

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 11, 2005

SENATE JOURNAL
59TH LEGISLATURE
FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana
March 11, 2005

Senate Chambers
State Capitol

Senate convened at 12:30 p.m. President Tester presiding. Invocation by Rev. Steve Moody. Pledge of Allegiance to the Flag.

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

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

Nays: Balyeat, O'Neil.
Total 2

Absent or not voting: None.
Total 0

Excused: Grimes.
Total 1

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 3/11/2005
Correctly printed: **SB 109, SB 442, SB 510, SJR 20, SJR 29, HB 20, HB 39, HB 50, HB 55, HB 81, HB 82, HB 86, HB 155, HB 182, HB 183, HB 184, HB 198, HB 207, HB 216, HB 218, HB 224, HB 254, HB 273, HB 350, HB 354, HB 397, HB 437, HB 557, HB 598, HB 612, HB 701, HJR 29.**
Correctly engrossed: **SB 48, SB 133, SB 345, HB 135, HB 156, HB 250, HB 317, HB 537.**

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman): 3/11/2005
HB 156, be amended as follows:

1. Page 1, lines 25 through 30.

Following: "(3)"

Strike: "(a)" on line 25 through "payment." on line 30

Insert: "Regardless of the period allowed by a health insurance issuer for submission of claims for payment, a health insurance issuer may perform a review or audit to reconsider the validity of a claim and may request reimbursement for an invalid or overpaid claim within 12 months from the date upon which the health insurance issuer received notice of a determination, adjustment, or agreement regarding the amount payable with respect to a claim by:"

2. Page 2, lines 1 through 2.

Strike: "(b)" on line 1 through "by:" on line 2

3. Page 2, line 3.

Strike: "(i)"

Insert: "(a)"

Renumber: subsequent subsections

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And, as amended, be concurred in. Report adopted.

HB 537, be amended as follows:

1. Page 2, lines 1 through 6.

Strike: "(i)" on line 1 through "CLAIMANT." on line 6

Insert: "For the purposes of this subsection (5), the following definitions apply:

(i) "Claim" means a contact with an insurer by an insured or third party for the purpose of seeking payment. An inquiry into coverage on a property and casualty insurance policy is not claim activity unless:

(A) a payment is made;

(B) a reserve is established or loss adjustment expenses are incurred; or

(C) a written, formal denial of the claim is issued to the insured or claimant.

(ii) "Inquiry" means a request for information regarding the terms, conditions, or coverages offered under a property and casualty insurance policy that does not result in a claim."

2. Page 2, line 7.

Strike: "(ii)"

Insert: "(b)"

Strike: "described in subsection (5)(a)(i)"

3. Page 2, line 10.

Strike: "(III)"

Insert: "(c)"

4. Page 2, line 11.

Strike: "(b)"

Insert: "(d)"

5. Page 2, line 12.

Strike: "inquired only"

Insert: "made an inquiry"

6. Page 2, lines 13 through 17.

Strike: "(C) FOR THE" on line 13 through "CLAIM." on line 17

And, as amended, be concurred in. Report adopted.

HB 557, be concurred in. Report adopted.

FISH AND GAME (Tropila, Chairman):

3/11/2005

HB 39, be concurred in. Report adopted.

HB 50, be concurred in. Report adopted.

HB 81, be concurred in. Report adopted.

HB 82, be concurred in. Report adopted.

HJR 29, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Pease, Chairman):

3/11/2005

HB 135, be amended as follows:

1. Title, line 7.

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Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 1.

Following: line 19

Insert: "NEW SECTION. Section 4. Termination. [This act] terminates June 30, 2008."

And, as amended, be concurred in. Report adopted.

HB 224, be concurred in. Report adopted.

HB 273, be concurred in. Report adopted.

TAXATION (Elliott, Chairman):

3/11/2005

SB 48, introduced bill, be amended as follows:

1. Title, line 6.

Following: "SALARIES;"

Insert: "INCREASING THE CAP ON THE EXEMPT AGGREGATE MARKET VALUE OF CLASS EIGHT PROPERTY FROM \$5,000 TO \$20,000;"

2. Page 3, line 4.

Following: "taxation:"

Insert: "(5) The class eight property of a person or business entity that owns an aggregate of \$20,000 or less in market value of class eight property is exempt from taxation."

And, as amended, do pass. Report adopted.

SB 133, introduced bill, be amended as follows:

1. Page 3, line 4.

Strike: "its"

Insert: "the designated investor group's investors"

2. Page 4.

Following: line 13

Insert: "(c) The designated investor group shall maintain an office in Montana."

3. Page 4, line 14.

Strike: "monitor"

Insert: "approve the timing of the initial sale of certificates and"

4. Page 4, line 17.

Strike: "investor's"

Insert: "investor group's"

5. Page 4, line 22.

Following: line 21

Insert: "(5) The board, through one of its members, shall, once each calendar quarter while the legislature is not in session, report to the economic affairs interim committee on the board's progress in implementing [sections 1 through 15] and the board's success in achieving the purpose of [sections 1 through 15]."

Renumber: subsequent subsection

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6. Page 5, line 6.

Following: "holders."

Insert: "The amount of tax credits certified for use may not exceed \$25 million prior to January 1, 2009."

7. Page 5, line 9.

Strike: "current" through "(5),"

Insert: "taxes"

Following: "which"

Insert: "the board has determined"

8. Page 5, line 13.

Strike: "2005"

Insert: "2010"

9. Page 5, line 18 through line 21.

Strike: "and" on line 18 through "state" on line 21

10. Page 6, line 1.

Strike: "An" through "the"

Insert: "The"

Strike: ", including"

Insert: "that is"

Following: "partnership,"

Insert: "a"

11. Page 6, line 2.

Following: "company"

Insert: "taxed as a partnership"

Strike: "C. corporation,"

Insert: "or an"

Strike: ", estate" through "individual"

Insert: "may be claimed by the partner, member, or shareholder"

12. Page 6, line 3 through line 5.

Strike: line 3 through line 5 in their entirety

Insert: "The tax credit of an investor group that is an estate or trust may be claimed by the beneficiary. The amount of credit claimed by a partner, member, shareholder, or beneficiary must be the partner's, member's, shareholder's, or beneficiary's pro rata share of the earnings of the partnership, limited liability company, S. corporation, trust, or estate."

13. Page 6, line 7.

Strike: "committed"

Insert: "provided"

14. Page 7, line 17.

Following: "fund."

Insert: "When the Montana evergreen fund has invested or reserved for investment \$60 million, distribution of all the proceeds must be made to the state general fund."

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And, as amended, do pass. Report adopted.

SB 345, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Strike: "MARKET"

Strike: "PROPERTY TAX PURPOSES OF"

2. Title, line 10.

Following: "VALUE;"

Insert: "ESTABLISHING A COUNTY TAX DEFICIENCY LIEN; AND"

3. Title, lines 11 and 12.

Strike: the first "AND" on line 11

Following: "7-15-4293,"

Insert: "AND 15-10-420,"

Strike: "; AND" on line 11 through "DATE" on line 12

4. Page 1, line 23.

Following: the first "and"

Insert: "for"

Strike: "a parcel of land"

Insert: "real property"

5. Page 3, line 9 through line 10.

Strike: "i" on line 9 through "(i)" on line 10

6. Page 3, line 12 through line 16.

Strike: "i" on line 12 through "plan" on line 16

7. Page 4, line 7.

Following: "may"

Insert: "request the department of revenue or its agents to"

8. Page 4, line 11.

Insert: "**Section 4.** 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 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

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taxable property.

- (3) (a) For purposes of this section, newly taxable property includes:
- ~~(a)~~(i) annexation of real property and improvements into a taxing unit;
 - ~~(b)~~(ii) construction, expansion, or remodeling of improvements;
 - ~~(c)~~(iii) transfer of property into a taxing unit;
 - ~~(d)~~(iv) subdivision of real property; and
 - ~~(e)~~(v) transfer of property from tax-exempt to taxable status.

(b) Newly taxable property does not include an increase in value that arises because of an increase in the incremental value within a tax increment financing district.

(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:

- (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) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.

~~(b)~~(c) For the purpose of subsection ~~(3)~~(d) (3)(a)(iv), 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 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) 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

9. Page 4, line 13.

Strike: "assessment"

Following: "person"

Insert: ": (a)"

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10. Page 4, line 14 through page 5, line 28.

Following: "acquired" on page 4 line 14

Insert: ";

Strike: "located" on page 4, line 14 through "agreement." on page 5, line 28

Insert: "(b) requiring the individual to pay an annual tax deficiency fee whenever the property that is the subject of the agreement is valued by the department of revenue for property tax purposes at a market value that is less than the value established by the agreement. The amount of the deficiency fee may not exceed the difference between the minimum value expressed in the agreement and the market value established by the department of revenue.

(2) The property that is the subject of the agreement must be located or installed in an urban renewal area, industrial district, aerospace transportation and technology district, or any other area or district that is subject to a tax increment financing provision.

(3) The minimum value established by the agreement may be fixed or may increase or decrease in later years from the initial minimum value as provided in the agreement.

(4) The agreement creates a lien on the property pursuant to [section 6] and must be filed and recorded in the office of the county clerk and recorder in each county in which the property or any part of the property is located. Recording an agreement constitutes notice of the agreement to anyone who acquires any interest in the property that is the subject of the agreement, and the agreement is binding upon the person acquiring the interest.

(5) An agreement made pursuant to subsection (1) may be modified or terminated by mutual consent of the current parties to the agreement. Modification or termination of an agreement must be approved by the governing body of the municipality. A document modifying or terminating an agreement must be filed in the office of the county clerk and recorder in each county in which the property or any part of the property is located.

(6) An agreement entered into pursuant to subsection (1) or modified pursuant to subsection (5) terminates on the earliest of:

(a) the date on which conditions in the agreement for termination are satisfied;

(b) the termination date specified in the agreement; or

(c) the date when the tax increment is no longer paid to the municipality under 7-15-4292.

(7) Nothing in this section limits a municipality's authority to enter into contracts other than tax deficiency agreements as described in this section."

NEW SECTION. Section 6. County tax deficiency lien. A municipality has a lien for tax deficiency payments as described in a properly filed agreement for tax deficiency payment pursuant to [section 5]. The lien has the same priority as a lien for general property taxes. Lien proceeds must be disbursed pursuant to 7-15-4286(2).

Renumber: subsequent sections"

11. Page 5, line 30.

Following: "instruction."

Insert: "(1)"

Strike: "4"

Insert: "5"

12. Page 6, line 1.

Strike: "4"

Insert: "5"

13. Page 6, line 2.

Insert: "(2) [Section 6] is intended to be codified as an integral part of Title 71, chapter 3, part 15, and the provisions of Title 71, chapter 3, part 15, apply to [section 6]."

14. Page 6, line 3 through line 6.

Strike: section 6 through section 7 in their entirety

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

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Senate bills concurred in and returned to the Senate:

3/11/2005

SB 8, introduced by Roush
SB 9, introduced by Cromley
SB 26, introduced by Story
SB 36, introduced by Esp
SB 37, introduced by Schmidt
SB 50, introduced by McGee
SB 56, introduced by McGee
SB 83, introduced by Roush
SB 132, introduced by Cooney

House bills passed and transmitted to the Senate for concurrence:

3/11/2005

HB 421, introduced by Golie
HB 453, introduced by Furey
HB 674, introduced by Waitschies

MOTIONS

Senator Cooney moved **HB 83**, **HB 232**, **SB 66** and **SB 496** be taken from 3rd Reading and referred to Senate Finance and Claims. Motion carried.

Senator Balyeat moved his vote on **HB 347** be changed from "nay" to "aye". Motion carried.

Senator Balyeat moved his vote on **HB 400** be changed from "aye" to "nay". Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 510, introduced by Esp, referred to Taxation.

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

SJR 29, introduced by Laslovich, referred to Natural Resources.

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

HB 421, introduced by Golie, referred to Fish and Game.
HB 453, introduced by Furey, referred to Natural Resources.
HB 674, introduced by Waitschies, 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 Ryan in the chair.

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

HB 250 - Senator Moss moved **HB 250** be concurred in.

HB 250 - Senator Stapleton moved **HB 250**, second reading copy, be amended as follows:

1. Title, line 6.
Following: "EMERGENCY"
Insert: "TELEPHONE"

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2. Page 1, line 30.
Following: "emergency"
Insert: "telephone"

Amendment adopted unanimously.

HB 250 - Senator Moss moved **HB 250**, as amended, be concurred in. Motion carried unanimously.

SB 66 - Senator Kitzenberg moved **SB 66** do pass. Motion carried with Senators Balyeat and O'Neil voting nay.

SJR 20 - Senator Curtiss moved **SJR 20** be adopted. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Keenan, Kitzenberg, Laible, Laslovich, Lewis, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Tropila.
Total 35

Nays: Cooney, Ellingson, Esp, Harrington, Hawks, Larson, Lind, Moss, Schmidt, Squires, Toole, Weinberg, Wheat, Williams.
Total 14

Absent or not voting: None.
Total 0

Excused: Mr. President.
Total 1

HB 254 - Senator Weinberg moved **HB 254** be concurred in. Motion carried as follows:

Yeas: Balyeat, Black, Cocchiarella, Cooney, Ellingson, Elliott, Esp, Essmann, Gebhardt, Gillan, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 33

Nays: Bales, Barkus, Brueggeman, Cobb, Cromley, Curtiss, Gallus, Grimes, Hansen, Keenan, Laible, Mangan, McGee, Perry, Shockley, Stapleton, Tash.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 20 - Senator Mangan moved **HB 20** be concurred in. Motion carried unanimously.

HB 30 - Senator Shockley moved **HB 30** be concurred in. Motion carried with Senator Stapleton voting nay.

HB 55 - Senator Laslovich moved **HB 55** be concurred in. Motion carried unanimously.

HB 83 - Senator Hawks moved **HB 83** be concurred in. Motion carried unanimously.

HB 86 - Senator Larson moved **HB 86** be concurred in. Motion carried unanimously.

HB 155 - Senator Shockley moved **HB 155** be concurred in. Motion carried unanimously.

HB 180 - Senator Laible moved **HB 180** be concurred in. Motion carried unanimously.

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HB 182 - Senator Shockley moved **HB 182** be concurred in. Motion carried unanimously.

HB 183 - Senator Williams moved **HB 183** be concurred in. Motion carried unanimously.

HB 184 - Senator Laslovich moved **HB 184** be concurred in. Motion carried unanimously.

HB 198 - Senator Laible moved **HB 198** be concurred in. Motion carried unanimously.

HB 207 - Senator Steinbeisser moved **HB 207** be concurred in. Motion carried unanimously.

HB 216 - Senator Laslovich moved **HB 216** be concurred in. Motion carried unanimously.

HB 218 - Senator Shockley moved **HB 218** be concurred in. Motion carried unanimously.

HB 232 - Senator Shockley moved **HB 232** be concurred in. Motion carried with Senators Balyeat and Stapleton voting nay.

HB 317 - Senator Gillan moved **HB 317** be concurred in.

HB 317 - Senator Mangan moved **HB 317**, second reading copy, be amended as follows:

1. Title, lines 4 and 5.

Strike: " " on line 4 through "EXCEPT A RELIGIOUS BUILDING."

2. Page 1, lines 20 and 21.

Following: "or" on line 20

Insert: ", upon the unanimous vote of the trustees,"

Following: "building" on line 20

Strike: remainder of line 20 through "PURPOSES." on line 21

Amendment adopted unanimously.

HB 317 - Senator Gillan moved **HB 317**, as amended, be concurred in. Motion carried unanimously.

HB 350 - Senator Brueggeman moved **HB 350** be concurred in. Motion carried with Senator Curtiss voting nay.

HB 354 - Senator O'Neil moved **HB 354** be concurred in. Motion carried unanimously.

HB 397 - Senator Barkus moved **HB 397** be concurred in. Motion carried unanimously.

HB 437 - Senator Cobb moved **HB 437** be concurred in. Motion carried unanimously.

HB 598 - Senator Ellingson moved **HB 598** be concurred in. Motion carried unanimously.

HB 612 - Senator Curtiss moved **HB 612** be concurred in. Motion carried with Senator McGee voting nay.

HB 701 - Senator Cromley moved **HB 701** be concurred in. Motion carried unanimously.

SB 493 - Senator Laslovich moved consideration of **SB 493** be passed for the day. Motion carried.

SB 109 - Senator Cobb moved **SB 109** do pass. Motion carried unanimously.

SB 496 - Senator Cooney moved **SB 496** do pass. Motion carried as follows:

Yeas: Black, Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Schmidt, Smith, Squires, Toole, Weinberg,

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Wheat, Williams, Mr. President.
Total 27

Nays: Bales, Balyeat, Barkus, Cobb, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Roush, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 180 - Senator Perry made a **substitute motion** that **HB 180** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried.

HB 30 - Senator Grimes made a **substitute motion** that **HB 30** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried.

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

THIRD READING OF BILLS

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

HB 79 concurred in as follows:

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

Nays: Bales, Barkus, Curtiss, Esp, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Stapleton, Steinbeisser, Story, Tash.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 114 concurred in 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: Shockley.
Total 1

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

HB 131 concurred in as follows:

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

Nays: Balyeat, Barkus, Curtiss, Esp, Keenan, O'Neil, Smith, Stapleton, Steinbeisser, Tash.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 150 concurred in as follows:

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

Nays: Esp, Keenan, Stapleton.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 187 concurred in as follows:

Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, 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 46

Nays: Bales, Barkus, Esp, Keenan.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 188 concurred in 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,

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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

HB 242 concurred in 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

HB 298 concurred in 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, 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: McGee.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 302 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Essmann, McGee, O'Neil, Stapleton.
Total 4

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

HB 347 concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 44

Nays: Bales, Curtiss, Laible, McGee, O'Neil, Steinbeisser.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 400 concurred in as follows:

Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, 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, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 44

Nays: Bales, Barkus, Esp, McGee, Steinbeisser, Story.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 401 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, 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, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Esp, Story.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 429 concurred in 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, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith,

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Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: Curtiss.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 508 concurred in 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

HB 564 concurred in 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

HJR 6 concurred in as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Gallus, 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 45

Nays: Barkus, Esp, Essmann, Gebhardt, McGee.
Total 5

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

HJR 7 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, 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 49

Nays: Esp.
Total 1

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 8:00 a.m., Saturday, March 12, 2005. Motion carried.

Senate adjourned at 3:08 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate