

SENATE JOURNAL  
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2005

SENATE JOURNAL  
59TH LEGISLATURE  
THIRTY-SECOND LEGISLATIVE DAY

Helena, Montana  
February 9, 2005

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Tester presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Brueggeman and Toole, excused. Quorum present.

Yeas: Bales, Barkus, Black, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 45

Nays: Balyeat, O'Neil, Shockley.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Toole.  
Total 2

REPORTS OF STANDING COMMITTEES

**BILLS AND JOURNAL:** 2/9/2005  
Correctly printed: **SB 103, SB 205, SB 222, SB 225, SB 264, SB 328, SB 406, SB 407, SB 408, SB 409, SB 410, SB 412, SB 413, SB 414, SB 415, SB 416, SB 417, SB 418.**  
Correctly engrossed: **SB 73, SB 91, SB 116, SB 131, SB 184, SB 194, SB 195, SB 217, SB 273, SB 282, SB 293, SB 298, SB 312, SB 322, SB 342.**

**FISH AND GAME** (Tropila, Chairman): 2/9/2005  
**SB 91**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "TO"

**Insert:** "INDIVIDUALS"

**Following:** "DESIGNATED"

**Insert:** "BY THE"

2. Title, line 8.

**Strike:** "AFTER" through "LICENSES,"

3. Title, line 9.

**Following:** "HUNTING"

**Insert:** "TO BE USED AND SOLD COINCIDENT WITH THE ISSUANCE AND USE OF SPECIAL WILD BUFFALO LICENSES ANNUALLY OFFERED TO INDIVIDUALS DESIGNATED BY THE MONTANA TRIBES"

4. Page 2, line 3 through line 4.

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**Strike:** "When" on line 3 through "87-2-730, the" on line 4

**Insert:** "The department shall issue special licenses to individuals of each tribe designated in subsection (4) to hunt wild buffalo during the regular season for wild buffalo and as prescribed in department rules and regulations. The"

5. Page 2, line 5.

**Following:** "to"

**Insert:** "individuals designated by the respective tribal diabetic programs of"

**Following:** "(4),"

**Insert:** "coincident with the sale of any special wild buffalo licenses for public hunting pursuant to 87-2-730 and"

6. Page 2, line 14.

**Following:** "tribes"

**Insert:** "may designate individuals from their tribal diabetic programs to receive department-issued special licenses, and the individuals"

7. Page 2, line 14 through line 15.

**Strike:** "receive" on line 14 through "section:"

**Insert:** "hunt during the season set aside by the commission for hunting wild buffalo:"

8. Page 2, line 24.

**Following:** "as"

**Insert:** "the first"

9. Page 2, line 25.

**Strike:** "become"

**Insert:** "licenses"

**Following:** "hunting"

**Insert:** "each year"

**Strike:** "tribes"

**Insert:** "tribal designees"

10. Page 2, line 25 through line 27.

**Strike:** "After" on line 25 through "hunting." on line 27

11. Page 2, line 27.

**Following:** "each"

**Insert:** "of the two individuals designated by each"

**Strike:** "received two licenses"

**Insert:** "been offered a license"

**Strike:** "calendar"

**Insert:** "license"

12. Page 2, line 28.

**Strike:** the second "in"

**Insert:** "by the rules adopted by the commission pursuant to"

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13. Page 2, line 29.

**Insert:** "(6) Use of the special wild buffalo licenses granted under this section to individuals designated by the Montana tribes must coincide with the use of any other special wild buffalo license purchased for public hunting pursuant to 87-2-730."

And, as amended, do pass. Report adopted.

**SB 298**, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

**Strike:** "IS" on line 6 through "INCLUDING" on line 7

**Insert:** "INCLUDES"

2. Title, line 8 through line 9.

**Strike:** ", AND" on line 8 through "PROVIDED" on line 9

3. Title, line 9.

**Strike:** "ON" through "2004,"

**Insert:** "LISTED IN THE 2005 MONTANA FISHING REGULATIONS THAT REQUIRE A WARM WATER STAMP"

4. Title, line 12 through line 13.

**Strike:** "ALLOWING" on line 12 through "RULE;" on line 13

5. Page 1, line 24.

**Strike:** "only"

6. Page 1, line 25 through line 26.

**Strike:** "Unless" on line 25 through "prohibited." on line 26

7. Page 3, line 18.

**Strike:** "Any waters on the list on January 1, 2004,"

**Insert:** "All waters listed in the 2005 Montana fishing regulations that require a warm water stamp"

**Following:** "planted"

**Insert:** "or waters that will be planted"

8. Page 3, line 20 through line 21.

**Strike:** "After" on line 20 through "comment." on line 21

And, as amended, do pass. Report adopted.

**SB 312**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "SECOND"

**Insert:** "AND THIRD"

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2. Title, line 7 through line 8.  
**Strike:** "SECTIONS 87-1-102 AND"  
**Insert:** "SECTION"

3. Page 1, line 12 through page 5, line 7.  
**Strike:** section 1 in its entirety  
**Renumber:** subsequent sections

4. Page 5, line 16.  
**Strike:** "second"  
**Insert:** "first"  
**Strike:** "87-1-102(6)"  
**Insert:** "87-1-102(1)"

5. Page 5, following line 16.  
**Insert:** "(3)(a) A person who fails to obtain permission to hunt big game animals on private property shall, upon conviction for a second offense within 5 years of the first conviction, be subject to the penalties in 87-1-102(1). In addition, the person, upon conviction or forfeiture of bond or bail, shall forfeit all current hunting, fishing, and trapping licenses issued by this state and the privilege to hunt, fish, and trap in the state for 24 months from the date of conviction or forfeiture, unless the court imposes a longer forfeiture period.  
\_\_\_\_\_(b) The department shall notify the offender of the loss of privileges, and the offender shall surrender all hunting, fishing, and trapping licenses to the department within 10 days of receipt of notice from the department that privileges have been revoked.  
\_\_\_\_\_(4)(a) A person who fails to obtain permission to hunt big game animals on private property shall, upon conviction of a third offense within 10 years of the first conviction, be subject to the penalties in 87-1-102(1). In addition, the person, upon conviction or forfeiture of bond or bail, shall forfeit all current hunting, fishing, and trapping licenses issued by the state and the privilege to hunt, fish, and trap in this state for a period of 60 months from the date of conviction or forfeiture, unless the court imposes a longer forfeiture period.  
(b) The department shall notify the offender of the loss of privileges, and the offender shall surrender all hunting, fishing, and trapping licenses to the department within 10 days of receipt of notice from the department that privileges have been revoked."

And, as amended, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):  
**SB 131**, introduced bill, be amended as follows:

2/9/2005

1. Page 1, line 24.  
**Following:** "dispensed"  
**Insert:** "in the state of Montana"

And, as amended, do pass. Report adopted.

**SB 194**, introduced bill, be amended as follows:

1. Page 1, line 27.  
**Following:** "61-1-133."  
**Insert:** "on public land"

And, as amended, do pass. Report adopted.

**SB 293**, introduced bill, be amended as follows:

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1. Page 1, line 22 through line 23.

**Strike:** "30" on line 22 through "Montana" on line 23

**Insert:** "the state of Montana has a production capacity of 30 million gallons of denatured ethanol"

2. Page 1, line 27 through line 28.

**Strike:** "30" on line 27 through "Montana" on line 28

**Insert:** "the state of Montana has a production capacity of 30 million gallons of denatured ethanol"

3. Page 2, line 8.

**Following:** "retailer"

**Insert:** "or a wholesale bulk distributor"

4. Page 2, line 10.

**Following:** "engines."

**Insert:** "Gasoline retailers and wholesale bulk distributors are encouraged to hold, store, import, transfer, and offer for sale or use nonethanol-blended unleaded premium grade gasoline with an antiknock index number of 91 or greater."

And, as amended, do pass. Report adopted.

**JUDICIARY** (Wheat, Chairman):

2/9/2005

**SB 103**, do pass. Report adopted.

**SB 205**, do pass. Report adopted.

**SB 264**, do pass. Report adopted.

**SB 282**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** the second "REQUIRING"

**Strike:** "CULTURAL"

2. Title, line 6.

**Following:** "OFFICERS;"

**Strike:** "PROVIDING FOR CIVIL PENALTIES;"

3. Page 2, line 2.

**Following:** "require"

**Strike:** "training"

**Following:** "officers"

**Strike:** "in cultural sensitivity and bias-based policing"

**Insert:** "cultural awareness training and training in racial profiling"

4. Page 2, line 4 through line 5.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsections

5. Page 2, line 14.

**Following:** line 13

**Insert:** "(7) The department of justice shall make periodic reports to the law and justice interim committee regarding the degree of compliance by municipal, county, consolidated local government, and state law enforcement agencies with the requirements of this section."

And, as amended, do pass. Report adopted.

**SB 342**, introduced bill, be amended as follows:

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1. Page 2, line 7.

**Following:** line 6

**Insert:** "(8) "Publish" means publication of notice as provided for in 2-3-104, 7-1-2121, 7-1-4127, and 20-9-204."

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Mangan, Chairman):  
**SB 116**, introduced bill, be amended as follows:

2/9/2005

1. Title, line 11.

**Strike:** "ADEQUACY"

**Insert:** "SUFFICIENCY"

2. Title, line 22.

**Strike:** the second "AN"

**Strike:** the second "DATE"

**Insert:** "DATES"

3. Page 5, line 19.

**Strike:** "(1)(p)"

**Insert:** "(1)(q)"

4. Page 7.

**Following:** line 2

**Insert:** "(n) establish whether the governing body, its authorized agent or agency, or both will hold public hearings;"

**Renumber:** subsequent subsections

5. Page 7, lines 3 and 4.

**Following:** "body" on line 3

**Insert:** "or its agent or agency"

**Strike:** "to the" on line 3 through "after" on line 4

**Insert:** "at"

**Following:** "hearing"

**Insert:** "or hearings"

6. Page 7, lines 4 through 6.

**Strike:** "when" on line 4 through "of" on line 6

7. Page 7, line 18.

**Strike:** "will"

**Insert:** "may"

8. Page 9, line 20.

**Strike:** "adequacy"

**Insert:** "sufficiency"

9. Page 10, line 1.

**Strike:** "adequate"

**Insert:** "detailed, supporting"

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10. Page 10, line 2.

**Following:** "information"  
**Insert:** "that is sufficient"

11. Page 10, line 5.

**Strike:** "inadequate"  
**Insert:** "not sufficient"

12. Page 10, line 6.

**Strike:** "inadequate"  
**Insert:** "insufficient"

13. Page 10, line 8.

**Strike:** "adequate"  
**Insert:** "sufficient"

14. Page 10, line 10.

**Following:** "agency"  
**Insert:** "or the governing body"

15. Page 10, line 13.

**Strike:** "adequate"  
**Insert:** "sufficient"

16. Page 10, line 17.

**Strike:** "adequate"  
**Insert:** "sufficient"

17. Page 10, line 18.

**Strike:** "disapprove"  
**Insert:** "deny"

18. Page 10, line 24.

**Strike:** "disapproves"  
**Insert:** "denies"

19. Page 10, line 28.

**Following:** "approval"  
**Insert:** ", conditional approval,"  
**Strike:** "disapproval"  
**Insert:** "denial"

20. Page 10, line 29.

**Strike:** "adequate"  
**Insert:** "sufficient"

21. Page 11, line 2.

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**Strike:** "adequate"  
**Insert:** "sufficient"

22. Page 11, line 7.

**Strike:** "(1)(n)"  
**Insert:** "(1)(o)"

23. Page 11, lines 7 and 8.

**Strike:** "the" on line 7 through "hold" on line 8

24. Page 11, line 9.

**Following:** "application"

**Insert:** "must be held by the governing body, its authorized agent or agency, or both"

**Following:** the first "and"

**Insert:** "the governing body, its authorized agent or agency, or both"

25. Page 11, line 10.

**Strike:** "proposed"

**Following:** "subdivision"

**Insert:** "application"

26. Page 11, line 11.

**Strike:** "disapproved"

**Insert:** "denied"

27. Page 11, line 22.

**Strike:** "disapproval"

**Insert:** "denial"

28. Page 11, line 26.

**Strike:** "(1)(n)"

**Insert:** "(1)(o)"

29. Page 11, line 29.

**Strike:** "following"

**Insert:** "at"

30. Page 11, line 30.

**Strike:** "the"

**Insert:** "a"

31. Page 12, line 4.

**Following:** "by"

**Insert:** "either"

**Strike:** "an earlier"

**Insert:** "a"

32. Page 12, line 8.



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**Strike:** "disapprove"  
**Insert:** "deny"

33. Page 12, line 9.  
**Following:** "information"  
**Insert:** "if the governing body determines that the new information is either irrelevant or not credible"

34. Page 12, line 15.  
**Following:** "resumes"  
**Insert:** "at the governing body's next scheduled public meeting for which proper notice for the public hearing on the subdivision application can be provided"

35. Page 12, line 16.  
**Strike:** "and the"  
**Insert:** ". The"

36. Page 12, line 17.  
**Strike:** "disapprove"  
**Insert:** "deny"

37. Page 12, line 22.  
**Strike:** "disapprove"  
**Insert:** "deny"

38. Page 14, line 21.  
**Strike:** "disapprove"  
**Insert:** "deny"

39. Page 14, line 23.  
**Strike:** "adequate"  
**Insert:** "sufficient"

40. Page 15, line 22.  
**Strike:** "no more than"  
**Insert:** "at least"

41. Page 15, line 27.  
**Strike:** "disapproval"  
**Insert:** "denial"

42. Page 15, line 28.  
**Strike:** "adequate"  
**Insert:** "sufficient"

43. Page 16, lines 16 and 17.  
**Following:** "a"  
**Insert:** "following"  
**Strike:** "on" on line 16 through "statement" on line 17

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**Insert:** "to deny or conditionally approve a proposed subdivision, the governing body shall prepare a written statement that must be provided to the applicant, that must be made available to the public, and"

44. Page 16, line 23.

**Strike:** "relevant to"

**Insert:** "used in reaching"

**Following:** "decision"

**Insert:** "to deny or impose conditions"

45. Page 16, line 24.

**Strike:** "contributed"

**Insert:** "apply"

**Following:** "decision"

**Insert:** "to deny or impose conditions"

46. Page 16, line 25 through line 28.

**Following:** "decision" on line 25

**Strike:** "that" on line 25 through "located" on line 28

**Insert:** "to deny or impose conditions and references documents, testimony, or other materials that form the basis of the decision"

47. Page 16, line 29.

**Strike:** "(5)"

**Insert:** "(4)"

**Strike:** "may"

**Strike:** "subdivision"

**Insert:** "preliminary plat"

**Following:** "and"

**Strike:** "the conditions"

48. Page 17, line 8.

**Strike:** "disapprove"

**Insert:** "deny"

49. Page 18, line 29.

**Following:** "Applicability."

**Insert:** "(1)"

50. Page 18.

**Following:** line 30

**Insert:** "(2) [Section 3], amending 76-3-504 and concerning adoption of regulations, and references to that section apply upon adoption of regulations under that section or on October 1, 2006, whichever occurs first."

And, as amended, do pass. Report adopted.

**SB 184**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "MEDICINE"

**Insert:** ", "

**Strike:** "AND"

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**Following:** "SUPPLIES"  
**Insert:** ", AND LEGAL FORMS OF GAMBLING"

2. Title, line 10.  
**Strike:** "REMAINS"  
**Insert:** "MAY REMAIN"  
**Following:** "EFFECT"  
**Insert:** "OR MAY BE DISCONTINUED"  
**Following:** "REMOVING"  
**Insert:** "CERTAIN"  
**Following:** "CONSTITUTES"  
**Insert:** "A RESORT AREA OR"

3. Title, line 11.  
**Following:** "COMMUNITY;"  
**Insert:** "CLARIFYING THAT A MILL LEVY REDUCTION RESULTING FROM TAX RELIEF DUE TO IMPOSITION OF A LOCAL OPTION SALES TAX MAY NOT BE REINSTATED WHILE THE TAX IS IN EFFECT WITHOUT AN ELECTION;"  
**Strike:** "7-6-1508, 7-6-1532,"  
**Strike:** the first "AND"  
**Following:** "7-7-4428,"  
**Insert:** "AND 15-10-420,"

4. Page 1, line 19.  
**Following:** "public"  
**Insert:** ", "  
**Strike:** "and to"  
**Following:** "visitors"  
**Insert:** ", "

5. Page 1, line 26.  
**Strike:** "at destination resorts"

6. Page 1, line 30.  
**Strike:** "that are not owned by a governmental entity"

7. Page 2, line 3.  
**Following:** "include"  
**Insert:** "motor fuels,"

8. Page 2, line 21.  
**Following:** "imposed on"  
**Insert:** "legal forms of gambling under Title 23, chapter 5,"

9. Page 4, line 27.  
**Strike:** "up to 2% "  
**Insert:** "a flat fee or an amount not to exceed 5% "

10. Page 5, line 27.  
**Following:** "(1)"

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**Insert:** "(a)"

11. Page 5, line 28.

**Following:** line 27

**Strike:** "municipal"

**Following:** "tax"

**Strike:** "is retained by the municipality"

**Insert:** "must be allocated as follows:

(i) 75% must be allocated to the entity imposing the tax;

(ii) 15% must be allocated to the region in which the entity imposing the tax is located; and

(iii) 10% must be allocated to the subregion in which the entity imposing the tax is located.

(b) Local option sales tax revenue received by region or subregion must be distributed, at least quarterly, to the eligible municipalities and counties and within the region or subregion on a per capita basis. For purposes of distributing the revenue, individuals residing within a municipality are not considered county residents"

12. Page 5, line 29.

**Strike:** "The"

**Insert:** "Unless otherwise provided by agreements with municipalities, the"

13. Page 6, line 7.

**Following:** "(3)"

**Insert:** "(a)"

14. Page 6, line 10.

**Insert:** "(b) A resort community, resort area, or resort area district that has agreed to not impose its tax and be subject to a county local option tax as provided in [section 8(3)] is entitled to receive county local option sales tax proceeds.

(4) For the purposes of this section:

(a) region 1 consists of the following subregions:

(i) Flathead and Lincoln Counties; and

(ii) Granite, Lake, Mineral, Missoula, Ravalli, and Sanders Counties;

(b) region 2 consists of the following subregions:

(i) Broadwater, Jefferson, Lewis and Clark, and Meagher Counties;

(ii) Beaverhead, Deer Lodge, Powell, and Silver Bow Counties; and

(iii) Gallatin, Madison, and Park Counties;

(c) region 3 consists of the following subregions:

(i) Cascade, Chouteau, Fergus, Glacier, Judith Basin, Pondera, Teton, and Toole Counties; and

(ii) Blaine, Hill, Liberty, and Phillips Counties;

(d) region 4 consists of the following subregions:

(i) Big Horn, Carbon, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Sweet Grass, Treasure, Wheatland, and Yellowstone Counties;

(ii) Daniels, Garfield, McCone, Roosevelt, Sheridan, and Valley Counties; and

(iii) Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, and Wibaux Counties."

15. Page 6, line 16.

**Following:** "tax"

**Insert:** "on any item"

16. Page 6, lines 17 and 18.

**Strike:** "and any" on line 17 through "electorate" on line 18

**Insert:** "on that item"

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17. Page 6, line 19 through line 21.

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

**Renumber:** subsequent subsection

18. Page 6, line 29.

**Following:** "district."

**Insert:** "However, an existing resort community, resort area, or resort area district may agree to not impose its tax and be subject to a county local option sales tax."

19. Page 7, line 11 through line 18.

**Following:** "that"

**Strike:** ":" on line 11 through "7-6-1508" on line 18

**Insert:** "has a resort tax in effect prior to [the effective date of this act]"

20. Page 7, line 19 through line 25.

**Following:** "that"

**Strike:** ":" on line 19 through "community" on line 25

**Insert:** "has a resort tax in effect prior to [the effective date of this act]"

21. Page 7, line 27 through page 8, line 15.

**Strike:** sections 10 and 11 in their entirety

**Renumber:** subsequent sections

22. Page 9.

**Following:** line 24

**Insert:** "**Section 12.** Section 15-10-420, MCA, is amended to read:

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

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

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

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

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

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

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

(c) transfer of property into a taxing unit;

(d) subdivision of real property; and

(e) transfer of property from tax-exempt to taxable status.

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

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- (i) a change in the boundary of a tax increment financing district;
  - (ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or
  - (iii) the termination of a tax increment financing district.
- (b) For the purpose of subsection (3)(d), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property or as nonagricultural land as described in 15-6-133(1)(c).
- (c) For the purposes of this section, newly taxable property does not include an increase in appraised value of land that was previously valued at 75% of the value of improvements on the land, as provided in 15-7-111(4) and (5), as those subsections applied on December 31, 2001.
- (5) Subject to subsection (8), subsection (1)(a) does not apply to:
- (a) school district levies established in Title 20; or
  - (b) the portion of a governmental entity's property tax levy for premium contributions for group benefits excluded under 2-9-212 or 2-18-703.
- (6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.
- (7) In determining the maximum number of mills in subsection (1)(a), the governmental entity may increase the number of mills to account for a decrease in reimbursements.
- (8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-107, 20-9-331, 20-9-333, 20-9-360, 20-25-423, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in whole mills. If the mill levy calculation does not result in a whole number of mills, then the calculation must be rounded up to the nearest whole mill.
- (9) (a) The provisions of subsection (1) do not prevent or restrict:
- (i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;
  - (ii) a levy to repay taxes paid under protest as provided in 15-1-402; or
  - (iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326.
- (b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.
- (10) A mill levy reduction resulting from tax relief due to imposition of a local option sales tax as provided in [sections 1 through 8] may not be reinstated while the local option sales tax is in effect unless the levy increase is approved at an election pursuant to 15-10-425.
- ~~(10)~~(11) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.
- ~~(11)~~(12) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable property in a governmental unit."
- Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 195**, introduced bill, be amended as follows:

1. Title, page 1, line 6.  
**Strike:** "SENSITIVE RESOURCE LANDS",
2. Title, page 1, line 8.  
**Following:** "76-1-103"  
**Strike:** ", "  
**Insert:** "AND"
3. Title, page 1, line 9.  
**Strike:** "AND 76-3-509,"
4. Page 2, line 24.  
**Following:** "residential"  
**Insert:** "and business"

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5. Page 2, line 25.

**Following:** "area"

**Insert:** "located at least 3 miles"

6. Page 2, line 27 through line 29.

**Strike:** "(17)" on line 27 through "wildlife." on line 29

**Renumber:** subsequent subsections

7. Page 4, line 17.

**Following:** "located"

**Strike:** ", as" through "limits."

8. Page 5, line 10 through line 12.

**Strike:** "The" on line 10 through "2007:" on line 11

**Insert:** "If a growth jurisdiction has adopted a growth policy prior to October 1, 2006, the requirements of this section must be met by the time of the next review pursuant to 76-1-601(3). Growth jurisdictions without a growth policy in place by October 1, 2006, shall adopt growth policies that include the following requirements by October 1, 2007:"

**Following:** "accommodate" on line 12

**Strike:** "all of"

9. Page 5, line 17 through line 28.

**Strike:** "each" on line 17 through "county," on line 28

**Insert:** "after subtracting the amount of the county's projected growth that can be accommodated by the quality growth areas designated by and within the cities located within the county, each county:

(A) shall coordinate with each of the cities, within their jurisdictional boundaries that have designated quality growth areas that include unincorporated areas adjacent to the city, to designate and adopt identical quality growth areas adjacent to each city's municipal boundaries and infrastructure plans for those quality growth areas, pursuant to subsection (1)(b)(i);

(B) may designate one or more quality growth areas within or adjacent to existing rural centers or adjacent to cities that have not designated quality growth areas that include unincorporated areas adjacent to the city;"

**Renumber:** subsequent subsections

10. Page 6, line 8.

**Strike:** "grid"

**Insert:** "network"

11. Page 6, line 19.

**Following:** "agreements"

**Strike:** "or"

**Insert:** ", "

**Following:** "resolutions"

**Insert:** ", or similar, mutually accepted, methods"

12. Page 6, line 23 through line 24.

**Strike:** "(vi)" on line 23 through "degradation;" on line 24

**Renumber:** subsequent subsections

13. Page 6, line 29 through line 30.

**Following:** "section." on line 29

**Strike:** "Fees"

**Insert:** "These long-range planning fees are in addition to any fees adopted to cover the cost of application processing and"

**Following:** "applications" on line 29

**Strike:** ", " on line 29 through "building codes permits," on line 30

**Following:** "permits." on line 30

**Strike:** "Fees"

**Insert:** "These long-range planning fees"

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14. Page 7, line 5 through page 8, line 2.

**Strike:** section 4 in its entirety

**Renumber:** subsequent section

15. Page 8, line 6.

**Insert:** "NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And, as amended, do pass. Report adopted.

**SB 222**, do pass. Report adopted.

**SB 225**, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Cromley, Chairman):

2/9/2005

**SB 273**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Strike:** "12-member"

**Insert:** "13-member"

2. Page 2, line 5.

**Strike:** "two members"

**Insert:** "one member"

3. Page 2.

**Following:** line 6

**Insert:** "(f) one member from Montana state university-Bozeman appointed by the board of regents;  
(g) a representative of the Washington, Wyoming, Alaska, Montana, Idaho (WWAMI) medical training program appointed by the board of regents;"

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**SB 322**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "AN"

**Insert:** "EFFECTIVE DATE AND AN"

2. Page 1, line 10.

**Strike:** "independent"

**Insert:** "third-party"

3. Page 1, line 11.

**Strike:** "an independent"

**Insert:** "a"



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4. Page 1, line 14.

**Strike:** "or to inform the examinee of"

**Strike:** "a given"

**Insert:** "an unrelated"

5. Page 1, line 15.

**Following:** "condition."

**Insert:** "The health care provider has an obligation to inform the examinee of likely diagnoses that the health care provider reasonably considers. A health care provider who provides actual medical care or treatment incident to a third-party medical examination shall exercise the standard of care that the health care provider would have exercised if the examinee had retained the health care provider."

6. Page 1.

**Following:** line 18

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2005."

**Renumber:** subsequent section

7. Page 1, line 21.

**Strike:** "[the effective date of this act]"

**Insert:** "July 1, 2005"

And, as amended, do pass. Report adopted.

**SB 328**, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

2/9/2005

**SB 73**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** ";

**Insert:** "REQUIRING THE MONTANA HISTORICAL SOCIETY TO MAKE AN INVENTORY OF THE ITEMS COMPOSING THE OFFICIAL LAW ENFORCEMENT OFFICERS' MEMORIAL; PROHIBITING THE REMOVAL OF ITEMS FROM THE OFFICIAL LAW ENFORCEMENT OFFICERS' MEMORIAL UNTIL THE INVENTORY HAS BEEN COMPLETED;"

2. Page 1, line 10.

**Following:** "memorial."

**Insert:** "(1)"

3. Page 1.

**Following:** line 14

**Insert:** "(2) The Montana historical society, provided for in 22-3-101, shall make an inventory of the items that compose the official law enforcement officers' memorial repositied at the Montana law enforcement museum that was, until [the effective date of this act], located in the old Montana state prison, Deer Lodge, Montana. The inventory must:

- (a) determine the ownership of each item; and
- (b) include a description of and the condition of each item.

(3) The inventory conducted pursuant to subsection (2) becomes the official record of the items that on the date that the inventory was completed composed the official law enforcement officers' memorial.

(4) The director of the Montana historical society shall:

- (a) sign and date the inventory;
- (b) retain the original of the inventory at the state historical society; and
- (c) provide a copy of the inventory to the board of commissioners of Powell County.

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(5) Nothing repositated at the official law enforcement officers' memorial may be removed until the inventory required in subsection (2) has been completed, evidenced by the signature of the director of the Montana historical society on the inventory."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

2/9/2005

**HB 24**, introduced by Golie  
**HB 79**, introduced by Golie  
**HB 208**, introduced by Kaufmann

Speaker Matthews appointed Representative Raser and Representative Glaser to the Joint Select Committee on Education Funding Formula.

**MOTIONS**

Majority Leader Ellingson moved that the Senate recess for the purpose of receiving the State of the Tribal Nations address and further moved that the Senate reconvene after the address had been given. Motion carried.

**Senate recessed 1:10 p.m.**

The Senate was escorted into the House Chambers by House Sergeant-At-Arms Clark.

Speaker Matthews yielded the chair to President Tester.

Senate Majority Leader Ellingson moved that the body resolve itself into a joint session. Motion carried.

The Mission Valley Honor Guard posted the colors and President Tester led the joint session in the Pledge of Allegiance.

Faith Matt, daughter of the Honorable Fred Matt, sang the National Anthem.

Tony Incashola, member of the Pend d'Orielle Tribe of the Flathead Nation, gave the invocation.

Senate Majority Leader Ellingson moved that a Committee of Four be appointed to notify the Honorable Fred Matt, Chairman of the Confederated Salish and Kootenai Tribes of the Flathead Nation, that the joint session is ready to receive his address.

President Tester appointed Senator Pease, Senator Cobb, Representative Jayne, and Representative Roberts and discharged the committee to escort the Honorable Fred Matt, Chairman of the Confederated Salish and Kootenai Tribes of the Flathead Nation, into the House Chambers.

Senate Sergeant-At-Arms Dick admitted the Committee of Four and the Honorable Fred Matt, Chairman of the Confederated Salish and Kootenai Tribes of the Flathead Nation, into the House Chambers.

President Tester introduced the Honorable Fred Matt who then made the following remarks:

"Thank you for inviting me to speak to you today.

**I am so proud of my daughter Faith and her beautiful voice and my wife Tammy,**

daughter my April and her fiancé Ryan and my mother-in-law Greta, who also joins me today.

Thank you to the Mission Valley Honor Guard that presented the colors. You have represented our Nation well when you put yourself in harms way and you continue to do so through your community service. We have a proud legacy as Indians have the highest percentage of military service of any ethnic group in the United States since World War II.

Thank you Tony, your words are so healing.

I just greeted President Bush in Great Falls, the Cowboy hats outnumber the ties and that is even in Indian Country.

**Honorable Governor Schweitzer**, Thank you. In your swearing in ceremony, you welcomed Indians to the Capitol. In fact, you invited us to come in through the front door and we have. You asked that we send you our "BEST and BRIGHTEST" tribal members and we sent names. You have asked us to join your TEAM in record numbers. Montana Indians have been appointed to your Cabinet, your staff and to Montana Boards and Commissions. Your effort is extraordinary. We hope it will be one of the many legacies as a result from you being the Governor.

Over the past couple of years, you sat with the seven Tribal Councils and asked for our support. You told us you would come back after your were elected...to save a seat for you in our tribal chambers.

Your trip, with Attorney General Mike McGrath to consult with the Northern Cheyenne Tribes is historic. The Northern Cheyenne Tribes asked me to convey their sincere THANK YOU for the position you have taken with the Tongue River.

For centuries, promises made to Indian people have been made **but** broken.

You kept your promise and we are grateful.

Thank you Lt. Governor Bolinger, who is not here today because he is in our National Capital,

I understand that your first official trip as Lt. Governor was to Blackfeet Country. That speaks volumes to your commitment to Indian people. Your presence and participation on issues important to us will be key over the next few years.

Thank you.

Distinguished members of the **Senate and House of Representatives** and in particular, our **Native American legislators**:

Norma Bixby  
Margarett Campbell  
My representative, Joey Jayne  
Carol Juneau  
Veronica Small-Eastman  
Jonathon Windy Boy, and  
Senators Gerald Pease and Frank Smith,

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We look to you for leadership as the legislative session continues.

**Tribal Leaders**

Blackfoot Chairman Allan Talks About

Chippewa Cree Chairman Chance Houle

Crow Chairman Carl Venne

Ft. Belknap is represented by Julia Doney

Ft. Peck Chairman Ray Eder

Northern Cheyenne Chairman Eugene Little Coyote, and

Chairman John Sinclair from the Little Shell Band of Chippewa Tribe.

Thank you tribal leaders for honor to represent you as the Chairman of the Montana Wyoming Tribal Leaders Council.

**Elected leaders, ladies and gentlemen**

On behalf of the Confederated Salish and Kootenai Tribes and the Tribal Nations across the State of Montana, I am honored to present the STATE OF THE TRIBAL NATIONS and I am **proud** to report our Indian Nations are strong and on the move.

For example;

Recently, the great CROW nation, changed their constitution and it had brought significant changes opportunities for economic development and tapping the Tribes' vast minerals with the purpose of creating jobs for their members and the State of Montana.

The Ft. Belknap Tribes developed an Aquatic Resource Protection Ordinance to support the nationwide goal of NO NET LOSS of WETLANDS.

The Ft. Peck Tribes are proud to report that they are active participates in State politics with the election of two tribal members, Representative Margaret Campbell and Senator Frank Smith. Senator Smith also represents the Tribes on the Ft. Peck Tribal Executive Committee.

The Blackfoot Tribal Nation will see nearly a \$100,000,000 million dollars in road construction by the year 2009.

The Tribes at Rocky Boy are proud to report that they began to operate a Tribal Temporary Assistance for Needy Families Program in November 2004.

The Charles M. Russell painting that dominates this Chamber serves as reminder of the historic relationship between the Tribes and to those who came west to this great country. Charlie Russell recognized that the coming of Lewis and Clark had the greatest impact on the Indian people, as our way of life was forever changed. In 1805, the Native American economy was strong. Our families were strong units. We depended on each other for our survival. There was food, clothing and shelter with a strong religion and value system.

The mural depicts an event that took place on September 4, 1805 when Lewis and Clark's journey embarked on Salish territory at Ross Hole. The encounter between them and the Salish tribal people was a monumental event that ultimately led to the success of the expedition. The Salish people graciously provided the explorers with fresh horses, food and other vital supplies that were needed for their trek across the Bitterroot Mountains to the Pacific Ocean.

Without **our** assistance, who knows what the outcome of the journey would have been. It was the first partnership

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between the tribes and those that came from other nations to escape religious persecution and economic disadvantage.

Today, we begin another partnership.

It is a NEW DAY in Montana.

We look forward to working with the elected leaders in Helena for laws and policies that will strengthen our **government-to-government** relationship.

During this legislative session, you will hear many ideas to help make Montana, even better, yes, better than the Last, Best place as we know it.

As you deliberate on these ideas, please consider the impact on the Indian Nations.

JOBS are a top priority. Nowhere are jobs more needed than in on Montana's reservation. Glacier and Rosebud Counties have some of the highest unemployment rates across the state and nation. All but one Montana reservations have unemployment rates over 50%, some as high as 85%.

**If** those rates were anywhere else in the State an emergency would be declared.

This is unacceptable and we must work together to fix it.

The fix begins by reauthorizing the Tribal Economic Development Commission for four more years. After a slow start, the Commission is beginning to make advances at bringing businesses and employment to our communities.

The Governor's budget recommends \$1 million for Economic Development in Indian Country. This is just a start, but **much** needed. I urge your support. Remember, the State of Montana cannot move ahead economically without bringing the poorest along, and in Montana, the poorest live on our reservations.

On Thursday, I had a chance to hear President George W. Bush speak about his plan for Social Security. He reports that it is in crisis and needs fixing. The people I represent just want a chance to pay social security taxes, through good paying jobs. We need your help to make that American Dream possible for each tribal member.

**Education** is another major issue facing this legislative session. Governor Schweitzer and Superintendent of Public Instruction Linda McCulloch unveiled a plan to provide an additional \$80 million to address Judge Sherlock's court order to ensure a basic system of quality education for Montana students. It includes funding for the Judge's order for Indian Education for All. This is a start. One that will allow the Tribes to create the needed infrastructure for this to be successful and tribal specific curriculums to be taught in all schools.

Let us remember, Indian Education for All is for **ALL** Montanans, **NOT** just Indians. It is only through education that the ignorance of our culture and values can start to address the unknown about tribal way of life that will help to end racism and discrimination. All Montanans will benefit and our state will be better and our citizens stronger.

I urge your support for House Bill 16, which provides funding for non-beneficiaries attending Tribal Colleges. I have wondered why the students that receive this funding are called non-beneficiaries, when in fact they receive the **BIGGEST** benefit: a quality education while staying close to home and family.

Each of our seven reservations is home to nationally accredited institutions of higher learning. They are vital parts of our communities and the surrounding communities. These institutions are not just for Tribal Members but many non-Indians also attend receiving Nursing degrees to vocational certifications.

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However, since the Tribal Colleges are funded based on the number of enrolled tribal members, they do not receive any funding for the non-Indians that attend. This bill would provide funding for the non-Indians students who attend these colleges.

Yes, the non-beneficiaries.

Thank you Representative Rick Ripley from Wolf Point, Montana for sponsoring this important legislation.

Health care is another issue of major significance to Reservations. Medicaid Redesign is a major issue of this 59<sup>th</sup> legislative session. Several bills have been introduced including one by Senator John Cobb that would authorize the submittal of a waiver to expand health care to uninsured Montanans. Another House Bill 452, to implement the Medicaid Redesign Team's recommendations for health programs for Indians.

Medicaid and Children's Health Insurance Program are vital to many tribal members and I urge your careful consideration of this legislation.

Plans are being generated to spend the additional revenue generated from Initiative -149 including a program to ensure our tribal elders have access to prescription drugs. This is one of the most important services we can provide all senior citizens from across this State.

Thank you Senator Tester for sponsoring this important legislation.

And please fully fund the Low Income Energy Heating Assistance Program. Don't have elders; the keepers of culture and children have to make the decision:

## **TO HEAT or EAT!**

**A number of bills have been introduced in the: House and Senate by Republicans and Democrats, representing eastern and western Montana from large cities and rural areas** to address the growing substance abuse problem in our State.

THIS truly is a bi-partisan effort as no one from Libby to Miles City or from Browning to Lame Deer can escape from the devastating effects of tobacco, alcohol abuse and methamphetamine.

Nowhere is problem more keenly felt than in our tribal communities. The disturbing effects on our families with the loss of live and the potential of many young people is indescribable.

The financial drain on our government's is untold. The cost of social services, incarceration and court services are just a few impacts that can be identified. Please join with the group of lawmakers, such as Representative Don Roberts, from Billings to seek a coordinated and consolidated effort to address this problem.

On a tribal note, we extend a thank you to Senator Shockley for his sponsorship of Senate Bill 187 to provide "Full faith and credit for Salish and Kootenai Tribal fish and game citations". It will soon be transmitted to the House of Representative after passing the Senate with nearly unanimous vote of 49 in favor and only 1 dissenting vote.

Let us imagine a State without hunger, including our reservations.

Let us imagine a State without poverty, including our reservations.

Let us imagine a State without prejudice, including all people of color, race, gender, religion and sexual orientation.

Let us imagine a State where all families do not fear a child getting sick and not being able to provide her care, including our reservations.

Let us imagine a State where any one who wants to work, can work, including our reservations.

Legislators, as you deliberate to make laws that govern our state, let Charlie Russell's painting remind you of your obligation to protect include Native people as we approach the 200<sup>th</sup> Anniversary of their meeting with the Salish. And let it begin.... TODAY.

LEM LECH"

President Tester thanked the Honorable Fred Matt and requested that the Committee of Four escort him from the Chambers.

Senate Majority Leader Ellingson moved that the joint session be adjourned. Motion carried.

**Senate reconvened at 2:00 p.m.**

Roll Call. All members present, except Smith.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 47

Nays: Balyeat, Shockley.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Smith.  
Total 1

#### MOTIONS

Senator Wheat moved **SB 393** and **SB 395** be taken from Senate Judiciary and placed in Senate State Administration. Motion carried.

Senator Ellingson moved that we adopt the amended Senate Rules. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Grimes.

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Total 1

Senator Mangan moved to add sponsors to **SB 185**. Motion carried.

Senator Cooney moved that **SB 224** be referred to Senate Finance and Claims.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 406**, introduced by Shockley, referred to Taxation.

**SB 407**, introduced by Grimes, referred to Judiciary.

**SB 408**, introduced by O'Neil, referred to Judiciary.

**SB 409**, introduced by Gallus, referred to Business, Labor, and Economic Affairs.

**SB 410**, introduced by Gallus, referred to Fish and Game.

**SB 411**, introduced by Keenan, Arntzen, Everett, Gebhardt, Gillan, Grimes, Keane, Klock, Lewis, Matthews, McGee, Noonan, Roush, Smith, Stahl, Steinbeisser, Tash, Tropila, Witt, referred to Business, Labor, and Economic Affairs.

**SB 412**, introduced by Cocchiarella, Bergren, Gallus, Groesbeck, Keane, Larson, Noonan, Villa, referred to Business, Labor, and Economic Affairs.

**SB 413**, introduced by Cobb, referred to Agriculture, Livestock and Irrigation.

**SB 414**, introduced by Gillan, referred to Education and Cultural Resources.

**SB 415**, introduced by Tester, Bergren, Bixby, Black, Brueggeman, Cobb, Eaton, Gallus, Groesbeck, Hansen, Harrington, Kitzenberg, Larson, Lenhart, Lind, Lindeen, Mendenhall, Noonan, Parker, Pease, Roush, Ryan, Schmidt, Sesso, Tash, Tropila, Wanzenried, Williams, Wilson, referred to Energy and Telecommunications.

**SB 416**, introduced by Curtiss, O'Neil, referred to Judiciary.

**SB 417**, introduced by Curtiss, D. Brown, Heinert, Hendrick, Jackson, W. Jones, Keenan, Morgan, O'Neil, referred to Natural Resources.

**SB 418**, introduced by Hawks, referred to State Administration.

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

**HB 447**, introduced by Gallik, referred to Finance and Claims.

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

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

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

**SB 217** - Senator Larson moved **SB 217** do pass.

**SB 217** - Senator Cocchiarella moved **SB 217**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

**Following:** "DISTRICT;"

**Insert:** "EXCLUDING CERTAIN APPRENTICE WAGES;"

2. Page 1, line 20.

**Following:** "(1)"

**Strike:** "A"

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



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3. Page 2.

**Following:** line 2

**Insert:** "(3) Wages paid under an individual's written apprenticeship agreement registered with the department of labor and industry as of [the effective date of this act] are excluded from the rate set in subsection (1)."

**Renumber:** subsequent subsection

Amendment adopted unanimously.

**SB 217** - Senator Larson moved **SB 217**, as amended, do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hansen, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 21

Absent or not voting: None.

Total 0

Excused: Grimes.

Total 1

**SB 224** - Senator Laslovich moved **SB 224** do pass.

**SB 224** - Senator Laslovich moved **SB 224**, second reading copy, be amended as follows:

1. Page 3, line 1.

**Following:** "LOCATION"

**Insert:** ", "

**Strike:** "THE"

**Insert:** "a"

2. Page 3, line 2.

**Following:** "SITE"

**Insert:** ", "

**Strike:** "AN ACCREDITED SCHOOL DELIVERS"

**Insert:** "a school district provides for the delivery of"

Amendment adopted unanimously.

**SB 224** - Senator Laslovich moved **SB 224**, as amended, do pass. Motion carried unanimously.

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

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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 203 passed as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.  
Total 28

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Hansen, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash, Tropila.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SB 245 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Senator Grimes moved to have his vote recorded on **SB 203** as a "nay". Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 12:30 p.m., Thursday, February 10, 2005.  
Motion carried.

Senate adjourned at 3:02 p.m.

BILL LOMBARDI  
Secretary of Senate

JON TESTER  
President of the Senate

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