

**SENATE JOURNAL
58TH LEGISLATURE
FIFTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
March 19, 2003

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

The presiding officer has authenticated the daily journal for the fifty-seventh legislative day.

COMMUNICATIONS AND PETITIONS

Due to the potential for war action in Iraq, President Keenan informed the Senate and staff that they would be required to wear a picture identification while in the Capitol. He further informed the Senate of an emergency disaster practice to be held in the near future and asked all Senators and staff to adhere to the directions in the emergency pamphlet they would be getting.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Mahlum, Chairman):
SB 385, introduced bill, be amended as follows:

3/18/2003

1. Title, page 1, line 13.

Strike: "DEDUCTIBLE"

Insert: "EXCLUDED FROM GROSS INCOME"

2. Title, page 1, line 14.

Following: "15-30-111,"

Insert: "15-31-113,"

3. Page 1, line 19.

Strike: "4"

Insert: "6"

4. Page 1, line 25 through page 2, line 4.

Following: "a business" on line 25

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

Insert: "whose principal headquarters is located in Montana, that is projected to have at least 35% of its employees located in Montana for the following 3 years, and that is estimated within 3 years to:

(a) receive at least 70% of its gross revenue from sources outside the state of Montana; or

(b) be a manufacturing company with at least 70% of its sales to other Montana companies that have 70% of sales from sources outside Montana."

5. Page 2, line 9.

Following: "company"

Insert: ", corporation, or partnership"

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6. Page 2, lines 12 and 13.

Following: "department." on line 12

Strike: remainder of line 12 through "body." on line 13

Insert: "In determining whether a capital investment fund has professional management, the department shall consider the experience of the investment manager related to the venture capital industry. The department may only approve individuals or companies with demonstrated expertise and success in the management of investments in venture capital funds."

7. Page 2, line 17.

Following: line 16

Insert: "(4) The capital investment fund shall pay to the department an annual fee of 0.75% of initial capitalization or \$50,000, whichever is less, for administration of [sections 1 through 6] as long as the total of the fees, assessed annually to all funds, does not exceed \$65,000 in the aggregate."

8. Page 2, line 19.

Following: the first "in"

Insert: "unrelated"

Following: "Montana"

Insert: "that do not displace other sources of equity or debt financing that are included in the balance sheet of the company unless the department determines the investment furthers the purposes of this chapter"

9. Page 2, line 21.

Following: "made"

Insert: "and allocated as provided in [section 2(3)]"

10. Page 2, line 23.

Following: "--"

Insert: "disallowance and"

11. Page 2, lines 24 through 26.

Following: "fund" on line 24

Strike: remainder of line 24 through "taken" on line 26

Insert: "may claim their allocated share of the tax credit provided in [section 3]"

Strike: "investor" on line 26

Insert: "members"

12. Page 2, line 28.

Strike: "subsection (1)"

Insert: "[section 3]"

Strike: "taxpayer's"

Insert: "member's"

13. Page 2, line 30.

Following: "exceeds the"

Strike: "taxpayer's"

Insert: "member's"

14. Page 3, lines 8 through 12.

Following: "(3)" on line 8

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Strike: remainder of line 8 through "credit." on line 12

Insert: "The credit provided in [section 3] is subject to disallowance and recapture as follows:

- (a) The credit is disallowed in the tax year claimed if:
 - (i) the credit is claimed for investment in a business that:
 - (A) is not engaged in one or more of the required activities; or
 - (B) the department determines could not reasonably have been estimated to make at least 70% of its gross revenue from sources outside of Montana; or
 - (ii) a member of the capital investment fund and the business bear a relationship described in section 267(b) of the Internal Revenue Code, 26 U.S.C. 267(b).
- (b) If a business in which an investment was made does not make at least 70% of its gross revenue from sources outside of Montana during any tax year on or after the tax year in which the credit was claimed, in the tax year of the capital investment fund ending on or after that tax year of business, the capital investment fund must:
 - (i) reduce, but not below zero, the amount of any credit to which it is otherwise entitled for the tax year by an amount equal to the credit claimed for the business that did not make at least 70% of its gross revenue from sources outside of Montana, multiplied by a fraction, the numerator of which is 70 minus the percent of its gross revenue from sources outside of Montana and the denominator of which is 100 or the recaptured amount;
 - (ii) include in income the recaptured amount minus the credit reduction provided for in subsection (3)(b)(i); and
 - (iii) allocate the income provided for in subsection (3)(b)(ii) to the members or their successors in the same percentage the recaptured credit was allocated.
- (c) The credit is disallowed if a capital investment fund sells or otherwise transfers an interest in a primary sector business for which a credit provided in [section 3] was claimed within 2 years from the date of the investment."

15. Page 3, line 13.

Following: line 12

Insert: "NEW SECTION. Section 5. Reporting, recordkeeping, and examination. (1) Each approved capital investment fund shall report to the department on a quarterly basis:

- (a) the name of each investor in the capital investment fund who is qualified to receive a tax credit and the amount of each investor's investment;
- (b) the amount of any disbursement made to each investor in the capital investment fund;
- (c) financial records of the capital investment fund, including an income statement and a balance sheet; and
- (d) all qualified investments that the company has made since the last quarterly report, along with supporting documentation that the investment is a qualified investment, as described in [sections 1 through 6]. Supporting documentation must include information that confirms that at least 70% or more of the company's sales are from sources outside Montana.

(2) At least once each year, the department shall examine the books and affairs of each capital investment fund to determine if the capital investment fund is abiding by the purposes of [sections 1 through 6]. The cost of the annual review must be paid by each capital investment fund and the fees assessed must be commensurate with the costs of the department for conducting the review."

Insert: "NEW SECTION. Section 6. Conflict of interest -- arm's-length transactions. A capital investment fund may not invest in any business venture in which the combined ownership of the business venture for all investors in the capital investment fund exceeds 20% at the time of the decision to invest."

Renumber: subsequent sections

16. Page 5, line 27.

Strike: "4"

Insert: "6"

17. Page 9, line 25.

Strike: "4"

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Insert: "6"

18. Page 11, line 8.

Following: line 7

"Section 8. Section 15-31-113, MCA, is amended to read:

"15-31-113. Gross income and net income. (1) The term "gross income" means all income recognized in determining the corporation's gross income for federal income tax purposes and:

(a) including:

(i) interest exempt from federal income tax and exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code of 1986, as that section may be amended or renumbered;

(ii) the portion of gain from a liquidation of the reporting corporation not recognized for federal corporate income tax purposes pursuant to sections 331 through 337 of the Internal Revenue Code, as those sections may be amended or renumbered, attributable to stockholders, either individual or corporate, not subject to Montana income or license tax under Title 15, chapter 30 or chapter 31, as appropriate, on the gain passing through to the stockholders pursuant to federal law; and

(b) excluding:

(i) gain recognized for federal tax purposes as a shareholder of a liquidating corporation pursuant to sections 331 through 337 of the Internal Revenue Code, as those sections may be amended or renumbered, when the gain is required to be recognized by the liquidating corporation pursuant to subsection (1)(a)(ii) of this section; and

(ii) net return on investments of a capital investment fund received pursuant to [sections 1 through 6].

(2) The term "net income" means the gross income of the corporation less the deductions set forth in 15-31-114.

(3) A corporation is not exempt from the corporation license tax unless specifically provided for under 15-31-101(3) or 15-31-102. Any corporation not subject to or liable for federal income tax but not exempt from the corporation license tax under 15-31-101(3) or 15-31-102 shall compute gross income for corporation license tax purposes in the same manner as a corporation that is subject to or liable for federal income tax according to the provisions for determining gross income in the federal Internal Revenue Code in effect for the taxable year."

Renumber: subsequent sections

19. Page 11, line 9 through page 13, line 18.

Strike: section 6 in its entirety

Renumber: subsequent sections

20. Page 23, line 25.

Strike: "4"

Insert: "6"

21. Page 23, line 27.

Strike: "4"

Insert: "6"

And, as amended, do pass. Report adopted.

HB 145, be amended as follows:

1. Page 17, line 22.

Following: "fee"

Strike: "of \$50"

Insert: "pursuant to 33-2-708"

Strike: "deposit with"

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Insert: "forward to"
Strike: "credited"

2. Page 17, line 23.
Following: "general"
Insert: "deposited"

3. Page 17, lines 24 and 25.
Following: "(2)" on line 24
Strike: remainder of line 24 through "terminated" on line 25
Insert: "A consultant license continues in force until lapsed, suspended, revoked, or terminated"

4. Page 28, line 8.
Following: "funding."
Insert: "The association may not adopt a reduced premium rate schedule unless it has secured federal, state, or private funding specifically for that purpose and the use of the reduced premium rate schedule is limited to the available federal, state, or private funding."

5. Page 39, line 8.
Following: line 7
NEW SECTION. Section 54. Coordination instruction. If House Bill No. 169 and [this act] are both passed and approved and if both amend 33-17-503, then [section 18 of House Bill No. 169], amending 33-17-503, is void."

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

HB 165, be concurred in. Report adopted.
HB 169, be amended as follows:

3/13/2003
3/18/2003

1. Title, page 1, line 15.
Following: "DATE AND"
Strike: "AN"

2. Title, page 1, line 16.
Strike: "DATE"
Insert: "DATES"

3. Page 2, line 3.
Strike: "APPLICATION"
Insert: "examination"

4. Page 27, line 5.
Following: "applicability."
Strike: "[This act]"
Insert: "(1) Except as provided in subsection (2), [this act]"

5. Page 27, line 7.
Following: line 6
Insert: "(2) [Section 2] applies to license applications postmarked on or after July 1, 2004."

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

HB 179, be amended as follows:

3/18/2003

1. Title, page 1, line 6.

Following: "CAPTIVE"

Insert: "AND BRANCH CAPTIVE"

2. Title, page 1, line 11.

Following: the first "INSURANCE"

Insert: ", PROPERTY INSURANCE, CASUALTY INSURANCE, LIFE INSURANCE, DISABILITY INCOME INSURANCE, AND HEALTH INSURANCE"

Following: "COVERAGE;"

Insert: "DEFINING "DISABILITY INCOME INSURANCE"; REQUIRING CAPTIVE INSURANCE COMPANIES TO FILE REPORTS WITH THE COMMISSIONER OF INSURANCE; REQUIRING CAPTIVE INSURANCE AND BRANCH BUSINESS COMPANIES TO PAY A TAX ON PREMIUMS;"

3. Title, page 1, line 13.

Following: "33-28-105,"

Insert: "33-28-107, 33-28-108, 33-28-201,"

4. Page 3, line 4.

Strike: "(1)"

Following: "a"

Insert: "sponsored"

5. Page 3, line 5.

Strike: "or"

6. Page 3, line 6.

Following: "chapter"

Insert: ", or an insurance producer licensed under chapter 17 of this title and approved by the commissioner"

7. Page 3, line 7.

Following: line 6

Strike: subsection (2) in its entirety

8. Page 5, line 3.

Following: line 2

Insert: "NEW SECTION. **Section 7. Disability income insurance.** "Disability income insurance" means an individual or group policy of insurance that primarily provides payment to or for the benefit of the policyholder or certificate holder based, in whole or in part, upon lost wages or other earned income or business or financial losses as a result of an inability to work due to sickness, injury, or a combination of sickness and injury."

Renumber: subsequent sections

9. Page 5, line 10.

Following: "year"

Insert: "unless the 1-year requirement is waived by the commissioner"

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10. Page 5, line 20.

Following: line 19

Insert: "(4) "Branch business" means any insurance business transacted by a branch captive insurance company in this state.

(5) "Branch captive insurance company" means any foreign captive insurance company licensed by the commissioner to transact the business of insurance in this state through a business unit with a principal place of business in this state.

(6) "Branch operations" means any business operations of a branch captive insurance company in this state."

Renumber: subsequent subsections

11. Page 5, line 23.

Following: line 22

Insert: "(8) "Cash equivalent" means any short-term, highly liquid investment that is:

(a) readily convertible to known amounts of cash; and

(b) so near to its maturity that it presents insignificant risk of changes in value because of changes in interest rates. Only an investment with an original maturity of 3 months or less qualifies as a cash equivalent."

Renumber: subsequent subsections

12. Page 5, line 26.

Following: line 25

Insert: "(10) "Foreign captive insurance company" means any captive insurance company formed under the laws of any jurisdiction other than this state."

Renumber: subsequent subsections

13. Page 7, line 10.

Following: "provide"

Strike: "property and casualty insurance"

Insert: "property insurance, casualty insurance, life insurance, disability income insurance, and health insurance coverage as defined in 33-22-140"

14. Page 7, line 21.

Following: "health"

Strike: "or" through "life"

Following: "insurance"

Insert: "coverage, unless the captive insurance company is a pure captive insurance company"

15. Page 10, lines 8 and 9.

Following: "\$750,000" on line 8

Strike: remainder of line 8 through "million" on line 9

Following: ";

Strike: "and"

16. Page 10, line 10.

Following: "million"

Insert: "; or

(e) in the case of a branch captive insurance company, not less than the applicable amount of capital and surplus required in subsections (1)(a) through (1)(d), as determined based upon the organizational form of the foreign captive insurance company"

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17. Page 10, line 13.

Following: "cash"

Insert: ", cash equivalent,"

18. Page 10, line 16.

Following: line 15

Insert: "(4) Despite the requirements of subsection (1), a captive insurance company organized as a reciprocal insurer under this chapter may not be issued a license unless it possesses and maintains unimpaired paid-in capital and surplus of \$1 million.

(5) In the case of a branch captive insurance company, security in an amount not less than the minimum capital and surplus required in this section must be jointly held by the commissioner and the branch captive insurance company in a bank of the federal reserve system approved by the commissioner."

19. Page 12, line 20.

Following: line 19

Insert: "(10) With respect to a branch captive insurance company, the foreign captive insurance company shall petition and request that the commissioner issue a certificate that finds that, after considering the character, reputation, financial responsibility, insurance experience, and business qualifications of the officers and directors of the foreign captive insurance company, the licensing and maintenance of the branch operation will promote the general good of the state. The foreign captive insurance company may apply to the secretary of state for a certificate of authority to transact business in this state after the commissioner's certificate is issued."

20. Page 12, line 21.

Following: line 20

Insert: "**Section 12.** Section 33-28-107, MCA, is amended to read:

"33-28-107. Reports and statements. (1) A captive insurance company is not required to make an annual report except as provided in this section.

(2) (a) On or before March 1 of each year, each captive insurance company shall submit to the commissioner a report of its financial condition in a form and manner as required by the commissioner, verified by oath of two of its executive officers.

(b) Each captive insurance company shall report using generally accepted accounting principles, unless the commissioner requires the use of statutory accounting principles, with any necessary or useful modifications or additions required by the commissioner. The commissioner may also require the report to be supplemented by additional information.

(c) On or before March 1 of each year, each branch captive insurance company shall submit to the commissioner a copy of all reports and statements required to be filed under the laws in which the foreign captive insurance company is formed, verified by oath of two of its executive officers. If the commissioner is satisfied that the annual report filed by the foreign captive insurance company in its domiciliary jurisdiction provides adequate information concerning the financial condition of the foreign captive insurance, the commissioner may waive the requirement for completion of the captive annual statement for business written in the foreign jurisdiction."

Insert: "**Section 13.** Section 33-28-108, MCA, is amended to read:

"33-28-108. Examinations and investigations. (1) (a) At least once in 3 years, or more frequently if the commissioner considers it prudent, the commissioner or some competent person appointed by the commissioner shall visit each captive insurance company and thoroughly inspect and examine its affairs to ascertain its financial condition, its ability to fulfill its obligations, and whether it has complied with the provisions of this chapter.

(b) The commissioner, upon application and in the commissioner's discretion, may enlarge the 3-year period to 5 years if the captive insurance company is:

(i) subject to a comprehensive annual audit during the 5-year period of a scope satisfactory to the commissioner;
and

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(ii) the audit is conducted by independent auditors approved by the commissioner.

(c) The expenses and charges of the examination must be paid to the commissioner by the company or companies examined.

(2) The provisions of Title 33, chapter 1, part 4, apply to examinations conducted under this section.

(3) Except as provided in subsection (4), all examination reports, preliminary examination reports or results, working papers, recorded information, documents, and their copies produced by, obtained by, or disclosed to the commissioner or any other person in the course of an examination made under this section are confidential, are not subject to subpoena, and may not be made public by the commissioner or an employee or agent of the commissioner without the written consent of the company or upon court order.

(4) Subsection (3) does not prevent the commissioner from using information obtained pursuant to this section in furtherance of the commissioner's regulatory authority under Title 33. The commissioner may, in the commissioner's discretion, grant access to information obtained pursuant to this section to public officers having jurisdiction over the regulation of insurance in any other state or country or to law enforcement officers of this state or any other state or agency of the federal government at any time, as long as the officers receiving the information agree in writing to hold it in a manner consistent with this section.

(5)(a) Except as provided in subsection (5)(b), the provisions of this section apply to all business written by a captive insurance company.

(b) The examination for a branch captive insurance company may only be of branch business and branch operations if the branch captive insurance company has satisfied the requirements of 33-28-107(2)(c) to the satisfaction of the commissioner."

Insert: "Section 14. Section 33-28-201, MCA, is amended to read:

"33-28-201. Tax on premiums collected. (1) (a) Each captive insurance company shall pay to the commissioner, on or before March 1 of each year, a tax on the direct premiums collected or contracted for on policies or contracts of insurance written by the captive insurance company in this state during the year ending December 31, after deducting from the direct premiums subject to the tax the amounts paid to policyholders as return premiums, including dividends on unabsorbed premiums or premium deposits returned or credited to policyholders.

(b) The tax on direct premiums collected in this state must be calculated as follows:

(i) 0.4% on the first 20 million dollars;

(ii) 0.3% on the next 20 million dollars;

(iii) 0.2% on the next 20 million dollars; and

(iv) 0.075% on each subsequent dollar collected.

(2) (a) Each captive insurance company shall pay to the commissioner on or before March 1 of each year a tax on assumed reinsurance premiums.

(b) A reinsurance tax does not apply to premiums for risks or portions of risks that are subject to taxation on a direct basis pursuant to subsection (1).

(c) A reinsurance premium tax is not payable in connection with the receipt of assets in exchange for the assumption of loss reserves and other liabilities of another insurer under common ownership and control if the transaction is part of a plan to discontinue the operations of the other insurer and if the intent of the parties to the transaction is to renew or maintain the business with the captive insurance company.

(d) The amount of the reinsurance tax must be calculated as follows:

(i) 0.225% on the first 20 million dollars of assumed reinsurance premiums;

(ii) 0.150% on the next 20 million dollars of assumed reinsurance premiums; and

(iii) 0.050% on each subsequent dollar of assumed reinsurance premiums.

(3) If the aggregate taxes to be paid by a captive insurance company calculated under subsections (1) and (2) amount to less than \$5,000 in any year, the captive insurance company shall pay a tax of \$5,000 for that year.

(4) Two or more captive insurance companies under common ownership and control must be taxed as though they were a single captive insurance company.

(5) For the purposes of this section, "common ownership and control" means:

(a) in the case of stock corporations, the direct or indirect ownership of 80% or more of the outstanding voting

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stock of two or more corporations by the same shareholder or shareholders; and

(b) in the case of mutual corporations, the direct or indirect ownership of 80% or more of the surplus and the voting power of two or more corporations by the same member or members.

(6) Only the branch business of a branch captive insurance company is subject to taxation under the provisions of this section."

Renumber: subsequent sections

21. Page 12, line 22.

Following: "The"

Insert: "definitions of property insurance provided in 33-1-210, casualty insurance provided in 33-1-206, life insurance provided in 33-1-208, health insurance coverage provided in 33-22-140, and disability income insurance provided in [section 7], the"

22. Page 12, line 30.

Following: "instruction."

Insert: "(1)"

23. Page 13, line 3.

Following: line 2

Insert: "(2) [Section 7] is intended to be codified in Title 33, chapter 1, part 2, and the provisions of Title 33, chapter 1, part 2, apply to [section 7]."

"NEW SECTION. Section 17. Coordination instruction. If House Bill No. 145 is passed and approved and includes [section 5] defining "disability income insurance", then [section 7 of this act] is void and the reference to "[section 7]" in [section 15 of this act], amending 33-28-207, is changed to "[section 5 of House Bill No. 145]"."

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

HB 182, be concurred in. Report adopted.

HB 312, be concurred in. Report adopted.

HJR 20, be concurred in. Report adopted.

3/13/2003

EDUCATION AND CULTURAL RESOURCES (Glaser, Chairman):

3/18/2003

HB 285, be amended as follows:

1. Title, line 14.

Following: "37-20-302,"

Insert: "37-21-302,"

Following: "37-23-205,"

Insert: "37-24-308,"

Following: "37-25-307,"

Insert: "37-26-201, 37-27-105,"

2. Title, line 15.

Following: "37-32-305,"

Insert: "37-34-201,"

3. Title, line 17.

Strike: the first "AND"

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Following: "37-72-306,"
Insert: "AND 50-6-203,"

4. Title, line 18.

Following: "DATE"
Insert: "AND A RETROACTIVE APPLICABILITY DATE"

5. Page 17.

Following: line 16.
Insert: "**Section 29.** Section 37-21-302, MCA, is amended to read:

"37-21-302. Registered dietitian -- qualifications. No A person may not use, in connection with his the person's name or place of business, the term "registered dietitian" or represent in any way that he the person is a registered dietitian unless he the person:

(1) has been granted, prior to October 1, 1983, the right to use the term "registered dietitian" by an authorized agency; or

(2) (a) has fulfilled all the requirements set forth in 37-21-301(2);

(b) has satisfactorily completed an examination for registered dietitians administered by an authorized agency;

and

(c) except as provided in [section 2], has satisfactorily completed, ~~from time to time, such~~ the continuing education requirements as may be established by an authorized agency.""

Renumber: subsequent sections

6. Page 18.

Following: line 14
Insert: "**Section 32.** Section 37-24-308, MCA, is amended to read:

"37-24-308. Renewal of license. (1) Each license issued under this chapter is subject to annual renewal on the date set by department rule upon the payment of a renewal fee and expires unless renewed in the manner prescribed by the rules of the board. The board may provide for the late renewal of a license upon the payment of a late fee in accordance with its rules, but a late renewal of a license may not be granted more than 5 years after its expiration.

(2) This section may not be interpreted to conflict with [section 2].""

Renumber: subsequent sections

7. Page 18.

Following: line 23
Insert: "**Section 34.** Section 37-26-201, MCA, is amended to read:

"37-26-201. Powers and duties of board. The board shall:

(1) adopt rules necessary or proper to administer and enforce this chapter;

(2) adopt rules that specify the scope of practice of naturopathic medicine stated in 37-26-301, that are consistent with the definition of naturopathic medicine provided in 37-26-103, and that are consistent with the education provided by approved naturopathic medical colleges;

(3) adopt rules prescribing the time, place, content, and passing requirements of the licensure examination, which may be composed of part or all of the national naturopathic physicians licensing examination;

(4) adopt rules that endorse equivalent licensure examinations of another state or territory of the United States, the District of Columbia, or a foreign country and that may include licensure by reciprocity;

(5) adopt rules that set nonrefundable fees, commensurate with costs, for application, examination, licensure, and other administrative services;

(6) approve naturopathic medical colleges as defined in 37-26-103;

(7) issue certificates of specialty practice;

(8) adopt rules that, in the discretion of the board, appropriately restrict licenses to a limited scope of practice

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of naturopathic medicine, which may exclude the use of minor surgery allowed under 37-26-301; ~~and~~

(9) adopt rules that contain the natural substance formulary list created by the alternative health care formulary committee provided for in 37-26-301; and

(10) adopt rules to implement the provisions in [section 2]."

Insert: "**Section 35.** Section 37-27-105, MCA, is amended to read:

"37-27-105. General powers and duties of board -- rulemaking authority. (1) The board shall:

(a) meet at least once annually, and at other times as agreed upon, to elect officers and to perform the duties described in this section; and

(b) administer oaths, take affidavits, summon witnesses, and take testimony as to matters within the scope of the board's duties.

(2) The board ~~shall have~~ has the authority to administer and enforce all the powers and duties granted statutorily or adopted administratively.

(3) The board shall adopt rules to administer this chapter. The rules must include but are not limited to:

(a) the development of a license application and examination, criteria for and grading of examinations, and establishment of examination and license fees commensurate with actual costs;

(b) the issuance of a provisional license to midwives who filed the affidavit required by section 2, Chapter 493, Laws of 1989;

(c) the establishment of criteria for minimum educational, apprenticeship, and clinical requirements that, at a minimum, meet the standards established in 37-27-201;

(d) the development of eligibility criteria for client screening by direct-entry midwives in order to achieve the goal of providing midwifery services to women during low-risk pregnancies;

(e) the development of procedures for the issuance, renewal, suspension, and revocation of licenses consistent with the provisions in [section 2];

(f) the adoption of disciplinary standards for licensees;

(g) the development of standardized informed consent and reporting forms;

(h) the adoption of ethical standards for licensed direct-entry midwives;

(i) the adoption of supporting documentation requirements for primary birth attendants; and

(j) the establishment of criteria limiting an apprenticeship that, at a minimum, meets the standards established in 37-27-201."

Renumber: subsequent sections

8. Page 20.

Following: line 9

Insert: "**Section 40.** Section 37-34-201, MCA, is amended to read:

"37-34-201. Powers and duties of the board -- rulemaking authority. (1) The board shall:

(a) meet at least once annually, and at other times as agreed upon, to elect officers and to perform the duties described in this section; and

(b) administer oaths, take affidavits, summon witnesses, and take testimony as to matters within the scope of the board's duties.

(2) The board has the authority to administer and enforce all the powers and duties granted statutorily or adopted administratively.

(3) The board shall adopt rules to administer this chapter. The rules must include but are not limited to:

(a) the development of a license application procedure and acceptable certifications for each category of license;

(b) the establishment of license fees commensurate with actual costs;

(c) the establishment of criteria for educational requirements that, at a minimum, meet the standards set forth in 37-34-303;

(d) the development of procedures for the issuance, renewal, suspension, revocation, and reciprocity of licenses consistent with the provisions in [section 2];

(e) the adoption of disciplinary standards for licensees;

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(f) the establishment of hearing procedures; and
(g) a requirement that the supervisor of a clinical laboratory technician be accessible at all times that testing is being performed by the technician in order to provide onsite, telephonic, or electronic consultation."

Renumber: subsequent sections

9. Page 29.

Following: line 11

Insert: "**Section 60.** Section 50-6-203, MCA, is amended to read:

"50-6-203. Rules. (1) The board, after consultation with the department of public health and human services, the department of justice, and other appropriate departments, associations, and organizations, shall adopt rules of the board implementing this part, including but not limited to training and certification of emergency medical technicians and administration of drugs.

(2) The board may, by rule, establish various levels of emergency medical technician certification and shall specify for each level the training requirements, acts allowed, recertification requirements, and any other requirements regarding the training, performance, or certification of that level of emergency medical technician that it considers necessary, subject to the provisions of [section 2]."

Renumber: subsequent sections

10. Page 29.

Following: line 19

Insert: "NEW SECTION. **Section 63. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to occurrences after December 31, 2002."

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

HB 573, be amended as follows:

1. Page 1, line 21.

Following: "guardian."

Insert: "Written documentation of the training received by the parent-designated adult must be filed with the school district."

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

HB 656, be concurred in. Report adopted.

HJR 10, be concurred in. Report adopted.

HJR 11, be concurred in. Report adopted.

FINANCE AND CLAIMS (Zook, Chairman):

3/18/2003

HB 60, be concurred in. Report adopted.

HB 176, be concurred in. Report adopted.

HB 236, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Butcher, Chairman):

3/19/2003

HB 30, be concurred in. Report adopted.

HB 185, be concurred in. Report adopted.

HB 237, be amended as follows:

1. Title, page 1, line 5.

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Following: "MUFFLER;"

Insert: "ALLOWING USE OF AN ENGINE COMPRESSION BRAKE DEVICE EQUIPPED WITH A MUFFLER;"

2. Page 1, line 10.

Following: "device"

Insert: "-- use"

Following: "."

Insert: "(1)"

3. Page 1, line 13.

Insert: "(2) An operator of a commercial motor vehicle that has an engine compression brake device with a factory-installed muffler or an equivalent after-market muffler may not be prohibited from using the engine compression brake device."

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

HB 711, be concurred in. Report adopted.

JUDICIARY (Grimes, Chairman):

3/18/2003

HB 17, be amended as follows:

1. Page 3, line 16.

Following: line 15

Insert: "NEW SECTION. Section 3. Coordination instruction. If Senate Bill No. 444 and [this act] are both passed and approved, then [section 10 of Senate Bill No. 444], amending 52-3-825, is void."

Renumber: subsequent section

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

HB 40, be amended as follows:

1. Page 1, line 17.

Following: "offense."

Insert: "If the stop is for a violation under Title 61, unless emergency circumstances exist or the officer has reasonable cause to fear for the officer's own safety or for the public's safety, the officer shall as promptly as possible inform the person of the reason for the stop."

2. Page 1, line 20.

Strike: "demand"

Insert: "request"

Following: "address"

Strike: " "

Insert: "and"

Following: "actions"

Strike: " "

3. Page 1, line 21.

Strike: "in"

Insert: "the driver of"

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Following: "vehicle,"

Insert: "demand"

4. Page 1, line 28.

Insert: "(3) A peace officer acting under subsection (2) while the peace officer is not in uniform shall inform the person as promptly as possible under the circumstances and in any case before questioning the person that the officer is a peace officer."

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

HB 199, be amended as follows:

1. Page 2, line 13.

Following: "(b)"

Insert: "if the defendant pleaded guilty or was convicted,"

2. Page 3, line 13.

Following: "(b)"

Insert: "if the defendant pleaded guilty or was convicted,"

3. Page 4, line 5.

Following: "(b)"

Insert: "if the defendant pleaded guilty or was convicted,"

4. Page 5, line 20.

Following: line 19

Insert: "NEW SECTION. Section 8. Coordination instruction. If House Bill No. 215 and [this act] are both passed and approved, then [section 7 of this act], amending 61-5-216, is amended to read: **Section 7.** Section 61-5-216, MCA, is amended to read:

61-5-216. Reinstatement of license. Upon receipt of notification from the court that the operator has appeared, posted the bond, or paid the fine, costs, or restitution amounts and has paid the administrative fee required under 61-5-214 and, if the reinstatement fee required under 61-2-107 or [section 1 of House Bill No. 215] has been paid, the department shall ~~immediately~~ reinstate the license, unless the operator otherwise is not entitled to reinstatement."""

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

HB 220, be amended as follows:

1. Page 4, line 12.

Following: "to the"

Strike: "board of crime control"

Insert: "office of victims services in the department of justice"

2. Page 5, line 3 through line 6.

Following: "parole" on line 3

Strike: remainder of line 3 through "expired" on line 6

3. Page 11, line 26.

Following: line 25

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Insert: "NEW SECTION. Section 9. Coordination instruction. If Senate Bill No. 10 and [this act] are both passed and approved, then [section 92] of Senate Bill No. 10, amending 46-18-242, is void."

Renumber: subsequent section

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

HB 284, be concurred in. Report adopted.

TAXATION (DePratu, Chairman):
SB 296, introduced bill, be amended as follows:

3/18/2003

1. Page 1, line 25.

Strike: "or" through "greater"

2. Page 1.

Following: line 27

Insert: "(iii) for city offices having an annual salary of more than \$2,500, \$50 or 1.5% of the total annual salary, whichever is greater;"

Renumber: subsequent subsections

3. Page 2, line 6.

Following: the second "committee."

Insert: "a ballot issue committee that is not a state ballot issue committee, or an incidental committee,"

4. Page 2, line 9.

Following: "A"

Insert: "state"

Following: "committee"

Insert: "formed by a political party organization"

5. Page 2, line 10.

Strike: "\$10"

Insert: "\$100"

Following: ";"

Insert: "All other political party committees shall, upon formation and annually before February 15 of each year, pay to the office of the commissioner of political practices a fee of \$25."

6. Page 2, line 15.

Strike: "(1)(a)(iii)"

Insert: "(1)(a)(iv)"

7. Page 2.

Following: line 17

Insert: "(4) Of a fee paid under subsection (1)(a)(iii), \$30 or 1.25% of the salary paid to the office, whichever is greater, must be retained by the county."

Renumber: subsequent subsection

8. Page 2, line 19.

Following: "(3)"

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Insert: "or (4)"

And, as amended, do pass. Report adopted.

SB 453, do pass. Report adopted.

SB 469, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "COUNTY"

Insert: "OR DISTRICT"

2. Title, page 1, line 8.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE"

3. Page 1, lines 24 and 25.

Strike: "the amount" on line 24 through "year" on line 25

Insert: "a taxpayer intends to protest the taxpayer's current year property value and the taxpayer's property tax liability in the county for the previous year was at least \$250,000 and the amount to be protested is greater than \$20,000"

Strike: "June 1" on line 25

Insert: "August 15"

4. Page 1, line 28.

Strike: "5%"

Following: "year."

Insert: "If the notification is not made when required, the appeal may continue but a tax or fee may not be refunded as a result of the appeal. The department must include language regarding the notification on the assessment notices required in 15-7-111 and Title 15, chapter 23."

5. Page 3.

Following: line 30

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

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, 2002."

And, as amended, do pass. Report adopted.

HB 441, be concurred in. Report adopted.

HB 627, be concurred in. Report adopted.

HJR 34, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 14, 2003

The Honorable Bob Keenan
President of the Senate

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State Capitol
Helena, Montana 59620

Dear Senator Keenan:

Due to the revocation of HB 474 in the November 2002 election, this letter serves to advise you that the following names are withdrawn as appointments to the Montana Power Authority, which no longer exists:

Gary Aklestad	Steve Browning
Gary Buchanan	Karen Fagg
Kathy Ogren	Lt. Governor Karl Ohs
Jean Turnage	

If you have any questions regarding this change, please feel free to contact Susan Ames, Boards and Commissions Advisor, at 444-0575

Sincerely,

JUDY MARTZ
Governor

March 10, 2003

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena MT 59620

Dear President Keenan:

Attached is our second 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

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**Senate Confirmation Report - 2
2003**

Board of Chiropractors

MCA 2-15-1737

Dr. Pamela Blanchard
411 13th Ave. S.
Great Falls, MT 59405
HPH: 452-5638
BPH: 727-6331

Appt: 02/05/03
Term: 01/01/06
Qual: Chiropractor

Dr. Blanchard received her Doctor of Chiropractic degree in 1985 from the Northwestern College of Chiropractic and has had involvement with both the Montana and American Chiropractic Association. In 1992 she became the owner of the Family Chiropractic Clinic in Great Falls.

Jo Ausk
P.O. Box 421
Terry, MT 59349
HPH: 635-5717
BPH: 486-5503

Appt: 02/05/03
Term: 01/01/06
Qual: Public Member

Jo has worked with the Postal Service for over twenty-one years and has been the Postmaster for Fallon County for the past seventeen years. Jo has served three terms on the Terry School Board and in 1990 she was named Prairie County "First Lady.

Board of Horseracing

MCA 2-15-3106

Tim Donnelly
HC 30, Box 8231
Miles City, MT 59301
HPH: 232-6286
BPH: 232-4920

Appt: 01/31/03
Term: 01/20/06
Qual: Representative of District 1

Tim is currently the assistant wrestling coach at Custer County High School. He has served on the school board and many sports boards in the Miles City area. He has extensive knowledge of horses and is interested in the horseracing industry and is currently the vice chairman of the Board of Horseracing.

Barbara Cole
Box 835
Shelby, MT 59474
HPH: 434-5724
BPH: 434-5724

Appt: 01/31/03
Term: 01/20/06
Qual: Representative of District 3

Barbara earned her Bachelor of Science in Elementary Education from Montana State University Billings in 1970. She has worked with the public for over thirty years in various vocations from juvenile probation officer to elementary teacher. Barbara's goal is to maintain and develop Montana's equine industry in the field of racing as well as gaining recognition of the industry as a whole.

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Commission for Human Rights

MCA 2-15-1706

Jack Copps
P.O. Box 161
Seeley Lake, MT 59868
HPH: 677-2883
BPH: 677-2883

Appt: 02/25/03
Term: 01/01/07
Qual: Public Member

Jack received his B.S. degree in 1960 and his Masters degree in 1970 from Black Hills State College in Spearfish, South Dakota. He served in various top-level administrative posts in the Montana educational arena from 1960 through 1996. His community involvement includes Kiwanis, Lions and past-president of the Jaycees, Elks, Rotary and the Helena Chamber of Commerce. Jack has also served on the hospital board in Poplar, Helena and most currently, Seeley Swan.

Ryan Rusche
P.O. Box 27
Wolf Point, MT 59201
HPH: 392-5582
BPH: 768-5155

Appt: 02/25/03
Term: 01/01/07
Qual: Public Member

Ryan was raised on the family farm and ranch north of Wolf Point. After high school he attended Carroll College and received his law degree from the University of Montana. While at Carroll he had the opportunity to volunteer for the Human Rights Commission. After law school Ryan returned to Wolf Point and now works as an attorney for the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

Board of Labor Appeals

MCA 2-15-1704

Jerome Loendorf
P.O. Box 1319
Helena, MT 59624
HPH: 443-3551
BPH: 442-6350

Appt: 02/19/03
Term: 01/01/07
Qual: Attorney

Jerry graduated from Carroll College in 1961 with a Bachelor of Arts Degree in Business Administration. He received a J.D. Degree from the University of Montana School of Law in 1964. Jerry's law firm dissolved in 2002, and he is now a sole practitioner. He has been appointed as Chairman of the Board of Labor Appeals.

Board of Livestock

MCA 2-15-3102

George Hammond
Box 363
Hardin, MT 59034
HPH: 592-3553
BPH: 592-3553

Appt: 03/01/03
Term: 03/01/09
Qual: Cattle Producer

George and his wife own and operate Hammond Cattle Co., a 500 head cow/calf/yearling operation along with small grain and hay production, located in Big Horn County. He is the past president of the Montana Stockman's Assn. and has been on the board of the Montana Beef Council since 1987. He serves on the board of directors of the National Cattlemen's Beef Assn.

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Meg Smith	Appt: 03/01/03
P.O. Box 82	Term: 03/01/09
Divide, MT 59727	Qual: Cattle Producer
HPH: 835-3441	
BPH: 835-3441	

Meg is part owner of Smith 6-S Livestock, a family ranch that is a cow/calf/yearling operation. She received a B.A. in agriculture production and range science from MSU in 1980. She serves on the board for the National Society for Range Management and is a member of the Montana Stockgrowers Assn.

Board of Medical Examiners MCA 2-15-1731

Dwight Thompson	Appt: 02/24/03
P.O. Box 2911	Term: 09/01/05
Harlowton, MT 59036-2911	Qual: Physician Assistant-Certified
HPH: 632-5864	
BPH: 632-4343	

Dwight has been a Physician Assistant since 1990, with the last 10 years in a small rural practice in Harlowton. He is also a preceptor for the Rocky Mountain College Physician Assistant Program and received his training at the University of Washington.

Dr. James Upchurch	Appt: 02/24/03
PHS Indian Hospital	Term: 09/01/03
Crow Agency, MT 59022	Qual: Doctor of Medicine
HPH: 665-2699	
BPH: 638-3309	

Dr. Upchurch has been the medical director of the Big Horn County Advanced Life Support Ambulance in Hardin since 1986 and the Emergency Medical Services director of the Billings Area Indian Health Service for fourteen years. Dr. Upchurch holds certification as an Emergency Medical Technician: Paramedic through the National Registry of Emergency Medical Technicians and is a certified instructor in Advanced Trauma Life Support.

Board of Occupational Therapy Practice MCA 2-15-1749

Delores Gilbert	Appt: 02/05/03
P.O. Box 1228	Term: 12/31/06
Sidney, MT 59270	Qual: Public Member
HPH: 482-2164	
BPH: 482-3744	

“Dee” is the customer service assistant of the Pamida store in Sidney. She is also the vice president and office manager of their family owned business. Dee’s medical history has given her first-hand experience with occupational therapists while recovering from knee and hip replacement surgeries.

Elsbeth Richards	Appt: 02/05/03
2827 Fort Missoula Road	Term: 12/31/06
Missoula MT 59804	Qual: Occupational Therapist

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HPH: 721-3528
BPH: 728-4100

Elsbeth has been an occupational therapist for over thirty-five years, practicing most of those years. She is presently the Director of Rehabilitation Services at Community Medical Center in Missoula, where she has been employed since 1981. She is currently the chairwoman of the Board of Occupational Therapy.

Board of Pardons and Parole

MCA 2-15-2302

Ken Peterson
1645 Parkhill Dr., Suite 6
Billings, MT 59102
HPH: 656-8297
BPH: 252-6679

Appt: 02/03/03
Term: 01/01/07
Qual: Attorney

Ken received his law degree from the University of Montana. While attending law school he received a Ford Foundation Grant that enabled him to work with inmates at Montana State Prison and the Montana Supreme Court. He entered private practice in 1967 and represents individual and businesses in State and Federal trial and appellate Courts in both Montana and Washington state. Ken has represented persons charged with criminal violations in both the State and Federal Systems. He is currently the chairman of the Board of Pardons and Parole.

Don Hargrove
P.O. Box 1
Belgrade, MT 59714
HPH: 587-1373
BPH: 587-1373

Appt: 02/03/03
Term: 01/01/07
Qual: Auxiliary Member

Don is an advisor to the Gallatin County Criminal Justice Coordinating Council. In 1998 he attended the national conference on violent offenders that was held in Los Angeles, CA. Don served for 5 years as a civilian contract advisor to the Colombian National Narcotics Police with the US State Department Bureau of International Narcotic Matters.

Board of Personnel Appeals

MCA 2-15-1705

Steve Johnson
200 W. Broadway
Missoula, MT 59802
HPH: 523-4874
BPH: 721-5700

Appt: 02/06/03
Term: 01/01/07
Qual: Representative of management in collective bargaining

Steve has been a management representative in collective bargaining for more than twelve years. For the past five years he has worked as the Director of Personnel and Labor Relations for Missoula County.

Board of Public Assistance

MCA 2-15-2203

Carole Graham
216 Crestline
Missoula, MT 59803
HPH: 728-4412
BPH: 728-4412

Appt: 02/04/03
Term: 01/01/07
Qual: Public Member

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Carole was County Director of Public Assistance offices in Missoula and Ravalli Counties for twenty years. She was President of the County Directors' Association for 2 terms. Carole is familiar with many of the rules pertaining to public assistance eligibility, issues that are regularly presented to the Board.

Board of Real Estate Appraisers

MCA 2-15-1758

Douglas Mackay
490 N. 31st St., Suite 111
Billings, MT 59101
HPH: 656-9957
BPH: 256-1411

Appt: 02/04/03
Term: 05/01/05
Qual: Certified Real Estate Appraiser

Doug is a Montana State Certified Residential Real Estate Appraiser. In 1996 he formed his own appraisal service. Doug specializes in single family residential report writing with additional experience in appraising condominiums, small income properties and vacant land. He is a Veterans Affairs Panel Appraiser and a Department of HUD Federal Home Administration Rostered Appraiser.

**Board of Social Work Examiners
and Professional Counselors**

MCA 2-15-1744

Judge Richard Simonton
P.O. Box 1249
Glendive, MT 59330
HPH: 365-2200
BPH: 377-2666

Appt: 02/03/03
Term: 01/01/07
Qual: Public Member and an attorney

Judge Simonton has been practicing law for over twenty-nine years. The Judge was the former Dawson County Attorney and former Glendive City Attorney. He is a member of the State Bar of North Dakota, American Bar Association and the State Bar of Montana. In July, 1998 Judge Simonton was appointed to fill a District Judge vacancy in the 7th Judicial District, based in Glendive. He is also Chairman of the Board of Social Work Examiners and Professional Counselors

Antionette Rosell
4200 Rimrock Road
Billings, MT 59106
HPH: 656-4226
BPH: 655-3126

Appt: 02/03/03
Term: 01/01/07
Qual: Licensed Professional Counselor

"Toni" received her B.A. from the University of Montana and earned her M.A. from Columbia University in New York City. She has been a Guidance Counselor/Administrator for over thirty-four years and is very involved in the Billings community service organizations.

Dr. Leta Livoti
P.O. Box 5402
Helena, MT 59604
HPH: 449-4795
BPH: 449-4795

Appt: 02/03/03
Term: 01/01/07
Qual: Licensed professional counselor

Dr. Livoti received her Master of Social Work degree from Eastern Washington University and her Ph.D. in Curriculum

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Development and Instruction from Cornell University. Dr. Livoti has taught for over twenty years at Carroll College and has been in private counselor/consultant practice for nine years. In her capacity as a member of the board, she is in charge of all the continuing education programs for licensing in the State plus preparing an exam for counselor licensees as part of the application process.

March 19, 2003

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, MT 59620

Re: House Bill 87

Dear President Keenan and Speaker Mood:

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 House Bill 87, "AN ACT PROHIBITING THE USE OF A PUNCHCARD VOTING SYSTEM IN AN ELECTION AFTER DECEMBER 31, 2003; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," for the following reason.

House Bill No. 87 to provide a contingent effective date. I recommend that House Bill No. 87 be amended as follows: This act is effective on receipt of federal funds that may be used to reimburse counties currently using punchcard voting systems. And, the Secretary of State shall notify the code commissioner of the date of receipt of the federal funds. Until such time that the money is received, House Bill No. 87 should be on hold.

I have enclosed my amendment to that effect. Please be advised that Representative Jent, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ
Governor

Governors Amendments
To
House Bill 87

1. Title, line 6.

Strike: "AN IMMEDIATE"

Insert: "A CONTINGENT"

2. Page 1, line 16.

Strike: "passage and approval"

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Insert: "receipt of federal funds that may be used to reimburse counties currently using punchcard voting systems"

Following: "."

Insert: "The secretary of state shall notify the code commissioner of the date of receipt of the federal funds."

March 19, 2003

The Honorable Bob Keenan
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Doug Mood
Speaker of the House
State Capitol
Helena, MT 59620

Re: House Bill 408

Dear President Keenan and Speaker Mood:

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 House Bill 408, "AN ACT REQUIRING THE PAYMENT OF LOCAL REGISTRAR FEES TO A COUNTY DEPARTMENT IF THE LOCAL REGISTRAR IS A COUNTY EMPLOYEE; AMENDING SECTION 50-15-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," for the following reason.

I recommend that House Bill No. 408 should be amended to change the word "department" in Section 1, 50-15-107(3)(b) to "county office." Currently, there is a definitional section in this part of the Code, 50-15-101(4), MCA, that defines "department" as the department of public health and human services." I trust that is not the intent of House Bill No. 408.

I have enclosed my amendment to that effect. Please be advised that Representative Peterson, the sponsor of the bill, has been informed of my recommendation and has no objection.

Sincerely,

JUDY MARTZ
Governor

Governor's Amendments
To
House Bill 408

1. Page 1, line 19.

Strike: "department"

Insert: "county office"

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MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/18/2003

SB 107, introduced by Roush
SB 118, introduced by DePratu
SB 132, introduced by McNutt
SB 139, introduced by Shea
SB 160, introduced by Cobb
SB 173, introduced by McNutt
SB 253, introduced by Elliott

SB 47 - 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 47**:
3/18/2003

Representative Mendenhall
Representative Cyr
Representative Morgan

Senate amendments to House bills concurred in: 3/18/2003

HB 154, introduced by Lenhart
HB 156, introduced by Matthews
HB 305, introduced by Peterson

Senate amendments to House joint resolution concurred in: 3/18/2003

HJR 9, introduced by Smith

House bill passed and transmitted to the Senate for concurrence: 3/18/2003

HB 120, introduced by Lenhart

MOTIONS

SB 435 - Senator Butcher moved **SB 435** be taken from the Highways and Transportation committee and rereferred to the committee on Finance. Motion carried.

HB 224 - Senator Grimes moved the Senate reconsider its action in failing to concur in **HB 224** on third reading the previous legislative day. He further moved to request the return of **HB 224** from the House and that it be rereferred to the Senate Judiciary committee. Motion carried.

HB 368 - Senator Thomas moved **HB 368** be taken from third reading this legislative day and rereferred to second reading on the 59th legislative day. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

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SB 481, introduced by Black (by request of the Senate Agriculture, Livestock, and Irrigation Standing Committee), referred to Agriculture, Livestock and Irrigation.

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

HB 120, introduced by Lenhart (by request of the State Administration and Veterans' Affairs Interim Committee), referred to Finance and Claims.

THIRD READING OF BILLS

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

HB 246 concurred in as follows:

Yeas: Cobb, Cocchiarella, Cooney, Ellingson, Elliott, Hansen, Harrington, Kitzenberg, Laible, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Story, Tash, Tester, Toole, Tropila, Wheat, Zook.
Total 26

Nays: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Taylor, Thomas, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 252 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 436 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 621 concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 25 concurred in as follows:

Yeas: Anderson, Black, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 46

Nays: Bales, Barkus, Butcher, Esp.

Total 4

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

MOTIONS

HB 246 - Senator Sprague moved he be allowed to change his vote on **HB 246**, third reading this day, from yea to nay. Motion carried.

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

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

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

SB 109 - House Amendments - Senator McNutt moved House amendments to **SB 109** be concurred in. Motion carried unanimously.

SB 141 - House Amendments - Senator Wheat moved House amendments to **SB 141** be concurred in. Motion carried unanimously.

HB 127 - Senator Grimes moved **HB 127** be concurred in. Motion carried unanimously.

HB 262 - Senator Barkus moved **HB 262** be concurred in. Motion carried unanimously.

Senator Cobb excused at this time.

HB 303 - Senator Bales moved **HB 303** be concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cocchiarella, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.
Total 35

Nays: Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.
Total 14

Absent or not voting: None.
Total 0

Excused: Cobb.
Total 1

Senator Cobb present at this time.
Senator Johnson excused at this time.

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HB 373 - Senator Gebhardt moved **HB 373** be concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Perry, Roush, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.

Total 33

Nays: Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Kitzenberg, Pease, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.

Total 16

Absent or not voting: None.

Total 0

Excused: Johnson.

Total 1

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

MOTIONS

HB 540 - Senator Grimes moved **HB 540** be taken from the committee on Judiciary and rereferred to the committee on Education and Cultural Resources. Motion carried.

HJR 12 - Senator Grimes moved **HJR 12** be taken from the committee on Judiciary and rereferred to the committee on Education and Cultural Resources. Motion carried.

Senator Elliott moved to **suspend joint rule** 40-50 for the late drafting and introduction of a bill designating a Montana highway, or a portion of a Montana highway, as The Purple Heart Trail, in honor of those who have been wounded or killed in combat while protecting the citizens of the United States of America. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Thursday, March 20, 2003. Motion carried.

Senate adjourned at 2:50 p.m.

ROSANA SKELTON
Secretary of the Senate

BOB KEENAN
President of the Senate