

SENATE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2005

SENATE JOURNAL  
59TH LEGISLATURE  
FORTIETH LEGISLATIVE DAY

Helena, Montana  
February 18, 2005

Senate Chambers  
State Capitol

Senate convened at 12:00 p.m. President Tester presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

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, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 48

Nays: O'Neil, Shockley.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

REPORTS OF STANDING COMMITTEES

**BILLS AND JOURNAL:**

2/18/2005

Correctly printed: **SB 43, SB 167, SB 174, SB 350, SB 370, SB 407, SB 423, SB 428, SB 443, SB 459, SB 462, SB 501, SB 502, SB 503, SB 504, SB 505, SJR 15, SJR 16, SJR 24.**

Correctly engrossed: **SB 301, SB 353, SB 371, SB 378, SB 385, SB 388, SB 401, SB 402, SB 405, SB 426, SB 429, SB 447, SB 454, SB 458, SB 465, SB 487.**

Examined by the sponsor and found to be correct: **SB 60.**

Signed by the Speaker at 11:56 a.m., February 18, 2005: **SB 60.**

Signed by the President at 12:05 p.m., February 18, 2005: **SB 60.**

Signed by the Secretary of the Senate at 10:30 a.m., February 18, 2005: **SB 60.**

Delivered to the Governor for approval at 3:20 p.m., February 18, 2005: **SB 60.**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):  
**SB 388**, introduced bill, be amended as follows:

2/18/2005

1. Page 1, line 22.

**Strike:** "Except" through "if"

**Insert:** "If"

2. Page 1, lines 23 through 24.

**Strike:** "that" on line 23 through "adjusters" on line 24

3. Page 1, line 26 through line 27.

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

**Renumber:** subsequent subsection

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4. Page 1, line 28.

**Following:** "provide"

**Insert:** ", without prejudice or bias,"

5. Page 2, line 1.

**Strike:** "reasonably"

6. Page 2, line 2.

**Strike:** "reasonable"

7. Page 2, line 4 through line 5.

**Strike:** "and" on line 4 through "condition" on line 5

**Insert:** "that meet industry standards"

And, as amended, do pass. Report adopted.

**SB 443**, do pass. Report adopted.

**SB 454**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "PROVIDING"

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

2. Page 4.

**Following:** line 22

**Insert:** "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**ENERGY AND TELECOMMUNICATIONS** (Toole, Chairman):

2/18/2005

**SB 371**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "DATE;"

**Insert:** "DEFINING THE TERM "RENEWABLE RESOURCE";"

2. Title, page 1, line 6.

**Following:** "UTILITY'S"

**Strike:** "MINIMUM"

**Following:** "REQUIREMENT"

**Insert:** "FOR LOW-INCOME ENERGY ASSISTANCE; INCREASING A LARGE CUSTOMER'S ANNUAL FUNDING REQUIREMENT FOR LOW-INCOME ENERGY ASSISTANCE"

3. Title, page 1, line 7 through line 9.

**Strike:** "IMPROVING" on line 7 through "CREDITS;" on line 9

**Insert:** "REQUIRING UTILITIES TO PUBLISH A PLAN THAT DESCRIBES UNIVERSAL SYSTEM BENEFITS PROGRAMS; REVISING THE UNIVERSAL SYSTEM BENEFITS PROGRAM CREDIT REVIEW PROCESS;"

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4. Title, page 1, line 10.

**Following:** "RULES"

**Insert:** "FOR ELECTRIC UNIVERSAL SYSTEM BENEFITS PROGRAMS; PROVIDING THE PUBLIC SERVICE COMMISSION WITH RULEMAKING AUTHORITY OVER NATURAL GAS UNIVERSAL SYSTEM BENEFITS PROGRAM REPORTING REQUIREMENTS; REQUIRING THE PUBLIC SERVICE COMMISSION TO ADOPT A RATE FOR NATURAL GAS UNIVERSAL SYSTEM BENEFITS PROGRAMS"

5. Title, page 1, line 12 through line 13.

**Strike:** "CONDUCT" on line 12 through "CUSTOMERS" on line 13

**Insert:** "SUBMIT AN ANALYSIS OF LOW-INCOME ENERGY ASSISTANCE PROGRAMS AND CUSTOMER NEEDS TO THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE; EXPANDING THE ALLOWABLE UNIVERSAL SYSTEM BENEFITS PROGRAM CREDITS FOR LARGE CUSTOMERS; ESTABLISHING A SUNSET FOR MARKET TRANSFORMATION; CHANGING THE BASE YEAR FOR UNIVERSAL SYSTEM BENEFITS PROGRAM CHARGE RATES; PROVIDING THAT IF A UTILITY'S INTERNAL PROGRAMS DO NOT SATISFY ANNUAL FUNDING PROVISIONS, THEN THE UTILITY SHALL MAKE A PAYMENT INTO A STATE SPECIAL REVENUE ACCOUNT FOR THE DIFFERENCE; REVISING UTILITY AND LARGE CUSTOMER UNIVERSAL SYSTEM BENEFITS PROGRAM REPORTING REQUIREMENTS"

6. Title, page 1, line 14.

**Following:** "69-8-403,"

**Insert:** "69-8-412,"

7. Page 1, line 18 through page 19, line 11.

**Strike:** everything after the enacting clause

**Insert:** "Section 1. Section 69-3-1402, MCA, is amended to read:

"69-3-1402. **Definitions.** As used in this part, the following definitions apply:

(1) "Customer" means a natural gas customer or consumer of natural gas supply or natural gas transmission facilities, storage facilities, or distribution facilities.

(2) "Distribution facilities" means those facilities that are not transmission facilities:

(a) by and through which natural gas is received from a transmission services provider and transmitted to the customer; and

(b) operated by a distribution services provider.

(3) "Distribution services provider" means a person controlling or operating distribution facilities for distribution of natural gas to the public.

(4) "Natural gas supplier" means a person, including aggregators, market aggregators, brokers, and marketers, licensed by the commission that is offering to sell natural gas to retail customers in the state of Montana.

(5) "Natural gas utility" means a utility regulated by the commission on May 2, 1997, that provides natural gas services to the public.

(6) "Open access" means that a natural gas utility has made its transmission facilities, storage facilities, or distribution facilities available to all natural gas suppliers, transmission services providers, distribution services providers, and customers on a nondiscriminatory and comparable basis.

(7) "Performance-based ratemaking" means those forms of regulation that include but are not limited to the use of revenue indexing, price indexing, ranges of authorized return, gas cost indexing, and innovative use of utility-related assets and activities, such as system sales of excess natural gas supplies, release of upstream pipeline capacity, and performance of billing services for other natural gas suppliers. A performance-based regulation may also include a mechanism for automatic annual adjustments of revenue to prices to reflect changes in any index adopted for the implementation of the performance-based form of regulation.

(8) "Storage facilities" means those facilities that are owned, controlled, or operated by a person offering storage service for natural gas and generally means any underground reservoir suitable for the storage of natural gas and the facilities used to inject and withdraw natural gas into and out of that underground reservoir.

(9) "Transition costs" means:

(a) a natural gas utility's net, verifiable production- and gathering-related costs, including costs of capital, that become unrecoverable as a result of customer choice and open access. These costs include but are not limited to:

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(i) regulatory assets and deferred charges that exist as a result of current regulatory practices and that may be accounted for up to the point in time that the commission issues a final order in a docket addressing transition costs, including all costs, expenses, and fees related to the issuance of transition bonds;

(ii) the above-market costs associated with existing gas supply commitments;

(iii) other natural gas utility investments rendered uneconomic as a result of implementation of customer choice and open access;

(iv) the costs associated with renegotiation or buyout of existing natural gas purchase contracts; and

(v) the costs associated with the issuance of any related transition bonds authorized by the commission pursuant to 69-3-1403.

(b) the costs of refinancing or retiring debt or equity capital of the natural gas utility and associated federal and state tax liabilities or other utility costs for which the use of transition bonds would benefit customers.

(10) "Transmission facilities" means those facilities owned, controlled, and operated by a transmission services provider that are used to transport natural gas from a gathering line or storage facility to a distribution facility, storage facility, or end-use customer.

(11) "Transmission services provider" means a person controlling or operating transmission facilities.

(12) "Universal system benefits charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of universal system benefits program costs.

(13) "Universal system benefits programs" means public purpose programs for cost-effective local energy conservation, ~~low-income weatherization, and low-income energy bill assistance~~ and for the purposes provided in the Montana energy assistance program, as described in [section 9]."

**Insert: "Section 2.** Section 69-3-1408, MCA, is amended to read:

**"69-3-1408. Universal system benefits programs -- establishing nonbypassable rate.** (1) A natural gas utility shall implement, upon commission approval, ~~a universal system benefits program that considers existing universal system benefits programs in the state~~ programs that take into account:

(a) historic levels of funding by the utility for universal system benefits programs;

(b) the needs of the utility's low-income natural gas customers;

(c) the impact of universal system benefits program funding obligations on all customers;

(d) appropriate allocations within and between the authorized universal system benefits programs; and

(e) any other factors the commission considers necessary.

(2) The commission shall establish a universal system benefits charge that either all natural gas transmission services providers or all distribution services providers, or both, in the state of Montana shall charge to all end-use customers, taking into consideration ~~the current level of expenditure by the natural gas utility, among other factors,~~ appropriate levels of funding for universal system benefits programs, impacts on ratepayers, existing universal system benefits programs in the state, cost-effectiveness, and similar costs imposed in other states. The method of assessing those rates may not disproportionately burden a large transmission services provider's customers. Within the universal system benefits charge, a natural gas utility's annual funding requirement for ~~low-income weatherization and low-income energy bill assistance~~ the Montana energy assistance program, as provided for in [section 9], is established at 0.42% of a natural gas utility's annual revenue by the commission at a percentage of revenue that reflects:

(a) the historic level of spending for the programs for each natural gas utility; and

(b) the impact of universal system benefits program funding obligations on all customers.

(3) A natural gas utility must receive credit for its internal programs or activities that qualify as universal system benefits programs.

~~(3)(4) On or before July 1, 2002, the commission shall conduct a reevaluation of the ongoing need for universal system benefits programs and annual funding requirements and shall make recommendations to the 58th legislature regarding the future need for universal system benefits programs. The determination should focus specifically on the existence of markets to provide for any of the universal system benefits programs or on whether other means for funding those universal system benefits programs have developed. These recommendations may also address how future reevaluations will be provided, if necessary. The commission shall adopt rules establishing requirements for a natural gas utility's reporting of activities and expenditures funded by the natural gas universal system benefits charge for local conservation programs and the Montana energy assistance program."~~

**Insert: "Section 3.** Section 69-8-102, MCA, is amended to read:

**"69-8-102. Legislative findings and policy.** The legislature finds and declares the following:

(1) The generation and sale of electricity is becoming a competitive industry.

(2) Montana customers should have the freedom to choose their electricity supply and related services in accordance with this chapter. Affording this opportunity serves the public interest.

(3) The interests of small Montana consumers must be protected through the provision of adequate and reliable default supply service at the lowest long-term total cost.

(4) The financial integrity of electrical utilities must be fostered.

(5) The public interest requires the continued protection of consumers through:

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- (a) licensure of electricity suppliers;
- (b) provision of information to consumers regarding electricity supply service;
- (c) provision of a process for investigating and resolving complaints;
- (d) continued funding for public purpose programs for:
  - (i) cost-effective local energy conservation;
  - (ii) low-income customer weatherization;
  - (iii) renewable resource projects and applications;
  - (iv) research and development programs related to energy conservation and renewables;
  - (v) market transformation programs until December 31, 2010; and
  - (vi) low-income energy assistance;
- (e) establishment of a Montana energy assistance program, as described in [section 9];
- ~~(f)~~ assurance of service reliability and quality; and
- ~~(g)~~ prevention of anticompetitive and abusive activities.

(6) A utility in the state of Montana may not be advantaged or disadvantaged in the competitive electricity supply market, including the consideration of the existence of universal system benefits programs and the comparable level of funding for those programs throughout the regions neighboring Montana. ""

**Insert: "Section 4.** Section 69-8-103, MCA, is amended to read:

**"69-8-103. Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Aggregator" or "market aggregator" means an entity, licensed by the commission, that aggregates retail customers, purchases electrical energy, and takes title to electrical energy as an intermediary for sale to retail customers.

(2) "Assignee" means any entity, including a corporation, partnership, board, trust, or financing vehicle, to which a utility assigns, sells, or transfers, other than as security, all or a portion of the utility's interest in or right to transition property. The term also includes an entity, corporation, public authority, partnership, trust, or financing vehicle to which an assignee assigns, sells, or transfers, other than as security, the assignee's interest in or right to transition property.

(3) "Board" means the board of investments created by 2-15-1808.

(4) "Broker" or "marketer" means an entity, licensed by the commission, that acts as an agent or intermediary in the sale and purchase of electrical energy but that does not take title to electrical energy.

(5) "Cooperative utility" means:

- (a) a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18; or
- (b) an existing municipal electric utility as of May 2, 1997.

(6) "Customer" or "consumer" means a retail electric customer or consumer. The university of Montana, pursuant to 20-25-201(1), and Montana state university, pursuant to 20-25-201(2), are each considered a single retail electric customer or consumer with a single individual load.

(7) "Customer-generator" means a user of a net metering system.

(8) "Default supplier" means a distribution services provider of a utility that has restructured in accordance with this chapter.

(9) "Default supply service" means the provision of electricity supply by a default supplier.

(10) "Distribution facilities" means those facilities by and through which electricity is received from a transmission services provider and distributed to the customer and that are controlled or operated by a distribution services provider.

(11) "Distribution services provider" means a utility owning distribution facilities for distribution of electricity to the public.

(12) "Electricity supplier" means any person, including aggregators, market aggregators, brokers, and marketers, offering to sell electricity to retail customers in the state of Montana.

(13) "Electricity supply costs" means the actual costs of providing default supply service, including but not limited to:

- (a) capacity costs;
- (b) energy costs;
- (c) fuel costs;
- (d) ancillary service costs;
- (e) demand-side management and energy efficiency costs;
- (f) transmission costs, including congestion and losses;
- (g) billing costs;
- (h) planning and administrative costs; and
- (i) any other costs directly related to the purchase of electricity, management of default electricity supply costs, and provision of default supply and related services.

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(14) "Financing order" means an order of the commission adopted in accordance with 69-8-503 that authorizes the imposition and collection of fixed transition amounts and the issuance of transition bonds.

(15) (a) "Fixed transition amounts" means those nonbypassable rates or charges, including but not limited to:

- (i) distribution;
- (ii) connection;
- (iii) disconnection; and

(iv) termination rates and charges that are authorized by the commission in a financing order to permit recovery of transition costs and the costs of recovering, reimbursing, financing, or refinancing the transition costs and of acquiring transition property through a plan approved by the commission in the financing order, including the costs of issuing, servicing, and retiring transition bonds.

(b) If requested by the utility in the utility's application for a financing order, fixed transition amounts must include nonbypassable rates or charges to recover federal and state taxes in which the transition cost recovery period is modified by the transactions approved in the financing order.

(16) "Functionally separate" means a utility's separation of the utility's electricity supply, transmission, distribution, and unregulated retail energy services assets and operations.

(17) "Interested person" means a retail electricity customer, the consumer counsel established in 5-15-201, the commission, or a utility.

(18) "Large customer" means, for universal system benefits programs purposes, a customer with an individual load greater than a monthly average of 1,000 kilowatt demand in the previous calendar year for that individual load.

(19) "Local governing body" means a local board of trustees of a rural electric cooperative.

(20) "Low-income customer" means those energy consumer households and families with incomes at or below industry-recognized levels that qualify those consumers for low-income energy-related assistance.

(21) "Net metering" means measuring the difference between the electricity distributed to and the electricity generated by a customer-generator that is fed back to the distribution system during the applicable billing period.

(22) "Net metering system" means a facility for the production of electrical energy that:

- (a) uses as its fuel solar, wind, or hydropower;
- (b) has a generating capacity of not more than 50 kilowatts;
- (c) is located on the customer-generator's premises;
- (d) operates in parallel with the distribution services provider's distribution facilities; and
- (e) is intended primarily to offset part or all of the customer-generator's requirements for electricity.

(23) "Nonbypassable rates or charges" means rates or charges that are approved by the commission and imposed on a customer to pay the customer's share of transition costs or universal system benefits programs costs even if the customer has physically bypassed either the utility's transmission or distribution facilities.

(24) "Pilot program" means an experimental program using a select set of small customers to assess the potential for developing and offering customer choice of electricity supply to small customers in the future.

(25) "Public utility" means any electric utility regulated by the commission pursuant to Title 69, chapter 3, on May 2, 1997, including the public utility's successors or assignees.

(26) "Qualifying load" means, for payments and credits associated with universal system benefits programs, all nonresidential demand-metered accounts of a large customer within the utility's service territory in which the customer qualifies as a large customer.

(27) "Renewable resource" means the production of electricity from any of the following sources:

- (a) wind;
- (b) solar;
- (c) geothermal;
- (d) water power derived from a hydroelectric project with a nameplate rating of 1 megawatt or less or a hydroelectric project that does not require a new appropriation, diversion, or impoundment of water and that has a nameplate rating of 10 megawatts or less;
- (e) landfill gas;
- (f) gas produced during the treatment of wastewater;
- (g) low-emission, nontoxic biomass based on dedicated energy crops, animal wastes, or solid organic fuels from wood, forest, or field residues, except that low-emission, nontoxic biomass does not include wood pieces that have been treated with chemical preservatives, such as creosote, pentachlorophenol, or copper-chroma-arsenic; or
- (h) hydrogen derived from any of the sources described in subsections (27)(a) through (27)(g) for use in fuel cells.

~~(27)~~(28) "Small customer" means a residential customer or a commercial customer who has an individual account with an average monthly demand in the previous calendar year of less than 50 kilowatts or a new residential or commercial customer with an estimated average monthly demand of less than 50 kilowatts of a public utility that has restructured pursuant to Title 35, chapter 19, or this chapter.

~~(28)~~(29) "Transition bondholder" means a holder of transition bonds, including trustees, collateral agents, and

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other entities acting for the benefit of that bondholder.

~~(29)~~(30) "Transition bonds" means any bond, debenture, note, interim certificate, collateral, trust certificate, or other evidence of indebtedness or ownership issued by the board or other transition bonds issuer that is secured by or payable from fixed transition amounts or transition property. Proceeds from transition bonds must be used to recover, reimburse, finance, or refinance transition costs and to acquire transition property.

~~(30)~~(31) "Transition charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of transition costs.

~~(31)~~(32) "Transition cost recovery period" means the period beginning on July 1, 1998, and ending when a utility customer does not have any liability for payment of transition costs.

~~(32)~~(33) "Transition costs" means:

(a) a public utility's net verifiable generation-related and electricity supply costs, including costs of capital, that become unrecoverable as a result of the implementation of this chapter or of federal law requiring retail open access or customer choice;

(b) those costs that include but are not limited to:

(i) regulatory assets and deferred charges that exist because of current regulatory practices and can be accounted for up to the effective date of the commission's final order regarding a public utility's transition plan and conservation investments made prior to universal system benefits charge implementation;

(ii) nonutility and utility power purchase contracts executed before May 2, 1997, including qualifying facility contracts;

(iii) existing generation investments and supply commitments or other obligations incurred before May 2, 1997, and costs arising from these investments and commitments;

(iv) the costs associated with renegotiation or buyout of the existing nonutility and utility power purchase contracts, including qualifying facilities and all costs, expenses, and reasonable fees related to issuing transition bonds; and

(v) the costs of refinancing and retiring of debt or equity capital of the public utility and associated federal and state tax liabilities or other utility costs for which the use of transition bonds would benefit customers.

~~(33)~~(34) "Transition period" means the period ending July 1, 2027.

~~(34)~~(35) "Transition property" means the property right created by a financing order, including without limitation the right, title, and interest of a utility, assignee, or other issuer of transition bonds to all revenue, collections, claims, payments, money, or proceeds of or arising from or constituting fixed transition amounts that are the subject of a financing order, including those nonbypassable rates and other charges and fixed transition amounts that are authorized by the commission in the financing order to recover transition costs and the costs of recovering, reimbursing, financing, or refinancing the transition costs and acquiring transition property, including the costs of issuing, servicing, and retiring transition bonds. Any right that a utility has in the transition property before the utility's sale or transfer or any other right created under this section or created in the financing order and assignable under this chapter or assignable pursuant to a financing order is only a contract right.

~~(35)~~(36) "Transmission facilities" means those facilities that are used to provide transmission services as determined by the federal energy regulatory commission and the commission.

~~(36)~~(37) "Transmission services provider" means an entity controlling or operating transmission facilities.

~~(37)~~(38) "Universal system benefits charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of universal system benefits programs costs.

~~(38)~~(39) "Universal system benefits programs" means public purpose programs for:

(a) cost-effective local energy conservation;

(b) ~~the Montana energy assistance program, as established in [section 9], composed of low-income customer weatherization energy and weatherization assistance;~~

(c) renewable resource projects and applications, including those that capture unique social and energy system benefits or that provide transmission and distribution system benefits;

(d) research and development programs related to energy conservation and renewables; and

(e) market transformation designed to encourage competitive markets for ~~public purpose~~ universal system benefits programs; and

~~(f) low-income energy assistance.~~

~~(39)~~(40) "Utility" means any public utility or cooperative utility."

**Insert:** "Section 5. Section 69-8-402, MCA, is amended to read:

**"69-8-402. Universal system benefits programs.** (1) Universal system benefits programs are established for the state of Montana to ensure continued funding of and new expenditures for energy conservation, renewable resource projects and applications, and ~~low-income energy assistance~~ the Montana energy assistance program.

(2) (a) Beginning January 1, 1999, ~~through December 31, 2005,~~ 2.4% of each utility's annual retail sales revenue in Montana for the calendar year ending December 31, 1995, is established as the initial funding level for universal system benefits programs. To collect this amount of funds on an annualized basis ~~in 1999,~~ the commission

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shall establish rates for utilities subject to its jurisdiction and the governing boards of cooperatives shall establish rates for the cooperatives. ~~These universal system benefits charge rates must remain in effect through December 31, 2005.~~

~~(b) (i) Subject to the recalculation in subsection (2)(b)(ii), beginning January 1, 2006, 2.4% of each utility's annual retail sales revenue in Montana for the calendar year ending December 31, 2004, is established as the funding level for universal system benefits programs. To collect this amount of funds on an annualized basis in 2006, the commission shall establish rates for utilities subject to its jurisdiction and the local governing board of cooperatives shall establish rates for cooperatives.~~

~~(ii) Beginning with the 4-year period that begins January 1, 2006, the funding level must be recalculated once every 4 calendar years. For the initial 4-year period, the funding level must be recalculated based on 2.4% of each utility's annual retail sales revenue in Montana for the calendar year concluding on December 31, 2008. The funding level must be recalculated on December 31 of the second year of each succeeding 4-year period based on 2.4% of each utility's annual retail sales revenue in Montana for that calendar year. The commission and the local governing body of cooperatives shall reestablish rates to go into effect on January 1, 2010, and on January 1 of each succeeding fourth calendar year in order to collect the adjusted funding level.~~

~~(a)(c) The recovery of all universal system benefits programs costs imposed pursuant to this section is authorized through the imposition of a universal system benefits charge assessed at the meter for each local utility system customer as provided in this section.~~

~~(b)(d) Except as provided in subsections (5)(c) and (6)(c), but subject to subsection (2)(g), a utility must receive credit toward annual funding requirements for the utility's internal programs or activities that qualify as universal system benefits programs, including those amortized or nonamortized portions of expenditures for the purchase of power that are for the acquisition or support of renewable energy, conservation-related activities, or low-income energy assistance, and for large customers' programs or activities as provided in subsection (7). The department of revenue shall review claimed credits or activities of the utilities and large customers customers' expenditures and activities pursuant to 69-8-414.~~

~~(e)(e) A utility's distribution services provider at which the sale of power for final end use occurs is the utility that receives credit for the universal system benefits programs expenditure.~~

~~(f)(f) A customer's distribution services provider shall collect universal system benefits funds less any allowable credits.~~

~~(e)(g) For a utility to receive credit for low-income-related universal system benefits programs expenditures, the activity must have taken place in Montana.~~

~~(f) If a utility's or a large customer's credit for internal activities does not satisfy the annual funding provisions of subsection (2), then the utility shall make a payment to the universal system benefits fund established in 69-8-412 for any difference.~~

~~(3) Cooperative utilities may collectively pool their statewide credits to satisfy their annual funding requirements for universal system benefits programs provided that the required allocation funding for the Montana energy assistance program pursuant to subsection (6)(a) is met on an annual basis and low-income energy assistance.~~

~~(4) A utility's transition plan must describe how the utility proposes to provide for universal system benefits programs, including the methodologies, such as cost-effectiveness and need determination, used to measure the utility's level of contribution to each program.~~

~~(5) (a) Except as provided in 69-8-403(8)(c), a public utility's minimum annual funding requirement for low-income energy and weatherization assistance the Montana energy assistance program is established at 17% 40% of the public utility's annual universal system benefits funding level and is inclusive within the overall universal system benefits funding level.~~

~~(a)(b) Except as provided in subsection (5)(c), a public utility must receive credit toward the public utility's low-income energy assistance annual funding requirement for the utility's internal low-income energy assistance programs or activities Montana energy assistance program activities.~~

~~(c) A public utility's Montana energy assistance program activities funded by large customers' allocations pursuant to subsection (8)(a) may not be used by the public utility to meet its annual Montana energy assistance program funding requirement pursuant to subsection (5)(a).~~

~~(b)(d) If a public utility's credit for internal activities Montana energy assistance program activities does not satisfy its annual funding requirement or if the public utility's Montana energy assistance program activities do not fully utilize the large customers' allocations pursuant to subsection (8)(a), then the public utility shall make a payment for any difference to the universal low-income energy assistance fund established in 69-8-412 69-8-412(1)(b).~~

~~(6) (a) A cooperative utility's annual funding requirement for the Montana energy assistance program is established at a minimum of 30% of the cooperative utility's annual universal system benefits funding level.~~

~~(b) Except as provided in subsection (6)(c), a cooperative utility must receive credit toward the cooperative utility's Montana energy assistance program activities.~~

~~(c) A cooperative utility's Montana energy assistance program activities funded by large customers' allocations pursuant to subsection (8)(a) may not be used by the cooperative utility to meet its annual Montana energy assistance~~



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program funding requirement pursuant to subsection (6)(a).

(d) If a cooperative utility's credit for Montana energy assistance program activities does not satisfy its annual funding requirement or if the cooperative utility's Montana energy assistance program activities do not fully utilize the large customers' allocations pursuant to subsection (8)(a), the cooperative utility shall make a payment for any difference to the universal low-income energy assistance fund established in 69-8-412(1)(b).

(7) Except as provided in subsections (5)(d) and (6)(d), if a utility's credit for internal programs or activities does not satisfy the annual funding provisions of subsection (2), the utility shall make a payment to the universal system benefits fund established in 69-8-412(1)(a) for any difference.

(6) An individual customer may not bear a disproportionate share of the local utility's funding requirements, and a sliding scale must be implemented to provide a more equitable distribution of program costs:

(7)(8) (a) A large customer shall:

(i) shall pay a universal system benefits programs charge with respect to the large customer's qualifying load equal to the lesser of:

(A) \$500,000, less the large customer credits provided for in this subsection (7); or

(B) the product of 0.9 mills per kilowatt hour multiplied by the large customer's total kilowatt hour purchases, less large customer credits with respect to that qualifying load provided for in this subsection (7);

(i) on an annual basis, allocate a minimum of 30% of its total universal system benefits charge for that year for the Montana energy assistance program; and

(ii) inform the large customer's utility, no later than January 15 of the year following the year in which the large customer paid the applicable universal system benefits charge, of the amount of the charge that the large customer decides to allocate for the Montana energy assistance program.

(b) The large customer's utility shall use the large customer's allocation for the utility's Montana energy assistance program activities.

(ii)(c) ~~must~~ A large customer may receive credit toward that large customer's reimbursement from its utility of a portion of its universal system benefits charge for:

(i) internal expenditures and activities that qualify as a universal system benefits programs expenditure, and these internal expenditures must include but not be limited to:

(A) expenditures conservation measures that result in a reduction in the consumption of electrical energy in the large customer's facility or that result in a more efficient use of electricity at the large customer's facility; and

(ii) internal expenditures and activities that result in the production of electrical energy from renewable resources for use in the large customer's facility.

(B) those amortized or nonamortized portions of expenditures for the purchase of power at retail or wholesale that are for the acquisition or support of renewable energy or conservation-related activities.

(b) Large customers making these expenditures must receive a credit against the large customer's universal system benefits charge, except that any of those amounts expended in a

(d) If the amount of the reimbursement in any given calendar year, that exceed when combined with the allocation by the large customer under subsection (8)(a) exceeds that large customer's universal system benefits charge for the that calendar year, the excess constitutes must be used as a credit that may be used against those charges in future years until the total amount of those expenditures has been credited against that large customer's universal system benefits charges.

(e) Subsection (8)(d) does not limit a large customer's obligation to allocate a minimum of 30% of its total universal system benefits charge for that year for the Montana energy assistance program as required by subsection (8)(a).

(9) On or before March 1 of each year, a utility shall publish a plan that describes how the utility intends to implement universal system benefits programs for that year. The plan of a public utility must be submitted to the department of public health and human services, the commission, and the energy and telecommunications interim committee provided for in 5-5-230. The plan of a cooperative utility must be submitted to the department of public health and human services, the energy and telecommunications interim committee, the cooperative utility's respective local governing body, and the statewide cooperative utility office.

(8)(10) (a) On or before March 1 of each year, ~~A~~ a public utility shall prepare and submit an annual summary a report of the public utility's universal system benefits program activities for the prior calendar year, relating to all universal system benefits programs. The report of a public utility must be submitted to the department of public health and human services, to the commission, the department of revenue, and the energy and telecommunications interim committee provided for in 5-5-230.

(b) On or before March 1 of each year, a cooperative utility shall prepare and submit a report of the utility's universal system benefits program activities for the prior calendar year if that cooperative utility implemented universal system benefits program activities. The report of a cooperative utility must be submitted to the department of public health and human services, the department of revenue, the energy and telecommunications interim committee provided for in 5-5-230, and the cooperative utility's respective local governing body.

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~~(c) On or before March 1 of each year, A cooperative utility shall prepare and submit annual summary reports of activities to the cooperative utility's respective local governing body, the statewide cooperative utility office, and the energy and telecommunications interim committee. The the statewide cooperative utility office shall prepare and submit an annual summary a report of the universal system benefits program activities of individual cooperative utilities that use the pooling provisions provided for in subsection (3), including a summary of the pooling of statewide credits, as provided in the calculations necessary to demonstrate compliance with subsection (3), to the department of public health and human services, the department of revenue, and the energy and telecommunications interim committee provided for in 5-5-230.~~

~~(d) The annual report of a public utility or of the statewide cooperative utility office must include but is not limited to:~~

~~(a)(i) the types of internal utility and customer programs being used to satisfy the provisions of this chapter;~~  
~~(b)(ii) the level of funding for those programs relative to the annual funding requirements level prescribed in subsection (2); and~~

~~(c)(iii) any payments made to the statewide funds in the event that internal funding was below the prescribed annual funding requirements.~~

~~(9)(11) A utility or large customer filing for a credit shall develop and maintain appropriate documentation to support the utility's or the large customer's claim for the credit; and the documentation must be made available to the public upon request, except to the extent that confidential information would be disclosed.~~

~~(10)(12) (a) A large customer claiming credits for a calendar year shall submit an annual summary report of its universal system benefits programs activities and expenditures and the allocation required by subsection (8)(a) to the department of revenue by March 1 of each year and to the large customer's utility. The annual report of a large customer must identify each qualifying project or expenditure for which it has claimed a credit and the amount of the credit. Prior approval by the department of revenue or the utility is not required, except as provided in subsection (10)(b) (12)(b).~~

~~(b) If a large customer claims a credit receives a reimbursement for an expenditure or activity that the department of revenue disallows in whole or in part, the large customer is financially responsible for the disallowance. A large customer and the large customer's utility may mutually agree that credits claimed by the large customer be first approved the large customer's expenditures and activities first be approved as qualifying by the utility. If the utility approves the large customer credit customer's reimbursement, the utility may be financially responsible for any subsequent disallowance.~~

~~(c) A large customer seeking or having received a reimbursement shall develop and maintain appropriate documentation to support the large customer's claim. This documentation constitutes a public record to the extent that the documentation does not contain a trade secret as defined in 30-14-402 or is otherwise confidential."~~

**Insert: "Section 6.** Section 69-8-403, MCA, is amended to read:

**"69-8-403. Commission authority -- rulemaking authority.** (1) Beginning on the effective date of a commission order regarding a public utility's transition plan, the commission shall regulate the public utility's retail transmission, distribution, and default supply services within the state of Montana, as provided in this chapter.

(2) The commission shall license electricity suppliers and enforce licensing provisions pursuant to 69-8-404.

(3) The commission shall promulgate rules that identify the licensees and ensure that the offered electricity supply is provided as offered and is adequate in terms of quality, safety, and reliability.

(4) The commission shall establish just and reasonable rates through established ratemaking principles for public utility default supply, distribution, and transmission services, including rates for service classes to ensure the collection of 2.4% of each public utility's 2004 annual retail sales revenue in Montana and then, in subsequent years, as directed under 69-8-402, to fund universal system benefits programs, and shall regulate these services. The commission may approve rates and charges for those services based on alternative forms of ratemaking, such as performance-based ratemaking, on a demonstration by the public utility that the alternative method complies with this chapter, and on the public utility's transition plan.

(5) The commission shall certify that a cooperative utility has adopted a transition plan that complies with this chapter. A cooperative utility's transition plan is considered certified 60 days after the cooperative utility files for certification.

(6) The commission shall promulgate rules that protect consumers, distribution services providers, and electricity suppliers from anticompetitive and abusive practices.

(7) (a) After July 1, 2010, the commission shall continuously monitor whether or not workable competition has developed for small customers.

(b) If the commission determines that workable competition has developed for small customers after July 1, 2010, the commission shall provide a report to the legislature that includes recommendations for legislative implementation of customer choice for small customers.

(8) The commission shall adopt rules implementing 69-8-402, applying the provisions of [section 9], that establish:

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(a) allocations between universal system benefits programs;  
(b) allocations within universal system benefits programs; and  
(c) procedures and guidelines for public utility low-income energy and conservation assistance expenditures to exceed the funding level established in 69-8-402(5) in necessary and appropriate circumstances.

~~(8)(9)~~ In addition to promulgating rules expressly provided for in this chapter, the commission may promulgate any other rules necessary to carry out the provision of this chapter.

~~(9)(10)~~ This chapter does not give the commission the authority to:

(a) regulate cooperative utilities in any manner other than reviewing certification filings for compliance with this chapter; or

(b) compel any change to a cooperative utility's certification filing made pursuant to this chapter."

**Insert: "Section 7.** Section 69-8-412, MCA, is amended to read:

**"69-8-412. Funds established -- fund administrators designated -- purpose of funds -- department rulemaking authority to administer funds.** (1) If, pursuant to ~~69-8-402(2)(f) or (5)(b); 69-8-402(5)(d), (6)(d), and (7),~~ there is any positive difference between credits and expenditures and the annual funding requirement requirements, the department of revenue shall establish one or both of the following funds:

(a) a fund to provide for universal system benefits programs other than low-income energy assistance. The department of environmental quality shall administer this fund.

(b) a fund to provide universal low-income energy assistance. The department of public health and human services shall administer this fund.

(2) The purpose of these funds is to fund universal system benefits programs.

(3) The department of environmental quality and the department of public health and human services shall expend the money in each representative fund on universal system benefits programs in the utility service territory from which the money was received.

(4) The department of environmental quality and the department of public health and human services may adopt rules that administer and expend the money in each respective fund based on an annual assessment of identified funding needs in the utility service territory from which the money was received. In assessing the funding needs, the departments shall solicit utility and public comment from the utility service territory from which the money was received. The annual assessment must also take into account existing utility and large customer universal system benefits programs expenditures."

**Insert: "Section 8.** Section 69-8-413, MCA, is amended to read:

**"69-8-413. Department rulemaking authority.** (1) The department of revenue shall adopt rules on or before ~~September 1, 1999~~ December 1, 2005, specifying acceptable universal system benefits programs credits and expenditures and adopting procedures for ~~challenged the review of~~ credits. The department is required to prepare uniform reporting requirements that will ensure that utilities and large customers provide enough information for the general public to understand and evaluate universal system benefits programs, expenditures, and activities.

(2) In developing rules under this section, the department of revenue shall consult with the public service commission.

~~(2) Rules adopted pursuant to this part must be adopted in accordance with the Montana Negotiated Rulemaking Act, Title 2, chapter 5, part 1.~~

~~(3) Universal system benefits programs credits claimed or expenditures made prior to the adoption of the rules under subsection (1) must be allowed and are not subject to the requirements of 69-8-414."~~

**Insert: "NEW SECTION. Section 9. Montana energy assistance program.** (1) There is a Montana energy assistance program.

(2) The Montana energy assistance program consists of:

(a) a monthly energy bill payment assistance program in the form of a rate discount, fixed credit, or both;

(b) energy assistance and weatherization assistance delivered to low-income customers in coordination with the federal department of energy's weatherization assistance program;

(c) an emergency or crisis assistance program; and

(d) other programs that seek to reduce barriers to affordability, such as arrears forgiveness, waivers for security deposits, and other comparable programs.

(3) In designing and implementing the Montana energy assistance program, utilities shall endeavor to:

(a) bring participants' bills into the range of affordability;

(b) provide incentives for participants to make timely payments; and

(c) encourage participants to reduce usage and participate in available conservation and energy efficiency measures that reduce the customer's bill and payment requirements.

(4) Priority must be given to a monthly energy bill payment assistance program."

**Insert: "NEW SECTION. Section 10. Department of public health and human services analysis and report.** The department of public health and human services shall provide to the energy and telecommunications interim committee, at a time to be determined by the committee, an analysis of the gap between energy bills, taking into

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account any bill payment assistance programs, and the ability of low-income households to pay for and retain monthly electric and natural gas service at various levels of household income, family size, and energy usage patterns, along with recommendations for closing this gap."

**Insert:** "Section 11. Section 69-8-414, MCA, is amended to read:

**"69-8-414. Universal system benefits programs credit review process.** (1) All annual reports required pursuant to 69-8-402(8) and (10) and (12) must be filed with the department of revenue on March 1 of each year.

(2) ~~Except as provided in 69-8-413, upon~~ Upon a challenge by an interested person, the department of revenue shall ensure that the credit claimed is consistent with this chapter. An interested person may file comments challenging the claim, including supporting documentation, with the department of revenue. A challenge of any claimed credit must be filed within 60 days of the department of revenue's receipt of the credit claimant's annual reports required pursuant to 69-8-402(8) and (10) and (12).

(3) Claimed credits are presumed to be correct unless challenged by an interested person. If a challenge is filed by an interested person, the department of revenue shall conduct an initial review of a challenged credit and shall ~~make a determination as to~~ determine the likelihood that the challenged credit qualifies for universal system benefits programs or determine that there is insufficient information provided in the report to make a determination that the challenged credit qualifies for universal system benefits programs. If the department of revenue finds that the challenged credit is not likely to qualify for universal system benefits programs; ~~or that there is insufficient information in the report to make a determination,~~ the department of revenue shall formally review the challenge; ~~otherwise~~ Otherwise, the department of revenue shall dismiss the challenge and provide a statement of the reasons supporting dismissal of the challenge. The burden of proof as to the qualification of the challenged expenditure rests with the entity that has claimed the credits, and the department of revenue may compel the entity to produce documents and other evidence as part of its review. ~~The department of revenue may request additional information from the credit claimant or interested person.~~ The department of revenue shall complete the initial review within 30 days of the challenge.

(4) If the department of revenue determines that a formal review of a challenged credit is necessary, the department of revenue shall provide public notice of the opportunity to comment to the credit claimant and interested persons. The department of revenue may also schedule an oral hearing. If a hearing is scheduled, the department of revenue shall provide public notice of the hearing to the credit claimant and interested persons.

(5) For a formal credit review challenge, the following procedures apply:

(a) The credit claimant shall provide documentation supporting the credit claimed to the department of revenue and to all interested persons, subject to department of revenue protective orders for confidential or sensitive materials, upon a showing of a privacy interest by the credit claimant.

(b) The department of revenue shall make all materials related to the claim, the challenge, and the submitted comments available to the credit claimant and for public inspection and photocopying, subject to any department of revenue protective orders.

(c) The credit claimant may respond in writing to any comments and other documents filed by an interested person.

(d) The department of revenue may ask for additional detailed information to implement this section.

(6) Upon completing a formal review of a challenged credit, the department of revenue shall make a decision to certify or to deny the credit claimed, providing a statement of the reasons supporting the department of revenue's decision. The formal review of a challenged credit, including the department of revenue's final decision, must be completed within 60 days of the department of revenue's public notice of the opportunity to comment on the challenged credit.""

**Insert:** "NEW SECTION. Section 12. Codification instruction. [Sections 9 and 10] are intended to be codified as an integral part of Title 69, chapter 8, part 4, and the provisions of Title 69, chapter 8, part 4, apply to [sections 9 and 10]."

And, as amended, do pass. Report adopted.

**SB 428**, do pass. Report adopted.

**FISH AND GAME** (Tropila, Chairman):  
**SB 405**, introduced bill, be amended as follows:

2/18/2005

1. Title, line 4.

**Strike:** "POPULATION TARGETS"

**Insert:** "POPULATIONS"

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2. Title, line 5.

**Strike:** "MET"

**Insert:** "BROUGHT BELOW MAXIMUM POPULATION TARGETS"

3. Page 2, line 1.

**Strike:** "population targets"

**Insert:** "populations"

**Strike:** "met"

**Insert:** "brought below maximum population targets "

And, as amended, do pass. Report adopted.

**SJR 24**, be adopted. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):

2/18/2005

**SB 174**, do pass. Report adopted.

**SB 423**, do pass. Report adopted.

**SB 459**, do pass. Report adopted.

**SB 465**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "SUBSTANCES"

**Insert:** "CHEMICALS"

2. Page 1, line 10.

**Strike:** "Any substance"

**Insert:** "(1) A chemical may not be"

3. Page 1, line 11 through line 12.

**Strike:** "must" on line 11 through "jurisdiction" on line 12

**Insert:** "unless the chemical appears on the department of transportation's list of approved products for that purpose"

4. Page 1.

**Following:** line 12

**Insert:** "(2) For the purposes of this section, "chemical" does not mean salt."

5. Page 1, line 18.

**Strike:** "Any substance"

**Insert:** "A chemical may not be"

6. Page 1, line 19.

**Strike:** "must" through "jurisdiction"

**Insert:** "unless the chemical appears on the department of transportation's list of approved products for that purpose"

7. Page 1.

**Following:** line 19

**Insert:** "(3) For the purposes of this section, "chemical" does not mean salt."

And, as amended, do pass. Report adopted.

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**SB 487**, introduced bill, be amended as follows:

1. Page 3, line 18.

**Strike:** "and"

2. Page 3, line 21.

**Following:** "violation"

**Strike:** " "

**Insert:** "; or"

3. Page 3, line 22.

**Strike:** "(c) If"

**Insert:** "(iii) if"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Wheat, Chairman):

2/18/2005

**SB 378**, introduced bill, be amended as follows:

1. Page 1, line 11.

**Following:** "**insurance**"

**Strike:** "**limits**"

**Insert:** "information"

2. Page 1, line 13.

**Following:** "upon the"

**Strike:** "parties against whom an action may be brought"

**Insert:** "insurer of a potentially responsible party"

3. Page 1, line 14.

**Following:** "and"

**Strike:** "liability"

**Following:** "any"

**Insert:** "liability"

4. Page 1, line 16.

**Following:** "the"

**Strike:** "parties"

**Insert:** "party"

5. Page 1, line 17.

**Following:** line 16

**Insert:** "(2) The request must be signed by the attorney for the requesting party, or by the requesting party if unrepresented, and must include a statement that:

(a) the request is made for the purpose of evaluating a claim for personal injury or death;

(b) to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, the claim is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and

(c) the request is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation."

**Renumber:** subsequent subsection

6. Page 1, line 17.

**Following:** "The"

**Strike:** "parties against whom a claim is alleged"

**Insert:** "insurer"

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7. Page 1, line 18.  
**Following:** "within"  
**Strike:** "15"  
**Insert:** "45"

8. Page 1, line 19.  
**Following:** line 18  
**Strike:** the first "parties"  
**Insert:** "insurer"  
**Following:** "on the"  
**Strike:** "parties"  
**Insert:** "insurer"

9. Page 1, line 23.  
**Following:** line 22  
**Insert:** "(4) Disclosure of information by an insurer pursuant to subsection (1) must be made in accordance with the provisions of the Insurance Information and Privacy Protection Act, Title 33, chapter 19."

And, as amended, do pass. Report adopted.

**SB 385**, introduced bill, be amended as follows:

1. Title, line 8.  
**Following:** "AGENCY;"  
**Insert:** "PROVIDING FOR SETTING PRIORITIES;"

2. Page 1, line 24.  
**Strike:** "represent the interests of children,"  
**Insert:** "assist"  
**Following:** "members"  
**Strike:** " "

3. Page 1, line 25 through page 2, line 1.  
**Following:** "custodians" on line 25  
**Strike:** remainder of line 25 through "52-2-304" on page 2, line 1  
**Insert:** "in their interactions with the department of public health and human services, including any complaints or grievances they have against the department with regard to the department's responsibilities under Title 41, chapter 3"

4. Page 2, line 3.  
**Following:** "allegations"  
**Insert:** "regarding the public mental health system"

5. Page 2, line 4.  
**Following:** "investigating"  
**Insert:** "the public mental health system"

6. Page 2, line 6.  
**Following:** "changes"  
**Insert:** "in the public mental health system and in the agencies charged with the prevention, identification, and treatment of child abuse and neglect"

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7. Page 2, line 10.

**Following:** "agency"

**Insert:** "public"

**Strike:** "including"

**Insert:** "and"

8. Page 2, line 11.

**Following:** "authorization"

**Insert:** "from those holding privacy interests"

**Strike:** "those"

**Insert:** "records"

9. Page 2, line 23.

**Strike:** "The"

**Insert:** "With respect to its duties related to mental health services, the"

10. Page 5, line 12.

**Following:** "2-15-210"

**Insert:** "if the ombudsman obtains written authorization as required by 2-15-210(6)"

11. Page 5, lines 15 and 16.

**Following:** "advocate" on line 15

**Strike:** remainder of line 15 through "2-15-210" on line 16

12. Page 6, line 18.

**Following:** "duties"

**Insert:** "concerning mental health services as"

13. Page 7, line 16.

**Following:** "2-15-210"

**Insert:** "if the ombudsman obtains written authorization as required by 2-15-210(6)"

14. Page 8, line 12.

**Strike:** "and family"

**Following:** "health"

**Insert:** "and family"

15. Page 8, line 14.

**Insert:** "NEW SECTION. Section 6. Priorities. It is the intent of the legislature that the mental health and family ombudsman prioritize the duties for assisting immediate and extended family members and child custodians in the following order:

(1) assist families in interacting with the department of public health and human services, including the use of the department's grievance procedure;

(2) based on the experience of the ombudsman, recommend systemic changes or activities to improve the functioning of agencies charged with the prevention, identification, and treatment of child abuse and neglect; and

(3) issue reports to the governor and the legislature concerning the recommendations in subsection (2)."

**Insert:** "NEW SECTION. Section 7. Codification instruction. [Section 6] is intended to be codified as an integral part of Title 2, chapter 15, part 2, and the provisions of Title 2, chapter 15, part 2, apply to [section 6]."



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And, as amended, do pass. Report adopted.

**SB 402**, introduced bill, be amended as follows:

1. Page 1, line 9.

**Following:** "requirements"

**Insert:** "-- definition"

**Following:** "requirements."

**Insert:** "(1)"

2. Page 1, line 11.

**Following:** "50-15-221"

**Insert:** "(4)"

3. Page 1, line 12.

**Following:** "50-15-403."

**Insert:** "Upon request, a certificate of stillbirth must be provided to a parent."

4. Page 1, line 13.

**Following:** line 12

**Insert:** "(2) As used in this section, "stillbirth" means the delivery of a fetus that did not show any signs of life."

And, as amended, do pass. Report adopted.

**SB 407**, do pass. Report adopted.

**SB 426**, introduced bill, be amended as follows:

1. Page 8, line 26 through line 27.

**Following:** "sealed" on line 26

**Strike:** remainder of line 26 through "ends" on line 27

**Insert:** "on the youth's 18th birthday"

2. Page 9, line 6.

**Following:** "apply to"

**Insert:** "medical records,"

3. Page 9, line 17.

**Following:** "services"

**Insert:** "and by the department"

4. Page 9, line 19.

**Following:** "services"

**Insert:** "and the department"

5. Page 9, line 20.

**Following:** "in the"

**Insert:** "respective"

6. Page 9, line 23.

**Following:** "services"

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**Insert:** "or by the department"

7. Page 10, line 15.

**Insert:** "(9) Nothing in this section prohibits the intraagency use or information sharing of formal or informal youth court records within the department's youth management information system. Electronic records of the department's youth management information system may not be shared except as provided in subsection (5). If a person authorized under 41-5-215 is in need of a copy of a record that is in electronic form, the department shall make only a physical copy of the record that is authorized and the person receiving the record shall destroy the record after it has fulfilled its purpose or as provided in subsection (2) of this section."

8. Page 10, line 16.

**Following:** "separate"

**Insert:** "-- formal policies and administrative rules required"

**Following:** "(1)"

**Insert:** "(a)"

9. Page 10, line 20.

**Following:** line 19

**Insert:** "(b) The office of the court administrator shall adopt formal policies, and the department shall adopt administrative rules to institute the requirements in subsection (1)(a)."

10. Page 10, line 23.

**Following:** "inaccessible"

**Insert:** "and unrecoverable"

11. Page 10, line 24.

**Following:** "protected"

**Insert:** ", which may include disassociating the offense and disposition information from the name of the youth"

12. Page 11, line 5.

**Following:** "copies of"

**Insert:** "formal and informal youth court records, including"

And, as amended, do pass. Report adopted.

**SB 429**, introduced bill, be amended as follows:

1. Page 1, line 10 through page 2, line 1.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

2. Page 2, line 3.

**Following:** "installation"

**Strike:** "-- disclosures"

3. Page 2, line 7.

**Following:** "state"

**Strike:** "sufficient"

4. Page 2, line 22 through line 30.

**Strike:** subsections (6) through (8) in their entirety

**Insert:** "(6) (a) For purposes of this section, "electronic tracking device" means a device that:

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(i) utilizes global positioning systems, ultrahigh frequency (UHF), very high frequency (VHF), cellular, microwave, or other electronic technology;

(ii) transmits or receives by electronic or mechanical means; and

(iii) when attached to a vehicle or other movable object, reveals the location or movement of the vehicle or other movable object.

(b) The term does not include an electronic device used to monitor the location of a criminal offender who is placed on probation, is monitored as a condition of bail, or is released from incarceration while the offender remains under the active supervision of the state."

5. Page 3, lines 2 through 6.

**Strike:** section 3 in its entirety

**Renumber:** subsequent section

6. Page 3, line 8.

**Strike:** "[Sections 1 through 3] are"

**Insert:** "[Section 1] is"

7. Page 3, line 9 through line 10.

**Following:** "apply to" on line 9

**Strike:** "[sections 1 through 3]"

**Insert:** "[section 1]"

And, as amended, do pass. Report adopted.

**SB 447**, introduced bill, be amended as follows:

1. Page 13, line 17.

**Following:** "13-27-312(3)"

**Insert:** "and subject to 13-27-312(5)"

2. Page 13, line 17 through line 18.

**Following:** "implication" on line 17

**Strike:** "1" on line 17 through "legislature" on line 18

3. Page 14, line 15.

**Following:** "notice"

**Strike:** "of a proposed ballot issue's rejection"

And, as amended, do pass. Report adopted.

**SB 462**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Mangan, Chairman):

2/18/2005

**SB 167**, do pass. Report adopted.

**SB 301**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "LEVIES;"

**Insert:** "CHANGING THE CONTENTS OF THE PROPERTY TAX NOTICE;"

2. Title, line 9.

**Following:** "7-21-3410,"

**Insert:** "15-16-101,"

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3. Page 7, line 6.

**Insert:** "Section 14. Section 15-16-101, MCA, is amended to read:

**"15-16-101. Treasurer to publish notice -- manner of publication.** (1) Within 10 days after the receipt of the property tax record, the county treasurer shall publish a notice specifying:

(a) that one-half of all taxes levied and assessed will be due and payable before 5 p.m. on the next November 30 or within 30 days after the notice is postmarked and that unless paid prior to that time the amount then due will be delinquent and will draw interest at the rate of 5/6 of 1% per month from the time of delinquency until paid and 2% will be added to the delinquent taxes as a penalty;

(b) that one-half of all taxes levied and assessed will be due and payable on or before 5 p.m. on the next May 31 and that unless paid prior to that time the taxes will be delinquent and will draw interest at the rate of 5/6 of 1% per month from the time of delinquency until paid and 2% will be added to the delinquent taxes as a penalty; and

(c) the time and place at which payment of taxes may be made.

(2) (a) The county treasurer shall send to the last-known address of each taxpayer a written notice, postage prepaid, showing the amount of taxes and assessments due for the current year and the amount due and delinquent for other years. The written notice must include:

(i) the taxable value of the property;

(ii) the total mill levy applied to that taxable value;

~~(iii) the value of each mill in that county;~~

~~(iv)~~(iii) itemized city services and special improvement district assessments collected by the county;

~~(v)~~(iv) the number of the school district in which the property is located; and

~~(vi)~~(v) the amount of the total tax due that is levied as city tax, county tax, state tax, school district tax, and other tax.

(b) If the property is the subject of a tax sale for which a tax sale certificate has been issued under 15-17-212, the notice must also include, in a manner calculated to draw attention, a statement that the property is the subject of a tax sale and that the taxpayer may contact the county treasurer for complete information.

(3) The municipality shall, upon request of the county treasurer, provide the information to be included under subsection ~~(2)(a)(iv)~~ (2)(a)(iii) ready for mailing.

(4) The notice in every case must be published once a week for 2 weeks in a weekly or daily newspaper published in the county, if there is one, or if there is not, then by posting it in three public places. Failure to publish or post notices does not relieve the taxpayer from any tax liability. Any failure to give notice of the tax due for the current year or of delinquent tax will not affect the legality of the tax.

(5) If the department revises an assessment that results in an additional tax of \$5 or less, an additional tax is not owed and a new tax bill does not need to be prepared."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 350**, do pass. Report adopted.

**SB 370**, do pass. Report adopted.

**SB 458**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "OF THE"

**Insert:** "WRITTEN"

2. Page 1, line 24.

**Following:** "use"

**Insert:** ",

**Following:** "construction"

**Insert:** ",

3. Page 1, line 25.

**Following:** "the"

**Insert:** "written"

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And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

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

2/18/2005

**HB 359**, introduced by Gutsche  
**HB 436**, introduced by Himmelberger  
**HB 473**, introduced by Parker  
**HB 493**, introduced by Noonan

**MOTIONS**

Senator Hawks moved that action on the Committee of the Whole report for Legislative Day 39 be reconsidered. Motion failed as follows:

Yeas: Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Schmidt, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Cooney moved SB 287 be taken from 3rd reading and referred to Senate Finance and Claims. Motion carried.

Senator Cooney moved SB 43 be blasted from Senate Judiciary and placed on 2nd reading the 41st Legislative Day. Motion carried as follows:

Yeas: Black, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Roush, Ryan, Schmidt, Smith, Squires, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Keenan, Laible, McGee, O'Neil, Pease, Perry, Shockley, Stapleton, Steinbeisser, Story, Tropila.  
Total 20

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

Senator Gallus moved the Senate Rules be suspended for late drafting of a resolution. Motion requiring 2/3 vote failed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams.  
Total 32

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Grimes, Keenan, Mangan, McGee, Perry, Stapleton,

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Steinbeisser, Story, Tash, Mr. President.  
Total 17

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 501**, introduced by McGee, referred to Taxation.  
**SB 502**, introduced by Barkus, Weinberg, referred to Taxation.  
**SB 503**, introduced by Tropila, referred to Fish and Game.  
**SB 504**, introduced by Laible, referred to Taxation.  
**SB 505**, introduced by Larson, referred to Taxation.

**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 Stapleton in the chair.

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

**SB 265** - Senator Larson moved **SB 265** do pass. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 287** - Senator Schmidt moved **SB 287** do pass. Motion carried unanimously.

**SB 353** - Senator Pease moved **SB 353** do pass.

**SB 353** - Senator Pease moved **SB 353**, second reading copy, be amended as follows:

1. Title, line 6.  
**Following:** "PARK"  
**Insert:** "AS AN ALTERNATIVE TO SLAUGHTER"

2. Title, line 8 through line 9.  
**Strike:** "THAT DESIRE" on line 8 through "HERD" on line 9

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3. Page 1, line 26.

**Following:** "department"

**Insert:** ",as an alternative to slaughter,"

**Following:** "bison"

**Insert:** "that are less than 2 years of age"

4. Page 3, line 6.

**Following:** "conducted"

**Insert:** ", "

**Following:** "department"

**Insert:** "and following any necessary holding period as determined by the state veterinarian,"

5. Page 3, line 6 through line 7.

**Strike:** "that desires" on line 6 through "present herd" on line 7

Amendment adopted unanimously.

**SB 353** - Senator Pease moved **SB 353**, as amended, do pass. Motion carried as follows:

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

Total 45

Nays: Hansen, Lind, McGee, Story, Toole.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 373** - Senator Essmann moved **SB 373** do pass. Motion carried unanimously.

**SB 401** - Senator Laslovich moved **SB 401** do pass.

**SB 401** - Senator Laslovich moved **SB 401**, second reading copy, be amended as follows:

1. Page 1, line 30.

**Strike:** "not"

Amendment adopted unanimously.

**SB 401** - Senator Laslovich moved **SB 401**, as amended, do pass. Motion carried unanimously.

**SB 422** - Senator Joe Balyeat moved **SB 422** do pass. Motion carried unanimously.

**SB 430** - Senator Ryan moved **SB 430** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Gebhardt, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 36

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Nays: Barkus, Cromley, Esp, Essmann, Gallus, Grimes, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.  
Total 13

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**SB 433** - Senator Lind moved **SB 433** do pass. Motion carried unanimously.

**SJR 15** - Senator McGee assumed the chair.

**SJR 15** - Senator Williams moved **SJR 15** be adopted. Motion carried unanimously.

**SJR 16** - Senator Williams moved **SJR 16** be adopted.

**SJR 16** - Senator Grimes moved **SJR 16**, second reading copy, be amended as follows:

1. Title, line 13.

**Following:** "SOCIAL SECURITY"

**Insert:** "THROUGH EFFECTIVE REFORM"

2. Title, line 13.

**Following:** "PRIVATIZING"

**Insert:** "ALL OF"

3. Page 1, lines 21 and 22.

**Strike:** lines 21 and 22 in their entirety

**Insert:** "WHEREAS, in 1950, there were 16 workers to supporting every one beneficiary, today there are only 3.3 workers supporting every beneficiary, and by the time our youngest workers turn 65, there will be only 2 workers supporting each beneficiary; and"

4. Page 1, line 28 through page 2, line 1.

**Strike:** line 28 through page 2, line 1 in their entirety

**Insert:** "WHEREAS, according to the Social Security trustees, 13 years from now, Social Security will be paying out more than it takes in and every year afterward will bring a new shortfall, bigger than the year before; and

WHEREAS, in the State of the Union address, President Bush called for an open, candid review of the options to strengthen Social Security permanently for our children and grandchildren; and

WHEREAS, as of 2004, the cost of doing nothing to fix our Social Security system has hit an estimated \$10.4 trillion, according to the Social Security trustees."

5. Page 2, line 8.

**Strike:** "and"

6. Page 2, line 9.

**Following:** "of the"

**Insert:** "entire"

**Following:** "Program"

**Insert:** "; and

(4) support efforts to move ahead with effective reforms

because our children's retirement security is more important than partisan politics"



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Amendment **not** adopted as follows:

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

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**SJR 16** - Senator Williams moved **SJR 16** be adopted. Motion carried as follows:

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

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**SJR 16** - Senator Stapleton reassumed the chair.

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Stapleton moved the Committee of the Whole report be adopted. Report adopted with Senator McGee voting nay.

**THIRD READING OF BILLS**

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

**HB 447** concurred in as follows:

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, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 47

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

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 88** passed as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 36

Nays: Bales, Balyeat, Barkus, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, McGee, O'Neil, Perry, Steinbeisser, Story.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 168** passed as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 40

Nays: Bales, Balyeat, Curtiss, Essmann, Keenan, McGee, O'Neil, Shockley, Story, Tash.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 344** passed as follows:

Yeas: Cobb, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, Perry, Roush, Stapleton, Steinbeisser, Story, Tash, Tropila.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 374** passed as follows:

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Yeas: Balyeat, Cooney, Elliott, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Mangan, Moss, Pease, Roush, Schmidt, Shockley, Squires, Toole, Wheat, Williams, Mr. President.  
Total 20

Nays: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Ellingson, Esp, Essmann, Gebhardt, Gillan, Grimes, Keenan, Laible, Laslovich, Lewis, Lind, McGee, O'Neil, Perry, Ryan, Smith, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg.  
Total 30

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 375** passed as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, McGee, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 409** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 48

Nays: Curtiss, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 10:00 a.m., Saturday, February 19, 2005. Motion carried.

Senate adjourned at 3:06 p.m.

BILL LOMBARDI

JON TESTER

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Secretary of Senate

President of the Senate