

**SENATE JOURNAL  
59TH LEGISLATURE  
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 13, 2005

Senate Chambers  
State Capitol

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

Roll Call. All members present, except Senators Gillan and Wheat, excused. Quorum present.

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

Nays: Balyeat, Shockley.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Gillan, Wheat.  
Total 2

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL:** 4/13/2005  
Correctly printed: **SJR 36, SJR 38, SJR 39, SJR 40, HB 214, HB 327, HB 374, HB 386, HB 414, HB 484, HB 512, HB 577, HB 678, HB 745, HB 756, HB 758, HB 776, HB 802.**  
Correctly engrossed: **HB 410, HB 423, HB 529, HB 531, HB 584, HB 667, HB 671, HB 689, HB 742, HB 757, HB 769, HB 790.**  
Correctly enrolled: **SB 82, SB 104, SB 245, SB 255, SB 275, SB 285, SB 308, SB 320, SB 328, SB 380, SB 406, SB 412, SB 433, SB 452, SJR 30.**

**ENERGY AND TELECOMMUNICATIONS** (Toole, Chairman): 4/13/2005  
**SJR 36**, be adopted. Report adopted.  
**SJR 39**, be adopted. Report adopted.

**FINANCE AND CLAIMS** (Cooney, Chairman): 4/13/2005  
**HB 327**, be concurred in. Report adopted.  
**HB 374**, be concurred in. Report adopted.  
**HB 414**, be concurred in. Report adopted.  
**HB 531**, be amended as follows:

1. Page 2, line 3.  
**Strike:** "\$750,000"  
**Insert:** "\$375,000"

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

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

**HB 742**, be amended as follows:

1. Page 4, line 8.  
**Strike:** "\$100,000"  
**Insert:** "\$80,000"

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

**HB 790**, be amended as follows:

1. Page 4, line 12.  
**Following:** "(2)"  
**Strike:** "The"  
**Insert:** "(a) Except as provided in subsection (2)(b), the"

2. Page 4.

**Following:** line 14

**Insert:** "(b) In the 2007 biennium, up to \$50,000 may be allocated to the legislative services division for the purpose of a study of split estates of property between mineral owners and surface owners related to oil and gas development and coal bed methane reclamation and bonding."

3. Page 6, lines 10 and 11

**Strike:** line 10 through "section 1;" on line 11

**Renumber:** subsequent subsection

4. Page 6, line 20.

**Strike:** "\$25,000"

**Insert:** "\$50,000"

5. Page 6, line 21.

**Following:** "division"

**Strike:** "for use by the environmental quality council"

6. Page 6, line 22.

**Following:** "division"

**Insert:** "from the state special revenue fund"

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

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**FISH AND GAME** (Tropila, Chairman):  
**SB 214**, do pass. Report adopted.  
**HB 423**, be amended as follows:

4/13/2005

1. Title, line 4 through line 5.

**Following:** "~~GENERAL~~" on line 4

**Strike:** remainder of line 4 through "FUND" on line 5

**Insert:** "PROCEEDS OF GENERAL OBLIGATION BONDS"

**Strike:** "FISH, WILDLIFE, AND PARKS"

**Insert:** "COMMERCE"

2. Title, line 6.

**Strike:** "GRANT"

3. Page 1, line 20 through line 23.

**Following:** "area" on line 20

**Strike:** remainder of line 20 through "Park" on line 23

4. Page 1, lines 28 and 29.

**Strike:** "STATE SPECIAL REVENUE ACCOUNT USED FOR THE PURPOSE OF STATE PARKS" on line 28

**Insert:** "proceeds of bonds issued under House Bill No. 540"

**Following:** "department of" on line 28

**Strike:** remainder of line 28 through "parks" on line 29

**Insert:** "commerce"

**Strike:** "fiscal year 2006 for providing grants enabling local nonprofit organizations"

**Insert:** "the biennium beginning July 1, 2005"

5. Page 2, lines 1 and 2.

**Following:** "paleontologists" on line 1

**Strike:** ", "

**Insert:** "and"

**Following:** "upgrades" on line 1

**Strike:** remainder of line 1 through "taxes" on line 2

**Following:** "taxes."

**Insert:** "The department of commerce may lease the property to a private, nonprofit entity for the purpose of operating the park."

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

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):  
**HB 512**, be concurred in. Report adopted.  
**HB 671**, be amended as follows:

4/13/2005

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

1. Page 129.

**Following:** line 14

**Insert:** "COORDINATION SECTION. Section 129. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then the definitions contained in [section 2 of this act] must be codified in 61-1-101 and the internal references must be adjusted."

**Insert:** "COORDINATION SECTION. Section 130. Coordination instruction. If Senate Bill No. 261 and [this act] are both passed and approved, then [section 10 of this act], amending 15-1-116, is void."

**Insert:** "COORDINATION SECTION. Section 131. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved then [section 13 of this act], amending 15-1-122, is void and [section 4] of Senate Bill No. 285, amending 15-1-122, is amended as follows:

**"15-1-122. Fund transfers.** (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

~~(a)~~ \$75,000 in fiscal year 2003;

~~(b)~~(a) \$0 in fiscal years 2004 and 2005;

~~(c)~~(b) \$3,050,205 in fiscal year 2006; and

~~(d)~~(c) in each succeeding fiscal year, the amount in subsection ~~(2)(c)~~ (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

~~(i)~~ \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and

~~(ii)~~ \$1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant to Title 61, chapter 3, part 3, and \$5 for each permanently registered light vehicle. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532. 1.62% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 1.48% of the motor vehicle revenue deposited in the state general fund in succeeding fiscal years. The amount of 8.75% of the allocation in fiscal year 2006 and 9.48% of the allocation in fiscal year 2007 and succeeding years must be used for the purpose of reimbursing the hired removal of abandoned vehicles. Any portion of the allocation not used for abandoned vehicle removal reimbursement must be used as provided in 75-10-532.

(b) to the noxious weed state special revenue account provided for in 80-7-816:

~~(i)~~ \$1 in fiscal year 2006 and, in each subsequent year, \$2.75 for each off-highway vehicle for which the fee in lieu of tax is paid, as provided for in 23-2-803; and

~~(ii)~~ for vehicles registered or reregistered pursuant to 61-3-321:

~~(A)~~ \$1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle weighing more than 1 ton, and motor home; and

~~(B)~~ \$1.50 in fiscal year 2006 and, in each subsequent year, \$3.65 for each motorecycle and quadricycle; and

~~(C)~~ \$7.50 for each permanently registered light vehicle 1.53% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 1.50% of the motor vehicle revenue deposited in the state general fund in succeeding fiscal years;

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

(c) to the department of fish, wildlife, and parks:

~~(i) \$2.50 in fiscal year 2006 and, 0.47% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and in succeeding fiscal years, 0.46% of the motor vehicle revenue deposited in the state general fund, in each subsequent year, \$14.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received with the applicable percentage to be:~~

~~(A) used to:~~

~~(I) acquire and maintain pumpout equipment and other boat facilities, 5.2% in fiscal year 2006 and 4.8% in fiscal year 2007 and succeeding years;~~

~~(II) administer and enforce the provisions of Title 23, chapter 2, part 5, 20.8% in fiscal year 2006 and 19.1% in fiscal year 2007 and succeeding years;~~

~~(III) enforce the provisions of 23-2-804, 12.1% in fiscal year 2006 and 11.1% in fiscal year 2007 and succeeding fiscal years; and~~

~~(IV) develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use, 18.1% in fiscal year 2006 and 16.7% in fiscal year 2007 and succeeding fiscal years; and~~

~~(B) deposited in the state special revenue fund established in 23-1-105 in an amount equal to 43.8% in fiscal year 2006 and 48.3% in fiscal year 2007 and succeeding fiscal years;~~

~~(ii) \$5 in fiscal year 2006 and, 0.12% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.10% of the motor vehicle revenue deposited in the state general fund in each subsequent fiscal year, \$19 for each snowmobile registered under 23-2-616, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities; and~~

~~(iii) \$1 for each duplicate snowmobile registration decal issued under 23-2-617;~~

~~(iv) \$5 in fiscal year 2006 and, in each subsequent year, \$13.25 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;~~

~~(v) to the state special revenue fund established in 23-1-105, \$3.50 in fiscal year 2006 and, in each subsequent year, \$8 for each recreational vehicle, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321;~~

~~(vi)(iii) an amount equal to 20% 0.5% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.16% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533; and~~

~~(vii) to the state special revenue fund established in 23-1-105, \$4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to 61-3-321(11)(a), with \$3.50 of the money used for state parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City;~~

~~(d) 0.75% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.64% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year, with 21.30% in fiscal year 2006 and 24.55% in fiscal year 2007 and succeeding fiscal years to be deposited in the state veterans' cemetery account; provided for in 10-2-603, \$10 for each veteran's license plate subject to the fee in 61-3-459 and with 78.70% in fiscal year 2006 and 75.45% in fiscal year 2007 and succeeding fiscal years to be deposited in the veterans' services account provided for in 10-2-112(1);~~

~~(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:~~

~~(i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and~~

~~(ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;~~

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

~~(f)(e)~~ 25 cents a year for each registered vehicle and \$1.25 for each permanently registered vehicle subject to the fee in 61-3-321(6) 0.59% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.30% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112; and

~~(g)(f)~~ to the search and rescue account provided for in 10-3-801;

~~(i)~~ \$2 a year for each vessel [subject to the search and rescue surcharge] in 23-2-517;

~~(ii)~~ \$2 a year for each snowmobile [subject to the search and rescue surcharge] in 23-2-615(1)(b) and 23-2-616(3); and

~~(iii)~~ \$2 a year for each off-highway vehicle [subject to the search and rescue surcharge] in 23-2-803 0.20% of the motor vehicle revenue deposited in the state general fund in fiscal year 2006 and 0.04% of the motor vehicle revenue deposited in the state general fund in each succeeding fiscal year; and

~~(h)~~ 50 cents a year for each vehicle subject to the fee in 61-3-321(7) for deposit in the state special revenue fund to the credit of the veterans' services account provided for in 10-2-112(1).

(4) For each fiscal year, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may be included in vehicle counts only in the year in which the vehicle is registered or reregistered. Transfer amounts in each fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available. Vehicles that are permanently registered may be included in vehicle counts only in the year in which the vehicles are registered by new owners. For the purposes of this section, "motor vehicle revenue deposited in the state general fund" means revenue received from:

(a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;

(b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered pursuant to 61-3-321 and 61-3-562;

(c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and

(d) all money collected pursuant to 15-1-504(3).

(5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

**Insert:** "COORDINATION SECTION. Section 132. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 25 of this act], amending 23-2-616, is void."

**Insert:** "COORDINATION SECTION. Section 133. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-1-101(57) as amended by Senate Bill No. 285 must read as follows:

"(57) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101."

**Insert:** "COORDINATION SECTION. Section 134. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-1-101(19) as amended by Senate Bill No. 285 must read as follows:

"(19) "Manufactured home" has the meaning provided in 15-1-101."

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**Insert:** "COORDINATION SECTION. Section 135. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-1-101(55) as amended by Senate Bill No. 285 must read as follows:

"(55) "Temporary registration permit" means a paper record:

(a) issued by the department, an authorized agent, a county treasurer, or a person, using a department-approved electronic interface after an electronic record has been transmitted to the department, that contains:

(i) required vehicle and owner information; and

(ii) the purpose for which the record was generated; and

(b) that, when placed in a durable license-plate style plastic pouch approved by the department and displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs.""

**Insert:** "COORDINATION SECTION. Section 136. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-1-101(22) as amended by Senate Bill No. 285 must read as follows:

"(22) "Mobile home" or "house trailer" has the meaning provided in 15-1-101.""

COORDINATION SECTION. Section 137. Coordination instruction. (1) If Senate Bill No. 285 and [this act] are both passed and approved, then [section 41] of Senate Bill No. 285, amending 61-3-101, must include a new subsection (42) that reads:

"(42) "Registration" or "register" means the act or process of creating an electronic record, maintained by the department, of the assignment of a license plate or a set of license plates to and the issuance of a registration decal for a specific vehicle, the ownership of which has been established or is presumed in department records."

(2) Subsequent subsections in [section 41] of Senate Bill No. 285, amending 61-1-101, must be renumbered and internal references must be adjusted."

**Insert:** "COORDINATION SECTION. Section 138. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 64] of Senate Bill No. 285, amending 61-3-224, is void and [section 47 of this act], amending 61-3-224, is amended as follows:

"61-3-224. Temporary registration permit -- issuance -- placement -- fees. (1) ~~The department, an authorized agent, or a county treasurer or a law enforcement officer may issue a temporary registration permit under the provisions of 61-3-317. A county treasurer may also issue a temporary registration permit under the provisions of 61-3-342 to:~~

(a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the vehicle or vessel prior to titling and registration of the vehicle under this chapter;

(b) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-212;

(c) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation of the vehicle while awaiting production and receipt of special or duplicate license plates ordered for the vehicle under this chapter;

(d) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence;

(e) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply fertilizer to agricultural lands into the state for special demonstration in this state; or

(f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession.

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

(2) An employee or agent of the department may issue a temporary registration permit only under express authorization from the department and in accordance with the provisions of this chapter. A person, using a department-approved electronic interface, may issue a temporary registration permit for the specified purposes if the person is:

(a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the vehicle or vessel prior to titling and registration the vehicle under this chapter;

(b) the owner of a salvage vehicle for moving the vehicle to and from a designated inspection site prior to applying for a new certificate of title under 61-3-212;

(c) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of residence; or

(d) a financial institution located in Montana that intends to allow a prospective purchaser to demonstrate a motor vehicle that the financial institution has obtained following repossession.

(3) A dealer licensed under Title 23, chapter 2, part 5, 6, or 8, or under Title 61, chapter 4, part 1, may issue a temporary registration permit only as authorized under 23-2-513, 23-2-619, 23-2-818, 61-4-111, or 61-4-112.

(4)(3) A temporary registration permit issued under subsections (1) through (3) this section must contain the following information:

(a) a temporary registration permit control plate number, registration receipt number, or transaction record number, as prescribed by the department;

(b) the expiration date of the temporary registration permit; and

(c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification number, the name and address of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer, motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of transfer issuance.

(4) A temporary registration permit for:

(a) a motor vehicle, trailer, semitrailer, or pole trailer must be plainly visible and firmly attached to the rear exterior of the vehicle where a license plate is required to be displayed; and

(b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway must be plainly visible and firmly attached to the vehicle or vessel.

(5)(a) Except as provided in 61-3-431 and subsection (5)(b) of this section, a \$3 fee is imposed upon issuance of a temporary registration permit by the department, an authorized agent, or a county treasurer. The fee must be paid by the owner of the vehicle or vessel and collected by the department, the authorized agent, or a county treasurer when the vehicle is registered.

(b) Except as provided in 61-3-431, a fee of \$8 is imposed and must be paid upon issuance of a temporary registration permit by:

(i) the department, an authorized agent, or a county treasurer to a nonresident of this state who acquires a vehicle or vessels in this state; or

(ii) a person who issued a temporary registration permit using a department-approved electronic interface.

(6) The fees imposed under this section, upon collection, must be forwarded to the state and deposited in the motor vehicle electronic commerce operating account provided for in [section 5 of House Bill No. 671].

(7) If a temporary registration permit is issued under this section to a person to whom ownership of a vehicle or vessel has been transferred, the permitholder must title and register the vehicle or vessel in this or another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person."''''

**Insert: "COORDINATION SECTION. Section 139. Coordination instruction.** If Senate Bill No. 318 and [this act] are both passed and approved, then [section 8] of Senate Bill No. 318, amending 61-3-301, is void."



SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**Insert:** COORDINATION SECTION, Section 140. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-302 must be amended as follows:

**"61-3-302. Residents operating motor vehicles under licenses issued by any state other than Montana forbidden -- vehicles exempt from registration -- exceptions.** (1)(a) ~~It shall especially be provided that a~~ A resident of the state of Montana ~~shall who owns a motor vehicle, trailer, semitrailer, or pole trailer may not operate a~~ the motor vehicle, trailer, semitrailer, or pole trailer ~~under a license with license plates~~ issued by any other state than Montana.

(b) A person who has resided in Montana for more than 60 consecutive days is considered to be a resident for the purpose of vehicle titling and registration laws, and a motor vehicle, trailer, semitrailer, or pole trailer owned by the person must be titled and registered under the laws of Montana prior to operation in this state after the 60-day period.

(2) A motor vehicle, trailer, semitrailer, or pole trailer driven or moved upon a highway in this state and owned by a nonresident of this state is exempt from registration under this chapter if:

(a) the vehicle is properly registered in and displays valid license plates of the jurisdiction in which the nonresident owner resides; and

(b) (i) the vehicle is not used for the transportation of persons or property for hire, compensation, or profit;

(ii) the nonresident owner is not employed or engaged in a commercial or business enterprise in this state;

or

(iii) the vehicle is used for the exclusive purpose of filming motion pictures or television commercials and does not remain in the state for a period in excess of 180 consecutive days in a calendar year.

(3) A motor vehicle, trailer, semitrailer, or pole trailer that is owned by a manufacturer, a dealer, a wholesaler, or an auto auction and that is held for sale is exempt from registration under this part, even though the motor vehicle, trailer, semitrailer, or pole trailer is incidentally moved on the highway and is used for purposes of testing or demonstration or is used by a manufacturer solely for testing.

(4) A junk vehicle, as defined in Title 75, chapter 10, part 5, being driven to an auto wrecking graveyard for disposal is exempt from the provisions of this chapter."

**Insert:** COORDINATION SECTION, Section 141. Coordination instruction. If House Bill No. 541 and [this act] are both passed and approved, then [section 3] of House Bill No. 541 that amends 61-3-303 is void."

**Insert:** COORDINATION SECTION, Section 142. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-303 must be amended as follows:

**"61-3-303. Registration Original registration -- process -- fees.** (1) ~~A~~ Except as provided in 61-3-324, Montana resident who owns a motor vehicle, trailer, semitrailer, or pole trailer operated or driven upon the public highways of this state shall register the motor vehicle, trailer, semitrailer, or pole trailer in the office of the county treasurer in the county where the owner permanently resides or, if the motor vehicle, trailer, semitrailer, or pole trailer is owned by a corporation or used primarily for commercial purposes, in the county where the motor vehicle, trailer, semitrailer, or pole trailer is permanently assigned domiciled.

(2) (a) Except as provided in subsection (3), the county treasurer shall register any vehicle for which:

(i) (a) as of the date that the motor vehicle, trailer, semitrailer, or pole trailer is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(i) (b) the county treasurer confirms that the department has an electronic record of title for the motor vehicle, trailer, semitrailer, or pole trailer as provided under 61-3-101.

(b) To register a vehicle, the county treasurer shall update the electronic record of title maintained by the department under 61-3-101 by entering the fees paid and recording any changes to the recorded data.

(3) (a) A county treasurer shall may register a motor vehicle, trailer, semitrailer, or pole trailer for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the motor vehicle, trailer, semitrailer,

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

or pole trailer owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle, trailer, semitrailer, or pole trailer for which the new owner cannot, due to circumstances beyond the new owner's control, present the surrender a previously issued assigned certificate of title only as authorized by the department under 61-3-342. The new owner may submit an application for certificate of title, subject to the registration renewal limitations of 61-3-312.

(4) The department or the county treasurer shall determine the amount of fees, including local option taxes or fees, to be collected at the time of registration for each light vehicle subject to a registration fee under 61-3-560 through 61-3-562 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton, and truck tractor subject to a fee in lieu of tax under 61-3-529. The county treasurer shall collect the registration fee, other appropriate fees, and local option taxes or fees, if applicable, on each motor vehicle at the time of its registration. Upon registering a motor vehicle, trailer, semitrailer, or pole trailer for the first time in this state, the county treasurer shall:

(a) update the electronic record of title, if any, maintained for the vehicle by the department under 61-3-101;

(b) assign a registration period for the vehicle under 61-3-311;

(c) determine the vehicle's age, if required, under 61-3-501;

(d) determine the amount of fees, including local option taxes or fees, to be paid under subsection (5); and

(e) assign and issue license plates for the vehicle under 61-3-331.

(5) ~~A~~ Unless otherwise provided by law, a person who seeks to register registering a motor vehicle, ~~except a mobile home or a manufactured home as those terms are defined in 15-1-101(1),~~ shall pay to the county treasurer:

(a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;

(b) ~~except as provided in 61-3-456 or unless it has been previously paid, the motor vehicle~~ the fees in lieu of tax or registration fees, as required for:

(i) a light vehicle under ~~61-3-560 through 61-3-321(2) or 61-3-562,~~ in addition to, if applicable, any local option tax or fee under 61-3-537 or 61-3-570 imposed against the vehicle for the current year of registration and the immediately previous year;

(ii) a motor home under 61-3-321;

(iii) a travel trailer under 61-3-321;

(iv) a motorcycle or quadricycle under 61-3-321;

(v) a bus, a truck having a manufacturer's rated capacity of more than 1 ton, or a truck tractor under 61-3-321 and 61-3-529; or

(vi) a trailer under 61-3-321; and

~~(c)~~(b) a donation of \$1 or more if the person has indicated on the application indicates that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts; and

~~(d)~~(c) a donation of \$1 or more if the person has indicated on the application indicates that the person wishes to donate to promote education on, support for, and awareness of traumatic brain injury.

(6) The county treasurer may not issue a registration receipt or license plates for the motor vehicle, trailer, semitrailer, or pole trailer to the owner unless the owner makes the payments required by subsection (5). ~~Except as provided in 61-3-560 through 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:~~

~~(a) the current year; and~~

~~(b) except as provided in subsection (9), the immediately preceding year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.~~

(7) The department may make full and complete investigation of the registration status of the motor vehicle, trailer, semitrailer, or pole trailer. A person seeking to register a motor vehicle, trailer, semitrailer, or pole trailer under this section shall provide additional information to support the registration to the department if requested.

(8) Revenue that accrues from the voluntary donation provided in subsection ~~(5)(c)~~ (5)(b) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, semitrailer, or pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is owned by the same person who registered the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer. Once registered, a ~~vehicle described in this subsection (9)(a)~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is registered permanently unless ownership ~~of the vehicle~~ is transferred.

(b) Whenever ownership of a ~~vehicle described in subsection (9)(a)~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer is transferred, the new owner is required to register the ~~vehicle~~ travel trailer, motorcycle, quadricycle, trailer, semitrailer, or pole trailer as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees.

(10) Revenue that accrues from the voluntary donation provided in subsection ~~(5)(d)~~ (5)(c) must be forwarded by the respective county treasurer to the department of revenue for deposit in the state special revenue fund to the credit of the account established in 2-15-2218 to support activities related to education regarding prevention of traumatic brain injury. ""

**Insert:** "COORDINATION SECTION. Section 143. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-311 must be amended as follows:

~~"61-3-311. Registration -- annual renewal-- time periods. (1) Registration must be renewed annually, and registration fees must be paid annually. Except Unless a motor vehicle, trailer, semitrailer, or pole trailer is subject to permanent registration under this title and except as provided in 61-3-313, through 61-3-316, 61-3-318, 61-3-526 61-3-701, and 61-3-721, and subsection (3) of this section, all registrations expire on December 31 of the year in which they are issued and must be renewed annually upon payment of all required fees to the county treasurer or the department's agent not later than February 15 of each year the department, an authorized agent, or a county treasurer shall, upon original registration of a motor vehicle in this state, assign each motor vehicle to a registration period, as provided in 61-3-316, based upon the calendar month in which the motor vehicle is first registered in this state and designate the calendar year in which the current registration will expire. If the ownership of a motor vehicle is transferred during the registration year, the new owner shall apply for a certificate of title and register the motor vehicle as provided by this chapter.~~

~~(2) The department, its authorized agent, or a county treasurer may not renew the registration of a vehicle whose ownership has been transferred and that was originally registered under the provisions of 61-3-342(3) unless:~~

~~(a) the previously issued certificate of title has been surrendered to the department, its authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or~~

~~(b) the person to whom ownership of the vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208.~~

~~(2) Each registration period commences on the first day of the calendar month in the calendar year in which the motor vehicle is registered and the motor vehicle's registration expires on the earlier of:~~

~~(a) the last day of the month preceding the anniversary of the registration period for the year designated on the motor vehicle's registration decal, if the motor vehicle is registered for a minimum 12-month period;~~

~~(b) the last day of the month preceding the anniversary of the registration period for the year designated on the motor vehicle's registration decal, if the motor vehicle is registered for a period of at least 13 but less than 25 months; or~~

~~(c) the transfer of ownership of the motor vehicle, trailer, semitrailer, or pole trailer to another person.~~

~~(3) (a) Upon request of the motor vehicle a county treasurer may assign a motor vehicle to a registration period, as provided in 61-3-316, other than the calendar month in which the motor vehicle is first registered in this state if at least 13 but less than 25 months will elapse between the first day of the calendar month in which the motor vehicle~~

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

is registered and the last day of the month preceding the anniversary of the requested registration period in the year designated on the motor vehicle's registration decal.

(b) The county treasurer shall determine fees imposed for a motor vehicle registered for a period between 13 and 24 months. All registration fees, fees in lieu of tax, or local option taxes or fees that are imposed on an annual basis must be prorated based on the number of months in the requested registration period.

(c) A motor vehicle registered under the provisions of 61-3-303(3)(b) may not be registered under this subsection (3).

(4) If a motor vehicle, trailer, semitrailer, or pole trailer is permanently registered under the provisions of this chapter, the registration is not subject to expiration unless the registered owner of the motor vehicle, trailer, semitrailer, or pole trailer transfers ownership of the vehicle to another person."

**Insert:** "COORDINATION SECTION. Section 144. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-312 must be amended as follows:

"61-3-312. Renewal of registration -- exceptions -- grace period. (1) ~~Except as provided in 61-3-311(1); 61-3-314; 61-3-318; 61-3-526; 61-3-560; 61-3-562; 61-3-313 and 61-3-721, the registration of a motor vehicle under this chapter expires on December 31 of each year and must be renewed annually upon payment of registration fees as provided in 61-3-303 and 61-3-321 on or before the last day of the month of the motor vehicle's registration period following the expiration of the motor vehicle's registration. The renewal takes effect on January 1 of each year. A person may renew a motor vehicle's registration by submitting full payment for the fees or taxes required under 61-3-303 to the department, an authorized agent, or a county treasurer in any county of this state. Except as provided in 61-3-315, the registration period originally assigned under 61-3-311 must be retained and the duration of the renewed registration is determined in accordance with 61-3-311. A registration receipt is valid only during for the registration year period for which it is issued.~~

(2) ~~The owner of a motor vehicle registered subject to registration renewal under the provisions of this section may operate the vehicle between January 1 and February 15 without displaying the registration decal of the current year if, during the period, the owner displays upon the vehicle the number plates or plate assigned for the previous year is considered to have renewed the motor vehicle's registration in a timely manner if the owner submits full payment for the required fees or taxes, as prescribed in the mail renewal notice from the department, to the department, an authorized agent, or a county treasurer on or before the last day of the month of the motor vehicle's registration period.~~

(3) ~~The department, an authorized agent, or a county treasurer may not renew the registration of a motor vehicle for which ownership has been transferred and that was originally registered without being titled under the provisions of 61-3-303(3)(b) unless:~~

~~(a) the previously issued certificate of title has been surrendered to the department, an authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or~~

~~(b) the person to whom ownership of the motor vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208."~~

**Insert:** "COORDINATION SECTION. Section 145. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-313 must be amended as follows:

"61-3-313. ~~Vehicles subject to staggered~~ Motor vehicles exempt from registration renewal. ~~For purposes of 61-3-313 through 61-3-316, "vehicle" means a motor vehicle, as defined in 61-1-102, that is subject to annual registration in this state except~~ The following motor vehicles are exempt from the registration renewal requirements of 61-3-312:

(1) motor vehicles owned or leased and operated by the government of the United States or by the state of Montana or a political subdivision of the state;

(2) ~~mobile homes and motor homes;~~

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

- ~~\_\_\_\_\_ (3) vehicles that are registered in accordance with or subject to 61-3-411 or 61-3-458(3)(b);~~
- ~~\_\_\_\_\_ (4) trucks exceeding a 1-ton rated capacity;~~
- ~~\_\_\_\_\_ (5) trailers, semitrailers, tractors, and buses;~~
- ~~\_\_\_\_\_ (6) special mobile equipment as defined in 61-1-104;~~
- ~~(7)(2) motor vehicles registered as part of a fleet under 61-3-318; and~~
- ~~(8)(3) apportionable motor vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to the provisions of 61-3-711 through 61-3-733; and~~
- (4) unless a transfer of ownership occurs, a travel trailer, trailer, semitrailer, pole trailer, motorcycle, or quadricycle, including a motorcycle or quadricycle registered only for off-highway use under Title 23, chapter 2, part 8, is permanently registered."

**Insert:** "COORDINATION SECTION. Section 146. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-314 must be amended as follows:

**"61-3-314. Registration period.** ~~(1) Except as provided in 61-3-315, each vehicle subject to the provisions of 61-3-313 through 61-3-316 must be registered for a 12-month period based upon the date it is first registered in this state pursuant to 61-3-313 through 61-3-316.~~

~~\_\_\_\_\_ (2) There For the purposes of this chapter, there are 12 registration periods to which a motor vehicle may be assigned, each of which~~ Each registration period commences on the first day of a calendar month. The periods are:

- ~~(a)(1)~~ (1) January 1 through January 31 1st period
- ~~(b)(2)~~ (2) February 1 through February 28/29 2nd period
- ~~(c)(3)~~ (3) March 1 through March 31 3rd period
- ~~(d)(4)~~ (4) April 1 through April 30 4th period
- ~~(e)(5)~~ (5) May 1 through May 31 5th period
- ~~(f)(6)~~ (6) June 1 through June 30 6th period
- ~~(g)(7)~~ (7) July 1 through July 31 7th period
- ~~(h)(8)~~ (8) August 1 through August 31 8th period
- ~~(i)(9)~~ (9) September 1 through September 30 9th period
- ~~(j)(10)~~ (10) October 1 through October 31 10th period
- ~~(k)(11)~~ (11) November 1 through November 30 11th period
- ~~(l)(12)~~ (12) December 1 through December 31 12th period""

**Insert:** "COORDINATION SECTION. Section 147. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-317 must be amended as follows:

**"61-3-317. New registration required for transferred motor vehicle -- grace period -- penalty -- display of proof of purchase.** (1) ~~Except as otherwise provided in this section, the~~ The new owner of a transferred motor vehicle, trailer, semitrailer, or pole trailer has a grace period of 20 40 calendar days from the date of purchase to make application for a certificate of title and pay the registration fees, fees in lieu of tax and other fees required by part 5 of this chapter, and local option taxes, if applicable, unless the fees and taxes have been paid for the year or for the 24-month period as provided in 61-3-315, as if the vehicle were being registered for the first time in that registration year. However, the motor vehicle, trailer, semitrailer, or pole trailer may not be operated upon the streets and highways of this state during this period unless a temporary registration permit has been issued for and is properly displayed on the motor vehicle, trailer, semitrailer, or pole trailer as permitted by 61-3-224.

~~(2) The new owner of a vehicle described in 61-3-303(9) shall make application and pay the registration fees, fees in lieu of tax, and other fees required by part 5 of this chapter and local option taxes, if applicable, whether or not the fees and taxes have been paid previously.~~

~~(3)(2)~~ (2) If the motor vehicle, trailer, semitrailer, or pole trailer was not purchased from a licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

motor vehicle, trailer, semitrailer, or pole trailer upon the streets and highways of this state without a current registration receipt or registration decal during the ~~20-day~~ 40-day period if at all times during that period, a temporary registration permit, issued under 61-3-224, obtained from the county treasurer or a law enforcement officer as authorized by the department, is clearly properly displayed in the rear window of the motor vehicle or, if a durable placard has been issued for the vehicle, the placard is attached to the rear of the vehicle.

(4) Registration fees collected under 61-3-321 are not required to be paid when a license plate is transferred under 61-3-335 and this section:

(5) Failure to make application for a certificate of title within the time provided in this section subjects the purchaser to a penalty of \$10. The penalty must be collected by the county treasurer at the time of registration and is in addition to the fees otherwise provided by law. The penalty must be deposited in the state general fund."

**Insert:** "COORDINATION SECTION. Section 148. Coordination instruction. If Senate Bill No. 285, Senate Bill No. 318, and [this act] are all passed and approved, then [section 16] of Senate Bill No. 318, a coordination instruction, is void and 61-3-321 must be amended as follows:

**"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, ~~re~~registration renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, and semitrailers, and pole trailers in accordance with this chapter, as follows as provided in subsections (2) through (19):

~~(a)~~(2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light vehicles under 2,850 pounds, \$13.75 in calendar year 2004 and, in each subsequent year, \$17; trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

(a) if the vehicle is 4 years old or less, \$217;

(b) if the vehicle is 5 through 10 years old, \$87; and

(c) if the vehicle is 11 or more years old, \$28.

~~(b)~~(3) Except as provided in subsection (15), the one-time registration fee based on the declared weight of the trailer, semitrailer, or pole trailer is as follows:

(a) if the declared weight is less than 6,000 pounds, \$61.25; or

(b) if the declared weight is 6,000 pounds or more, \$148.25

trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

~~(c)~~(4) The annual registration fee for motor vehicles registered owned and operated solely as collector's items pursuant to 61-3-411 that are for motor vehicles:

(i)(a) 2,850 pounds and over, \$10; and

(ii)(b) under 2,850 pounds, \$5;

~~(d)~~(5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles registered pursuant to 23-2-817, \$9 in calendar year 2004 and, in each subsequent year, \$19.25 other than quadricycles is \$61.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle.

~~(e)~~(6) The annual registration fee for light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks, buses, and logging trucks in excess of 1 ton, \$18.75 in calendar year 2004 and, in each subsequent year, \$22 is \$22.75;

(f) logging trucks less than 1 ton, \$23.75;

~~(g)~~(7) (a) motor homes, \$22.25; The annual registration fee for a motor home, based on the age of the motor home, is as follows:

(i) less than 2 years old, \$282.50;

(ii) 2 years old and less than 5 years old, \$224.25;

(iii) 5 years old and less than 8 years old, \$132.50; and

(iv) 8 years old and older, \$97.50.

(b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

this section may permanently register the motor home upon payment of:

(i) a one-time registration fee of \$237.75; and

(ii) if applicable, five times the renewal fees for personalized plates under 61-3-406.

~~(h)(8)~~ (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and quadricycles, \$9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, \$9.75 in calendar year 2004 and, in each subsequent year, \$11.25 registered for use on public highways is \$53.25 and the one-time registration fee for motorcycles registered for both off-road use and for use on the public highways is \$114.50. This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.

(b) An additional fee of \$16 must be collected for the registration of each motorcycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, \$16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

~~(k)(9)~~ Except as provided in subsection (15), the one-time registration fee for travel trailers under 16 feet in length, \$11.75 is \$72 and the one-time registration fee for travel trailers 16 feet in length or longer is \$152. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(l) recreational vehicles, \$3.50 in calendar year 2004 and, in each subsequent year, \$9.75. If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat, personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

(a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, \$65.50;

(b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, \$125.50; and

(c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

(11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a snowmobile is \$60.50.

(b) (i) A snowmobile that is licensed by a Montana business and that is owned exclusively for the purpose of daily rental to customers is assessed:

(A) a fee of \$40.50 in the first year of registration; and

(B) if the business reregisters the snowmobile for a second year, a fee of \$20.

(ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed the fee in lieu of tax imposed in subsection (11)(a).

(2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.

(b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.

(3) An additional fee of \$5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, \$5 in calendar year 2004 and, in each subsequent year, \$16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(12) Except as provided in subsection (15), the one-time registration fee for a quadricycle is \$59.25.

~~(4)(13)~~ A fee of \$5 for each set of new number plates must be collected when number plates a new set of standard license plates or a new single standard license plate provided for under 61-3-332(2) are 61-3-332 is issued. The \$5 fee imposed under this subsection does not apply when previously issued license plates are transferred under

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are transferred is not currently registered.

~~(5)~~(14) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to light vehicles that are exempt from taxation under 15-6-201(1)(a), (1)(c) through (1)(e), (1)(m), (1)(o), (1)(q), or (1)(w), 15-6-203, or 15-6-215, except as provided in 61-3-520.

~~(6)~~ (a) Except as provided in 61-3-562 and subsection ~~(6)~~(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

~~(b)~~ The following vehicles are not subject to the fee imposed in subsection ~~(6)~~(a):

~~(i)~~ trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

~~(ii)~~ travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

~~(7)~~ (a) Except as provided in 61-3-562 and subsection ~~(7)~~(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.

~~(b)~~ The following vehicles are not subject to the fee:

~~(i)~~ trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;

~~(ii)~~ off-highway vehicles registered pursuant to 23-2-817; and

~~(iii)~~ vehicles bearing license plates described in 61-3-458(3)(d).

~~(8)~~(15) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335. Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle, quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, or snowmobile is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under this section.

~~(9)~~(16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

~~(10)~~(17) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(18) The fees imposed by subsections (2) through (13) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

~~(11)~~(19) (a) Unless a person exercises the option in subsection ~~(11)~~(b) (19)(b), an additional fee of \$4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state general special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii). Of the \$4 fee, the department shall use \$3.50 for state parks, 25 cents for fishing access sites, and 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection ~~(11)~~(a) (19)(a). If a written election is made, the fee may not be collected.

(20) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721.""

**Insert: "COORDINATION SECTION. Section 149. Coordination instruction. If Senate Bill No. 318 is not passed**



SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

and approved and Senate Bill No. 285 and [this act] are both passed and approved, then subsection (12) of 61-3-321 contained in [section 148 of this act] is void and internal references must be adjusted and subsection (8) of 61-3-321 contained in [section 148 of this act] must read as follows:

"(8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and quadricycles; \$9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, \$9.75 in calendar year 2004 and, in each subsequent year, \$11.25 registered for use on public highways is \$53.25 and the one-time registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50. This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.

(b) An additional fee of \$16 must be collected for the registration of each motorcycle and quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002."

**Insert:** "COORDINATION SECTION. Section 150. Coordination instruction. If Senate Bill No. 285, House Bill No. 35, and [this act] are all passed and approved, then 61-3-321(12) as amended by House Bill No. 35 must read as follows:

"(12) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be collected and forwarded to the state for deposit in the account established in [section 4 of House Bill No. 35]."

**Insert:** "COORDINATION SECTION. Section 151. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 83] of Senate Bill No. 285, amending 61-3-333, is void."

**Insert:** "COORDINATION SECTION. Section 152. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-334 must be amended as follows:

"61-3-334. Expiration of registration on transfer ~~Transfer of ownership of motor vehicle -- duty to remove plates.~~ Upon the transfer of ownership of a motor vehicle, trailer, semitrailer, or pole trailer, the registration of the motor vehicle shall expire and it shall be the duty of the transferor shall immediately to remove the license plates from the motor vehicle, trailer, semitrailer, or pole trailer."

**Insert:** "COORDINATION SECTION. Section 153. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 97] of Senate Bill No. 285, amending 61-3-425, is void."

**Insert:** "COORDINATION SECTION. Section 154. Coordination instruction. If Senate Bill No. 285, which repeals 61-3-522, is not passed and approved and House Bill No. 541 and [this act] are both passed and approved, then 61-3-522 must be amended as follows:

"61-3-522. Schedule of fees for motor homes -- permanent registration of motor homes -- transfer of ownership. (1) The owner of a motor home shall pay a fee based on the age of the motor home according to the following schedule:

less than 2 years old	\$250
2 years old and less than 3 years old	230
3 years old and less than 4 years old	195
4 years old and less than 5 years old	150
5 years old and less than 6 years old	125
6 years old and less than 7 years old	100

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

7 years old and less than 8 years old	75
8 years old and older	65

(2) (a) ~~Except as provided in subsection (2)(b), the~~ The age of a motor home is must be determined by subtracting the manufacturer's designated model year from the current calendar year under 61-3-501.

(b) ~~If the purchase year of a motor home precedes the designated model year of the motor home and the motor home is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

(3) (a) The owner of a motor home that is 11 years old or older and that is subject to the registration fee under 61-3-321 may permanently register the motor home upon payment of:

(i) a one-time registration fee of \$237.75; and

(ii) if applicable, five times the renewal fees for personalized plates under 61-3-406.

(b) The following series of license plates may not be used for purposes of permanent registration of a motor home:

(i) Montana national guard license plates issued under 61-3-458(2)(b);

(ii) reserve armed forces license plates issued under 61-3-458(2)(c);

(iii) amateur radio operator license plates issued under 61-3-422;

(iv) collegiate license plates issued under 61-3-465; and

(v) generic specialty license plates issued under 61-3-479.

(4) The permanent registration of a motor home allowed by this section may not be transferred to a new owner. If the motor home is transferred to a new owner, the new owner shall apply for a certificate of title under 61-3-201 and register the motor home under 61-3-303."

**Insert:** "COORDINATION SECTION. Section 155. Coordination instruction. If Senate Bill No. 285, House Bill No. 541, and [this act] are all passed and approved, then subsection (3)(b) of 61-3-522, as is reads in [section 154 of this act] must be codified as a new section in Title 61, chapter 5, because 61-5-522 is repealed by Senate Bill No. 285."

**Insert:** "COORDINATION SECTION. Section 156. Coordination instruction. If Senate Bill No. 285, which repeals 61-3-527, is not passed and approved and House Bill No. 102 and [this act] are both passed and approved, then 61-3-527 must be amended as follows

**"61-3-527. One-time fee in lieu of tax for motorcycles and quadricycles -- permanent registration.** (1) (a) ~~There~~ Except as provided in subsection (2), there is a one-time fee in lieu of property tax of ~~\$20 in calendar year 2004 and, in each subsequent year, \$40~~ \$41.25 imposed on motorcycles and quadricycles that are subject to one-time registration. The fee is in addition to registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer for motorcycles or quadricycles that constitute inventory of the dealership.

(2) The owner of a motorcycle or quadricycle with ~~a special license plates~~ plate issued under 61-3-415 shall pay ~~an annual fee based on the age of the motorcycle or quadricycle and the size of the engine, according to the following schedule:~~

~~\_\_\_\_\_ (a) The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic centimeter to 600 cubic centimeters is as follows:~~

~~\_\_\_\_\_ (i) less than 5 years old, \$30;~~

~~\_\_\_\_\_ (ii) 5 years old but less than 11 years old, \$15; and~~

~~\_\_\_\_\_ (iii) 11 years old and older, \$6~~ the one-time registration fee imposed under subsection (1) and the fees imposed under 61-3-415.

~~(b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:~~

~~\_\_\_\_\_ (i) less than 5 years old, \$55;~~

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

- \_\_\_\_\_ (ii) 5 years old but less than 11 years old, \$20; and  
\_\_\_\_\_ (iii) 11 years old and older, \$6.  
\_\_\_\_\_ (c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:  
\_\_\_\_\_ (i) less than 5 years old, \$90;  
\_\_\_\_\_ (ii) 5 years old but less than 11 years old, \$50; and  
\_\_\_\_\_ (iii) 11 years old and older, \$6.  
(3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year.  
(b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.  
(4) A person who registers a motorcycle or quadricycle as provided in this section shall pay an additional one-time fee of \$1.25 at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the \$1.25 fee collected under this subsection from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.  
(5)(3) Whenever a transfer of ownership of a motorcycle or quadricycle occurs, the one-time fees required under this section must be paid by the new owner. (~~Subsection (4) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.~~)"

**Insert:** "COORDINATION SECTION. Section 157. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then 61-3-701 must be amended as follows:

**"61-3-701. Out-of-state vehicles used in gainful occupation to be registered -- reciprocity.** (1) Before a person may not operate a motor vehicle, trailer, semitrailer, or pole trailer that is registered in another jurisdiction may be operated on the highways of this state if the vehicle is used for hire, compensation, or profit or before the owner or user of the vehicle uses the vehicle if the owner or user person is engaged in gainful occupation or business enterprise in the state, including highway work, the owner of the vehicle shall register unless the motor vehicle, trailer, semitrailer, or pole trailer is registered at the office of a county treasurer or an authorized agent of the department. Upon satisfactory evidence of ownership submitted to the county treasurer or the department's authorized agent and the payment of fees in lieu of taxes or registration fees, if appropriate, as required by 15-8-201, 15-8-202, 15-24-301, 61-3-321, 61-3-529, or 61-3-537, or 61-3-560 and 61-3-561, the treasurer or authorized agent shall enter the vehicle for registration purposes only on the electronic registry maintained by the department under 61-3-101. One-fourth of the annual fees or taxes due on the motor vehicle, trailer, semitrailer, or pole trailer subject to registration under this section must be paid for each calendar quarter or portion of a calendar quarter for the year that the vehicle will be located or operated in Montana.

(2) Upon payment of the fees or taxes, the treasurer or the department's authorized agent shall issue to the vehicle owner of the motor vehicle, trailer, semitrailer, or pole trailer a registration receipt, and the proper license plates, or other identification markers and a registration decal indicating the calendar quarter and year for which the motor vehicle, trailer, semitrailer, or pole trailer is registered. The license plates, with attached registration decal, or identification markers must at all times be displayed upon the motor vehicle, trailer, semitrailer, or pole trailer when operated or driven upon roads and highways of this state during the registration period indicated on the receipt.

(3) The registration receipt does not constitute evidence of ownership but ~~must~~ may be used only for registration purposes. A Montana certificate of title may not be issued for a motor vehicle, trailer, semitrailer, or pole trailer registered under this section.

(4) This section is not applicable to a motor vehicle covered by a valid and existing reciprocal agreement or declaration entered into under Montana law."

**Insert:** "COORDINATION SECTION. Section 158. Coordination instruction. If Senate Bill No. 285 and [this

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

act] are both passed and approved, then [section 129] of Senate Bill No. 285, amending 61-3-707, is void."

**Insert:** "COORDINATION SECTION. Section 159. Coordination instruction. If Senate Bill No. 285, House Bill No. 55, and [this act] are all passed and approved, then [section 2] of House Bill No. 55, a coordination section, is void and 61-3-721 must be amended as follows:

**"61-3-721. Proportional registration of motor fleet vehicles, registration periods, application, fee formula, and payment -- permanent registration of trailer and semitrailer fleets -- transfer of ownership -- transfer of license plates.** (1) An owner of one or more fleets may register and license each fleet for operation in this state by filing an application with the department of transportation. The application must contain the information pertinent to motor vehicle, trailer, semitrailer, or pole trailer registration that is required by the department of transportation. If an electronic record of title has not been created for or a certificate of title issued for an apportionable vehicle in the fleet, the department of transportation, as an authorized agent of the department of justice, may also process the application for certificate of title for the vehicle as provided in 61-3-203 and 61-3-217.

(2) ~~Each~~ Except as provided in 61-3-318(1) and subsection (6) of this section, each fleet subject to the provisions of 61-3-711 through 61-3-733 must, ~~except as provided in 61-3-318(1) and subsection (6) of this section,~~ be registered for an annual registration period based upon the date that the fleet is first registered in this state.

(3) There are four annual registration periods, each of which begins on the first day of a calendar quarter. As used in this subsection, "calendar quarter" means the period of 3 consecutive months ending March 31, June 30, September 30, or December 31. The periods are:

- |                                   |            |
|-----------------------------------|------------|
| (a) January 1 through March 31    | 1st period |
| (b) April 1 through June 30       | 2nd period |
| (c) July 1 through September 30   | 3rd period |
| (d) October 1 through December 31 | 4th period |

(4) Registration of a fleet of apportionable motor vehicles under subsection (2) must be renewed on or before the last day of the month for the designated annual registration period unless a different registration period has been authorized pursuant to 61-3-716(2). The department shall provide for simultaneous registration of multiple fleets of apportionable motor vehicles in common ownership.

(5) Except as provided in subsection (6), the application for each fleet may be accompanied by a fee payment computed by:

(a) dividing in-state miles by total fleet miles as defined in the applicable agreement, arrangement, or declaration entered into pursuant to 61-3-711 through 61-3-733;

(b) determining the total amount necessary to register each motor vehicle, trailer, semitrailer, or pole trailer in the fleet for which registration is requested, based on the regular annual registration fees prescribed by 61-3-321 and chapter 10, part 2, and the property taxes that are due on the fleet;

(c) multiplying the sum obtained under subsection (5)(b) by the fraction obtained under subsection (5)(a).

(6) ~~(a) Each trailer and semitrailer fleet must be registered for a 5-year period based upon the date that the fleet is first registered in this state.~~

~~(b) Each trailer and semitrailer in the fleet for which registration is requested must be assessed a registration fee equal to five times the amount prescribed by 61-3-321.~~

~~(c) Each trailer or semitrailer must be issued a license plate, a distinctive sticker, or other suitable identification device valid for 5 years from the date of the original application or renewal application.~~

~~(d) Registration of a trailer or semitrailer must be renewed on or before the last day of the month for the designated 5-year registration period.~~

~~(7) Upon the transfer of ownership of a trailer or semitrailer, the registration of the trailer or semitrailer expires and it is the duty of the transferor to immediately remove the license plates from the trailer or semitrailer.~~

~~(8) (a) If the transferor applies for the registration of another trailer or semitrailer at any time during the remainder of the current registration period as shown on the original registration, the transferor may file an application with the department of transportation, accompanied by the original certificate of registration, for the transfer of the~~

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

license plates. The application for transfer of the license plates must be made by the person or motor carrier in whose name the original license plates to the trailer or semitrailer were issued. The use of the license plates is not legal until the proper transfer of license plates has been made:

\_\_\_\_\_ (b) License plates may be transferred pursuant to this section without transferring ownership of the trailer or semitrailer for which the license plates were originally issued.

\_\_\_\_\_ (c) Upon transfer of the license plates, the registration of the trailer or semitrailer from which the license plates were transferred expires. The registration for the trailer or semitrailer must be surrendered to the department of transportation with the application for transfer.

\_\_\_\_\_ (d) License plates issued for a trailer or semitrailer under this section may be transferred only to a replacement trailer or semitrailer. A license plate fee may not be assessed upon transfer of a license plate. Upon renewal or new registration, each trailer, semitrailer, or pole trailer fleet must be permanently registered and assessed a registration fee of \$82.50. Each trailer, semitrailer, or pole trailer in the fleet must be issued a permanent license plate and sticker.

(7) The fee assessed in subsection (6) is a one-time fee except upon transfer of ownership of a trailer, semitrailer, or pole trailer.

(8) If the owner of a fleet removes a trailer, semitrailer, or pole trailer from the fleet, the owner shall surrender the registration and license plate assigned to the trailer, semitrailer, or pole trailer to the department of transportation. The owner may not transfer the license plate and sticker to a trailer, semitrailer, or pole trailer that is added to the fleet.

(9) Applications submitted with fees may be recomputed by the department of transportation. The department of transportation shall furnish a statement showing the overpayment or balance due.

(10) Applications submitted without fees must be computed by the department of transportation. The department of transportation shall furnish a statement showing the amount of fees due.""

**Insert:** "COORDINATION SECTION. Section 160. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 159] of Senate Bill No. 285, amending 61-4-111, is void and [section 104 of this act], amending 61-4-111, must be amended as follows:

**"61-4-111. Used motor vehicles -- transfer to and from dealers.** (1) Except as provided in 61-4-124(6), a licensed dealer, broker, or wholesaler who intends to resell a used motor vehicle and who operates the vehicle only for demonstration purposes:

(a) is exempt from registration under ~~61-3-201(2)~~ 61-3-302(3) when applying for a certificate of title; and

(b) may transfer or receive ownership of a motor vehicle by use of a dealer reassignment section on a certificate of title. However, when the allotted number of dealer reassignment sections on a certificate of title has been completed, ownership of the vehicle may not be transferred until an application for a certificate of title has been submitted by the dealer to the department and a new certificate of title has been issued.

(2) Upon the transfer of a used motor vehicle or trailer to a person other than a licensed dealer, broker, or wholesaler, a temporary registration permit may be issued under 61-3-224 to the person to whom the used motor vehicle or trailer was transferred if the dealer is an authorized agent, as defined in [section 2 of House Bill No. 671]. In addition, the following acts are required of the dealer on or before the times set forth in this subsection:

(a) ~~Prior to delivery of the vehicle to the purchaser, the dealer shall issue a temporary registration permit for the vehicle and affix the temporary registration permit to the vehicle in a manner prescribed by the department. The temporary registration permit issued by the dealer is valid for 20 days from the date of issuance. There must be imprinted on the temporary registration permit in bold letters the following statement: "IT IS UNLAWFUL TO PLACE LICENSE PLATES UPON THIS VEHICLE UNTIL REGISTERED AT THE OFFICE OF THE COUNTY TREASURER". Unless a durable license plate style placard is issued, one copy of the temporary registration permit must be delivered by the dealer to the county treasurer in the manner prescribed in subsection (2)(b), and a copy must be retained by the dealer for the dealer's file. If a durable placard is issued, the dealer shall create and retain the relevant records as prescribed by the department. It is unlawful for the dealer to issue more than one 20-day temporary registration permit for each vehicle sale.~~

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

~~(b)~~(a) Within ~~4 working~~ 30 calendar days following the date of delivery of the motor vehicle or trailer, the dealer shall forward to the county treasurer of the county where the ~~purchaser resides~~ vehicle is domiciled:

(i) the assigned certificate of title or, if a certificate of title for the motor vehicle or trailer has not been issued in this state, a copy of the then-current registration receipt or certificate in the dealer's possession; and

(ii) an application for a certificate of title executed by the new owner in accordance with the provisions of ~~61-3-221 and 61-3-322~~ 61-3-216 and 61-3-220; and

~~(iii)~~ a copy of the temporary registration permit affixed to the vehicle by the dealer.

~~(c)~~(b) Transmission of the documents by the dealer to the county treasurer may be accomplished either by personal delivery, or by first-class mail, ~~in which event they are considered to have been delivered at the time of mailing or by electronic means, as authorized by the department.~~

~~(d)~~(c) If the dealer is unable to forward the certificate of title or, if applicable, registration receipt within the time set forth in subsection ~~(2)(b)~~ (2)(a) because the certificate of title is lost, is in the possession of third parties, or is in the process of reissuance in this state or elsewhere, the dealer shall comply in all other respects with the provisions of subsection ~~(2)(b)~~ (2)(a) and shall forward the missing document or documents to the county treasurer, either personally or by first-class mail, within 3 days after receipt.

(3) Upon compliance by the dealer with the requirements in this section, title to the motor vehicle or trailer is considered to have passed to the purchaser as of the date of the delivery of the motor vehicle or trailer to the purchaser by the dealer, and the dealer has no further liability or responsibility with respect to the processing of registration.

(4) Upon receipt from the county treasurer of the documents required under subsection (2), the department shall:

(a) update the electronic record of the title maintained by the department under 61-3-101; or

(b) issue a certificate of title if requested under 61-3-216(2)(f); and

(c) comply with the applicable provisions of Title 61, chapter 3, parts 1 through 3.

(5) For purposes of this section, "motor vehicle" includes a trailer as defined in 61-1-111."

**Insert:** "COORDINATION SECTION. Section 161. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 160] of Senate Bill No. 285, amending 61-4-112, is void and [section 105 of this act], amending 61-4-112, must be amended as follows:

**"61-4-112. New motor vehicles -- transfers by dealers.** (1) (a) When a motor vehicle dealer transfers a new motor vehicle to a purchaser or other recipient, the dealer shall:

~~(a) issue and affix a temporary registration permit, as prescribed in 61-4-111(2)(a), for transfers of used motor vehicles and retain a copy of the temporary registration permit or, if a durable license-plate style placard is issued, affix the placard and create and retain all other relevant records prescribed by the department;~~

~~(b) within 4 working 30 calendar days following the date of delivery of the new motor vehicle, forward to the county treasurer of the county where the purchaser or recipient resides motor vehicle is domiciled:~~

~~(i) one copy of the temporary registration permit issued under subsection (1)(a) or a copy of the information described in the records concerning a placard;~~

~~(ii)(i) an application for a certificate of title with a notice of security interest, if any, executed by the purchaser or recipient; and~~

~~(iii)(ii) a manufacturer's certificate of origin that shows that the motor vehicle has not previously been registered or owned, except as otherwise provided in this section, by any person other than a new motor vehicle dealer holding a franchise or distribution agreement from a new car manufacturer, distributor, or importer.~~

~~(b) If the dealer is an authorized agent, as defined in [section 2 of House Bill No. 671], a temporary registration permit may be issued under 61-3-224 to the person to whom the new motor vehicle was transferred.~~

(2) Upon receipt from the county treasurer of the documents required under subsection (1), the department shall issue a certificate of title if requested under 61-3-216(2)(f) and otherwise comply with the provisions of Title 61, chapter 3, parts 1 through 3, as applicable."

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**Insert:** "COORDINATION SECTION. Section 162. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 178] of Senate Bill No. 285, amending 61-4-310, is void."

**Insert:** "COORDINATION SECTION. Section 163. Coordination instruction. If House Bill No. 192 and [this act] are both passed and approved, then 61-5-114 must be amended as follows:

**"61-5-114. Duplicate licenses Replacement license or permit.** (1) If an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed or a person wants to update personal information contained on an instruction permit or a driver's license issued to the person, the person to whom it the permit or license was issued may, upon the payment of a fee of \$10, obtain a duplicate or substitute replacement permit or license, upon furnishing proof satisfactory to the department that the permit or license has been lost or destroyed or that personal information has changed.

(2) If the hazardous materials endorsement on a commercial driver's license issued under the provisions of this chapter is revoked or removed pursuant to the authority provided in [section 2 of House Bill No. 192], the person to whom the license was issued shall surrender to the department the person's commercial driver's license with the hazardous materials endorsement and may obtain, upon making application and paying a \$10 fee, a replacement license that does not include a hazardous materials endorsement."

**Insert:** "COORDINATION SECTION. Section 164. Coordination instruction. If House Bill No. 102, House Bill No. 192, Senate Bill No. 285, and [this act] are all passed and approved then [section 165 of this act] is void and [section 22] of House Bill No. 192, amending 61-5-121, [section 191] of Senate Bill No. 285, amending 61-5-121, and [section 114 of this act], amending 61-5-121, are all void and [section 10] of House Bill No. 102, amending 61-5-121, is amended as follows:

**"61-5-121. Disposition of fees.** (1) The Except as provided in subsection (3), the disposition of the fees from driver's licenses, motorcycle endorsements, commercial driver's licenses, and duplicate replacement driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 22.3% of each driver's license fee, 18.25% of each commercial driver's license fee, and 25% of each duplicate replacement driver's license fee must be deposited into an account in the state special revenue fund. The Upon receiving an appropriation, the department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. The department shall report the amount deposited and transferred under this subsection (1)(a) to the legislative finance committee by October 31 of the year preceding each regular session of the legislature.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 2.5% of each driver's license fee, 2.5% of each commercial driver's license fee, and 3.75% of each duplicate replacement driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state general fund.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 3.34% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state general fund.

(d) The amount of 20.7% of each driver's license fee, 16.94% of each commercial driver's license fee, and 8.75% of each duplicate replacement driver's license fee must be deposited into the state traffic education account.

(e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount of 54.5% of each driver's license fee and 62.5% of each duplicate driver's license fee the remainder of each driver's license fee, each commercial driver's license fee, and each replacement driver's license fee must be deposited into the state general fund.

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

~~(f)~~ If the fee is collected by the county treasurer or other agent of the department, the amount of 2.5% of each commercial driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited into the state general fund.

~~(g)(f)~~ The amount of 63.46% of each motorcycle endorsement fee must be deposited into the state motorcycle safety account in the state special revenue fund, and the amount of 33.2% of each motorcycle endorsement fee must be deposited into the state general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. The county treasurer or agent shall then remit all remaining fees to the state for deposit to the department of revenue all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund, as provided in subsection (1)(a), and the state general fund. ~~The department of revenue, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d) through (1)(g) (1)(f).~~

(b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall ~~remit all fees to the department of revenue, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state general fund. The department of revenue, upon receipt of the fees and statement, shall~~ deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through ~~(1)(g) (1)(f).~~

(3) The fee for a renewal notice, whether collected by a county treasurer, an authorized agent, or the department, must be remitted to the department for deposit in the state general fund."

**Insert:** "COORDINATION SECTION. Section 165. Coordination instruction. If House Bill No. 102, Senate Bill No. 285, and [this act] are all passed and approved, then [section 191] of Senate Bill No. 285, amending 61-5-121, and [section 114 of this act], amending 61-5-121, are void and [section 10] of House Bill No. 102, amending 61-5-121, is amended as follows:

**"61-5-121. Disposition of fees.** (1) The disposition of the fees from driver's licenses, motorcycle endorsements, commercial driver's licenses, and duplicate driver's licenses provided for in 61-5-114 is as follows:

~~(a) The amount of 22.3% of each driver's license fee and 25% of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. The department shall report the amount deposited and transferred under this subsection (1)(a) to the legislative finance committee by October 31 of the year preceding each regular session of the legislature.~~

~~(b)(a)~~ (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 2.5% of each driver's license fee and 3.75% of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection ~~(1)(b)(i) (1)(a)(i)~~ must be deposited into the state general fund.

~~(c)(b)~~ (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 3.34% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection ~~(1)(c)(i) (1)(b)(i)~~ must be deposited into the state general fund.

~~(d)(c)~~ The amount of 20.7% of each driver's license fee and 8.75% of each duplicate driver's license fee must be deposited into the state traffic education account.

~~(e)(d)~~ In addition to the amounts deposited pursuant to subsections ~~(1)(b)(ii) (1)(a)(ii) and (1)(c)(ii) (1)(b)(ii)~~, the amount of ~~54.5% 76.8%~~ of each driver's license fee and ~~62.5% 87.5%~~ of each duplicate driver's license fee must be deposited into the state general fund.



SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

~~(f)(e)~~ If the fee is collected by the county treasurer or other agent of the department, the amount of 2.5% of each commercial driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited into the state general fund.

~~(g)(f)~~ The amount of 63.46% of each motorcycle endorsement fee must be deposited into the state motorcycle safety account in the state special revenue fund, and the amount of 33.2% of each motorcycle endorsement fee must be deposited into the state general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections ~~(1)(b)(i)~~ (1)(a)(i) and ~~(1)(c)(i)~~ (1)(b)(i) into the county general fund. The county treasurer or agent shall then remit all remaining fees to the state for deposit to the department of revenue ~~all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund, as provided in subsection (1)(a), and the state general fund. The department of revenue, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d) through (1)(g) (1)(c) through (1)(f).~~

(b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall ~~remit all fees to the department of revenue, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state general fund. The department of revenue, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g) (1)(a)(ii), (1)(b)(ii), and (1)(c) through (1)(f).~~"

**Insert:** "COORDINATION SECTION. Section 166. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 192] of Senate Bill No. 285, amending 61-5-208, is void."

**Insert:** "COORDINATION SECTION. Section 167. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 124 of this act], amending 76-2-302, is void."

**Renumber:** subsequent section

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

**HB 678, be concurred in. Report adopted.**

**HB 757, be amended as follows:**

1. Page 1, line 29.

**Following:** "appropriation"

**Insert:** "-- rulemaking"

2. Page 2, lines 1 and 2.

**Following:** "loan account" on line 1

**Strike:** remainder of line 1 through "program" on line 2

**Insert:** "unless revenue bonds are issued to fund a loan, in which case the loan repayments must be deposited in the debt service account"

3. Page 2, line 3.

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**Strike:** "21"  
**Insert:** "18"

4. Page 2, line 6.

**Following:** "funds."

**Insert:** "Any additional federal funds received for local rail freight assistance programs or for railroad projects must be deposited in the account."

5. Page 2, line 10.

**Insert:** "(6) The department may adopt rules to implement [sections 1 through 4]."

6. Page 4, line 15.

**Strike:** "and"

7. Page 4, line 16.

**Following:** "funds"

**Insert:** "; and

(d) upon request of the department, an independent feasibility study"

8. Page 5, line 2.

**Strike:** "21"

**Insert:** "18"

9. Page 5, line 6.

**Strike:** "21"

**Insert:** "18"

10. Page 5, lines 15 and 16.

**Following:** "LINE" on line 15

**Strike:** remainder of line 15 through "FUND" on line 16

**Insert:** "loan repayments and any delinquency charges on loan repayments"

11. Page 5, lines 19 and 20.

**Following:** "ACCOUNT." on line 19

**Strike:** remainder of line 19 through "17-5-507, THE" on line 20

**Insert:** "The"

12. Page 6, lines 6 through 12.

**Strike:** section 9 in its entirety

**Renumber:** subsequent sections

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

13. Page 6, line 15.

**Following:** "BONDS TO"

**Insert:** "make loans to"

14. Page 6, line 16 through line 19.

**Following:** "DEPARTMENT." on line 16

**Strike:** remainder of line 16 through line 19 in its entirety

15. Page 6, line 21 through page 7, line 28.

**Strike:** sections 11 and 12 in their entirety

**Renumber:** subsequent sections

16. Page 8, line 2.

**Strike:** "OR BOTH PRINCIPAL"

17. Page 8, line 7.

**Strike:** the first "21"

**Insert:** "18"

**Strike:** the second "21"

**Insert:** "18"

18. Page 8, line 8.

**Following:** "MEMBERS."

**Insert:** "The interest rate on the loans must be sufficient to pay the principal of and interest on the bonds issued to fund the loan."

19. Page 8, line 16.

**Strike:** "21"

**Insert:** "18"

20. Page 8, line 19.

**Strike:** "21"

**Insert:** "18"

21. Page 8, lines 22 through 24.

**Strike:** subsection (6) in its entirety

22. Page 8, line 27.

**Strike:** "21"

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**Insert:** "18"

23. Page 9, line 13.

**Strike:** "21"

**Insert:** "18"

24. Page 9, line 18.

**Strike:** "21"

**Insert:** "18"

25. Page 9, line 19.

**Strike:** "21"

**Insert:** "18"

26. Page 9, line 21.

**Strike:** "21"

**Insert:** "18"

27. Page 9, line 24.

**Strike:** "21"

**Insert:** "18"

28. Page 9, line 29.

**Strike:** "21"

**Insert:** "18"

29. Page 10, line 4.

**Strike:** "21"

**Insert:** "18"

30. Page 10, line 7.

**Strike:** "21"

**Insert:** "18"

31. Page 10, line 10.

**Strike:** "21"

**Insert:** "18"

32. Page 10, lines 18 through 21.

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**Strike:** section 20 in its entirety

**Insert:** "NEW SECTION. Section 17. Limited obligation. All bonds issued under the authority of [sections 7 through 18] must be limited obligations of the state. Bonds and interest coupons issued under the authority of [sections 7 through 18] may not constitute or give rise to a pecuniary liability of the state or a charge against its general credit or taxing powers. This limitation must be plainly stated upon the face of each of the bonds."

33. Page 10, line 24.

**Strike:** "21"

**Insert:** "18"

34. Page 10, line 27.

**Strike:** "21"

**Insert:** "18"

35. Page 10, line 30.

**Strike:** "21"

**Insert:** "18"

36. Page 11, line 2.

**Strike:** "21"

**Insert:** "18"

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

**HB 769, be amended as follows:**

1. Page 1, line 13.

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

**Renumber:** subsequent subsections

2. Page 1, line 15.

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

**Renumber:** subsequent subsections

3. Page 1, line 18.

**Strike:** "five"

**Insert:** "six"

4. Page 1.

**Following:** line 19

**Insert:** "(ii) one person with substantial knowledge and experience related to class II railroads;"

**Renumber:** subsequent subsections

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

5. Page 2, line 13.

**Strike:** "OVERSIGHT FOR THE DEPARTMENT OF TRANSPORTATION'S"

**Insert:** "advice and recommendations to the department of transportation for the department's"

6. Page 2, line 29.

**Strike:** "\$30,000 FROM FEDERAL FUNDS"

**Insert:** "\$50,000 from the department of transportation's highway revenue account in the state special revenue fund"

7. Page 3.

**Following:** line 4

**Insert:** "COORDINATION SECTION. Section 4. Coordination instruction. If House Bill No. 757 and [this act] are both passed and approved, then [section 1(2)(f) of this act] must read as follows:

"(f) provide advice and recommendations to the department of transportation on the department's activities under [sections 1 through 4 of House Bill No. 757];"

**Renumber:** subsequent section

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

**TAXATION (Elliott, Chairman):**  
**HB 410, be amended as follows:**

4/13/2005

1. Page 3, line 18.

**Strike:** "\$20,000"

**Insert:** "\$100,000"

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

**HB 529, be amended as follows:**

1. Page 2, line 24.

**Following:** "amount of"

**Insert:** "current"

**Following:** the first "family"

**Insert:** "for the current month, not including arrearages"

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

**HB 584, be amended as follows:**

1. Title, page 1, line 12.

**Strike:** "TAX"

2. Title, page 1, line 13.

**Strike:** "TAX"

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

3. Title, page 1, line 14.

**Strike:** "TAX"

4. Title, page 1, line 17.

**Strike:** "TAX"

5. Title, page 1, line 18.

**Strike:** "TAX"

6. Title, page 1, line 19.

**Strike:** "TAX" in both places

7. Title, page 1, line 21.

**Strike:** "TAX"

8. Page 2, line 9.

**Strike:** "tax"

9. Page 2, line 17.

**Strike:** "televison"

**Insert:** "television"

10. Page 3, line 2.

**Strike:** "tax"

11. Page 3, line 6.

**Strike:** "televison"

**Insert:** "television"

12. Page 3, line 10.

**Strike:** the first "tax"

**Insert:** "payment of"

**Strike:** second "tax"

13. Page 3, line 12.

**Following:** "for"

**Insert:** "payment of"

**Strike:** "tax"

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

14. Page 4, line 9.

**Following:** "number"

**Insert:** "and the maximum amount of credits for which the credit may be claimed"

15. Page 4, line 14 through line 15.

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

16. Page 4, line 23.

**Following:** "costs"

**Insert:** "-- determination of credits allowed -- statutory appropriation"

**Following:** "."

**Insert:** "(1)"

17. Page 4, line 25.

**Strike:** "of commerce"

18. Page 4, line 26.

**Insert:** "(2) Within 90 days after submission of the statement of expenditures and compensation, the department shall notify the production company of the amount of credit that may be claimed and the calendar year in which payment may be claimed.

(3) (a) Subject to [section 17] and subsection (3)(b) of this section, for fiscal year:

(i) 2006, \$950,000 is statutorily appropriated, as provided in 17-7-502, to the department to pay the credits provided in [sections 7 and 8] that are approved by the department for payment during calendar years 2005 and 2006;

(ii) 2007, \$1.5 million and any amount provided in subsection (3)(a)(i) that is not paid in credits during calendar years 2005 and 2006 are statutorily appropriated, as provided in 17-7-502, to the department to pay the credits provided in [sections 7 and 8] that are approved by the department for payment during calendar years 2007 and 2008;

(iii) 2008, \$1.5 million and any amount provided in subsection (3)(a)(ii) that is not paid in credits during calendar years 2007 and 2008 are statutorily appropriated, as provided in 17-7-502, to the department to pay the credits provided in [sections 7 and 8] that are approved by the department for payment during calendar years 2008 and 2009; and

(iv) 2009, \$1.5 million and any amount provided in subsection (3)(a)(iii) that is not paid in credits during calendar years 2008 and 2009 are statutorily appropriated, as provided in 17-7-502, to the department to pay the credits provided in [sections 7 and 8] that are approved by the department for payment during calendar years 2009 and 2010.

(b) If any part of [sections 1 through 11] is challenged as unconstitutional or invalid, the amount of any credit that may be paid while the challenge is pending is \$0. On any final determination that any part of [sections 1 through 11] is unconstitutional or invalid, the statutory appropriations provided in this section are void."

19. Page 4, line 27.

**Strike:** the first "tax"

**Strike:** "tax"

20. Page 4, line 28.

**Following:** "department"



SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**Insert:** "for payment of costs"

21. Page 4, line 30.

**Strike:** "at the time the production company files its tax return"

**Insert:** "within 60 days of completion of principal photography"

22. Page 5, line 6.

**Following:** "for the"

**Insert:** "payment of the"

**Strike:** "tax"

23. Page 5, line 9.

**Following:** "17-7-502,"

**Insert:** "in equal amounts"

**Following:** "revenue"

**Insert:** "and the department of commerce"

24. Page 5, line 11.

**Strike:** the first "tax"

**Strike:** "-- severability"

**Strike:** "section"

**Insert:** "sections 5 and"

25. Page 5, line 12.

**Following:** "for"

**Insert:** "payment of"

**Strike:** "tax"

26. Page 5, line 13.

**Strike:** "is allowed a tax"

**Insert:** "will be paid the"

**Strike:** "against the taxes imposed by chapter 30 or 31"

**Insert:** "provided in this section"

27. Page 5, line 14 through line 15.

**Strike:** "Except" on line 14 through "year." on line 15

28. Page 5, line 16.

**Following:** "in the"

**Insert:** "production company's"

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

29. Page 5, line 17.

**Following:** "to the"

**Insert:** "lesser of the"

**Strike:** "10%"

**Insert:** "14%"

30. Page 5, line 18.

**Following:** "year"

**Insert:** "or the amount approved by the department as provided in [section 5]"

31. Page 5, line 19.

**Strike:** "taxpayer"

**Insert:** "production company"

32. Page 5, line 21.

**Strike:** "taxpayer"

**Insert:** "production company"

33. Page 5, line 23 through page 6, line 3.

**Strike:** subsection (4) through subsection (5) in their entirety

**ReNUMBER:** subsequent subsections

34. Page 6, line 4.

**Strike:** "taxpayer" in two places

**Insert:** "production company" in two places

35. Page 6, line 6.

**Following:** "15-31-114."

**Insert:** "A production company that claims a credit under this section may not claim a deduction under 15-30-121 or 15-31-114 for the amount of compensation upon which the amount of the credit was computed."

36. Page 6, line 7 through line 8.

**Strike:** subsection (7) in its entirety

37. Page 6, line 10.

**Strike:** "Tax credit"

**Insert:** "Credit"

**Strike:** "section"

**Insert:** "sections 5 and"

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

38. Page 6, line 11.  
**Strike:** "is allowed"

39. Page 6, line 12.  
**Strike:** "a tax"  
**Insert:** "will be paid the"  
**Strike:** "against the taxes imposed by chapter 30 or 31"  
**Insert:** ", as provided in this section,"

40. Page 6, line 13.  
**Following:** "~~10%~~"  
**Insert:** "the lesser of"

41. Page 6, line 14.  
**Strike:** "7%"  
**Insert:** "9%"

42. Page 6, line 15.  
**Following:** "year"  
**Insert:** "or the amount approved by the department as provided in [section 5]"

43. Page 6, line 16.  
**Strike:** "taxpayer"  
**Insert:** "production company"

44. Page 6, line 17.  
**Strike:** "taxpayer"  
**Insert:** "production company"

45. Page 6, line 18.  
**Strike:** "taxpayer"  
**Insert:** "production company"

46. Page 6, line 20 through line 26.  
**Strike:** subsection (3) through subsection (4) in their entirety  
**Renumber:** subsequent subsection

47. Page 6, line 27.  
**Strike:** "taxpayer" in both places  
**Insert:** "production company" in both places

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

48. Page 6, line 29.

**Following:** "15-31-114."

**Insert:** "A production company that claims a credit under this section may not claim a deduction under 15-30-121 or 15-31-114 for the amount of compensation upon which the amount of the credit was computed."

49. Page 7, line 1.

**Strike:** "allowed"

**Insert:** "paid"

50. Page 7, line 2.

**Following:** "production."

**Insert:** "The total amount may not exceed the amount statutorily appropriated under [section 5]."

51. Page 7, line 4.

**Following:** "for"

**Insert:** "payment of"

**Strike:** "recapture"

**Insert:** "refund -- interest"

**Strike:** "taxpayer"

**Insert:** "production company"

52. Page 7, line 5.

**Following:** "claim"

**Insert:** "payment for"

53. Page 7, line 7.

**Strike:** "taken"

**Insert:** "been paid"

54. Page 7, line 8.

**Following:** "taken"

**Insert:** "within 60 days"

**Strike:** "The" through "chapter"

**Insert:** "If the production company does not refund the amount of any credit received within 60 days after the date on which the department of commerce revokes the state certification, interest accrues on the unpaid balance at the rate of 12% a year, accrued at 1% a month, on the unpaid refund"

55. Page 7, line 13.

**Strike:** "taxpayer"

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**Insert:** "production company"

56. Page 7, line 28.

**Strike:** "section"

**Insert:** "sections 5 and"

57. Page 8, line 21.

**Strike:** the first "chapter 31,"

**Strike:** ", chapter 31,"

58. Page 8, line 23.

**Insert:** "NEW SECTION. Section 14. Nonseverability. It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all the other parts are invalid."

**Renumber:** subsequent sections

59. Page 9, line 1.

**Strike:** "-- carryforward"

60. Page 9, line 2.

**Strike:** "unused"

**Insert:** "unpaid"

**Following:** "section"

**Insert:** "6 or"

**Strike:** "carried forward for use on"

**Insert:** "claimed with"

**Strike:** "beginning"

**Insert:** "ending"

61. Page 9, line 3.

**Strike:** "2014"

**Insert:** "2010"

**Strike:** "carryforward,"

**Strike:** "recapture"

**Insert:** "refund"

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

**HB 667, be amended as follows:**

1. Page 1, line 30.

**Following:** "pool"

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**Insert:** "-- intent"

2. Page 2, line 7.

**Following:** line 6

**Insert:** "(4) It is the intent of the legislature that the board:

(a) establish criteria that will allow the greatest number of employees possible to be eligible for premium assistance payments by not permitting eligibility for premium assistance payments under [sections 1 through 9] to employees who continue to maintain enrollment in another comprehensive health insurance coverage through a spouse, parent, or other person; and

(b) allow eligible small employers to determine the length of the waiting period that will apply to their employees, as long as the waiting period:

(i) is not more than 12 months; and

(ii) applies to all eligible employees within that small group in the same manner.

(5) The legislative auditor shall conduct or have conducted, at least once each biennium covering the prior 2 fiscal years, a financial compliance audit of the board and the purchasing pool. The cost of the audit must be paid for by the purchasing pool as a direct cost not subject to the cap on administrative expenses."

3. Page 5, line 1.

**Strike:** "four"

**Insert:** "six"

4. Page 5, line 5.

**Strike:** "two"

**Insert:** "three"

5. Page 5, line 10.

**Strike:** "and"

6. Page 5, line 11.

**Following:** "annually"

**Insert:** "; and

(q) within 2 years after the purchasing pool is established and considered stable by the board, examine the possibility of offering an opportunity for individual sole proprietors without employees to purchase insurance from the purchasing pool without premium incentive payments, premium assistance payments, or tax credits"

7. Page 6, line 12.

**Following:** "process"

**Strike:** ";

**Insert:** ". The rules regarding tax credits may not relate to the filing of tax returns and claiming the tax credit on the tax returns."

8. Page 11, line 5.

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**Following:** "credit."

**Insert:** "The commissioner shall also issue to each employer that is eligible for premium incentive payments and premium assistance payments or the tax credit a certificate, placard, sticker, or other evidence of participation that may be publicly posted."

9. Page 26, line 18.

**Following:** "payments"

**Insert:** ", "

**Following:** "[sections 1 through 9]"

**Insert:** ", not to exceed \$600,000 in the first year or 5% for each successive year of the appropriation for the tax credit, the purchasing pool, and the premium incentive payments and premium assistance payments"

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

**HB 689, be amended as follows:**

1. Page 2, line 7.

**Following:** "effect."

**Insert:** "The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated."

2. Page 3, line 28.

**Following:** "effect."

**Insert:** "The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated."

3. Page 5, line 7.

**Following:** "effect."

**Insert:** "The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated."

4. Page 6, line 11.

**Following:** "effect."

**Insert:** "The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated."

5. Page 7, line 21.

**Following:** "effect."

**Insert:** "The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated."

6. Page 8, line 30.

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**Following:** "effect."

**Insert:** "The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated."

7. Page 9, line 15.

**Following:** "effect."

**Insert:** "The amount recaptured, including penalty and interest, must be distributed by the treasurer to funds and accounts subject to the abatement in the same ratio as the property tax was abated."

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

**HB 756, be concurred in. Report adopted.**

**HB 758, be concurred in. Report adopted.**

**HB 776, be concurred in. Report adopted.**

**HB 802, be concurred in. Report adopted.**

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE  
on Senate Bill 146**

Report No. 0, April 13, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 146** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 146** (reference copy -- salmon) be amended as follows:

1. Page 10, line 27.

**Following:** "DEFENDER."

**Insert:** "The office of appellate defender must be located in Helena, Montana."

2. Page 28, line 4.

**Strike:** "\$310,195"

**Insert:** "\$172,600"

3. Page 86, line 30.

**Following:** "100%"

**Strike:** "25%"

**Insert:** "50%"

For the Senate:

Wheat, Chairman  
Ellingson  
McGee

For the House:

Rice, Chairman  
Gutsche  
Lange  
Parker



SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**CONFERENCE COMMITTEE**  
**on House Amendments to Senate Bill 443**  
Report No. 1, April 13, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 443** (reference copy -- salmon) and recommend this Conference Committee report be accepted.

And, recommend that House amendments to **Senate Bill 443** (reference copy -- salmon) be rejected by the Senate.

For the Senate:

Roush, Chairman  
Cocchiarella  
Steinbeisser

For the House:

Furey, Chairman  
Arntzen  
Klock  
Windy Boy

**FREE CONFERENCE COMMITTEE**  
**on House Bill 517**  
Report No. 1, April 13, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 517** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 517** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.

**Strike:** "**DEFINITION**"

**Insert:** "**Definitions**"

**Following:** "3."

**Insert:** "the following definitions apply:

(1) "Microdistillery" means a distillery located in Montana that produces 25,000 gallons or less of liquor annually. (2)"

**Strike:** ""**PRODUCES**""

**Insert:** ""**Produces**""

2. Page 2, line 10 through line 15.

**Strike:** subsections (c) and (d) in their entirety

**Renumber:** subsequent subsection

3. Page 2, line 29.

**Insert:** "(3) A microdistillery may:

(a) provide, with or without charge, not more than 2 ounces of liquor that it produces at the microdistillery to consumers for consumption on the premises between 10 a.m. and 8 p.m. A microdistillery may not sell or give more than 2 ounces of liquor to an individual for on-premises consumption during a business day.

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

- (b) sell liquor that it produces at retail at the distillery directly to the consumer for off-premise consumption  
if:
- (i) not more than 1 liter a day is sold to an individual; and
  - (ii) the minimum retail price as determined by the department is charged."

For the House:

Wiseman, Chairman  
Galvin-Halcro  
Himmelberger  
McKenney

For the Senate:

Smith, Chairman  
Laible  
Tester

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills not** concurred in and returned to the Senate: 4/13/2005

**SB 82**, introduced by Cobb  
**SB 245**, introduced by Elliott  
**SB 255**, introduced by Gebhardt  
**SB 275**, introduced by Schmidt  
**SB 308**, introduced by O'Neil  
**SB 433**, introduced by Lind

**Senate joint resolutions not** concurred in and returned to the Senate: 4/13/2005

**SJR 30**, introduced by Weinberg  
**SB 301**, introduced by Story  
**SB 318**, introduced by Laible

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/13/2005

**SB 507**, introduced by Brueggeman

**House bill** passed and transmitted to the Senate for concurrence: 4/13/2005

**HB 45**, introduced by A. Olson

**Governor's amendments to House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments: 4/13/2005

**HB 266**, introduced by Rice

**Senate amendments to House bills** concurred in: 4/13/2005

**HB 140**, introduced by Parker  
**HB 159**, introduced by McKenney  
**HB 179**, introduced by Lake  
**HB 182**, introduced by Roberts

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**HB 188**, introduced by Bergren  
**HB 192**, introduced by Waitschies  
**HB 197**, introduced by Jayne  
**HB 208**, introduced by Kaufmann  
**HB 216**, introduced by Caferro  
**HB 220**, introduced by Lake  
**HB 230**, introduced by Jacobson  
**HB 236**, introduced by Jackson  
**HB 250**, introduced by Becker  
**HB 254**, introduced by Harris  
**HB 295**, introduced by Galvin-Halcro  
**HB 301**, introduced by Galvin-Halcro  
**HB 302**, introduced by Driscoll  
**HB 307**, introduced by Parker  
**HB 317**, introduced by Hamilton  
**HB 331**, introduced by Wanzenried  
**HB 332**, introduced by Buzzas  
**HB 345**, introduced by Gallik  
**HB 349**, introduced by A. Olson  
**HB 351**, introduced by Butcher  
**HB 363**, introduced by Eaton  
**HB 502**, introduced by Wiseman

**MOTIONS**

Senator Brueggeman moved **SB 507** be placed at the top of the 2nd reading calendar. Motion carried.

Senator Squires moved to change her vote on **HB 11** from "nay" to "aye". Motion carried.

Senator Ellingson moved to suspend the rules to recall **HB 540** for the purpose of amendment. Motion failed on 2/3 vote requirement as follows:

Yeas: Cobb, Cooney, Cromley, Curtiss, Ellingson, Gallus, Gebhardt, Gillan, Grimes, Harrington, Hawks, Keenan, Larson, Lind, Moss, O'Neil, Pease, Roush, Ryan, Schmidt, Squires, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Elliott, Esp, Essmann, Hansen, Kitzenberg, Laible, Laslovich, Lewis, Mangan, McGee, Perry, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Toole.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Majority Leader Ellingson moved a Conference Committee be appointed on **SB 445**. President Tester appointed Senators Gillan (Ch), Mangan, and McGee.

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

Majority Leader Ellingson moved a Conference Committee be appointed on **HB 227**. President Tester appointed Senators Harrington (Ch), Elliott, and Bales.

Majority Leader Ellingson moved a Conference Committee be appointed on **HB 218**. President Tester appointed Senators Hawks (Ch), Moss, and Kitzenberg.

Majority Leader Ellingson moved a Conference Committee be appointed on **SB 287**. President Tester appointed Senators Schmidt (Ch), Gillan, and Laible.

Majority Leader Ellingson moved a **Free** Conference Committee be appointed on **SB 114**. President Tester appointed Senators Cocchiarella (Ch), Tester, and Grimes.

Majority Leader Ellingson moved a **Free** Conference Committee be appointed on **SB 339**. President Tester appointed Senators Tropila (Ch), Larson, and Balyeat.

Majority Leader Ellingson moved the Conference Committee on **HB 606** be dissolved and a **Free** Conference Committee be appointed on **HB 606**. President Tester appointed Senators Wheat (Ch), Toole, and Shockley.

Majority Leader Ellingson moved a **Free** Conference Committee be appointed on **HB 177**. President Tester appointed Senators Squires (Ch), Ellingson, and Essmann.

Majority Leader Ellingson moved a **Free** Conference Committee be appointed on **HB 99**. President Tester appointed Senators Mangan (Ch), Laslovich, and Shockley.

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 45**, introduced by A. Olson (by request of the Department of Administration), referred to State Administration.

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

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

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

**SB 507** - Senator Tester assumed the chair.

**SB 507 - House Amendments** - Senator Brueggeman moved House amendments to **SB 507** be concurred in. Motion carried unanimously.

**HB 63** - Senator Brueggeman assumed the chair.

**HB 63 - Conference Committee Report No. 1** - Senator Tester moved the Conference Committee report to **HB 63** be adopted. Motion carried with Senators Balyeat, Harrington, Kitzenberg, Larson, Ryan, and Shockley voting nay.

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**SB 423 - Conference Committee Report No. 1** - Senator Laslovich moved the Conference Committee report to **SB 423** be adopted. Motion carried unanimously.

**HB 376** - Senator Cooney moved **HB 376** be concurred in. Motion **failed** as follows:

Yeas: Brueggeman, Cooney, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Moss, Squires, Toole, Wheat, Mr. President.  
Total 20

Nays: Bales, Balyeat, Barkus, Black, Cobb, Cocchiarella, Cromley, Curtiss, Esp, Grimes, Hansen, Lewis, Lind, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Tropila, Weinberg, Williams.  
Total 30

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 386** - Senator Tropila moved **HB 386** be concurred in. Motion carried unanimously.

**HB 484** - Senator Tester moved **HB 484** be concurred in. Motion carried unanimously.

**HB 577** - Senator Moss moved **HB 577** be concurred in. Motion carried unanimously.

**HB 745** - Senator Cooney moved **HB 745** be concurred in. Motion carried as follows:

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

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

Absent or not voting: Cobb.  
Total 1

Excused: None.  
Total 0

**SJR 38** - Senator Cocchiarella moved **SJR 38** be adopted. Motion carried unanimously.

**SJR 40** - Senator Schmidt moved **SJR 40** be adopted. Motion carried with Senators Balyeat, Esp, and O'Neil voting nay.

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed.

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

President Tester in the chair. Chairman Brueggeman 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 476** concurred in as follows:

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

Total 35

Nays: Bales, Balyeat, Barkus, Black, Cobb, Curtiss, Esp, Gebhardt, Keenan, Laible, McGee, O'Neil, Shockley, Stapleton, Steinbeisser.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 4** concurred in as follows:

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

Total 46

Nays: Balyeat, Esp, O'Neil, Shockley.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 11** 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,

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 48

Nays: O'Neil, Shockley.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 67, as amended by the Governor**, 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 288**, 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, Kitzenberg, Laible, Larson, 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: Keenan, Laslovich.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 421**, concurred in as follows:

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

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

Total 26

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

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 435**, concurred in as follows:

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

Total 42

Nays: Balyeat, Gebhardt, Keenan, McGee, O'Neil, Shockley, Stapleton, Steinbeisser.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 552**, concurred in as follows:

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

Total 37

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, McGee, O'Neil, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 720**, concurred in as follows:



SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Esp, Essmann, Gebhardt, Grimes, Hansen, Harrington, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Perry, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Tropila, Williams, Mr. President.

Total 34

Nays: Cooney, Cromley, Gallus, Gillan, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Toole, Weinberg, Wheat.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 748**, 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, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 49

Nays: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 2**, concurred in as follows:

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

Total 37

Nays: Bales, Barkus, Cobb, Curtiss, Esp, Grimes, Keenan, Laible, McGee, O'Neil, Perry, Stapleton, Steinbeisser.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

**SB 81**, 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 104**, passed as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, 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, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 43

Nays: Bales, Balyeat, Esp, Gebhardt, Keenan, Stapleton, Story.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 285**, 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.

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

Total 0

**SB 320**, passed as follows:

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

Total 40

Nays: Gillan, Harrington, Lind, Moss, Schmidt, Squires, Toole, Weinberg, Wheat, Williams.

Total 10

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, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 42

Nays: Bales, Balyeat, Curtiss, Esp, Grimes, Keenan, O'Neil, Steinbeisser.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 328**, passed as follows:

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

Total 45

Nays: Curtiss, Esp, Lind, McGee, O'Neil.

Total 5

Absent or not voting: None.

Total 0

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

Excused: None.  
Total 0

**SB 380**, 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, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 47

Nays: Keenan, McGee, Story.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 406**, 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 412**, passed as follows:

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

Nays: Bales, Balyeat, Barkus, Brueggeman, Esp, Keenan, Laible, McGee, O'Neil, Steinbeisser, Story, Tash.  
Total 12

Absent or not voting: None.  
Total 0

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

Excused: None.  
Total 0

**SB 452**, passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Harrington, Keenan, Kitzenberg, Laible, Larson, Lewis, Mangan, O'Neil, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.  
Total 37

Nays: Balyeat, Cobb, Cooney, Esp, Hansen, Hawks, Laslovich, Lind, McGee, Moss, Pease, Shockley, Tropila.  
Total 13

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 524**, 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, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 47

Nays: Keenan, McGee, Stapleton.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 525**, passed as follows:

Yeas: Bales, Balyeat, 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, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 45

Nays: Barkus, Keenan, O'Neil, Shockley, Stapleton.  
Total 5

Absent or not voting: None.  
Total 0

SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 13, 2005

Excused: None.  
Total 0

**UNFINISHED BUSINESS**

Minority Leader Keenan wanted to discuss the schedule for the rest of the session.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 12:30 p.m., Thursday, April 14, 2005. Motion carried.

Senate adjourned at 3:02 a.m.

**BILL LOMBARDI**  
Secretary of Senate

**JON TESTER**  
President of the Senate