

**SENATE JOURNAL
60TH LEGISLATURE
SEVENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
April 13, 2007

Senate Chambers
State Capitol

Senate convened at 10:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Elliott, Jackson, Smith, Steinbeisser excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Balyeat, Essmann, Gebhardt, Gillan, Lind, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: Elliott, Jackson, Smith, Steinbeisser.

Total 4

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman):

4/13/2007

HB 141, be amended as follows:

1. Title, line 15.

Strike: second "AND"

2. Title, line 16.

Following: "MCA"

Insert: "; AND PROVIDING EFFECTIVE DATES"

3. Page 17.

Following: line 9

Insert: "NEW SECTION. **Section 24. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective October 1, 2008.

(2) [Sections 3 and 5 and this section] are effective October 1, 2007."

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

HB 665, be concurred in. Report adopted.

HB 790, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Ryan, Chairman):

4/13/2007

HB 678, be amended as follows:

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1. Title, page 1, line 6 through line 7.

Following: "AID;" on line 6

Strike: "ELIMINATING" on line 6 through "LEVY;" on line 7

2. Title, page 1, line 7.

Strike: "ELIMINATING"

Insert: "REVISING"

3. Title, page 1, line 7 through line 10.

Following: "BUDGET;"

Strike: "REVISING" on line 7 through "CREDIT;" on line 10

4. Title, page 1, line 10.

Strike: "ELIMINATING"

Insert: "REDUCING"

5. Title, page 1, line 11.

Following: "SECTIONS"

Strike: "20-3-106" through "20-9-104,"

6. Title, page 1, line 11 through line 12.

Strike: "20-9-308" on line 11 through "20-9-351," on line 12

7. Title, page 1, line 12.

Strike: "20-9-369 through 20-10-144"

Insert: "AND 20-9-630"

8. Title, page 1, line 12 through line 13.

Strike: "REPEALING" on line 12 through "MCA;" on line 13

9. Title, line 13.

Following: "PROVIDING"

Insert: "AN"

Strike: "DATES AND APPLICABILITY DATES"

Insert: "DATE AND AN APPLICABILITY DATE"

10. Page 1, line 17 through page 9, line 15.

Strike: section 1 through section 6 in their entirety

Renumber: subsequent sections

11. Page 9, line 25.

Following: "(ii)"

Strike: "determining"

Insert: "totaling:

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

(ii)"

12. Page 10, line 6.

Following: "aid;"

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Insert: ", excluding any guaranteed tax base aid"

13. Page 10, line 8.

Following: "~~(4)~~"

Strike: "(3)"

Insert: "(4)"

14. Page 10, line 10.

Following: "subtract"

Strike: "Subtract"

Insert: "Notwithstanding the provisions of subsection (2), subtract"

15. Page 10, line 13.

Following: "requirement"

Insert: ", up to the BASE budget amount, to determine the general fund BASE budget levy requirement"

16. Page 10, line 28.

Following: line 27

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

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

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

Renumber: subsequent subsections

17. Page 11, line 11.

Following: first "~~44.7%~~"

Strike: "80%"

Insert: "40%"

Following: second "~~44.7%~~"

Strike: "80%"

Insert: "40%"

18. Page 11, line 16.

Following: line 15

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

Renumber: subsequent subsections

19. Page 11, line 23.

Following: "~~140%~~"

Strike: "100%"

Insert: "140%"

20. Page 11, line 27.

Following: line 26

Insert: "(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may

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be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369."

Renumber: subsequent subsections

21. Page 12, line 14.

Following: first "~~44.7%~~"

Strike: "~~80%~~"

Insert: "40%"

Following: second "~~44.7%~~"

Strike: "~~80%~~"

Insert: "40%"

22. Page 13, line 22 through page 25, line 6.

Strike: section 9 through section 11 in their entirety

Renumber: subsequent sections

23. Page 25, line 26.

Following: "~~(b)~~"

Insert: "(a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district divided by the sum of the district's current year BASE budget amount less direct state aid and the state special education allowable cost payment.

(b)"

24. Page 26, line 9.

Following: "~~(b)~~"

Insert: "(a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 250% and divided by the total sum of either the state elementary school districts' or the high school districts' current year BASE budget amounts less total direct state aid.

(b)"

25. Page 26, line 16.

Following: "~~or~~"

Insert: "guaranteed tax base aid or state advance or"

26. Page 26, line 21.

Following: "~~budget~~"

Insert: "(1) If the district guaranteed tax base ratio of any elementary or high school district is less than the corresponding statewide elementary or high school guaranteed tax base ratio, the district may receive guaranteed tax base aid based on the number of mills levied in the district in support of up to 40% of the basic entitlement, up to 40% of the total per-ANB entitlement, and up to 40% of the special education allowable cost payment budgeted within the general fund budget"

Renumber: subsequent subsections

27. Page 27, line 19.

Following: line 18

Insert: " (3) The amount of guaranteed tax base aid that a district may receive in support of up to 40% of the basic entitlement, up to 40% of the total per-ANB entitlement budgeted within the general fund budget, and up

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to 40% of the special education payment is calculated in the following manner:

- (a) multiply the sum of the district's BASE budget amount less direct state aid by the corresponding statewide guaranteed tax base ratio;
- (b) subtract the taxable valuation of the district from the product obtained in subsection (3)(a); and
- (c) divide the remainder by 1,000 to determine the equivalent to the dollar amount of guaranteed tax base aid for each mill levied."

Renumber: subsequent subsections

28. Page 27, line 23 through page 31, line 22.

Strike: section 15 through section 21 in their entirety

Insert: "Section 6. Section 20-9-630, MCA, is amended to read:

"20-9-630. School district block grants. (1) (a) The office of public instruction shall provide a block grant to each school district based on the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999.

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.

~~(2) If the fiscal year 2003 appropriation provided in section 248(1), Chapter 574, Laws of 2001, is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003.~~

~~(3)(2) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.~~

~~(4) (a) The block grant for the district general fund is equal to the average amount received in fiscal years 2002 and 2003 by the district general fund from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.~~

~~(b)(a) The block grant for the district transportation fund is equal to one-half of the average the amount received in fiscal years 2002 and 2003 year 2007 by the district transportation fund from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 2008 and in each succeeding fiscal year.~~

~~(c)(b) (i) The combined fund block grant is equal to the average amount received in fiscal years 2002 and 2003 year 2007 by the district tuition, bus depreciation reserve, building reserve, nonoperating, and adult education funds from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 2008 and in each succeeding fiscal year.~~

~~(ii) The school district may deposit the combined fund block grant into any budgeted fund of the district."~~

Insert: "NEW SECTION. Section 7. Effective date -- applicability. [This act] is effective July 1, 2007, and applies to school district budgets for school fiscal years beginning on or after July 1, 2007."

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

FINANCE AND CLAIMS (Schmidt, Chairman):
SB 568, introduced bill, be amended as follows:

4/13/2007

1. Page 1, line 14.

Strike: "\$5"

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Insert: "\$2"

2. Page 1, line 17.

Insert: "(3) The amount of \$10 million is transferred from the school facility improvement account in the state special revenue fund provided for in [section 1 of House Bill No. 417] to the office of public instruction to be deposited in the school flexibility account in the state special revenue fund provided for in 20-9-542."

3. Page 1, line 18.

Following: "voidness."

Insert: "(1)"

4. Page 1, line 21.

Insert: "(2) If House Bill No. 809 is not passed and approved in a form that appropriates at least \$10 million to the office of public instruction from the school flexibility account in the state special revenue fund, then [section 1(3)] is void."

And, as amended, do pass. Report adopted.

SJR 27, be adopted. Report adopted.

HB 6, be amended as follows:

1. Title, line 9 through line 10.

Strike: "PROVIDING" on 9 through "ACCOUNT;" on line 10

2. Page 1, line 27.

Strike: "\$5.5"

Insert: "\$5"

3. Page 8, line 27 through line 29.

Strike: section 6 in its entirety

Renumber: subsequent sections

4. Page 10, line 7 through line 9.

Following: "116"

Strike: remainder of line 7 through "MILLION" on line 9

5. Page 10, line 11 through line 13.

Strike: section 12 in its entirety

Renumber: subsequent section

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

HB 7, be amended as follows:

1. Page 6, line 25.

Following: "\$289,922"

Insert: "and [section 6 of this act] is void"

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

HB 95, be concurred in. Report adopted.

HB 116, be amended as follows:

1. Page 1, line 17.

Following: "19-5-404,"

Insert: "75-1-1101,"

Strike: "82-11-161,"

2. Page 3, line 19.

Strike: "1.97%"

Insert: "1.45%"

3. Page 3, line 21.

Strike: "1.96%"

Insert: "1.45%"

4. Page 3, line 23.

Strike: "1.96%"

Insert: "2.99%"

5. Page 3, line 28.

Strike: "2.43%"

Insert: "2.16%"

6. Page 3, line 30.

Strike: "2.30%"

Insert: "2.02%"

7. Page 4, line 2.

Strike: "2.40%"

Insert: "2.95%"

8. Page 8, line 8.

Strike: "AND"

9. Page 8, line 12.

Strike: "\$440,000"

Insert: "\$300,000"

10. Page 8, line 13.

Strike: " "

Insert: " ; "

11. Page 8.

Following: line 17

Insert: "(iii) \$500,000 to the department of fish, wildlife, and parks for the purposes of 87-1-283. The future fisheries review panel shall approve and fund qualified mineral reclamation projects before other types of qualified projects.

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(iv) \$175,000 to be deposited in the environmental contingency account established in 75-1-1101."

12. Page 8.

Strike: line 20 through line 21 in their entirety

Renumber: subsequent subsections

13. Page 10, line 5.

Strike: "and"

14. Page 10, line 8.

Strike: "\$440,000"

Insert: "\$300,000"

15. Page 10, line 9.

Strike: "."

Insert: ";

16. Page 10.

Following: line 9

Insert: "(iii) \$500,000 to the department of fish, wildlife, and parks for the purposes of 87-1-283. The future fisheries review panel shall approve and fund qualified mineral reclamation projects before other types of qualified projects.

(iv) \$175,000 to be deposited in the environmental contingency account established in 75-1-1101."

17. Page 10.

Strike: line 12 through line 13 in their entirety

Renumber: subsequent subsections

18. Page 13, line 21.

Following: "82-11-161;"

Insert: "82-11-161;"

19. Page 14.

Following: line 15

Insert: "Section 9. Section 75-1-1101, MCA, is amended to read:

"75-1-1101. Environmental contingency account objectives. (1) There is an environmental contingency account within the state special revenue fund established in 17-2-102. The environmental contingency account is controlled by the governor.

(2) At the beginning of each ~~biennium~~, fiscal year, \$175,000 must be allocated to the environmental contingency account from the interest income of the resource indemnity trust fund ~~with the following exceptions:~~

~~(a) if at the beginning of any biennium the unobligated cash balance in the environmental contingency account equals or exceeds \$750,000, allocation may not be made; and~~

~~(b) if at the beginning of any biennium the unobligated cash balance in the environmental contingency account is less than \$750,000, then an amount less than or equal to the difference between the unobligated cash balance and \$750,000, but not to exceed \$175,000, must be allocated to the environmental contingency account from the interest income of the resource indemnity trust fund.~~

(3) Funds are statutorily appropriated, as provided in 17-7-502, from the environmental contingency account upon the authorization of the governor to meet unanticipated public needs consistent with the following objectives:

(a) to support renewable resource development projects in communities that face an emergency or imminent

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need for the services or to prevent the physical failure of a project;

(b) to address imminent natural resource restoration and remediation needs that are anticipated to have significant adverse impacts to Montana's natural environment if not addressed in a timely manner;

~~(b)(c)~~ to preserve vegetation, water, soil, fish, wildlife, or other renewable resources from an imminent physical threat or during an emergency, not including:

(i) natural disasters adequately covered by other funding sources; or

(ii) fire suppression;

~~(c)(d)~~ to respond to an emergency or imminent threat to persons, property, or the environment caused by mineral development;

~~(d)(e)~~ to respond to an emergency or imminent threat to persons, property, or the environment caused by a hazardous material; and

~~(e)(f)~~ to fund the environmental quality protection fund provided for in 75-10-704 or to take other necessary actions, including the construction of facilities, to respond to actual or potential threats to persons, property, or the environment caused by hazardous wastes or other hazardous materials.

(4) Interest earned from funds in the environmental contingency account ~~accrues to the general fund~~ remains in the account.

(5) The governor shall submit, as a part of the information required by 17-7-111, a complete financial report on the environmental contingency account, including a description of all expenditures made since the preceding report."

Renumber: subsequent sections

20. Page 15, line 23 through line 24.

Strike: "Except" on line 23 through "unused" on line 24

Insert: "Unused"

21. Page 15, line 26 through page 16, line 5.

Strike: subsection (6) in its entirety

22. Page 16, line 11.

Strike: "Except as provided in subsection (9), the"

Insert: "The"

23. Page 18, line 16 through line 23.

Strike: subsection (9) in its entirety

24. Page 18, line 29.

Strike: "(9) through (11)"

Insert: "(9) and (10)"

25. Page 19, line 19.

Strike: "subsection (7)"

Insert: "subsections (6) and (7)"

26. Page 19, line 22.

Strike: "Reimbursement"

Insert: "Except as provided in subsection (6), reimbursement"

27. Page 20.

Following: line 6

Insert: "(iii) the department has approved the costs." A state agency that is liable for remedial action costs incurred

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has a claim against the orphan share fund and must be reimbursed as provided in subsection (3). The agency may submit a claim before or after remedial action is complete. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs. The agency may be reimbursed only after:

(i) its liability has been determined pursuant to 75-10-742 through 75-10-751 or by a court of competent jurisdiction;

(ii) it has received a notice letter pursuant to 75-10-711; and

(iii) the department has approve the costs.

(d) If the department determines that persons given notice pursuant to 75-10-711 do not have the financial resources to conduct necessary remedial actions at a facility, the department may use the orphan share fund to conduct the necessary remedial actions."

28. Page 20, lines 16 through 19

Strike: subsection (9) in its entirety

ReNUMBER: subsequent subsections

29. Page 20, line 26.

Strike: "(10)(a)"

Insert: "(9)(a)"

30. Page 21, line 4.

Strike: "(10)(a)"

Insert: "(9)(a)"

31. Page 21, line 8.

Strike: "(10)(a)"

Insert: "(9)(a)"

32. Page 21, line 16.

Strike: "(10)(g)"

Insert: "(9)(g)"

33. Page 21, line 20.

Strike: "(10)(e)"

Insert: "(9)(e)"

34. Page 21, line 22.

Strike: "(10)"

Insert: "(9)"

35. Page 21, line 27.

Strike: "(10)(d)"

Insert: "(9)(d)"

36. Page 22, line 1.

Strike: "(11)(b)"

Insert: "(10)(b)"

37. Page 22, line 6.

Strike: "(11)(b)(i)"

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Insert: "(10)(b)(i)"

38. Page 22, line 9.

Strike: "(11)(b)(i)"

Insert: "(10)(b)(i)"

39. Page 22.

Following: line 12

Insert: "(11) For the biennium beginning July 1, 2007, the department shall transfer from the orphan share fund:

(a) \$600,000 to the hazardous waste/CERCLA account provided for in 75-10-621 to provide for a positive account balance;

(b) \$50,000 to the oil and gas production damage mitigation account pursuant to the conditions of 82-11-161 to provide for a positive account balance;

(c) \$2 million to the environmental quality protection fund established in 75-10-704 to be used by the department to expedite the cleanup of the burlington northern Santa Fe Livingston site;

(d) \$200,000 to the natural resources operations state special revenue account established in [section 27] to provide for a positive account balance; and

(e) \$800,000 to the natural resources projects state special revenue account established in [section 28] to provide for a positive account balance.

40. Page 22, line 22 through page 23, line 16.

Strike: section 13 in its entirety

Renumber: subsequent sections

41. Page 36.

Following: line 22

Insert: "NEW SECTION. Section 29. Transfer of funds. (1) The department of administration shall transfer \$1 million in fiscal year 2008 and \$1 million in fiscal year 2009 from the general fund to the environmental contingency account provided for in 75-1-1101.

(2) At the beginning of fiscal year 2008, the department of natural resources and conservation shall transfer the ending fund balance in the renewable resource grant and loan program state special revenue account established in 85-1-604 and the reclamation and development grants state special revenue account established in 90-2-1104 to the natural resources operations state special revenue account created in [section 27]."

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

HB 160, be amended as follows:

1. Page 1, line 12.

Strike: "\$822,774.07"

Insert: "\$446,987"

2. Page 1, line 13.

Following: "money"

Strike: "plus interest"

3. Page 1, line 19.

Following: "money"

Strike: "plus interest"

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4. Page 1, line 22.

Strike: "\$5.94"

Insert: "\$5.40"

5. Page 1, line 23.

Strike: "\$14,500.19"

Insert: "\$14,242.87"

6. Page 1, line 24.

Strike: "\$761.97"

Insert: "\$737.95"

7. Page 1, line 25.

Strike: "\$6,060.68"

Insert: "\$5,881.98"

8. Page 1.

Following: line 25

Insert: "(3) The following money is transferred from the general fund to the identified fund for the purpose of repaying the beneficiary the amount of distributable money plus interest that was inappropriately diverted to pay for administrative costs on the Morrill Act trust lands:"

Renumber: subsequent subsections

9. Page 1, line 26.

Following: "Blind"

Insert: "State Special Revenue Fund"

Strike: "\$10.40"

Insert: "\$9.26"

10. Page 1, line 27.

Following: "School)"

Insert: "State Special Revenue Fund"

Strike: "\$19.24"

Insert: "\$17.06"

11. Page 1, line 28.

Strike: "COMMON SCHOOLS"

Following: "ACCOUNT"

Insert: "State Special Revenue Fund"

12. Page 1, line 29.

Strike: "CAPITOL BUILDINGS"

Insert: "Capital Land Grant Projects Fund (Capitol Buildings)"

Strike: "\$29,149.38"

Insert: "\$25,848.25"

13. Page 2, line 8.

Strike: "APPROPRIATED"

Insert: "transferred"

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Strike: "COMMON SCHOOLS"

14. Page 2, line 9.

Following: "ACCOUNT"

Insert: "state special revenue fund"

Strike: "COMMON SCHOOLS"

Insert: "guarantee account"

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

HB 480, be amended as follows:

1. Page 1, line 15.

Strike: "following"

Following: "amounts"

Insert: "of \$25,000 in fiscal year 2008 and \$25,000 in fiscal year 2009"

2. Page 1, line 16.

Strike: ":"

Insert: "to be used for direct maintenance and restoration of the Daly mansion and grounds."

3. Page 1, lines 17 through 20.

Strike: line 17 through line 20

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

HB 574, be concurred in. Report adopted.

HB 829, be amended as follows:

1. Title, line 10.

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES"

2. Page 2.

Following: line 16

Insert: "(3) The department may expend up to \$500,000 of the account to conduct preliminary feasibility studies and an associated environmental review for water compact purposes on the Blackfeet Indian Reservation."

Renumber: subsequent subsections

3. Page 2, line 17.

Strike: "\$10"

Insert: "\$2.5"

4. Page 2, line 19.

Strike: "Funds"

Insert: "Except as provided in subsection (3), funds"

5. Page 3, line 10.

Strike: "\$12"

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Insert: "\$15"

6. Page 3, line 13.

Following: "Appropriation."

Insert: "(1) There is appropriated \$500,000 from the Blackfeet Tribe water rights compact mitigation account to the department of natural resources and conservation for the biennium ending June 30, 2009. The appropriation may be used solely for the purposes described in [section 2(3)].
(2)"

Strike: "\$12"

Insert: "\$14.5"

7. Page 3, line 14 through line 16.

Strike: "for the" on line 14 through "APPROPRIATION" on line 16

8. Page 3, line 25.

Strike: "date"

Insert: "dates -- contingency"

Following: "date."

Insert: "(1)"

Strike: "[This"

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

9. Page 3.

Following: line 25

Insert: "(2) [Section 6(2)] is effective when a water rights compact among the Blackfeet Tribe, the state, and the United States has been finally ratified by the legislature, the congress of the United States, and the Blackfeet Tribe."

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

HIGHWAYS AND TRANSPORTATION (Pease, Chairman):
HB 840, be amended as follows:

4/13/2007

1. Title, line 5.

Strike: "OVER" through "WEIGHT"

2. Title, line 6.

Following: "USING"

Insert: "CERTAIN"

Strike: "AND"

3. Title, line 7.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE"

4. Page 2, line 9.

Strike: "passenger"

Insert: "trailers and"

Strike: "trucks" through "weight"

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Insert: "other than motorcycles and quadricycles"

5. Page 4, line 23 through line 24.

Strike: "a" on line 23 through "weight," on line 24

Following: "motorcycle" on line 24

Strike: ", "

6. Page 5, line 7 through line 8.

Strike: "a" on line 7 through "weight," on line 8

Following: "motorcycle" on line 8

Strike: ", "

7. Page 5, line 16.

Following: "61-3-412,"

Insert: "if applicable, the administrative fee and the annual one-time only donation fee for a generic specialty license plate under 61-3-480,"

8. Page 5, line 20.

Following: "~~not~~"

Insert: "not"

9. Page 5, line 24.

Following: "61-3-422;"

Insert: "and"

10. Page 5, line 25.

Strike: "; and"

Insert: "."

11. Page 5.

Strike: line 26

12. Page 6.

Following: line 10

Insert: "NEW SECTION. Section 5. Effective date. [This act] is effective January 1, 2008."

Insert: "NEW SECTION. Section 6. Applicability. [This act] applies to motor vehicles and trailers registered, and license plates that are issued or renewed, on or after [the effective date of this act]."

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

NATURAL RESOURCES AND ENERGY (Lind, Chairman):

4/13/2007

HB 27, be concurred in. Report adopted.

HB 39, be amended as follows:

1. Title, line 12.

Strike: "DECREASING"

Insert: "INCREASING"

2. Page 4, line 16.

Strike: "OF \$5"

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3. Page 4, line 26.

Strike: "\$7.50"

Insert: "\$75"

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

HB 330, be amended as follows:

1. Title, line 12.

Following: "OPERATE"

Insert: "SOME"

Following: "POWERLINES;"

Insert: "INCREASING THE AMOUNT OF BONDS ALLOWED UNDER THE MUNICIPAL FINANCE CONSOLIDATION ACT;"

2. Title, line 14.

Following: "APPROPRIATION;"

Insert: "AMENDING SECTIONS 17-5-1604 AND 17-5-1608, MCA;"

3. Page 2, line 8.

Following: "bodies"

Insert: "and Indian tribal governments"

4. Page 2, line 9.

Following: "bodies"

Insert: "and Indian tribal governments"

5. Page 2.

Following: line 23

Insert: "(4) "Commission" means the public service commission provided for in 69-1-102."

Re-number: subsequent subsections

6. Page 2, line 26.

Following: "city-county,"

Insert: "Indian tribal government,"

7. Page 3, line 19 through line 20.

Strike: "UNDER" on line 19 through "6" on line 20

8. Page 3.

Following: line 20

Insert: "(c) through June 30, 2009, a public utility under a qualifying contract governed by Title 69, chapter 3, part 6, if:

(i) the commission determines that adequate ancillary services are available for increases in the amount of intermittent generation resources connected to the transmission grid;

(ii) the cost of any ancillary services provided to the generator by the public utility can be adjusted to reflect actual costs, the costs are deductible by the public utility from the price of electricity paid to the generator, and adjustments may be made as frequently as every 12 months; and

(iii) the public utility can refuse acceptance of electricity from the generator when the loss of ancillary services threatens system reliability or the public utility is unable to purchase sufficient ancillary services to meet

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its obligations, subject to 90 days' written notice to the generator;"

Renumber: subsequent subsections

9. Page 3, line 22.

Strike: "CONSUMER"

Insert: "purchaser"

10. Page 9, line 15 through line 16.

Following: "PROJECT" on line 15

Strike: "FINANCING"

Insert: "construction"

Strike: "SELLING BONDS" on line 15 through "FINANCING" on line 16

Insert: "starting construction"

11. Page 9, line 20.

Following: "SERVICES"

Insert: "as required by the control area operator"

12. Page 9, line 21.

Strike: "AS REQUIRED" through "OPERATOR; AND"

Insert: " ; ""

13. Page 9, line 22.

Following: "PROJECT"

Insert: " ; and

(4) with a tribal government for projects being constructed within the exterior boundaries of that tribal government's Indian reservation"

14. Page 9, line 25.

Following: "POWERLINES."

Insert: "(1)"

15. Page 9, line 26.

Strike: "(1)"

Insert: "(a)"

16. Page 9, line 27.

Strike: "(2)"

Insert: "(b)"

17. Page 9.

Following: line 28

Insert: "(2) Subsections (1)(a) and (1)(b) do not apply to electrical lines connecting component parts within the perimeter of an electric generation facility or to a dedicated tie line between an electric generation facility and the transmission grid or the point of use by the governmental body."

18. Page 10.

Following: line 25

Insert: "**Section 20.** Section 17-5-1604, MCA, is amended to read:

"17-5-1604. Definitions. As used in this part, the following definitions apply:

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- (1) "Board" means the board of investments created in 2-15-1808.
- (2) "Department" means the department of commerce created in 2-15-1801.
- (3) "Eligible government unit" means:

(a) any municipal corporation or political subdivision of the state, including without limitation any city, town, county, school district, authority as defined in 75-6-304, or other special taxing district or assessment or service district authorized by law to borrow money; or

(b) the state, any board, agency, or department of the state, or the board of regents of the Montana university system when authorized by law to borrow money; or

(c) for the purposes of [sections 1 through 19] only, an Indian tribal government.

(4) "Reserve fund" means the municipal finance consolidation act reserve fund created in 17-5-1630.""

Insert: "Section 21. Section 17-5-1608, MCA, is amended to read:

"17-5-1608. Limitations on amounts. The board may not issue any bonds or notes that cause the total outstanding indebtedness of the board under this part, except for bonds or notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101, to exceed \$~~120~~ \$190 million.""

Renumber: subsequent sections

19. Page 11, line 11.

Strike: "20"

Insert: "22"

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

TAXATION (Elliott, Chairman):

4/13/2007

HB 463, be amended as follows:

1. Title, lines 11 and 12.

Following: "15-6-135," on line 11

Insert: "15-10-420,"

Following: "15-24-1401,"

Insert: "AND"

Strike: "AND" on line 11 through "90-6-205," on line 12

Strike: "15-16-201," on line 12

2. Page 1, line 29.

Strike: "by employing at least 10"

Insert: "that results in hiring"

3. Page 3, line 5.

Strike: "and"

Insert: "or"

4. Page 3, line 16.

Strike: "PREAPPLICATION CONSULTATION -- APPLICATION"

Insert: "Application"

5. Page 3, line 17 through line 23.

Strike: "BEFORE" on line 17 through "IN" on line 23

Insert: "In"

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Renumber: subsequent subsections

6. Page 4, line 11.

Strike: "(4)"

Insert: "(3)"

7. Page 4, line 14 through line 16.

Strike: subsection (a) in its entirety

8. Page 4, line 17.

Strike: "(b)"

9. Page 5, line 11.

Strike: "taxed"

Insert: "assessed"

10. Page 6, lines 6 through 8.

Strike: "department" on line 6

Insert: "local governing body"

Strike: "The" on line 6 through "The" on line 7

Insert: "If the"

Strike: "must" on line 7 through "be" on line 8

Insert: "is"

Strike: "and" on line 8

11. Page 6, lines 10 and 11.

Strike: "and the department" on line 10 through "abatement" on line 11

12. Page 6, line 12 through line 14.

Strike: "THE" on line 12 through "(2)." on line 14

13. Page 11, line 11.

Insert: "**Section 10.** Section 15-10-420, MCA, is amended to read:

"15-10-420. Procedure for calculating levy. (1) (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes ~~actually~~ authorized to be assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax ~~actually~~ authorized to be assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's value of newly taxable property, plus one-half of the average rate of inflation for the prior 3 years.

(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

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(3) (a) For purposes of this section, newly taxable property includes:

- (i) annexation of real property and improvements into a taxing unit;
- (ii) construction, expansion, or remodeling of improvements;
- (iii) transfer of property into a taxing unit;
- (iv) subdivision of real property; ~~and~~
- (v) transfer of property from tax-exempt to taxable status; and
- (vi) increases in taxable value pursuant to [sections 1 through 6].

(b) Newly taxable property does not include an increase in value that arises because of an increase in the incremental value within a tax increment financing district.

(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:

- (i) a change in the boundary of a tax increment financing district;
- (ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or
- (iii) the termination of a tax increment financing district.

(b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.

(c) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property or as nonqualified agricultural land as described in 15-6-133(1)(c).

(5) Subject to subsection (8), subsection (1)(a) does not apply to:

- (a) school district levies established in Title 20; or
- (b) the portion of a governmental entity's property tax levy for premium contributions for group benefits excluded under 2-9-212 or 2-18-703.

(6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity may increase the number of mills to account for a decrease in reimbursements.

(8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-107, 20-9-331, 20-9-333, 20-9-360, 20-25-423, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in whole mills. If the mill levy calculation does not result in a whole number of mills, then the calculation must be rounded up to the nearest whole mill.

(9) (a) The provisions of subsection (1) do not prevent or restrict:

- (i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;
- (ii) a levy to repay taxes paid under protest as provided in 15-1-402; or
- (iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326.

(b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.

(10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.

(11) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable property in a governmental unit."

Renumber: subsequent sections

14. Page 12, line 24 through page 13, line 11.

Strike: section 12 in its entirety

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Renumber: subsequent sections

15. Page 13, line 13.

Strike: "15-16-201,"

16. Page 13, line 20 through line 21.

Strike: section 15 in its entirety

Renumber: subsequent sections

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

HB 488, be amended as follows:

1. Page 2, line 22.

Strike: "\$25,000"

Insert: "\$50,000"

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

HB 823, be amended as follows:

1. Page 4, line 3.

Insert: "NEW SECTION. Section 3. Contingent voidness. Unless a reduction in an item of appropriation contained in House Bill No. 820 is specifically identified as implementing [this act], [this act] is void."

Renumber: subsequent sections

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

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bill concurred in: 4/12/2007

HB 136, introduced by Milburn

Senate amendments to House bill concurred in: 4/12/2007

HB 269, introduced by Rice

Senate amendments to House bill concurred in: 4/12/2007

HB 299, introduced by Milburn

Senate amendments to House bill concurred in: 4/12/2007

HB 369, introduced by Pomnichowski

Senate amendments to House bill concurred in: 4/12/2007

HB 425, introduced by Sesso

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Senate amendments to House bill concurred in: 4/12/2007
HB 514, introduced by Caferro

Senate amendments to House bill concurred in: 4/12/2007
HB 526, introduced by Groesbeck

Senate amendments to House bill concurred in: 4/12/2007
HB 609, introduced by Hamilton

Senate amendments to House bill concurred in: 4/12/2007
HB 683, introduced by Reinhart

Senate amendments to House bill concurred in: 4/12/2007
HB 706, introduced by Caferro

Senate amendments to House bill concurred in: 4/12/2007
HB 727, introduced by Lange

Senate amendments to House bill concurred in: 4/12/2007
HB 737, introduced by Hilbert

Senate amendments to House bill concurred in: 4/12/2007
HB 738, introduced by Mendenhall

Senate amendments to House bill concurred in: 4/12/2007
HB 755, introduced by Keane

Senate amendments to House bill concurred in: 4/12/2007
HB 759, introduced by Hendrick

Senate amendments to House bill concurred in: 4/12/2007
HB 764, introduced by Milburn

Senate amendments to House bill concurred in: 4/12/2007
HB 765, introduced by Olson

Senate amendments to House bill concurred in: 4/12/2007

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HB 781, introduced by Windy Boy

Senate amendments to House joint resolution concurred in: 4/12/2007

HJR 16, introduced by Ripley

Senate amendments to House joint resolution concurred in: 4/12/2007

HJR 39, introduced by Erickson

Senate amendments to House joint resolution concurred in: 4/12/2007

HJR 41, introduced by Furey

Senate amendments to Senate joint resolution concurred in: 4/12/2007

SJR 15, introduced by Gillan

Governor's amendments to House bill concurred in and transmitted to the Senate for concurrence in the Governor's amendments: 4/12/2007

HB 357, introduced by Cohenour

HB 25 - 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 **HB 25**: 4/12/2007

Representative Olson, Chair
Representative Wilson
Representative Lange

Senate amendments to House bill concurred in: 4/13/2007

HB 139, introduced by Branae

Senate amendments to House bill concurred in: 4/13/2007

HB 362, introduced by Olson

Senate amendments to House bill concurred in: 4/13/2007

HB 439, introduced by Koopman

Senate amendments to House bill concurred in: 4/13/2007

HB 522, introduced by Sinrud

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/13/2007

SB 192, introduced by Essmann

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Senate bill concurred in and returned to the Senate:	4/13/2007
SB 157 , introduced by Ryan	
Senate bill concurred in and returned to the Senate:	4/13/2007
SB 185 , introduced by Hawks	
Senate bill concurred in and returned to the Senate:	4/13/2007
SB 243 , introduced by Balyeat	
Senate bill concurred in and returned to the Senate:	4/13/2007
SB 261 , introduced by Lewis	
Senate bill concurred in and returned to the Senate:	4/13/2007
SB 287 , introduced by Weinberg	
Senate bill concurred in and returned to the Senate:	4/13/2007
SB 296 , introduced by Weinberg	
Senate bill concurred in and returned to the Senate:	4/13/2007
SB 314 , introduced by Steinbeisser	
Senate bill concurred in and returned to the Senate:	4/13/2007
SB 321 , introduced by Brueggeman	
Senate bill concurred in and returned to the Senate:	4/13/2007
SB 350 , introduced by Perry	
Senate bill concurred in and returned to the Senate:	4/13/2007
SB 372 , introduced by Balyeat	

MOTIONS

SEN. DANIEL MCGEE, SD 29, LAUREL moved **HB 96** be taken from the Finance and Claims Committee and bring it to second reading on the 79th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash,

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J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 44

Nays: Hansen, Juneau, Kaufmann, Squires.
Total 4

Absent or not voting: Cocchiarella.
Total 1

Excused: Elliott.
Total 1

SEN. KELLY GEBHARDT, SD 23, ROUNDUP moved to take **HB 835** off the table and bring it to second reading on the 79th Legislative day. Motion **failed** as follows:

Yeas: Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Harrington, Jackson, Kitzenberg, Laible, Laslovich, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.
Total 24

Nays: Bales, Brueggeman, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Larson, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: Cocchiarella, Elliott.
Total 2

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved the appointment of Conference Committees for the following Senate bills:

SB 49, President appoints Senator Jent, Chair, Senators Pease, Esp.

SB 74, President appoints Senator Jent, Chair, Senators Moss, McGee.

SB 96, President appoints Senator Williams, Chair, Senators Laslovich, Laible.

SB 121, President appoints Senator Elliott, Chair, Senators Gillan, Gebhardt.

SB 147, President appoints Senator Juneau, Chair, Senators Hawks, Shockley.

SB 227, President appoints Senator Laslovich, Chair, Senators Jent, Shockley.

SB 404, President appoints Senator Lind, Chair, Senators Jent, Shockley.

SB 497, President appoints Senator Moss, Chair, Senators Juneau, Curtiss.

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SB 547, President appoints Senator Laslovich, Chair, Senators Moss, Perry.

SB 12, President appoints Senator Williams, Chair, Senators Larson, Laible. Motions carried.

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved the appointment of a Free Conference Committee for the following Senate bill:

SB 365, President appoints Senator Story, Chair, Senators Hansen, M. Tropila. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

HB 833, introduced by Stahl, referred to Taxation.

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

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

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

HB 820 - Senator Esp moved **HB 820**, second reading copy, be amended as follows:

1. Page A-1.

Following: line 8

Insert: "c. Southern Amtrak Route (Restricted)

3,200,000 3,200,000" [general fund FY08 and FY09]

2. Page A-2.

Following: line 19

Insert: "Southern Amtrak Route funding is restricted to operational and capital expenses of the southern amtrak route. Up to \$300,000 each year of the funding may be used for rail service from the southern route to Butte and Anaconda."

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Brueggeman, Cobb, Cocchiarella, Esp, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Steinbeisser, Story, Tash.
Total 17

Nays: Balyeat, Black, Brown, Curtiss, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 32

Absent or not voting: None.
Total 0

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Excused: Elliott.
Total 1

HB 820 - Senator Laible moved **HB 820**, second reading copy, be amended as follows:

1. Page A-5, line 13.

Strike: "5,000 0" [general fund FY08 and FY09]

Insert: "2,500 2,500" [general fund FY08 and FY09]

2. Page A-6, line 15.

Strike: line 15 in its entirety

Insert: "If the report is not received by June 30, 2008, \$2,500 of general fund money in fiscal year 2009 for Agency's Goals and Objectives Reporting is void."

3. Page A-8, line 11.

Strike: "fiscal year 2008"

Insert: "fiscal year 2009"

4. Page A-9, line 5.

Strike: "5,000 0" [general fund FY08 and FY09]

Insert: "2,500 2,500" [general fund FY08 and FY09]

5. Page A-10, line 21.

Strike: line 21 in its entirety

Insert: "If the report is not received by June 30, 2008, \$2,500 of general fund money in fiscal year 2009 for Agency's Goals and Objectives Reporting is void."

6. Page A-11, line 3.

Strike: "5,000 0" [general fund FY08 and FY09]

Insert: "2,500 2,500" [general fund FY08 and FY09]

7. Page A-11, line 11.

Strike: line 11 in its entirety

Insert: "If the report is not received by June 30, 2008, \$2,500 of general fund money in fiscal year 2009 for Agency's Goals and Objectives Reporting is void."

Amendment adopted unanimously.

HB 820 - Senator Moss moved **HB 820**, second reading copy, be amended as follows:

1. Page A-6.

Following: line 6

Insert: "b. Southern Rail Passenger Route Study (Biennial/OTO) 100,000"
[state special revenue FY08]

Amendment **not** adopted as follows:

Yeas: Cobb, Cocchiarella, Gallus, Gillan, Harrington, Hawks, Juneau, Kaufmann, Larson, Lind, Moss, Murphy, Smith, Squires, Wanzenried, Weinberg, Williams.

Total 17

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Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Jackson, Jent, Kitzenberg, Laible, Laslovich, Lewis, McGee, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Mr. President.
Total 33

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 820 - Senator Kitzenberg moved **HB 820**, second reading copy, be amended as follows:

1. Page C-1.

Following: line 6

Insert: "a. Culbertson Overlook State Park (Restricted/Biennial/OTO) 511,000 [state special revenue FY08]

2. Page C-2.

Following: line 20

Insert: "Culbertson Overlook State Park is restricted to up to \$500,000 for land purchase costs and \$11,000 for development and maintenance costs."

Amendment **not** adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gillan, Harrington, Juneau, Kaufmann, Kitzenberg, Lind, Moss, Pease, Ryan, Smith, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Williams.
Total 18

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hansen, Hawks, Jackson, Jent, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Story, Tash, Weinberg, Mr. President.
Total 32

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 820 - Senator Black moved **HB 820**, second reading copy, be amended as follows:

1. Page C-2, line 7.

Strike: "200,000 200,000" [state special revenue FY08 and FY09]

Insert: "125,000 125,000" [state special revenue FY08 and FY09]

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, Wanzenried, Weinberg, Williams, Mr. President.
Total 35

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Nays: Cocchiarella, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 820 - Senator Wanzenried moved **HB 820**, second reading copy, be amended as follows:

1. Page A-7 line 17.

Strike: "8,876,566 9,375,103" [general fund FY08 and FY09]

Insert: "8,826,566 9,325,103" [general fund FY08 and FY09]

2. Page A-7, line 23.

Strike: "17,755,253 18,230,623" [general fund FY08 and FY09]

Insert: "17,705,253 18,180,623" [general fund FY08 and FY09]

3. Page E-9, line 10.

Strike: "1,084,821 1,091,328" [general fund FY08 and FY09]

Insert: "1,184,821 1,191,328" [general fund FY08 and FY09]

Amendment adopted unanimously.

HB 820 - Senator Lind moved **HB 820**, second reading copy, be amended as follows:

1. Page C-3.

Following: line 10

Insert: "b. Energy Planning 160,638 165,922" [general fund FY08 and FY09]

2. Page C-10, line 18.

Strike: "486,153 486,154" [general fund FY08 and FY09]

Insert: "325,515 320,232" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Cobb, Elliott, Hansen, Harrington, Hawks, Jent, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, Weinberg, Williams, Mr. President.

Total 18

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Juneau, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried.

Total 30

Absent or not voting: None.

Total 0

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Excused: Gallus, Shockley.
Total 2

HB 820 - Senator Cocchiarella moved **HB 820**, second reading copy, be amended as follows:

1. Page A-1, line 6.

Strike: "300,000 300,000" [general fund FY08 and FY09]

Insert: "500,000 500,000" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, Weinberg, Williams.
Total 25

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Jackson, Juneau, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 820 - Senator Schmidt moved **HB 820**, as amended, be concurred in. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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

Senate recessed at 12:32 p.m. and reconvened at 1:15 p.m.

Roll Call. Quorum present.

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Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Stapleton, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 34

Nays: Balyeat, Essmann, Gebhardt, Lind, McGee, O'Neil, Shockley.
Total 7

Absent or not voting: None.
Total 0

Excused: Brown, Cocchiarella, Esp, Jackson, Larson, Smith, Squires, Steinbeisser, J.Tropila.
Total 9

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

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

SB 547 - House Amendments - Do Not Concur In - Motion adopted unanimously.

SB 227 - House Amendments - Do Not Concur In - Motion adopted unanimously.

SB 96 - House Amendments - Do Not Concur In - Motion adopted unanimously.

SB 404 - House Amendments - Do Not Concur in - Motion carried unanimously.

SB 147 - House Amendments - Do Not Concur In - Motion adopted unanimously.

SB 49 - House Amendments - Do Not Concur In - Motion adopted unanimously.

SB 497 - House Amendments - Do Not Concur In - Motion adopted unanimously.

SB 74 - House Amendments - Do Not Concur In - Motion adopted unanimously.

SB 121 - House Amendments - Do Not Concur In - Motion adopted unanimously.

SB 365 - House Amendments - Do Not Concur In - Motion adopted unanimously.

HB 809 - Senator Hawks moved **HB 809**, second reading copy, be amended as follows:

1. Page A-3, line 3.

Strike: "All"

Insert: "Except for the amount appropriated for administration from the traffic education account in OPI Administration, all remaining"

Amendment adopted with Senator Balyeat, Gebhardt, Esp, Shockley, O'Neil voting nay.

HB 809 - Senator Hawks moved **HB 809**, second reading copy, be amended as follows:

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1. Page A-1, line 21.

Strike: "503,114,737 513,450,519" [general fund FY08 and FY09]

Insert: "504,458,688 514,972,111" [general fund FY08 and FY09]

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Steinbeisser, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

Excused: Elliott, Jackson, Kitzenberg, Stapleton.

Total 4

HB 809 - Senator McGee moved **HB 809**, second reading copy, be amended as follows:

1. Page A-1, line 21.

Strike: "503,114,737 513,450,519" [general fund FY08 and FY09]

Insert: "499,114,737 509,450,519" [general fund FY08 and FY09]

2. Page A-1, line 23.

Strike: "40,434,302 41,647,331" [general fund FY08 and FY09]

Insert: "45,434,302 46,647,331" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 809 - Senator Ryan moved **HB 809**, second reading copy, be amended as follows:

1. Page A-2, following line 24.

Insert: "q. School Flexibility Account (Restricted/OTO) 10,000,000" [state special FY09]

2. Page A-3, following line 6.

Insert: "If Senate Bill No. 568 does not contain a transfer of \$10 million from the school facility improvement fund to the school flexibility fund, School Flexibility Account is void."

Amendment adopted as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Gillan, Laible, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 809 - Senator Kitzenberg moved **HB 809**, second reading copy, be amended as follows:

1. Page A-1, line 21.

Strike: "513,450,519" [general fund FY09]

Insert: "515,450,519" [general fund fy09]

2. Page A-1, line 23.

Strike: "41,647,331" [general fund FY09]

Insert: "51,647,331" [general fund FY09]

Amendment **not** adopted as follows:

Yeas: Elliott, Gallus, Juneau, Kaufmann, Kitzenberg, Pease, Shockley, J.Tropila, Williams.

Total 9

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Weinberg, Mr. President.

Total 41

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

HB 809 - Senator Kaufmann moved **HB 809**, second reading copy, be amended as follows:

1. Page A-2, following line 27.

Insert: "If legislation is passed and approved that increases the quality educator payment to \$4,000 in fiscal year 2008 and to \$6,000 in fiscal year 2009, then Base Aid is \$515,273,669 in fiscal year 2008 and \$550,898,799 in fiscal year 2009."

Amendment **failed** with Senators Kaufmann, Juneau, Moss, Lewis voting yes.

HB 809 - Senator McGee moved **HB 809**, second reading copy, be amended as follows:

1. Page A-3, following line 6.

Insert: "The fiscal year 2009 general fund appropriation for Special Education must be increased by any unexpended, unobligated funds remaining in the fiscal year 2008 appropriations for Base Aid, up to \$4 million."

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Kitzenberg, Laible, Lewis, McGee, Murphy, Pease, Perry, Peterson, Ryan, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 25

Nays: Balyeat, Cobb, Elliott, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, O'Neil, Schmidt, Shockley, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 809 - Senator Ryan moved **HB 809**, second reading copy, be amended as follows:

1. Page A-2, line 24.

Strike: "2,100,000 2,100,000" [general fund FY08 and FY09]

Insert: " 750,000 750,000" [general fund FY08 and FY09]

2. Page A-2, following line 24.

Insert: "q. Indian Achievement Gap Payment (Restricted/OTO) 1,400,000 1,300,000" [general fund FY08 and FY09]

3. Page A-3, following line 6.

Insert: "Indian Achievement Gap Payment is to be distributed on a pro rata basis to each district based on the number of American Indian students."

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Amendment **not** adopted as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, McGee, O'Neil, Peterson, Ryan, Steinbeisser, Story, Tash.
Total 11

Nays: Bales, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 39

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 809 - Senator Cobb moved **HB 809**, second reading copy, segregating sections 2 and 5 and keeping sections 1, 3, 4, and 6, be amended as follows:

1. Page A-1.

Following: line 21

Insert: "b. Base Aid Increase -- Senate Bill No. 75 188,569 184,664" [general fund FY08 and FY09]

Renumber: subsequent subsections

2. Page A-1.

Following: line 21

Insert: "b. Base Aid Increase -- Senate Bill No. 220 411,000" [general fund FY08]

Renumber: subsequent subsections

3. Page A-2.

Following: line 24

Insert: "q. Distance Learning Technology Payment 161,250 325,000" [general fund FY08 and FY09]

4. Page A-2.

Following: line 27

Insert: "If Senate Bill No. 75 is not passed and approved, Base Aid Increase--Senate Bill No. 75 is void."

5. Page A-2.

Following: line 27

Insert: "If Senate Bill No. 220 is not passed and approved, Base Aid Increase--Senate Bill No. 220 is void."

6. Page A-3.

Following: line 6

Insert: "If House Bill No. 515 is not passed and approved, Distance Learning Technology Payment is void."

Amendment adopted with Senator Brown, McGee, Stapleton, Essmann, Jackson voting nay.

HB 809 - Senator Schmidt moved **HB 809**, as amended, be concurred in. Motion carried as follows:

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Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 33

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Story, Tash.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 565 - Senator Schmidt moved **SB 565** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 20

Absent or not voting: None.
Total 0

Excused: Wanzenried.
Total 1

Senate recessed at 3:58 p.m.

Senate convened at 5:30 p.m.

Roll Call. Quorum present.

Yeas: Bales, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 41

Nays: Balyeat, Essmann, Jackson, Lind, McGee, O'Neil, Shockley.
Total 7

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Absent or not voting: None.
Total 0

Excused: Black, Gebhardt.
Total 2

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

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

SB 566 - Senator Hawks moved **SB 566**, second reading copy, be amended as follows:

1. Page 9, line 12.

Insert: "COORDINATION SECTION. Section 12. Coordination instruction. If Senate Bill No. 335 and [this act] are both passed and approved, then [section 6 of this act] is amended to read:

"NEW SECTION. Section 6. Definitions. For purposes of [sections 5 through 10], unless the context requires otherwise, the following definitions apply:

(1) "Education cooperative" means a cooperative of Montana public schools as described in 20-7-451.
(2) "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS) loans, as provided in 20 U.S.C. 1078-2.

(3) "Federal loan program" means educational loans authorized by 20 U.S.C. 1071, et seq., 20 U.S.C. 1087a, et seq., and 20 U.S.C. 1087aa, et seq.

(4) (a) "Quality educator" means a full-time equivalent educator, as reported to the superintendent of public instruction for accreditation purposes in the previous school year, who:

(i) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (4)(b) of this section in a position that requires an educator license in accordance with administrative rules adopted by the board of public education; or

(ii) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-23-201, 37-24-301, or 37-25-302 and is employed by an entity listed in subsection (4)(b) of this section to provide services to students.

(b) For purposes of subsection (4)(a), an entity means:

(i) a school district;

(ii) an education cooperative;

(iii) the Montana school for the deaf and blind, as described in 20-8-101; **and**

(iv) a state youth correctional facility, as defined in 41-5-103; **and**

(v) the Montana youth challenge program.

(5) "School district" means a public school district, as provided in 20-6-101 and 20-6-701."

Insert: "COORDINATION SECTION. Section 13. Coordination instruction. If House Bill No. 417 and [this act] are both passed and approved and if House Bill No. 417 amends section 20-9-327, MCA, to include references to sections 37-17-302 and 37-22-301, MCA, then [section 6 of this act] is amended to read:

"NEW SECTION. Section 6. Definitions. For purposes of [sections 5 through 10], unless the context requires otherwise, the following definitions apply:

(1) "Education cooperative" means a cooperative of Montana public schools as described in 20-7-451.
(2) "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS) loans, as provided in 20 U.S.C. 1078-2.

(3) "Federal loan program" means educational loans authorized by 20 U.S.C. 1071, et seq., 20 U.S.C. 1087a, et seq., and 20 U.S.C. 1087aa, et seq.

(4) (a) "Quality educator" means a full-time equivalent educator, as reported to the superintendent of public instruction for accreditation purposes in the previous school year, who:

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(i) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (4)(b) of this section in a position that requires an educator license in accordance with administrative rules adopted by the board of public education; or

(ii) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-22-301, 37-23-201, 37-24-301, or 37-25-302 and is employed by an entity listed in subsection (4)(b) of this section to provide services to students.

(b) For purposes of subsection (4)(a), an entity means:

(i) a school district;

(ii) an education cooperative;

(iii) the Montana school for the deaf and blind, as described in 20-8-101; and

(iv) a state youth correctional facility, as defined in 41-5-103.

(5) "School district" means a public school district, as provided in 20-6-101 and 20-6-701."

Renumber: subsequent sections

Amendment adopted unanimously.

SB 566 - Senator Hawks moved **SB 566**, as amended, do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 12 - House Amendments - Senator Williams moved **SB 12**, Do Not Concur In. Motion carried with Senator Balyeat, O'Neil voting nay.

SB 312 - House Amendments - Senator Lind moved House amendments to **SB 312** be concurred in. Motion carried unanimously.

SB 527 - House Amendments - Senator Gillan moved House amendments to **SB 527** be concurred in. Motion carried unanimously.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8 a.m., Saturday, April 14, 2007. Motion carried.

Senate adjourned at 6:48 p.m.

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JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate