

**HOUSE JOURNAL
61ST LEGISLATURE
EIGHTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
April 24, 2009

House Chambers
State Capitol

House convened at 8:30 a.m. Mr. Speaker in the Chair. Invocation by Rep. Pease-Lopez. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Stoker, excused. Quorum present.

Mr. Speaker introduced and thanked the pages for the week: Dalson Allen (Helena), Shelisa Craig (Carter), Aaron Darrow (Hamilton), Austin Feiss (Helena), Riley Griffin (Helena), Libby Gurnett (Helena).

REPORTS OF SELECT COMMITTEES

**FREE CONFERENCE COMMITTEE
on **Senate Bill 322**
Report No. 1, April 23, 2009**

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 322** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 322** (reference copy -- salmon) be amended as follows:

1. Title, line 7 through line 8.

Strike: "APPLICATION" on line 7 through "FEES" on line 8

Insert: "REGISTRATION PROVISIONS"

2. Page 1, line 15.

Strike: "WHO IS NOT A HOBBYIST BEEKEEPER AND IS"

3. Page 2, line 27.

Strike: "A"

Insert: "Except as provided in 80-6-114, a"

4. Page 3, line 4.

Strike: "(I)"

Strike: "EXCEPT AS PROVIDED IN SUBSECTION (2)(B)(II), THE"

Insert: "The"

5. Page 3, line 7.

Strike: subsection (ii) in its entirety

6. Page 9, line 22.

Following: "~~VOLUNTARY~~"

Insert: "-- voluntary"

7. Page 9.

Following: line 25

Insert: "(1) A hobbyist apiary site is exempt from the registration provisions of this part, but a hobbyist beekeeper may voluntarily register with the department under this section. A hobbyist beekeeper voluntarily registering a site shall pay any required registration fee but is not required to reregister pursuant to 80-6-102."

Renumber: subsequent subsections

8. Page 13, line 26.

Strike: "A"

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

9. Page 13, line 28.

Strike: "\$25,000"

Insert: "\$1,000"

10. Page 14.

Following: line 5

Insert: "(2) (a) A person violating or aiding in the violation of the provisions 80-6-202 is subject to an administrative civil penalty of not more than \$10,000 for each offense. Assessment of a penalty under this subsection (2)(a) may be made in conjunction with any other warning, order, or administrative action that is issued by the department under this part. The proceeds of an administrative civil penalty must be deposited in the state special revenue account provided for in 80-6-315.

(b) A person who is assessed a penalty for violating 80-6-315 is also subject to payment of costs incurred by the department for inspections or investigations related to the violation."

Renumber: subsequent subsections

For the Senate:

Curtiss, Chairman

Hinkle

Windy Boy

For the House:

Jopek, Chairman

French

Taylor

Butcher

FREE CONFERENCE COMMITTEE
on **Senate Joint Resolution 30**
Report No. 1, April 23, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Joint Resolution 30** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Joint Resolution 30** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

Following: "SYSTEM"

Insert: "AND LAWS RELATED TO THE MONTANA STATE FUND"

2. Title, line 7.

Following: "DRIVERS"

Insert: "AND THE MONTANA STATE FUND"

3. Page 1, line 23.

Following: "COMPENSATION"

Insert: "; and

WHEREAS, a February 2009 Legislative Audit Division report concluded that legal compliance risks faced by the Montana State Fund may be higher because of an internal and external lack of regulatory oversight mechanisms, which is of potential significance because of Montana State Fund's current market dominance of 67% of a market that is shared with private carriers providing workers' compensation insurance, excluding self-insured employers; and

WHEREAS, statutory direction for the Montana State Fund to operate as a self-sustaining business in a manner similar to that of a privately operated mutual insurance business has resulted in the Montana State Fund developing compensation and incentive plans and premium and other performance measures similar to those of private companies"

4. Page 2, line 11.

Following: "COMPENSATION"

Insert: ";

(6) structural issues in Montana, particularly as they relate to the three-tiered system involving self-insurers, private carriers, and the Montana State Fund"

5. Page 2, following line 23.

Insert: "BE IT FURTHER RESOLVED, that the study examine the operation and structure of the Montana State Fund, the Montana State Fund's relationship with state government and other insurers, and state oversight of the Montana State Fund."

For the Senate:

Zinke, Chairman
Perry
Laslovich

For the House:

Hunter, Chairman
Beck
Boland
Mendenhall

MESSAGES FROM THE SENATE

SB 322 - The Senate acceded to the request of the House, dissolved the Conference Committee on Senate amendments to **SB 322**, and authorized the President to appoint the following **Free** Conference Committee to confer on **SB 322**:

4/24/2009

Senator Curtis, Chair
Senator Hinkle
Senator Windy Boy

Conference Committee Report No.1 passed 2nd reading:

4/23/2009

SB 119, introduced by Esp

MESSAGES FROM THE GOVERNOR

April 23, 2009

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Bergren and President Story:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 11, **“AN ACT APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR FINANCIAL ASSISTANCE TO LOCAL GOVERNMENT INFRASTRUCTURE PROJECTS THROUGH THE TREASURE STATE ENDOWMENT PROGRAM; AUTHORIZING GRANTS FROM THE TREASURE STATE ENDOWMENT STATE SPECIAL REVENUE ACCOUNT; PLACING CONDITIONS UPON GRANTS AND FUNDS; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR EMERGENCY GRANTS; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR PRELIMINARY ENGINEERING GRANTS; APPROPRIATING MONEY FROM THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM STATE SPECIAL REVENUE ACCOUNT TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR FINANCIAL ASSISTANCE TO REGIONAL WATER AUTHORITIES FOR REGIONAL WATER PROJECTS; TERMINATING CERTAIN PRIOR TREASURE STATE**

ENDOWMENT GRANTS; AMENDING SECTION 90-6-701, MCA, AND SECTION 1, CHAPTER 383, LAWS OF 2007; AND PROVIDING EFFECTIVE DATES.”

My amendments are to correct a clerical error to an internal section reference in House Bill 11, the TSEP bill. I ask for your support.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 11

1. Page 1, line 24.

Strike: "7"

Insert: "11"

- END -

April 23, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 507, **“AN ACT GENERALLY REVISING AND CLARIFYING LAWS RELATED TO THE TREATMENT OF PROPERTY CONSISTING OF THE BED OF NAVIGABLE RIVERS; REQUIRING AUTHORIZATION FROM THE BOARD OF LAND COMMISSIONERS FOR USES ON THE BEDS OF NAVIGABLE RIVERS; REQUIRING THE BOARD OF LAND COMMISSIONERS TO ADOPT RULES FOR PROVIDING EASEMENTS, LEASES, OR LICENSES FOR USES ON THE BEDS OF NAVIGABLE RIVERS; RESTRICTING**

REQUIREMENTS FOR INSURANCE OR INDEMNITY; CLARIFYING THE AUTHORITY OF THE BOARD OF LAND COMMISSIONERS TO GRANT EASEMENTS; REQUIRING THE STATE TO SURVEY RIVERS AND STREAMS ADJUDICATED AS NAVIGABLE FOR TITLE PURPOSES; AND AMENDING SECTION 77-2-101, MCA.”

Senate Bill 507 addresses the regulatory authority of the Department of Natural Resources and Conservation (“DNRC”) over the use of the beds of navigable waters, with certain exceptions such as uses existing prior to statehood and uses associated with hydroelectric sites. The bill limits the DNRC’s regulatory authority to only those rivers adjudicated as navigable or meandered by federal surveyors at or near the time of statehood.

In the process of navigating its way through the legislature, Senate Bill 507 was amended to prohibit DNRC from requiring a prospective lessor, licensee, or easement holder to obtain liability insurance as a condition for issuance of the lease, license, or easement. My amendment removes this prohibition. I do not believe the prohibition makes good business sense, I object to the absolute nature of the prohibition, and I do not believe it makes good fiscal sense for the State of Montana.

I have discussed my proposed amendments with the bill’s sponsor, Senator Story, who supports them. I ask for your support, as well.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENTS
TO SENATE BILL 507

1. Title, line 9

Strike: “RESTRICTING REQUIREMENTS FOR INSURANCE”

2. Page 4, line 29

Strike “– PROHIBITION”

Strike: “(1)”

3. Page 5, line 2

Strike: “(A)”

Insert: “(1)”

4. Page 5, line 4

Strike: “(B)”

Insert: "2"

5. Page 5, line 6

Strike: "(C)"

Insert: "(3)"

6. Page 5, line 14 through line 18

Strike: subsection 2 in its entirety

– END –

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

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pomnichowski in the chair.

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

SJR 19 - Representative K. Peterson moved **SJR 19** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Driscoll, Ebinger, Fleming, French, Getz, Glaser, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 78

Nays: Barrett, Blewett, Caferro, Cohenour, Dickenson, Furey, Grinde, Hamilton, Hands, Hawk, Henry, Hollenbaugh, MacDonald, Malek, McAlpin, Menahan, Phillips, Pomnichowski, Reinhart, Steenson, Van Dyk, Wiseman.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 418 - Conference Committee Report No. 1 - Representative McNutt moved the Conference Committee report to **SB 418** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 98

Nays: Smith.
Total 1

Excused: None.
Total 0

Absent or not voting: Glaser.
Total 1

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chair Pomnichowski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 96

Nays: None.
Total 0

Excused: Stoker.

Total 1

Absent or not voting: Arntzen, Howard, Mendenhall.

Total 3

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 52 Governor's amendments concurred, as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reinhart, Roberts, Roundstone, Sands, Sesso, Stahl, Steenson, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 69

Nays: Bean, Bennett, Blasdel, Boniek, Brown, Butcher, Caferro, Getz, Hawk, Hendrick, Ingraham, Kasten, Kerns, Lake, McGillvray, Mendenhall, Milburn, Miller, More, Morgan, Randall, Reichner, Sales, Smith, Sonju, Taylor, Vance, Wagner.

Total 28

Excused: Stoker.

Total 1

Absent or not voting: B. Beck, Howard.

Total 2

HB 123 Governor's amendments concurred, as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Driscoll, Ebinger, Furey, Glaser, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, More, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Pomnichowski, Randall, Reichner, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 76

Nays: Becker, Boland, Boniek, Caferro, Dickenson, Fleming, French, Getz, Grinde, Hands, Kerns, Lake, MacDonald, Malek, McClafferty, Miller, Morgan, Pease-Lopez, Regier, Reinhart, Sales, Wagner, Wiseman.

Total 23

Excused: Stoker.

Total 1

Absent or not voting: None.

Total 0

HB 602 Free Conference Committee adopted, as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 94

Nays: Ankney, Hendrick, Mendenhall, Miller.

Total 4

Excused: Stoker.

Total 1

Absent or not voting: Himmelberger.

Total 1

SB 119 Conference Committee adopted, in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith,

Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Bean, Blasdel, Kerns, Mendenhall, Sales, Sonju, Wagner.

Total 7

Excused: Stoker.

Total 1

Absent or not voting: None.

Total 0

SB 465 Governor's amendments, concurred in as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Stoker.

Total 1

Absent or not voting: None.

Total 0

SJR 39 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez,

Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Van Dyk, Villa, Wagner, Warburton, Washburn, Wilmer, Wilson, Mr. Speaker.

Total 84

Nays: Augare, Caferro, Campbell, Hendrick, Himmelberger, Jones, Kasten, Klock, McGillvray, Mendenhall, Miller, Vance, Vincent, Welborn, Wiseman.

Total 15

Excused: Stoker.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Rep. Boland moved to have her vote changed on **HB 123**.

Rep. Mendenhall objected to the motion.

Motion **failed**.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House recess until 1:00 p.m., Saturday, April 25, 2009.
Motion carried.

House recessed at 9:11 a.m.

House came to order at 1:05 p.m.

Roll Call. All members present, except Representative Stoker, excused. Quorum present.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE on **Senate Bill 171**

Report No. 1, April 24, 2009

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 171** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 171** (reference copy -- salmon) be amended as follows:

1. Page 1, line 13.

Strike: the first "\$500"

Insert: "\$1,000"

Strike: the second "\$500"

Insert: "\$1,000"

2. Page 1, line 24.

Following: "COURT"

Insert: "pursuant to 46-18-201(5) and 46-18-241 through 46-18-249"

3. Page 1, line 25 through line 28.

Strike: ""UPON" on line 25 through "CONVICTED."

For the Senate:

Barkus, Chairman

Jent

Perry

For the House:

Kottel, Chairman

Blewett

Peterson

Regier

MESSAGES FROM THE SENATE

SB 171 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 171**:

4/24/2009

Senator Barkus, Chair

Senator Perry

Senator Jent

House bill passed and transmitted to the House for concurrence:

4/24/2009

HB 674, introduced by Vincent

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

4/24/2009

HJR 39, introduced by P. Noonan

House joint resolution not concurred in and returned to the House:	4/24/2009
HJR 43 , introduced by Wiseman	
Conference Committee Report No.1 adopted:	4/24/2009
SB 119 , introduced by Esp	
Free Conference Committee Report No.1 adopted:	4/24/2009
HB 3 , introduced by Ankney	
HB 602 , introduced by Cohenour	
Free Conference Committee Report No.1 passed 2nd Reading:	4/24/2009
SJR 30 , introduced by Zinke	
Conference Committee Report No.1 passed 2nd Reading:	4/24/2009
SB 418 , introduced by Branae	

Sgt.-at-Arms Tensley announced that the Legislative Audit Staff awaits outside the House Chambers
Mr. Speaker directed Sgt.-at-Arms Tensley to escort the Legislative Audit Staff into the House Chambers.
Mr. Speaker thanked the Legislative Audit Staff.
Mr. Speaker directed Sgt.-at-Arms Tensley to escort the Legislative Audit Staff from the House Chambers.

MESSAGES FROM THE GOVERNOR

April 23, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House

State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 65, **“AN ACT GENERALLY REVISING TRUST LAND FUNDING LAWS; DEFINING "DISTRIBUTABLE REVENUE"; PROVIDING A NEW FUNDING FORMULA; REVISING LAWS GOVERNING TRUST LAND ADMINISTRATION ACCOUNTS AND THEIR USES; CREATING AN EARNINGS RESERVE ACCOUNT; CREATING THE FOREST IMPROVEMENT ACCOUNT; ELIMINATING THE RESOURCE DEVELOPMENT ACCOUNT, THE RECREATIONAL USE ACCOUNT, THE STATE TIMBER SALE ACCOUNT, AND THE STATE SPECIAL REVENUE ACCOUNT FOR COMMERCIAL LEASING RENTAL PAYMENTS; TRANSFERRING UNENCUMBERED BALANCES; REQUIRING THE BOARD OF REGENTS TO DESIGNATE HOW CERTAIN TIMBER SALE PROCEEDS ARE DISTRIBUTED; AMENDING SECTIONS 17-2-107, 17-3-1003, 18-2-107, 20-9-341, 20-9-620, 20-25-422, 77-1-101, 77-1-108, 77-1-109, 77-1-127, 77-1-605, 77-1-613, 77-1-802, 77-1-808, 77-1-809, 77-1-810, 77-1-815, 77-1-905, 77-2-328, 77-2-362, 77-5-204, AND 77-5-219, MCA; REPEALING SECTIONS 77-1-602, 77-1-604, 77-1-606, 77-1-607, 77-1-608, AND 77-1-609, MCA; AND PROVIDING AN EFFECTIVE DATE.”**

Senate Bill 65, sponsored by Senator Hawks, generally revises trust land funding laws by changing the statutory limits for the funding of administrative costs and consolidating numerous funding sources.

The purpose of my amendment is to restore Senate Bill 65 back to its original version as introduced and requested by the Department of Natural Resources and Conservation (“DNRC”). The bill was amended in the House to shift almost \$4 million onto the state’s general fund from mineral royalties to pay for DNRC’s trust administration costs beginning in fiscal year 2014. Given the economic situation, I do not believe this is the time to support such a significant cost-shift onto the general fund, despite the fact that the cost-shift would not occur until July 1, 2013.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENT
TO SENATE BILL 2365

1. Page 8, line 15.
Strike: "25"

Insert: "23"

2. Page 8, line 22.

Strike: "25"

Insert: "23"

3. Page 9, lines 9 through 11.

Following: "DIFFERENCE." on line 9

Strike: remainder of line 9 through line 11 in their entirety

4. Page 9, line 13 through page 10, line 29.

Strike: section 9 in its entirety

Re-number: subsequent sections

5. Page 12, line 5 through page 13, line 7.

Strike: section 11 in its entirety

Re-number: subsequent subsections

6. Page 21, line 19.

Strike: "26"

Insert: "24"

7. Page 23, line 5.

Strike: "25"

Insert: "23"

8. Page 23, line 18.

Strike: "25"

Insert: "23"

9. Page 23, line 20.

Strike: "25"

Insert: "23"

10. Page 23, line 22.

Strike: "26"

Insert: "24"

11. Page 23, line 24.

Strike: "26"

Insert: "24"

12. Page 23, line 26.

Following: "actj"

Strike: remainder of line 26 in its entirety

Insert: "[This"

13. Page 23, line 28.

Strike: subsection (2) in its entirety

- END -

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

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pomnichowski in the chair.

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

Rep. Sesso moved that **HB 11** be placed at the bottom of the board. Motion carried.

SB 322 - Free Conference Committee Report No. 1 - Representative Roundstone moved the Conference Committee report to **SB 322** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 92

Nays: Bean, Caferro, Fleming, Hendrick, Kasten, Kerns, Nooney, Randall.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 30 - Free Conference Committee Report No. 1 - Representative Hunter moved the Conference Committee report to **SJR 30** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 86

Nays: Bean, Berry, Butcher, Hawk, Hendrick, Kerns, Lake, McNutt, Nooney, Peterson, Randall, Taylor, Vance.
Total 13

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

HB 11 - Governor's Amendments - Representative Sesso moved Governor's amendments to **HB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 91

Nays: Boniek, Hendrick, Ingraham, Kasten, McGillvray, Randall, Sales, Smith, Wagner.
Total 9

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Pomnichowski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jopek, Kerns, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Stahl, Steenson, Taylor, Van Dyk, Villa, Vincent, Wagner, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 87

Nays: Berry, Hendrick, Kasten, Klock, McGillvray, Mendenhall, Randall, Sales, Sonju, Vance, Warburton.

Total 11

Excused: Stoker.

Total 1

Absent or not voting: Jones.

Total 1

MOTIONS

Rep. Berry moved to take **SB 510** from the Taxation Committee and be placed on 2nd Reading on this the 88th Legislative Day. Motion requires 3/5 majority vote. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Boss Ribs, Brown, Butcher, Campbell, Ebinger, French, Getz, Glaser, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 67

Nays: Barrett, Becker, Blewett, Boland, Caferro, Cohenour, Dickenson, Driscoll, Fleming, Furey, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Kasten, Lake, MacDonald, Malek,

McAlpin, Menahan, Miller, Pease-Lopez, Pomnichowski, Reinhart, Roundstone, Sands, Stahl, Steenson, Wiseman.
Total 31

Excused: Stoker.
Total 1

Absent or not voting: Washburn.
Total 1

ANNOUNCEMENTS

Representative Campbell moved that the House recess until 4:00 p.m., Saturday, April 25, 2009.
Motion carried.

House recessed at 1:33 p.m.

House came to order at 4:01 p.m.

Roll Call. All members present, except Representative Ankney, Stoker, excused. Quorum present.

COMMUNICATIONS AND PETITIONS

The House Journals from the 53rd to the 64th day have been reviewed and found to be correct and have been filed with the Secretary of State.

MESSAGES FROM THE SENATE

Free Conference Committee Report No.1 passed 2nd Reading: 4/24/2009

SB 322, introduced by Curtiss

House amendments to Senate bill concurred in: 4/24/2009

SB 498, introduced by Bales

Conference Committee Report No.1 adopted: 4/24/2009

SB 418, introduced by Branae

Free Conference Committee Report No.1 adopted: 4/24/2009

SJR 30, introduced by Zinke

HB 371 - The Senate failed to concur in Governor's amendments to **HB 371**, authorized the President to appoint the following **Free Conference Committee**, and requested that the House appoint a like committee to confer on **HB 371**:

4/24/2009

Senator Perry, Chair
Senator Steinbeisser
Senator Laslovich

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

4/24/2009

SB 507, introduced by Story

MESSAGES FROM THE GOVERNOR

April 24, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 263, "**AN ACT REVISING LAWS GOVERNING THE OFFICE OF STATE PUBLIC DEFENDER; REQUIRING ASSIGNED COUNSEL TO FILE CERTAIN COSTS WITH THE DISTRICT COURT; CLARIFYING THAT AN ASSIGNMENT OF COUNSEL BY THE OFFICE OF STATE PUBLIC DEFENDER IS SUBJECT TO INQUIRY AND DENIAL BY A COURT; AMENDING SECTIONS 46-8-113 AND 47-1-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**"

My amendment changes the effective date from passage and approval to July 1, 2009. Implementation of the bill will require the Office of Public Defender to change its accounting system as a result of mandatory costs against convicted clients, and the Office of Public Defender needs a window of time to make the necessary changes to its system.

I have discussed my amendment with the sponsor of the bill, Senator Jackson, who supports the amendment.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

GOVERNOR'S AMENDMENTS
TO SENATE BILL 263

1. Title, line 14.
Strike: "IMMEDIATE"
2. Page 12, line 18.
Strike: "on passage and approval"
Insert: "July 1, 2009"

- END -

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

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Mr. Speaker in the chair.

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

SB 510 - Representative Berry moved **SB 510** be concurred in.
SB 510 - Representative Berry moved **SB 510**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "PERCENT"
Insert: "LOCAL"
2. Title, page 1, line 6.
Following: "5"
Insert: "5 OR"
3. Page 1, line 15.
Following: "5"
Insert: "5"
Following: "years"

Insert: "by directing the department to levy the tax at a lower tax rate as provided in 15-23-703(1)(b)"

4. Page 2, line 8.

Following: "(1)"

Insert: "(a)"

5. Page 2, line 10.

Following: "shall"

Insert: ", subject to subsection (1)(b),"

Following: "of 5%"

Insert: "of 5%"

6. Page 2, line 11 through line 12.

Strike: "The" on line 11 through "2.5%."

7. Page 2.

Following: line 13

Insert: "(b) If the county grants a tax abatement for production from a new or expanding underground mine as provided in [section 1], the department shall levy a tax at a rate that would, after providing for payment to the state of the amount attributable to all applicable state mill levies as if the tax rate were 5%, reduce the tax received by county taxing jurisdictions and any school district on the new or expanded production by 50%."

8. Page 3, line 5 through line 7.

Strike: subsection (6) in its entirety

Insert: "(6) If there is a distribution of coal gross proceeds from a new or expanding underground mine with a tax abatement as provided under [section 1], the county treasurer shall distribute:

(a) the state's share of the coal gross proceeds determined under subsection (1)(b) in the relative proportion required by the appropriate levies for state purposes; and

(b) the county's share and any school district's share of the coal gross proceeds determined under subsection (1)(b) as provided in this section."

9. Page 3.

Following: line 28

Insert: "COORDINATION SECTION. Section 4. Coordination instruction. If House Bill No. 588 and [this act] are both passed and approved and if both contain a section amending 15-23-703, then the sections amending 15-23-703 are void and 15-23-703 must be amended as follows:

"15-23-703. Taxation of gross proceeds -- taxable value for county classification and ~~guaranteed tax base aid to schools nontax purposes.~~ (1) (a) The department shall compute from the reported value of coal gross proceeds ~~from coal~~ a tax roll that must be transmitted to the county treasurer on or before September 15 of each year. The department may not levy or assess any mills against ~~the reported coal gross proceeds of coal~~ but shall, subject to

subsection (1)(b), levy a tax of 5% against the value of ~~the reported gross proceeds~~ coal as provided in 15-23-701(1)(d). The county treasurer shall give full notice to each coal producer of the taxes due and shall collect the taxes.

(b) If the county grants a tax abatement for production from a new or expanding underground mine as provided in [section 1], the department shall levy a tax at a rate that would, after providing for payment to the state of the amount attributable to all applicable state mill levies as if the tax rate were 5%, reduce the tax received by county taxing jurisdictions and any school district on the new or expanded production by 50%.

(2) For county classification and all nontax purposes, the taxable value of the gross proceeds of coal is 45% of the contract sales price as defined in 15-35-102.

~~(3) Except as provided in subsection (6), the county treasurer shall calculate and distribute to the state, county, and eligible school districts in the county the amount of the coal gross proceeds tax, determined by multiplying the unit value calculated in 15-23-705 times the tons of coal extracted, treated, and sold on which the coal gross proceeds tax was owed during the preceding calendar year.~~

~~(4) Except as provided in subsections (5), (6), and (8), the county treasurer shall credit the amount determined under subsection (3) and the amounts received under 15-23-706:~~

~~(a) to the state and to the counties that levied mills in fiscal year 1990 against 1988 production in the relative proportions required by the levies for state and county purposes in the same manner as property taxes were distributed in fiscal year 1990 in the taxing jurisdiction; and~~

~~—— (b) to school districts in the county that either levied mills in school fiscal year 1990 against 1988 production or used nontax revenue, such as impact aid money, as provided in 20 U.S.C. 7701, et seq., in lieu of levying mills against production, in the same manner that property taxes collected or property taxes that would have been collected would have been distributed in the 1990 school fiscal year in the school district.~~

~~(5) (a) If the total tax liability in a taxing jurisdiction exceeds the amount determined in subsection (3), the county treasurer shall, immediately following the distribution from taxes paid on May 31 of each year, send the excess revenue, excluding any protested coal gross proceeds tax revenue, to the department for redistribution as provided in 15-23-706.~~

~~—— (b) If the total tax liability in a taxing jurisdiction is less than the amount determined in subsection (3), the taxing jurisdiction is entitled to a redistribution as provided by 15-23-706.~~

(3) (a) Except as provided in subsections (4) and (7) and subject to subsection (3)(b), coal gross proceeds taxes must be allocated to the state, county, and school districts in the same relative proportions as the taxes were distributed in fiscal year 1990.

(b) The county treasurer shall multiply the coal gross proceeds taxes collected in the county under this part by the relative proportions determined for the state, county, and school districts under subsection (3)(a). Those amounts must be distributed as follows:

(i) the state share must be distributed in the relative proportions required by levies for state purposes in the same manner as property taxes were distributed in fiscal year 1990;

(ii) except as provided in subsection (5), the county share must be distributed in the relative proportions required by levies for county purposes, other than an elementary school or high school, in the same manner as property taxes were distributed in the previous fiscal year;

(iii) except as provided in subsection (6), the school districts' share must be distributed in the relative proportions required by levies for school district purposes in the same manner as property taxes were distributed in the previous fiscal year.

(4) If there is a distribution of coal gross proceeds from a new or expanding underground mine with a tax abatement as provided under [section 1], the county treasurer shall distribute:

(a) the state's share of the coal gross proceeds determined under subsection (1)(b) in the relative proportion required by the appropriate levies for state purposes; and

(b) the county's share and any school district's share of the coal gross proceeds determined under subsection (1)(b) as provided in this section.

~~(6)~~(5) The board of county commissioners of a county may direct the county treasurer to reallocate the distribution of coal gross proceeds taxes that would have gone to a taxing unit, as provided in subsection ~~(4)~~(3)~~(a)~~ (b)(i), to another taxing unit or taxing units, other than an elementary school or high school, within the county under the following conditions:

(a) The county treasurer shall first allocate the coal gross proceeds taxes to the taxing units within the county in the same proportion that all other property tax proceeds were distributed in the county in the previous fiscal year ~~1990~~.

(b) If the allocation in subsection ~~(6)~~(5)~~(a)~~ (a) exceeds the total budget ~~for~~ of a taxing unit, the commissioners may direct the county treasurer to ~~allocate~~ reallocate the excess to any taxing unit within the county.

~~(7)~~(6) The board of trustees of an elementary or high school district may reallocate the coal gross proceeds taxes distributed to the district by the county treasurer under the following conditions:

(a) The district shall first allocate the coal gross proceeds taxes to the budgeted funds of the district in the same proportion that all other property tax proceeds were distributed in the district in the previous fiscal year ~~1990~~.

(b) If the allocation under subsection ~~(7)~~(6)~~(a)~~ (a) exceeds the total budget for a fund, the trustees may ~~allocate~~ reallocate the excess to any budgeted fund of the school district.

~~(8)~~(7) ~~The~~ Except as provided in subsections (8) and (9), the county treasurer shall credit all taxes collected under this part from coal mines that began production after December 31, 1988, in the relative proportions required by the levies for state, county, and school district purposes in the same manner as property taxes were distributed in the previous fiscal year.

(8) The board of county commissioners of a county may direct the county treasurer to reallocate the distribution of coal gross proceeds under subsection (7) in the same manner as provided in subsection (5).

(9) The board of trustees of an elementary or high school district may reallocate the coal gross proceeds taxes distributed to the district by the county treasurer under subsection (7) in the same manner as provided in subsection (6)."

Renumber: subsequent section

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hendrick, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pommichowski, Randall,

Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 90

Nays: Dickenson, Hawk, Henry, Lake, McNutt, Regier, Stahl.

Total 7

Excused: Stoker.

Total 1

Absent or not voting: Butcher, Smith.

Total 2

SB 510 - Representative Di. Barrett moved **SB 510**, second reading copy, be amended as follows:

1. Title, page 1, line 8.

Following: "COLLECTIONS;"

Insert: "PROVIDING FOR THE REPAYMENT OF ABATED TAXES;"

2. Page 1, line 13.

Following: "abatement"

Insert: "-- repayment of abatement"

3. Page 2.

Following: line 4

Insert: "(5) (a) Coal gross proceeds taxes abated as provided in 15-23-703 and this section must be repaid by the owner or operator of the new or expanding underground coal mine beginning in the first tax year following the abatement period and the extension of the abatement period, if any. The amount of the repayment is equal to the amount of the coal gross proceeds taxes abated during the abatement period or periods. The repayment of coal gross proceeds taxes abated must be made in equal installments over the total number of tax years that taxes were abated. The repayment is due at the same time as coal gross proceeds taxes are due. The county treasurer shall give full notice to the owner or operator of a new or expanding underground coal mine of the amount due and shall collect the amount.

(b) The amount repaid must be distributed by the county treasurer to funds and accounts subject to the abatement in the same ratio as the coal gross proceeds taxes were abated."

Amendment **failed** as follows:

Yeas: Barrett, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jopek, Kasten, Kottel, MacDonald, Malek, McAlpin, McClafferty, Menahan, A.

Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sales, Sands, Sesso, Van Dyk, Wilmer, Wiseman.
Total 42

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Campbell, Ebinger, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Roberts, Smith, Sonju, Stahl, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson, Mr. Speaker.
Total 55

Excused: Stoker.
Total 1

Absent or not voting: Reichner, Steenson.
Total 2

SB 510 - Representative Getz moved **SB 510**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

Strike: "AUTHORIZING A BOARD OF"

Insert: "PROVIDING THE ELECTORS OF A"

Strike: "COMMISSIONERS"

2. Title, page 1, line 5.

Following: "AUTHORIZE"

Insert: "THE BOARD OF COUNTY COMMISSIONERS TO GRANT"

3. Title, page 1, line 6.

Following: "5"

Insert: "5 OR"

4. Title, page 1, line 7.

Following: "YEARS;"

Insert: "PROVIDING FOR AN ELECTION TO APPROVE THE ABATEMENT;"

5. Page 1, line 13.

Following: "abatement"

Insert: "-- voter approval"

6. Page 1, line 15.

Following: "5"

Insert: "5"

7. Page 1, line 16 through line 22.

Strike: subsection (2) in its entirety

Re-number: subsequent subsections

8. Page 1, line 23.

Following: "authorization"

Insert: " is subject to voter approval as provided in subsection (3), it"

9. Page 1, line 25.

Following: "PERIOD"

Insert: "subject to voter approval"

10. Page 1.

Following: line 27

Insert: "(3) (a) The abatement under this section is not allowed unless the abatement question has been submitted to the electorate of the county and approved by a majority of the electors voting on the question.

(b) A resolution adopted by the board of county commissioners referring the abatement question or the extension of the abatement question must state that:

(i) the abatement is for a 5-tax-year period; and

(ii) the amount of the abatement is 50% of the county's and any school district's share of the coal gross proceeds tax.

(c) The resolution for the proposed abatement referred to in subsection (3)(b) may not be adopted prior to notification of the school boards of all affected school districts.

(d) The board of county commissioners may call a special election or have the abatement question placed on the ballot at the next regularly scheduled election.

(e) (i) Before the abatement question is submitted to the electorate of a county, the governing body of the board of county commissioners in the county in which the underground coal mine is located shall publish notice of the abatement proposal in a newspaper that meets the qualifications of subsection (3)(e)(ii). The notice must be published twice, with at least 6 days separating publications. The first publication must be no more than 30 days prior to the election and the last no less than 3 days prior to the election.

(ii) The newspaper must be:

(A) of general, paid circulation with a second-class mailing permit;

(B) published at least once a week; and

(C) published in the county where the election will take place."

Amendment **failed** as follows:

Yeas: Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, MacDonald, Malek, McAlpin, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Wilmer, Wiseman, Mr. Speaker.

Total 46

Nays: Ankney, Arntzen, Augare, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilson.

Total 53

Excused: Stoker.

Total 1

Absent or not voting: None.

Total 0

SB 510 - Representative Berry moved **SB 510** as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Butcher, Campbell, Ebinger, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Roberts, Sales, Sesso, Smith, Sonju, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 64

Nays: Barrett, Becker, Blewett, Boland, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, Menahan, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Stahl, Steenson, Van Dyk, Washburn, Wiseman.

Total 35

Excused: Stoker.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth,

Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pommichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 88

Nays: P. Beck, Becker, Caferro, Cohenour, Dickenson, Hands, Henry, MacDonald, Wiseman.
Total 9

Excused: Ankney, Stoker.
Total 2

Absent or not voting: Stahl.
Total 1

MOTIONS

Representative Campbell moved to suspend the rules in order to place **SB 510** on 3rd Reading today the 88th Legislative Day. Motion carried as follows:

Yeas: Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Campbell, Ebinger, Fleming, French, Furey, Getz, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, Peterson, Randall, Regier, Reichner, Roberts, Sales, Sesso, Smith, Sonju, Steenson, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 71

Nays: Barrett, Becker, Blewett, Boland, Boss Ribs, Caferro, Cohenour, Dickenson, Driscoll, Grinde, Hamilton, Hands, Henry, Hollenbaugh, MacDonald, Malek, Pease-Lopez, Phillips, Pommichowski, Reinhart, Roundstone, Sands, Stahl, Van Dyk, Wiseman.
Total 25

Excused: Ankney, Stoker.
Total 2

Absent or not voting: Glaser, O'Hara.
Total 2

THIRD READING OF BILLS

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

SB 510, as amended by the House, concurred in as follows:

Yeas: Arntzen, Augare, Bean, B. Beck, P. Beck, Belcourt, Bennett, Berry, Blasdel, Boniek, Butcher, Campbell, Ebinger, Getz, Glaser, Hawk, Hendrick, Himmelberger, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacLaren, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sesso, Smith, Sonju, Taylor, Vance, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.
Total 66

Nays: Barrett, Becker, Blewett, Boland, Boss Ribs, Brown, Caferro, Cohenour, Dickenson, Driscoll, Fleming, French, Furey, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Hunter, MacDonald, Malek, McAlpin, Menahan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Sands, Stahl, Steenson, Van Dyk, Wiseman.
Total 32

Excused: Ankney, Stoker.
Total 2

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Rep. Mendenhall announced that the House Republicans will caucus immediately after session today.

Representative Campbell moved that the House adjourn until 8:30 a.m., Monday, April 26, 2009. Motion carried.

House adjourned at 4:27 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House