

**SENATE JOURNAL  
57<sup>TH</sup> LEGISLATURE  
EIGHTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
April 12, 2001

Senate Chambers  
State Capitol

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

Roll Call. All members present except Senators Franklin and Taylor, excused. Quorum present.

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

Miller, Chairman

**Senators Franklin and Taylor present at this time.**

**SPECIAL ORDERS OF THE DAY**

Senator Crismore proudly introduced Mr. And Mrs. Doug Swingley and two of their dogs, Moby and Stormy. Doug Swingley having just won the Iditarod Dog Race in Alaska for the third time, was presented with the following Proclamation:

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

**WHEREAS**, Montana's beauty and natural treasures are often celebrated in song, prose, photographs, and poetry; and

**WHEREAS**, Montana's mineral treasures glistening in streams and coursing through underground veins have shaped the state's history and economy; and

**WHEREAS**, the wealth of the Treasure State cannot be counted only in mountains, parks, forests, silver, and gold, but in the accomplishments of the people who call Montana home; and

**WHEREAS**, one Montanan and his team of canine athletes recently navigated 1,150 miles of cold, windy, and wild Alaskan real estate in 9 days, 19 hours and 55 minutes to win the 2001 Iditarod, his third victory in a row and fourth victory overall; and

**WHEREAS**, this same Montanan, a Simms native who now resides with dozens of his four-legged friends in Lincoln, is the only non-Alaskan native ever to win the race; and

**WHEREAS**, champion musher Doug Swingley, his lead racers, Peppy and Stormy, and the rest of his hearty team of dogs are unmatched in the dog sled community and are true Montana treasures; and

**WHEREAS**, Doug Swingley's perseverance, commitment, and dedication should serve as an inspiration to Montanans of all ages.

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:** that the congratulations of all Montanans be warmly extended to Doug Swingley, Peppy, and Stormy for their 2001 Iditarod victory and that the admiration of all Montanans be expressed for the

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unparalleled achievements of this genuine Montana treasure.

TOM BECK  
Senate President

DAN McGEE  
Speaker of the House

STEVE DOHERTY  
Senate Minority Leader

WILLIAM "BILL" CRISMORE  
Senate District 41

KIM GILLAN  
House Minority Leader

**REPORTS OF STANDING COMMITTEES**

**STATE ADMINISTRATION** (Hargrove, Chairman):

4/12/2001

**PRELIMINARY REPORT**

**SR 23**, be adopted. Report adopted.

**MESSAGES FROM THE GOVERNOR**

April 11, 2001

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

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

Dear Speaker McGee and President Beck:

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 amendments **House Bill 348**, "AN ACT REVISING THE LAWS GOVERNING STATE AGENCY LIQUOR STORES; INCREASING COMMISSION RATES FOR STATE AGENCY LIQUOR STORES BASED UPON THE ANNUAL SALES VOLUMES OF STORES; PROVIDING FOR RENEWALS AT TERMINATION OF THE 10-YEAR PERIOD OF FRANCHISE AGREEMENTS; ~~CHANGING THE POPULATION LEVELS AND PROXIMITY TO OTHER STATE AGENCY LIQUOR STORES FOR ESTABLISHING NEW STATE AGENCY LIQUOR STORES;~~ AMENDING ~~SECTIONS~~ SECTION 16-2-101 ~~AND 16-2-109~~, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE", for the following reasons.

I have no objection to the substantive intent of HB 348, but do have objections to its long-term fiscal impact to the general fund. I recommend that the commission rates contained in the bill be reduced to effect a 50% reduction in the long-term impact to general fund revenues. I have attached my amendments to that effect.

As you know, HB 348 increases the commission rates for liquor stores based on annual sales volume. Under the percentages currently contained in the bill, it will have a \$288,608 impact on the general fund in fiscal year 2003. In the next biennium, however, that fiscal impact will increase to \$956,557 in fiscal year 2004 and \$1,542,336 in fiscal year 2005. That \$1.5 million dollar impact will then carry forward into future biennia.

I do not believe that an ongoing fiscal impact of that magnitude is appropriate in light of our current and projected

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fiscal status. I recommend, therefore, that the bill be amended to reduce the effect on the general fund for future biennia by 50%. That will leave a general fund impact of approximately \$478,000 for fiscal year 2004 and approximately \$772,000 for fiscal year 2005 and thereafter. My recommended amendments do not affect the \$288,608 impact to the general fund for fiscal year 2003.

Representative Shockley, the sponsor of the bill, has been advised of my recommendations.

Sincerely,  
JUDY MARTZ  
Governor

c: Legislative Services Division  
Office of Budget Program and Planning

**GOVERNOR'S AMENDMENTS TO HOUSE BILL NO. 348**  
(Reference Bill -- 2nd Reading / 2nd House [Tan])  
Drafted by the Office of the Governor  
April 11, 2001

1. Page 2, line 23  
**Following:** "2002,"  
**Strike:** "1% "  
**Insert:** ".5% "

2. Page 2, line 23  
**Following:** "and"  
**Strike:** "1.75% "  
**Insert:** ".875% "

3. Page 2, line 26  
**Following:** "2002,"  
**Strike:** "2.25% "  
**Insert:** "1.25% "

4. Page 2, line 26  
**Following:** "and"  
**Strike:** "3.25% "  
**Insert:** "1.5% "

**MESSAGES FROM THE OTHER HOUSE**

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

4/11/2001

**SB 73**, introduced by Glaser

**Conference Committees** appointed:

**SB 57** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following

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**Conference Committee** to meet with a like committee from the Senate to confer on House amendments to **SB 57**:  
4/11/2001

Representative Mood, Vice Chairman  
Representative Hedges  
Representative Smith

**SB 514** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Conference Committee** to meet with a like committee from the Senate to confer on House amendments to **SB 514**:  
4/11/2001

Representative Price, Vice Chairman  
Representative Laible  
Representative Wanzenried

**HB 5** - The House failed to concur in Senate amendments to **HB 5**, authorized the Speaker to appoint the following **Conference Committee**, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 5**:  
4/11/2001

Representative Vick, Vice Chairman  
Representative Brueggeman  
Representative McCann

**HB 226** - The House failed to concur in Senate amendments to **HB 226**, authorized the Speaker to appoint the following **Conference Committee**, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 226**:  
4/11/2001

Representative Bales, Vice Chairman  
Representative Devlin  
Representative Lindeen

**HB 644** - The House failed to concur in Senate amendments to **HB 644**, authorized the Speaker to appoint the following **Conference Committee**, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 644**:  
4/11/2001

Representative Pattison, Vice Chairman  
Representative Hedges  
Representative Smith

**Free Conference Committees appointed:**

**SB 242** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free Conference Committee** to meet with a like committee from the Senate to confer on **SB 242**:  
4/11/2001

Representative Haines, vice Chairman  
Representative Bookout-Reineke  
Representative Tropila

**SB 437** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free**

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**Conference Committee** to meet with a like committee from the Senate to confer on **SB 437**:

4/11/2001

Representative Brueggeman, Vice Chairman  
Representative Bales  
Representative Jent

**HB 41** - The House failed to concur in Senate amendments to HB 41, authorized the Speaker to appoint the following **Free Conference Committee**, and requested that the Senate appoint a like committee to confer on **HB 41**:

4/11/2001

Representative Witt, Vice Chairman  
Representative Vick  
Representative Tropila

**HB 124** - The House failed to concur in senate amendments to HB 124, authorized the Speaker to appoint the following **Free Conference Committee**, and requested that the Senate appoint a like committee to confer on **HB 124**.

Representative Story, Vice Chairman  
Representative Esp  
Representative Mangan

**HB 632** - The House failed to concur in Senate amendments to HB 632, authorized the Speaker to appoint the following **Free Conference Committee**, and requested that the Senate appoint a like committee to confer on **HB 632**:

4/11/2001

Representative Mood, Vice Chairman  
Representative R. Brown  
Representative Dell

**HB 646** - The House failed to concur in Senate amendments to HB 646, authorized the Speaker to appoint the following **Free Conference Committee**, and requested that the Senate appoint a like committee to confer on **HB 646**:

4/11/2001

Representative Story, Vice Chairman  
Representative Mood  
Representative Forrester

**HB 216** - The House acceded to the request of the Senate, **dissolved** the conference committee on House amendments to HB 216, and authorized the Speaker to appoint the following **Free Conference Committee** to confer on **HB 216**:

4/11/2001

Representative Himmelberger, Vice Chairman  
Representative Harris  
Representative K. Peterson

**MOTIONS**

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**HB 124** - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House to confer on **HB 124**. Motion carried. The President appointed the following members:

Senator Johnson, Chairman  
Senator Keenan  
Senator Stonington

**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 151, Free Conference Committee Report No. 1**, adopted as follows:

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

Nays: Bishop, Franklin, Halligan, Waterman.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 179, as amended by the House**, 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, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**SB 185, Free Conference Committee Report No. 1**, adopted 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, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 49

Nays: Holden.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 191, as amended by the House**, 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, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 283, Conference Committee Report No. 1**, adopted 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, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 50

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 315, as amended by the House, passed as follows:**

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

Nays: Grimes, Stapleton.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 348, Conference Committee Report No. 1, adopted 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, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 423, Conference Committee Report No. 1, adopted 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, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr.



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President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 427, Conference Committee Report No. 1**, adopted 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, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 445, as amended by the House**, passed as follows:

Yeas: Berry, Bohlinger, Butcher, Cole, Crismore, DePratu, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook, Mr. President.  
Total 29

Nays: Bishop, Christiaens, Cobb, Cocchiarella, Doherty, Ellingson, Elliott, Halligan, Harrington, Holden, Jergeson, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 21** adopted 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, Holden, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.  
Total 48

Nays: Keenan, Wells.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 57** concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.  
Total 43

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

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 118, Conference Committee Report No. 1**, adopted 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, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

**MOTIONS**

Majority Leader Thomas moved that the Senate stand in recess until the hour of 10:50 a.m. this day for party caucuses. Motion carried.

**Senate recessed at 10:35 a.m.**

**Senate reconvened at 11:10 a.m.**

Roll Call. All members present. Quorum present.

SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)  
Session I

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

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

**SB 19 - House Amendments** - Senator Halligan moved House amendments to **SB 19** be **not** concurred in. Motion carried unanimously.

**SB 134 - House Amendments** - Senator K. Miller moved House amendments to **SB 134** be concurred in. Motion carried as follows:

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

Total 29

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

Total 20

Absent or not voting: Stapleton.

Total 1

Excused: None.

Total 0

**SB 350 - House Amendments** - Senator Ellingson moved House amendments to **SB 350** be concurred in. Motion carried unanimously.

**Senator Ellingson excused at this time.**

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**SB 505 - House Amendments** - Senator Taylor moved House amendments to **SB 505** be **not** concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 44

Nays: Bishop.  
Total 1

Absent or not voting: Harrington, Jergeson, Keenan, Ryan.  
Total 4

Excused: Ellingson.  
Total 1

**SB 506 - House Amendments** - Senator Cobb moved House amendments to **SB 506** be **not** concurred in. Motion carried unanimously.

**SB 508 - House Amendments** - Senator Cole moved House amendments to **SB 508** be **not** concurred in. Motion carried unanimously.

**SB 510 - House Amendments** - Senator Stapleton moved House amendments to **SB 510** be concurred in. Motion carried unanimously.

**SB 512 - House Amendments** - Senator Halligan moved House amendments to **SB 512** be **not** concurred in. Motion carried unanimously.

**SB 521 - House Amendments** - Senator Doherty moved House amendments to **SB 521** be **not** concurred in. Motion carried unanimously.

**HB 399 - Governor's Amendments** - Senator Cocchiarella moved Governor's amendments to **HB 399** be concurred in. Motion carried unanimously.

**HB 500 - Governor's Amendments** - Senator Roush moved Governor's amendments to **HB 500** be concurred in. Motion carried unanimously.

**HJR 39** - Senator Halligan moved **HJR 39** be concurred in. Motion carried unanimously.

**SB 327 - Free Conference Committee Report No. 1** - Senator Doherty moved the Free Conference Committee report to **SB 327** be adopted. Motion carried unanimously.

**SB 242 FCC and SB 437 FCC** - Majority Leader Thomas moved that SB 242 and SB 437 be placed at the bottom of the second reading board. Motion carried.

**SB 429 - Conference Committee Report No. 1** - Senator Sprague moved the Conference Committee report to **SB**

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**429** be adopted. Motion carried with Senator Sprague voting nay.

**SB 129 - House Amendments** - Senator Berry moved House amendments to **SB 129** be concurred in. Motion carried unanimously.

**SB 258 - House Amendments** - Senator Bohlinger moved House amendments to **SB 258** be concurred in. Motion carried unanimously.

**SB 264 - House Amendments** - Senator Waterman moved House amendments to **SB 264** be concurred in. Motion carried with Senator K. Miller voting nay.

**SB 303 - House Amendments** - Senator Hargrove moved House amendments to **SB 303** be concurred in. Motion carried unanimously.

**SB 346 - House Amendments** - Senator Cobb moved House amendments to **SB 346** be concurred in. Motion carried unanimously.

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 O'Neil moved the Committee of the Whole report be adopted. Report adopted unanimously.

**REPORTS OF STANDING COMMITTEES**

**LOCAL GOVERNMENT** (Mahlum, Chairman):  
**SJR 22**, be adopted. Report adopted.

4/12/2001

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 473**  
Report No. 2, April 12, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 473**, met April 11, 2001, and considered:

1. Senate Committee on Natural Resources amendments to the third reading copy, dated March 17, 2001; and
2. Senate Committee of the Whole amendment to the second house, second reading copy, dated March 20, 2001.

We recommend that **House Bill 473** (reference copy – salmon) be amended as follows:

1. Title, line 6.

**Following:** "THAT"

**Insert:** "CERTAIN"

2. Page 3, line 23 through line 25.

**Following:** "on"

**Strike:** remainder of line 23 through line 25

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**Insert:** "parts 1 through 3 of this chapter."

3. Page 3, line 30 through page 4, line 2.

**Following:** "MEASURES"

**Strike:** remainder of line 30 through "MEASURES" on page 4, line 2

**Insert:** "that"

4. Page 4.

**Strike:** line 4

**Insert:** "(c) Parts 1 through 3 of this chapter do not confer authority to an agency that is a project sponsor to modify a proposed project or action."

For the House:

C. Younkin, Vice Chairman  
Mood  
Gutsche

For the Senate:

Crismore, Chairman  
Roush  
Thomas

**MOTIONS**

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

**Senate recessed at 11:57 a.m.**

**Senate reconvened at 3:00 p.m.**

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

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman):

4/12/2001

Correctly printed: SR 23, HB 57.

Correctly engrossed: SJR 21, HB 637, HJR 39.

Correctly enrolled: SB 46, SB 131, SB 162, SB 240, SB 280, SB 317, SB 326, SB 344, SB 368, SB 489, SB 495, SB 501, SB 519.

Signed by the Secretary of Senate at 5:00 p.m., April 11, 2001: SB 288, SB 293, SB 298, SB 304, SB 309, SB 310, SB 311, SB 318, SB 319, SB 328.

Signed by the Speaker at 4:35 p.m., April 11, 2001: SB 187, SB 190, SB 245, SB 248, SB 324, SJR 16.

Signed by the Speaker at 5:30 p.m., April 11, 2001: SB 333, SB 355, SB 477, SJR 12.

Signed by the Secretary of Senate at 4:30 p.m., April 12, 2001: SB 187, SB 190, SB 245, SB 248, SB 324, SB 333, SB 355, SJR 12, SJR 16.

Delivered to the Governor for approval at 9:25 a.m., April 12, 2001: SB 330, SB 354, SB 356, SB 359, SB 375, SB 377, SB 378, SB 396, SB 397, SB 448, SB 449, SB 450, SB 455, SB 459, SB 466, SB 469, SB 473, SB 474, SB 476, SB 477, SB 480, SB 491, SJR 2.

**EDUCATION AND CULTURAL RESOURCES** (Glaser, Chairman):

4/12/2001

**HJR 35**, be concurred in. Report adopted.

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**HJR 40**, be concurred in. Report adopted.

**HJR 41**, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

on **Senate Bill 390**

Report No. 1, April 12, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 390** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 390** (reference copy – salmon) be amended as follows:

1. Title, line 5.

**Following:** "LAWS;"

**Insert:** "ESTABLISHING A SCHOOL FLEXIBILITY PROGRAM FOR K-12 PUBLIC SCHOOLS; REQUIRING VOTER APPROVAL FOR A LEVY TO INCREASE A DISTRICT'S FUNDS TO SUPPORT THE FLEXIBILITY PROGRAM;"

2. Title, line 18.

**Following:** "RESTRICTIONS;"

**Insert:** "AUTHORIZING A SCHOOL DISTRICT WHOSE CURRENT YEAR GENERAL FUND BUDGET EXCEEDS THE ENSUING YEAR'S MAXIMUM GENERAL FUND BUDGET TO ADOPT A GENERAL FUND BUDGET FOR THE ENSUING YEAR UP TO THE CURRENT YEAR'S GENERAL FUND BUDGET FOR A MAXIMUM OF 5 YEARS; REQUIRING THE TRUSTEES TO GRADUALLY REDUCE THE GENERAL FUND BUDGET BY THE END OF THE 5-YEAR PERIOD;"

3. Title, line 20.

**Following:** "AID;"

**Insert:** "REQUIRING VOTER APPROVAL FOR A LEVY TO FUND TRANSITION COSTS WHEN A SCHOOL DISTRICT OPENS OR CLOSES A SCHOOL OR REPLACES A SCHOOL BUILDING OR WHEN A SCHOOL DISTRICT CONSOLIDATES WITH OR ANNEXES ANOTHER SCHOOL DISTRICT;"

4. Title, line 22 through line 23.

**Strike:** "AUTHORIZING" on line 22 through "AVERAGE;" on line 23

5. Title, line 25.

**Following:** "20-9-343,"

**Insert:** "20-9-502,"

6. Title, line 26.

**Strike:** "AN"

**Strike:** "DATE"

**Insert:** "DATES AND A RETROACTIVE APPLICABILITY DATE"

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7. Page 1.

**Following:** line 28

**Insert:** "NEW SECTION. Section 1. Definitions. As used in [section 2] and this section, the following definitions apply:

(1) "Average student amount" means the amount calculated by:

(a) multiplying the money available in the school flexibility account, provided for in [section 2], by 40%;

and

(b) dividing the amount calculated in subsection (1)(a) by the total statewide ANB in the previous fiscal year when averaged with the total statewide ANB for the previous 4 fiscal years.

(2) "Current student amount" means the amount calculated by:

(a) multiplying the money available in the school flexibility account, provided for in [section 2], by 20%;

and

(b) dividing the amount calculated in subsection (2)(a) by the total statewide ANB in the previous fiscal year.

(3) "District K-12 public school funding amount" means the K-12 public schools amount multiplied by the number of K-12 public schools in the school district in the fiscal year in which the funding is distributed.

(4) "District large K-12 public school funding amount" means the large K-12 public schools amount multiplied by the number of K-12 public schools with an enrollment of at least 250 students in the school district in the fiscal year in which the funding is distributed.

(5) "District student funding amount" means the current student amount multiplied by a district's ANB for the previous fiscal year plus the average student amount multiplied by a district's ANB for the previous fiscal year when averaged with the district's ANB for the 4 previous fiscal years.

(6) "K-12 public schools amount" means the amount calculated by:

(a) multiplying the money available in the school flexibility account, provided for in [section 2], by 15%;

and

(b) dividing the amount calculated in subsection (6)(a) by the number of K-12 public schools that anticipate having students in the fiscal year in which the funding is distributed.

(7) "Large K-12 public schools amount" means the amount calculated by:

(a) multiplying the money available in the school flexibility account, provided for in [section 2], by 25%;

and

(b) dividing the amount calculated in subsection (7)(a) by the number of K-12 public schools with an enrollment of at least 250 students that anticipate having students in the fiscal year in which the funding is distributed."

**Insert:** "NEW SECTION. Section 2. School flexibility account -- distribution of funds. (1) There is a school flexibility account in the state special revenue fund. The superintendent of public instruction shall allocate the money in the account, including any interest earned on money allocated to the account, to each school district. Each school district's total allocation is the sum of the district K-12 public school funding amount, the district large K-12 public school funding amount, and the district student funding amount.

(2) In addition to funds allocated or appropriated to the school flexibility account, all money saved by the state if the actual statewide ANB in a given fiscal year is less than the statewide ANB projected by the legislature during the preceding legislative session must be deposited in the school flexibility account."

**Insert:** "NEW SECTION. Section 3. School flexibility fund -- uses. (1)(a) The trustees of a district shall establish a school flexibility fund and may use the fund, in their discretion, for school district expenditures incurred for:

(i) technological equipment enhancements and expansions considered by the trustees to support enhanced educational programs in the classroom;



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(ii) facility expansion and remodeling considered by the trustees to support the delivery of educational programs or the removal and replacement of obsolete facilities;  
(iii) supplies and materials considered by the trustees to support the delivery of enhanced educational programs;  
(iv) student assessment and evaluation;  
(v) the development of curriculum materials;  
(vi) training for classroom staff considered by the trustees to support the delivery of enhanced educational programs;  
(vii) purchase, lease, or rental of real property that must be used to provide free or reduced price housing for classroom teachers;  
(viii) salaries, benefits, bonuses, and other incentives for the recruitment and retention of classroom teachers and other certified staff, subject to collective bargaining when applicable; or  
(ix) increases in energy costs caused by an increase in energy rates from the rates paid by the district in fiscal year 2001 or from increased use of energy as a result of the expansion of facilities, equipment, or other resources of the district. (b) If the district's ANB calculated for the current fiscal year is less than the ANB for the current fiscal year when averaged with the 4 previous fiscal years, the district may use money from the school flexibility fund to phase in over a 5-year period the spending reductions necessary because of the reduction in ANB.

(2) The trustees of a district shall fund the school flexibility fund with the money allocated under [section 2] and with the money raised by the levy under [section 4].

(3) The financial administration of the school flexibility fund must be in accordance with the financial administration provisions of this title for a budgeted fund."

**Insert:** "NEW SECTION. Section 4. District school flexibility fund levy. (1) In addition to the money allocated in [section 2] for a district's school flexibility fund, the trustees of a school district may submit a proposition to the qualified electors of the district to approve a levy in an amount not to exceed 25% of the district's allocation in [section 2] to fund the school flexibility fund authorized under [section 3]. An election called pursuant to this section must be called and conducted in the manner prescribed by this title for school elections. The ballot for a proposition must provide "FOR" and "AGAINST" provisions, stating whether the district is authorized to impose a levy of (state the dollars) dollars and (state the approximate number of mills) mills to fund the school flexibility fund in the school district. The school flexibility fund proposition is approved if a majority of those electors voting at the election approve the levy.

(2) Money collected from the levy must be deposited in the district's school flexibility fund and spent in accordance with [section 3]."

**Renumber:** subsequent sections

8. Page 9, line 17.

**Strike:** "-- definitions"

9. Page 9, line 30 through page 10, line 1.

**Strike:** the second "up" on page 9, line 30 through "of" on page 10, line 1

10. Page 10, line 2.

**Following:** "years"

**Insert:** ", but the trustees shall adopt a plan to reach the maximum general fund budget by no later than the end of the 5-year period."

11. Page 10, line 28 through page 11, line 12.

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**Strike:** "(c)" on page 10, line 28 through "program." on page 11, line 12

12. Page 11, line 24 through line 30.

**Strike:** subsection (6) in its entirety

13. Page 14.

**Following:** line 9

**Insert:** "**Section 18.** Section 20-9-502, MCA, is amended to read:

**"20-9-502. Purpose and authorization of a building reserve fund by an election -- levy for school transition costs.** (1) The trustees of any district, with the approval of the qualified electors of the district, may establish a building reserve for the purpose of raising money for the future construction, equipping, or enlarging of school buildings, ~~or~~ for the purpose of purchasing land needed for school purposes in the district, ~~or for the purpose of funding school transition costs as provided in subsection (5).~~ In order to submit to the qualified electors of the district a building reserve proposition for the establishment of or addition to a building reserve, the trustees shall pass a resolution that specifies:

- (a) the purpose or purposes for which the new or addition to the building reserve will be used;
- (b) the duration of time over which the new or addition to the building reserve will be raised in annual, equal installments;
- (c) the total amount of money that will be raised during the duration of time specified in subsection (1)(b); and
- (d) any other requirements under 20-20-201 for the calling of an election.

(2) The total amount of building reserve, less the amount provided for in subsection (5), when added to the outstanding indebtedness of the district may not be more than the limitations provided in 20-9-406. ~~★ Except as provided in subsection (5)(b),~~ a building reserve tax authorization may not be for more than 20 years.

(3) The election must be conducted in accordance with the school election laws of this title, and the electors qualified to vote in the election must be qualified under the provisions of 20-20-301. The ballot for a building reserve proposition must be substantially in the following form:

OFFICIAL BALLOT

SCHOOL DISTRICT BUILDING RESERVE ELECTION

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BUILDING RESERVE--YES" if you wish to vote for the establishment of a building reserve (addition to the building reserve); if you are opposed to the establishment of a building reserve (addition to the building reserve) make an X or similar mark in the square before the words "BUILDING RESERVE--NO".

Shall the trustees be authorized to impose an additional levy each year for .... years to establish a building reserve (add to the building reserve) of this school district to raise a total amount of .... dollars (\$....), for the purpose(s) .... (here state the purpose or purposes for which the building reserve will be used)?

BUILDING RESERVE--YES.

BUILDING RESERVE--NO.

(4) The building reserve proposition is approved if a majority of those electors voting at the election approve the establishment of or addition to the building reserve. The annual budgeting and taxation authority of the trustees for a building reserve is computed by dividing the total authorized amount by the specified number of years. The authority of the trustees to budget and impose the taxation for the annual amount to be raised for the building reserve lapses when, at a later time, a bond issue is approved by the qualified electors of the district for the same purpose or purposes for which the building reserve fund of the district was established. Whenever a subsequent bond issue is made for the same purpose or purposes of a building reserve, the money in the building reserve must be used for such purpose or purposes before any money realized by the bond issue is used.

(5)(a) The trustees may submit a proposition to the qualified electors of the district for a levy to provide funding for transition costs incurred when the trustees:

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- (i) open a new school under the provisions of Title 20, chapter 6;
- (ii) close a school;
- (iii) replace a school building; or
- (iv) consolidate with or annex another district under the provisions of Title 20, chapter 6.
- (b) Except as provided in subsection (5)(c), the total amount the trustees may submit to the electorate for transition costs may not exceed the number of years specified in the proposition times the greater of 5% of the district's maximum general fund budget for the current year or \$250 per ANB for the current year. The duration of the levy for transition costs may not exceed 6 years.
- (c) If the levy for transition costs is for consolidation or annexation:
  - (i) the limitation on the amount levied is calculated using the ANB and the maximum general fund budget for the districts that are being combined; and
  - (ii) the proposition must be submitted to the qualified electors in the combined district.
- (d) The levy for transition costs may not be considered as outstanding indebtedness for the purpose of calculating the limitation in 20-9-406."

14. Page 16, line 15.

**Strike:** "5"

**Insert:** "9"

15. Page 17.

**Following:** line 29

**Insert:** "NEW SECTION. Section 22. Extension of 2001 deadlines relating to school elections. In order to allow for the orderly and efficient conduct of the regular school elections scheduled for May 8, 2001, it may not be possible to comply with certain statutory deadlines relating to a school election. Therefore, for the regular school election scheduled for May 8, 2001, all statutory deadlines falling on or before April 13 are extended to April 20, 2001, except that the deadline for making the absentee ballots available is extended to April 25, 2001, and the timeline for posting the election notice is changed to April 20, 2001, through April 30, 2001."

**Renumber:** subsequent section

16. Page 18, line 1.

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This"

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

**Following:** "2001"

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

17. Page 18.

**Following:** line 1

**Insert:** "(2) [Sections 22 and 24 and this section] are effective on passage and approval."

**Insert:** "NEW SECTION. Section 24. Retroactive applicability. [Section 22] applies retroactively, within the meaning of 1-2-109, to actions taken by the trustees of a school district on or after March 29, 2001."

For the Senate:

Glaser, Chairman  
McCarthy  
Cobb

For the House:

Lawson, Vice Chairman  
Somerville  
Galvin-Halcro

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**CONFERENCE COMMITTEE**  
on Senate Amendments to **House Bill 266**  
Report No. 2, April 12, 2001

Mr. Speaker and Mr. President:

We, your Conference Committee on **House Bill 266**, met April 12, 2001, and considered:

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

We recommend that Senate amendments to **House Bill 266** (reference copy – salmon) be accepted by the House.

For the House:

Shockley, Vice Chairman  
P. Clark  
Clancy

For the Senate:

K. Miller, Chairman  
Kitzenberg  
Stonington

**MESSAGES FROM THE GOVERNOR**

April 12, 2001

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

Dear Senator Beck:

Please be informed that I have signed **Senate Bill 94** sponsored by Senator Shea, **Senate Bill 159** sponsored by Senator Grosfield, and **Senate Bill 323** sponsored by Senator McNutt on April 12, 2001.

Sincerely,  
JUDY MARTZ  
Governor

**MESSAGES FROM THE OTHER HOUSE**

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/12/2001

**SB 92**, introduced by Halligan  
**SB 394**, introduced by Shea  
**SB 398**, introduced by K. Miller

Senate bill concurred in and returned to the Senate: 4/12/2001

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**SB 376**, introduced by DePratu

House joint resolutions passed and transmitted to the Senate for concurrence: 4/12/2001

**HJR 42**, introduced by Kaufmann

**HJR 44**, introduced by Curtiss

Governor's Amendments concurred in: 4/12/2001

**SB 80**, introduced by Senator Mahlum

**SB 168**, introduced by Senator Stonington

**MOTIONS**

**SB 19** - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee**, and request the House to appoint a like committee to confer on **SB 19**. Motion carried. The President appointed the following members:

Senator McNutt, Chairman

Senator Ellis

Senator Ryan

**SB 505** - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee**, and request the House to appoint a like committee to confer on **SB 505**. Motion carried. The President appointed the following members:

Senator Cole, Chairman

Senator DePratu

Senator Halligan

**SB 506** - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee**, and request the House to appoint a like committee to confer on **SB 506**. Motion carried. The President appointed the following members:

Senator Cole, Chairman

Senator DePratu

Senator Halligan

**SB 508** - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee**, and request the House to appoint a like committee to confer on **SB 508**. Motion carried. The President appointed the following members:

Senator Cole, Chairman

Senator DePratu

Senator Halligan

**SB 512** - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee**, and request the House to appoint a like committee to confer on **SB 512**. Motion carried. The

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President appointed the following members:

Senator Cole, Chairman  
Senator DePratu  
Senator Halligan

**SB 521** - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee**, and request the House to appoint a like committee to confer on **SB 521**. Motion carried. The President appointed the following members:

Senator McNutt, Chairman  
Senator Ellis  
Senator Ryan

**FIRST READING AND COMMITMENT OF BILLS**

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

**HJR 42**, introduced by Kaufmann, referred to Natural Resources.

**HJR 44**, introduced by Curtiss, R. Brown, Dell, Fisher, Forrester, Haines, Juneau, Matthews, Mood, Olson, Schmidt, Story, referred to Natural Resources.

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

Session II

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

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

**Senator Stapleton assumed the chair.**

**SB 242 - Free Conference Committee Report No. 1** - Senator Mahlum moved the Free Conference Committee report to **SB 242** be adopted. After discussion, Senator Halligan made a **substitute motion** that the Free Conference Committee Report on **SB 242** be **not** adopted. Motion carried unanimously.

**Senator O'Neil reassumed the chair.**

**SB 437 - Free Conference Committee Report No. 1** - Senator Cole moved the Free Conference Committee report to **SB 437** be adopted. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Wells, Zook,

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Mr. President.  
Total 39

Nays: Christiaens, Doherty, Elliott, Franklin, Halligan, Harrington, Ryan, Stonington, Toole, Waterman.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Ellingson.  
Total 1

**SB 65 - House Amendments** - Senator Ellis moved House amendments to **SB 65** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Ellingson.  
Total 1

**SB 263 - House Amendments** - Senator Mahlum moved House amendments to **SB 263** be concurred in. Motion carried unanimously.

**SB 281 - House Amendments** - Senator Mahlum moved House amendments to **SB 281** be concurred in. Motion carried unanimously.

**SB 386 - House Amendments** - Senator Waterman moved House amendments to **SB 386** be **not** concurred in. Motion carried unanimously.

**SB 393 - House Amendments** - Senator F. Thomas moved House amendments to **SB 393** be concurred in. Motion carried unanimously.

**SB 483 - House Amendments** - Senator Christiaens moved House amendments to **SB 483** be concurred in. Motion carried with Senators Cocchiarella and Ryan voting nay.

**SB 484 - House Amendments** - Senator Beck moved House amendments to **SB 484** be concurred in. Motion carried unanimously.

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**SB 494 - House Amendments** - Senator Cobb moved House amendments to **SB 494** be concurred in. Motion carried as follows:

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

Total 39

Nays: Christiaens, Doherty, Franklin, Ryan, Stonington, Tester, Toole, Waterman.

Total 8

Absent or not voting: Ekegren, Elliott.

Total 2

Excused: Ellingson.

Total 1

**HB 459 - Free Conference Committee Report No. 1** - Senator Crismore moved the Free Conference Committee report to **HB 459** be adopted. Motion carried as follows:

Yeas: Berry, Butcher, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Elliott, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Toole, Wells, Zook, Mr. President.

Total 38

Nays: Bishop, Bohlinger, Christiaens, Doherty, Franklin, Harrington, McCarthy, Ryan, Stonington, Waterman.

Total 10

Absent or not voting: Roush.

Total 1

Excused: Ellingson.

Total 1

**HB 473 - Free Conference Committee Report No. 1** - Senator Crismore moved the Free Conference Committee report to **HB 473** be adopted. Motion carried as follows:

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

Total 31

Nays: Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Elliott, Franklin, Halligan, Harrington, Jergeson, McCarthy, Pease, Ryan, Shea, Tester, Toole, Waterman.

Total 17



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Absent or not voting: Nelson.  
Total 1

Excused: Ellingson.  
Total 1

**Senator Sprague excused at this time.**

**HB 543 - Free Conference Committee Report No. 1** - Senator Crismore moved the Free Conference Committee report to **HB 543** be adopted. Motion carried unanimously.

**HB 572 - Free Conference Committee Report No. 1** - Senator Crismore moved the Free Conference Committee report to **HB 572** be adopted. Motion carried unanimously.

**HJR 32 - Conference Committee Report No. 1** - Senator Bishop moved the Conference Committee report to **HJR 32** be adopted. Motion carried unanimously.

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

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 216**  
Report No. 1, April 12, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 216**, met April 12, 2001, and considered:

1. Senate Committee on Judiciary amendments to third reading copy, dated March 6, 2001; and
2. Senate Committee of the Whole amendments to second house, second reading copy, dated March 9, 2001; and
3. Senate Committee of the Whole amendments to second house, second reading copy, dated March 10, 2001.

We recommend that **House Bill 216** (reference copy - salmon) be amended as follows:

1. Page 6, line 8.

**Following:** line 7

**Insert:** "NEW SECTION. Section 5. Coordination instruction. If House Bill No. 191 and [this act] are both passed and approved, the insertion of the word "shall" in 45-5-624(3)(a) in House Bill No. 191 is void."

For the House:

Himmelberger, Vice Chairman  
K. Peterson  
Harris

For the Senate:

R. Holden, Chairman  
Harrington  
Stapleton

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**MESSAGES FROM THE GOVERNOR**

April 12, 2001

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

Dear President Beck:

Attached is an additional list of board appointments not yet confirmed by the Montana Legislature. We have supplied the following information for each member:

Board Name  
Member Name  
Member Address and Phone Numbers  
Brief Member Biography  
Position Requirement

If I or my staff can be of any further assistance to you, please do not hesitate to contact us.

Sincerely,  
JUDY MARTZ  
Governor

**SENATE CONFIRMATION REPORT  
Report 4 —2001**

**Board of Architects**

**MCA 2-15-1871**

Mr. Larry Chaffin  
731 E Orr  
Dillon MT 59725  
HPH: 683-5228  
BPH: n/a

Appt: 04/11/01  
Term: 03/27/04  
Qual: Public

Larry is retired after having been a partner in a hay, grain, cattle and sheep ranching operation, partners in a commercial printing and office supply store, and owner of a local radio station. He is very active in his community, currently serving on the City Council (approx 20 years), the City Planning Board, and Beaverhead Co Museum Board. He also served as the former president of the Beaverhead County Farm Bureau, as well as Jaycees and the Boy Scout State Board.

Mr. Tom Wood

Appt: 04/11/01

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College of Arts & Architecture  
P O Box 173700  
Bozeman MT 59717  
HPH: 585-3077  
BPH: 994-4405

Term: 03/27/04  
Qual: MSU-Bozeman School of Architecture

Tom has been a teacher and practitioner of architecture in Montana for almost twenty years. He is an award winning architect in Montana and Florida. His design and built works have been published in several venues, and his research/practice in the areas of lighting and energy design have been recognized on a national level. Tom has served as Head of the School of Architecture at MSU and is now serving as the Asst Dean for the College of Arts and Architecture.

**State Banking Board**

**MCA 2-15-1803**

Jamie Doggett  
425 Camas Creek Rd.  
White Sulphur Springs, MT 59645  
HPH: 547-2190  
BPH: 547-2172

Appt: 04/04/01  
Term: 07/01/01  
Qual: Public Member

Jamie is currently a County Commissioner for Meagher County. She recently ended her term of 12 years on the Montana Committee for the Humanities with the last three years serving as chairman. In her role as Commissioner, she enjoys dealing with pressing problems and finding workable solutions.

**Coal Board**

**MCA 2-15-1821**

Alan Evans  
4300 US Hwy 87 S  
Roundup, MT 59072  
HPH: 323-2888  
BPH: 245-2121

Appt: 04/10/01  
Term: 01/01/05  
Qual: District 4 Rep., Impact Area Resident

Alan just completed three terms on this board. Since Musselshell County has just begun a major impact period, continuity on this board is very important. He is the president and CEO of Evans Land Management Associates and is currently a realtor/appraiser at Prudential Floberg Realtors in Billings. He received a B.A. from MSU in 1962 in Animal Science/Agricultural Business. He serves as a director on the Fergus Electric Cooperative and the Musselshell Valley Development Corporation.

Gerald Feda  
206 2nd Avenue N  
Glasgow, MT 59230  
HPH: 228-2110  
BPH: 228-2110

Appt: 04/10/01  
Term: 01/01/05  
Qual: District 3 Representative

Gerry is a retired engineer with Burlington Northern Railroad and is currently a real estate broker. He is a resident of District 3 and a former legislator having served four terms in the House of Representatives. Gerry has been a member of the Coal Board since 1987 and has been Chairman since 1988.

Roger Knapp

Appt: 04/10/01

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P.O. Box 8  
Hysham, MT 59038  
HPH: 342-5260  
BPH: 342-5260

Term: 01/01/05  
Qual: District 4 Rep., Impact Area Resident

Roger is a retired teacher from Hysham School District and is a Treasure County Commissioner. He is a lifelong resident of the Hysham area and is a former legislator from this impact area. He has owned and operated a farm south of Melstone since 1976.

James Royan  
646 W Artemos Drive  
Missoula, MT 59803  
HPH: 543-8358  
BPH: 259-4908

Appt: 04/10/01  
Term: 01/01/05  
Qual: District 1 Representative

Jim resides in District 1 and is vice president of Murphy Favre, a full service brokerage firm that has served the Pacific Northwest for over 100 years. He served as director of admissions for the University of Montana and director of school college relations for the College of Great Falls. He is a 1975 graduate of the College of Great Falls with a degree in history and economics.

**SPECIAL ORDERS OF THE DAY**

Senator Roush introduced members of the Browning Indians basketball team and members of the Heart Butte basketball team and their coaches. The Senate President presented each team with a Proclamation recognizing their achievements in being the top team in their basketball divisions. Members of CM Russell basket ball team came to the Capitol, but had to leave before session convened. The following proclamations were read:

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

**WHEREAS**, the Charles M. Russell High School boys' basketball team has won their second consecutive Class "AA" state championship with a 22-1 record; and

**WHEREAS**, the C. M. R. Rustlers have shown team discipline and unselfish team play throughout the 2000-2001 season; and

**WHEREAS**, the team has exhibited ongoing sportsmanship, particularly in the state championship tournament games; and

**WHEREAS**, the C. M. Russell boys' basketball team is the pride of Great Falls and all of Montana; and

**WHEREAS**, the Rustlers have set a great example for young people, not only in Montana, but throughout the entire United States.

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:** that the congratulations of all Montanans be extended to the C. M. R. Rustlers boys' basketball team.

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Sen. Don Ryan  
Sen. B.F. Christiaens  
Rep. K. Galvin-Halcro  
Rep. Tim Callahan  
Rep. Brett Tramelli

Sen. Steve Doherty  
Sen. John Cobb  
Rep. George Golie  
Rep. Joe McKenney

Sen. Eve Franklin  
Rep. Joe Tropila  
Rep. Jeff Mangan  
Rep. James Whitaker

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

**WHEREAS**, the Browning High School Indians boys' basketball team has won the 2001 Class "A" state championship for the first time in 21 years; and

**WHEREAS**, the Browning Indians have shown team discipline and unselfish team play throughout the 2000-2001 season; and

**WHEREAS**, the team has exhibited ongoing sportsmanship, particularly in the state championship tournament games; and

**WHEREAS**, the Browning Indians rebounded from a 5-17 record for the 1999-2000 season to finish 19-7 this year; and

**WHEREAS**, first-year coach, Ray Augare, is himself a graduate of Browning High School; and

**WHEREAS**, Browning High School is located on the Blackfeet Reservation; and

**WHEREAS**, the Browning Indians have set a great example for young people, not only in Montana but throughout the entire Blackfeet Reservation and the entire United States.

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:** that the congratulations of all Montanans be extended to the Browning Indians for their accomplishments.

Senator Glenn Roush  
Representative Carol Juneau

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

**WHEREAS**, the Three Forks Wolves' basketball team has won the 2001 Class "B" state title, the school's first championship in 27 years; and

**WHEREAS**, the Wolves have shown team determination in spite of their small numbers, and have been nicknamed the "Team with Heart" throughout the district; and

**WHEREAS**, the Three Forks Wolves improved upon a third-place berth in the 1999-2000 season; and

**WHEREAS**, the Wolves compiled an impressive 24 wins and 3 losses; and

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**WHEREAS**, the team never lost a game to any other Class B team for the year; and

**WHEREAS**, Coach, Mike Sauvageau, also a graduate of Three Forks High School, was assisted by John Briney; and

**WHEREAS**, Center, Travis Williams, was named Most Valuable Player for the tournament.

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:** that the congratulations of all Montanans be extended to the Three Forks Wolves for their accomplishments.

Senator Bill Tash  
Representative Diane Rice

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

**WHEREAS**, the Heart Butte boys' basketball team has successfully defended their Class "C" basketball championship this year; and

**WHEREAS**, this year the Warriors scored an impressive 26 wins and 0 losses, making their record for the last two years 51 wins and 2 losses; and

**WHEREAS**, the Heart Butte Warriors have shown exemplary sportsmanship and teamwork on and off the basketball court; and

**WHEREAS**, The Warrior's head coach, Ginnell Day Chief, was among the first graduating class at Heart Butte in 1990; and

**WHEREAS**, Heart Butte School is located on the Blackfeet Reservation with a school enrollment of 99% Native American; and

**WHEREAS**, the Warriors have set a great example for young people not only in Montana but on the Blackfeet Reservation and throughout Indian Country and the entire United States.

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:** that the congratulations of all Montanans be extended to the Heart Butte Warriors for their accomplishments.

Senator Glenn Roush  
Representative Linda Holden  
Representative Carol Juneau

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

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Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Friday, April 13, 2001. Motion carried.

Senate adjourned at 5:45 p.m.

ROSANA SKELTON  
Secretary of Senate

TOM BECK  
President of the Senate