

**SENATE JOURNAL  
58TH LEGISLATURE  
EIGHTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 26, 2003

Senate Chambers  
State Capitol

Senate convened at 8:30 a.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Sprague, excused. Quorum present.

The presiding officer has authenticated the daily journal for the eighty-eighth legislative day.

**REPORTS OF STANDING COMMITTEES**

Correctly enrolled: **SB 101, SB 126, SB 304, SB 325, SB 375, SB 408, SB 429, SB 492, SJR 29, SJR 32, SR 11.**

Examined by the sponsor and found to be correct: **SB 414, SB 489.**

Signed by the President at 5:00 a.m., April 24, 2003: **SB 414, SB 489.**

Signed by the Secretary of the Senate at 7:15 p.m., April 24, 2003: **SB 414, SB 489.**

Signed by the Speaker at 8:15 a.m., April 25, 2003: **SB 414, SB 489.**

Delivered to the Governor for approval at 10:10 a.m., April 26, 2003: **SB 414, SB 489.**

**MESSAGES FROM THE OTHER HOUSE**

**SB 485** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 485**:

4/26/2003

Representative Brueggeman, Chair  
Representative E. Clark  
Representative Franklin

**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 415, as amended by the House**, passed as follows:

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

Total 46

Nays: Curtiss, Esp, Grimes.

Total 3

Absent or not voting: None.

Total 0

Excused: Sprague.

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Total 1

**SB 461, as amended by the Free Conference Committee Report No. 1**, adopted as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

**SB 473, as amended by the Governor**, passed as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

**SB 484, as amended by the Governor**, passed as follows:

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

Total 46

Nays: Esp, McGee, O'Neil.

Total 3

Absent or not voting: None.

Total 0

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Excused: Sprague.  
Total 1

**HB 5, as amended by the Governor**, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Sprague.  
Total 1

**HB 42, as amended by the Governor**, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Curtiss, DePratu, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Tropila, Zook, Mr. President.  
Total 42

Nays: Cooney, Cromley, Ellingson, Harrington, McCarthy, Toole, Wheat.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Sprague.  
Total 1

**HB 218, as amended by the Governor**, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.

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Total 0

Excused: Sprague.

Total 1

**HB 247, as amended by the Free Conference Committee Report No. 1,** adopted as follows:

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

Total 37

Nays: Bales, Barkus, Butcher, Curtiss, DePratu, Esp, McGee, McNutt, Perry, Stapleton, Story, Zook.

Total 12

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

**HB 363, as amended by the Conference Committee Report No. 1,** adopted as follows:

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

Total 48

Nays: Cooney.

Total 1

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

**HB 558, as amended by the Conference Committee Report No. 1,** adopted as follows:

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

Total 42

Nays: Mahlum, Mangan, McGee, Ryan, Thomas, Tropila, Mr. President.

Total 7

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Absent or not voting: None.  
Total 0

Excused: Sprague.  
Total 1

**HB 609, as amended by the Governor**, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Sprague.  
Total 1

**HB 693, as amended by the Governor**, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Sprague.  
Total 1

**HB 744, as amended by the Governor**, concurred in as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Elliott, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 49

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

**HB 775** concurred in as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

**HJR 35** concurred in as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

**HJR 40** concurred in as follows:

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

Total 44

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Nays: Anderson, Bales, Black, Esp, Gebhardt.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Sprague.  
Total 1

**HJR 43** concurred in as follows:

Yeas: Barkus, Bohlinger, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Gebhardt, Grimes, Hansen, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stapleton, Stonington, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Mr. President.  
Total 35

Nays: Anderson, Bales, Black, Butcher, Curtiss, Esp, Glaser, Johnson, McNutt, O'Neil, Perry, Story, Tash, Zook.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Sprague.  
Total 1

**SPECIAL ORDERS OF THE DAY**

Senator Grimes paid tribute to Steve Melee and his camera crew of 10, who have monitored the entire session with video cameras so the people of the State of Montana can keep abreast of daily happenings at the Capitol.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

Senator Thomas moved the Senate stand in recess until the hour of 12 noon this day. Motion carried.

**Senate recessed at 9:05 a.m.**  
**Senate reconvened at 12 noon.**

Roll call. All members present except Senators Butcher, DePratu, Glaser, Grimes, Keenan, Mahlum, Nelson, Schmidt, Sprague, Stonington, Tash and Zook, excused. Quorum present.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 424**  
Report No. 1, April 26, 2003

Mr. President and Mr. Speaker:

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We, your Free Conference Committee met and considered **Senate Bill 424** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 424** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

**Following:** "ENTITLEMENTS;"

**Insert:** "INCREASING THE BASIC AND PER-ANB ENTITLEMENTS FOR PUBLIC SCHOOLS FOR SCHOOL FISCAL YEAR 2004 AND SUCCEEDING YEARS;"

2. Title, line 7.

**Following:** "ANB";"

**Insert:** "CHANGING THE WAY IN WHICH A SCHOOL DISTRICT OR COOPERATIVE CHARGES EMPLOYER CONTRIBUTIONS FOR RETIREMENT, SOCIAL SECURITY, AND UNEMPLOYMENT INSURANCE; TERMINATING THE COUNTYWIDE SCHOOL RETIREMENT BLOCK GRANTS;"

3. Title, line 12.

**Following:** "SECTIONS"

**Insert:** "20-9-306,"

4. Title, line 13.

**Following:** "~~20-10-141~~,"

**Insert:** "20-9-501, 20-9-542,"

**Strike:** "SECTION 25"

**Insert:** "SECTIONS 25 AND 26"

5. Title, line 14.

**Following:** "DATES"

**Insert:** ", "

6. Title, line 15.

**Strike:** "AND"

**Following:** "DATES"

**Insert:** ", AND A TERMINATION DATE"

7. Page 1, line 20.

**Following:** "(1)"

**Strike:** "THE"

**Insert:** "In preparing and submitting an agency budget pursuant to 17-7-111 and 17-7-112, the"

8. Page 1, lines 21 and 22.

**Following:** the first "FOR"

**Insert:** "the basic and per-ANB entitlements in"

**Strike:** the first "SCHOOL"

**Strike:** "BY" on line 21 through "FISCAL YEAR" on line 22

**Insert:** "of the ensuing biennium. The inflation factor is calculated as follows:"

(a) for the first year of the biennium, divide the consumer price index for July 1 of the prior calendar year by the consumer price index for July 1 of the calendar year 3 years prior to the prior calendar year and raise the resulting ratio



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to the power of one-third; and

(b) for the second year of the biennium, divide the consumer price index for July 1 of the current calendar year by the consumer price index for July 1 of the calendar year 3 years prior to the current calendar year and raise the resulting ratio to the power of one-third

9. Page 1, line 23.

**Strike:** "K-12 PUBLIC EDUCATION"

**Insert:** "the basic and per-ANB entitlements"

10. Page 1, line 25.

**Following:** "SECTION"

**Insert:** ", not to exceed 3% in each year, applied to both years of the biennium"

11. Page 1.

**Following:** line 28

**Insert:** "**Section 2.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. 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 44.7% of the basic entitlement and 44.7% 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 35.3% of the basic entitlement, up to 35.3% 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) ~~\$213,819~~ \$216,171 for each high school district;

(b) ~~\$19,244~~ \$19,456 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) ~~\$19,244~~ \$19,456 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$213,819~~ \$216,171 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 44.7% of the basic entitlement and 44.7% 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 the greater of:

(a) 175% of special education allowable cost payments; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the

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district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(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 ~~\$5,205~~ \$5,262 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 ~~\$3,906~~ \$3,949 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 ~~\$3,906~~ \$3,949 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 ~~\$5,205~~ \$5,262 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."

**Insert: "Section 3.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. 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 44.7% of the basic entitlement and 44.7% 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 35.3% of the basic entitlement, up to 35.3% 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) ~~\$213,819~~ \$220,646 for each high school district;

(b) ~~\$19,244~~ \$19,859 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) ~~\$19,244~~ \$19,859 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$213,819~~ \$220,646 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 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the

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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 the greater of:

(a) 175% of special education allowable cost payments; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(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 ~~\$5,205~~ \$5,371 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 ~~\$3,906~~ \$4,031 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 ~~\$3,906~~ \$4,031 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 ~~\$5,205~~ \$5,371 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

12. Page 7.

**Following:** line 4

**Insert:** "**Section 7.** Section 20-9-501, MCA, is amended to read:

**"20-9-501. Retirement costs and retirement fund.** (1) The trustees of a district or the management board of a cooperative employing personnel who are members of the teachers' retirement system or the public employees' retirement system or who are covered by unemployment insurance or who are covered by any federal social security system requiring employer contributions shall establish a retirement fund for the purposes of budgeting and paying the employer's contributions to the systems as provided in subsection (2)(a). The district's or the cooperative's contribution for each employee who is a member of the teachers' retirement system must be calculated in accordance with Title 19, chapter 20, part 6. The district's or the cooperative's contribution for each employee who is a member of the public employees' retirement system must be calculated in accordance with 19-3-316. The district's or the cooperative's contributions for each employee covered by any federal social security system must be paid in accordance with federal law and regulation. The district's or the cooperative's contribution for each employee who is covered by unemployment insurance must be paid in accordance with Title 39, chapter 51, part 11.

(2) (a) The district or the cooperative shall pay the employer's contributions to the retirement, federal social security, and unemployment insurance systems from the retirement fund for the following:

(i) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from state or local funding sources;

(ii) a cooperative employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the cooperative's interlocal agreement fund if the fund is supported solely from districts' general funds and state special education allowable cost payments pursuant to 20-9-321; and

(iii) a district employee whose salary and health-related benefits, if any health-related benefits are provided to

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the employee, are paid from the district's school food services fund provided for in 20-10-204.

(b) For an employee whose benefits are not paid from the retirement fund, the district or the cooperative shall pay the employer's contributions to the retirement, federal social security, and unemployment insurance systems from the funding source that pays the employee's salary.

~~(2)~~(3) The trustees of a district required to make a contribution to a system referred to in subsection (1) shall include in the retirement fund of the final budget the estimated amount of the employer's contribution. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to the systems in accordance with the financial administration provisions of this title.

~~(3)~~(4) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:

(a) determining the sum of the money available to reduce the retirement fund levy requirement by adding:

(i) any anticipated money that may be realized in the retirement fund during the ensuing school fiscal year;

(ii) oil and natural gas production taxes;

(iii) coal gross proceeds taxes under 15-23-703;

(iv) countywide school retirement block grants distributed under section 245, Chapter 574, Laws of 2001;

(v) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the retirement fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the retirement fund. The retirement fund operating reserve may not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and must be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget.

(vi) any other revenue anticipated that may be realized in the retirement fund during the ensuing school fiscal year, excluding any guaranteed tax base aid.

(b) notwithstanding the provisions of subsection ~~(8)~~ (9), subtracting the money available for reduction of the levy requirement, as determined in subsection ~~(3)(a)~~ (4)(a), from the budgeted amount for expenditures in the final retirement fund budget.

~~(4)~~(5) The county superintendent shall:

(a) total the net retirement fund levy requirements separately for all elementary school districts, all high school districts, and all community college districts of the county, including any prorated joint district or special education cooperative agreement levy requirements; and

(b) report each levy requirement to the county commissioners on the fourth Monday of August as the respective county levy requirements for elementary district, high school district, and community college district retirement funds.

~~(5)~~(6) The county commissioners shall fix and set the county levy or district levy in accordance with 20-9-142.

~~(6)~~(7) The net retirement fund levy requirement for a joint elementary district or a joint high school district must be prorated to each county in which a part of the district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided in 20-9-151.

~~(7)~~(8) The net retirement fund levy requirement for districts that are members of special education cooperative agreements must be prorated to each county in which the district is located in the same proportion as the special education cooperative budget is prorated to the member school districts. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county in the same manner as provided in 20-9-151, and the county commissioners shall fix and levy the net retirement fund levy for each county in the same manner as provided in 20-9-152.

~~(8)~~(9) The county superintendent shall calculate the number of mills to be levied on the taxable property in the county to finance the retirement fund net levy requirement by dividing the amount determined in subsection ~~(4)(a)~~ (5)(a) by the sum of:

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

(b) the taxable valuation of the district divided by 1,000.

~~(9)~~(10) The levy for a community college district may be applied only to property within the district."''

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**Insert: "Section 8.** Section 20-9-542, MCA, is amended to read:

**"20-9-542. School flexibility account -- distribution of funds.** (1) There is a school flexibility account in the state special revenue fund. The superintendent of public instruction shall allocate the money in the account, including any interest earned on money allocated to the account, to each school district. Each school district's total allocation is the sum of the district K-12 public school funding amount, the district large K-12 public school funding amount, and the district student funding amount.

(2) In addition to funds allocated or appropriated to the school flexibility account, all money saved by the state if the actual statewide ANB in a given fiscal year is less than the statewide ANB projected by the legislature during the preceding legislative session must be deposited in the school flexibility account.

(3) A portion of the money in the school flexibility account may be expended by a district to alleviate certified staff shortages in the district or for retirement incentives only if a portion of the account is specified for that purpose in a general appropriation act."

13. Page 11.

**Following:** line 10

Insert: Section 12. Section 26, Chapter 13, Special Laws of August 2002, is amended to read:

"Section 26. Section 245, Chapter 574, Laws of 2001, is amended to read:

"Section 245. Countywide school retirement block grants. (†) The office of public instruction shall distribute one-half of the amount appropriated for countywide school retirement in November and the remainder in May. The total amount for each county is as follows:

	FY 2002	FY 2002	FY 2003	FY 2003
	Elementary	High School	Elementary	High School
	Payment	Payment	Payment	Payment
Beaverhead	\$86,692	\$50,789	<del>\$87,351</del> <u>\$55,503</u>	<del>\$51,175</del> <u>\$41,981</u>
Big Horn	62,668	36,963	<del>63,144</del> <u>95,018</u>	<del>37,244</del> <u>33,837</u>
Blaine	61,160	10,193	<del>61,624</del> <u>46,318</u>	<del>10,271</del> <u>81,109</u>
Broadwater	0	92,686	0	<del>93,390</del> <u>34,949</u>
Carbon	43,451	82,110	<del>43,782</del> <u>72,602</u>	<del>82,734</del> <u>58,957</u>
Carter	9,751	5,453	<del>9,825</del> <u>8,478</u>	<del>5,495</del> <u>6,155</u>
Cascade	349,056	192,848	<del>351,709</del> <u>282,266</u>	<del>194,314</del> <u>142,282</u>
Chouteau	75,384	41,034	<del>75,957</del> <u>58,455</u>	<del>41,346</del> <u>29,474</u>
Custer	78,925	36,930	<del>79,525</del> <u>57,608</u>	<del>37,211</del> <u>32,128</u>
Daniels	0	37,994	0	<del>38,283</del> <u>36,083</u>
Dawson	85,568	38,722	<del>86,219</del> <u>64,693</u>	<del>39,016</del> <u>24,827</u>
Deer Lodge	39,980	17,059	<del>40,284</del> <u>34,455</u>	<del>17,189</del> <u>16,807</u>
Fallon	0	0	0	<del>0</del> <u>30,444</u>
Fergus	119,028	78,809	<del>119,932</del> <u>90,464</u>	<del>79,408</del> <u>55,527</u>
Flathead	558,861	296,410	<del>563,108</del> <u>530,274</u>	<del>298,662</del> <u>268,731</u>
Gallatin	383,035	181,743	<del>385,946</del> <u>537,244</u>	<del>183,125</del> <u>107,717</u>
Garfield	12,337	10,170	<del>12,431</del> <u>12,100</u>	<del>10,247</del> <u>4,620</u>
Glacier	79,924	34,016	<del>80,532</del> <u>106,815</u>	<del>34,275</del> <u>10,494</u>
Golden Valley	0	16,716	0	<del>16,843</del> <u>14,492</u>
Granite	14,074	48,026	<del>14,180</del> <u>12,523</u>	<del>48,391</del> <u>30,727</u>
Hill	142,867	82,538	<del>143,953</del> <u>59,593</u>	<del>83,165</del> <u>35,211</u>
Jefferson	116,679	59,523	<del>117,565</del> <u>143,901</u>	<del>59,976</del> <u>59,690</u>
Judith Basin	6,149	21,359	<del>6,196</del> <u>4,744</u>	<del>21,521</del> <u>30,198</u>
Lake	173,584	139,990	<del>174,903</del> <u>156,485</u>	<del>141,054</del> <u>103,365</u>
Lewis & Clark	344,112	211,726	<del>346,728</del> <u>370,958</u>	<del>213,335</del> <u>173,847</u>

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Liberty	20,144	16,786	<del>20,297</del> <u>3,067</u>	<del>16,914</del> <u>31,953</u>	
Lincoln	73,001	98,835	<del>73,556</del> <u>61,499</u>	<del>99,586</del> <u>87,710</u>	
Madison	0	103,163	<del>0</del> <u>4,891</u>	<del>103,947</del> <u>19,788</u>	
McCone	23,214	15,824	<del>23,390</del> <u>21,778</u>	<del>15,945</del> <u>14,004</u>	
Meagher	13,654	10,678	<del>13,758</del> <u>9,250</u>	<del>10,759</del> <u>9,492</u>	
Mineral	0	32,206	<del>0</del> <u>32,451</u>	<del>33,292</del>	
Missoula	487,129	362,756	<del>490,832</del> <u>587,637</u>	<del>365,513</del> <u>357,669</u>	
Musselshell	30,675	21,577	<del>30,908</del> <u>48,959</u>	<del>21,741</del> <u>41,250</u>	
Park	154,192	81,696	<del>155,364</del> <u>135,256</u>	<del>82,317</del> <u>78,135</u>	
Petroleum	0	16,897	<del>0</del>	<del>17,026</del> <u>9,510</u>	
Phillips	10,502	95,084	<del>10,582</del> <u>103,747</u>	<del>95,806</del> <u>54,728</u>	
Pondera	79,805	60,307	<del>80,411</del> <u>18,821</u>	<del>60,765</del> <u>47,629</u>	
Powder River	18,815	15,011	<del>18,958</del> <u>0</u>	<del>15,125</del> <u>0</u>	
Powell	69,695	22,666	<del>70,225</del> <u>71,420</u>	<del>22,838</del> <u>30,458</u>	
Prairie	0	26,791	<del>0</del> <u>26,995</u>	<del>21,945</del>	
Ravalli	85,333	169,769	<del>85,981</del> <u>2,062</u>	<del>171,059</del> <u>40,316</u>	
Richland	83,671	30,302	<del>84,307</del> <u>15,500</u>	<del>30,533</del> <u>26,650</u>	
Roosevelt	71,090	60,329	<del>71,630</del> <u>96,278</u>	<del>60,787</del> <u>61,038</u>	
Rosebud	359,662	286,411	<del>362,395</del> <u>475,055</u>	<del>288,588</del> <u>126,246</u>	
Sanders	203,863	127,694	<del>205,413</del> <u>197,286</u>	<del>128,665</del> <u>14,442</u>	
Sheridan	0	46,231	<del>0</del>	<del>46,583</del> <u>47,628</u>	
Silver Bow	249,821	141,541	<del>251,719</del> <u>193,304</u>	<del>142,617</del> <u>119,358</u>	
Stillwater	91,487	75,926	<del>92,182</del> <u>91,185</u>	<del>76,503</del> <u>51,769</u>	
Sweet Grass	36,996	36,327	<del>37,277</del> <u>24,214</u>	<del>36,603</del> <u>12,316</u>	
Teton	57,760	41,547	<del>58,199</del> <u>45,217</u>	<del>41,863</del> <u>40,769</u>	
Toole	43,323	51,399	<del>43,652</del> <u>36,109</u>	<del>51,790</del> <u>73,362</u>	
Treasure	0	18,947	<del>0</del>	<del>19,091</del> <u>16,243</u>	
Valley	15,824	90,532	<del>15,944</del> <u>10,558</u>	<del>91,220</del> <u>143,204</u>	
Wheatland	20,946	12,103	<del>21,105</del> <u>15,031</u>	<del>12,195</del> <u>12,109</u>	
Wibaux	0	14,585	<del>0</del> <u>14,696</u>	<del>25,103</del>	
Yellowstone	1,125,488	643,136	<del>1,134,042</del> <u>1,070,887</u>	<del>648,024</del> <u>612,203</u>	
Total	6,269,374	4,650,865	<del>6,317,022</del> <u>6,139,506</u>	<del>4,686,212</del> <u>3,723,973</u>	

(2) The average amount of the block grants in fiscal years 2002 and 2003 must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.""

Renumber: subsequent sections

14. Page 11.

**Following:** line 21

**Insert:** "NEW SECTION. Section 15. Restrictions on retirement fund for fiscal year 2004. (1) For school fiscal year 2004, the amount that a school district or cooperative may charge to the retirement fund for the employer's contributions to the retirement, federal social security, and unemployment insurance systems for all employees whose salaries are paid from a federal funding source is limited to the amount that the district or cooperative charged to the retirement fund for those same purposes for the same group of employees in school fiscal year 2003.

(2) The restriction in subsection (1) does not apply to employees whose salaries are paid from the district's school food services fund."

**Insert:** "NEW SECTION. Section 16. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 9, part 3, and the provisions of Title 20, chapter 9, part 3, apply to [section 1]."

**Renumber:** subsequent sections

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15. Page 11, line 23 through line 27.

**Following:** "(1)" on line 23

**Strike:** remainder of line 23 through "APPROVAL" on line 27

**Insert:** "[Section 1] is effective July 1, 2004, and applies to school budgets for the fiscal years beginning on or after July 1, 2005.

(2) [Section 2] is effective July 1, 2003, and applies to school budgets for the school fiscal year beginning July 1, 2003.

(3) [Section 3] is effective July 1, 2004, and applies to school budgets for the school fiscal years beginning on or after July 1, 2004.

(4) [Sections 4 through 6 and 8 through 13] are effective July 1, 2003.

(5) [Section 7] is effective July 1, 2004.

(6) [Sections 14, 15, 16, 18, 19, and this section] are effective on passage and approval"

16. Page 11.

**Following:** line 30

**Insert:** "NEW SECTION. Section 19. Termination. [Section 2] terminates June 30, 2004."

For the Senate:

Story, Chairman  
F. Thomas  
Nelson

For the House:

Andersen, Chairman  
Jackson  
Fritz (unsigned)

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 485**  
Report No. 1, April 26, 2003

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 485** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 485** (reference copy -- salmon) be amended as follows:

1. Page 2.

**Following:** line 30

**Insert:** "(ii) child care for low-income families;"

**Renumber:** subsequent subsections

2. Page 3, line 30.

**Strike:** "\$8,500,000"

**Insert:** "\$6,500,000"

3. Page 3.

**Following:** line 30

**Insert:** "(b) child care, \$2,000,000;"

**Renumber:** subsequent subsections

Explanation: This amendment adds child care funding as the second priority and appropriates \$2,000,000 million for

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child care by reducing \$2,000,000 from mental health services and prescription drugs.

For the Senate:

Cobb, Chairman  
Stapleton  
Stonington

For the House:

Brueggeman, Chairman  
E. Clark  
Franklin

**MOTIONS**

Senator Thomas moved the Senate stand in recess until the hour of 1:30 p.m. this day. Motion carried.

**Senate recessed at 12:07 p.m.**

**Senate reconvened at 1:50 p.m.**

Roll call. All members present except Senators Nelson, Schmidt, Sprague, Zook and Keenan, excused. Quorum present.

**MOTIONS**

Senator Thomas moved the Senate stand in recess until the hour of 2:30 p.m. this day. Motion carried.

**Senate recessed at 1:58 p.m.**

**Senate reconvened at 2:47 p.m.**

Roll call. All members present except Senator Sprague, excused. Quorum present.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 2**  
Report No. 1, April 26, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report be amended.

And, recommend that **House Bill 2** (reference copy -- salmon) be amended by the House.

Please see attached.

For the House:

Lewis, Chairman  
Pattison  
Lindeen (unsigned)

For the Senate:

Zook, Chairman  
Keenan  
Nelson (unsigned)



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**FREE CONFERENCE COMMITTEE**  
on **House Bill 13**  
Report No. 2, April 26, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 13** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 13** (reference copy -- salmon) be amended as follows:

1. Page 2, line 25 through line 28.

**Strike:** subsection (d) in its entirety

**Renumber:** subsequent subsections

2. Page 2, line 30.

**Strike:** "45"

**Insert:** "25"

3. Page 3, line 2.

**Strike:** "(1)(G)"

**Insert:** "(1)(f)"

4. Page 3, line 7.

**Following:** "(2)"

**Insert:** "(2)"

5. Page 3, line 20 through line 23.

**Strike:** subsection (iii) in its entirety

**Renumber:** subsequent subsection

6. Page 3, line 27.

**Strike:** "2-18-315(3)"

**Insert:** "2-18-313(2)"

**Strike:** "(3)(A)(IV)"

**Insert:** "(3)(a)(iii)"

7. Page 9, line 24 through page 10, line 12.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

8. Page 10, line 19 through page 11, line 1.

**Strike:** line 19 on page 10 through line 1 on page 11 in their entirety

**Insert:**

"1	27,649	28,462	29,300	30,163	31,052	31,969
2	28,462	29,300	30,163	31,052	31,969	32,913
3	29,300	30,163	31,052	31,969	32,913	33,885
4	30,163	31,052	31,969	32,913	33,885	34,886
5	31,052	31,969	32,913	33,885	34,886	35,916

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6	31,969	32,913	33,885	34,886	35,916	36,979
7	32,913	33,885	34,886	35,916	36,979	38,072
8	33,885	34,886	35,916	36,979	38,072	39,199
9	34,886	35,916	36,979	38,072	39,199	40,360
10	35,916	36,979	38,072	39,199	40,360	41,555
11	36,979	38,072	39,199	40,360	41,555	42,786
12	38,072	39,199	40,360	41,555	42,786	44,052
13	39,199	40,360	41,555	42,786	44,052	45,359"

9. Page 13, line 2 through line 20.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

10. Page 13, line 26 through page 14, line 9.

**Strike:** line 26 on page 13 through line 9 on page 14 in their entirety

**Insert:** "B1       12.645

B2	13.045
B3	13.445
B4	13.845
B5	14.245
B6	14.645
B7	15.045
B8	15.445
B9	15.845
B10	16.245
B11	16.645
B12	17.045
B13	17.445
B14	17.845"

11. Page 15, line 23 through line 27.

**Strike:** lines 23 through 27 in their entirety

**Insert:**

"Legislative Branch	24,969	6,399	110,035	28,200
Consumer Counsel		1,277		5,462
Judicial Branch	85,726	12,247	330,568	47,224
Executive Branch	1,042,381	1,926,519	4,474,666	8,248,297
University System	1,087,384	1,182,729	2,883,488	3,136,320"

12. Page 16, line 5 through page 22, line 18.

**Strike:** section 8 in its entirety

**Renumber:** subsequent section

For the House:

A. Olson, Chairman  
Barrett  
Kaufmann

For the Senate:

Zook, Chairman  
Tash  
Cooney

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**MESSAGES FROM THE OTHER HOUSE**

**Governor's amendments** to Senate bills **concurred in** and returned to the Senate: 4/26/2003

**SB 270**, introduced by Harrington  
**SB 370**, introduced by Gebhardt  
**SB 381**, introduced by Keenan  
**SB 406**, introduced by McGee  
**SB 473**, introduced by Elliott

**Senate bills concurred in** and returned to the Senate: 4/26/2003

**SB 483**, introduced by Keenan  
**SB 493**, introduced by Keenan

**Conference Committee Report No.1** adopted: 4/26/2003

**HB 107**, introduced by A. Olson  
**HB 363**, introduced by R. Brown  
**HB 558**, introduced by D. Brown

**Free Conference Committee Report No.1** adopted: 4/26/2003

**SB 461**, introduced by Story  
**HB 247**, introduced by Harris

**SPECIAL ORDERS OF THE DAY**

Term limited Senators DePratu, 1997-2003, Senator Glaser, 1977-2003, Senator Mahlum, 1997-2003, Senator McCarthy, 1997-2003, Senator McNutt, 1997-2003, Senator Nelson, 1995-2003, Senator Shea, 1997-2003, Senator Sprague, 1995-2003, Senator Taylor, 1997-2003 and Senator Thomas, 1997-2003, and retiring Senator Zook, gave brief talks and thanked the Senate for the fond memories and friendships they have gained through their years in the Montana Legislature.

Also honored for her years as Secretary of the Senate was Rosana Skelton, 1995-2003, who then acknowledged her staff and thanked them for their dedication and friendships.

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

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

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

**SB 424 - Free Conference Committee Report No. 1** - Senator Story moved the Free Conference Committee report to **SB 424** be adopted. Motion carried as follows:

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

Total 34

Nays: Cooney, Cromley, Ellingson, Elliott, Hansen, Kitzenberg, McCarthy, Pease, Roush, Shea, Squires, Tester, Toole, Tropila, Wheat.

Total 15

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

**SB 485 - Free Conference Committee Report No. 1** - Senator Cobb moved the Free Conference Committee report to **SB 485** be adopted. Motion carried unanimously.

**HB 13 - Free Conference Committee Report No. 2** - Senator Tash moved the Free Conference Committee report to **HB 13** be adopted. Motion carried with Senators Hanson and Harrington voting nay.

**HB 2 - Free Conference Committee Report No. 1** - Senator Zook moved the Free Conference Committee report to **HB 2** be adopted. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.

Total 26

Nays: Bohlinger, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.

Total 23

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

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

**MOTIONS**

Senator Thomas moved the Senate stand at ease until the hour of 5:45 p.m. this day. Motion carried. Senate resumed at 5:53 p.m..

Roll call. All members present except Senator Sprague, excused. Quorum present.

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**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 424, as amended by the Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Harrington, Johnson, Laible, Mahlum, Mangan, McGee, McNutt, Nelson, O'Neil, Perry, Ryan, Schmidt, Stapleton, Stonington, Story, Tash, Taylor, Thomas, Zook, Mr. President.

Total 33

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Kitzenberg, McCarthy, Pease, Roush, Shea, Squires, Tester, Toole, Tropila, Wheat.

Total 16

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

**HB 2, as amended by the Free Conference Committee Report No. 1**, adopted as follows:

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

Total 27

Nays: Bohlinger, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.

Total 23

Paired: Sprague, Aye; Bohlinger, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 13, as amended by the Free Conference Committee Report No. 2**, adopted as follows:

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

Total 45

Nays: Cocchiarella, Ellingson, Harrington, Wheat.

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Total 4

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

**SB 485, as amended by the Free Conference Committee Report No. 1**, adopted as follows:

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

Total 46

Nays: Cooney, Elliott, Toole.

Total 3

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

**MOTIONS**

**HB 2** - Senator Kitzenberg moved he be allowed to change his vote on **HB 2**, third reading this day, from yea to nay. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Senator Tester thanked the Senate staff, the Majority Leader, President and both caucuses for their fine work through a difficult session.

Majority Leader Thomas thanked the retiring Senators, Committee Chairmen and all the staff for their good work through the session. He also thanked President Keenan for his excellent leadership, and presented token gifts to various members.

**MOTIONS**

Majority Leader Thomas moved the President be authorized to appoint a committee of two to notify the Governor that the Senate of the 58th Legislative session is ready to adjourn sine die. Motion carried unanimously.

The President appointed Senators Mahlum, chair, and Senator Shea.

Majority Leader Thomas moved the President be authorized to appoint a committee of two to notify the House of Representatives that the Senate of the 58th Legislative session is ready to adjourn sine die. Motion carried unanimously.

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The President appointed Senator Grimes, chair, and Senator Pease.

Majority Leader Thomas moved the President be authorized to appoint a committee of two to notify the Chief Justice and Justices of the Montana Supreme Court that the Senate of the 58th Legislative session is ready to adjourn sine die. Motion carried.

The President appointed Senator Nelson, chair, and Senator Glaser.

The President dismissed the committees to perform their assigned duties.

Majority Leader Thomas moved the Senate stand at ease subject to the call of the Chair. Motion carried.

Sergeant-at-arms Cramer announced that a committee from the House of Representatives awaited entrance to the Senate Chamber. Representatives were admitted and reported that the House of Representatives had completed its business and was ready to adjourn sine die, and wished the Senate well.

The committee appointed to notify the Chief Justice and Justices of the Supreme Court reported that Chief Justice Gray thanked the Senate and wished them well, but please do not come back until January, 2005! The President discharged the committee.

The committee appointed to notify the Governor reported that the Governor said the Senate had done a great job during a difficult session, and thanked the body for their work, complimenting them for a job well done. The President discharged the committee.

The committee appointed to notify the House of Representatives reported that the House had been notified and they were also ready to adjourn sine die. The President discharged the committee.

**Majority Leader Thomas moved the Senate adjourn sine die. Motion carried unanimously.**

**Senate adjourned sine die at 7:19 p.m.**

ROSANA SKELTON  
Secretary of the Senate

BOB KEENAN  
President of the Senate