

**HOUSE JOURNAL
56TH LEGISLATURE / SPECIAL SESSION MAY 2000
FIRST LEGISLATIVE DAY**

Helena, Montana
May 8, 2000

House Chambers
State Capitol

Pursuant to the call of Governor Marc Racicot, the House of Representatives of the 56th Legislature of the State of Montana was called to order by the Speaker of the House, Representative John Mercer.

April 18, 2000

To: Members of the Montana Senate
Members of the Montana House of Representatives
Members of the Montana Supreme Court c/o Clerk of the Court Ed Smith
Secretary of State Mike Cooney

PROCLAMATION
Call to the 56th Legislature
for a Special Session

WHEREAS, Article V, section 6, of the Montana Constitution and section 5-3-101, MCA, provide that the Legislature may be convened in special session by the Governor; and

WHEREAS, Article VI, section 11, of the Montana Constitution provides that whenever the Governor considers it in the public interest, the Governor may convene the Legislature; and

WHEREAS, due to the recent Montana Supreme Court decision in Montanans for the Coal Trust v. State of Montana, the license tax of House Bill 260 was invalidated as unconstitutional in part as a violation of Article IX, section 5; and

WHEREAS, an invalidation of House Bill 260 has made its provisions inoperative, thereby making it virtually impossible to fund the programs established in the bill without legislative action; and

WHEREAS, it is in the public interest of all Montanans, that the programs funded by House Bill 260 be considered at a special session of the Legislature;

NOW, THEREFORE I, Marc Racicot, Governor of the State of Montana, pursuant to the authority vested in me by the Constitution and laws of the state of Montana do hereby call the Fifty-Sixth Legislature into Special Session in Helena, at the Capital Complex at the hour of 9:00 a.m., the 8th of May, 2000, and hereby direct the Special Session of the Fifty-Sixth Legislature to consider action on the following:

Proclamation

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1. Legislation appropriating funds from the General Fund for the following programs which were established through the good-faith efforts of the Fifty-Sixth Montana Legislature in House Bill 260:
 - a.) Treasure State Endowment Program funded with \$3,500,000;
 - b.) Industrial Infrastructure Reimbursement funded with \$600,000;
 - c.) Board of Research and Commercialization funded with \$6,600,000;
 - d.) Cooperative Development Center funded with \$65,000;
 - e.) Growth Through Agriculture funded with \$2,500,000 total;

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Department of Agriculture's Marketing and Business Assistance and Grants and Loans funded with \$1,250,000; and Department of Commerce's Business Recruitment, Canadian/Foreign Trade, Small Business Innovation Research and Development Center, Certified Communities funded with \$1,250,000;

2. Legislation for the purpose of clarifying the House Bill 555 bonding supporting aerospace, transportation and technology infrastructure projects.
3. Confirmation of gubernatorial judicial appointees subject to the provisions of Montana Code Annotated section 3-1-1013(1).

Dated this 18th day of April, 2000.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Montana to be affixed. DONE at the City of Helena, the Capitol, this 18th day of April, in the year of our Lord, two thousand.

MARC RACICOT, Governor

Posting of the Colors by the Montana National Honor Guard and the Pledge of Allegiance to the Flag followed. Invocation by former Representative Jim Rice.

Chief Clerk Marilyn Miller called the roll of the members of the House of Representatives of the 56th Legislature:

District No.1, Marian W. Hanson; District No. 2, Ralph Lenhart; District No. 3, Tom Zook; District No. 4, Gary Matthews; District No. 5, Lila V. Taylor; District No. 6, Bill Eggers; District No. 7, Monica J. Lindeen; District No. 8, Bob Clark; District No. 9, Mark E. Noennig; District No. 10, Royal C. Johnson; District No. 11, Kim Gillan; District No. 12, Loren L. Soft; District No. 13, Joan Hurdle; District No. 14, Roy Brown; District No. 16, Jay Stovall; District No. 17, Billie I. Krenzler; District No. 18, Bruce T. Simon; District No. 19, Tom Dell; District No. 20, Peggy Arnott Bergsagel; District No. 21, Daniel W. McGee; District No. 22, Brad Molnar; District No. 23, Joan Andersen; District No. 24, Robert R. Story Jr.; District No. 25, Shiell W. Anderson; District No. 26, Bob Raney; District No. 27, Bob Davies; District No. 28, Cindy Younkin; District No. 29, Beverly Barnhart; District No. 30, Emily Swanson; District No. 31, Steve Vick; District No. 32, Joe Barnett; District No. 33, Karl Ohs; District No. 34, Bill Tash; District No. 35, Steven J. Gallus; District No. 36, Joe Quilici; District No. 37, Bob Pavlovich; District No. 38, Dan W. Harrington; District No. 39, Rick Dale; District No. 40, Gay Ann Masolo; District No. 41, Brennan Ryan; District No. 42, Trudi Schmidt; District No. 43, Diana E. Wyatt; District No. 44, George Golie; District No. 45, Jeff Mangan; District No. 46, Carley Tuss; District No. 47, Joe Tropila; District No. 48, Kathleen M. Galvin-Halcro; District No. 49, Joe McKenney; District No. 50, John Cobb; District No. 51, Chris Ahner; District No. 52, Hal Harper; District No. 53, David Ewer; District No. 54, Chase Hibbard; District No. 55, Mary Anne Guggenheim; District No. 56, Gary Beck; District No. 57, William "Red" Menahan; District No. 58, Doug Mood; District No. 59, Cliff Trexler; District No. 60, Allan Walters; District No. 61, Jim Shockley; District No. 62, Matt Brainard; District No. 63, Dick Haines; District No. 64, Ron Erickson; District No. 65, Rosalie "Rosie" Buzzas; District No. 66, Gail Gutsche; District No. 67, Tom Facey; District No. 68, Carolyn Squires; District No. 69, Carol Williams; District No. 70, Linda McCulloch; District No. 71, Sylvia Bookout-Reinicke; District No. 72, Paul Clark; District No. 73, Rick Jore; District No. 74, John Mercer; District No. 75, Stanley M. Fisher; District No. 76, Paul Sliter; District No. 77, Rod Bitney; District No. 78, Roger Somerville; District No. 79, Verdell Jackson; District No. 80, Bob Lawson; District No. 81, Aubyn Curtiss; District No. 83, Douglas T. Wagner; District No. 84, Darrel Adams; District No. 85, Carol C. Juneau; District No. 86, John L. Holden; District No. 87, John "Sam" Rose; District No. 88, Edith J. Clark; District No. 89, John E. Witt; District No. 90, Toni Hagener; District No. 91, Ray Peck; District No. 92, Matt McCann; District No. 93, William G. "Bill" Thomas; District No. 94, Larry Hal Grinde; District No. 95, Ernest Bergsagel; District No. 96, Sam

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Kitzenberg; District No. 97, Donald L. Hedges; District No. 98, Frank J. Smith; District No. 99, Betty Lou Kasten; District No. 100, William Rehbein Jr. All members present except District No. 15, Daniel C. Fuchs; District No. 82, Scott J. Orr; and District No. 93, William G. "Bill" Thomas.

Speaker Mercer recognized Majority Leader Grinde who moved that the temporary joint rules as proposed by the Rules Committee be adopted as the temporary Joint Rules of the House and Senate for the special session of the 56th Legislature.

TEMPORARY JOINT RULES FOR SPECIAL SESSION

10-150. Recording and publication of voting. (1) Every vote of each member on each substantive question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the names entered on the journal.

(2) (a) Roll call votes must be taken by ayes and noes and the names entered on the journal on adopting an adverse committee report and on those motions made in Committee of the Whole to:

- (i) amend;
- (ii) recommend passage or nonpassage;
- (iii) recommend concurrence or nonconcurrence; or
- (iv) indefinitely postpone.

(b) The text of all ~~proposed~~ adopted amendments must be recorded.

(3) A roll call vote must be taken on nonsubstantive questions on the request of two members who may, on any vote, request that the ayes and noes be spread upon the journal.

(4) Roll call votes and other votes that are to be made public but are not specifically required to be spread upon the journal must be entered in the minutes of the appropriate committee or of the appropriate house (Montana Constitution, Art. V, Sec. 11(2)). A copy of the minutes must be filed with the Montana Historical Society.

~~30-50. Committee consideration of appropriation bills.~~ (1) All bills providing for an appropriation of public money may first be considered by a joint committee composed of the members of the Senate Committee on Finance and Claims and the House Committee on Appropriations, and then by each separately.

~~(2) Meetings of the joint committee must be held upon call of the chair of the House Committee on Appropriations, who is chair of the joint committee.~~

~~(3) The committee chair of the Senate Committee on Finance and Claims or of the House Committee on Appropriations may be a voting member in the joint subcommittees if:~~

- ~~(a) either house has fewer members on the joint subcommittees;~~
- ~~(b) the chair represents the house with fewer members on the subcommittees; and~~
- ~~(c) the chair is present for the vote.~~

40-40. Bill requests and introduction -- limits and procedures. (1) Prior to a regular ~~the~~ special session, a person entitled to serve in that session, hereafter referred to as a "member", is entitled to request bill drafting services from the Legislative Services Division, ~~subject to the following limits:~~

~~(a) Prior to 5 p.m. on December 5 preceding a regular session of the Legislature, a member may request an unlimited number of bills and resolutions to be prepared by the Legislative Services Division for introduction in the regular session.~~

~~(b) (i) Except as provided in subsection (1)(b)(ii), after 5 p.m. on December 5, a member may request no more than seven bills or resolutions to be prepared by the Legislative Services Division. At least five of the seven bills or resolutions must be requested before the regular session convenes.~~

~~(ii) For the 56th legislative session, after 11 a.m. on December 18, a member may request no more than four bills or resolutions to be prepared by the Legislative Services Division. At least two of the four bills or resolutions must be requested before the regular session convenes. A bill or resolution requested between 5 p.m. on December 5 and 11 a.m. on December 18 is exempt from this subsection (1)(b)(ii).~~

~~(c) After December 5, a member, in the member's discretion, may grant to any other member any of the~~

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~~remaining bill or resolution requests the granting member has not used. A bill requested by an individual may not be transferred to another legislator but may be introduced by another legislator.~~

~~———— (d) These limitations on bill and resolution requests do not apply to:~~

~~———— (i) Code Commissioner bills;~~

~~———— (ii) a bill or resolution requested by a standing committee; and~~

~~———— (iii) a bill or resolution requested by a member at the request of a newly elected state official if so designated.~~

~~———— (2) The staff of the Legislative Services Division shall work on bill draft requests in the order received. After a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of that member must receive a lower drafting priority than all other bills of members not in excess of five per member. A bill requested pursuant to subsection (5) must receive a lower drafting priority than all bills requested by members, unless the requesting member assigns that request to the member's five request priority. A legislator draft must receive priority at each step of the drafting process. A legislator draft must be delivered to the Legislative Services Division by the 20th legislative day or the request is canceled. The Speaker of the House, the minority leader of the House, the President of the Senate, and the minority leader of the Senate may each direct the staff of the Legislative Services Division to assign a higher priority to 10 draft requests. The staff of the Legislative Services Division shall assign a higher priority to any bill draft request when jointly directed by:~~

~~———— (a) the President of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House; or~~

~~———— (b) the House and the Senate.~~

~~———— (3) Bills and resolutions must be reviewed by the staff of the Legislative Services Division prior to introduction for proper format, style, and legal form. The staff of the Legislative Services Division shall store bills on the automated bill drafting equipment and shall print and deliver them in duplicate to the requesting members. The original bill cover must be signed to indicate review by the Legislative Services Division. A bill may not be introduced unless it is so signed.~~

~~———— (4) During a session, a bill may be introduced by endorsing it with the name of a member and presenting it in duplicate to the Chief Clerk of the House of Representatives or the Secretary of the Senate. Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill must be introduced in the house in which the member whose name appears first on the bill is a member. The chief joint sponsor's name must appear immediately to the right of the first sponsor's name. In each session of the Legislature, bills, joint resolutions, and simple resolutions must be numbered consecutively in separate series in the order of their receipt.~~

~~———— (5) (a) Any bill proposed by an interim or statutory legislative committee or introduced by request of an administrative or executive agency or department must be so indicated by placing after the names of the sponsors the phrase "By Request of the..... (Name of committee or agency)". The phrase may not be added to an introduced bill and may not be placed on a bill whose subject matter was requested by an agency or statutory or interim committee prior to the convening of the session. A bill draft request submitted at the request of an agency or committee prior to December 23 must be requested by an individual member by December 23 or the request is placed on hold. After December 23, an agency or committee bill must be requested by an individual member. Except as provided in subsection (5)(b), an agency or committee bill request must be preintroduced or the request is canceled. Preintroduction must occur no later than 5 p.m. on the fifth working day prior to the convening of a legislative session. Preintroduction is accomplished when the Legislative Services Division receives a signed preintroduction form.~~

~~———— (b) The preintroduction requirement does not apply to an office held by an elected official during the official's first year in that office or to bills requested by a joint select or joint special committee appointed prior to the convening of the legislative session to address a specific issue.~~

~~for bills within the call of the special session.~~

~~(6) (2) Bills may be preintroduced, numbered, and reproduced prior to a legislative session by the staff of the Legislative Services Division. Actual signatures of persons entitled to serve as members in the ensuing session may appear on the face of the preintroduced bill, or signatures may be obtained on a consent form from the~~

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Legislative Services Division and the sponsor's name printed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded to the Legislative Services Division to be included on the face of the bill following standing committee approval.

~~40-50. Schedules for drafting requests and bill introduction.~~ The following schedules must be followed for submission of drafting requests and introduction of bills and resolutions:

	Request Deadline
	5:00 P.M.
	Legislative Day
• General Bills and Resolutions	10
• Revenue Bills	17
• Committee Bills and Resolutions	36
• Committee Revenue Bills	62
• Committee Bills implementing provisions of a general appropriation act	75
• Bills and Resolutions must be introduced within 2 legislative days after delivery:	
• Appropriation Bills	No Deadline
• Interim study resolutions	75
• Resolutions to express confirmation of appointments	No Deadline
• Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules	No Deadline

~~40-100. Fiscal notes.~~ (1) As provided in Title 5, chapter 4, part 2, MCA, all bills reported out of a committee of the Legislature having a potential effect on the revenues, expenditures, or fiscal liability of the state, local governments, or public schools, except appropriation measures carrying specific dollar amounts, must include a fiscal note incorporating an estimate of the fiscal effect. The Legislative Services Division staff shall indicate at the top of each bill prepared for introduction that a fiscal note may be necessary under this rule. Fiscal notes must be requested by the presiding officer of either house, who, at the time of introduction or after adoption of substantive amendments to an introduced bill, shall determine the need for the note, based on the Legislative Services Division staff recommendation.

~~(2) Unless the chief sponsor directs otherwise, the Legislative Services Division shall make available an electronic copy of any bill for which it has been determined a fiscal note may be necessary to the Budget Director immediately after the bill has been prepared for introduction and delivered to the requesting member. The Budget Director may proceed with the preparation of a fiscal note in anticipation of a subsequent formal request. A bill with financial implications for a local government or school district must comply with subsection (4).~~

~~(3) The Budget Director, in cooperation with the governmental entity or entities affected by the bill, is responsible for the preparation of the fiscal note. Except as provided in subsection (4), the Budget Director shall return the fiscal note within 6 days unless further time is granted by the presiding officer or committee making the request, based upon a written statement from the Budget Director that additional time is necessary to properly prepare the note.~~

~~(4) (a) A bill that may require a local government or school district to perform an activity or provide a service or facility that requires the direct expenditure of additional funds without a specific means to finance the activity, service, or facility in violation of section 1-2-112 or 1-2-113, MCA, must be accompanied, at the time that the bill is presented for introduction, by an estimate of all direct and indirect fiscal impacts on the local government~~

~~or school district. The estimate of the fiscal impacts must be prepared by the Budget Director in cooperation with a local government or school district affected by the bill.~~

~~_____ (b) The Budget Director has 8 days to prepare the estimate unless further time is granted by the presiding officer, based upon a written statement from the Budget Director that additional time is necessary to properly prepare the estimate. Upon completion of the estimate, the Budget Director shall submit it to the presiding officer and the chief sponsor of the bill.~~

~~_____ (5) A completed fiscal note must be submitted by the Budget Director to the presiding officer who requested it. The presiding officer shall notify the bill's chief sponsor of the completed fiscal note and request the chief sponsor's signature. The chief sponsor has 1 legislative day after delivery to review the fiscal note and to discuss the findings with the Budget Director, if necessary. After the legislative day has elapsed, all fiscal notes must be reproduced and placed on the members' desks, either with or without the chief sponsor's signature.~~

~~_____ (6) A fiscal note must, if possible, show in dollar amounts:~~

~~_____ (a) the estimated increase or decrease in revenues or expenditures;~~

~~_____ (b) costs that may be absorbed without additional funds; and~~

~~_____ (c) long-range financial implications.~~

~~_____ (7) The fiscal note may not include any comment or opinion relative to merits of the bill. However, technical or mechanical defects in the bill may be noted.~~

~~_____ (8) A fiscal note also may be requested, through the presiding officer, on a bill and on an amended bill by:~~

~~_____ (a) a committee considering the bill;~~

~~_____ (b) a majority of the members of the house in which the bill is to be considered, at the time of second reading; or~~

~~_____ (c) the chief sponsor~~

~~_____ (9) The Budget Director shall make available on request to any member of the Legislature all background information used in developing a fiscal note.~~

~~_____ (10) If a bill requires a fiscal note the bill may not be reported from a committee for every effort will be made to obtain a fiscal note before second reading unless the bill is accompanied by the fiscal note.~~

~~**40-140. Second reading -- bill reproduction.** (1) If the majority of a house adopts a recommendation for the passage of a bill originating in that house after the bill has been returned from a committee with amendments, the bill must be reproduced on yellow paper with all amendments incorporated into the copies.~~

~~_____ (2) If a bill has been returned from a committee without amendments, only the first sheet must be reproduced on yellow paper, and the remainder of the text may be incorporated by reference to the preceding version of the entire bill.~~

~~_____ (3) A bill requested by and heard by a joint select or joint special committee, as provided in 40-40(5)(b), may be referred directly to second reading. If the bill is passed by the house of origin, the bill must be transmitted to the other house, and if the bill was not amended, it may be placed on second reading without the need for referral to a committee.~~

~~**40-150. Engrossing.** (1) When a bill has been reported favorably by Committee of the Whole of the house in which it originated and the report has been adopted, the bill must be engrossed. Committee of the Whole amendments must be included in the engrossed bill. The bill must be placed on the calendar for third reading on the legislative day after receipt.~~

~~_____ (2) Copies of the engrossed bill to be distributed to members are reproduced on blue paper. If a bill is unamended by the Committee of the Whole and contains no clerical errors, it is not required to be reprinted. Only the first sheet must be reproduced on blue paper, with the remainder of the text incorporated by reference to the preceding version of the entire bill.~~

~~_____ (3) If a bill is amended by a standing committee in the second house, the amendments must be included in a tan-colored bill and distributed in the second house for second reading consideration. If the bill is amended in Committee of the Whole, the amendments must be included in a salmon-colored reference bill and distributed in the second house for third reading. If the bill passes on third reading, copies of the reference bill must be distributed in the original house. The original house may request from the second house a specified number of copies of the~~

~~amendments to be printed.~~

The temporary joint rules passed by voice vote with Representatives Fuchs, Orr, and Thomas excused.

Speaker Mercer recognized Majority Leader Grinde who moved that the temporary House rules as proposed by the Rules Committee be adopted as the temporary House Rules for the special session of the 56th Legislature.

TEMPORARY HOUSE RULES FOR SPECIAL SESSION

H40-60. One reading per day. ~~Except on the final legislative day, legislation~~ Legislation may receive no more than one reading per legislative day. ~~On the final legislative day, legislation may receive more than one reading.~~

H40-140. Second reading. (1) Legislation returned from committee may be placed on second reading unless otherwise ordered by the House.

(2) The House shall form itself into a Committee of the Whole to consider business on second reading. The Committee of the Whole may debate legislation, attach amendments, and recommend approval or disapproval of legislation.

~~(3) Except on the final legislative day, at least 1 legislative day must elapse between the time legislation is~~ Legislation reported from committee ~~and the time it is~~ may be considered on second reading at any time.

(4) If a motion to recommend that a bill "do pass" or "be concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do not pass" or "be not concurred in", is considered to have passed. If a motion to recommend that a bill "do not pass" or "be not concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do pass" or "be concurred in", is considered to have passed.

(5) An amendment attached to legislation by the Committee of the Whole remains unless removed by further legislative action.

(6) When the Committee of the Whole reports to the House, the House shall adopt or reject the Committee of the Whole report. If the House rejects the Committee of the Whole report, the legislation remains on second reading, as amended by the Committee of the Whole, unless the House orders otherwise.

(7) A representative may move to segregate legislation from the Committee of the Whole report before the report is adopted. Segregated legislation, as amended by the Committee of the Whole, must be placed on second reading unless the House orders otherwise.

H40-150. Amendments in the Committee of the Whole. (1) All Committee of the Whole amendments must be checked by the House amendments coordinator for format, style, clarity, consistency, and other factors, in accordance with the most recent Bill Drafting Manual published by the Legislative Services Division, before the amendment may be accepted at the rostrum. The amendment form must include the date and time the amendment is submitted for that check. The amendment coordinator shall make a determination that the amendment does not change the purpose of the bill, that the amendment is reasonably germane to the bill, and that the amendment is within the scope of the call of the special session. The amendment coordinator's determination, along with a copy of the proposed amendment must be provided to the majority leader and the minority leader.

(2) An amendment submitted to the rostrum for consideration by the Committee of the Whole must be marked as checked by the amendments coordinator and signed by a representative. Unless the majority leader, the minority leader, and sponsor agree, amendments must be printed and placed on the members' desks prior to consideration.

(3) An amendment may not be proposed until the sponsor has opened on a bill.

(4) A copy of every amendment rejected by the Committee of the Whole must be kept as part of the official records.

(5) An amendment may not change the original purpose of the bill.

~~H40-190. Engrossing. (1) After legislation is passed on second reading, it must be engrossed within 48 hours under the direction of the Speaker. The Speaker may grant additional time for engrossing.~~

~~(2) When the legislation Legislation that has passed second reading has been correctly engrossed, it may be placed on third reading on the following the same legislative day. On the final legislative day, the correctly engrossed legislation may be placed on third reading on the same legislative day.~~

H40-200. Third reading. (1) All bills, joint resolutions, and Senate amendments to House bills and resolutions passing second reading must be placed on third reading ~~the day following the receipt of the engrossing or other appropriate printing report.~~

(2) Legislation on third reading may not be amended or debated.

(3) The Speaker shall state the question on legislation on third reading. If a majority of the representatives voting does not approve the legislation, it fails to pass third reading.

H40-240. Enrolling. (1) When House legislation has passed both houses, it must be enrolled ~~within 48 hours~~ under the direction of the Speaker. The Speaker may grant additional time for enrolling.

(2) The chief sponsor of the legislation shall examine the enrolled legislation and, if it has no enrolling errors, shall, within 1 legislative day, certify the legislation as correctly enrolled.

(3) The correctly enrolled legislation must be delivered to the Speaker, who shall sign the legislation.

(4) After the legislation has been reported correctly enrolled but before it is signed, any representative may examine the legislation.

~~**H50-30. Call of the House without a quorum.** (1) In the absence of a quorum, a majority of the representatives present may compel the attendance of absent representatives through a call of the House without a quorum. The motion for the call is nondebatable, may not be amended, and is in order at any time it has been established that a quorum is not present.~~

~~(2) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.~~

~~(3) When a quorum has been achieved under the call, the call is automatically lifted. The call may also be lifted by adjournment or by two-thirds of the representatives present and voting.~~

~~**H50-40. Call of the House with a quorum.** (1) If a quorum is present but at least one representative is excused or absent, one-third of the representatives present and voting may order a call of the House with a quorum.~~

~~(2) The motion for a call is nondebatable, may not be amended, and is in order at any time a vote is not being taken, except that a call of the House with a quorum is not allowed in the Committee of the Whole.~~

~~(3) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.~~

~~(4) When all representatives are present, except those on leave with cause, the call is automatically lifted. The call may also be lifted by adjournment or by two-thirds of the representatives present and voting.~~

H50-80. Nondebatable motions. (1) A representative has the right to understand any question before the House and, usually under the administration of the presiding officer, may ask questions to exercise this right.

(2) The following motions are nondebatable:

(a) to adjourn;

~~(b) for a call of the House;~~

~~(c) (b) to recess or rise;~~

~~(d) (c) for parliamentary inquiry;~~

~~(e) (d) to table or take from the table;~~

~~(f) (e) to call for the previous question or cloture;~~

~~(g) (f) to amend a nondebatable motion;~~

~~(h) (g) to divide a question;~~

~~(i) (h) to postpone consideration to a day certain;~~

~~(j) (i) to suspend the rules;~~

~~(k) (j) all incidental motions, such as motions relating to voting or of a general procedural nature; and~~

~~(l) (k) to appeal a call to order.~~

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H50-100. Amending motions -- limitations. (1) A representative may move to amend the specific provisions of a motion without changing its substance.

(2) No more than one motion to amend a motion is in order at any one time.

(3) A motion for a ~~call of the House~~, for the previous question, to table, or to take from the table may not be amended.

H50-110. Substitute motions. (1) When a question is before the House, no substitute motion may be made except the following, which have precedence in the order listed:

(a) to adjourn;

~~(b) for a call of the House;~~

~~(c) (b)~~ to recess or rise;

~~(d) (c)~~ for a question of privilege;

~~(e) (d)~~ to table;

~~(f) (e)~~ to call for the previous question or cloture;

~~(g) (f)~~ to postpone consideration to a day certain;

~~(h) (g)~~ to refer to a committee; and

~~(i) (h)~~ to propose amendments.

(2) Nothing in this section allows a motion that would not otherwise be allowed under a particular order of business.

(3) No more than one substitute motion is in order at any one time.

H50-150. Questions requiring other than a majority vote. The following questions require the vote specified for each condition:

100 House Members

(1) a motion to override the Governor's veto (two-thirds);

(2) a motion to approve a bill to appropriate the principal of the coal severance tax trust fund (three-fourths);

(3) a motion to approve a bill to appropriate highway revenue, as described in Article VIII, section 6, of the Montana Constitution, for purposes other than therein described (three-fifths);

(4) a motion to approve a bill to authorize creation of state debt (two-thirds);

(5) a motion to temporarily suspend a joint rule governing the procedure for handling bills (two-thirds).

Members Present and Voting

~~(1) a call of the House with a quorum (one-third);~~

~~(2) a motion to lift a call of the House (two-thirds);~~

~~(3) (1)~~ a motion to rerefer a bill from one committee to another pursuant to Rule 40-80(1) (three-fifths);

~~(4) (2)~~ a motion to withdraw a bill from a committee (three-fifths);

~~(5) (3)~~ a motion to add legislation to the second or third reading agenda (three-fifths);

~~(6) (4)~~ a motion to remove legislation from its normal progress through the House as provided under these rules and reassign it unless otherwise specifically provided by these rules (three-fifths);

~~(7) (5)~~ a motion to change a vote (unanimous);

~~(8) (6)~~ a motion to call for cloture (two-thirds);

~~(9) (7)~~ a motion to take from the table in Committee of the Whole (three-fifths).

Members Voting

(1) a motion to amend or suspend rules (two-thirds);

(2) a motion to overturn an adverse committee report (three-fifths);

(3) a motion to record a vote (one representative);

(4) a motion to spread a vote on the journal (two representatives);

(5) an appeal of the ruling of the presiding officer (three representatives);

(6) a motion to speak more than once on a debatable motion (unanimous vote);

(7) a motion to appeal the presiding officer's interpretation of the rules to the House Rules Committee (15 representatives).

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(1) a motion to approve a bill proposing to amend the Montana Constitution (two-thirds of the entire Legislature).

H60-20. Nondebatable motions. The following motions, in addition to any other motion specifically designated, must be decided without debate:

- (1) to adjourn;
- ~~(2) for a call of the House;~~
- ~~(3) (2) to recess or rise;~~
- ~~(4) (3) for parliamentary inquiry;~~
- ~~(5) (4) to table or to take from the table;~~
- ~~(6) (5) to call for the previous question or for cloture;~~
- ~~(7) (6) to amend a nondebatable motion;~~
- ~~(8) (7) to divide a question;~~
- ~~(9) (8) to postpone consideration to a day certain;~~
- ~~(10) (9) to suspend the rules; and~~
- ~~(11) (10) all incidental motions, such as motions relating to voting or of a general procedural nature.~~

H60-30. Motions allowed during debate. (1) When a question is under debate, only the following motions are in order. The motions have precedence in the following order:

- (a) to adjourn;
- ~~(b) for a call of the House;~~
- ~~(c) (b) to recess or rise;~~
- ~~(d) (c) for a question of privilege;~~
- ~~(e) (d) to table or take from the table;~~
- ~~(f) (e) to call for the previous question or cloture;~~
- ~~(g) (f) to postpone consideration to a day certain;~~
- ~~(h) (g) to refer or rerefer; and~~
- ~~(i) (h) to propose amendments.~~

(2) This section does not allow a motion that would not otherwise be allowed under a particular order of business.

(3) Only one substitute motion is in order at any time.

Rules

H70-10. House rules. (1) The House may adopt, through a House resolution passed by a majority of its members, rules to govern its proceedings.

(2) After adoption of the House rules, ~~two-thirds~~ a majority of the representatives voting must vote in favor of the question to amend the rules.

(3) The Speaker shall refer to the House Rules Committee all resolutions for House rules.

(4) The House Rules Committee shall report all resolutions for House rules within 1 legislative day of referral.

H70-20. Tenure of rules. Rules adopted by the House for a regular session remain in effect until removed by House resolution or until a new House is elected and takes office.

The temporary House rules were adopted as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Grinde, Hagener, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Kitzenberg, Krenzler, Lenhart, Mangan, Masolo, Matthews, McGee, McKenney, Menahan, Molnar, Mood, Noennig, Ohs, Pavlovich, Quilici, Rehbein, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler,

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Tropila, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.
Total 67

Noes: Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Harper, Harrington, Hurdle, Juneau, Lawson, Lindeen, McCann, McCulloch, Menahan, Peck, Raney, Smith, Squires, Swanson, Tuss, Williams, Wyatt.
Total 30

Voted Absentee: None

Excused: Representatives Fuchs, Orr, and Thomas.
Total 3

Absent or not voting: None
Total 0

Representative Grinde moved that the Speaker appoint a committee of four members to notify the Governor by phone call that the House is now organized and ready for business. Motion carried.

Speaker Mercer appointed the following members to inform the Governor:

Representative Soft, Chair
Representative Taylor
Representative Pavlovich
Representative Juneau

Representative Grinde moved that the Speaker appoint a committee of four members to notify the Senate by phone call that the House is now organized and ready for business. Motion carried.

Speaker Mercer appointed the following members to inform the Senate:

Representative Hibbard, Chair
Representative Johnson
Representative Menahan
Representative Williams

Representative Grinde moved that the Speaker appoint a committee of four members to notify the Supreme Court by phone call that the House is now organized and ready for business. Motion carried.

Speaker Mercer appointed the following members to inform the Supreme Court:

Representative Noennig, Chair
Representative Younkin
Representative Gutsche
Representative Wyatt

Speaker Mercer directed the House to stand at ease to await the reports of the committees.

The reports were received that the Governor, Senate, and Supreme Court had been informed that the House was

organized and ready for business.

A report came from the Senate that the Senate was organized and ready for business.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 1, introduced by Ohs, referred to Appropriations.

HB 2, introduced by Zook, referred to Appropriations.

HB 3, introduced by Story, referred to Taxation.

HB 4, introduced by Story, referred to Taxation.

HB 5, introduced by Molnar, referred to Taxation.

HB 6, introduced by Molnar, referred to Taxation.

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

HJR 1, introduced by Story, referred to Taxation.

The Honorable Governor Marc Racicot was escorted into the House chambers by Representatives Hanson and Quilici and delivered the following address:

Mr. President (Mr. Speaker) and distinguished members of the 56th Legislature.

Thank you for the privilege of speaking with you briefly this morning as you begin your deliberations during this special legislative session. And please accept my gratitude for your public service, especially under these very challenging circumstances.

As you know, the narrow call to a special session was issued to deal with some unfinished business that was initiated during the regularly scheduled gathering of this assembly in 1999. It is my great hope and strong recommendation that you collectively and individually confine the exercise of your discretion to those issues contained within the call, or to subjects that are inextricably interwoven therewith, and to those issues that are required to be considered by law each and every time the Legislature is convened.

I do not need to repeat for you the statistics and rankings that provide the urgent requirement for us in both the legislative and executive branches to act without delay. You will recall, I am certain, that the economic development proposals considered and passed by substantial numbers in the regular session were the product of 18 months of study, public hearings, debate and legislative action. This body passed on the efficacy of those proposals and funded them at levels even higher than those I have presently requested. It is a matter of great misfortune that the funding source selected by the Legislature did not find favor in every venue. It would be a matter of even greater misfortune, however, if you did not find it within your pleasure to breathe new life into those programs you have previously approved. They are, after all, the result of the hard labor, good sense and honest purpose of countless Montanans who provided an extraordinary measure of diligence, sound judgment, incisive analysis and unselfish commitment to their efforts.

I sincerely request that you approve our economic development proposals at the requested levels and without delay. Insofar as their implementation is delayed, the possibilities for your success and that of your fellow citizens will be denied. Just as importantly, a solemn duty not performed will haunt us all.

I also strongly urge you not to stray from what I believe should be our obvious and intended purpose. I can understand and appreciate the desire of some members to reach as far as one can to enhance the public good. However, now is not the time, in my humble judgment, to take on a larger burden than our shoulders can bear with certainty and confidence.

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Accordingly, I recommend that you do not attempt to enact tax reduction proposals before their time. Our financial analysis indicates that we can not yet reliably predict the possibilities for tax reductions that would typically be and ought to be reserved for consideration by the 57th legislative assembly. Although I am aware of possible disagreement, I have a steadfast belief that to proceed in that fashion at this early time would be a mistake and holds the potential to compromise all that so many of you have worked so hard to accomplish.

In addition, there are important needs that we must retain the discretion to address. If they are dismissed, they are dismissed at our peril and the peril of Montana. For instance, although it is not the only instance, the teacher shortage and the needs of education are real, especially in rural Montana. There is no contrivance to those facts. If we expect to continue to prepare our young people in a world class education system and keep our rural communities alive, we will have to address the dynamics that can potentially steal away our ability to do that. And, my remembrance is, that insofar as we properly invest in education at the state level, we preclude property tax increases at the local level.

For me to support any new proposal here, I must first be convinced that we will leave the next legislature with a balanced budget and the ability to fulfill those obligations we already have an obligation to meet. That means obligations for those things we cherish must come first. We will do our duty if we leave the next administration and legislature with positive options for the future.

My prayer for all of us is that we will all do what is right as we gain the insight through hard work and collaboration to know what is right. If we do that, and leave consequences to take care of themselves, we will accomplish what the people we serve have a right to expect of us. Thank you and God bless you in your deliberations.

Representatives Hanson and Quilici escorted the Governor from the House chambers.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Harper moved that the body revert to order of business #9 for the purpose of a motion. The motion failed as follows:

Ayes: Barnhart, Beck, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt,
Total 43

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Kitzenberg, Masolo, McGee, McKenney, Molnar, Mood, Noennig, Ohs Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.
Total 54

Voted Absentee: None

Excused: Representatives Fuchs, Orr, and Thomas.
Total 3

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Absent or not voting: None
Total 0

Majority Leader Grinde moved that the House recess until 1:00 p.m., Monday, May 8, 2000. Motion carried.

House recessed at 9:55 a.m.

House reconvened at 1:00 p.m.

REPORTS OF STANDING COMMITTEES

Correctly printed: **HB 2**.
Correctly engrossed: **HB 1**.

APPROPRIATIONS (Zook, Chairman):
HB 1, introduced bill, be amended as follows:

5/8/2000

1. Title, line 6.

Following: "APPROPRIATING"

Insert: ", FOR THE FISCAL YEARS BEGINNING JULY 1, 2001, AND ENDING JUNE 30, 2005,"

2. Title, line 7 through line 8.

Following: "GENERAL FUND" on line 7

Strike: remainder of line 7 through "PROGRAM," on line 8

3. Title, line 10.

Strike: "FOREIGN"

Insert: "EXPORT"

Following: "TRADE"

Insert: "ENHANCEMENT"

Following: "SMALL BUSINESS"

Strike: "INNOVATION"

Insert: "INNOVATIVE"

4. Title, line 11.

Following: "RESEARCH"

Strike: "AND"

Insert: "PROGRAM, A SMALL BUSINESS"

Following: "CENTER, AND"

Strike: "THE CERTIFIED COMMUNITIES PROGRAM"

Insert: "COMMUNITY WATER AND SEWER PROJECT ENGINEERING WORK"

5. Title, line 12.

Following: ","

Insert: "PROVIDING TEMPORARY APPROPRIATIONS TO THE BOARD OF REGENTS AND THE TREASURE STATE ENDOWMENT PROGRAM AND FOR ADMINISTRATIVE EXPENSES OF THE BOARD OF RESEARCH AND COMMERCIALIZATION TECHNOLOGY; PROVIDING A FUND TRANSFER FOR THE CURRENT BIENNIUM FOR RESEARCH AND COMMERCIALIZATION PROJECTS; CLARIFYING THE ALLOCATIONS FOR THE TREASURE STATE ENDOWMENT

PROGRAM PROJECTS AUTHORIZED IN CHAPTER 517, LAWS OF 1999;"

6. Title, line 13

Following: "MCA"

Insert: ", AND SECTIONS 2 AND 5, CHAPTER 517, LAWS OF 1999"

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES, A RETROACTIVE APPLICABILITY DATE, AND TERMINATION DATES"

7. Page 1, line 17 through page 4, line 1.

Strike: everything after the enacting clause

Insert: "Section 1. Section 15-35-108, MCA, is amended to read:

"15-35-108. Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 8.36% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) ~~Beginning July 1, 1997, and ending June 30, 1999, the amount of 0.87% must be allocated to an account in the state special revenue fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. Beginning July 1, 1999, the~~ The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) (a) ~~All~~ Subject to subsection (7)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, for the biennium ending June 30, 2001, as follows:

(i) \$65,000 to the cooperative development center;

(ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) to the department of commerce;

(A) \$350,000 for business recruitment;

(B) \$125,000 for a small business development center;

(C) \$50,000 for a small business innovative research program;

(D) \$425,000 for communities for water and sewer project engineering work;

(E) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and
(F) \$300,000 for export trade enhancement; and
(iv) \$600,000 to the department of administration for the purpose of reimbursing tax increment financing industrial districts as provided in 7-15-4299. The reimbursement may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the district."

Insert: "Section 2. Section 15-35-108, MCA, is amended to read:

"15-35-108. Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 8.36% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks acquisition or management. Income from this trust fund must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

~~(6) Beginning July 1, 1997, and ending June 30, 1999, the amount of 0.87% must be allocated to an account in the state special revenue fund for the purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects. Beginning July 1, 1999, the~~ The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) ~~(a) All~~ Subject to subsections (7)(b) and (7)(c), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

(i) \$65,000 to the cooperative development center;

(ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) to the department of commerce:

(A) \$350,000 for business recruitment;

(B) \$125,000 for a small business development center;

(C) \$50,000 for a small business innovative research program;

(D) \$425,000 for communities for water and sewer project engineering work;

(E) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(F) \$300,000 for export trade enhancement; and

(iv) \$600,000 to the department of administration for the purpose of reimbursing tax increment financing industrial districts as provided in 7-15-4299. The reimbursement may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement

provided by or on behalf of an owner of property within the district.

(c) Beginning July 1, 2001, there is transferred annually from the interest income referred to in subsection (7)(b) \$4.85 million to the research and commercialization expendable trust fund created in 90-3-1002."

Insert: "Section 3. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702; 15-34-111; ~~15-35-108~~; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222; 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; and pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014.)"

Insert: "Section 4. Section 2, Chapter 517, Laws of 1999, is amended to read:

"Section 2. Appropriations from treasure state endowment special revenue account. (1) There is appropriated to the department of commerce the interest earnings of the treasure state endowment fund and the money ~~allocated by House Bill No. 260 to be deposited in the treasure state endowment special revenue account~~ appropriated in [section 6 of this act] to finance grants authorized by this section.

(2) The funds appropriated in this section must be used by the department to make grants to the local government entities listed in subsection (3) for the described purposes and in amounts not to exceed the amounts set out in subsection (3). The appropriations are subject to the conditions set forth in [sections 3 and 4] and this section and described in the treasure state endowment program January 1999 report to the 56th legislature. The legislature, pursuant to 90-6-710, approves the grants listed in subsection (3), in the order indicated in the list of projects. The department shall award funds up to the amounts approved in this section based on the manner of disbursement set forth in [section 4] until available funds are expended. The department shall provide funds not accepted or used by local governments to other local governments whose projects have been authorized for grants as listed in subsection (3). When additional funds become available for the grants listed in subsection (3), they must be awarded to projects as set forth in [section 4]. It is the intent of the legislature that projects numbered 29 through 32 listed in subsection (3) may not receive grant funds until sufficient funds have been deposited in the treasure state endowment special

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revenue account and are available for that purpose.

(3) The following are the authorized projects for grants in the order of their priority:

	Applicant/Project	Matching Grant
1.	Harrison Water and Sewer District, Madison County (wastewater)	\$500,000
2.	Arlee Water and Sewer District, Lake County (wastewater)	500,000
3.	Highwood Water and Sewer District, Chouteau County (water)	400,000
4.	City of Missoula (wastewater)	500,000
5.	City of Thompson Falls (water)	500,000
6.	Town of Philipsburg (water)	121,900
7.	Town of Ekalaka (wastewater)	87,200
8.	Rae Water and Sewer District, Gallatin County (wastewater)	485,850
9.	City of Big Timber (wastewater)	500,000
10.	City of Glasgow (wastewater, storm drainage)	500,000
11.	Corvallis Sewer District, Ravalli County (wastewater)	410,760
12.	Town of Boulder (water)	500,000
13.	Town of Denton (wastewater)	415,000
14.	City of Cut Bank (water)	500,000
15.	Richland County (bridge)	181,155
16.	Town of Geraldine (wastewater)	300,000
17.	Augusta Water and Sewer District, Lewis and Clark County (wastewater)	500,000
18.	City of Havre (water)	303,747
19.	Sweet Grass Water and Sewer District, Toole County (wastewater)	213,000
20.	Lewis and Clark County (bridge)	500,000
21.	Town of Drummond (wastewater)	292,850
22.	South Hills Water and Sewer District, Yellowstone County (water)	500,000
23.	City of Helena (water)	500,000
24.	City of Red Lodge (wastewater)	500,000
25.	Town of Chester (water)	220,150
26.	Willow Creek Sewer District, Gallatin County (wastewater)	500,000
27.	City of Columbia Falls (wastewater)	500,000
28.	Lacasa Grande Water and Sewer District, Lewis and Clark County (water)	500,000
29.	Elk Meadows Water and Sewer District, Missoula County (water)	210,000
30.	City of Harlem (water)	179,311
31.	Midvale Water and Sewer District, Lincoln County (water)	374,720
32.	City of Shelby (water)	400,000

(4) If sufficient funds are available, this section constitutes a valid obligation of funds to the entities listed in subsection (3) for purposes of encumbering the treasure state endowment special revenue account funds received during the 2001 biennium under 17-7-302 and the funds appropriated in [section 6 of this act]. However, a local government's entitlement to receive funds is dependent on the local government's compliance with the conditions described in [section 4] and on the availability of funds.

(5) If funds deposited in the treasure state endowment special revenue account and appropriated in [section 6 of this act] during the biennium ending June 30, 2001, are insufficient to fully fund the projects numbered 1 through 28 in subsection (3) that have satisfied the conditions described in [section 4], these projects will be fully funded from deposits in the treasure state endowment special revenue account made during the biennium ending June 30, 2003, before projects authorized by the 57th legislature in 2001 receive funding from the account."

Insert: "Section 5. Section 5, Chapter 517, Laws of 1999, is amended to read:

"Section 5. **Contingent voidness.** If House Bill No. 260 is enacted, [section 1] of [this act] is void and references to that section must be stricken. ~~If House Bill No. 260 is not enacted or is invalidated by a final judicial~~

decision, ~~[section 2] of [this act] is void and references to that section must be stricken.~~"

Insert: "NEW SECTION. Section 6. Appropriation -- fund transfer. (1) There is appropriated from the general fund for the biennium ending June 30, 2001:

- (a) \$3 million to the board of regents to be used for matching funds for EPSCor grants;
 - (b) \$3 million to the treasure state endowment program provided for in Title 90, chapter 6, part 7; and
 - (c) \$150,000 to the board of research and commercialization technology for administrative expenses.
- (2) There is transferred \$1.5 million from the general fund to the research and commercialization expendable trust fund created in 90-3-1002."

Insert: "NEW SECTION. Section 7. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

- (2) [Section 2] is effective July 1, 2001."

Insert: "NEW SECTION. Section 8. Retroactive applicability. [Section 5] applies retroactively, within the meaning of 1-2-109, to July 1, 1999."

Insert: "NEW SECTION. Section 9. Termination. (1) [Section 1] terminates June 30, 2001.

- (2) [Sections 2 and 3] terminate June 30, 2005."

And, as amended, do pass. Report adopted.

HB 2, do pass. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the chair.

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

HB 2 - Representative Zook moved **HB 2** do pass.

Motion carried 86-10 with Representatives P. Bergsagel, Brown, Gillan, Jore, Kasten, Lawson, Mangan, Molnar, Rehbein, and Somerville voting nay, Representative Ewer not voting, and Representatives Fuchs, Orr, and Thomas excused.

HB 1 - Representative Ohs moved **HB 1** do pass as amended.

HB 1 - Representative Buzzas moved **HB 1**, second reading copy, be amended as follows :

1. Page 8, line 14.

Strike: "\$3"

Insert: "\$6.4"

Amendment adopted as follows:

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Ayes: Barnett, Barnhart, Beck, Bookout-Reinicke, Buzzas, P. Clark, Dale, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Haines, Harper, Harrington, Hedges, Hibbard, Hurdle, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, Menahan, Mood, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Simon, Sliter, Smith, Soft, Squires, Swanson, Tropila, Williams, Wyatt, Younkin.

Total 54

Noes: Adams, Ahner, J. Andersen, S. Anderson, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Davies, Fisher, Grinde, Hanson, Holden, Jackson, Johnson, Jore, Kasten, Masolo, McCann, McGee, McKenney, Molnar, Noennig, Rehbein, Shockley, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tuss, Vick, Wagner, Walters, Witt, Zook, Mr. Speaker.

Total 44

Voted Absentee: Representative Thomas

Total 1

Excused: Representatives Fuchs and Orr.

Total 2

HB 1 - Representative Johnson moved **HB 1**, second reading copy, be further amended as follows :

1. Title, line 6.

Strike: "FOR THE FISCAL YEARS BEGINNING JULY 1, 2001,"

Insert: "FOR THE CURRENT BIENNIUM"

2. Title, lines 8 and line 9.

Following: "~~PROGRAM,~~" on line 8

Strike: remainder of line 8 through "CENTER," on line 9

3. Title, line 14.

Following: " ; "

Insert: "STATUTORILY APPROPRIATING MONEY TO THE COOPERATIVE DEVELOPMENT CENTER FOR THE BIENNIUM ENDING JUNE 30, 2001;"

4. Page 4, line 14.

Strike: subsection (7)(b)(i) in its entirety

Renumber: subsequent subsections

Amendment adopted as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Kasten, Kitzenberg, Krenzler, Masolo, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Tuss, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 56

Noes: Adams, Barnhart, Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro,

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Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Jore, Juneau, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Williams, Wyatt.

Total 42

Voted Absentee: Representative Thomas

Total 1

Excused: Representatives Fuchs and Orr.

Total 2

Motion that **HB 1** do pass as amended carried as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 80

Noes: Adams, E. Bergsagel, P. Bergsagel, Bitney, Brainard, R. Clark, Davies, Jore, Kasten, McCann, McGee, Molnar, Peck, Rehbein, Smith, Tuss, Vick, Wagner.

Total 18

Voted Absentee: Representative Thomas

Total 1

Excused: Representatives Fuchs and Orr.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Simon moved the Committee of the Whole report be adopted.

Committee of the Whole report adopted as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 80

Noes: Adams, E. Bergsagel, P. Bergsagel, Bitney, Brainard, R. Clark, Davies, Jore, Kasten, McCann, McGee, Molnar, Peck, Rehbein, Smith, Tuss, Vick, Wagner.

Total 18

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Voted Absentee: Representative Thomas
Total 1

Excused: Representatives Fuchs and Orr.
Total 2

REPORTS OF STANDING COMMITTEES

Correctly printed: **HB 2**.
Correctly engrossed: **HB 1**.

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 1 passed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Curtiss, Dale, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johns on, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCulloch, McKenney, Menahan, Mood, Noennig, Ohs, Pavlovich, Quilici, Raney, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Thomas, Trexler, Tropila, Walters, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 80

Noes: Adams, E. Bergsagel, P. Bergsagel, Bitney, Brainard, R. Clark, Davies, Jore, Kasten, McCann, McGee, Molnar, Peck, Rehbein, Smith, Tuss, Vick, Wagner.

Total 18

Voted Absentee: Representative Thomas
Total 1

Excused: Representatives Fuchs and Orr.
Total 2

HB 2 passed as follows:

Motion carried with Representatives P. Bergsagel, Brown, Gillan, Jore, Kasten, Lawson, Mangan, Molnar, Rehbein, and Somerville voting nay, Representatives Cobb and Ewer not voting, and Representatives Fuchs, Orr, and Thomas excused.

The following bills have been read through three several times and having passed the House have been transmitted to the Senate:

HB 1 by Rep. Ohs
HB 2 by Rep. Zook

REPORTS OF STANDING COMMITTEES

TAXATION (Hibbard, Chairman):

5/8/2000

HB 3, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "1999;"

Insert: "PROVIDING A COORDINATION INSTRUCTION;"

2. Title, page 1, line 10.

Strike: "A DELAYED "

Strike: "DATE"

Insert: "DATES"

3. Page 3, line 3.

Following: "(ii)"

Insert: "98%"

4. Page 13, line 24.

Insert: "NEW SECTION. Section 8. Coordination instruction. If this act is passed and approved by the electorate and if Chapter 515, Laws of 1999, is approved by the electorate, then:

(1) Section 15-10-420 must read as follows:

"15-10-420. Procedure for calculating levy. (1) A governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year, even if that levy is greater than the levy established by law. 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 assessed in the governmental unit in the prior year based on the current year taxable value, less the value of newly taxable property.

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

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

(a) annexation of real property and improvements into a taxing unit;

(b) construction, expansion, or remodeling of improvements;

(c) transfer of property into a taxing unit;

(d) subdivision of real property;

(e) reclassification of property;

(f) transfer of property from tax-exempt to taxable status; and

(g) revaluations caused by expansion, addition, replacement, or remodeling of improvements.

(4) Subsection (1) does not apply to school district general fund levies and the school district levy for tuition obligations established in 20-5-324(5).

(5) For purposes of subsection (1), taxes imposed:

(a) include registration fees imposed on light vehicles under [section 2, Chapter 515, Laws of 1999] and distributed under 61-3-509(2); and

(b) do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

(6) In determining the maximum number of mills in subsection (1), the governmental entity shall take into account any change from the prior year in the amount of statutory reimbursements for changes in the property tax laws. The amount of motor vehicle disposition under 61-3-509(2), as that section read on December 31, 2000, is a statutory reimbursement. It may increase the number of mills to account for a decrease in reimbursements and shall decrease the number of mills to fully account for any increase in reimbursements.

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(7) The department shall calculate 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, 20-25-439, and 53-2-813. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections.

(8) 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."

"

(2) 61-3-509 must read as follows:

"61-3-509. Disposition of taxes. (1) All registration fees imposed by [section 2, Chapter 515, Laws of 1999] from light vehicles, all registration fees imposed by 61-3-522 from motor homes, all fees in lieu of tax imposed by 61-3-527 from motorcycles and quadricycles, and all fees imposed by 61-3-529 from buses, motor vehicles having a manufacturer's rated capacity of more than 1 ton, and truck tractors, for which a license is sought and an original application for title that includes a manufacturer's statement of origin is made, must be remitted to the state treasurer every 30 days. The state treasurer shall credit the payments to the highway restricted state special revenue account.

~~(1)(2)~~ Except as provided in ~~subsection (2)~~ subsections (1) and (3), the county treasurer shall, after deducting the district court fee, credit all taxes on motor vehicles ~~and registration fees in lieu of tax on light vehicles, and fees in lieu of tax on~~ motorcycles, quadricycles, motor homes, travel trailers, campers, trailers, pole trailers, semitrailers, buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors collected under [section 2, Chapter 515, Laws of 1999], ~~61-3-504~~, 61-3-521, 61-3-527, 61-3-529, and 61-3-537; to a motor vehicle suspense fund. At some time between March 1 and March 10 of each year and every 60 days after that date, the county treasurer shall distribute the money in the motor vehicle suspense fund. Except for ~~taxes~~ registration fees collected under ~~61-3-504~~ [section 2, Chapter 515, Laws of 1999], the county treasurer shall distribute the money in the fund in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed. For money in the fund collected under ~~61-3-504~~ [section 2, Chapter 515, Laws of 1999] and 61-3-527, the county treasurer shall disregard the statewide mills levied for the university system, county elementary and high school equalization under 20-9-331 and 20-9-333, ~~and the mills levied for state equalization aid under 20-9-360, and the mills levied for state assumption of public assistance under 53-2-813~~ in determining distribution proportions of the money and may not distribute money ~~from 61-3-504~~ collected under [section 2, Chapter 515, Laws of 1999] and 61-3-527 to the state for ~~either levy those levies~~. If the distribution of money collected under ~~61-3-504~~ [section 2, Chapter 515, Laws of 1999] and 61-3-527 to a school district general fund results in a lower revenue than the district received in fiscal year 1999 and the district has, for all years after fiscal year 1999, received less revenue than in fiscal year 1999, then the district general fund is entitled to state reimbursement for the amount of the difference between the fiscal year 1999 revenue and the prior school fiscal year revenue under 61-3-504, as that section read on December 31, 2000, and the current year distribution of collections under [section 2, Chapter 515, Laws of 1999] and 61-3-527. Prior to January 31, the office of public instruction shall distribute to each school district an amount equal to the state reimbursement for the prior school year.

~~(2)(3)~~ The county treasurer shall deduct as a district court fee 10% of the amount of the ~~tax~~ registration fee collected on light vehicles under ~~61-3-504(1)~~ [section 2, Chapter 515, Laws of 1999]. The county treasurer shall credit the fee for district courts to a separate suspense account and shall forward the amount in the account to the state treasurer at the time that the county treasurer distributes money from the motor vehicle suspense fund. The state treasurer shall credit amounts received under this subsection to the state special revenue fund to be used for purposes of state funding of district court expenses as provided in 3-5-901."

(3) 61-3-537 must read as follows:

"61-3-537. (Temporary) Local option vehicle tax or flat fee. (1) A county may impose a local vehicle tax on vehicles subject to ~~a tax~~ the registration fee imposed under 61-3-504 [section 2, Chapter 515, Laws of 1999] at a rate of up to 0.7% of the value determined under 61-3-503 or a local flat fee, in addition to the ~~tax~~ fee imposed under ~~61-3-504~~ [section 2, Chapter 515, Laws of 1999].

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(2) A local vehicle tax or flat fee is payable at the same time and in the same manner as the ~~tax fee~~ imposed under ~~61-3-504~~ [section 2, Chapter 515, Laws of 1999]. The first priority of the local vehicle tax or flat fee is for district court funding, and the tax or fee is distributed as follows:

(a) 50% to the county; and

(b) the remaining 50% to the county and the incorporated cities and towns within the county, apportioned on the basis of population. The distribution to a city or town is determined by multiplying the amount of money available by the ratio of the population of the city or town to the total county population. The distribution to the county is determined by multiplying the amount of money available by the ratio of the population of unincorporated areas within the county to the total county population.

(3) The governing body of a county may impose, revise, or revoke a local vehicle tax or flat fee if the imposition, revision, or revocation of the tax or fee is approved by the electorate of the county. The imposition, revision, or revocation of the tax or fee is effective on January 1 following its approval by the electorate. The county governing body by resolution may provide for the distribution of the local vehicle tax or flat fee. (Terminates June 30, 2005--sec. 2, 3, Ch. 217, L. 1995.)

61-3-537. (Effective July 1, 2005) Local option vehicle tax or flat fee. (1) A county may impose a local vehicle tax on vehicles subject to ~~a tax~~ the registration fee imposed under ~~61-3-504~~ [section 2, Chapter 515, Laws of 1999] at a rate of up to 0.7% of the value determined under 61-3-503 or a local flat fee, in addition to the ~~tax fee~~ imposed under ~~61-3-504~~ [section 2, Chapter 515, Laws of 1999].

(2) A local vehicle tax or flat fee is payable at the same time and in the same manner as the ~~tax fee~~ imposed under ~~61-3-504~~ [section 2, Chapter 515, Laws of 1999] and is distributed in the same manner, based on the registration address of the owner of the motor vehicle.

(3) The governing body of a county may impose, revise, or revoke a local vehicle tax or flat fee if the imposition, revision, or revocation of the tax or fee is approved by the electorate of the county. The imposition, revision, or revocation of the tax or fee is effective on January 1 following its approval by the electorate."

(4) Section 38, Chapter 515, Laws of 1999, is void."

Renumber: subsequent sections

5. Page 13, line 25.

Strike: "date"

Insert: "dates"

Strike: ", "

Insert: ":

(1) except as provided in subsection (2),

6. Page 13, line 26.

Strike: "."

Insert: "; and"

7. Page 13, line 27.

Insert: "(2) [section 8(2), (3), and (4)] are effective January 1, 2001."

And, as amended, do pass. Report adopted.

HB 4, introduced bill, be amended as follows:

1. Page 3, line 5.

Following: "(ii)"

Insert: "98% of"

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2. Page 11, line 24 through line 29.

Strike: line 24 through line 29 in their entirety

3. Page 14, line 29.

Following: "instruction."

Insert: "(1) If [this act] is passed and approved and if Chapter 515, Laws of 1999, is approved by the electorate, then [section 1 of this act] is void and 15-10-420 must read as follows:

"15-10-420. Procedure for calculating levy. (1) A governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year, even if that levy is greater than the levy established by law. 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 assessed in the governmental unit in the prior year based on the current year taxable value, less the value of newly taxable property.

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

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

(a) annexation of real property and improvements into a taxing unit;

(b) construction, expansion, or remodeling of improvements;

(c) transfer of property into a taxing unit;

(d) subdivision of real property;

(e) reclassification of property;

(f) transfer of property from tax-exempt to taxable status; and

(g) revaluations caused by expansion, addition, replacement, or remodeling of improvements.

(4) Subsection (1) does not apply to school district general fund levies and the school district levy for tuition obligations established in 20-5-324(5).

(5) For purposes of subsection (1), taxes imposed:

(a) include registration fees imposed on light vehicles under [section 2, Chapter 515, Laws of 1999] and distributed under 61-3-509(2); and

(b) do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

(6) In determining the maximum number of mills in subsection (1), the governmental entity shall take into account any change from the prior year in the amount of statutory reimbursements for changes in the property tax laws. The amount of motor vehicle disposition under 61-3-509(2), as that section read on December 31, 2000, is a statutory reimbursement. It may increase the number of mills to account for a decrease in reimbursements and shall decrease the number of mills to fully account for any increase in reimbursements.

(7) The department shall calculate 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, 20-25-439, and 53-2-813. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections.

(8) 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 subsections

4. Page 15, line 25 through page 16, line 3.

Strike: "If the" on page 15, line 25 through "year." on page 16, line 3

5. Page 17, line 19.

Strike: "3"

Insert: "1"

Strike: "5"

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Insert: "8"

Following: "apply"

Insert: "to fiscal years beginning on or after July 1, 2000, and"

And, as amended, do pass. Report adopted.

HJR 1, introduced joint resolution, be amended as follows:

1. Page 1, line 25.

Strike: line 25 in its entirety

2. Page 2, lines 6 and 7.

Strike: line 6 through line 7 in their entirety

3. Page 3, line 9.

Strike: "\$1,402.885"

Insert: "\$1,042.885"

And, as amended, be adopted. Report adopted.

MOTIONS

Representative Ewer moved that the Legislature convene itself into a special session to run currently with the special session beginning May 8, 2000, to consider legislation to clarify existing jurisdiction and provide the Public Service Commission with jurisdiction concerning public utility asset transfers, including transfers accomplished by means of stock acquisitions or transfers.

Motion received the following votes:

Ayes: Barnhart, Beck, Bookout-Reinicke, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, Menahan, Noennig, Pavlovich, Peck, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Walters, Williams, Wyatt.
Total 45

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Gallus, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Masolo, McGee, McKenney, Molnar, Mood, Ohs, Quilici, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Witt, Younkin, Zook, Mr. Speaker.
Total 53

Voted Absentee: Representatives Ohs, Thomas, and Zook.
Total 3

Excused: Representatives Fuchs and Orr.
Total 2

SECOND READING OF BILLS

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(COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the chair.

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

HJR 1 - Representative Story moved **HJR 1** be adopted.

HJR 1 - Representative Guggenheim moved **HJR 1**, second reading copy, be amended as follows :

1. Page 3, line 11.

Strike: "173.193"

Insert: "168.99"

Strike: "365.086"

Insert: "360.886"

2. Page 3, line 16.

Strike: "25.325"

Insert: "15.125"

Strike: "60.130"

Insert: "50.030"

3. Page 4, line 16.

Strike: "\$1,140.613"

Insert: "\$1,126.21"

Strike: "\$2,297.555"

Insert: "\$2,283.255"

Amendment failed as follows:

Ayes: Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.
Total 41

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Grinde, Haines, Hanson, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Lawson, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.
Total 54

Voted Absentee: Representatives Ohs and Thomas

Total 2

Excused: Representatives Cobb, Ewer, Fuchs, Hedges, and Orr.

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Total 5

Motion that **HJR 1** be adopted carried as follows:

Ayes: Adams, Ahmer, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Lawson, Masolo, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 54

Noes: Barnhart, Beck, Brainard, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.

Total 44

Voted Absentee: Representatives Ohs and Thomas

Total 2

Excused: Representatives Fuchs and Orr.

Total 2

HB 4 - Representative Story moved **HB 4** do pass.

HB 4 - Representative Story moved **HB 4**, second reading copy, be amended as follows :

1. Page 14, line 26.

Strike: "\$10"

Insert: "\$6.51"

Amendment passed with Representatives Golie, Hurdle, Menahan, and Wyatt voting no and Representatives Fuchs, Orr, and Thomas excused.

HB 4 - Representative Swanson moved **HB 4**, second reading copy, be amended as follows :

1. Title, page 1, line 5.

Strike: "44.7"

Insert: "42.1"

Following: "44.7 PERCENT;"

Insert: "INCREASING BASIC ENTITLEMENTS FOR PUBLIC SCHOOLS FOR SCHOOL FISCAL YEARS 2002 AND 2003 FROM \$18,000 TO \$19,260 FOR AN ELEMENTARY DISTRICT AND FROM \$200,000 TO \$214,000 FOR A HIGH SCHOOL DISTRICT; INCREASING THE TOTAL PER-ANB ENTITLEMENT FOR AN ELEMENTARY SCHOOL DISTRICT OR A K-12 DISTRICT ELEMENTARY PROGRAM TO \$3,909 FOR SCHOOL FISCAL YEARS 2002 AND 2003; INCREASING THE TOTAL PER-ANB ENTITLEMENT FOR A HIGH SCHOOL DISTRICT OR A K-12 HIGH SCHOOL DISTRICT PROGRAM TO \$5,210 FOR SCHOOL FISCAL YEARS 2002 AND 2003;"

2. Title, page 1, line 10.

Strike: "AN APPROPRIATION"

Insert: "APPROPRIATIONS"

3. Title, page 1, line 12.

Following: "DATES AND"

Strike: "AN"

4. Title, page 1, line 13.

Strike: "DATE"

Insert: "DATES"

5. Page 6, line 23.

Strike: "44.7%" in two places

Insert: "42.1%" in two places

6. Page 6, line 25.

Strike: "35.3%"

Insert: "37.9%"

7. Page 6, line 26.

Strike: "35.3%"

Insert: "37.9%"

8. Page 7, line 19.

Strike: "44.7%" in two places

Insert: "42.1%" in two places

9. Page 8, line 15.

Insert: "Section 4. Section 20-9-306, MCA, is amended to read:

"20-9-306. (Temporary) Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 41.1% of the basic entitlement and 41.1% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 38.9% of the basic entitlement, up to 38.9% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) \$200,000 for each high school district;

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(b) \$18,000 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) \$18,000 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) \$200,000 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Direct state aid" means 41.1% of the basic entitlement and 41.5% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of \$4,821 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of \$3,529 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of \$3,529 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of \$4,821 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB. (Terminates June 30, 2000--sec. 10, Ch. 211, L. 1999.)

20-9-306. (Effective July 1, 2000) Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for ~~41.8%~~ 42.1% of the basic entitlement and ~~41.8%~~ 42.1% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to ~~38.2%~~ 37.9% of the basic entitlement, up to ~~38.2%~~ 37.9% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

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- (6) "Basic entitlement" means:
- (a) ~~\$200,000~~ \$214,000 for each high school district;
 - (b) ~~\$18,000~~ \$19,260 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and
 - (c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:
 - (i) ~~\$18,000~~ \$19,260 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus
 - (ii) ~~\$200,000~~ \$214,000 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.
- (7) "Direct state aid" means ~~41.8%~~ 42.1% of the basic entitlement and ~~41.8%~~ 42.1% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.
- (8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.
- (9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.
- (10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:
- (a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$4,869~~ \$5,210 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;
 - (b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,653~~ \$3,909 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and
 - (c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:
 - (i) a maximum rate of ~~\$3,653~~ \$3,909 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and
 - (ii) a maximum rate of ~~\$4,869~~ \$5,210 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

Renumber: subsequent sections

10. Page 9, line 7.

Strike: "35.3%" in two places

Insert: "37.9%" in two places

11. Page 10, line 23.

Strike: "35.3%" in two places

Insert: "37.9%" in two places

12. Page 14, line 26.

Following: "Appropriation."

Insert: "(1)"

Strike: "\$10"

Insert: "\$1"

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13. Page 14, line 28.

Following: line 27

Insert: "(2) There is appropriated \$5 million from the general fund to the office of public instruction for special education and associated guaranteed tax base aid costs for the school fiscal year beginning July 1, 2000."

14. Page 16, line 8.

Strike: "6"

Insert: "7"

15. Page 18, line 26.

Strike: "subsection"

Insert: "subsections"

16. Page 18, line 27.

Following: "(2)"

Insert: "and (3)"

Strike: "8"

Insert: "3 and 5 through 9"

17. Page 18, line 30.

Strike: "10"

Insert: "11"

18. Page 18, line 31.

Following: line 30

Insert: "(3) [Section 4] is effective July 1, 2001, and applies to school fiscal years beginning on or after July 1, 2001."

Amendment failed as follows:

Ayes: Barnhart, Beck, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.

Total 44

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Ewer, Fisher, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 53

Voted Absentee: Representative Mercer.

Total 1

Excused: Representatives Fuchs, Orr, and Thomas.

Total 2

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Motion that **HB 4** do pass as amended carried as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 53

Noes: Barnhart, Beck, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.

Total 45

Voted Absentee: Representative Thomas

Total 1

Excused: Representatives Fuchs and Orr.

Total 2

HB 3 - Representative Story moved **HB 3** do pass.

HB 3 - Representative Facey moved **HB 3**, second reading copy, be amended as follows :

1. Page 17, line 18.

Strike: "schools"

Insert: "school districts"

2. Page 17, line 20.

Strike: "schools"

Insert: "school districts"

Amendment adopted 91-6 by voice vote with Representatives P. Bergsagel, Jore, Kasten, Peck, Rehbein, and Somerville voting no and Representatives Fuchs, Orr, and Thomas excused.

Motion that **HB 3** do pass as amended failed as follows:

Ayes: Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Grinde, Haines, Hanson, Hibbard, Holden, Jackson, Johnson, Kasten, Masolo, McGee, McKenney, Molnar, Mood, Ohs, Rehbein, Rose, Shockley, Simon, Sliter, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 47

Noes: Adams, Barnhart, Beck, Brown, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hedges, Hurdle, Jore, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, Menahan, Noennig, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Soft, Squires, Swanson, Tropila, Tuss, Vick, Williams, Wyatt.

Total 51

Voted Absentee: Representatives Ewer and Thomas

Total 1

Excused: Representatives Fuchs and Orr.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Simon moved the Committee of the Whole report be adopted. Report adopted by voice vote.

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:

HJR 1 adopted as follows:

Ayes: Adams, Ahmer, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Lawson, Masolo, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 54

Noes: Barnhart, Beck, Brainard, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Matthews, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.

Total 44

Voted Absentee: Representatives Ohs and Thomas

Total 2

Excused: Representatives Fuchs and Orr.

Total 2

HB 4 passed as follows:

Ayes: Adams, Ahmer, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Rehbein, Rose, Shockley, Simon, Sliter, Soft, Somerville, Story, Stovall, Tash, Taylor, Thomas, Trexler, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 53

Noes: Barnhart, Beck, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney,

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Ryan, Schmidt, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt.
Total 45

Voted Absentee: Representative Thomas
Total 1

Excused: Representatives Fuchs and Orr.
Total 2

The following bill and resolution have been read through three several times and having passed the House have been transmitted to the Senate:

HB 4 by Rep. Story
HJR 1 by Rep. Story

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 5/8/2000

SB 2, introduced by Sprague
SB 4, introduced by M. Taylor
SB 6, introduced by McNutt

MOTIONS

Representative Hibbard moved to expand the special session to consolidate legislation to extend the 1 cent aviation fuel tax increase and to use the increase for the purposes provided for in Chapter 585, Laws of 1999.

Motion received the following votes:

Ayes: Adams, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bitney, Bookout-Reinicke, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Gallus, Golie, Grinde, Guggenheim, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Jackson, Johnson, Kitzenberg, Krenzler, Lawson, Lindeen, Mangan, Masolo, Matthews, McCann, McGee, McKenney, Mood, Noennig, Ohs, Pavlovich, Peck, Quilici, Rose, Ryan, Schmidt, Shockley, Simon, Sliter, Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.
Total 68

Noes: E. Bergsagel, P. Bergsagel, Brainard, Buzzas, P. Clark, Dell, Eggers, Erickson, Facey, Galvin-Halcro, Gillan, Gutsche, Hagener, Hurdle, Jore, Juneau, Kasten, McCulloch, Menahan, Molnar, Raney, Rehbein, Squires, Vick, Williams, Wyatt.
Total 26

Voted Absentee: None
Total 0

Excused: Representatives Ahner, Ewer, Fuchs, Lenhart, Orr, and Thomas.
Total 6

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Representative R. Clark moved to expand the special session to consider legislation to eliminate the requirement that social security numbers be included on the applications for hunting, fishing, and trapping licenses and submit it to the electorate.

Representative Harper made a substitute motion to expand the special session to consider legislation to eliminate the requirement that social security numbers be required on applications for hunting, fishing, and trapping licenses and allow them to be replaced with a different form of identification.

Motion received the following votes:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, Beck, Bookout-Reinicke, Brown, Buzzas, E. Clark, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Fisher, Gallus, Galvin-Halcro, Gillan, Golie, Grinde, Guggenheim, Gutsche, Hagener, Haines, Hanson, Harper, Harrington, Hedges, Hibbard, Holden, Hurdle, Jackson, Johnson, Juneau, Kitzenberg, Krenzler, Lawson, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Simon, Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wagner, Williams, Witt, Wyatt, Younkin, Zook, Mr. Speaker.

Total 76

Noes: E. Bergsagel, P. Bergsagel, Bitney, Brainard, R. Clark, Curtiss, Dale, Davies, Jore, Kasten, McGee, Molnar, Mood, Noennig, Rehbein, Shockley, Sliter, Story, Vick, Walters.

Total 20

Voted Absentee: None

Total 0

Excused: Representatives Fuchs, Orr, Thomas, and Trexler.

Total 4

Representative R. Clark withdrew his motion.

Representative Menahan moved that the special session of the 56th Legislature be adjourned sine die. Motion failed as follows:

Ayes: Beck, Buzzas, P. Clark, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hurdle, Juneau, Lenhart, Lindeen, Mangan, Matthews, McCulloch, Menahan, Pavlovich, Raney, Ryan, Schmidt, Squires, Swanson, Tropila, Williams, Wyatt.

Total 34

Noes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, Barnhart, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Cobb, Curtiss, Dale, Davies, Fisher, Grinde, Haines, Hanson, Hedges, Hibbard, Holden, Jackson, Johnson, Jore, Kasten, Kitzenberg, Krenzler, Lawson, Masolo, McCann, McGee, McKenney, Molnar, Mood, Noennig, Ohs, Peck, Quilici, Rehbein, Rose, Shockley, Simon, Sliter, Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Tuss, Vick, Wagner, Walters, Witt, Younkin, Zook, Mr. Speaker.

Total 62

Voted Absentee: None

Total 0

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Excused: Representatives Fuchs, Orr, Thomas, and Trexler.
Total 4

Representative Molnar moved that **HB 6** be taken off the table in committee, be printed and placed on second reading. Motion, requiring three-fifths vote, failed as follows:

Ayes: Adams, Ahner, J. Andersen, S. Anderson, Barnett, E. Bergsagel, P. Bergsagel, Bitney, Bookout-Reinicke, Brainard, Brown, E. Clark, R. Clark, Curtiss, Dale, Davies, Fisher, Grinde, Haines, Hanson, Holden, Jackson, Johnson, Jore, Kasten, Lawson, McGee, Molnar, Mood, Ohs, Rehbein, Shockley, Simon, Soft, Somerville, Story, Stovall, Tash, Taylor, Vick, Wagner, Walters, Witt, Younkin, Mr. Speaker.
Total 45

Noes: Barnhart, Beck, Buzzas, P. Clark, Cobb, Dell, Eggers, Erickson, Ewer, Facey, Gallus, Galvin-Halcro, Gillan, Golie, Guggenheim, Gutsche, Hagener, Harper, Harrington, Hedges, Hibbard, Hurdle, Juneau, Kitzenberg, Krenzler, Lenhart, Lindeen, Mangan, Masolo, Matthews, McCann, McCulloch, McKenney, Menahan, Noennig, Pavlovich, Peck, Quilici, Raney, Rose, Ryan, Schmidt, Sliter, Smith, Squires, Swanson, Tropila, Tuss, Williams, Wyatt, Zook.
Total 51

Voted Absentee: None
Total 0

Excused: Representatives Fuchs, Orr, Thomas, and Trexler.
Total 4

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Grinde moved that the House adjourn until 8:00 a.m., Tuesday, May 9, 2000. Motion carried.

House adjourned at 6:35 p.m.

MARILYN MILLER
Chief Clerk of the House

JOHN MERCER
Speaker of the House