

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

SENATE JOURNAL
59TH LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 22, 2005

Senate Chambers
State Capitol

Senate convened at 12:30 p.m. President Tester presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Barkus, Cocchiarella, and Squires, excused. Quorum present.

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

Total 42

Nays: Balyeat, Ellingson, Gebhardt, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Barkus, Cocchiarella, Squires.

Total 3

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL:

3/22/2005

Correctly printed: **SB 66, SB 146, SB 519, SB 520, HB 16, HB 206, HB 236, HB 363, HB 420, HB 425, HB 457, HB 520, HB 738, HJR 30.**

Correctly engrossed: **SB 249, SB 276, SB 287, SB 303, SB 323, SB 406, SB 491, SJR 5, HB 574, HB 652.**

Correctly enrolled: **SB 103, SB 129, SB 130, SB 134, SB 135, SB 136, SB 162, SB 165, SB 254, SB 316.**

Examined by the sponsor and found to be correct: **SB 57, SB 61, SB 64, SB 117, SB 166, SB 243.**

Signed by the Speaker at 3:15 p.m., March 22, 2005: **SB 57, SB 61, SB 64, SB 117, SB 166, SB 243.**

Signed by the Secretary of the Senate at 2:47 p.m., March 22, 2005: **SB 57, SB 61, SB 64, SB 117, SB 166, SB 243.**

Signed by the President at 3:00 p.m., March 22, 2005: **SB 57, SB 61, SB 64, SB 117, SB 166, SB 243.**

Delivered to the Governor for approval at 9:30 a.m., March 23, 2005: **SB 57, SB 61, SB 64, SB 117, SB 166, SB 243.**

EDUCATION AND CULTURAL RESOURCES (Ryan, Chairman):

3/22/2005

HB 16, be concurred in. Report adopted.

HB 574, be amended as follows:

1. Title, line 6.

Following: "ELECTORATE"

Insert: "AT CERTAIN ELECTIONS"

Following: "20-6-318,"

Insert: "AND"

Following: "20-9-428,"

Strike: "AND 20-9-471,"

2. Page 3, line 16.

Following: "rejected"

Insert: "When the trustees canvass the vote of a school district bond election under the provisions of 20-20-415, they

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

shall determine the approval or rejection of the school bond proposition in the following manner:

(a) If the school district bond election is held at a regular school election or at a special election called by the trustees, the trustees shall:

(i) determine the total number of electors of the school district who are qualified to vote under the provisions of 20-20-301 from the list of electors supplied by the county registrar for the school bond election;

(ii) determine the total number of qualified electors voting at the school bond election from the tally sheets for the election;

(iii) calculate the percentage of qualified electors voting at the school bond election by dividing the amount determined in subsection (1)(a)(ii) by the amount determined in subsection (1)(a)(i); and

(iv) when the calculated percentage in subsection (1)(a)(iii) is 40% or more, the school bond proposition is approved and adopted if a majority of the votes were cast in favor of the proposition, otherwise, it is rejected; or

(v) when the calculated percentage in subsection (1)(a)(iii) is more than 30% but less than 40%, the school bond proposition is approved and adopted if 60% or more of the votes were cast in favor of the proposition, otherwise, it is rejected; or

(vi) when the calculated percentage in subsection (1)(a)(iii) is 30% or less, the school bond proposition is rejected."

3. Page 3, line 16 through line 17.

Strike: "Whenever" on line 16 through "district" on line 17

Insert: "(b) If the school district bond election is held"

4. Page 3, line 25 through page 4, line 28.

Strike: section 4 in its entirety

Renumber: subsequent section

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

HB 652, be amended as follows:

1. Title, line 6 through line 7.

Strike: "CLARIFYING" on line 6 through "DISTRICT;" on line 7

2. Page 1, line 17.

Strike: "(2)(C)"

Insert: "(2)(b)"

3. Page 1, line 20 through line 25.

Strike: subsection (b) in its entirety

Renumber: subsequent subsection

4. Page 1, line 28.

Strike: "(2)(C)"

Insert: "(2)(b)"

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

FINANCE AND CLAIMS (Cooney, Chairman):

SB 66, do pass. Report adopted.

SB 249, introduced bill, be amended as follows:

3/22/2005

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

1. Title, page 1, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 1, line 27 through page 2, line 12.

Strike: ":" on page 1, line 27 through "(e)" on page 2, line 12

3. Page 2, line 14.

Following: "services"

Strike: remainder of line 14 through "assessment"

4. Page 2, line 23 through line 24.

Following: "plan" on line 23

Strike: remainder of line 23 through "evaluation" on line 24

Following: "and" on line 24

Insert: "on"

5. Page 3, line 5 through line 6.

Following: "plan" on line 5

Strike: remainder of line 5 through "evaluation" on line 6

Following: "and" on line 6

Insert: "on"

6. Page 3, line 15.

Insert: "NEW SECTION. **Section 5. Termination date.** [Section 1] terminates June 30, 2007."

And, as amended, do pass. Report adopted.

SB 287, introduced bill, be amended as follows:

1. Title, page 1, line 13 through line 14.

Following: "OF" on line 13

Strike: remainder of line 13 through "SERVICES" on line 14

Insert: "JUSTICE"

2. Page 3, line 16.

Strike: "public health and human services"

Insert: "justice"

Strike: "2-15-2201"

Insert: "2-15-2001"

3. Page 4, line 28.

Strike: "Title 50, chapter 31, part 5,"

Insert: "Title 44, chapter 4,"

4. Page 4, line 29.

Strike: "Title 50, chapter 31, part 5,"

Insert: "Title 44, chapter 4,"

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

And, as amended, do pass. Report adopted.

SB 491, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "REVISING THE DEFINITION OF "COMPENSATION";"

2. Page 1, line 20.

Following: "services"

Strike: "including payments for overtime."

3. Page 1, line 23.

Strike: "including"

Insert: "excluding"

Strike: "but excluding"

4. Page 1, line 27.

Strike: "including"

Insert: "excluding"

Strike: "but excluding"

5. Page 2, line 1.

Following: "overtime."

Insert: "overtime,"

6. Page 2, line 20.

Following: "highest"

Insert: "consecutive"

Following: the second "36"

Insert: "consecutive"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Roush, Chairman):

3/22/2005

HB 236, be concurred in. Report adopted.

TAXATION (Elliott, Chairman):

3/22/2005

SB 276, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "TAXATION"

Insert: "BEGINNING WITH TAX YEAR 2004"

Strike: "LOCAL GOVERNMENT"

Insert: "BENTONITE"

2. Title, page 1, line 6.

Following: "PRODUCED"

Insert: "BEGINNING WITH TAX YEAR 2005"

Following: "PRODUCED;"

Insert: "EXEMPTING FROM TAXATION THE FIRST 20,000 TONS OF BENTONITE PRODUCED IN A YEAR;"

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

3. Title, page 1, line 7.

Following: "PRODUCED;"

Insert: "REQUIRING THE SEMIANNUAL PAYMENT OF THE TAX;"

4. Title, page 1, line 10.

Following: "DISTRIBUTION OF"

Insert: "BENTONITE PRODUCTION"

Strike: "TO COUNTIES AND SCHOOL DISTRICTS"

5. Title, page 1, line 13.

Following: "15-6-208,"

Insert: "15-23-101,"

Strike: "15-23-103," through "15-23-115,"

6. Page 1, line 19 through page 3, line 3.

Strike: section 1 in its entirety

Insert: "NEW SECTION. Section 1. Production tax rates imposed on bentonite production. (1) The production of bentonite is taxed as provided in this section. The tax is distributed as provided in [section 10].

(2) (a) Except as provided in subsection (3), the tax on bentonite is on the gross yield of bentonite produced, measured in tons before crushing and drying, by the owner or operator within the exterior boundaries of an elementary school district. The tax is computed according to the following annual production schedule:

(i) on the first 80,000 tons produced in excess of the amount exempted in subsection (3), \$1.56 a ton;

(ii) on the next 150,000 tons produced, \$1.50 a ton;

(iii) on the next 250,000 tons produced, \$1.40 a ton;

(iv) on the next 500,000 tons produced, \$1.25 a ton;

(v) on production in excess of 1 million tons, \$1 a ton.

(b) For tax years beginning after December 31, 2009, the dollar amounts referred to in the schedule in subsections (2)(a)(i) through (2)(a)(v) must be adjusted by the department by multiplying each dollar amount by the quotient of the PCE for the first quarter of the year previous to the tax year for which the tax is being calculated, divided by the PCE for the first quarter of the 2009 tax year.

(c) For the purposes of this section:

(i) "PCE" has the meaning provided in 15-23-515; and

(ii) "ton" means 2,000 pounds.

(3) The first 20,000 tons produced in a calendar year are exempt from taxation."

Insert: "NEW SECTION. Section 2. Semiannual payment of tax -- statement -- authority of department. (1) (a) The bentonite production tax imposed under [section 1] and the tax on royalties under [section 3] must be paid in semiannual installments for the semiannual periods ending, respectively, June 30 and December 31 of each year, and the amount of the tax for each semiannual period must be paid to the department within 45 days after the end of each semiannual period. The owner or operator of the bentonite mine shall pay the production tax and the tax on royalty interests.

(b) Unless otherwise provided in a contract or lease, the pro rata share of any royalty owner must be deducted from any settlements under the lease or leases or division of proceeds orders or contracts.

(2) The owner or operator shall complete on forms prescribed by the department a statement showing:

(a) the name and address of the owner or lessee or operator of the mine, together with the names and addresses of any persons owning or claiming any royalty interest in the mineral product of the mine or the proceeds derived from the sale of products, and the amount or amounts paid or yielded as royalty to each of the persons during the period covered by the statement;

(b) the description and location of the mine or mines;

(c) the number of tons of bentonite extracted, produced, and treated or sold from the mine during the period covered by the statement;

(d) the amount and character of the bentonite and the yield of the bentonite from the mine before crushing and drying, measured in tons, yielded to the person engaged in mining and to each royalty holder, if any, during the period covered by the statement; and

(e) the gross yield of value in dollars and cents.

(3) The statement must be signed by the individual or the president, vice president, treasurer, assistant treasurer, or authorized agent of the association, corporation, joint-stock company, or syndicate making the statement.

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

(4) The statement must be accompanied by the tax due.

(5) The tax collected under this section must be deposited in the state special revenue fund for distribution as provided in [section 10].

(6) For the purpose of determining compliance with the provisions of [sections 1 through 11], the department is authorized to examine or cause to be examined any books, papers, records, or memoranda relevant to making a determination of the amount of tax due, whether the books, papers, records, or memoranda are the property of or in the possession of the person filing the return or another person. In determining compliance, the department may use statistical sampling and other sampling techniques consistent with generally accepted auditing standards. The department may also:

(a) require the attendance of a person having knowledge or information relevant to a statement;

(b) compel the production of books, papers, records, or memoranda by the person required to attend;

(c) implement the provisions of 15-1-703 if the department determines that the collection of the tax is or may be jeopardized because of delay;

(d) take testimony on matters material to the determination; and

(e) administer oaths or affirmations."

Renumber: subsequent section

7. Page 3, line 6.

Strike: "during the year"

Strike: "1(1)"

Insert: "2"

8. Page 3, line 7.

Following: "owner"

Insert: "and are paid as provided in [section 2]"

9. Page 3, line 7 through line 8.

Strike: "For" on line 7 through "apply." on line 8

10. Page 3, line 10 through line 13.

Strike: section 3 in its entirety

Insert: "NEW SECTION. Section 4. Examination of statement -- adjustments -- delivery of notices and demands.

(1) If the department determines that the amount of tax due is different from the amount reported, the amount of tax computed on the basis of the examination conducted pursuant to [section 2] constitutes the tax to be paid.

(2) If the tax due exceeds the amount of tax reported as due on the taxpayer's statement, the excess must be paid to the department within 30 days after notice of the amount and demand for payment are mailed or delivered to the person making the statement unless the taxpayer files a timely objection as provided in 15-1-211. If the amount of the tax found due by the department is less than that reported as due on the statement and has been paid, the excess must be credited or, if no tax liability exists or is likely to exist, refunded to the person making the statement.

(3) The notice and demand provided for in this section must contain a statement of the computation of the tax and interest and must be:

(a) sent by mail to the taxpayer at the address given in the taxpayer's statement, if any, or to the taxpayer's last-known address; or

(b) served personally upon the taxpayer.

(4) A taxpayer filing an objection to the demand for payment is subject to and governed by the uniform tax review procedure provided in 15-1-211."

Insert: "NEW SECTION. Section 5. Penalties and interest for violation. (1) (a) A person who fails to file a statement as required by [section 2] must be assessed a penalty as provided in 15-1-216. The department may waive the penalty as provided in 15-1-206.

(b) A person who fails to file the statement required by [section 2] and to pay the tax before the due date must be assessed a penalty and interest as provided in 15-1-216. The department may waive any penalty pursuant to 15-1-206.

(2) A person who purposely fails to pay the tax when due must be assessed an additional penalty as provided in 15-1-216(1)(d)."

Insert: "NEW SECTION. Section 6. Authority to collect delinquent taxes. (1) (a) The department shall collect

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

taxes that are delinquent as determined under [sections 1 through 11].

(b) If a tax imposed by [sections 1 through 11] or any portion of the tax is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

(2) In addition to any other remedy, in order to collect delinquent taxes after the time for appeal has expired, the department may direct the offset of tax refunds or other funds that are due to the taxpayer from the state, except wages subject to the provisions of 25-13-614 and retirement benefits.

(3) As provided in 15-1-705, the taxpayer has the right to a review on the tax liability prior to any offset by the department.

(4) The department may file a claim for state funds on behalf of the taxpayer if a claim is required before funds are available for offset."

Insert: "NEW SECTION. Section 7. Interest on deficiency -- penalty. (1) Interest accrues on unpaid or delinquent taxes as provided in 15-1-216. The interest must be computed from the date on which the statement and tax were originally due.

(2) If the payment of a tax deficiency is not made within 60 days after it is due and payable and if the deficiency is due to negligence on the part of the taxpayer but without fraud, the penalty imposed by 15-1-216(1)(c) must be added to the amount of the deficiency."

Insert: "NEW SECTION. Section 8. Limitations. (1) Except in the case of a person who purposely or knowingly, as those terms are defined in 45-2-101, files a false or fraudulent statement violating the provisions of [sections 1 through 11], a deficiency may not be assessed or collected with respect to a tax period for which a statement is filed unless the notice of additional tax proposed to be assessed is mailed to or personally served upon the taxpayer within 5 years from the date on which the statement was filed. For purposes of this section, a statement filed before the last day prescribed for filing is considered to be filed on the last day.

(2) If, before the expiration of the 5-year period prescribed in subsection (1) for assessment of the tax, the taxpayer consents in writing to an assessment after expiration of the 5-year period, a deficiency may be assessed at any time prior to the expiration of the period consented to."

Insert: "NEW SECTION. Section 9. Credit or refund for overpayment -- refund from county -- interest on overpayment. (1) If the department determines that the amount of tax, penalty, or interest due for any semiannual period is less than the amount paid, the amount of the overpayment must be credited against any tax, penalty, or interest then due from the taxpayer and the balance refunded to the taxpayer or its successor through reorganization, merger, or consolidation or to its shareholders upon dissolution.

(2) (a) The amount of an overpayment credited against any tax, penalty, or interest due for any tax period or any refund or portion of a refund, which has not been distributed pursuant to [section 10], must be withheld from the current distribution made pursuant to [section 10].

(b) If the amount of the refund reduces the amount of tax previously distributed pursuant to [section 10] and if the current distribution, if any, is insufficient to offset the refund, then the department shall demand the amount of the refund from the county to which the tax was originally distributed. The county treasurer shall remit the amount demanded within 30 days of the receipt of notice from the department.

(3) Except as provided in subsection (4), interest must be allowed on overpayments at the same rate as is charged on unpaid taxes provided in 15-1-216 beginning from the due date of the statement or from the date of overpayment, whichever date is later, to the date on which the department approves refunding or crediting of the overpayment.

(4) (a) Interest may not accrue during any period in which the processing of a claim for refund is delayed more than 30 days by reason of failure of the taxpayer to furnish information requested by the department for the purpose of verifying the amount of the overpayment.

(b) Interest is not allowed:

(i) if the overpayment is refunded within 6 months from the date on which the statement is due or from the date on which the statement is filed, whichever is later; or

(ii) if the amount of interest is less than \$1."

Insert: "NEW SECTION. Section 10. Distribution of taxes. (1) (a) For each semiannual period, the department shall determine the amount of tax, late payment interest, and penalties collected under [sections 1 through 11] from bentonite mines that produced bentonite before January 1, 2005. The tax is distributed as provided in subsections (2) through (12).

(b) For each semiannual period, the department shall determine the amount of tax, late payment interest, and penalties collected under [sections 1 through 11] from bentonite mines that first began producing bentonite after December 31, 2004. The tax is distributed as provided in subsection (13).

(2) For the production of bentonite occurring after December 31, 2004, and before January 1, 2006, the tax determined under subsection (1)(a) is allocated according to the following schedule:

(a) 2.33% to the state special revenue fund to be appropriated to the Montana university system for the

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

purposes of the state tax levy as provided in 20-25-423;

(b) 18.14% to the state general fund to be appropriated for the purposes of the tax levies as provided in 20-9-331, 20-9-333, and 20-9-360;

(c) 3.35% to Carbon County to be distributed in proportion to current fiscal year mill levies in the taxing jurisdictions in which production occurs, except a distribution may not be made for county and state levies under 20-9-331, 20-9-333, 20-9-360, and 20-25-423; and

(d) 76.18% to Carter County to be distributed in proportion to current fiscal year mill levies in the taxing jurisdictions in which production occurs, except a distribution may not be made for county and state levies under 20-9-331, 20-9-333, 20-9-360, and 20-25-423.

(3) For the production of bentonite occurring after December 31, 2005, and before January 1, 2007, 90% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 10% must be distributed as provided in subsection (13).

(4) For the production of bentonite occurring after December 31, 2006, and before January 1, 2008, 80% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 20% must be distributed as provided in subsection (13).

(5) For the production of bentonite occurring after December 31, 2007, and before January 1, 2009, 70% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 30% must be distributed as provided in subsection (13).

(6) For the production of bentonite occurring after December 31, 2008, and before January 1, 2010, 60% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 40% must be distributed as provided in subsection (13).

(7) For the production of bentonite occurring after December 31, 2009, and before January 1, 2011, 50% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 50% must be distributed as provided in subsection (13).

(8) For the production of bentonite occurring after December 31, 2010, and before January 1, 2012, 40% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 60% must be distributed as provided in subsection (13).

(9) For the production of bentonite occurring after December 31, 2011, and before January 1, 2013, 30% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 70% must be distributed as provided in subsection (13).

(10) For the production of bentonite occurring after December 31, 2012, and before January 1, 2014, 20% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 80% must be distributed as provided in subsection (13).

(11) For the production of bentonite occurring after December 31, 2013, and before January 1, 2015, 10% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (2) and 90% must be distributed as provided in subsection (13).

(12) For the production of bentonite occurring in tax years beginning after December 31, 2014, 100% of the tax determined under subsection (1)(a) must be distributed as provided in subsection (13).

(13) For the production of bentonite, 100% of the tax determined under subsection (1)(b) and the distribution percentages determined under subsections (3) through (12) are allocated according to the following schedule:

(a) 1.30% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423;

(b) 20.75% to the state general fund to be appropriated for the purposes of the tax levies as provided in 20-9-331, 20-9-333, and 20-9-360;

(c) 77.95% to the county in which production occurred to be distributed in proportion to current fiscal year mill levies in the taxing jurisdictions in which production occurs, except a distribution may not be made for county and state levies under 15-10-107, 20-9-331, 20-9-333, 20-9-360, and 20-25-423.

(14) The department shall remit the amounts to be distributed in this section to the county treasurer by the following dates:

(a) On or before October 1 of each year, the department shall remit the county's share of bentonite production tax payments received for the semiannual period ending June 30 of the current year to the county treasurer.

(b) On or before April 1 of each year, the department shall remit the county's share of bentonite production tax payments received to the county treasurer for the semiannual period ending December 31 of the previous year.

(15) (a) The department shall also provide to each county the amount of gross yield of value from bentonite, including royalties, for the previous calendar year. Thirty-three and one-third percent of the gross yield of value must be treated as taxable value for county classification purposes under 7-1-2111 and for determining school district debt limits under 20-9-406.

(b) The percentage amount of the gross yield of value determined under subsection (15)(a) must be treated as assessed value under 15-8-111 for the purposes of local government debt limits and other bonding provisions as

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

provided by law."

Insert: "NEW SECTION. Section 11. Administration -- rules. The department shall:

- (1) administer and enforce the provisions of [sections 1 through 11];
- (2) cause to be prepared and distributed forms and information that may be necessary to administer the provisions of [sections 1 through 11]; and
- (3) adopt rules that may be necessary or appropriate to administer and enforce the provisions of [sections 1 through 11]."

Renumber: subsequent sections

11. Page 4, line 2 through page 5, line 9.

Strike: section 6 through section 8 in their entirety

"Section 14. Section 15-23-101, MCA, is amended to read:

"15-23-101. Properties centrally assessed. The department shall centrally assess each year:

- (1) the railroad transportation property of railroads and railroad car companies operating in more than one county in the state or more than one state;
- (2) property owned by a corporation or other person operating a single and continuous property operated in more than one county or more than one state, including but not limited to telegraph, telephone, microwave, and electric power or transmission lines; natural gas or oil pipelines; canals, ditches, flumes, or like properties and including, if congress passes legislation that allows the state to tax property owned by an agency created by congress to transmit or distribute electrical energy, property constructed, owned, or operated by a public agency created by congress to transmit or distribute electrical energy produced at privately owned generating facilities, not including rural electric cooperatives;
- (3) all property of scheduled airlines;
- (4) the net proceeds of mines, except bentonite mines;
- (5) the gross proceeds of coal mines; and
- (6) property described in subsections (1) and (2) that is subject to the provisions of Title 15, chapter 24, part 12."

Renumber: subsequent sections

12. Page 5, line 22.

Strike: "3"

Insert: "11"

13. Page 7.

Following: line 1

Insert: "NEW SECTION. Section 17. Transition. (1) For property tax purposes, mill levies imposed in 2004 on bentonite production occurring in tax year 2003 for fiscal year 2005 are generally payable in November 2004 and May 2005.

(2) Notwithstanding any other provision of [this act], an owner or operator of a bentonite mine shall file the statement required by 15-23-502 at the time specified in 15-23-103 for tax year 2004."

Renumber: subsequent section

14. Page 7, line 3.

Strike: "3"

Insert: "11"

15. Page 7, line 4.

Following: the first "Title 15,"

Strike: "chapter 23,"

Following: the second "Title 15"

Strike: ", chapter 23,"

16. Page 7, line 5.

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

Strike: "3"
Insert: "11"

17. Page 7.
Following: line 5
Insert: "NEW SECTION. Section 19. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."
Renumber: subsequent sections

18. Page 7, line 9.
Following: "**applicability.**"
Insert: "(1)"
Strike: "This act"
Insert: "Sections 1 through 11"
Strike: "applies"
Insert: "apply"

19. Page 7.
Following: line 10
Insert: "(2) [Sections 12 through 16] apply retroactively, within the meaning of 1-2-109, to bentonite production occurring after December 31, 2003."

And, as amended, do pass. Report adopted.

SB 303, introduced bill, be amended as follows:

1. Title, line 5 through line 6.
Strike: the second "FOR" on line 5 through "PURPOSES" on line 6
Strike: "15-30-111"
Insert: "15-30-121"

2. Page 1, line 11 through page 5, line 26.
Strike: everything after the enacting clause
Insert: "**Section 1.** Section 15-30-121, MCA, is amended to read:
"**15-30-121. Deductions allowed in computing net income.** (1) In computing net income, there are allowed as deductions:
(a) the items referred to in sections 161, including the contributions referred to in 33-15-201(5)(b), and 211 of the Internal Revenue Code, 26 U.S.C. 161 and 211, subject to the following exceptions, which are not deductible:
(i) items provided for in 15-30-123;
(ii) state income tax paid;
(iii) ~~premium payments for medical care~~ expenses as provided in subsection (1)(g)(~~t~~); and
~~(iv) long-term care insurance premium payments as provided in subsection (1)(g)(ii); and~~
~~(v)(iv)~~ a charitable contribution using a charitable gift annuity unless the annuity is a qualified charitable gift annuity as defined in 33-20-701;
(b) federal income tax paid within the tax year, not to exceed \$5,000 for each taxpayer filing singly, head of household, or married filing separately or \$10,000 if married and filing jointly;
(c) expenses of household and dependent care services as outlined in subsections (1)(c)(i) through (1)(c)(iii) and (2) and subject to the limitations and rules as set out in subsections (1)(c)(iv) through (1)(c)(vi), as follows:
(i) expenses for household and dependent care services necessary for gainful employment incurred for:
(A) a dependent under 15 years of age for whom an exemption can be claimed;
(B) a dependent as allowable under 15-30-112(5), except that the limitations for age and gross income do not apply, who is unable to provide self-care because of physical or mental illness; and
(C) a spouse who is unable to provide self-care because of physical or mental illness;
(ii) employment-related expenses incurred for the following services, but only if the expenses are incurred to enable the taxpayer to be gainfully employed:

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

- (A) household services that are attributable to the care of the qualifying individual; and
- (B) care of an individual who qualifies under subsection (1)(c)(i);
- (iii) expenses incurred in maintaining a household if over half of the cost of maintaining the household is furnished by an individual or, if the individual is married during the applicable period, is furnished by the individual and the individual's spouse;
- (iv) the amounts deductible in subsections (1)(c)(i) through (1)(c)(iii), subject to the following limitations:
 - (A) a deduction is allowed under subsection (1)(c)(i) for employment-related expenses incurred during the year only to the extent that the expenses do not exceed \$4,800;
 - (B) expenses for services in the household are deductible under subsection (1)(c)(i) for employment-related expenses only if they are incurred for services in the taxpayer's household, except that employment-related expenses incurred for services outside the taxpayer's household are deductible, but only if incurred for the care of a qualifying individual described in subsection (1)(c)(i)(A) and only to the extent that the expenses incurred during the year do not exceed:
 - (I) \$2,400 in the case of one qualifying individual;
 - (II) \$3,600 in the case of two qualifying individuals; and
 - (III) \$4,800 in the case of three or more qualifying individuals;
 - (v) if the combined adjusted gross income of the taxpayers exceeds \$18,000 for the tax year during which the expenses are incurred, the amount of the employment-related expenses incurred, to be reduced by one-half of the excess of the combined adjusted gross income over \$18,000;
 - (vi) for purposes of this subsection (1)(c):
 - (A) married couples shall file a joint return or file separately on the same form;
 - (B) if the taxpayer is married during any period of the tax year, employment-related expenses incurred are deductible only if:
 - (I) both spouses are gainfully employed, in which case the expenses are deductible only to the extent that they are a direct result of the employment; or
 - (II) the spouse is a qualifying individual described in subsection (1)(c)(i)(C);
 - (C) an individual legally separated from the individual's spouse under a decree of divorce or of separate maintenance may not be considered as married;
 - (D) the deduction for employment-related expenses must be divided equally between the spouses when filing separately on the same form;
 - (E) payment made to a child of the taxpayer who is under 19 years of age at the close of the tax year and payments made to an individual with respect to whom a deduction is allowable under 15-30-112(5) are not deductible as employment-related expenses;
 - (d) in the case of an individual, political contributions determined in accordance with the provisions of section 218(a) and (b) of the Internal Revenue Code of 1954 (now repealed) that were in effect for the tax year that ended December 31, 1978;
 - (e) that portion of expenses for organic fertilizer and inorganic fertilizer produced as a byproduct allowed as a deduction under 15-32-303 that was not otherwise deducted in computing taxable income;
 - (f) contributions to the child abuse and neglect prevention program provided for in 52-7-101, subject to the conditions set forth in 15-30-156;
 - (g) the entire amount of ~~premium~~ payments made by the taxpayer for medical care expenses, as defined in section 213(d) of the Internal Revenue Code, 26 U.S.C. 213(d), except premiums deducted in determining Montana adjusted gross income, or for which a credit was claimed under 15-30-128, ~~for:~~
 - ~~(i) insurance for medical care, as defined in 26 U.S.C. 213(d), for coverage of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer; and~~
 - ~~(ii) long-term care insurance policies or certificates that provide coverage primarily for any qualified long-term care services, as defined in 26 U.S.C. 7702B(c), for:~~
 - ~~(A) the benefit of the taxpayer for tax years beginning after December 31, 1994; or~~
 - ~~(B) the benefit of the taxpayer, the taxpayer's dependents, and the parents and grandparents of the taxpayer for tax years beginning after December 31, 1996;~~
 - (h) light vehicle registration fees, as provided for in 61-3-560 through 61-3-562, paid during the tax year;

and

 - (i) per capita livestock fees imposed pursuant to 15-24-921, 15-24-922, 81-6-104, 81-6-204, 81-6-209, 81-7-118, or 81-7-201.

(2) (a) Subject to the conditions of subsection (1)(c), a taxpayer who operates a family day-care home or a group day-care home, as these terms are defined in 52-2-703, and who cares for the taxpayer's own child and at least one unrelated child in the ordinary course of business may deduct employment-related expenses considered to have been paid for the care of the child.

 - (b) The amount of employment-related expenses considered to have been paid by the taxpayer is equal to

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

the amount that the taxpayer charges for the care of a child of the same age for the same number of hours of care. The employment-related expenses apply regardless of whether any expenses actually have been paid. Employment-related expenses may not exceed the amounts specified in subsection (1)(c)(iv)(B).

(c) Only a day-care operator who is licensed and registered as required in 52-2-721 is allowed the deduction under this subsection (2)."

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

Insert: "NEW SECTION. Section 3. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2004."

And, as amended, do pass. Report adopted.

SB 323, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "2-YEAR CARRYBACK AND A 7-YEAR"

Insert: "5-YEAR"

2. Page 1, line 17 through line 18.

Strike: "carryback" on line 17 through "as a" on line 18

3. Page 1, line 19.

Strike: "7"

Insert: "5"

And, as amended, do pass. Report adopted.

SB 406, introduced bill, be amended as follows:

1. Page 3, line 23.

Strike: "\$1,000"

Insert: "\$500"

2. Page 4, line 11.

Strike: "\$1,000"

Insert: "\$500"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/22/2005

HB 2, introduced by Witt

HB 102, introduced by Lenhart

HB 169, introduced by McAlpin

HB 181, introduced by Musgrove

HB 368, introduced by Mendenhall

HB 414, introduced by D. Brown

HB 470, introduced by Clark

HB 536, introduced by Callahan

HB 577, introduced by McAlpin

HB 625, introduced by Rice

HB 628, introduced by Clark

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

HB 728, introduced by Lange

HB 60, introduced by Harris, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/22/2005

Yeas - 72

Nays - 28

Senate bills concurred in and returned to the Senate:

3/22/2005

SB 103, introduced by Cromley
SB 129, introduced by Wheat
SB 130, introduced by Ryan
SB 134, introduced by Wheat
SB 135, introduced by Squires
SB 136, introduced by Steinbeisser
SB 162, introduced by Mangan
SB 165, introduced by Mangan
SB 254, introduced by Gebhardt
SB 316, introduced by Lind

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/22/2005

SB 317, introduced by Lind

MOTIONS

Senator Steinbeisser moved the Senate rules be suspended for late introduction of a joint resolution. Motion carried as follows:

Yeas: Bales, 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, McGee, Moss, O'Neil, Pease, Perry, Roush, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 45

Nays: Esp, Mangan, Ryan.

Total 3

Absent or not voting: None.

Total 0

Excused: Barkus, Squires.

Total 2

Senator Cromley moved **HB 628** be taken from Senate Public Health, Welfare and Safety and placed in Senate Business, Labor and Economic Affairs.

Senator Roush moved the Senate rules be suspended for late introduction of a joint resolution. Motion carried as follows:

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

Total 44

Nays: Esp.

Total 1

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

Absent or not voting: Cobb, Gallus, Lind, Mangan.
Total 4

Excused: Squires.
Total 1

FIRST READING AND COMMITMENT OF BILLS

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

SB 519, introduced by Elliott, referred to Taxation.
SB 520, introduced by Elliott, referred to Taxation.

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

HB 2, introduced by Witt (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 60, introduced by Harris, referred to Public Health, Welfare and Safety.
HB 102, introduced by Lenhart (by request of the Department of Justice), referred to State Administration.
HB 169, introduced by McAlpin (by request of the Department of Justice), referred to Public Health, Welfare and Safety.
HB 181, introduced by Musgrove (by request of the Teachers' Retirement Board), referred to Education and Cultural Resources.
HB 368, introduced by Mendenhall, Brown, Ross, Rice, Balyeat, Jones, Lange, Hawk, Klock, Koopman, referred to Judiciary.
HB 414, introduced by D. Brown, referred to Judiciary.
HB 470, introduced by Clark, Harris, Furey, Wanzenried, referred to Natural Resources.
HB 536, introduced by Callahan, Wheat, Ripley, McNutt, Parker, Brueggeman, Cromley, referred to Judiciary.
HB 577, introduced by McAlpin, referred to Judiciary.
HB 625, introduced by Rice, referred to Taxation.
HB 628, introduced by Clark, Elliott, Jopek, Heinert, Jackson, Wanzenried, Curtiss, Lewis, Roberts, Taylor, Dowell, Noonan, Maedje, referred to Public Health, Welfare and Safety.
HB 728, introduced by Lange, referred to State Administration.

**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 Esp in the chair.

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

HB 420 - Senator Moss moved **HB 420** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams.
Total 42

Nays: Mangan.
Total 1

Absent or not voting: Cobb, Elliott, Grimes, Stapleton, Mr. President.
Total 5

Excused: Barkus, Squires.
Total 2

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

HB 457 - Senator Moss moved **HB 457** be concurred in. Motion carried with Senator Esp voting nay.

HB 520 - Senator Moss moved **HB 520** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Steinbeisser, Story, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 36

Nays: Bales, Balyeat, Black, Curtiss, Esp, Essmann, Gebhardt, McGee, O'Neil, Shockley, Stapleton, Tash.
Total 12

Absent or not voting: None.
Total 0

Excused: Barkus, Squires.
Total 2

HB 738 - Senator Moss moved **HB 738** be concurred in. Motion carried with Senator Lind voting nay.

Senator Ellingson moved the committee rise, report progress, and beg leave to sit again. Motion carried.

SJR 5 - Senator Esp reassumed the chair.

SJR 5 - Senator Schmidt moved **SJR 5** be adopted.

SJR 5 - Senator Grimes moved **SJR 5**, second reading copy, be amended as follows:

1. Page 2, line 7.

Following: "potential"

Insert: "; and

WHEREAS, with the increasing opportunities for distance learning and alternative education options, the need for physical attendance may be changing and, consequently, the truancy policies may need to be updated"

2. Page 2.

Following: line 16

Insert: "BE IT FURTHER RESOLVED, that an up-to-date approach to truancy that truly identifies risks to educational potential be adopted."

Amendment adopted with Senator Weinberg voting nay.

SJR 5 - Senator Schmidt moved **SJR 5**, as amended, be adopted. Motion carried with Senators Esp and McGee voting nay.

HB 192 - Senator Ellingson moved consideration of **HB 192** be passed for the day. Motion carried.

HB 206 - Senator Harrington moved **HB 206** be concurred in. Motion carried unanimously.

HB 363 - Senator Ellingson moved **HB 363** be concurred in. Motion carried unanimously.

HB 425 - Senator Ellingson moved **HB 425** be concurred in. Motion carried with Senators Stapleton and Story voting nay.

HB 726 - Senator Wheat moved **HB 726** be concurred in. Motion carried unanimously.

HJR 30 - Senator Ryan moved **HJR 30** be concurred in. Motion carried with Senator Esp voting nay.

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

SB 146 - Senator McGee moved **SB 146** do pass. Motion carried unanimously.

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Esp 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 281 concurred in as follows:

Yeas: Bales, Balyeat, 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, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

Nays: McGee.
Total 1

Absent or not voting: None.
Total 0

Excused: Barkus, Squires.
Total 2

HB 351 concurred in as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Cooney, 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, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

Nays: Cromley.
Total 1

Absent or not voting: None.
Total 0

Excused: Barkus, Squires.
Total 2

HB 396 concurred in as follows:

Yeas: Bales, Balyeat, 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, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Williams, Mr. President.
Total 47

Nays: Wheat.
Total 1

Absent or not voting: None.
Total 0

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

Excused: Barkus, Squires.
Total 2

HB 409 concurred in as follows:

Yeas: Bales, Balyeat, 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, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Barkus, Squires.
Total 2

HB 478 concurred in as follows:

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

Nays: Esp.
Total 1

Absent or not voting: None.
Total 0

Excused: Barkus, Squires.
Total 2

HB 607 concurred in as follows:

Yeas: Bales, Balyeat, 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, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Barkus, Squires.
Total 2

HB 702 concurred in as follows:

Yeas: Bales, Balyeat, 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, Stapleton,

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 47

Nays: McGee.
Total 1

Absent or not voting: None.
Total 0

Excused: Barkus, Squires.
Total 2

HJR 1 concurred in as follows:

Yeas: Bales, 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, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Esp, McGee.
Total 2

Absent or not voting: None.
Total 0

Excused: Barkus, Squires.
Total 2

SB 509 passed as follows:

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

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

Paired: Squires, Aye; Barkus, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SPECIAL ORDERS OF THE DAY

University of Montana mascot, Monte, visited the Senate.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 12:30 p.m., Wednesday, March 23, 2005. Motion carried.

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

Senate adjourned at 3:15 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate