

**SENATE JOURNAL
FIRST LEGISLATIVE DAY
56TH LEGISLATURE
SPECIAL SESSION**

Helena, Montana
June 15, 1999

Senate Chambers
State Capitol

Senate convened at 9:00 a.m. President Crippen presiding.

MESSAGES FROM THE GOVERNOR

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

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, Indian Tribes in Montana have claimed rights to use water within Montana that are implied from acts of Congress, treaties or executive orders establishing tribal reservations, which rights are known as federal reserved water rights; and

WHEREAS, in 1979 the Montana Legislature created the Reserved Water Rights Compact Commission to negotiate water rights compacts with Indian Tribes, instead of litigating these complex and expensive cases in court; and

WHEREAS, to date water rights compacts have been reached between the State and the Fort Peck, Northern Cheyenne, and Rocky Boy Reservations; and

WHEREAS, the Crow Tribe and the State and Federal governments have been working cooperatively since 1994 to resolve water issues on the Crow Reservation, and in the fall of 1998 the Crow Tribe and the State began negotiations towards a comprehensive settlement that addressed water rights as well as a long-standing lawsuit over the State's imposition of coal severance taxes; and

WHEREAS, after public hearings and the opportunity for public comment, the Reserved Water Rights Compact Commission and the Crow Tribe have reached a proposed settlement on these issues; and

WHEREAS, the payment of settlement funds to resolve the coal severance tax litigation requires an appropriation from the Montana Legislature, and a water rights compact between the State and the Tribe must be ratified by the Montana Legislature; and

WHEREAS, it is in the public interest of all Montanans, in order to avoid further protracted litigation and negotiation of the water rights and coal severance tax issues with the Crow Tribe, to consider these issues at a

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

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 O'Connell Hall at Carroll College at the hour of 9:00 A.M., the 15th and 16th of June, 1999, and hereby direct the Special Session of the Fifty-Sixth Legislature to consider action on the following:

1. Legislation to implement the Crow-Montana reserved water rights compact and provide for the payment of funds to the Crow Tribe in satisfaction of the State's obligations under the compact and in consideration of the Tribe's agreement to release certain claims against the State.
2. Any appropriations necessary for the legislative session.

Dated this 1st day of June, 1999.

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, this 1st day of June, in the year of our Lord, one thousand nine hundred and ninety nine.

MARC RACICOT
Governor

Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Franklin, Holden and Roush, excused.

MOTIONS

Senate Majority Leader Harp moved that the rules of the 56th Legislature, as amended by the Joint Senate/House Rules Committee and the Senate Rules Committee on June 14, 1999, be the rules of the special session of the 56th Legislature. Motion carried.

PROPOSED 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

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

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 or 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 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.~~

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

~~———— (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 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	

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

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.~~

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

~~———— (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 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.~~

60-10. Suspension of joint rule -- change in rules.(1) A joint rule may be repealed or amended only with the concurrence of both houses, under the procedures adopted by each house for the repeal or amendment of its own rules.

(2) A joint rule governing the procedure for handling bills may be temporarily suspended by the consent of ~~two-thirds~~ a majority of the members of either house, insofar as it applies to the house suspending it.

(3) Any Rules Committee report recommending a change in the joint rules must be referred to the other house. Any new rule or any change in the rules of either house must be transmitted to the other house for informational purposes.

(4) Upon adoption of any change, the Secretary of the Senate and the Chief Clerk of the House of Representatives shall provide the office of the Legislative Services Division:

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

- (a) one copy of all motions or resolutions amending Senate, House, or joint rules; and
- (b) copies of all minutes and reports of the Rules Committees.

Senator Holden present at this time.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Tom Beck, Chairman):

6/15/1999

Mr. President:

We, your Committee on Legislative Administration recommend employment of the following attaches of the Senate be employed as of noon, June 14, 1999 for the special session:

TITLE	NAME
Secretary of the Senate	Rosana Skelton
Sergeant-at-arms	Chuckie Cramer
Senate Chaplain	Rev. Keith Johnson
Secretary to Secretary of Senate	Judy Feland
Journal Clerk	Janean Meacham
Security	Tom Harris
Page Supervisor (Asst. to Sgt.)	Bev Donaldson
Secretary to President	Lynn Staley
Committee Secretary	Jodi Pauley
Secretary to Minority Leader	Adam Schafer
Page	Jennifer Eidum
Page	Clancy Casey

MOTIONS

Majority Leader Harp moved that the President appoint a select committee to notify his excellency, the Governor, that the Senate is organized and ready for business and is ready to receive his message in a joint session in the Carroll College Commons this day. Motion carried. The President appointed Senator Cole, Chairman, Senator DePratu and Senator McCarthy.

Majority Leader Harp moved that the President appoint a select committee to notify the Chief Justice and members of the Supreme Court that the Senate is organized and ready for the transaction of business and to invite the Chief Justice and Associate members of the Supreme Court to attend a Joint Session of the Senate and the House Representatives this day Tuesday, June 15, 1999 at 9:30 a.m. to receive the Governor's message. Motion carried. The President appointed Senator Holden, Chairman, Senator Stang and Senator Miller.

Majority Leader Harp moved that the President appoint a select committee to notify the House of Representatives that the Senate is organized and ready for business and that the Senate wishes them success in their deliberations. Motion carried. The President appointed Senator Glaser, Chairman, Senator Mahlum and Senator Wilson.

Select committees were dismissed to attend their duties.

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

Majority Leader Harp moved that the accredited members of the press, radio and television be granted the privilege of the Senate floor subject to the rules. Motion carried.

Senator Franklin present at this time.

FIRST READING AND COMMITMENT OF BILLS

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

SB 1, introduced by Cole and Stovall, referred to Natural Resources.

MESSAGES FROM THE OTHER HOUSE

Representatives R. Johnson, Masolo, Swanson and Quilici reported to the Senate that the House had convened in special session, is ready for business, and wished the Senate well in their deliberations.

REPORTS OF SELECT COMMITTEES

The committee appointed to notify the Governor that the Senate was organized and ready for business reported that the Governor extended his best wishes. The message was acknowledged and the committee dismissed.

The committee appointed to notify the Chief Justice and the associate members of the Supreme Court that the Senate was organized and ready for business reported that the Supreme Court had been notified. The message was acknowledged and the committee dismissed.

The committee appointed to notify the House of Representatives that the Senate was organized and ready for business reported that the House extended its best wishes. The message was acknowledged and the committee dismissed.

ANNOUNCEMENTS

Chairman Crismore announced a meeting of the Natural Resources Committee.

MOTIONS

Majority Leader Harp moved that the Senate stand in recess until 3:00 p.m. this day and that they proceed immediately to the Carroll Campus Center to meet in Joint Session to receive the Governor's message, and at the conclusion of the Joint Session, the Senate will reconvene at 3:00 p.m. this day. Motion carried.

**JOINT SESSION OF THE 56TH LEGISLATURE-SPECIAL SESSION
JUNE 15, 1999 - 9:30 A.M.**

Majority Leader Harp moved that the President be authorized to appoint a committee of four to notify the Governor that we are in Joint Session and ready to receive his address. Motion carried. The President appointed Senator

Beck, Chairman, Senator Jergeson, Representative Rose and Representative Hurdle. The committee was discharged to escort the Governor to the Carroll Commons.

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

Sergeant-at-Arms Cramer announced that the committee escorting Governor Racicot awaited entrance to the Joint Session.

President Crippen directed Sergeant-at-Arms Cramer to escort the committee and Governor Racicot to the Joint Session.

Invocation by Reverend Keith Johnson, followed by the Pledge to Allegiance to the Flag.

President Crippen presented Governor Racicot to the Joint Session. Governor Racicot presented the following address:

Welcome back to college. And welcome to Session 56 point 5 of the Montana Legislature. This is a historic session for a number of reasons.

This is the 26th special session in our special state's special history.

This is--as far as we can gather--the first session in nearly a century, held outside of the State Capitol Building, which, as you know is being renovated--not from anything that happened during the regular session, but because it is being prepared for yet another century of service to the people of this state.

I am going to be extremely brief this morning. We have some important work to do and we can't get to it if I am talking and you are stuck listening.

And, finally, I say historic because of the subjects at hand.

The Crow-Montana Water Compact is truly a historic opportunity for the Crow Tribe and the State of Montana. It is further proof of how the people in Montana can accomplish so much more by working together.

Last fall officials from the Crow Tribe approached Attorney General Mazurek and myself with a proposal for a comprehensive settlement of three important issues that have gone unresolved for decades: tribal water rights, coal severance tax litigation and Section 2 land ownership.

The Tribe hoped that a settlement package involving the first two issues could be brought to the 1999 regular session of the Legislature for approval.

Time and the need for public hearings did not permit that. But since December the Montana Reserved Water Rights Compact Commission and the Crow Tribe, working closely with federal negotiators, have engaged in intense negotiations on the water rights issues.

In April, the Tribe and Compact Commission finalized a compact which provides for a significant water right for the Tribe while protecting the rights of all existing water users.

At the same time, the Attorney General and I negotiated with the Tribe a final settlement of the contentious coal tax litigation, which has dragged on for so many years and so many dollars.

It is these two agreements that we bring to this special session gathered here today and tomorrow. This is the first step in an approval process that includes Congressional authorization, a Crow Tribe secret ballot referendum and ultimately approval by the Montana Water Court.

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

The Section 2 issue will be negotiated by the Tribe and United States and will be included in a Congressional settlement package.

Your hearings will learn of the specific details of these agreements later. Let me just say for now in brief that the Compact provides water from surface flow, groundwater and storage for the Crow Tribe for existing and future needs, provides protection for all state and tribal current water users while protecting conservation districts' rights to future water.

It creates an administrative process for resolution of future disputes between Tribal and non-Tribal water users, closes certain basins to new water appropriations and authorizes the State to pay the Tribe \$15 million for the Tribe's dismissal of the coal severance lawsuit and for the State's cost-share for the water rights settlement.

While the State has, indeed, prevailed in recent court decisions on this issue, the Attorney General and I are in agreement that some potential liability does remain on the subject. And in the interests of economy, expeditious resolution of a longstanding dispute and our mutual interests in building positive future relationships, we agree that this settlement is the best for the people of Montana.

Well, that's it--two complex issues have been narrowed through good--faith negotiations to a pair of fairly simple decisions before you this week.

I hope--I trust--you will see fit to do the right thing for the mutual futures of Montana's peoples and approve these pacts.

By doing that, by approving these agreements in this historic special session, together, we can turn two perpetual points of division and debate over water resources into what they should quickly become: water under the bridge between our peoples.

Thank you. Good luck. God bless. And good day.

President Crippen thanked Governor Racicot for this remarks. He then introduced six year old Amos Bird Hat from Billings, son of Bob Kelly, Crow Tribe Water Rights Negotiator; and six year old Smith Wells from Helena, daughter of Faye Bergan, Legal Counsel for the Reserved Water Rights Compact Commission, who made a presentation to the Governor and Attorney General Mazurek.

Benediction was given by Reverend John Darragh, Administrator of the Diocese of Helena.

President Crippen recognized Bob Person, Director of Legislative Services Division, and thanked him for his efforts in planning this historic special session, and for all his help through the years as Director.

The committee escorted the Governor from the Joint Session.

Committee chairmen announced committee meetings that would follow the joint session.

Majority Leader Harp moved that the Joint Session of the 56th Legislature be adjourned. Motion carried.

Senate reconvened at 3:00 p.m.

Roll call. All members present except Senators Cocchiarella, Cole, Crismore, Franklin, Grosfield, Keating,

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

Mahlum, McCarthy, Miller, Roush, Taylor and Wilson, excused.

COMMUNICATIONS AND PETITIONS

June 15, 1999

The Honorable Marc Racicot
Governor
State of Montana
Helena, MT 59620

The Honorable Bruce Crippen
President of the Senate
Montana Senate
Helena, MT 59620

The Honorable John Mercer
Speaker of the House
Montana House of Representatives
Helena, MT 59620

Dear Governor Racicot, President Crippen and Speaker Mercer:

A majority of legislators have petitioned to extend the call of the Special Session beginning June 15, 1999 to consider legislation to make inapplicable to misdemeanor speeding convictions in Justice and City Court the surcharges imposed by 46-18-237 (1) and 3-1-317.

The petition calls for the special session to run concurrently with the special session beginning June 15, 1999, called by Governor Marc Racicot.

In accordance with Article V, Section 6, of the Montana Constitution and Section 5-3-101, MCA, the petition has been filed, the signatures on the petition have been checked and the petition has been certified as meeting the requirements to extend the call of the Special Session.

A certified copy of the petition is attached. Please feel free to contact me if you have any questions about this process.

Sincerely,

MIKE COONEY
Secretary of State

IN THE NAME AND BY THE AUTHORITY OF THE
STATE OF MONTANA

UNITED STATES OF AMERICA)
)ss

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

State of Montana)

I, MIKE COONEY, Secretary of State of the State of Montana, do hereby certify that the attached petition constitutes the signatures of 83 of the 150 members of the Legislature of the State of Montana, meeting the requirements of Article V, Section 6 of the Montana Constitution and Section 5-3-101, MCA, and thus extending the call of the Special Session to run concurrently with the Special Session beginning June 15, 1999, called by Governor Marc Racicot.

The Special Session requested by this petition is for the purpose of considering legislation to make inapplicable to misdemeanor speeding convictions in Justice and City Court the surcharges imposed by 46-18-237 (1) and 3-1-317.

I further certify that this original petition was filed in my office on the 15th day of June 1999, and a copy hereof forwarded to the Honorable Marc Racicot, Governor of the State of Montana; the Honorable Bruce Crippen, President of the Montana Senate; and the Honorable John Mercer, Speaker of the House of Representatives.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Capital, this 15th day of June 1999.

MIKE COONEY
Secretary of State

PETITION OF THE FIFTY-SIXTH LEGISLATURE
FOR A CALL OF SPECIAL SESSION

WHEREAS, on June 1, 1999, Governor Marc Racicot issued an executive proclamation calling the Fifty-Sixth Legislature to convene in special session on June 15 and 16, 1999, for the purposes of considering legislation to implement a reserved water rights compact between the Crow Tribe and the state of Montana and to consider the appropriation of money to implement the compact and to settle litigation involving the state's imposition of coal severance taxes; and

WHEREAS, the 56th Montana Legislature passed Senate Bill 133, establishing a numerical speed limit and setting the minimum fine for a violation of the speed limit at \$20; and

WHEREAS, the application of 46-18-236(1) and 3-1-317 imposing a \$15.00 and a \$5.00 surcharge, respectively, on convictions in justice court and city court to pay for salaries of city and county attorneys and computer systems for the courts; and

WHEREAS, the application of the \$15.00 and \$5.00 surcharges to speeding convictions in justice and city courts results in an effective doubling of the \$20 minimum speeding penalty to a \$40 penalty and an increase in the fines for higher misdemeanor speeding violations as well; and

WHEREAS, the Montana Legislature did not intend that the minimum fine for speeding be \$40 or that other speeding fines be increased above those fines specified in Senate Bill 133; and

WHEREAS, Article V, section 6 of the Constitution of the State of Montana and section 5-3-101, MCA, provide that the Legislature may be convened in special session at the request of a majority of the members.

NOW, THEREFORE, THE UNDERSIGNED members of the Fifty-Sixth Legislature, pursuant to Article V, section

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

6, of the Montana Constitution and section 5-3-101, MCA, hereby petitions to convene the Fifty-Sixth Legislature into special session in Helena at the Capitol, to run concurrently with the special session beginning June 15, 1999, called by the Governor.

The special session shall consider legislation to make inapplicable to misdemeanor speeding convictions in justice and city court the surcharges imposed by 46-18-237(1) and 3-1-317.

(NAMES ON FILE WITH THE SECRETARY OF STATE'S OFFICE)

Senator Franklin present at this time.

President Crippen stated that pursuant to Article V, Section 6 of the Montana Constitution, and 5-3-101 of the Montana Codes, we are now convened in a concurrent special session for the purpose of considering legislation to make certain that surcharges are not applicable to highway speed limit violations.

FIRST READING AND COMMITMENT OF BILLS

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

SB 2, introduced by Lynch, Lindeen, Devlin, and Somerville, referred to Highways and Transportation.

ANNOUNCEMENTS

Highways and Transportation Chairman Mohl announced a committee meeting on SB 2.

Majority Leader Harp moved that the Senate stand in recess until the hour of 3:35 p.m. for the purpose of the Highway Committee meeting. Motion carried.

Senate recessed at 3:08 p.m.

Senate reconvened at 3:50 p.m.

Roll Call. Quorum present.

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman):

6/16/1999

SB 2, introduced bill, be amended as follows:

We, your committee on Highways and Transportation, having had under consideration SB 2, recommend that it be amended as follows:

1. Page 1, lines 12 and 13.

Following: "(1)" on line 12.

Strike: remainder of line 12 through ", a" on line 13.

Insert: "A"

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

2. Page 1, lines 13 and 14.

Following: "61-8-303" on line 13

Strike: remainder of line 13 through "and" on line 14.

And as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

6/15/1999

HB 1, introduced by Stovall

FIRST READING AND COMMITMENT OF BILLS

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

HB 1, introduced by Stovall, referred to Finance and Claims.

ANNOUNCEMENTS

Chairman Swysgood announced a Finance and Claims Committee meeting at 4:10 p.m.

Senator Bartlett present at this time.

MOTIONS

Majority Leader Harp moved that the Senate stand in recess until the hour of 4:10 p.m. in order for the Finance and Claims Committee to meet. Motion carried.

Senate recessed at 4:00 p.m.

Senate reconvened at 4:10 p.m.

Roll Call. All members present except Senator Roush, excused.

All members of the Finance and Claims Committee excused at this time.

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

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

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

SB 2 - Senator Lynch moved SB 2 do pass. After introduction of SB 2, Senator Hertel moved SB 2, second reading copy, be amended as follows:

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

1. Page 1, line 28.

Following: line 27

Insert: "(3) The surcharge provided for in 3-1-317 may not be imposed for a violation of 61-8-303."

Amendment **adopted** as follows:

Yeas: Bartlett, Berry, Cocchiarella, Cole, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Lynch, McCarthy, McNutt, Sprague, Tester, Thomas, Wells, Wilson.

Total 24

Nays: Bishop, Bohlinger, Doherty, Eck, Ellingson, Grosfield, Stang, Mr. President.

Total 8

Absent or not voting: None.

Total 0

Excused: Beck, Christiaens, Crismore, Franklin, Jergeson, Keating, Keenan, Mahlum, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Swysgood, Taylor, Toews, Waterman.

Total 18

SB 2, as amended, passed as follows:

Yeas: Bartlett, Berry, Bishop, Cocchiarella, Cole, DePratu, Devlin, Doherty, Ekegren, Ellingson, Ellis, Glaser, Grimes, Halligan, Harp, Hertel, Holden, Jabs, Lynch, McCarthy, McNutt, Sprague, Stang, Tester, Thomas, Wilson, Mr. President.

Total 27

Nays: Bohlinger, Eck, Grosfield, Hargrove, Wells.

Total 5

Absent or not voting: None.

Total 0

Excused: Beck, Christiaens, Crismore, Franklin, Jergeson, Keating, Keenan, Mahlum, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Swysgood, Taylor, Toews, Waterman.

Total 18

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

Senate stood at ease subject to the call of the chair.

Senate reconvened at 5:30 p.m.

Roll Call. All members present except Senators Bishop, Bohlinger and Roush, excused.

REPORTS OF STANDING COMMITTEES

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

FINANCE AND CLAIMS (Swysgood, Chairman): 6/15/1999
HB 1, third reading copy, be concurred.

NATURAL RESOURCES (Crismore, Chairman): 6/15/1999
SB 1, introduced bill, do pass.

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

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

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

SB 1 - Senator Cole moved SB 1 do pass. After introduction of SB 1, Senator Holden moved SB 1 be amended as follows:

1. Page 9, line 8.

Following: "."

Insert: "The streamflow and lake level management plan must be submitted to and approved by the Montana legislature before the Compact is submitted to Congress."

2. Page 9, line 12.

Following: "State"

Insert: "if the change is consistent with the plan approved by the Montana legislature."

3. Page 42, line 10.

Following: "State"

Insert: "after approval by the Montana legislature."

Amendment **failed** as follows:

Yeas: Bishop, Doherty, Holden, Wells.

Total 4

Nays: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 45

Absent or not voting: None.

Total 0

Excused: Roush.

Total 1

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

SB 1 - passed as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 44

Nays: Bishop, Doherty, Franklin, Holden, Taylor.

Total 5

Absent or not voting: None.

Total 0

Excused: Roush.

Total 1

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

THIRD READING OF BILLS

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

SB 1 passed as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 45

Nays: Bishop, Doherty, Franklin, Holden, Taylor.

Total 5

Absent or not voting: None.

Total 0

Excused:0

Paired Votes: Yeas: Roush Nays: Holden

SB 2 as amended passed as follows:

SENATE JOURNAL
FIRST LEGISLATIVE DAY - JUNE 15, 1999

Yeas: Bartlett, Beck, Berry, Bishop, Christiaens, Cocchiarella, Cole, Crismore, De Pratu, Devlin, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Halligan, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.
Total 45

Nays: Bohlinger, Eck, Grosfield, Hargrove, Waterman.
Total 5

Absent or not voting: None.
Total 0

Excused:0

Paired Votes: Yeas: Roush Nays: Eck

ANNOUNCEMENTS

Majority Leader Harp moved that the Senate adjourn until 9:00 a.m., Thursday, June 16, 1999. Motion carried.

Senate adjourned at 6:47 p.m.

ROSANA SKELTON
Secretary of the Senate

BRUCE CRIPPEN
President of the Senate