

SENATE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2005

SENATE JOURNAL
59TH LEGISLATURE
SIXTY-FIFTH LEGISLATIVE DAY

Helena, Montana
March 24, 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 Senator Cocchiarella, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cooney, Cromley, Curtiss, Ellingson, 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, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 45

Nays: Balyeat, Gebhardt, O'Neil, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: Cocchiarella.
Total 1

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 3/24/2005
Correctly printed: **SB 110, SB 133, SB 358, SB 428, SB 477, SB 499, SB 501, SJR 30, HB 280, HB 327, HB 483.**
Correctly engrossed: **SB 147, SB 319, SB 445, SB 507, HB 40, HB 63, HB 68, HB 295, HB 348, HB 361, HB 517, HB 606, HJR 15.**
Correctly enrolled: **SB 105, SB 317, SB 326, SR 4, SR 5, SR 6, SR 7, SR 8, SR 9, SR 10, SR 11, SR 13, SR 14.**
Examined by the sponsor and found to be correct: **SB 103, SB 129, SB 130, SB 134, SB 135, SB 136, SB 162, SB 165, SB 254, SB 316.**
Signed by the Speaker at 10:10 a.m., March 24, 2005: **SB 103, SB 129, SB 130, SB 134, SB 135, SB 136, SB 162, SB 165, SB 254, SB 316.**
Signed by the President at 3:11 p.m., March 24, 2005: **SB 103, SB 129, SB 130, SB 134, SB 135, SB 136, SB 162, SB 165, SB 254, SB 316.**
Signed by the Secretary of the Senate at 2:49 p.m., March 24, 2005: **SB 103, SB 129, SB 130, SB 134, SB 135, SB 136, SB 162, SB 165, SB 254, SB 316.**
Delivered to the Governor for approval at 10:20 a.m., March 29, 2005: **SB 103, SB 129, SB 130, SB 134, SB 135, SB 136, SB 162, SB 165, SB 254, SB 316.**

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman): 3/24/2005
HB 295, be amended as follows:

1. Page 1, line 22.
Following: "If"
Insert: "the original value of the gift certificate was more than \$5 and"
Following: "value"
Strike: "of a gift certificate"
Strike: "\$2.25"
Insert: "\$5"

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

HB 348, be amended as follows:

1. Page 1, line 11.

Strike: "retailer"

Insert: "licensee"

2. Page 1, line 12.

Strike: "retailer"

Insert: "licensee"

3. Page 1, line 18.

Strike: "licensed retailer's"

Insert: "licensee's"

Following: "number;"

Insert: "and"

4. Page 1, line 19.

Strike: subsection (b) in its entirety

Renumber: subsequent subsection

5. Page 1, lines 21 through 27.

Strike: subsection 4 in its entirety

Renumber: subsequent subsections

6. Page 1, line 28.

Strike: "retailer"

Insert: "licensee"

7. Page 1, line 30.

Strike: "3],"

Insert: "4], the following definitions apply:

(a)"

Strike: "the term "keg""

Insert: ""Keg""

8. Page 2.

Following: line 1

Insert: "(b)(i) "Licensee" means a retailer or a wholesaler who sells kegs to a consumer and is licensed under Title 16, chapter 4.

(ii) The term does not mean a wholesaler who sells to a retailer."

9. Page 2, line 5.

Strike: "retailer"

Insert: "licensee"

10. Page 2, lines 9 through 11.

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Strike: subsections (b) through (d) in their entirety
Renumber: subsequent subsection

11. Page 2, line 13.

Strike: "retailer"

Insert: "licensee"

Strike: "not less than 90"

Insert: "5"

Following: "sale"

Insert: "or until the deposit is cashed, whichever is later"

12. Page 2, line 14.

Strike: "retailer"

Insert: "licensee"

13. Page 2, line 15.

Following: "enforcement"

Insert: "pursuant to [section 3]"

14. Page 2.

Following: line 15

Insert: "NEW SECTION. Section 3. Enforcement. (1) If a law enforcement officer recovers a keg with an identification tag in connection with a violation of 16-6-305 or 45-5-624(4), the officer shall return the keg to the licensee and request the information on file about the original purchaser.

(2) The deposit on the keg and any related deposit to the licensee must be forfeited by the original purchaser, with half the deposit going to the licensee and half to the appropriate law enforcement division."

Renumber: subsequent sections

15. Page 2, lines 18 through 19.

Strike: "\$500" on line 18 through "both" on line 19

Insert: "\$100"

16. Page 2, line 20 through line 24.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

17. Page 2, line 25.

Strike: "knowingly"

Following: "keg"

Insert: "purposely"

18. Page 2, line 26.

Strike: "knowingly"

Insert: "purposely"

19. Page 2, lines 28 through 30.

Strike: subsection 4 in its entirety

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20. Page 3, line 21.

Strike: "3"

Insert: "4"

21. Page 3, line 23.

Strike: "3"

Insert: "4"

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

HB 483, be concurred in. Report adopted.

HB 517, be amended as follows:

1. Title, line 10.

Following: line 9

Insert: "PROVIDING FOR REPORTING, TAX PAYMENTS, AND PENALTIES;"

2. Page 1, line 30.

Following: "bulk"

Strike: "and"

Insert: "; (b)"

Renumber: subsequent subsections

3. Page 2, line 8.

Strike: "; OR"

Insert: " A distillery may not sell or give more than 2 ounces of liquor to an individual during a business day."

4. Page 2, line 9.

Following: line 8

Insert: "(d) sell liquor that it produces at retail at the distillery directly to the consumer for off-premise consumption provided that the minimum retail price as determined by the department is charged;"

Renumber: subsequent subsection

5. Page 2, line 12.

Following: "code"

Insert: ", but may not sell liquor it produces at wholesale to all-beverages license holders"

6. Page 9, line 7.

Insert: "NEW SECTION. Section 6. Reporting -- tax payment -- penalties. (1) A distillery licensed to do business in this state under [section 1] shall, on or before the 15th day of each month, in the manner and form prescribed by the department, make an exact return to the department reporting the amount of liquor manufactured in this state that was sold and delivered by the distillery in the previous month. The department may at any time make an examination of the distillery's books and of the premises and may otherwise check the accuracy of the return.

(2) The tax imposed pursuant to 16-1-404 upon a distillery licensed under [section 1] is due on or before the 15th day of each month from the distiller for liquor sold during the previous month.

(3) If a distiller subject to the payment of the tax provided for in 16-1-404 fails to make any return required by this code or fails to make payment of the tax within the time provided in this part, the department shall, after the time has expired, determine and fix the amount of tax due the state from the delinquent distiller.

(4) The department shall then proceed to collect the tax with penalties and interest. Upon request of the department, the attorney general shall prosecute in any court of competent jurisdiction an action to collect the tax.

(5) If all or part of the tax imposed upon a distillery by this part is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7. The resulting lien has precedence over any other claim,

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lien, or demand filed or recorded after the warrant is issued.

(6) An action may not be maintained to enjoin the collection of the tax or any part of the tax.

(7) Any tax owed by a distiller under this code that is not paid within the time provided is delinquent, and penalty and interest must be added to the delinquent tax as provided in 15-1-216.

(8) A distiller who fails, neglects, or refuses to make the return to the department provided for in this section, refuses to allow the examinations as provided for in this section, or fails to make an accurate return in the manner prescribed is guilty of a misdemeanor and upon conviction shall be fined an amount not exceeding \$1,000."

Renumber: subsequent sections

7. Page 9, line 8 and line 11.

Following: "instruction." on line 8

Insert: "(1)"

Following: line 10

Insert: "(2) [Section 6] is intended to be codified as an integral part of Title 16, chapter 1, part 4, and the provisions of Title 16, chapter 1, part 4, apply to [section 6]."

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

FINANCE AND CLAIMS (Cooney, Chairman):

3/24/2005

SB 133, do pass. Report adopted.

SB 147, introduced bill, be amended as follows:

1. Title, line 4.

Following: "DISTRICT"

Insert: "OR COOPERATIVE"

2. Page 1, line 12.

Following: "cooperative"

Insert: "or the management board of a cooperative"

3. Page 1, line 16.

Following: "cooperative's"

Insert: "or the cooperative's"

4. Page 1, line 17.

Following: "cooperative's"

Insert: "or the cooperative's"

5. Page 1, line 19.

Following: "cooperative's"

Insert: "or the cooperative's"

6. Page 1, line 21.

Following: "cooperative's"

Insert: "or the cooperative's"

7. Page 2, line 18 through line 19.

Strike: subsection (iv) in its entirety

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 445, introduced bill, be amended as follows:

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1. Title, page 1, line 7.

Following: "MCA;"

Insert: "REPEALING SECTION 10-1-121, MCA;"

2. Title, page 1, line 8.

Following: the first "DATE"

Strike: "AND"

Insert: ", "

Following: the second "DATE"

Insert: ", AND A TERMINATION DATE"

3. Page 2, line 14.

Following: "PROGRAM"

Strike: "PROVIDED FOR IN 10-1-121"

Insert: "established by the department of military affairs"

4. Page 2, line 14.

Strike: " "

Insert: " ;"

5. Page 2, line 15.

Following: line 14

Insert: "(f) the waivers provided for in subsection (2)(e) are intended to be available for up to 5 years after the person qualifies."

6. Page 2, line 20.

Following: line 19

Insert: "NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the termination date of this act]."

Insert: "NEW SECTION. Section 3. Repealer. Section 10-1-121, MCA, is repealed."

Renumber: subsequent section

7. Page 2, line 23.

Following: line 22

Insert: "NEW SECTION. Section 5. Termination. [This act] terminates June 30, 2009."

And, as amended, do pass. Report adopted.

SB 477, do pass. Report adopted.

SB 499, do pass. Report adopted.

SB 501, do pass. Report adopted.

JUDICIARY (Wheat, Chairman):

HB 40, be amended as follows:

3/24/2005

1. Page 1, line 16.

Following: "claim"

Strike: ", including all legal costs"

Following: " ."

Insert: "The court shall also award expenses, costs, and attorney fees."

2. Page 1, line 20.

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Following: "statement"

Strike: ", including all legal costs"

Following: ":"

Insert: "The court shall also award expenses, costs, and attorney fees."

3. Page 1, line 21.

Following: line 20

Insert: "(2) This section does not apply to claims, records, or statements made in relation to claims filed with the state compensation insurance fund under Title 39, chapter 71 or 72, or to claims, records, payments, or statements made under the tax laws contained in Title 15 or 16 or made to the department of natural resources and conservation under Title 77."

Renumber: subsequent subsection

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

HB 280, be concurred in. Report adopted.

HJR 15, be amended as follows:

1. Page 2, line 5.

Following: "Montana"

Strike: "DETERMINE"

Insert: "study"

Following: "REASONS"

Insert: ", including quality of counsel, arrest rates, detention in jail versus release on bail, the various uses of plea agreements and trials, rates of conviction, sentencing patterns, opportunities for effective treatment, rates of incarceration, rates in receiving deferred or suspended sentences and in granting of parole, and differences in probation and parole revocations,"

2. Page 2, line 6.

Following: "SYSTEM"

Insert: "in Montana"

3. Page 2, line 14.

Following: "Legislature"

Insert: ", each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa, the Governor, the Montana Congressional Delegation, and the Bureau of Indian Affairs of the United States Department of the Interior"

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

NATURAL RESOURCES (Roush, Chairman):

3/24/2005

HB 361, be amended as follows:

1. Title, line 7.

Strike: "82-4-405,"

2. Page 4, lines 7 through 9.

Strike: section 4 in its entirety

Renumber: subsequent sections

3. Page 4, line 29.

Strike: "and"

4. Page 5, line 1.

Following: "part"

Insert: "; and

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(f) assess an annual fee on operators of all permitted opencut mining operations. The annual fee must be paid on all permitted acreage for which final bond release has not been granted. The annual fee is:

- (i) \$75 if the permitted acreage is less than or equal to 25 acres;
- (ii) \$150 if the permitted acreage is greater than 25 acres and less than or equal to 50 acres;
- (iii) \$300 if the permitted acreage is greater than 50 acres and less than or equal to 100 acres; and
- (iv) \$600 if the permitted acreage is greater than 100 acres"

5. Page 5, line 7.

Following: ";

Insert: "and"

6. Page 5, line 8 through line 13.

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

Renumber: subsequent subsections

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

HB 606, be amended as follows:

1. Title, line 6.

Strike: "OPERATING PERMITS"

Insert: "APPROVAL FOR THE DESIGN, CONSTRUCTION, OPERATION, AND RECLAMATION OF AN IMPOUNDMENT"

2. Title, line 7.

Following: "QUALITY"

Insert: "AND TO POST A PERFORMANCE BOND"

3. Page 3, line 17 through line 18.

Strike: "an operating permit"

Insert: "approval for the design, construction, operation, and reclamation of that impoundment and post a performance bond"

4. Page 3, line 18.

Following: "IMPOUNDMENT."

Insert: "The small miner shall post a performance bond equal to the state's documented cost estimate of reclaiming the disturbed land. If the small miner has posted a bond for reclamation of that site with a federal government agency, the small miner is exempt from the requirements of this subsection (8)(a).

(b) The department shall conduct a review of the adequacy of the bond posted by a small miner using an impoundment pursuant to this section at least once every 5 years and adjust the bond if necessary to ensure reclamation of the impoundment."

5. Page 3.

Following: line 20

Insert: "(c) If a small miner under this subsection (8) fails to reclaim the operation, the small miner is liable to the department for all its reasonable costs of reclamation, including a reasonable charge for services performed by state personnel and for state materials and equipment used. If the small miner posts a surety bond, the surety is liable to the state to the extent of the bond amount and the small miner is liable for the remainder of the reasonable costs to the state of reclaiming the operation.

(d) If a small miner under this subsection (8) fails to commence reclamation of the operation within 6 months after cessation of mining or within an extended period allowed by the department for good cause shown or if the small miner fails to diligently complete reclamation, the department shall notify the small miner by certified mail that it intends to reclaim the operation unless the small miner commences reclamation within 30 days and diligently completes the reclamation. The notice must be mailed to the address stated on the small miner exclusion statement or, if the small miner has notified the department of a different address by letter or in the annual certification form, to the most recent address given to the department. If the small miner fails to commence reclamation with 30 days or to diligently complete reclamation, the department may revoke the small miner exclusion statement, forfeit any

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bond that has been posted with the department, and enter and reclaim the operation. If the small miner has not posted a bond with the department or if the reasonable costs of reclamation exceed the amount of the bond, the department may also collect additional reclamation costs, as set forth in subsection (8)(e), before or after it incurs those costs.

(e) To collect additional reclamation costs, the department shall notify the small miner by certified mail, at the address determined under subsection (8)(d), of the additional reasonable reclamation costs and request payment within 30 days. If the small miner does not pay the additional reclamation costs within 30 days, the department may bring an action in district court for payment of the estimated future costs and, if the department has performed any reclamation, of its reasonable actual costs. The court shall order payment of costs that it determines to be reasonable and shall retain jurisdiction until reclamation of the operation is completed. Upon completion of reclamation, the court shall order payment of any additional costs that it considers reasonable or the refund of any portion of any payment for estimated costs that exceeds the actual reasonable costs incurred by the department."

6. Page 3, line 21.

Strike: "(b)"

Insert: "(f)"

7. Page 3, line 23.

Following: "OBTAIN"

Strike: "AN OPERATING PERMIT"

Insert: "approval of the design, construction, operation, and reclamation of that impoundment and post a performance bond"

Following: "ACT."

Insert: "If the small miner has posted a bond for reclamation of that site with a federal government agency, the small miner is exempt from the requirements of this subsection (8)(f)."

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

PUBLIC HEALTH, WELFARE AND SAFETY (Cromley, Chairman):
HB 68, be amended as follows:

3/24/2005

1. Title, lines 4 and 5.

Strike: "OR PRESCRIPTION DRUG"

2. Title, line 6.

Following: ";

Insert: "PROVIDING AN EXCEPTION; PROVIDING DEFINITIONS;"

3. Page 1, line 19.

Strike: "or prescription drug"

4. Page 1, line 25.

Following: "if"

Insert: ":

(a)"

5. Page 1, line 27.

Following: "signature"

Insert: ";

(b) a medical practitioner, emergency services provider, or 9-1-1 responder verbally directs the employee, owner, or operator of the day-care facility attending the child to immediately administer a medicine to the child and the child is subsequently transported within a reasonable time by the child's parents, an owner, operator, or employee

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of the child-care facility, a health care provider, or an emergency services provider to a health care facility or a medical practitioner for follow-up care.

(3) A medicine administered to a child pursuant to subsection (1) or (2) may not be inappropriately administered.

(4) An employee, owner, or operator of a day-care facility who has administered medicine to a child in accordance with this section may not be prosecuted for causing bodily injury or severe bodily injury to a child"

Renumber: subsequent subsection

6. Page 1.

Following: line 28

Insert: "(a) "bodily injury" has the meaning provided in 45-2- 101;

Renumber: subsequent subsections

7. Page 1, line 30.

Strike: "and"

8. Page 1.

Following: line 30

Insert: "(c) "emergency services provider" has the meaning provided in 50-16-701;

(d) "health care facility" means a profit or nonprofit, public or private physician's office, hospital, critical access hospital, infirmary, clinic, outpatient center for primary care, outpatient center for surgical services, or medical assistance facility, as any of those terms are defined in 50-5-101;

(e) "inappropriately administered" means to give medicine to a child that is not indicated, as to the medicine's type, dosage, or frequency of use or the container instructions, if any, by the medical symptoms exhibited by the child;

(f) "knowingly" has the meaning provided in 45-2-101;"

Renumber: subsequent subsection

9. Page 2, line 1.

Following: 37-2-101

Insert: ";

(h) "9-1-1 responder" means a law enforcement dispatcher or other person answering a 9-1-1 telephone call, a person answering a telephone call made to a poison control center, or an emergency services provider;

(i) "purposely" has the meaning provided in 45-2-101; and

(j) "serious bodily injury" has the meaning provided in 45-2-101"

10. Page 2, lines 2 through 4.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

11. Page 2, line 5.

Strike: "UNLAWFULLY"

Insert: "purposely or knowingly"

12. Page 2, lines 5 and 8.

Strike: "OR A PRESCRIPTION DRUG" on lines 5 and 8

13. Page 2, line 6.

Following: "IMPRISONED"

Insert: "in the county jail"

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14. Page 2, line 6.
Strike: "10 YEARS"
Insert: "6 months"

15. Page 2, line 7.
Strike: "\$50,000"
Insert: "\$500"

16. Page 2, line 8.
Strike: "unlawfully"
Insert: "purposely or knowingly"

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

HB 327, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 24, 2005

The Honorable Jon Tester
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Tester:

Please be informed that I have signed **Senate Bill 6** sponsored by Senator Esp, **Senate Bill 8** sponsored by Senator Roush, **Senate Bill 9** sponsored by Senator Cromley, **Senate Bill 17** sponsored by Senator Cooney, **Senate Bill 23** sponsored by Senator Gillan, **Senate Bill 26** sponsored by Senator Story, **Senate Bill 36** sponsored by Senator Esp, **Senate Bill 37** sponsored by Senator Schmidt, **Senate Bill 50** sponsored by Senator McGee, **Senate Bill 53** sponsored by Senator Squires, **Senate Bill 54** sponsored by Senator Squires, **Senate Bill 56** sponsored by Senator McGee, **Senate Bill 67** sponsored by Senator Cromley, **Senate Bill 69** sponsored by Senator Cobb, **Senate Bill 79** sponsored by Senator Tropila, **Senate Bill 83** sponsored by Senator Roush, **Senate Bill 94** sponsored by Senator Cromley, **Senate Bill 99** sponsored by Senator Mangan, **Senate Bill 100** sponsored by Senator Mangan, **Senate Bill 106** sponsored by Senator Brueggeman, **Senate Bill 132** sponsored by Senator Cooney, **Senate Bill 141** sponsored by Senator Laible, **Senate Bill 169** sponsored by Senator Gallus et al., and **Senate Bill 454** sponsored by Senator Gebhardt on March 24, 2005.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

3/24/2005

HB 4, introduced by Musgrove
HB 5, introduced by Wells
HB 9, introduced by Witt
HB 11, introduced by McNutt
HB 22, introduced by McNutt

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HB 148, introduced by Lambert
HB 673, introduced by Butcher
HB 758, introduced by McNutt

HB 8, introduced by Witt, requiring adoption by an affirmative roll call vote of three-fourths of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/24/2005

Yeas - 97
Nays - 2

HB 12, introduced by Sesso, 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:

3/24/2005

Yeas - 77
Nays - 22

HB 299, introduced by Wells, 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:

3/24/2005

Yeas - 92
Nays - 7

MOTIONS

Senator Perry moved his vote on **SR 13** be changed from "nay" to "aye". Motion carried.

Senator Black moved his vote on **HB 581** be changed from "aye" to "nay". Motion carried.

Senator Cooney moved **HB 63** be taken from 3rd reading and referred to Senate Finance and Claims. Motion carried.

**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 Tash in the chair.

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

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

HB 453 - Senator Ellingson moved consideration of **HB 453** be passed for the day. Motion carried.

SB 152 - House Amendments - Senator Ryan moved House amendments to **SB 152** be concurred in. Motion carried unanimously.

SB 110 - Senator Cobb moved **SB 110** do pass. Motion carried unanimously.

SB 319 - Senator Ellingson moved **SB 319** do pass.

SB 319 - Senator Cooney moved **SB 319**, second reading copy, be amended as follows:

1. Title, lines 16 through 19.

Following: "PENALTIES;" on line 16

Strike: remainder of line 16 through "FUND;" on line 18

Following: "DATES" on line 18

Strike: remainder of line 18 through "TERMINATION DATE" on line 19

2. Page 1, line 23.

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Strike: "25"
Insert: "24"

3. Page 1, line 26.
Strike: "25"
Insert: "24"

4. Page 1, line 30.
Strike: "25"
Insert: "24"

5. Page 2, line 2.
Strike: "25"
Insert: "24"

6. Page 2, line 6.
Strike: "25"
Insert: "24"

7. Page 4, line 7.
Strike: "25"
Insert: "24"

8. Page 4, line 17.
Strike: "25"
Insert: "24"

9. Page 4, line 30.
Strike: "25"
Insert: "24"

10. Page 5, line 8.
Strike: "25"
Insert: "24"

11. Page 6, line 10.
Strike: "25"
Insert: "24"

12. Page 7, lines 27 through 30.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

13. Page 11, line 24.
Strike: "25"
Insert: "24"

14. Page 11, line 25.
Strike: "25"
Insert: "24"

15. Page 11, line 26.
Strike: "25"
Insert: "24"

16. Page 11, line 29.
Strike: "25"
Insert: "24"

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17. Page 12, line 8.

Strike: "25"

Insert: "24"

18. Page 12, line 9.

Following: "(d)"

Strike: remainder of line 9

19. Page 12, line 11.

Following: "fund;"

Insert: "and"

20. Page 12, line 12.

Strike: subsection (f) in its entirety

Renumber: subsequent subsection

21. Page 13, line 4.

Strike: "25"

Insert: "24"

22. Page 13, line 8.

Strike: "25"

Insert: "24"

23. Page 13, line 18.

Strike: "25"

Insert: "24"

24. Page 13, line 19.

Strike: "25"

Insert: "24"

25. Page 13, line 28.

Strike: "25"

Insert: "24"

26. Page 13, line 30.

Strike: "25"

Insert: "24"

27. Page 14, line 2.

Strike: "25"

Insert: "24"

28. Page 14, line 6.

Strike: "25"

Insert: "24"

29. Page 14, line 10.

Strike: "25"

Insert: "24"

30. Page 14, line 11.

Strike: "25"

Insert: "24"

31. Page 15, line 16 through page 17, line 16.

Strike: sections 25 through 29 in their entirety

Renumber: subsequent sections

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32. Page 17, line 19.

Strike: "25"
Insert: "24"

33. Page 21, line 14.

Following: "instruction."
Strike: "(1)"
Strike: "25"
Insert: "24"

34. Page 21, line 16.

Strike: "25"
Insert: "24"

35. Page 21, lines 17 through 20.

Strike: subsections (2) and (3) in their entirety

36. Page 21, line 24.

Strike: "section 34"
Insert: "[section 29]"

37. Page 21, line 25.

Strike: "34"
Insert: "29"

38. Page 21, line 27.

Strike: "[Sections 22, 31, 32, 34, and 35 and this section]"
Insert: "[Sections 22 and 26 through 28 and this section]"

39. Page 22, line 5.

Strike: "[Sections" through "section]"
Insert: "[Sections 22 and 26 through 28 and this section]"

40. Page 22, lines 8 through 13.

Strike: sections 35 and 36 in their entirety

Amendment adopted with Senator O'Neil voting nay.

SB 319 - Senator Ellingson moved **SB 319**, as amended, do pass. Motion carried as follows:

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

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 358 - Senator Keenan moved **SB 358** do pass. Motion carried with Senator Ryan voting nay.

SB 428 - Senator Stapleton moved **SB 428** do pass. Motion carried unanimously.

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SB 507 - Senator Brueggeman moved **SB 507** do pass.

SB 507 - Senator Brueggeman moved **SB 507**, second reading copy, be amended as follows:

1. Page 1, line 30.

Strike: "or"

Following: "parade"

Insert: ", or other occasional transportation activity"

Amendment adopted unanimously.

SB 507 - Senator Brueggeman moved **SB 507**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, McGee, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 38

Nays: Balyeat, Barkus, Esp, Keenan, Laible, Lewis, O'Neil, Perry, Stapleton, Steinbeisser, Story.
Total 11

Absent or not voting: Gillan.
Total 1

Excused: None.
Total 0

SJR 30 - Senator Weinberg moved **SJR 30** be adopted. Motion carried with Senators Bales, Balyeat, O'Neil, Shockley, and Steinbeisser voting nay.

HB 63 - Senator Stapleton moved consideration of **HB 63** be placed below HB 179 on the second reading board. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cromley, Curtiss, Esp, Essmann, Gallus, Gebhardt, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 24

Nays: Cocchiarella, Cooney, Ellingson, Elliott, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 24

Absent or not voting: Grimes, Tropila.
Total 2

Excused: None.
Total 0

HB 63 - Senator Laslovich moved **HB 63** be concurred in.

HB 63 - Senator Ryan moved **HB 63**, second reading copy, be amended as follows:

The following language can be found in amendment 63-2. Language was, therefore, stricken due to repetition.

1. Title, line 10:

Following: "DISTRICTS;"

Insert: "~~TEMPORARILY EXTENDING SCHOOL ELECTION DEADLINES;~~"

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2. Page 9, following line 6:

~~Insert: "NEW SECTION. Section 13. Extension of school election deadlines. In order to allow for the orderly and efficient conduct of the regular school elections scheduled for May 3, 2005, it may not be possible to comply with certain statutory deadlines relating to a school election. Therefore, in 2005 only, a school district may limit the regular school election scheduled for May 3, 2005, to trustee elections only and may reschedule a single general fund operating levy election at any time prior to the adoption of a final budget pursuant to 20-9-131. In addition, all statutory deadlines for the May 3, 2005, regular school election that fall on or before April 15 are extended to April 25, 2005, except that the timeline for posting the election notice is changed to April 25, 2005, through May 3, 2005."~~

~~Renumber: subsequent sections~~

Amendment adopted with Senators Balyeat and O'Neil voting nay.

HB 63 - Senator Ryan moved **HB 63**, second reading copy, be further amended as follows:

1. Title, line 7.

Following: "DISTRICTS;"

Insert: "INCREASING THE ENTITLEMENTS FOR PUBLIC SCHOOLS FOR SCHOOL FISCAL YEAR 2006 AND SCHOOL FISCAL YEAR 2007; EXTENDING THE TIME PERIOD IN WHICH A SCHOOL DISTRICT CAN ADOPT A GENERAL FUND BUDGET THAT EXCEEDS THE MAXIMUM; PROVIDING FOR 3-YEAR AVERAGING OF ANB FOR SCHOOL DISTRICTS WITH DECLINING ENROLLMENT FOR SCHOOL FISCAL YEAR 2006 AND SCHOOL FISCAL YEAR 2007; ALLOWING A SCHOOL DISTRICT TO PERMISSIVELY LEVY UP TO THE SAME OVER-BASE PROPERTY TAX REVENUE LEVIED IN THE PREVIOUS FISCAL YEAR;"

2. Title, line 9.

Following: "LAW;"

Insert: "REVISING THE WAY IN WHICH A SCHOOL DISTRICT CHARGES EMPLOYER CONTRIBUTIONS FOR RETIREMENT, SOCIAL SECURITY, AND UNEMPLOYMENT INSURANCE; TERMINATING THE BLOCK GRANT FOR THE DISTRICT TRANSPORTATION FUND AND THE COMBINED BLOCK GRANT;"

3. Title, line 10.

Following: "DISTRICTS;"

Insert: "TEMPORARILY EXTENDING SCHOOL ELECTION DEADLINES;"

4. Title, line 11.

Following: "SECTIONS"

Insert: "20-5-323,"

Following: "20-9-306,"

Insert: "20-9-308, 20-9-311, 20-9-314, 20-9-321, 20-9-353,"

5. Title, line 12.

Strike: the first "AND"

Following: "20-9-443,"

Insert: "20-9-501, AND 20-9-630,"

Strike: "AN IMMEDIATE"

6. Title, line 13.

Strike: "DATE"

Insert: "DATES, APPLICABILITY DATES, AND TERMINATION DATES"

7. Page 1.

Following: line 15

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Insert: "Section 1. Section 20-5-323, MCA, is amended to read:

"20-5-323. Tuition and transportation rates. (1) Except as provided in subsections (2) through (5), whenever a child has approval to attend a school outside of the child's district of residence under the provisions of 20-5-320 or 20-5-321, the rate of tuition charged for a Montana resident student may not exceed 20% of the per-ANB maximum rate established in 20-9-306 for the year of attendance.

(2) The tuition for a child with a disability must be determined under rules adopted by the superintendent of public instruction for the calculation of tuition for special education pupils.

(3) The tuition rate for out-of-district placement pursuant to 20-5-321(1)(d) and (1)(e) for a student without disabilities who requires a program with costs that exceed the average district costs must be determined as the actual individual costs of providing that program according to the following:

(a) the district of attendance and the district, person, or entity responsible for the tuition payments shall approve an agreement with the district of attendance for the tuition cost;

(b) for a Montana resident student, 80% of the maximum per-ANB rate established in ~~20-9-306(10)~~ 20-9-306, received in the year for which the tuition charges are calculated must be subtracted from the per-student program costs for a Montana resident student; and

(c) the maximum tuition rate paid to a district under this section may not exceed \$2,500 per ANB.

(4) When a child attends a public school of another state or province, the amount of daily tuition may not be greater than the average annual cost for each student in the child's district of residence. This calculation for tuition purposes is determined by totaling all of the expenditures for all of the district budgeted funds for the preceding school fiscal year and dividing that amount by the October 1 enrollment in the preceding school fiscal year. For the purposes of this subsection, the following do not apply:

(a) placement of a child with a disability pursuant to Title 20, chapter 7, part 4;

(b) placement made in a state or province with a reciprocal tuition agreement pursuant to 20-5-314;

(c) an order issued under Title 40, chapter 4, part 2; or

(d) out-of-state placement by a state agency.

(5) When a child is placed by a state agency in an out-of-state residential facility, the state agency making the placement is responsible for the education costs resulting from the placement.

(6) The amount, if any, charged for transportation may not exceed the lesser of the average transportation cost for each student in the child's district of residence or 25 cents a mile. The average expenditures for the district transportation fund for the preceding school fiscal year must be calculated by dividing the transportation fund expenditures by the October 1 enrollment for the preceding fiscal year."

Renumber: subsequent sections

8. Page 2, line 8.

Strike: "20-9-306(10)(c)(ii)"

Insert: "20-9-306(11)(c)(ii)"

9. Page 2.

Following: line 8

Insert: "Section 4. Section 20-7-102, MCA, is amended to read:

"20-7-102. Accreditation of schools. (1) The conditions under which each elementary school, each middle school, each junior high school, 7th and 8th grades funded at high school rates, and each high school operates must be reviewed by the superintendent of public instruction to determine compliance with the standards of accreditation. The accreditation status of every school must then be established by the board of public education upon the recommendation of the superintendent of public instruction. Notification of the accreditation status for the applicable school year or years must be given to each district by the superintendent of public instruction.

(2) A school may be accredited for a period consisting of 1, 2, 3, 4, or 5 school years, except that multiyear accreditation may ~~only~~ be granted only to schools that are in compliance with 20-4-101.

(3) A nonpublic school may, through its governing body, request that the board of public education accredit the school. Nonpublic schools may be accredited in the same manner as provided in subsection (1).

(4) As used in this section, "7th and 8th grades funded at high school rates" means an elementary school district or K-12 district elementary program whose 7th and 8th grades are funded as provided in ~~20-9-306(10)(c)(i)~~ 20-9-306(10)(c)(ii)."

Renumber: subsequent sections

10. Page 4, line 21.

Strike: "\$220,646"

Insert: "\$225,273"

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11. Page 4, line 22.

Strike: "\$19,859"

Insert: "\$20,275"

12. Page 4, line 25.

Following: "follows"

Insert: "using either the current year ANB or the 3-year ANB provided for in 20-9-311"

13. Page 4, line 26.

Strike: "\$19,859"

Insert: "\$20,275"

14. Page 4, line 28.

Strike: "\$220,646"

Insert: "\$225,273"

15. Page 4.

Following: line 29

Insert: "(7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311."

Renumber: subsequent subsections

16. Page 5, line 10.

Following: "calculations"

Insert: "and using either the current year ANB or the 3-year ANB provided for in 20-9-311"

17. Page 5, line 11.

Strike: "\$5,371"

Insert: "\$5,534"

18. Page 5, line 15.

Strike: "\$4,031"

Insert: "\$4,366"

19. Page 5, line 20.

Strike: "\$4,031"

Insert: "\$4,366"

20. Page 5, line 23.

Strike: "\$5,371"

Insert: "\$5,534"

21. Page 5.

Following: line 25

Insert: "**Section 11.** Section 20-9-306, MCA, is amended to read:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and ~~up to~~ 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of

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the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$220,646~~ \$230,199 for each high school district;

(b) ~~\$19,859~~ \$20,718 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(i) ~~\$19,859~~ \$20,718 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$220,646~~ \$230,199 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311.

~~(7)(8)~~ (8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

~~(8)(9)~~ (9) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and the greater of:

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

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

~~(9)(10)~~ (10) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

~~(10)(11)~~ (11) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,371~~ \$5,654 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$4,031~~ \$4,456 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$4,031~~ \$4,456 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,371~~ \$5,654 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

Insert: "Section 12. Section 20-9-308, MCA, is amended to read:

"20-9-308. BASE budgets and maximum general fund budgets. (1) The trustees of a district shall adopt a general fund budget that is at least equal to the BASE budget established for the district and, except as provided in subsection (3), does not exceed the maximum general fund budget established for the district.

(2) Whenever the trustees of a district adopt a general fund budget that exceeds the BASE budget for the district but does not exceed the maximum general fund budget for the district, the trustees shall submit a proposition to the electors of the district, as provided in 20-9-353.

(3) (a) (i) Except as provided in subsection (3)(a)(ii), the trustees of a school district whose previous year's general fund budget exceeds the current year's maximum general fund budget amount may adopt a general fund budget up to the maximum general fund budget amount or the previous year's general fund budget, whichever is greater. A school district may adopt a budget under the criteria of this subsection (3)(a)(i) for a maximum of ~~5~~ 6 consecutive years, but the trustees shall adopt a plan to reach the maximum general fund budget by no later than the end of the ~~5-year~~ 6-year period. ~~A school district whose adopted general fund budget for the previous year exceeds the maximum general fund budget for the current year and whose ANB for the previous year exceeds the ANB for the current year by 30% or more shall reduce its adopted budget by:~~

~~(A) in the first year, 20% of the range between the district's adopted general fund budget for the previous~~

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school fiscal year and the maximum general fund budget for the current school fiscal year;

~~(B) in the second year, 25% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;~~

~~(C) in the third year, 33.3% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;~~

~~(D) in the fourth year, 50% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year; and~~

~~(E) in the fifth year, the remainder of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year.~~

(ii) The trustees of a district whose general fund budget was above the maximum general fund budget established by Chapter 38, Special Laws of November 1993, and whose general fund budget has continued to exceed the district's maximum general fund budget in each school fiscal year after school fiscal year 1993 may continue to adopt a general fund budget that exceeds the maximum general fund budget. However, the budget adopted for the current year may not exceed the lesser of:

(A) the adopted budget for the previous year; or

(B) the district's maximum general fund budget for the current year plus the over maximum budget amount adopted for the previous year.

(b) ~~The~~ Except as provided in 20-9-353(8), the trustees of the district shall submit a proposition to raise any general fund budget amount that is in excess of the maximum general fund budget for the district to the electors who are qualified under 20-20-301 to vote on the proposition, as provided in 20-9-353.

(4) The BASE budget for the district must be financed by the following sources of revenue:

(a) state equalization aid, as provided in 20-9-343, including any guaranteed tax base aid for which the district may be eligible, as provided in 20-9-366 through 20-9-369;

(b) county equalization aid, as provided in 20-9-331 and 20-9-333;

(c) a district levy for support of a school not approved as an isolated school under the provisions of 20-9-302;

(d) payments in support of special education programs under the provisions of 20-9-321;

(e) nonlevy revenue, as provided in 20-9-141; and

(f) a BASE budget levy on the taxable value of all property within the district.

(5) The over-BASE budget amount of a district must be financed by a levy on the taxable value of all property within the district or other revenue available to the district, as provided in 20-9-141."

Insert: "Section 13. Section 20-9-311, MCA, is amended to read:

"20-9-311. Calculation of average number belonging (ANB) -- 3-year averaging. (1) Average number belonging (ANB) must be computed for each budget unit as follows:

(a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on February 1 of the prior school fiscal year, or the next school day if those dates do not fall on a school day, and divide the sum by two; and

(b) multiply the average enrollment calculated in subsection (1)(a) by the sum of the pupil-instruction and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

(2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.

(3) When a school district has approval to operate less than 180 school days under 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

(4) Enrollment for a part of a morning session or a part of an afternoon session by a pupil must be counted as enrollment for one-half day.

(5) In calculating the ANB for pupils enrolled in a program established under 20-7-117(1), enrollment at a regular session of the program for at least 2 hours of either a morning or an afternoon session must be counted as one-half pupil for ANB purposes. The ANB for a kindergarten student may not exceed one-half for each kindergarten pupil.

(6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

(7) The enrollment of prekindergarten pupils, as provided in 20-7-117, may not be included in the ANB calculations.

(8) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the district, except that the ANB is calculated as a separate budget unit when:

(a) (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town

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located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately as a separate budget unit for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(iii) the superintendent of public instruction approves an application not to aggregate when conditions exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any other condition exists that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district; or

(iv) two or more elementary districts consolidate or annex under the provisions of 20-6-203, 20-6-205, or 20-6-208, two or more high school districts consolidate or annex under the provisions of 20-6-315 or 20-6-317, or two or more K-12 districts consolidate or annex under Title 20, chapter 6, part 4, the ANB and the basic entitlements of the component districts must be calculated separately for a period of 3 years following the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years as follows:

- (A) 75% of the basic entitlement for the fourth year;
- (B) 50% of the basic entitlement for the fifth year; and
- (C) 25% of the basic entitlement for the sixth year.

(b) a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled, full-time pupils of the junior high school must be considered as high school district pupils for ANB purposes;

(c) a middle school has been approved and accredited, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB purposes; or

(d) a school has not been accredited by the board of public education, the regularly enrolled, full-time pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district.

(9) The district shall provide the superintendent of public instruction with semiannual reports of school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the superintendent.

(10) (a) For an elementary or high school district that has been in existence for 3 or more years, the district's maximum general fund budget and BASE budget for the ensuing year must be calculated using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever generates the greatest maximum general fund budget.

(b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing year must be calculated separately for the elementary and high school programs pursuant to subsection (10)(a) and then combined.

(c) For a district that has existed less than 3 years, the maximum general fund budget and BASE budget must be calculated using the current year ANB.

(11) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

(a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the previous 2 school fiscal years; and

(b) dividing the sum calculated under subsection (11)(a) by three."

Insert: "Section 14. Section 20-9-314, MCA, is amended to read:

"20-9-314. Procedures for determining eligibility and amount of increased average number belonging due to unusual enrollment increase. A district that anticipates an unusual increase in enrollment in the ensuing school fiscal year, as provided for in 20-9-313(4), may increase its basic entitlement and total per-ANB entitlement for the ensuing school fiscal year in accordance with the following provisions:

(1) Prior to June 1, the district shall estimate the elementary or high school enrollment to be realized during the ensuing school fiscal year, based on as much factual information as may be available to the district.

(2) No later than June 1, the district shall submit its application for an unusual enrollment increase by elementary or high school level to the superintendent of public instruction. The application must include:

(a) the enrollment for the current school fiscal year;

(b) the average number belonging used to calculate the basic entitlement and total per-ANB entitlement for the current school fiscal year;

(c) the average number belonging that will be used to calculate the basic entitlement and total per-ANB

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entitlement for the ensuing school fiscal year;

(d) the estimated enrollment, including the factual information on which the estimate is based, as provided in subsection (1); and

(e) any other information or data that may be requested by the superintendent of public instruction.

(3) The superintendent of public instruction shall immediately review all the factors of the application and shall approve or disapprove the application or adjust the estimated average number belonging for the ensuing ANB calculation period. After approving an estimate, with or without adjustment, the superintendent of public instruction shall:

(a) determine the percentage ~~increase~~ by which the estimated enrollment ~~increase~~ exceeds the ~~current enrollment used for the budgeted ANB~~; and

(b) approve an increase of the average number belonging used to establish the ensuing year's basic entitlement and total per-ANB entitlement in accordance with subsection (5) if the increase in subsection (3)(a) is ~~at least greater than~~ 6%.

(4) The superintendent of public instruction shall notify the district of the decision by the fourth Monday in June.

(5) Whenever an unusual enrollment increase is approved by the superintendent of public instruction, the increase of the average number belonging used to establish the basic entitlement and total per-ANB entitlement for the ensuing ANB calculation period is determined using the difference between the enrollment for the ensuing school fiscal year and 106% of the ~~current enrollment used to calculate the budgeted ANB~~. The amount determined is the maximum allowable increase added to the average number belonging for the purpose of establishing the ensuing year's basic entitlement and total per-ANB entitlement.

(6) ~~(a)~~ Any entitlement increases resulting from provisions of this section must be reviewed at the end of the ensuing school fiscal year.

~~(b)~~ If the actual enrollment is less than ~~the average number belonging used for BASE funding program and entitlement calculations~~ the enrollment used to determine budgeted ANB, the superintendent of public instruction shall revise the total per-ANB entitlement and basic entitlement calculations, as provided in subsection (5), using the actual ~~average number belonging enrollment in place of the estimated enrollment~~.

~~(c)~~ All total per-ANB entitlements received by the district in excess of the revised entitlements are overpayments subject to the refund provisions of 20-9-344(4)."

Insert: "Section 15. Section 20-9-321, MCA, is amended to read:

"20-9-321. Allowable cost payment for special education. (1) As used in this section, "ANB" means the current year ANB.

(2) The 3-year average ANB provided for in 20-9-311(10) does not apply to the calculation and distribution of state special education allowable cost payments provided for in this section.

(3) For the purpose of establishing the allowable cost payment for a current year special education program for a school district, the superintendent of public instruction shall determine the total special education payment to a school district, cooperative, or joint board for special education services formed under 20-3-361 prior to July 1, 1992, using the following factors:

(a) the district ANB student count as established pursuant to 20-9-311 and 20-9-313;

(b) a per-ANB amount for the special education instructional block grant;

(c) a per-ANB amount for the special education-related services block grant;

(d) an amount for cooperatives or joint boards meeting the requirements of 20-7-457, to compensate for the additional costs of operations and maintenance, travel, supportive services, recruitment, and administration; and

(e) any other data required by the superintendent of public instruction to administer the provisions of this section.

~~(2)~~(4) (a) The total special education allocation must be distributed according to the following formula:

(i) 52.5% through instructional block grants;

(ii) 17.5% through related services block grants;

(iii) 25% to reimbursement of local districts; and

(iv) 5% to special education cooperatives and joint boards for administration and travel.

(b) Special education allowable cost payments outlined in subsection ~~(2)(a)~~ (4)(a) must be granted to each school district and cooperative with a special education program as follows:

(i) The instructional block grant limit prescribed in subsection ~~(2)(a)(i)~~ (4)(a)(i) must be awarded to each school district, based on the district ANB and the per-ANB special education instructional amount.

(ii) The special education-related services block grant limit prescribed in subsection ~~(2)(a)(ii)~~ (4)(a)(ii) must be awarded to each school district that is not a cooperative member, based on the district ANB and the per-ANB special education-related services amount, or to a cooperative or joint board that meets the requirements of 20-7-457. The special education-related services block grant amount for districts that are members of approved cooperatives or

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a joint board must be awarded to the cooperatives or joint board.

(iii) If a district's allowable costs of special education exceed the total of the special education instructional and special education-related services block grant plus the required district match required by subsection ~~(4)~~ (6), the district is eligible to receive at least a 40% reimbursement of the additional costs. To ensure that the total of reimbursements to all districts does not exceed 25% of the total special education allocation limit established in subsection ~~(2)(a)(iii)~~ (4)(a)(iii), reimbursement must be made to districts for amounts that exceed a threshold level calculated annually by the office of public instruction. The threshold level is calculated as a percentage amount above the sum of the district's block grants plus the required district match.

(iv) Of the amount distributed under subsection ~~(2)(a)(iv)~~ (4)(a)(iv), three-fifths must be distributed based on the ANB count of the school districts that are members of the special education cooperative or joint board and two-fifths must be distributed based on distances, population density, and the number of itinerant personnel under rules adopted by the superintendent of public instruction.

~~(3)~~(5) The superintendent of public instruction shall adopt rules necessary to implement this section.

~~(4)~~(6) A district shall provide a 25% local contribution for special education, matching every \$3 of state special education instructional and special education-related services block grants with at least one local dollar. A district that is a cooperative member is required to provide the 25% match of the special education-related services grant amount to the special education cooperative.

~~(5)~~(7) The superintendent of public instruction shall determine the actual district match based on the trustees' reports. Any unmatched portion reverts to the state and must be subtracted from the district's ensuing year's special education allowable cost payment.

~~(6)~~(8) A district that demonstrates severe economic hardship because of exceptional special education costs may apply to the superintendent of public instruction for an advance on the reimbursement for the year in which the actual costs will be incurred."

Insert: "Section 16. Section 20-9-353, MCA, is amended to read:

"20-9-353. Additional financing for general fund -- election for authorization to impose. (1) The trustees of a district may propose to adopt:

(a) an over-BASE budget amount for the district general fund that does not exceed the maximum general fund budget for the district or other limitations, as provided in 20-9-308(2); or

(b) a general fund budget amount in excess of the maximum general fund budget amount for the district, as provided in 20-9-308(3).

(2) ~~When~~ Except as provided in subsection (8), when the trustees of the district propose to adopt an over-BASE budget under subsection (1)(a), any increase in local property taxes authorized by 20-9-308(5) must be submitted to a vote of the qualified electors of the district, as provided in 15-10-425. The trustees are not required to submit to the qualified electors any increase in state funding of the basic or per-ANB entitlements approved by the legislature. When the trustees of a district determine that a voted amount of financing is required for the general fund budget, the trustees shall submit the proposition to finance the voted amount to the electors who are qualified under 20-20-301 to vote upon the proposition. The election must be called and conducted in the manner prescribed by this title for school elections and must conform to the requirements of 15-10-425. The ballot for the election must conform to the requirements of 15-10-425.

(3) When the trustees of a district propose to adopt the general fund budget amount in excess of the maximum general fund budget under subsection (1)(b), the trustees shall submit the proposition to finance the additional amount of general fund budget authority to the electors who are qualified under 20-20-301 to vote upon the proposition. The election must be called and conducted in the manner prescribed by this title for school elections. The ballot for the election must state the amount of the budget to be financed, the approximate number of mills required to fund all or a portion of the budget amount, and the purpose for which the money will be expended. The ballot must be in the following format:

PROPOSITION

Shall the district be authorized to expend the sum of (state the additional amount to be expended) and being approximately (give number) mills for the purpose of (insert the purpose for which the additional financing is made)?

FOR budget authority and any levy.

AGAINST budget authority and any levy.

(4) If the election on any additional financing or budget authority for the general fund is approved by a majority vote of the electors voting at the election, the proposition carries and the trustees may use any portion or all of the authorized amount in adopting the final general fund budget. The trustees shall certify any additional levy amount authorized by the election on the budget form that is submitted to the county superintendent, and the county commissioners shall levy the authorized number of mills on the taxable value of all taxable property within the district, as prescribed in 20-9-141.

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(5) Authorization to levy an additional tax to support a budget amount adopted as allowed by 20-9-308(3) is effective for only 1 school fiscal year.

(6) All levies adopted under this section must be authorized by the election conducted before August 1 of the school fiscal year for which it is effective.

(7) If the trustees of a district are required to submit a proposition to finance an over-BASE budget amount or an amount in excess of the maximum general fund budget amount for the district, as allowed by 20-9-308(3), to the electors of the district, the trustees shall comply with the provisions of subsections (2) through (6) of this section.

(8) ~~The trustees of the district may permissively levy up to the same over-BASE property tax revenue levied in the prior fiscal year."~~

Renumber: subsequent sections

22. Page 9.

Following: line 4

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

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

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

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

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

~~(iii) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the district's school food services fund provided for in 20-10-204.~~

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

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

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

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

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

(ii) oil and natural gas production taxes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(11)~~(10) The county superintendent of each county shall submit a report of the revenue amounts used to establish the levy requirements for county school funds supporting elementary and high school district retirement obligations to the superintendent of public instruction not later than the second Monday in September. The report must be completed on forms supplied by the superintendent of public instruction.""

Insert: "Section 21. Section 20-9-630, MCA, is amended to read:

"20-9-630. School district block grants. (1) (a) The office of public instruction shall provide a block grant to each school district based on the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999.

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.

(2) If the fiscal year 2003 appropriation provided in section 248(1), Chapter 574, Laws of 2001, is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003.

(3) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(4) ~~(a)~~ The block grant for the district general fund is equal to the average amount received in fiscal years 2002 and 2003 by the district general fund from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.

~~(b)~~ The block grant for the district transportation fund is equal to one-half of the average amount received in fiscal years 2002 and 2003 by the district transportation fund from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.

~~(c) (i)~~ The combined fund block grant is equal to the average amount received in fiscal years 2002 and 2003 by the district tuition, bus depreciation reserve, building reserve, nonoperating, and adult education funds from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.

~~(ii)~~ The school district may deposit the combined fund block grant into any budgeted fund of the district.""

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Insert: "NEW SECTION. Section 22. Extension of school election deadlines. In order to allow for the more orderly and efficient conduct of the regular school elections scheduled for May 3, 2005, it may not be possible to comply with certain statutory deadlines relating to a school election. Therefore, in 2005 only, a school district may limit the regular school election scheduled for May 3, 2005, to trustee elections only and may reschedule a single general fund operating levy election at any time prior to the adoption of a final budget pursuant to 20-9-131. In addition, all statutory deadlines for the May 3, 2005, regular school elections that fall on or before April 15 are extended to April 25, 2005, except that the timeline for posting the election notice is changed to April 25, 2005, through May 3, 2005."

23. Page 9, line 8 through line 9.

Strike: section 13 in its entirety

Insert: "NEW SECTION. Section 24. Effective dates -- applicability. (1) [Sections 1 and 12 through 16] are effective on passage and approval and apply to school budgets for the school fiscal years beginning on or after July 1, 2005.

(2) [Sections 2, 3, 5 through 9, and 17 through 25] are effective on passage and approval.

(3) [Section 4] is effective July 1, 2007.

(4) [Section 10] is effective July 1, 2005, and applies to school budgets for the school fiscal year beginning July 1, 2005.

(5) [Section 11] is effective July 1, 2006, and applies to school budgets for the school fiscal year beginning July 1, 2006."

Insert: "NEW SECTION. Section 25. Termination. (1) [Section 10] terminates June 30, 2006.

(2) [Sections 1, 3, and 11 through 16] terminate June 30, 2007."

Amendment adopted as follows:

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

Total 30

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

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 63 - Senator Laslovich moved **HB 63**, as amended, be concurred in. Motion carried as follows:

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

Total 35

Nays: Bales, Balyeat, Barkus, Brueggeman, Curtiss, Keenan, Lewis, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 14

Absent or not voting: None.

Total 0

Excused: Grimes.

Total 1

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Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Tash 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 16 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 34 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 49 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

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HB 212 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 257 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 270 concurred in as follows:

Yeas: 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, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 45

Nays: Bales, Balyeat, McGee, O'Neil, Shockley.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 271 concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 37

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Essmann, Gebhardt, Keenan, McGee, O'Neil, Shockley, Stapleton, Story.

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Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 307 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Curtiss, Ellingson, Elliott, Esp, Essmann, 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 48

Nays: Cromley, Gallus.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 349 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, 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: Curtiss, Keenan, Stapleton.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 507 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, 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 47

Nays: Balyeat, Keenan, Story.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 555 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 43

Nays: Esp, Gallus, Keenan, McGee, O'Neil, Stapleton, Story.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 559 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 574 concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, 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 41

Nays: Bales, Balyeat, Barkus, Curtiss, Esp, Keenan, McGee, O'Neil, Steinbeisser.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 581 concurred in as follows:

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

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Keenan, Laible, Lewis, McGee,

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O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 615 concurred in as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 36

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Keenan, McGee, Stapleton, Steinbeisser, Story, Tash.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 636 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, 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 47

Nays: Black, Brueggeman, Esp.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 652 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

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HB 696 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, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Balyeat, O'Neil.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 743 concurred in as follows:

Yeas: Bales, Barkus, 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 47

Nays: Balyeat, Black, Esp.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 105 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, 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 48

Nays: Cooney, Lind.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 219 passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cooney, Cromley, Curtiss, Ellingson, Esp, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Wheat, Williams, Mr. President.
Total 40

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Nays: Balyeat, Cobb, Cocchiarella, Elliott, Essmann, Keenan, Laible, O'Neil, Steinbeisser, Weinberg.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 249 passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 276 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Grimes, Hansen, Harrington, Keenan, Kitzenberg, Laible, Larson, Lewis, Lind, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Williams, Mr. President.
Total 42

Nays: Cooney, Ellingson, Gillan, Hawks, Laslovich, Moss, Smith, Wheat.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 287 passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SB 303 passed as follows:

Yeas: Bales, Balyeat, Barkus, Brueggeman, 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 48

Nays: Black, Cobb.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 317 passed as follows:

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

Nays: Bales, Grimes, Mangan.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 323 passed as follows:

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

Nays: Toole.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 326 passed as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, 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.
Total 44

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Nays: Bales, Balyeat, Curtiss, Keenan, O'Neil, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 406 passed as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 41

Nays: Bales, Balyeat, Barkus, Esp, Keenan, McGee, O'Neil, Perry, Stapleton.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 491 passed as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 42

Nays: Balyeat, Barkus, Esp, Keenan, McGee, Perry, Steinbeisser, Story.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 504 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Ellingson, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Williams, Mr. President.
Total 45

Nays: Cooney, Elliott, Lind, Squires, Wheat.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SJR 29 adopted 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, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Esp, Ryan.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

UNFINISHED BUSINESS

Senator Squires thanked the pages for their service.

SPECIAL ORDERS OF THE DAY

Senator Squires, Chair of Senate State Administration Committee, addressed the body and proceeded forth by moving the following resolutions regarding Gubernatorial Appointments :

Senator Squires moved SR 4 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, 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

Senator Squires moved SR 5 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, 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.

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Total 0

Senator Squires moved SR 6 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, 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

Senator Squires moved SR 7 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, 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

Senator Squires moved SR 8 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, 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

Senator Squires moved SR 9 do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Hawks, Keenan, Laible, Larson, Laslovich, Lewis, Mangan, McGee, Moss, O'Neil, Perry, Roush, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg, Wheat, Mr. President.
Total 39

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Nays: Cocchiarella, Cooney, Harrington, Kitzenberg, Lind, Pease, Ryan, Smith, Squires, Toole, Williams.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Squires moved SR 10 do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Hawks, Keenan, Laible, Larson, Lewis, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Wheat, Mr. President.
Total 43

Nays: Elliott, Hansen, Kitzenberg, Laslovich, Lind, Weinberg, Williams.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Squires moved SR 11 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, 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

Senator Squires moved SR 12 do **not** pass. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 29

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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Senator Squires moved SR 13 do pass. Motion carried 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, McGee, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 48

Nays: Balyeat, Perry.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Squires moved SR 14 do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lewis, Lind, McGee, O'Neil, Perry, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila.
Total 26

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Mangan, Moss, Pease, Roush, Schmidt, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 24

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 1:00 p.m., Tuesday, March 29, 2005. Motion carried.

Senate adjourned at 4:54 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate