or a vehicle or vehicles driven by the youth, nor may it be used as grounds for denying coverage for an accident or other occurrence under an existing policy.

~~(13)~~(m) order the youth to pay a contribution covering all or a part of the costs for the adjudication, disposition, attorney fees for the costs of prosecuting or defending the youth, costs of detention, supervision, care, custody, and treatment of the youth, including the costs of counseling;

~~(14)~~(n) order the youth to pay a contribution covering all or a part of the costs of a victim's counseling;

~~(15)~~(o) defer imposition of sentence for up to 45 days for a placement evaluation at a suitable program or facility with the following conditions:

~~(a)~~(i) The court may not order placement for evaluation at a youth correctional facility of a youth who has committed an offense that would not be a criminal offense if committed by an adult or a youth who has violated a consent adjustment.

~~(b)~~(ii) The placement for evaluation must be on a space-available basis at the county's expense, which is not reimbursable under part 19 of this chapter.

~~(c)~~(iii) The court may require the youth's parents or guardians to pay a contribution covering all or a part

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of the costs of the evaluation if the court determines after an examination of financial ability that the parents or guardians are able to pay the contribution. Any remaining unpaid costs of evaluation are the financial responsibility of the judicial district of the court that ordered the evaluation.

~~(+6)~~(p) order placement of a youth in a youth assessment center for up to 10 days;

~~(+7)~~(q) order the youth to participate in mediation that is appropriate for the offense committed.

(2) The costs of dispositions not paid as specified by subsection (1) may be paid out of the accounts established by [section 1 of Senate Bill No. 386] if the department has created an account for a judicial district under that section. If the department has not created an account for a judicial district under [section 1 of Senate Bill No. 386], costs of dispositions may be paid out of funds appropriated to the department for the juvenile placement budget. "";

(e) the new subsection (3) added to 41-5-1513 by [section 10 of this act] is void and 41-5-1513 is amended by adding a new subsection (3) that reads as follows:

"(3) The costs of dispositions under this section, other than costs for a placement in a state youth correctional facility, may be paid out of the accounts established by [section 1 of Senate Bill No. 386] if the department has created an account for a judicial district under that section. If the department has not created an account for a judicial district under [section 1 of Senate Bill No. 386], costs of dispositions under this section, other than costs for placement in a state youth correctional facility, may be paid out of funds appropriated to the department for the juvenile placement budget."; and

(f) the code commissioner is instructed to correct any internal references rendered erroneous by the amendment to 41-5-1512, including references in 41-5-103, 41-5-1503, and 41-5-1513."

Renumber: subsequent sections

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

HB 559, be amended as follows:

1. Page 1, line 15.

Following: "injunction"

Insert: "-- mobile home space rentals exempted"

Following: "provided in"

Strike: "this chapter"

Insert: "70-24-436, for a rental agreement involving a tenant who rents space for a mobile home but does not rent the mobile home"

2. Page 1, line 23.

Following: "noncompliance"

Strike: "before the date specified in the notice"

Insert: "within the notice period"

3. Page 2, line 5.

Following: line 4

Insert: "(d) If the noncompliance is failure to pay rent when due, the notice period is 3 days."

Renumber: subsequent subsections

4. Page 2, line 5.

Following: "(1)(b)"

Insert: ","

Strike: "or"

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Following: "(1)(c)"

Insert: ", or (1)(d)"

5. Page 2, line 10 through line 11.

Strike: subsection (f) in its entirety

6. Page 2, line 15 through line 16.

Following: "agreement." on line 15

Strike: remainder of line 15 through "home." on line 16

7. Page 2, line 27 through line 28.

Strike: subsection (6) in its entirety

Renumber: subsequent subsection

8. Page 2, line 29 through page 3, line 2.

Following: "that" on line 29

Strike: remainder of line 29 through "(B)" on page 3, line 2

9. Page 3, line 4.

Following: line 3

Insert: "(7) This section does not apply to a rental agreement involving a tenant who rents space for a mobile home but does not rent the mobile home."

10. Page 3, line 17.

Strike: "3"

Insert: "15"

11. Page 3, line 25.

Following: "park"

Strike: ", its manager, or owner."

12. Page 3, line 26.

Following: "violation;"

Strike: "the notice period is 24 hours."

Insert: "if the violation has not been remedied 24 hours after the violator is given written notice of the violation, for which the notice period is 14 days;"

13. Page 3, line 30 through page 4, line 3.

Following: "noncompliance."

Strike: remainder of line 30 through "(1)(a)." on page 4, line 3

14. Page 5, line 26.

Following: line 25

Insert: "(4) If the tenant destroys, defaces, damages, impairs, or removes any part of the premises in violation of 70-24-321(2), the landlord may terminate the rental agreement upon giving 3 days' written notice specifying the breach under the provisions of 70-24-321(2).

(5) Except as provided in this chapter, the landlord may recover actual damages and obtain injunctive relief for any noncompliance by the tenant with the rental agreement or 70-24-321. Except as

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provided in subsection (6), if the tenant's noncompliance is purposeful, the landlord may recover treble damages.

(6) Treble damages may not be recovered for the tenant's early termination of the tenancy."

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

NATURAL RESOURCES (Crismore, Chairman):
HB 543, be amended as follows:

3/27/2001

1. Title, line 9 through line 10.

Strike: "UNLESS" on line 9 through "POLICY" on line 10

Insert: "; REQUIRING THAT SUBDIVISION REGULATIONS CONFORM TO THE GROWTH POLICY WHEN A GROWTH POLICY HAS BEEN ADOPTED; REQUIRING A LOCAL GOVERNMENT THAT HAS ADOPTED A GROWTH POLICY TO ESTABLISH REQUIREMENTS TO IMPLEMENT APPLICABLE PROVISIONS OF THE GROWTH POLICY IN LOCAL SUBDIVISION REGULATIONS"

2. Title, line 11.

Following: "SECTIONS"

Insert: "76-1-605,"

Following: "76-1-606"

Insert: ", 76-3-504,"

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

3. Page 1, line 21 through line 22.

Strike: "should" on line 21 through "policies" on line 22

4. Page 1.

Following: line 28

Insert: "**Section 1.** Section 76-1-605, MCA, is amended to read:

"76-1-605. Use of adopted growth policy. After adoption of the growth policy, the city council, board of county commissioners, or other governing body within the territorial jurisdiction of the board must be guided by and give consideration to the general policy and pattern of development set out in the growth policy in the:

(1) authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities;

(2) authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities;

and

~~(3) adoption of subdivision controls; and~~

~~(4)(3) adoption of zoning ordinances or resolutions."~~

Renumber: subsequent sections

5. Page 2, line 1.

Strike: "subdivisions and plats"

Insert: "subdivision regulations"

Strike: "(1)"

6. Page 2, line 2 through line 3.

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Strike: "city" on line 2 through "require" on line 3

Strike: "plats" on line 3

Insert: "regulations adopted pursuant to chapter 3 of this title must be made"

Following: "policy"

Insert: "."

7. Page 2, line 5 through line 22.

Strike: line 5 through line 22 in their entirety

8. Page 2.

Following: line 22

Insert: "**Section 3.** Section 76-3-504, MCA, is amended to read:

"76-3-504. Minimum requirements for subdivision regulations. The subdivision regulations adopted under this chapter must, at a minimum:

(1) except as provided in 76-3-210 or 76-3-609(3), require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;

(2) establish procedures consistent with this chapter for the submission and review of subdivision plats;

(3) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(4) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development and prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques;

(5) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(6) prescribe standards for:

(a) the design and arrangement of lots, streets, and roads;

(b) grading and drainage;

(c) subject to the provisions of 76-3-511, water supply and sewage and solid waste disposal that, at a minimum, meet the regulations adopted by the department of environmental quality under 76-4-104;

(d) the location and installation of utilities;

(7) provide procedures for the administration of the park and open-space requirements of this chapter;

(8) provide for the review of preliminary plats by affected public utilities and those agencies of local, state, and federal government having a substantial interest in a proposed subdivision. A utility or agency review may not delay the governing body's action on the plat beyond the time limits specified in this chapter, and the failure of any agency to complete a review of a plat may not be a basis for rejection of the plat by the governing body.

(9) require the subdivider to establish ditch easements in the subdivision, in locations of appropriate topographic characteristics and sufficient width, to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots. Establishment of easements pursuant to this subsection (9) is not required if:

(a) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or

(b) the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall

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document that intent, when applicable, in agreements and legal documents for related sales transactions.

(10) require the subdivider, unless otherwise provided for under separate written agreement or filed easement, to file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights.

(11) if the governing body has adopted a growth policy pursuant to chapter 1 of this title, establish requirements to implement the provisions of the growth policy that apply to this chapter within 2 years of adoption of the growth policy.

"

Renumber: subsequent sections

9. Page 2, line 26 through line 27.

Following: "conforms" on line 26

Strike: "to" on line 26 through the first "," on line 27

Following: "this chapter" on line 27

Strike: ", "

10. Page 2, line 28 through page 3, line 1.

Strike: "The" on page 2, line 28 through "." on page 3, line 1

11. Page 3.

Following: line 8

Insert: "NEW SECTION. Section 5. Transition -- applicability. [Section 3 of this act], amending 76-3-504, applies to jurisdictions that adopted a growth policy pursuant to Title 76, chapter 1, before October 1, 2001, beginning October 1, 2003. A governing body that adopts a growth policy pursuant to Title 76, chapter 1, before October 1, 2001, shall establish requirements that conform to the growth policy and that implement the provisions of the growth policy that apply to this chapter on or before October 1, 2003."

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

HB 599, be concurred in. Report adopted.

HJR 10, be amended as follows:

1. Page 2, line 3 through line 4.

Strike: "as" on line 3 through "50%" on line 4

Insert: "a significant"

Following: "in a "

Strike: "reduction" through "more in" on line 4

Insert: "significant adverse impact on"

2. Page 2, line 26.

Following: "maintains"

Insert: "and enhances"

3. Page 2, line 30.

Strike: "fully involves"

Insert: "ensures that the interests of"

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4. Page 3, line 1.

Following: "cities"

Insert: "near Yellowstone National Park are fully considered and accounted for"

5. Page 3, line 2.

Strike: "SNOWMOBILE OPERATORS"

Insert: "all winter users"

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

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman):

3/27/2001

HB 456, be concurred in. Report adopted.

HB 583, be amended as follows:

1. Title, line 6.

Strike: "GIVEN NOTICE"

Insert: "FURNISHED A COPY"

2. Page 1, line 13.

Strike: "of sound mind"

Insert: "18 years of age or older with mental capacity"

Strike: "an"

Insert: "a mental health"

3. Page 1, line 14.

Strike: "matters"

Insert: "directions"

4. Page 1, line 15.

Following: "concerning"

Strike: "the" through "of"

Insert: "who must be notified and who may visit"

5. Page 1, line 15 through line 17.

Strike: "An" on line 15 through "directive." on line 17

Insert: "An inpatient facility that is furnished a copy of a mental health advance directive shall comply with the directive and shall make the directive a part of the individual's medical record."

6. Page 1, line 19.

Strike: "immediately"

Insert: "promptly"

Following: "individual's"

Insert: "admission to or"

7. Page 1, line 23 and 24.

Following: the first "individual"

Strike: remainder of line 23 through "competent" on line 24

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Insert: "has the mental capacity to execute the directive"

8. Page 1, line 25.

Strike: "notified"

Insert: "furnished a copy"

Following: "upon the"

Insert: "determination of the lack of"

9. Page 1, line 26.

Following: "mental"

Strike: "incompetency"

Insert: "capacity by the treating mental health professional"

10. Page 1, line 27.

Following: "time"

Strike: "of mental competency of"

Insert: "that"

Following: "individual"

Insert: "has the mental capacity to revoke the advance directive, as determined by the treating mental health professional"

11. Page 2, line 2.

Following: "(4)"

Insert: "(a) An individual may revoke a mental health advance directive provided that the mental health professional chosen by or provided for the individual determines in good faith that the individual has sufficient mental capacity to revoke the directive. The inpatient facility shall make a valid revocation a part of the individual's medical record.

(b)"

Following: "enforceable" on line 2

Insert: "only"

Strike: "this"

12. Page 2, line 3.

Strike: the first "section"

Insert: "subsection (2)"

13. Page 2, line 4.

Following: "(5)"

Strike: "A" through "of"

Insert: "If"

Following: "facility"

Insert: "fails"

Strike: "an"

Insert: "a mental health"

14. Page 2, line 5 and line 6.

Strike: "given notice" on line 5

Insert: "furnished a copy, an individual who has executed the mental health advance directive or who has the right

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to be notified or to visit the individual at the facility pursuant to a mental health advance directive"

Following: the second "facility" on line 5

Strike: "for" on line 5 through the first "or" on line 6

Following: "relief"

Strike: ", or both,"

15. Page 2, line 13.

Following: line 12

Insert: "(c) (i) "Lack of mental capacity" means that an individual does not have sufficient ability to make or communicate decisions regarding a need for treatment.

(ii) The lack of mental capacity does not require that a person be legally determined to be an incapacitated person, as defined in 72-5-101. However, a person who is under a current legal determination of being an incapacitated person has a lack of mental capacity.

(d) "Mental capacity" means sufficient ability to make or communicate decisions regarding a need for treatment."

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

STATE ADMINISTRATION (Hargrove, Chairman):

3/27/2001

HJR 34, be adopted. Report adopted.

TAXATION (DePratu, Chairman):

3/28/2001

SB 119, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "56"

Insert: "40"

Following: "PACK;"

Insert: "ESTABLISHING A TAX ON MOIST SNUFF;"

2. Title, line 7.

Strike: "45"

Insert: "27"

3. Title, line 8.

Following: ";"

Insert: "PROVIDING THAT REVENUE FROM THE INCREASED TAX BE ALLOCATED FOR FUNDING EDUCATION; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA AT A SPECIAL ELECTION;"

4. Title, line 9.

Following: "16-11-119,"

Insert: "16-11-201,"

5. Page 1, line 17.

Strike: "56"

Insert: "40"

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6. Page 2, line 19.

Strike: "4.78%"

Insert: "6.59%"

7. Page 2, line 22.

Strike: "84.97%"

Insert: "81.56%"

8. Page 2, line 23.

Strike: "general fund"

Insert: "special revenue fund for state equalization aid"

9. Page 2, line 24.

Strike: "10.25%"

Insert: "11.85%"

10. Page 2, line 26.

Insert: "Section 3. Section 16-11-201, MCA, is amended to read:

"16-11-201. **Definitions.** As used in this part, the following definitions apply, unless the context requires otherwise:

(1) "Moist snuff" means any finely cut, ground, or powdered tobacco, other than dry snuff, that is intended to be placed in the oral cavity.

(~~1~~)(2) "Retailer" means any person other than a wholesaler who is engaged in the business of selling tobacco products to the ultimate consumer.

(~~2~~)(3) "Sale" or "sell" means any transfer of tobacco products for a consideration, exchange, barter, gift, offer for sale, or distribution, in any manner or by any means.

(~~3~~)(4) "Tobacco product" means a substance other than cigarettes that is intended for human consumption and that contains tobacco.

(~~4~~)(5) "Wholesale price" means the established price for which a manufacturer sells a tobacco product to a wholesaler or any other person before any discount or other reduction.

(~~5~~)(6) "Wholesaler" means any person who purchases tobacco products directly from the manufacturer or from any other person who purchases from the manufacturer and who acquires the products for sale to retail dealers.""

Renumber: subsequent sections

11. Page 3, line 6.

Strike: "45%"

Insert: "27%"

12. Page 3, line 7.

Following: "tobacco products"

Insert: ", other than moist snuff,"

Following: "wholesaler."

Insert: "The tax on moist snuff is 33 cents an ounce based upon the net weight of the package listed by the manufacturer. For packages of moist snuff that are less than or greater than 1 ounce, the tax must be proportional to the size of the package."

13. Page 3, line 11.

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Strike: "all"

Insert: "that portion of"

14. Page 3, line 12.

Following: "2001"

Insert: ", that exceeds all inventory subject to tax held by them on the last day of their most recently concluded income tax reporting year"

15. Page 3, line 18.

Strike: "[This act]"

Insert: "Upon approval of the electorate, this act"

16. Page 3, line 20.

Strike: "[This act]"

Insert: "This act"

17. Page 3, line 22.

Insert: "NEW SECTION. Section 9. Submission to electorate. The question of whether sections 1 through 7 of this act will become effective shall be submitted to the qualified electors of Montana at a special election to be held in June 2001 by printing on the ballot the full title of this act and the following:

FOR increasing tobacco taxes and allocating the increased revenue for the support of public education.

AGAINST increasing tobacco taxes and allocating the increased revenue for the support of public education."

And, as amended, do pass. Report adopted.

SB 439, introduced bill, be amended as follows:

1. Title, line 6.

Following: "INCOME"

Insert: "AND CORPORATION"

2. Title, line 7.

Following: line 6

Insert: "A PORTION OF LODGING FACILITY USE"

Following: "TAXES"

Insert: "AND ALL RENTAL VEHICLE SURCHARGES"

Following: "TAX;"

Insert: "PROVIDING THAT THE OWNER OR OPERATOR OF A LODGING FACILITY KEEPS 5 PERCENT OF THE TAX FOR ADMINISTERING THE COLLECTION OF THE TAX; PROVIDING THAT THE BALANCE OF THE LODGING FACILITY USE TAX AND RENTAL VEHICLE SURCHARGE THAT IS NOT OTHERWISE ALLOCATED BE DEPOSITED FOR THE USE OF K-12 EDUCATION; ESTABLISHING A RENTAL VEHICLE SURCHARGE; PROVIDING THAT THE PROCEEDS OF THE SURCHARGE BE DISTRIBUTED TOGETHER WITH THE PROCEEDS OF THE LODGING FACILITY USE TAX; PROVIDING FOR THE ADMINISTRATION OF THE SURCHARGE AND PROVIDING FOR PENALTIES AND INTEREST; REQUIRING THAT A RENTAL VEHICLE OWNER OR OPERATOR MUST HAVE A PERMIT TO OPERATE; PROVIDING THAT THE

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RENTAL VEHICLE OWNER OR OPERATOR KEEPS 5 PERCENT OF THE SURCHARGE FOR ADMINISTERING THE COLLECTION OF THE SURCHARGE;"

3. Title, line 10.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

4. Page 2, line 21.

Following: "use tax"

Insert: "-- rental vehicle surcharge"

Following: "."

Insert: "(1)"

5. Page 2, line 22.

Following: "chapter"

Insert: "and chapter 31"

Following: "to"

Insert: ":"

(a)"

6. Page 2, line 23.

Following: "taxpayer"

Insert: "; and

(b) an amount equal to the amount of the rental vehicle surcharge actually paid by the taxpayer"

7. Page 2, line 24.

Following: line 23

Insert: "(2) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the lodging facility use tax or rental vehicle surcharge is paid.

(3) A credit may not be claimed under this section if the taxpayer has included the amount of the taxes upon which the credit was computed as a deduction under this chapter or under 15-31-114."

Insert: "NEW SECTION. Section 3. Tax credit -- lodging facility use tax -- rental vehicle surcharge. (1) A credit is allowed for taxes otherwise due under this chapter for the lodging facility use tax imposed under 15-65-111 and rental vehicle surcharge imposed under [section 10].

(2) If the taxpayer is a small business corporation or a partnership, the credit must be attributed to shareholders and partners using the same proportion used to report the partnership's income or loss for Montana tax purposes."

Renumber: subsequent sections

8. Page 4, line 7.

Following: "equal to"

Insert: "95% of"

9. Page 4, line 8.

Following: "subsection (1)."

Insert: "The remaining 5% of the amount of the tax must be retained by the owner or operator as an administrative allowance for collection of the tax."

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10. Page 4, line 11.

Following: "Distribution of"

Insert: "lodging facility use"

Following: "tax"

Insert: "and rental vehicle surcharge"

11. Page 4, line 12.

Following: "15-65-111"

Insert: "and the rental vehicle surcharge imposed by [section 10]"

12. Page 4, line 15.

Strike: "The appropriation may not exceed \$200,000."

13. Page 4, line 19.

Following: the first "the"

Insert: "lodging facility use"

Following: "tax"

Insert: "and rental vehicle surcharge"

14. Page 4, line 26.

Strike: "must be"

Insert: "is statutorily appropriated, as provided in 17-7-502,"

15. Page 4, line 29.

Strike: "allocated"

Insert: "to the department of commerce,"

16. Page 5, line 2.

Strike: "grants"

Insert: "grant"

17. Page 5, line 5.

Strike: "up to \$550,000"

Insert: "2.04%"

18. Page 5, line 6.

Strike: "up to \$100,000"

Insert: "18%"

19. Page 5, line 8.

Strike: "up to \$450,000"

Insert: "the balance"

20. Page 5, line 12 through line 13.

Strike: the first "up" on line 12 through "year" on line 13

Insert: "1.48%"

21. Page 5, line 14 through line 15.

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Strike: ", which" on line 14 through "program" on line 15

22. Page 5, line 16.

Strike: "up to \$900,000"

Insert: "3.34% "

23. Page 5, line 17.

Strike: "\$100,000"

Insert: "11% "

24. Page 5, line 19.

Strike: "i"

25. Page 5, line 20 through line 21.

Strike: the first "up" on line 20 through "year" on line 21

Insert: "1.67% "

26. Page 5, line 23 through line 24.

Strike: the first "up" on line 23 through "year" on line 24

Insert: "1.39% "

27. Page 5, line 26 through line 27.

Strike: the first "up" on line 26 through "year" on line 27

Insert: "1.86% "

28. Page 5, line 28.

Strike: "up to \$2 million"

Insert: "7.42% to the department of commerce"

Strike: "as provided in subsections (2) and (3)"

Insert: ", with 10% to be divided equally among the counties and the balance to be divided proportionally among municipalities and unincorporated areas of counties based upon the point of collection,"

29. Page 6, line 1 through line 2.

Strike: the first "up" on line 1 through "year" on line 2

Insert: "27.83% "

30. Page 6, line 5.

Strike: "up to \$250,000"

Insert: "2.78% "

31. Page 6, line 6.

Following: "commission"

Insert: ", with one-third"

Strike: "up to \$500,000"

Insert: "the balance"

32. Page 6, line 8 through line 11.

Strike: "the first "up" on line 8 through "and is" on line 11

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Insert: "11.13%"

33. Page 6, line 14.

Following: "proceeds"

Insert: "of the lodging facility use tax"

34. Page 6, line 18.

Strike: "up to \$500,000"

Insert: "1.86%"

Strike: "8"

Insert: "15"

35. Page 6, line 19.

Strike: "up to \$300,000"

Insert: "1.11%"

Strike: "9"

Insert: "16"

36. Page 6, line 20.

Strike: "the general fund"

Insert: "a state special revenue account for the support of K-12 education"

37. Page 7, line 3.

Following: "Distribution of"

Insert: "lodging facility use"

Following: "tax"

Insert: "and rental vehicle surcharge"

38. Page 7, line 4.

Following: "15-65-111"

Insert: "and the rental vehicle surcharge imposed by [section 10]"

39. Page 7, line 7.

Strike: "The appropriation may not exceed \$200,000."

40. Page 7, line 11.

Following: the first "the"

Insert: "lodging facility use"

Following: "tax"

Insert: "and rental vehicle surcharge"

41. Page 7, line 15.

Strike: "must be"

Insert: "is statutorily appropriated, as provided in 17-7-502,"

42. Page 7, line 18.

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Strike: "allocated"

Insert: "to the department of commerce,"

43. Page 7, line 21.

Strike: "grants"

Insert: "grant"

44. Page 7, line 23.

Strike: "up to \$550,000"

Insert: "2.04%"

45. Page 7, line 24.

Strike: "up to \$100,00"

Insert: "18%"

46. Page 7, line 26.

Strike: "up to \$450,000"

Insert: "the balance"

47. Page 7, line 29 through line 30.

Strike: the first "up" on line 29 through "year" on line 30

Insert: "1.48%"

48. Page 8, line 1.

Strike: ", which" through "17-7-502"

49. Page 8, line 3.

Strike: "up to \$900,000"

Insert: "3.34%"

50. Page 8, line 4.

Strike: "\$100,000"

Insert: "11%"

51. Page 8, line 7 through line 8.

Strike: the first "up" on line 7 through "year" on line 8

Insert: "1.67%"

52. Page 8, line 10 through line 11.

Strike: the first "up" on line 10 through "year" on line 11

Insert: "1.39%"

53. Page 8, line 13 through line 14.

Strike: the first "up" on line 13 through "year" on line 14

Insert: "1.86%"

54. Page 8, line 15.

Strike: "up to \$2 million"

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Insert: "7.42% to the department of commerce"

Strike: "as provided in subsections (2) and (3)"

Insert: ", with 10% to be divided equally among the counties and the balance to be divided proportionally among municipalities and unincorporated areas of counties based upon the point of collection,"

55. Page 8, line 18 through line 19.

Strike: the first "up" on line 18 through "year" on line 19

Insert: "27.83%"

56. Page 8, line 22.

Strike: "up to \$250,000"

Insert: "2.78% "

57. Page 8, line 23.

Following: "commission"

Insert: ", with one-third"

Strike: "up to \$500,000"

Insert: "the balance"

58. Page 8, line 25 through line 28.

Strike: "the first "up" on line 25 through "and is" on line 28

Insert: "11.13%"

59. Page 9, line 1.

Following: "proceeds"

Insert: "of the lodging facility use tax"

60. Page 9, line 5.

Strike: "up to \$500,000"

Insert: "1.86% "

Strike: "8"

Insert: "15"

61. Page 9, line 6.

Strike: "up to \$300,000"

Insert: "1.11% "

Strike: "9"

Insert: "16"

62. Page 9, line 7.

Strike: "the general fund"

Insert: "a state special revenue account for the support of K-12 education"

63. Page 9, line 28.

Strike: "the concurrence of the affected local government governing bodies and"

Insert: "been approved by"

64. Page 10, line 12.

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Following: line 11

Insert: "NEW SECTION. Section 9. Definitions. As used in [sections 9 through 14], the following definitions apply:

- (1) (a) "Gross receipts" means all receipts from sources within the state, whether in money or other consideration, received from engaging in the business of renting rental vehicles.
- (b) The term does not include the amount received for motor fuel.
- (2) (a) "Rental vehicle" means a passenger vehicle that:
 - (i) is rented for a period of not more than 30 days;
 - (ii) is rented without a driver;
 - (iii) is designed to transport 15 or fewer passengers; and
 - (iv) has a manufacturer's rated capacity of 1 ton or less.
- (b) The term does not include:
 - (i) a vehicle rented pursuant to an insurance contract; or
 - (ii) a vehicle provided to a customer to use while the customer's vehicle is being repaired or maintained.
- (3) "Rental vehicle owner or operator" means a person who owns or leases rental vehicles and who rents or offers to rent the rental vehicles."

Insert: "NEW SECTION. Section 10. Rate of rental vehicle surcharge -- collection and reporting -- distribution. (1) There is imposed a surcharge on rental vehicles. The surcharge is 9% of the rental base price, exclusive of insurance, as stated in the rental contract. The surcharge must be stated in the rental contract and collected in accordance with the terms of the contract.

(2) The rental vehicle owner or operator shall report to the department, at the end of each calendar quarter, the gross receipts actually collected during that quarter attributable to the rental contracts, exclusive of gross receipts attributable to contracts for insurance. The report must be on a form provided by the department. The report is due on or before the last day of the month following the end of the calendar quarter and must be accompanied by a payment in an amount equal to 95% of the surcharge required to be collected under subsection (1). The remaining 5% of the amount of the surcharge must be retained by the rental vehicle owner or operator as an administrative allowance for collection of the surcharge.

(3) The department shall deposit the proceeds in the account in the state special revenue fund established in 15-65-121(1). The proceeds of the rental vehicle surcharge must be added to the proceeds of the lodging facility use tax, and the total amount must be distributed as provided in 15-65-121."

Insert: "NEW SECTION. Section 11. Permit application -- place of business. (1) Prior to engaging in the business of renting vehicles, a prospective rental vehicle owner or operator shall file with the department an application for a permit. If the prospective rental vehicle owner or operator has more than one location in which the owner or operator maintains an office or other place of business, an application may include multiple locations.

(2) Each rental vehicle owner or operator who is required to file a report under [sections 9 through 14] is required to file an application for a permit.

(3) Each application for a permit must be on a form prescribed by the department and must set forth the name under which the applicant intends to transact business, the location of the applicant's place or places of business, and other information that the department may require. The application must be filed by the rental vehicle owner or operator if the owner or operator is a natural person, by a member or partner if the owner or operator is an association or partnership, or by a person authorized to sign the application if the owner or operator is a corporation.

(4) A rental vehicle owner or operator who fails to comply with this section is subject to a fine of not less than \$50 and not more than \$100."

Insert: "NEW SECTION. Section 12. Audits -- records. (1) The department may audit the books and records of a rental vehicle owner or operator to ensure that the proper amount of the surcharge imposed by [section 10] has been collected. An audit may be done on the premises of the rental vehicle owner or operator or at any other convenient location.

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(2) The department may request that the rental vehicle owner or operator provide the department with books, ledgers, registers, or other documents necessary to verify the correct amount of the surcharge.

(3) The rental vehicle owner or operator shall maintain and have available for inspection by the department books, ledgers, registers, or other documents showing the collection of the rental vehicle surcharge for the preceding 5 years.

(4) Except in the case of a person who, with intent to evade the surcharge, purposely or knowingly files a false or fraudulent report violating the provisions of [sections 9 through 14], the amount of surcharge due under any report must be determined by the department within 5 years after the return is made. After 5 years, the department is barred from revising any report or recomputing the surcharge due, and a proceeding in court for the collection of the surcharge may not be instituted unless notice of any additional surcharge is provided within the 5-year period.

(5) An application for revision may be filed with the department by a rental vehicle owner or operator within 5 years from the original due date of the report."

Insert: "NEW SECTION. Section 13. Penalty for failure to file or pay. (1) A rental vehicle owner or operator who fails to file the report as required by [section 10] must be assessed a penalty as provided in 15-1-216. The department may waive the penalty as provided in 15-1-206.

(2) A rental vehicle owner or operator who fails to make payment or fails to report and make payment as required by [section 10] must be assessed a penalty and interest as provided in 15-1-216. The department may waive any penalty pursuant to 15-1-206.

(3) (a) If a rental vehicle owner or operator fails to file the report required by [section 10] or if the department determines that the report understates the amount of surcharge due, the department may determine the amount of the surcharge due and assess that amount against the owner or operator. The provisions of 15-1-211 apply to any assessment by the department. The taxpayer may seek review of the assessment pursuant to 15-1-211.

(b) When a deficiency is determined and the surcharge becomes final, the department shall mail a notice and demand for payment to the rental vehicle owner or operator. The surcharge is due and payable at the expiration of 30 days after the notice and demand were mailed. Interest on any deficiency assessment must be computed as provided in 15-1-216."

Insert: "NEW SECTION. Section 14. Overpayment and underpayment. (1) If the department determines that the amount of surcharge, penalty, or interest paid for any year is more than the amount due, the amount of the overpayment must be credited against any surcharge, penalty, or interest then due from the rental vehicle owner or operator and the balance must be refunded to the owner or operator, to the owner's or operator's successor through reorganization, merger, or consolidation, or to the owner's or operator's shareholders upon dissolution.

(2) Except as provided in subsection (3), interest is allowed on overpayments at the same rate that is charged on unpaid taxes as provided in 15-1-216 from the due date of the return or from the date of overpayment, whichever is later, to the date that the department approves refunding or crediting of the overpayment.

(3) (a) Interest does not accrue during a period in which the processing of a claim for refund is delayed more than 30 days by reason of failure of the rental vehicle owner or operator to furnish information requested by the department for the purpose of verifying the amount of the overpayment.

(b) Interest is not allowed:

(i) if the overpayment is refunded within 6 months from the date the return is due or from the date the return is filed, whichever is later; or

(ii) if the amount of interest is less than \$1.

(c) Only a payment made incident to a bona fide and orderly discharge of actual surcharge liability or one reasonably assumed to be imposed by [sections 9 through 14] is considered an overpayment with respect to which interest is allowable."

Renumber: subsequent sections

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Following: line 29

Insert: "(2) [Section 3] is intended to be codified as an integral part of Title 15, chapter 31, and the provisions of Title 15, chapter 31, apply to [section 3].

(3) [Sections 9 through 14] are intended to be codified as an integral part of Title 15, and the provisions of Title 15 apply to [sections 9 through 14]."

Renumber: subsequent subsections

66. Page 11, line 30.

Strike: "8"

Insert: "15"

67. Page 12, line 1.

Strike: "8"

Insert: "15"

68. Page 12, line 2.

Strike: "9"

Insert: "16"

69. Page 12, line 3.

Strike: "9"

Insert: "16"

70. Page 12, line 4.

Following: line 3

Insert: "NEW SECTION. Section 18. Coordination instruction. If Senate Bill No. 213 is passed and approved, then [section 1 of Senate Bill No. 213] must read as follows:

Insert: "NEW SECTION. Section 1. Local option sales tax -- definitions. As used in [sections 1 through 9], the following definitions apply:

(1) (a) "Luxury goods and services" means any gift item, luxury item, or other item or any service normally sold to the public and to transient visitors or tourists, including but not limited to the following:

(i) ~~lodging facilities and campgrounds as defined in 15-65-101;~~

(ii) ~~(i)~~ meals prepared either for onsite consumption or to take out;

(iii) ~~(ii)~~ alcoholic beverages sold by the drink;

(iv) ~~(iii)~~ rentals of ~~automobiles~~, boats, snowmobiles, off-road vehicles, and other vehicles used for travel or recreation;

(v) ~~(iv)~~ rentals of camping, hunting, fishing, or other recreational equipment;

(vi) ~~(v)~~ ski lift tickets at destination resorts, hunting and fishing guide services, guided tours, trail rides, and other recreational services and facilities;

(vii) ~~(vi)~~ admissions for movies, theatrical presentations, exhibits, and sporting events other than school-related events

or nonprofit events;

(viii) ~~(vii)~~ daily fees at golf courses that are not owned by a governmental entity;

(ix) ~~(viii)~~ admissions for water slides, amusement parks, or hot springs or other resorts; and

(x) ~~(ix)~~ souvenir items.

(b) The term does not include food purchased unprepared or unserved, lodging facilities and campgrounds, rentals of automobiles, medicine, medical supplies and services, appliances, hardware supplies and tools, clothing

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other than souvenirs, household bedding and furnishings, or any necessities of life.

(2) "Medical supplies" means items that are sold to be used for curative, prosthetic, or medical maintenance purposes, whether or not prescribed by a physician.

(3) "Medicine" means substances sold for curative or remedial properties, including both physician-prescribed and over-the-counter medications.""

Renumber: subsequent section

71. Page 12, line 6.

Following: line 5

Insert: "NEW SECTION. Section 20. Applicability. (†) [This act] applies to accommodation charges collected and rental vehicle receipts collected after June 30, 2001.

(2) The distribution provisions of 15-65-121 as amended by [this act] apply to the distributions of revenue from the lodging facility use tax and rental vehicle surcharge collected on accommodations charges and vehicle rentals after June 30, 2001.

(3) [Sections 2 and 3] apply to lodging facility use taxes paid after June 30, 2001."

And, as amended, do pass. Report adopted.

SB 494, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "CHANGING THE RATE OF"

Insert: "REVISING THE LAWS RELATED TO"

2. Title, line 8.

Following: "SERVICES;"

Insert: "REPEALING THE ADVANCED TELECOMMUNICATIONS INFRASTRUCTURE TAX CREDIT; PROVIDING FOR THE ESTABLISHMENT OF AN ELECTRONIC DATABASE CONTAINING ADDRESSES FOR PLACES OF PRIMARY USE UPON AUTHORIZATION OF A LOCAL MOBILE COMMUNICATIONS TAX OR FEE;"

Strike: "SECTIONS"

Insert: "SECTION"

Following: "15-53-129"

Strike: "AND 15-53-130"

Following: "MCA;"

Insert: "REPEALING SECTIONS 15-53-201, 15-53-202, AND 15-53-203, MCA;"

3. Page 2, line 22.

Following: line 21

Insert: "NEW SECTION. Section 2. Electronic database -- places of primary use -- local option telecommunications tax. If a local tax or fee on mobile telecommunications services is authorized by law, the department shall designate an electronic database provider for home service providers of mobile telecommunications services as provided in 4 U.S.C. 116 through 120 and 4 U.S.C. 123 and 124. If the department does not designate a provider or if the local tax or fee is imposed before a database provider is designated, a home service provider of mobile telecommunications services may rely upon the provisions of 4 U.S.C. 120 for determination of a customer's place of primary use."

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Renumber: subsequent sections

4. Page 3, line 14.

Following: "(5)"

Insert: "(a)"

5. Page 3, line 16.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsection

6. Page 3.

Following: line 17

Insert: "(b) A home service provider is responsible for obtaining and maintaining a record of a customer's place of primary use and for the correction of erroneous data relating to the place of primary use as provided in 4 U.S.C. 121 and 122."

7. Page 4, line 4.

Following: "fees"

Insert: "collected for and remitted to a federal government entity"

8. Page 4, line 8.

Strike: "reconnection of service or for replacement of service"

Insert: "construction"

9. Page 4, line 9.

Following: "the"

Insert: "installation,"

Following: "equipment"

Insert: "and wiring"

10. Page 4, line 26 through page 5, line 4.

Strike: section 3 in its entirety

Renumber: subsequent sections

11. Page 5, line 5.

Following: line 4

Insert: "NEW SECTION. **Section 4. Repealer.** Sections 15-53-201, 15-53-202, and 15-53-203, MCA, are repealed."

Renumber: subsequent sections

12. Page 5, line 6.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

13. Page 5, line 8.

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

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14. Page 5, line 12 through line 13.

Strike: "charges" on line 12 through "March 31" on line 13

Insert: "federal subscriber line charges and other federally imposed charges and fees retained by the telecommunications carrier and on installation and service connection charges made after June 30"

And, as amended, do pass. Report adopted.

SB 501, introduced bill, be amended as follows:

1. Page 2, line 17.

Following: "owner"

Insert: "and the transferred property has a market value of \$1 million or more as determined by the department"

2. Page 2, line 24.

Following: "1999"

Insert: ", if the transferred property has a market value of \$1 million or more as determined by the department"

3. Page 4, line 8 through line 10.

Following: "(4)"

Strike: "(a)" on line 8 through "(b)" on line 10

4. Page 5, line 12.

Strike: "105%"

Insert: "101%"

5. Page 5, line 15.

Following: "2000."

Insert: "The governmental entity shall not recalculate taxes for tax year 2000."

And, as amended, do pass. Report adopted.

SB 505, introduced bill, be amended as follows:

1. Title, line 10 through line 11.

Strike: "INCREASING AND CLARIFYING THE TAX CREDIT FOR WIND-GENERATED ELECTRICITY"

Insert: "PROVIDING A TAX CREDIT FOR THE PURCHASE AND INSTALLATION OF SOLAR AND WIND ELECTRICAL ENERGY GENERATING EQUIPMENT, INCLUDING NET METERING SYSTEMS, THAT IS USED TO PROVIDE ELECTRICAL ENERGY TO THE OWNER"

2. Title, line 11.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND 15-32-402"

3. Title, line 12.

Strike: "A DELAYED EFFECTIVE DATE"

Insert: "EFFECTIVE DATES, AN APPLICABILITY DATE,"

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4. Page 1, line 26.

Following: "facility"

Insert: "with a generating capacity of less than 50 megawatts"

5. Page 1, line 27.

Following: "act]"

Insert: "or facility with a generating capacity of 50 megawatts or greater constructed after January 1, 2002,"

Following: "contracts"

Insert: "of at least 5 years duration"

6. Page 1, line 30.

Following: "taxation"

Insert: ", including gross proceeds of coal mines,"

7. Page 2, line 1.

Strike: "transmission or distribution"

Insert: "generation"

8. Page 2, line 8.

Strike: "other social instabilities,"

9. Page 2.

Following: line 10

Insert: "(d) Cost of production is to be determined by dividing the cost and operation of the electrical generation facility over an appropriate time period by the kilowatt output of the facility."

10. Page 3, line 15.

Following: ","

Insert: "(c) the amount of tax on the gross value of coal that was exempt from taxation under [section 1];"

Renumber: subsequent subsection

11. Page 3, line 16.

Strike: "figure"

Insert: "amounts"

Strike: "subsection"

Insert: "subsections"

Following: "(2)(b)"

Insert: "and (2)(c)"

12. Page 4, line 24 through page 5, line 17.

Strike: section 5 in its entirety

Insert: "NEW SECTION. **Section 5. Electrical generation -- tax credit for solar or wind electrical energy generating equipment or net metering system -- noncommercial use.** (1) There is allowed as a credit against taxes imposed by 15-30-103 or 15-31-101 an amount equal to 50% of the cost of purchasing and installing:

(a) solar or wind electrical energy generating equipment to provide electrical energy to be used by the owner of the equipment; or

(b) a net metering system, as defined in 69-8-103.

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(2) The maximum amount of the credit that may be claimed is \$10,000. The credit must be claimed in four equal amounts annually over a 4-year period beginning in the year that the generating equipment or net metering system is acquired. The amount claimed annually may not exceed the amount of tax liability of the owner, but the excess may be used as a carryforward against taxes imposed by 15-30-103 or 15-31-101 for the 3 succeeding tax years. Any part of an annual claimed amount that is not used in the year in which it may be claimed must be carried first to the earliest tax year in which it may be applied and then to each succeeding tax year. An annual claimed amount must be claimed before any carryforward amount.

(3) A taxpayer may not claim a credit if the taxpayer has included the cost of the generating equipment or net metering system upon which the amount of the credit was computed as a deduction under 15-30-121, 15-30-136, or 15-31-114.

(4) If the taxpayer is a small business corporation, as defined in 15-31-201, or a partnership, the credit must be attributed to shareholders or partners, using the same proportion used to report the small business corporation's or partnership's income or loss for Montana tax purposes."

13. Page 5, line 19.

Following: "instruction."

Insert: "(1)"

14. Page 5, line 22.

Following: line 21

Insert: "(2) [Section 5] is intended to be codified as an integral part of Title 15, chapter 32, part 1, and the provisions of Title 15, chapter 32, part 1, apply to [section 5]."

15. Page 5, line 23.

Strike: "date"

Insert: "dates -- applicability"

Following: "date."

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

(2)"

Strike: "[This act] is"

Insert: "[Sections 4 and 5] are"

Following: "2002"

Insert: ", and apply to tax years beginning after December 31, 2001"

And, as amended, do pass. Report adopted.

SB 507, introduced bill, be amended as follows:

1. Page 6, line 14.

Following: line 13

Insert: "NEW SECTION. Section 10. Coordination instruction. If Senate Bill No. 439 is passed and approved and provides for a rental vehicle surcharge, then [this act] is void."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 513, introduced bill, be amended as follows:

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1. Page 2, line 11.

Following: line 10

Insert: "(6) The tax imposed in this section does not apply to revenue from electrical energy generated in Montana and sold to customers in another state by an electric utility at a price that is regulated by a public service commission or similar agency in the state where the electrical energy is sold."

And, as amended, do pass. Report adopted.

SB 514, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "PENALTY;"

Insert: "PROVIDING THAT CONSIDERATION MUST BE DISCLOSED ON A REALTY TRANSFER CERTIFICATE ON TRANSFERS OF NONQUALIFIED AGRICULTURAL LAND; REQUIRING A REPORT TO THE REVENUE AND TAXATION INTERIM COMMITTEE;"

Strike: "SECTION"

Insert: "SECTIONS 15-7-307 AND"

Following: "PROVIDING"

Insert: "AN EFFECTIVE DATE AND"

2. Page 1, line 13.

Following: line 12

Insert: "**Section 1.** Section 15-7-307, MCA, is amended to read:

"15-7-307. Certificate -- exceptions. The certificate imposed by this part applies to all transfers.

However, the certificate filed for the following transfers need not disclose the consideration paid or to be paid for the real estate transferred:

- (1) an instrument recorded prior to July 1, 1975;
- (2) the sale of agricultural land when the land is used for agricultural purposes, but nonqualified agricultural land described in 15-6-133(1)(c) is not exempt from the disclosure of consideration under this section;
- (3) the sale of timberland when the land is used for producing timber;
- (4) a transfer by the United States of America, this state, or any instrumentality, agency, or subdivision thereof;
- (5) an instrument ~~which that,~~ (without added consideration), confirms, corrects, modifies, or supplements a previously recorded instrument;
- (6) a transfer pursuant to court decree;
- (7) a transfer pursuant to mergers, consolidations, or reorganizations of corporations, partnerships, or other business entities;
- (8) a transfer by a subsidiary corporation to its parent corporation without actual consideration or in sole consideration of the cancellation or surrender of subsidiary stock;
- (9) a transfer of decedents' estates;
- (10) a transfer of a gift;
- (11) a transfer between husband and wife or parent and child with only nominal actual consideration therefor;
- (12) an instrument the effect of which is to transfer the property to the same party or parties;
- (13) a sale for delinquent taxes or assessments, sheriff sale, bankruptcy action, or mortgage foreclosure;
- (14) a transfer made in contemplation of death."

Renumber: subsequent sections

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3. Page 2, line 4.

Following: line 3

Insert: "NEW SECTION. Section 3. Report to revenue and taxation interim committee. The department of revenue shall monitor the reports filed pursuant to 15-30-301(1)(d) and report to the revenue and taxation interim committee, on a periodic basis, the results of requiring the reporting and any other factors the department may notice as a result of the required reporting."

Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2001."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 519, introduced bill, be amended as follows:

1. Page 4, line 10.

Strike: "less"

Insert: "more"

And, as amended, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 4
Report No. 1, March 26, 2001
Report No. 1, March 26, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 4** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 4** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 8.

Following: "EMPLOYEES:"

Insert: "SPECIFYING THE STATUS OF TEMPORARY EMPLOYEES;"

2. Page 2, line 14.

Following: "STATUS:"

Insert: "An employee who is hired on a temporary basis not to exceed 12 months for a specific assignment or project is presumed to be a probationary employee for the entire period of the temporary assignment or project."

For the Senate:

Grimes, Chairman
DePratu

For the House:

Darrell Adams, Vice-Chairman (**unsigned**)
Gallus

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Cocchiarella

Shockley

MESSAGES FROM THE OTHER HOUSE

March 27, 2001

Honorable Tom Beck
President of the Senate
State Capitol
Helena, Montana 59620

Mr. President:

I am directed by the House of Representatives that the House, on motion duly carried on March 27, 2001, requests the return of Senate Bill No. 65, REVISE OUT OF DISTRICT TUITION LAWS, introduced by Senator Ellis, for the purpose of reconsideration of action taken on March 20 and 21, 2001.

Sincerely,

Marilyn Miller
Chief Clerk

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate stand in recess until 5:00 p.m. this legislative day. Motion carried.

Senate recessed at 3:07 p.m.

Senate reconvened at 5:05 p.m.

Roll Call. All members present except Senators Holden , Taylor, and Nelson, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Cole, Chairman):

3/27/2001

SB 506, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

Strike: "INCREASING" on line 6 through "FUND;" on line 7

2. Title, page 1, line 12.

Strike: "ELIMINATING THE RURAL ELECTRIC COOPERATIVE UTILITY EXCLUSION FROM NET
METERING;"

3. Title, page 1, line 14.

Strike: "15-72-104, 15-72-106,"

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4. Title, line 15.

Strike: "75-2-427,"

Insert: "75-2-401, 75-2-413,"

5. Title, page 1, line 16.

Strike: "REPEALING SECTION 6, CHAPTER 323, LAWS OF 1999;"

6. Title, page 1, line 17.

Following: "AND"

Insert: "AN"

Following: "APPLICABILITY"

Strike: "DATES"

Insert: "DATE"

7. Page 1, lines 25 and 26.

Strike: "the" through "and" on line 25

Strike: "noncompliance penalty fees"

Insert: "penalties"

Strike: "75-2-427" on line 26

Insert: "75-2-401 and 75-2-413"

Following: "Any" on line 26

Insert: "interest earned by the account and any"

8. Page 6, line 20.

Following: "for"

Insert: "only"

9. Page 6, line 26 through line 27.

Strike: "water" on line 26 through "fuel" on line 27

Insert: "solar energy, biomass, geothermal energy, fuel cells, or wind"

10. Page 14, line 20 through page 16, line 23.

Strike: sections 16 and 17 in their entirety

Renumber: subsequent sections

11. Page 23, line 14 through line 22.

Strike: section 22 in its entirety

Insert: "**Section 20.** Section 75-2-401, MCA, is amended to read:

"75-2-401. Enforcement -- notice -- order for corrective action -- administrative penalty. (1) When the department believes that a violation of this chapter, a rule adopted under this chapter, or a condition or limitation imposed by a permit issued pursuant to this chapter has occurred, it may cause written notice to be served personally or by certified mail on the alleged violator or the violator's agent. The notice must specify the provision of this chapter, the rule, or the permit condition or limitation alleged to be violated and the facts alleged to constitute a violation. The notice may include an order to take necessary corrective action within a reasonable period of time stated in the order or an order to pay an administrative penalty, or both. The order becomes final unless, within 30 days after the notice is received, the person named requests in writing a hearing before the board. On receipt of the request, the board shall schedule a hearing.

(2) If, after a hearing held under subsection (1), the board finds that violations have occurred, it shall

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issue an appropriate order for the prevention, abatement, or control of the emissions involved or for the taking of other corrective action or assess an administrative penalty, or both. As appropriate, an order issued as part of a notice or after a hearing may prescribe the date by which the violation must cease; time limits for particular action in preventing, abating, or controlling the emissions; or the date by which the administrative penalty must be paid. If, after a hearing on an order contained in a notice, the board finds that a violation has not occurred or is not occurring, it shall rescind the order.

(3) (a) An action initiated under this section may include an administrative civil penalty of not more than \$10,000 for each day of each violation, not to exceed a total of \$80,000. If an order issued by the board under this section requires the payment of an administrative civil penalty, the board shall state findings and conclusions describing the basis for its penalty assessment.

(b) Administrative penalties collected under this section must be deposited in the ~~state general fund~~ alternative energy revolving loan account established in [section 1].

(c) Penalties imposed by an administrative order under this section may not be assessed for any day of violation that occurred more than 12 months prior to the issuance of the initial notice and order by the department under subsection (1).

(d) In determining the amount of penalty to be assessed for an alleged violation under this section, the department or board, as appropriate, shall consider:

- (i) the alleged violator's ability to pay and the economic impact of the penalty on the alleged violator;
- (ii) the alleged violator's full compliance history and good faith efforts to comply;
- (iii) the duration of the violation as established by any credible evidence, including evidence other than the applicable test method;
- (iv) payment by the violator of penalties previously assessed for the same violation;
- (v) the economic benefit of noncompliance;
- (vi) the seriousness of the violation; and
- (vii) other matters as justice may require.

(4) The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing conducted under this section.

(5) Instead of issuing the order provided for in subsection (1), the department may either:

(a) require that the alleged violators appear before the board for a hearing at a time and place specified in the notice and answer the charges complained of; or

(b) initiate action under 75-2-412 or 75-2-413.

(6) This chapter does not prevent the board or department from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means.

(7) In connection with a hearing held under this section, the board may and on application by a party shall compel the attendance of witnesses and the production of evidence on behalf of the parties. ""

Insert: "Section 21. Section 75-2-413, MCA, is amended to read:

"75-2-413. Civil penalties -- out-of-state litigants -- effect of action -- presumption of continuing violation under certain circumstances. (1) A person who violates any provision of this chapter, a rule adopted under this chapter, or any order or permit made or issued under this chapter is subject to a civil penalty not to exceed \$10,000 per violation. Each day of each violation constitutes a separate violation. The department may institute and maintain in the name of the state any enforcement proceedings under this section. Upon request of the department, the attorney general or the county attorney of the county of violation shall petition the district court to impose, assess, and recover the civil penalty. The civil penalty is in lieu of the criminal penalty provided for in 75-2-412, except for civil penalties for violation of the operating permit program required by Subchapter V of the federal Clean Air Act.

(2) (a) Action under subsection (1) is not a bar to enforcement of this chapter or of a rule, order, or permit made or issued under this chapter by injunction or other appropriate civil remedies.

(b) An action under subsection (1) or to enforce this chapter or a rule, order, or permit made or issued

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under this chapter may be brought in the district court of any county where a violation occurs or is threatened if the defendant cannot be located in Montana.

(3) If the department has notified a person operating a commercial hazardous waste incinerator of a violation and if the department makes a prima facie showing that the conduct or events giving rise to the violations are likely to have continued or recurred past the date of notice, the days of violation are presumed to include the date of the notice and every day after the notice until the person establishes that continuous compliance has been achieved. This presumption may be overcome to the extent that the person operating a commercial hazardous waste incinerator can prove by a preponderance of evidence that there were intervening days when a violation did not occur, that the violation was not continuing in nature, or that the telemetering device was compromised or otherwise tampered with.

(4) Money collected under this section must be deposited in the ~~state general fund~~ alternative energy revolving loan account established in [section 1]. This subsection does not apply to money collected by an approved local air pollution control program."

Renumber: subsequent sections

12. Page 28, line 23.

Strike: section 28 in its entirety

Renumber: subsequent sections

13. Page 29, line 2.

Strike: "(1)"

Following: "13"

Strike: ", "

14. Page 29, line 4 through line 5.

Strike: lines 4 and 5 in their entirety

And, as amended, do pass. Report adopted.

SB 508, introduced bill, be amended as follows:

1. Page 1, line 21.

Strike: "reasonable"

Following: "return"

Insert: "not to exceed 12%"

2. Page 2, line 2.

Strike: "the failure of reasonably maintained"

Following: "equipment"

Insert: "failure"

3. Page 2, line 8.

Strike: "100"

Insert: "20"

And, as amended, do pass. Report adopted.

SB 509, do pass. Report adopted.

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SB 510, introduced bill, be amended as follows:

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

Strike: "INVESTMENTS" on line 7 through "ECONOMY," on line 8

Insert: "PAY FOR BASIC AND PER-ANB ENTITLEMENTS,"

2. Title, page 1, line 10 through line 13.

Strike: "PROVIDING" on line 10 through "CREDIT;"

3. Page 2, line 8 through line 9.

Strike: "state" on line 8 through "economy"

Insert: "general fund to pay for basic and per-ANB entitlements as provided in Title 20, chapter 9, part 3"

4. Page 2, line 15 through page 4, line 30.

Strike: sections 3 through 7 in their entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 515, introduced bill, be amended as follows:

1. Page 5, line 24.

Following: "facilities"

Insert: ", to build electrical energy generation facilities,"

Strike: "new"

And, as amended, do pass. Report adopted.

SB 521, introduced bill, be amended as follows:

1. Page 1, line 26.

Following: "supplies"

Insert: "or the price of energy"

And, as amended, do pass. Report adopted.

HB 564, be amended as follows:

1. Page 2, line 11

Following: "neutral."

Insert: "(5) For the purposes of this section, "interexchange services" means telecommunications long-distance services."

2. Page 3, line 4.

Following: "total"

Insert: "intrastate"

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3. Page 3, line 5.

Following: "state."

Insert: "If the high-cost mechanisms of the federal universal service program are eliminated, contributions must be determined on a percentage of total intrastate and interstate retail revenue for all telecommunications carriers registered in the state."

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

JUDICIARY (Grosfield, Chairman):
HB 603, be amended as follows:

3/27/2001

1. Title, line 7.

Following: "TO"

Strike: "AND INTERACTION WITH"

2. Page 1, line 16.

Following: "REVIEW"

Strike: "-- CONSULTATION WITH ATTORNEY GENERAL"

3. Page 1, line 28 through page 2, line 1.

Strike: subsection (3) in its entirety

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

TAXATION (DePratu, Chairman):
SB 511, introduced bill, be amended as follows:

3/27/2001

1. Title, line 5 through line 12.

Strike: "STRUCTURE" on line 6 through "SECTIONS" on line 12

Insert: "ALLOCATION OF TIMBER PROCEEDS FOR MONTANA UNIVERSITY SYSTEM LANDS; PROVIDING THAT TIMBER PROCEEDS BECOME A PART OF THE INCOME STREAM RATHER THAN BEING DEPOSITED IN THE CORPUS; AMENDING SECTION"

Strike: "77-2-303, AND 77-2-304,"

2. Page 1, line 17 through page 2, line 18.

Strike: sections 1 through 4 in their entirety

Renumber: subsequent sections

3. Page 3, line 5 through page 5, line 5.

Strike: sections 6 through 10 in their entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted, with Senator Toole voting nay.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

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HB 598, introduced by Brueggeman
HB 619, introduced by Harris
HB 642, introduced by Story

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

Session 2

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

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

HB 359 - Senator Grimes moved **HB 359** be concurred in. Motion carried unanimously.

HB 403 - Senator F. Thomas moved consideration of **HB 403** be passed for the day. Motion carried.

HB 418 - Senator Tester moved **HB 418** be concurred in. Motion carried as follows:

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

Total 43

Nays: None.

Total 0

Absent or not voting: Cole, Grimes, Grosfield, Johnson.

Total 4

Excused: Holden, Nelson, Taylor.

Total 3

HB 496 - Senator Bishop moved **HB 496** be concurred in. Motion carried unanimously.

HB 497 - Senator Hargrove moved **HB 497** be concurred in. Motion **failed** as follows:

Yeas: Berry, Butcher, Crismore, DePratu, Ellis, Hargrove, Johnson, Keenan, Miller, Mohl, O'Neil, Sprague, Stapleton, Stonington, Tash, Tester, Thomas, Wells.

Total 18

Nays: Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Grimes, Halligan, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, McNutt, Pease, Roush, Ryan, Shea, Toole, Waterman, Zook, Mr. President.

Total 28

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Absent or not voting: None.
Total 0

Excused: Grosfield, Holden, Nelson, Taylor.
Total 4

HB 497 - Senator Cocchiarella moved that **HB 497** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Grimes, Halligan, Hargrove, Harrington, Jergeson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tester, Toole, Waterman, Mr. President.
Total 32

Nays: Berry, Butcher, Crismore, DePratu, Ellis, Johnson, Keenan, Miller, O'Neil, Sprague, Tash, Thomas, Wells, Zook.
Total 14

Absent or not voting: None.
Total 0

Excused: Grosfield, Holden, Nelson, Taylor.
Total 4

HB 521 - Senator Halligan moved **HB 521** be concurred in. Motion carried unanimously.

HB 570 - Senator Grimes moved **HB 570** be concurred in. Motion carried unanimously.

HJR 25 - Senator Ekegren moved **HJR 25** be concurred in. Motion carried unanimously.

HJR 33 - Senator McNutt moved **HJR 33** be concurred in. Motion carried unanimously.

HB 151 - Senator Halligan moved **HB 151**, second reading copy, be amended as follows :

1. Page 2, line 6.

Following: "court." on line 6

Insert: "The district court may order a presentence investigation for a defendant convicted of a misdemeanor only if the defendant was convicted of a misdemeanor that the state originally charged as a sexual or violent offense as defined in 46-23-502."

Amendment **adopted** unanimously.

HB 151 - Senator Doherty moved **HB 151**, as amended, be concurred in. Motion carried unanimously.

HB 159 - Senator Mahlum moved consideration of **HB 159** be passed for the day. Motion carried unanimously.

HB 213 - Senator Halligan moved **HB 213** be concurred in. Motion carried with Senators Beck, Butcher, O'Neil and Wells voting nay.

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HB 332 - Senator Tash moved **HB 332** be concurred in. Motion carried unanimously.

HB 419 - Senator Grimes moved **HB 419** be concurred in. Motion carried unanimously.

HB 444 - Senator Beck moved **HB 444** be concurred in. Motion carried as follows:

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

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Holden, Nelson, Taylor.

Total 3

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

MOTIONS

HB 42 - Senator Johnson moved that the Senate reconsider its action in adopting amendment **No. 691202CW.srf** to **HB 42** in second reading , session 1, this legislative day, as the amendments were incorrect. Motion carried.

SB 65 - Senator Thomas moved that the Senate accede to the request of the House and return **SB 65** to the House for further consideration. Motion carried.

HB 30 - Senator Mahlum moved that **HB 30** be taken from the committee on Local Government and rereferred to the committee on Judiciary. Motion carried.

COMMITTEE OF THE WHOLE

Session 3

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

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

HB 42 - Senator Johnson moved to strip the previous amendment (**691202CW.srf**) adopted in session 1 of the Committee of the Whole this day. Motion carried.

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HB 42 - Senator R. Johnson moved **HB 42**, second reading copy, be amended as follows :

1. Title, page 1, line 6.

Strike: "ANNUAL"

Insert: "ONE-TIME"

2. Title, page 1, line 7.

Strike: "PROVIDING AN APPROPRIATION;"

3. Page 1, line 13.

Strike: "(9)"

Insert: "(4)"

Following: "a"

Insert: "one-time"

4. Page 1, line 14.

Strike: "annually"

5. Page 1, line 15.

Strike: ", for" through "certification,"

6. Page 1, lines 25 through page 2, line 3.

Following: "standards." on line 25

Strike: remainder of line 25 through "(4)" on page 2, line 3

Insert: "(3)"

7. Page 2, line 4 through line 18.

Strike: "school" on line 4 through "fund" line 18

Insert: "eligible teacher"

8. Page 2, line 19.

Strike: "(9)"

Insert: "(4)"

9. Page 2, line 21.

Strike: "appropriation for"

Following: "funding"

Insert: "for"

10. Page 2, line 23.

Strike: "appropriation"

Insert: "funding"

11. Page 2, line 26 through line 28.

Strike: section 2 in its entirety

Renumber: subsequent sections

Amendment **adopted** unanimously.

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HB 42 - Senator Beck moved **HB 42**, as amended, be concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Ellis, Franklin, Grimes, Jergeson, Johnson, Kitzenberg, McCarthy, McNutt, Pease, Roush, Ryan, Sprague, Stapleton, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 29

Nays: Bishop, Butcher, Cobb, Cocchiarella, Ekegren, Glaser, Halligan, Hargrove, Keenan, Mahlum, Miller, Mohl, O'Neil, Shea, Stonington, Wells.
Total 16

Absent or not voting: Grosfield, Harrington.
Total 2

Excused: Holden, Nelson, Taylor.
Total 3

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

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 10:00 a.m., Wednesday, March 28, 2001. Motion carried.

Senate adjourned at 6:55 p.m.

ROSANA SKELTON
BECK
Secretary of Senate
Senate

TOM
President of the