

**HOUSE JOURNAL
58TH LEGISLATURE
FORTIETH LEGISLATIVE DAY**

Helena, Montana
February 22, 2003

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair.

Invocation sung by Page Melissa Mendenhall and guitar accompaniment by Page Blake Mendenhall.
Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Branae, Buzzas, Callahan, Fritz, Gillan, and Jent, excused.
Quorum present.

Mr. Speaker introduced the honorary pages for the day:

Sarah Laszloffy, Laurel
Blake Mendenhall, Montana City
Melissa Mendenhall, Montana City
Kyndall Miller, Laurel

REPORTS OF STANDING COMMITTEES

BILLS (Bookout-Reinicke, Chairman): 2/21/2003
Correctly printed: **HB 529, HB 583, HB 609, HB 631, HB 644, HB 693.**
Correctly enrolled: **HB 357, HB 441, HB 512, HB 653.**

BUSINESS AND LABOR (McKenney, Chairman): 2/21/2003
HB 631, introduced bill, do pass and be placed on the consent calendar. Report adopted.
HB 640, do pass. Report adopted.
HB 648, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "180"

Insert: "120"

2. Title, line 10.

Strike: "PROPERTY"

Insert: "EMBRYOS OR SEMEN"

3. Page 1, line 16.

Strike: "genetic material"

Insert: "embryos or semen"

4. Page 1, line 26 through line 27.

Following: "storing" on line 26

Strike: "genetic material"

Insert: "embryos or semen"

5. Page 1, line 28.

Following: "entrusted"

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Insert: "and who still has possession"

6. Page 1, line 29.

Following: "storing the"

Strike: "genetic material,"

Following: "embryos"

Strike: " 1"

7. Page 1, line 29 through line 30.

Strike: "genetic material,"

8. Page 1, line 30.

Following: "embryos"

Strike: " 1"

9. Page 2, line 27.

Following: "on the"

Strike: "property"

Insert: "embryos or semen"

Strike: "180"

Insert: "120"

Following: "receiving the"

Strike: "property"

Insert: "embryos or semen"

10. Page 2, line 28.

Strike: "property"

Insert: "embryos or semen"

11. Page 2, line 29.

Strike: "property"

Insert: "embryos or semen"

And, as amended, do pass. Report adopted.

JUDICIARY (Shockley, Chairman):

2/21/2003

HB 127, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "PRACTICES"

Strike: ", TELEMARKETING" through "WARRANTY"

2. Title, page 1, line 11 through line 14.

Strike: "REMOVING" on line 11 through "ACTIONS;" on line 14

3. Title, page 1, line 16 through line 19.

Strike: "REVISING" on line 16 through "PRODUCTS;" on line 19

Insert: "MANDATING THAT THE DEPARTMENT HOLD A HEARING TO DECIDE IF A COST SURVEY SHOULD BE PERFORMED;"

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4. Title, page 2, line 1.

Strike: "CLARIFYING" through "RUN;"

5. Title, page 2, line 7, through page 2, line 12.

Strike: "CLARIFYING" on page 2, line 7 through "VEHICLE";" on page 2, line 12

6. Title, page 2, line 13, through page 2, line 15.

Strike: "PROVIDING" on page 2, line 13 through "PANEL;" on page 2, line 15

7. Title, page 2, line 16 and 17.

Strike: "30-14-202, 30-14-213,"

Insert: "30-14-211,"

8. Title, page 2, line 17.

Following: "30-14-503,"

Insert: "AND"

9. Title, page 2, line 18, through page 2, line 19.

Strike: "30-14-504," on line 18

Strike: "30-14-1406" on line 18 through "61-4-519," on line 19

10. Title, page 2, line 19, through page 2, line 20.

Strike: "SECTIONS" on page 2, line 19 through "AND" on page 2, line 20

Insert: "SECTION"

11. Page 4, line 10.

Following: "bond"

Insert: ", and an injunction must be issued without bond"

12. Page 4, line 13.

Strike: "(a)"

13. Page 4, line 18.

Strike: "(b)"

Insert: "(2)"

14. Page 4, line 20 through line 21.

Strike: subsection (2) in its entirety

15. Page 4, line 24.

Strike: "-- mandatory treble damages"

16. Page 6, line 1 through page 7, line 24.

Strike: sections 7 and 8 in their entirety

Renumber: subsequent sections

Insert: "**Section 7.** Section 30-14-211, MCA, is amended to read:

"30-14-211. Establishing cost survey. (1) The department shall, whenever application has been made by 10 or more persons within a particular trade or business, ~~establish the cost survey provided for in 30-14-210. When petition for a cost survey has been so presented to the department, the department shall,~~ as soon as possible, fix a time for a public

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hearing upon the question of whether the cost survey should be established and, if so, upon the matter of establishing ~~such~~ the cost survey. The hearing ~~shall~~ must be held at the office of the department and upon ~~that~~ notice ~~which~~ that the department may require by rule. However, notice of the hearing ~~shall~~ must be published for at least 2 successive weeks in the daily newspaper or newspapers ~~as designated by~~ the department ~~may designate~~ as the most commonly circulated in the counties ~~to be~~ affected by the cost survey. The notice ~~shall~~ must further state the locality or area in respect to which the cost survey is proposed to be established and the particular trade or business to be affected by it.

(2) At the time fixed in the notice any person may appear and be heard by the department upon all questions to be determined by ~~it~~ the department as provided in this section. If the department determines that a cost survey should be established, it shall at the same hearing proceed to classify and define the particular trade or business, or parts ~~thereof~~ of a particular trade or business, to be affected, determine ~~and delimit~~ the particular area within which the trade or business will be affected, and find and determine the probable cost of doing business or overhead expense, stated in percentage of invoice or replacement cost ~~which~~ that would probably be incurred by the most efficient person in the trade or business within the area.

(3) If the department determines that the probable cost of doing business or overhead expense stated in percentage of invoice or replacement cost ~~which~~ that would probably be incurred by the most efficient person in the trade or business is the same for the entire state, then the department may, upon proper notice given as provided in this section, create one trade area embracing the entire state.

(4) The percentage so determined ~~shall~~ must be presumed to be the actual cost of doing business and overhead expense of any person in the trade or business and within the area affected by the cost survey."

Renumber: subsequent sections

17. Page 7, line 28.

Strike: "30-14-209" through "30-14-213"

Insert: "30-14-214"

18. Page 9, line 13.

Strike: "might"

Insert: "will"

19. Page 9, line 15.

Strike: "30-14-209, 30-14-213,"

Insert: "30-14-214"

20. Page 9, line 17.

Strike: "through" through "30-14-213,"

Insert: "30-14-214"

21. Page 9, line 27.

Strike: "30-14-209, 30-14-213,"

Insert: "30-14-214,"

22. Page 9, line 28 through line 30.

Strike: "(a)" on line 28 through "(b)" on line 30

23. Page 10, line 5.

Strike: "through" through "30-14-213,"

Insert: "30-14-214"

24. Page 10, line 10.

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Strike: "through" through "30-14-213,"
Insert: "30-14-214"

25. Page 10, line 16.

Strike: "intentionally"
Insert: "purposely or knowingly"

26. Page 10, line 17.

Strike: "30-14-209, 30-14-213,"
Insert: "30-14-214"

27. Page 10, line 18 through line 19.

Strike: "less" on line 18 through "\$1,000 or" on line 19

28. Page 10, line 19.

Strike: "and shall be"
Insert: "or"

29. Page 10, line 20.

Following: "both"
Insert: ", or both"

30. Page 12, line 6 through line 7.

Strike: "is" on line 6 through "30-14-103" on line 7
Insert: "may be punished by a civil fine of not more than \$1,000 for each violation"

31. Page 12, line 9 through line 25.

Strike: section 17 in its entirety
Renumber: subsequent sections

32. Page 13, line 9.

Strike: "\$1,000"
Insert: "\$500"

33. Page 18, line 28 through page 22, line 18.

Strike: sections 19 through 25 in their entirety
Renumber: subsequent sections

34. Page 22, line 20.

Strike: "Sections" through "AND"
Insert: "Section"

35. Page 22, line 21.

Strike: "are"
Insert: "is"

And, as amended, do pass. Report adopted.

HB 460, introduced bill, be amended as follows:

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1. Title, page 1, line 6.

Strike: "UNBORN CHILD"

Insert: "FETUS"

2. Title, page 1, line 7 through line 12.

Strike: "REQUIRING" on line 7 through "PROCEEDINGS;" on line 12

3. Page 1, lines 17 and 20.

Page 7, lines 10 and 12.

Strike: "11"

Insert: "3"

4. Page 1, line 18.

Strike: "Unborn Child"

Insert: "Fetus"

5. Page 1, line 22.

Following: line 21

Insert: "(1) "Fetus" means a member of the species homo sapiens from fertilization until birth."

Renumber: subsequent subsections

6. Page 1, line 25.

Strike: "unborn child"

Insert: "fetus"

7. Page 1, line 27.

Strike: subsection (4) in its entirety

8. Page 1, line 29 through page 2, line 15.

Strike: section 3 in its entirety

Renumber: subsequent sections

9. Page 2, line 17.

Strike: "Unborn child"

Insert: "Fetus"

10. Page 2, line 18.

Strike: "an unborn child"

Insert: "a fetus"

11. Page 2, line 20.

Strike: "unborn child"

Insert: "fetus"

12. Page 2, line 23.

Following: "analgesic."

Insert: "The report required by 50-20-110 must contain the physician's statement that the physician informed the woman as required by this section and whether or not the woman chose to have the anesthetic or analgesic

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administered."

13. Page 2, line 25 through page 6, line 14.

Strike: sections 5 through 11 in their entirety

Renumber: subsequent sections

14. Page 6, line 23.

Strike: "4"

Insert: "3"

And, as amended, do pass. Report adopted.

HB 506, do pass. Report adopted.

HB 529, do pass. Report adopted.

HB 660, do pass. Report adopted.

HB 693, do pass. Report adopted.

STATE ADMINISTRATION (Barrett, Chairman):

2/21/2003

HB 431, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 6.

Strike: "REMOVING" on line 4 through ";" on line 6

2. Title, page 1, line 7 through line 8.

Strike: ", AND" on line 7 through "1999" on line 8

3. Page 1, line 30 through page 2, line 1.

Strike: "Prior" on page 1, line 30 through "price." on page 2, line 1

Insert: "A local government that sold or transferred property to the state shall have the right of first refusal if the state subsequently offers the property for sale. For purposes of this subsection, "right of first refusal" means the right to have the first opportunity to purchase the property for not less than fair market value when the property becomes available or the right to meet any other offer."

4. Page 2, line 3 through page 4, line 10.

Strike: section 2 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 468, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "INCLUDE"

Insert: "SPECIFIC INFORMATION AND"

2. Page 1, line 23.

Following: "a"

Insert: "reference to the particular vote or votes upon which the information is based and a"

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3. Page 1, line 28.

Following: "communication"

Insert: "or the person's legal agent"

4. Page 2, line 4.

Strike: "prior to"

Insert: "at the time of"

And, as amended, do pass. Report adopted.

HB 609, do pass. Report adopted.

HB 621, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "IMMEDIATE"

2. Page 1, line 18.

Following: "effective"

Strike: "on passage and approval"

Insert: "July 1, 2003"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

HJR 24, introduced joint resolution, be adopted and be placed on the consent calendar. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/21/2003

SB 295, introduced by Butcher

SB 400, introduced by Toole

Senate joint resolutions passed and transmitted to the House for concurrence:

2/21/2003

SJR 11, introduced by Schmidt

SJR 14, introduced by Curtiss

SJR 18, introduced by Harrington

House bills concurred in and returned to the House:

2/21/2003

HB 181, introduced by B. Thomas

HB 311, introduced by Stoker

FIRST READING AND COMMITMENT OF BILLS

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

HB 733, introduced by Schrupf, Brueggeman, Everett, Fuchs, Haines, Hedges, Lake, Morgan, Sinrud, referred to Judiciary.

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HB 734, introduced by Lawson, referred to State Administration.

HB 735, introduced by Fisher (by request of the House Joint Appropriations Subcommittee on Corrections and Public Safety), referred to Appropriations.

HB 736, introduced by R. Brown, Tester, F. Thomas, Wanzenried, referred to Appropriations.

HB 737, introduced by Gallik, Johnson, referred to Taxation.

Majority Leader Brown moved that the House recess until 8:30 a.m. for caucuses. Motion carried.

House recessed at 8:12 a.m.

House reconvened at 8:34 a.m.

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

Representative Brown moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Forrester in the chair.

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

HB 42 - Representative Barrett moved **HB 42** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 58

Noes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Musgrove, Newman, Parker, Raser, Sinrud, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 42

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Gillan, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 90 - Representative E. Clark moved **HB 90** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie,

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Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 91

Noes: Hawk, Jacobson, Jent, Lawson, Mendenhall, Morgan, Pattison, Shockley, Sinrud.

Total 9

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Gillan, Ayes; Jent, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Gillan present at this time.

HB 283 - Representative Fuchs moved **HB 283** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Dickenson, Everett, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 72

Noes: Becker, Bergren, Bixby, Buzzas, Callahan, Carney, Cohenour, Cyr, Dowell, Erickson, Facey, Fritz, Gallik, Galvin-Halcro, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Malcolm, Musgrove, Raser, Small-Eastman, Smith, Wanzenried, Windy Boy.

Total 28

Voted Absentee: Branae, Aye; Buzzas, Callahan, Fritz, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 189 - Representative Pattison moved **HB 189** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, Brueggeman, Carney, E. Clark, Devlin, Everett, Facey, Fisher, Forrester, Fuchs, Haines, Harris, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Roberts, Ross, Sales, Schrumpf, Shockley,

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Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.
Total 61

Noes: Ballantyne, Becker, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Hawk, Jacobson, Jayne, Jent, Juneau, Keane, Laslovich, Lindeen, Newman, Parker, Rome, Ryan, Wanzenried, Weiss, Windy Boy.
Total 38

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Noes.

Excused: None.
Total 0

Absent or not voting: Ripley.
Total 1

HB 563 - Representative Laszloffy moved **HB 563** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Devlin, Everett, Fisher, Fritz, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 58

Noes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Newman, Parker, Raser, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.
Total 42

Voted Absentee: Fritz, Jent, Ayes; Branae, Buzzas, Callahan, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 578 - Representative Shockley moved **HB 578** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser,

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Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 99

Noes: Jayne.
Total 1

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 618 - Representative Dickenson moved **HB 618** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kaufmann, Keane, Lake, Lange, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Malcolm, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.
Total 75

Noes: Balyeat, Bitney, E. Clark, Devlin, Everett, Forrester, Fuchs, Gallus, Jayne, Kasten, Lambert, Laszloffy, Lewis, Maedje, Matthews, McKenney, Pattison, Peterson, Rice, Sales, Sinrud, Waitschies, Witt, Mr. Speaker.
Total 24

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.
Total 0

Absent or not voting: Becker.
Total 1

HB 298 - Representative Younkin moved **HB 298** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 94

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Noes: Balyeat, Everett, Fuchs, Golie, Kasten, Sales.
Total 6

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 327 - Representative Harris moved **HB 327** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jent, Juneau, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Peterson, Raser, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Mr. Speaker.
Total 74

Noes: Andersen, Barrett, D. Brown, R. Brown, Brueggeman, Devlin, Everett, Hawk, Hurwitz, Jackson, Jayne, Kasten, Lake, Lehman, Malcolm, Mendenhall, A. Olson, Pattison, Rice, Ripley, Roberts, Rome, Steinbeisser, Waitschies, Witt, Younkin.
Total 26

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 639 - Representative Laslovich moved **HB 639** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 77

Noes: Balyeat, Barrett, Bixby, R. Brown, Everett, Fuchs, Gutsche, Hawk, Jayne, Juneau, Lambert, Lange, Laszloffy, Lehman, Maedje, Mendenhall, Morgan, B. Olson, Rice, Sales, Sinrud, Witt.
Total 22

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Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.
Total 0

Absent or not voting: Dowell.
Total 1

HB 370 - Representative R. Brown moved consideration of **HB 370** be passed for the day. Motion carried.

HB 382 - Representative Windy Boy moved **HB 382** do pass. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lewis, Lindeen, Musgrove, Newman, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.
Total 46

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.
Total 54

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 417 - Representative Golie moved **HB 417** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Sales, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.
Total 90

Noes: Bookout-Reinicke, Hawk, Jent, Laszloffy, Malcolm, Mendenhall, Rice, Schruppf, Witt, Mr. Speaker.
Total 10

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Voted Absentee: Branae, Buzzas, Callahan, Fritz, Ayes; Jent, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 419 - Representative Laszloffy moved **HB 419** do pass.

Representative Gallik moved **HB 419**, second reading copy, be amended as follows:

1. Page 2, line 14.

Following: "(D)"

Strike: "THE PHRASE"

Following: "HIGHWAY"

Insert: ""

2. Page 2, line 14 through line 18.

Following: "HIGHWAY," on line 14

Strike: remainder of line 14 through "LOCATED" on line 18

Insert: "has the meaning provided in 61-1-202"

Amendment **not** adopted as follows:

Ayes: Becker, Bixby, Cohenour, Cyr, Dickenson, Dowell, Gallik, Golie, Jacobson, Jayne, Juneau, Kaufmann, Lindeen, Musgrove, Small-Eastman, Windy Boy.

Total 16

Noes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Devlin, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Galvin-Halcro, Gillan, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 78

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Gibson.

Total 1

Motion that **HB 419** do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Hawk, Hedges,

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Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 93

Noes: Callahan, Gallik, Golie, Jent, Weiss.
Total 5

Voted Absentee: Branae, Buzzas, Fritz, Ayes; Callahan, Jent, Noes.

Excused: None.
Total 0

Absent or not voting: Dickenson, Lake.
Total 2

HB 426 - Representative Morgan moved **HB 426** do pass.

Representative Morgan moved **HB 426**, second reading copy, be amended as follows:

1. Title, line 6.

Following: "EXEMPTIONS;"

Insert: "PROVIDING FOR BIDDING AND ELECTIONS FOR CERTAIN FACILITIES OR SERVICES;"

2. Page 1, lines 17 and 18.

Following: "BUSINESS" on line 17

Strike: remainder of line 17 through "BENEFITS" on line 18

Insert: "using full cost accounting"

3. Page 1, line 21.

Following: "COUNTY."

Insert: "At the public hearing, private sector businesses must be allowed to submit information concerning the ability of the businesses to provide the facility or service at a lesser cost than included in the plan. If information is submitted alleging the ability to provide the facility or service at a lesser cost, then the county shall solicit competitive bids for providing the facility or service. If a responsive and responsible bidder submits a bid that is less than the cost provided in the plan, then the county shall award the contract for the facility or service to the lowest bidder. If the lowest responsive and responsible bid is more than the cost contained in the plan, then the county may provide the facility or service."

4. Page 1, line 25.

Following: "7-1-2121."

Insert: "After the hearing, the county commissioners may submit the plan to the electors of the county. If approved by the electors, the county may implement the plan."

5. Page 1, line 28.

Insert: "(4) (a) As used in this section, "full cost accounting" means a systematic approach for identifying, aggregating, and reporting the actual cost of the facilities or services by accounting for all monetary resources committed to

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the facility or service.

(b) The full cost accounting must include the following direct costs:

- (i) employee wages, benefits, and pensions;
- (ii) supplies and materials;
- (iii) travel;
- (iv) printing;
- (v) rent;
- (vi) utilities; and
- (vii) interest on capital items.

(c) The full cost accounting must include the following indirect costs:

- (i) accounting and payroll;
- (ii) human resources;
- (iii) legal;
- (iv) purchasing and procurement;
- (v) data processing;
- (vi) records management; and
- (vii) executive oversight."

6. Page 2, lines 5 and 6.

Following: "BUSINESS" on line 5

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

Insert: "using full cost accounting"

7. Page 2, line 10.

Following: "MUNICIPALITY."

Insert: "At the public hearing, private sector businesses must be allowed to submit information concerning the ability of the businesses to provide the facility or service at a lesser cost than included in the plan. If information is submitted alleging the ability to provide the facility or service at a lesser cost, then the municipality shall solicit competitive bids for providing the facility or service. If a responsive and responsible bidder submits a bid that is less than the cost provided in the plan, then the municipality shall award the contract for the facility or service to the lowest bidder. If the lowest responsive and responsible bid is more than the cost contained in the plan, then the municipality may provide the facility or service."

8. Page 2, line 15.

Following: "7-1-4127."

Insert: "After the hearing, the governing body of the municipality may submit the plan to the electors of the municipality. If approved by the electors, the municipality may implement the plan."

9. Page 2, line 18.

Insert: "(4) (a) As used in this section, "full cost accounting" means a systematic approach for identifying, aggregating, and reporting the actual cost of the facilities or services by accounting for all monetary resources committed to the facility or service.

(b) The full cost accounting must include the following direct costs:

- (i) employee wages, benefits, and pensions;
- (ii) supplies and materials;
- (iii) travel;
- (iv) printing;
- (v) rent;
- (vi) utilities; and

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- (vii) interest on capital items.
- (c) The full cost accounting must include the following indirect costs:
 - (i) accounting and payroll;
 - (ii) human resources;
 - (iii) legal;
 - (iv) purchasing and procurement;
 - (v) data processing;
 - (vi) records management; and
 - (vii) executive oversight."

Amendment **not** adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Everett, Forrester, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lange, Laslovich, Laszloffy, Lehman, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, Pattison, Rice, Ripley, Rome, Ross, Schrumpf, Sinrud, Steinbeisser, Stoker, Thomas, Younkin.

Total 40

Noes: Ballantyne, Bergren, Bixby, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lambert, Lawson, Lenhart, Lewis, Lindeen, Musgrove, Newman, B. Olson, Parker, Peterson, Raser, Roberts, Ryan, Sales, Shockley, Small-Eastman, Smith, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt.

Total 54

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Mr. Speaker.

Total 1

Motion that **HB 426** do pass **failed** as follows:

Ayes: Balyeat, Bitney, R. Brown, Brueggeman, Devlin, Forrester, Fuchs, Hawk, Hurwitz, Lake, Lange, Lehman, McKenney, Rice, Roberts, Sales, Sinrud, Thomas, Windy Boy, Younkin, Mr. Speaker.

Total 21

Noes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt.

Total 79

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Noes.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 579 - Representative Shockley moved **HB 579** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

HB 484 - Representative R. Brown moved **HB 484** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Sinrud.

Total 1

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 493 - Representative Dowell moved consideration of **HB 493** be passed for the day. Motion carried.

HB 520 - Representative Erickson moved **HB 520** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 82

Noes: Balyeat, Barrett, E. Clark, Everett, Fisher, Fuchs, Hawk, Kasten, McKenney, Mendenhall, Pattison, Rice, Sales, Steinbeisser, Stoker, Waitschies.

Total 16

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Brueggeman, Laszloffy.

Total 2

HB 527 - Representative Mendenhall moved **HB 527** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

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HB 531 - Representative Hurwitz moved **HB 531** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Witt, Younkin, Mr. Speaker.
Total 88

Noes: P. Clark, Cohenour, Erickson, Gibson, Gutsche, Harris, Jent, Kaufmann, Weiss, Windy Boy.
Total 10

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Ayes; Jent, No.

Excused: None.
Total 0

Absent or not voting: Balyeat, Bookout-Reinicke.
Total 2

HB 538 - Representative Rome moved **HB 538** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 85

Noes: Balyeat, R. Brown, P. Clark, Everett, Fuchs, Gallus, Gillan, Golie, Hawk, Jayne, Laszloffy, Mendenhall, Sales, Shockley, Wagman.
Total 15

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 544 - Representative Haines moved **HB 544** do pass. Motion **failed** as follows:

Ayes: Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Buzzas, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Jackson, Kasten, Lake, Lambert, Lange, Lawson, Lehman, Lewis, McKenney,

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Morgan, B. Olson, Pattison, Peterson, Rice, Roberts, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 41

Noes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bixby, Branae, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Laszloffy, Lenhart, Lindeen, Maedje, Malcolm, Matthews, Mendenhall, Musgrove, Newman, Noennig, A. Olson, Parker, Raser, Ripley, Rome, Ross, Ryan, Sales, Schrupf, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 58

Voted Absentee: Buzzas, Aye; Branae, Callahan, Fritz, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: P. Clark.

Total 1

HB 557 - Representative Andersen moved **HB 557** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98

Noes: D. Brown, Jayne.

Total 2

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 561 - Representative Bitney moved **HB 561** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove,

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Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: Balyeat, Gillan, Gutsche, Harris, Sales.

Total 5

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

HB 222 - Representative Parker moved **HB 222** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 96

Noes: Jayne.

Total 1

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Erickson, Maedje, Malcolm.

Total 3

HB 619 - Representative Maedje moved **HB 619** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 94

Noes: Bitney, Lawson, Malcolm, McKenney, Sinrud.

Total 5

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

HB 572 - Representative Lewis moved **HB 572** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 573 - Representative Parker moved **HB 573** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 100

Noes: None.

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Total 0

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 236 - Representative Erickson moved **HB 236** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Rice, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Stoker, Wagman, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Barrett, D. Brown, Franklin, Gillan, Laszloffy, B. Olson, Pattison, Roberts, Sales, Sinrud, Steinbeisser, Thomas.

Total 12

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Balyeat, Everett, Ripley, Waitschies, Wilson.

Total 5

HB 465 - Representative R. Brown moved consideration of **HB 465** be passed for the day. Motion carried.

HB 585 - Representative Franklin moved **HB 585** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: Noennig.

Total 1

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Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 597 - Representative Wagman moved **HB 597** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Ryan, Schrupf, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Witt.
Total 75

Noes: Balyeat, Bitney, D. Brown, R. Brown, Brueggeman, Devlin, Everett, Fuchs, Hawk, Jackson, Kasten, Laslovich, Laszloffy, Malcolm, McKenney, Pattison, Rome, Sales, Shockley, Sinrud, Steinbeisser, Waitschies, Windy Boy, Younkin, Mr. Speaker.
Total 25

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 608 - Representative Windy Boy moved **HB 608** do pass.

Representative Gallus assumed the chair.

Representative Windy Boy moved **HB 608**, second reading copy, be amended as follows:

1. Title, line 10 and line 11.
Strike: "AND" on line 10 through "RESERVATION" on line 11

2. Page 2, line 18 and line 19.
Following: "training" on line 18
Strike: "and" through "reservation" on line 19
Insert: "in Helena or a site mutually agreed upon"

3. Page 2, line 19.
Following: "and"
Insert: "key"

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4. Page 2, line 21.

Following: "convene"

Insert: "in Helena"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Forrester.

Total 1

Representative Forrester reassumed the chair.

Motion that **HB 608**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 87

Noes: Balyeat, Devlin, Everett, Fisher, Hawk, Hedges, Lake, Malcolm, Peterson, Sales, Shockley, Sinrud, Witt.

Total 13

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 615 - Representative Franklin moved **HB 615** do pass.

Representative Brueggeman moved for cloture. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Fisher, Forrester, Fuchs, Gallik, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Maedje, Matthews, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 72

Noes: Bixby, Dickenson, Everett, Facey, Franklin, Gallus, Galvin-Halcro, Gillan, Juneau, Kaufmann, Lindeen, Malcolm, Musgrove, Newman, Parker, Ryan, Thomas, Wanzenried, Wilson.

Total 19

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: E. Clark, Gibson, McKenney, Windy Boy.

Total 4

Motion that **HB 615** do pass carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Hurwitz, Jacobson, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.

Total 52

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Mr. Speaker.

Total 48

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 21 - Representative Morgan moved **HJR 21** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson,

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Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Bookout-Reinicke.

Total 1

HB 569 - Representative Gutsche moved **HB 569** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Laslovich, Lawson, Lenhart, Lindeen, Maedje, Matthews, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 55

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lange, Laszloffy, Lehman, Lewis, Malcolm, McKenney, Mendenhall, A. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 45

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 411 - Representative Gallus moved **HB 411** do pass.

Representative Barrett moved **HB 411**, second reading copy, be amended as follows:

1. Page 1, line 22.

Following: "(4)"

Strike: "(A)"

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2. Page 1, line 29 through page 2, line 1.

Strike: "(B)" on page 1, line 29 through "USE." on page 2, line 1

Amendment adopted as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Forrester, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Ross, Schrupf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 49

Noes: Ballantyne, Balyeat, Bergren, Bixby, R. Brown, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Newman, Noennig, Parker, Raser, Rome, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 44

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Jacobson, Sales.

Total 2

Motion that **HB 411**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, Cohenour, Devlin, Dowell, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Witt, Younkin, Mr. Speaker.

Total 80

Noes: Carney, P. Clark, Cyr, Dickenson, Erickson, Everett, Fritz, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Jayne, Kaufmann, Newman, Wanzenried, Weiss, Windy Boy.

Total 18

Voted Absentee: Branae, Buzzas, Callahan, Jent, Ayes; Fritz, No.

Excused: None.

Total 0

Absent or not voting: Jacobson, Raser.

Total 2

HB 368 - Representative Devlin moved **HB 368** do pass. Motion carried as follows:

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Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Kasten, Musgrove, Pattison, Sinrud, Windy Boy.

Total 5

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Brueggeman, Cyr, Sales.

Total 3

HB 601 - Representative Ripley moved **HB 601** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 97

Noes: D. Brown, Jayne.

Total 2

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: Jacobson.

Total 1

HB 144 - Representative Harris moved **HB 144** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris,

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Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Everett, Fuchs, Kasten, Mendenhall, Musgrove, Pattison, Sales, Sinrud, Waitschies.

Total 10

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 407 - Representative Gutsche moved **HB 407** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, Becker, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Jacobson, Jayne, Jent, Juneau, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lewis, Lindeen, Maedje, McKenney, Musgrove, Newman, Noennig, Parker, Pattison, Raser, Rome, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 64

Noes: Andersen, Barrett, Bergren, E. Clark, Cohenour, Devlin, Erickson, Galvin-Halcro, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Keane, Lake, Lawson, Lenhart, Malcolm, Matthews, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Smith, Steinbeisser, Waitschies, Witt.

Total 36

Voted Absentee: Branae, Buzzas, Callahan, Fritz, Jent, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Brown moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Forrester moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, R. Brown, E. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Facey, Franklin, Fuchs, Gallik, Gibson, Gillan, Gutsche, Harris, Hawk, Hedges, Hurwitz, Jackson, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson,

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Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.
Total 74

Noes: Becker, Bixby, Carney, P. Clark, Cyr, Galvin-Halcro, Golie, Jayne, Juneau, Laslovich, Mendenhall, Ryan.
Total 12

Excused: Branae, Buzzas, Callahan, Fritz, Jent.
Total 5

Absent or not voting: Brueggeman, Everett, Fisher, Forrester, Gallus, Haines, Jacobson, Small-Eastman, Witt.
Total 9

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 416, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 92

Noes: None.
Total 0

Excused: Branae, Buzzas, Callahan, Fritz, Jent.
Total 5

Absent or not voting: Galvin-Halcro, Jacobson, Malcolm.
Total 3

HB 559, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 93

Noes: None.

Total 0

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Galvin-Halcro, Jacobson.

Total 2

HB 627, from consent calendar, passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: None.

Total 0

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

Absent or not voting: Galvin-Halcro, Hawk, Jacobson.

Total 3

HB 388 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Forrester, Shockley, Windy Boy.

Total 3

Excused: Branae, Buzzas, Callahan, Fritz, Jent.

Total 5

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Absent or not voting: Galvin-Halcro, Jacobson.
Total 2

HB 499 passed as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Harris, Jayne, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Roberts, Ryan, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin.
Total 49

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Wagman, Waitschies, Witt, Mr. Speaker.
Total 43

Excused: Branae, Buzzas, Callahan, Fritz, Jent.
Total 5

Absent or not voting: Galvin-Halcro, Jacobson, Stoker.
Total 3

HB 505 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.
Total 85

Noes: Devlin, Gallik, Hawk, Lambert, Mendenhall, Morgan, Smith, Mr. Speaker.
Total 8

Excused: Branae, Buzzas, Callahan, Fritz, Jent.
Total 5

Absent or not voting: Galvin-Halcro, Jacobson.
Total 2

HB 537 passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm,

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Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 86

Noes: Erickson, Gutsche, Harris, Kaufmann, Pattison, Sinrud, Weiss.
Total 7

Excused: Branae, Buzzas, Callahan, Fritz, Jent.
Total 5

Absent or not voting: Galvin-Halcro, Jacobson.
Total 2

SB 164 concurred in as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.
Total 92

Noes: Shockley.
Total 1

Excused: Branae, Buzzas, Callahan, Fritz, Jent.
Total 5

Absent or not voting: Galvin-Halcro, Jacobson.
Total 2

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Bitney, Chairman): 2/22/2003
HB 479, introduced bill, be amended as follows:

1. Title, line 4 through line 5.
Strike: "PROHIBITING" on line 4
Insert: "REVISING THE LAWS THAT PROHIBIT"
Following: "CARRIERS" on line 4
Strike: "AND" on line 4 through "ENTITIES" on line 5

2. Title, line 6.
Following: "CONSENT;"
Insert: "CLARIFYING THAT ENTITIES NOT OTHERWISE REGULATED BY THE PUBLIC SERVICE

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COMMISSION ARE SUBJECT TO THE PROHIBITION; DEFINING TERMS;"

3. Title, line 7.

Following: "BILLS;"

Insert: "PROHIBITING INITIATION OF UNAUTHORIZED CHARGES TO BE PLACED ON TELEPHONE
BILLS;"

4. Page 1, line 18.

Strike: "all other"

5. Page 2, line 1.

Following: "carrier"

Insert: "or who has been billed charges on a telephone bill for the services or products of another entity"

6. Page 2, line 8.

Strike: "A person"

Insert: "An entity"

7. Page 2, line 9.

Strike: "person"

Insert: "entity"

8. Page 3, line 17.

Strike: "Telecommunications"

Insert: "Unauthorized change in telecommunications"

Following: "carrier"

Insert: " -- "

9. Page 4, line 5.

Strike: "a person"

Insert: "an entity"

10. Page 4, line 9.

Strike: "person"

Insert: "entity"

11. Page 4, line 10.

Strike: "billing agent or"

Strike: "service provider"

Insert: "carrier or other entity"

12. Page 4.

Following: line 11

Insert: "(iii) prohibit a billing agent that bills directly for the carrier or other entity determined to have engaged in a
pattern of violations from billing charges on behalf of that carrier or other entity;"

Renumber: subsequent subsections

13. Page 4, line 12.

Strike: "prohibit" through "provider"

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Insert: "revoke the registration of a service provider or billing aggregator"

14. Page 4, line 14.

Strike: "actions"

Insert: "prohibitions"

Following: "under" in two places

Insert: "this" in both places

Following: the first "(3)(b)"

Strike: "(ii)" through "(iii)"

15. Page 4, line 15.

Following: the first "(3)(b)"

Strike: "(ii)" through "(iii)"

16. Page 4.

Following: line 15

Insert: "(4) The commission shall provide adequate time for a billing agent that is prohibited from billing on behalf of a carrier or other entity under this section to terminate a contractual agreement with that carrier or other entity."

Renumber: subsequent subsection

17. Page 4, line 20.

Strike: "or place"

Following: "charges"

Insert: "to be placed"

18. Page 5, line 10.

Strike: "Telecommunications" through "on"

Insert: "Liability for unauthorized charges on telephone"

19. Page 5, line 12.

Following: "charges"

Strike: "or" through "charges"

20. Page 5, line 13.

Following: "authorized"

Insert: "or that a billing aggregator has caused unauthorized charges to be forwarded to a billing agent for placement on a telephone bill"

21. Page 5, line 16.

Strike: "any entity"

Insert: "a carrier or service provider"

Following: "initiated"

Strike: "," through "caused"

22. Page 5, line 18.

Following: "authorized"

Insert: "or that a billing aggregator has caused unauthorized charges to be forwarded to a billing agent for placement

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on a telephone bill"

23. Page 5, line 20.

Strike: "person"

Insert: "carrier or service provider"

24. Page 5, line 21.

Following: "agent"

Strike: "or" through "charges"

Insert: "that bills directly"

25. Page 5, line 22.

Following: "violations"

Strike: ";

Insert: "from placing the service provider's unauthorized charges on a customer's telephone bill;

(c) prohibit a carrier or service provider determined to have engaged in a pattern of violations from initiating unauthorized charges to be placed on a customer's telephone bill;

(d) prohibit a billing aggregator from forwarding that entity's unauthorized charges to a billing agent;"

Renumber: subsequent subsections

26. Page 5, line 23.

Strike: "prohibit" through "provider"

Insert: "revoke the registration of the service provider or billing aggregator"

27. Page 5, line 25.

Strike: "actions"

Insert: "prohibitions"

Following: "under"

Insert: "this"

Following: "subsection"

Strike: "(2)(b)" through "(c)"

Insert: "(2)"

Following: line 25

Insert: "this"

28. Page 5, line 26.

Strike: "(2)(b) or (2)(c)"

Insert: "(2)"

Following: line 26

Insert: "(3) The commission shall provide adequate time for a billing agent that is prohibited from billing on behalf of a service provider under this section to terminate contractual agreements with that service provider."

Renumber: subsequent subsections

29. Page 5, line 29.

Strike: "An entity"

Insert: "A carrier or service provider"

Strike: "or places"

Following: "charges"

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Insert: "to be placed"

30. Page 5, line 30.

Following: "customer"

Insert: "or a billing aggregator that causes unauthorized charges to be forwarded to a billing agent for placement on a telephone bill"

31. Page 6, line 3.

Strike: "by solicitor"

32. Page 6, line 8.

Following: "commission may"

Insert: ": (a)"

Following: "carrier or"

Insert: "a"

Following: "agent"

Insert: "that bills directly for that entity"

Following: "entity"

Insert: ". The commission shall provide adequate time for the billing agent to terminate contractual agreements with the entity. This section does not preclude a carrier or billing agent from taking action on its own to terminate billing and collection services."

33. Page 6, line 9 through line 10.

Strike: the first "or"

Insert: "(b) prohibit"

Strike: "or billing agent" on line 9 through "services" on line 10

Insert: "from forwarding any charges from an entity operating in violation of this section to a carrier or billing agent for placement on a customer's telephone bill"

34. Page 6, line 11 through line 15.

Strike: "subsection (3)" in its entirety

Renumber: subsequent subsections

35. Page 6, line 16.

Following: "commission"

Strike: "staff"

Following: "information"

Insert: "related to an investigation of a possible violation of this section"

36. Page 6, line 17.

Following: "commission to"

Insert: ": (a)"

Following: "carrier"

Insert: ", billing aggregator,"

Following: "agent"

Strike: "providing" through "services"

Insert: "that bills directly for the entity"

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37. Page 6, line 18.

Following: "provider"

Insert: ";

Following: "or"

Insert: "(b) prohibit a"

Following: "aggregator"

Insert: "from forwarding charges to the billing agent to be placed on a customer's telephone bill"

38. Page 7, lines 1 and 2.

Strike: "knowingly" on line 1

Insert: "directly" on line 1

Following: "provider"

Strike: "who" on line 1 through "who" on line 2

Insert: "that is not the billing agent if the service provider"

Following: "registered" on line 2

Insert: ", if registration is required"

39. Page 7, line 16.

Following: "carriers"

Insert: "and registered billing aggregators"

Following: line 16

Insert: "NEW SECTION. Section 9. Submission of list of entities served by billing aggregator required.

Each billing aggregator doing business in Montana shall submit to the commission a list of service providers and other entities for which the billing aggregator provides billing services. The commission shall adopt rules that specify information that must be included with the list in order to enforce the provisions of this part. The list must include the name and address of a contact person for each entity."

Renumber: subsequent sections

40. Page 7, line 22.

Strike: "9"

Insert: "10"

41. Page 7, line 24.

Strike: "9"

Insert: "10"

And, as amended, do pass. Report adopted.

HB 637, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 684, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 710, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "SEXUALLY ORIENTED"

2. Title, line 8.

Following: "ELECTRONIC MAIL"

Insert: "THAT CONTAINS OBSCENE SEXUAL WRITINGS OR PICTURES"

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3. Page 2, line 14.

Following: "transmission of"

Strike: "a"

Insert: "an unsolicited"

4. Page 2, line 24.

Strike: "sexually" through "information"

Insert: "obscene sexual writings or pictures"

5. Page 2, line 29.

Following: "of"

Strike: "a"

Insert: "an unsolicited"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Younkin, Chairman):

2/22/2003

HB 113, do pass. Report adopted.

HB 437, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "OR WATER QUALITY LAWS"

2. Title, lines 14 and 15.

Following: the first "UNDER THE" on line 14

Insert: "MONTANA ADMINISTRATIVE PROCEDURE ACT,"

Following: "LAWS," on line 14

Strike: remainder of line 14 through "," on line 15

Insert: "NATURAL STREAMBED AND LAND PRESERVATION ACT, HAZARDOUS WASTE
MANAGEMENT FACILITY LAWS, COAL AND URANIUM MINE RECLAMATION LAWS, AND
METAL MINE RECLAMATION LAWS"

3. Title, line 19.

Following: "THAT"

Strike: "A PERSON"

Insert: "CERTAIN PERSONS"

Following: "CONDUCT"

Strike: "INVESTIGATIONS OR"

4. Title, line 21.

Following: "SECTIONS"

Insert: "2-4-702,"

5. Title, line 22.

Strike: "75-5-401, 75-5-403, 75-5-614,"

Following: "75-7-102,"

Insert: "75-7-121,"

Strike: "75-10-703,"

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Insert: "75-10-420,"

6. Title, line 23.

Following: "82-4-202,"

Insert: "82-4-239, 82-4-252,"

7. Title, line 24.

Following: "82-4-301,"

Insert: "82-4-349,"

Following: "82-4-402,"

Insert: "82-4-427, 82-4-436,"

Following: "DATE"

Strike: "AND"

Insert: ", "

8. Title, line 25.

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

9. Page 3, line 1.

Insert: "**Section 1.** Section 2-4-702, MCA, is amended to read:

"2-4-702. Initiating judicial review of contested cases. (1) (a) A person who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review under this chapter. This section does not limit utilization of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by statute.

(b) A party who proceeds before an agency under the terms of a particular statute may not be precluded from questioning the validity of that statute on judicial review, but the party may not raise any other question not raised before the agency unless it is shown to the satisfaction of the court that there was good cause for failure to raise the question before the agency.

(2) (a) Except as provided in subsection (2)(c), proceedings for review must be instituted by filing a petition in district court within 30 days after service of the final decision of the agency or, if a rehearing is requested, within 30 days after the decision is rendered. Except as otherwise provided by statute or subsection (2)(d), the petition must be filed in the district court for the county where the petitioner resides or has the petitioner's principal place of business or where the agency maintains its principal office. Copies of the petition must be promptly served upon the agency and all parties of record.

(b) The petition must include a concise statement of the facts upon which jurisdiction and venue are based, a statement of the manner in which the petitioner is aggrieved, and the ground or grounds specified in 2-4-704(2) upon which the petitioner contends ~~he is to be~~ entitled to relief. The petition must demand the relief to which the petitioner believes the petitioner is entitled, and the demand for relief may be in the alternative.

(c) If a petition for review is filed pursuant to 33-16-1012(2)(c), the workers' compensation court, rather than the district court, has jurisdiction and the provisions of this part apply to the workers' compensation court in the same manner as the provisions of this part apply to the district court.

(d) If a petition for review is filed challenging a licensing or permitting decision made pursuant to Title 75 or Title 82, the petition for review must be filed in the county where the facility is located or proposed to be located or where the action is proposed to occur.

(3) Unless otherwise provided by statute, the filing of the petition may not stay enforcement of the agency's decision. The agency may grant or the reviewing court may order a stay upon terms that it considers proper, following notice to the affected parties and an opportunity for hearing. A stay may be issued without notice only if the provisions of 27-19-315, 27-19-316, and 27-19-317 are met.

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(4) Within 30 days after the service of the petition or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be ~~taxed~~ required by the court for to pay the additional costs. The court may require or permit subsequent corrections or additions to the record.""

Renumber: subsequent sections

10. Page 3, line 3.

Strike: "Findings"

Insert: "Intent"

11. Page 3, lines 5 and 6.

Following: "1979." on line 5

Strike: remainder of line 5 through "constitution." on line 6

Insert: "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system."

12. Page 3, line 11.

Strike: "Findings"

Insert: "Intent"

13. Page 3, lines 13 and 14.

Following: "Act." on line 13

Strike: remainder of line 13 through "constitution." on line 14

Insert: "It is the legislature's intent that the requirements of parts 1 through 3 of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

14. Page 4, line 25.

Following: "rights"

Insert: ", by the legislature and the courts,"

15. Page 4, line 28.

Strike: "Findings"

Insert: "Intent"

16. Page 4, line 30 through page 5, line 1.

Following: "Montana." on page 4, line 30

Strike: remainder of line 30 through "constitution." on page 5, line 1

Insert: "It is the legislature's intent that the requirements of parts 1 through 4 of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

17. Page 5, line 6.

Following: "balanced"

Insert: ", by the legislature and the courts,"

18. Page 6, line 1.

Following: "A"

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Insert: "judicial"

Following: "chapter"

Insert: "by a party other than the permit applicant or permitholder"

Following: "for"

Insert: "a preliminary"

19. Page 6, line 2.

Following: "issued"

Insert: "unless otherwise agreed to by the permit applicant or permitholder"

20. Page 9, lines 11 and 12.

Strike: subsection (13) in its entirety

21. Page 11, lines 26 and 27.

Strike: subsection (12) in its entirety

22. Page 12, line 9.

Strike: "Findings"

Insert: "Intent"

23. Page 12, lines 11 and 12.

Following: "chapter." on line 11

Strike: remainder of line 11 through "constitution." on line 12

Insert: "It is the legislature's intent that the requirements of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

24. Page 12, line 19 through page 15, line 26.

Strike: sections 9 through 11 in their entirety

Renumber: subsequent sections

25. Page 15, line 29.

Strike: "Findings"

Insert: "Intent"

26. Page 16, lines 1 and 2.

Following: "1975." on line 1

Strike: remainder of line 1 through "constitution." on line 2

Insert: "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

27. Page 16, line 10.

Insert: "**Section 11.** Section 75-7-121, MCA, is amended to read:

"**75-7-121. Review.** Any review of final action by the supervisors under 75-7-112 or 75-7-113 must be by arbitration. Judicial review of an arbitration action is under the provisions of Title 27, chapter 5, part 3, and must be brought in the county where the action is proposed to occur."

Renumber: subsequent sections

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28. Page 16, line 12.

Following: "Legislative"

Insert: "intent,"

Following: "findings"

Insert: ", "

29. Page 16, lines 14 and 15.

Following: "Act." on line 14

Strike: remainder of line 14 through "constitution." on line 15

Insert: "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

30. Page 16, line 22.

Strike: "Findings"

Insert: "Intent, findings,"

31. Page 16, lines 24 and 25.

Strike: lines 24 and 25 in their entirety

Insert: "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

32. Page 17, lines 8 through 15.

Strike: section 15 in its entirety

Insert: "**Section 14.** Section 75-10-420, MCA, is amended to read:

"**75-10-420. Venue for legal actions.** All legal actions affecting hazardous waste management facilities in the state must be brought in the county in which the facility is located or is proposed to be located."

Renumber: subsequent sections

33. Page 17, line 17.

Strike: "findings"

Insert: "intent"

34. Page 17, line 27 through line 29.

Following: "Act." on line 27

Strike: remainder of line 27 through "constitution." on line 29

Insert: "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

35. Page 17, line 30 through page 18, line 1.

Strike: "investigation" on page 17, line 30 through the first "or" on page 18, line 1

36. Page 18, line 6.

Strike: "Findings"

Insert: "Intent"

37. Page 18, lines 8 and 9.

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Following: "Act." on line 8

Strike: remainder of line 8 through "constitution." on line 9

Insert: "It is the legislature's intent that the requirements of the Megalandfill Siting Act provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

38. Page 18, line 24.

Strike: "**Findings**"

Insert: "**Intent, findings,**"

39. Page 18, lines 26 through 28.

Following: "Act." on line 26

Strike: remainder of line 26 through "constitution." on line 28

Insert: "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

40. Page 19, line 9.

Strike: "**Findings**"

Insert: "**Intent, findings,**"

41. Page 19, lines 10 through 12.

Following: "part." on line 10

Strike: remainder of line 10 through "constitution." on line 12

Insert: "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

42. Page 20, line 11.

Strike: "**Findings**"

Insert: "**Intent, findings,**"

43. Page 20, lines 13 and 14.

Following: "Act." on line 13

Strike: remainder of line 13 through "constitution." on line 14

Insert: "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

44. Page 20, line 23.

Following: "**Policy**"

Insert: "**, intent,**"

45. Page 20, lines 25 and 26.

Following: "Act." on line 25

Strike: remainder of line 25 through "constitution." on line 26

Insert: "It is the legislature's intent that the requirements of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

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46. Page 22, line 18.

Following: "A"

Insert: "judicial"

Following: "chapter"

Insert: "by a party other than the certificate holder or applicant"

Following: "for"

Insert: "a preliminary"

47. Page 22, line 19.

Following: "chapter"

Insert: "unless otherwise agreed to by the certificate holder or applicant"

48. Page 23, line 2.

Following: "A"

Insert: "judicial"

Following: "chapter"

Insert: "by a party other than the certificate holder or applicant"

Following: "for"

Insert: "a preliminary"

49. Page 23, line 3.

Following: "chapter"

Insert: "unless otherwise agreed to by the certificate holder or applicant"

50. Page 23, line 6.

Strike: "**Findings**"

Insert: "**Intent, findings,**"

51. Page 23, lines 8 and 9.

Following: "Act." on line 8

Strike: remainder of line 8 through "constitution." on line 9

Insert: "It is the legislature's intent that the requirements of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

52. Page 24, line 4.

Strike: "**Findings**"

Insert: "**Intent, findings,**"

53. Page 24, lines 6 and 7.

Following: "Act." on line 6

Strike: remainder of line 6 through "constitution." on line 7

Insert: "It is the legislature's intent that the requirements of this chapter provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

54. Page 25, line 8.

Strike: "Findings"

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Insert: "Intent -- findings"

55. Page 25, lines 10 and 11.

Following: "Act." on line 10

Strike: remainder of line 10 through "constitution." on line 11

Insert: "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

56. Page 25, line 29.

Strike: "**Policy**"

Insert: "**Intent -- policy**"

57. Page 26, lines 1 and 2.

Following: "Act." on line 1

Strike: remainder of line 1 through "constitution." on line 2

Insert: "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

58. Page 27, line 5.

Insert: "**Section 28.** Section 82-4-239, MCA, is amended to read:

"82-4-239. Reclamation.(1) The department may have reclamation work done by its employees, by employees of other governmental agencies, by soil conservation districts, or through contracts with qualified persons. The board may construct, operate, and maintain plants for the control and treatment of water pollution resulting from mine drainage.

(2) Any funds or any public works programs available to the department must be used and expended to reclaim and rehabilitate lands that have been subjected to strip mining or underground mining and that have not been reclaimed and rehabilitated in accordance with the standards of this part. The department shall cooperate with federal, state, and private agencies to engage in cooperative projects under this section.

(3) Agents, employees, or contractors of the department may enter upon any land for the purpose of conducting studies or exploratory work to determine whether the land has been strip- or underground-mined and not reclaimed and rehabilitated in accordance with the requirements of this part and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of any adverse effects of past coal-mining practices. Upon request of the director of the department, the attorney general shall bring an injunctive action to restrain any interference with the exercise of the right to enter and inspect granted in this subsection. The action must be brought in the county in which the mine is located.

(4) (a) The department shall take the actions described in subsection (4)(b) when it makes a finding of fact that:

- (i) land or water resources have been adversely affected by past coal-mining practices;
- (ii) the adverse effects are at a stage at which, in the public interest, action to restore, reclaim, abate, control, or prevent should be taken; and
- (iii) the owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal-mining practices are not known or readily available or the owners will not give permission for the department or its agents, employees, or contractors to enter upon the property to restore, reclaim, abate, control, or prevent the adverse effects of past coal-mining practices.

(b) After giving notice by mail to the owner, if known, and any purchaser under contract for deed, if known, or, if neither is known, by posting notice on the premises and advertising in a newspaper of general circulation in the county in which the land lies, the agents, employees, or contractors of the department may enter on the property

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adversely affected by past coal-mining practices and on any other property necessary for access to the mineral property to do all things necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects of past coal-mining practices.

(c) Action taken under subsection (4)(b) is not an act of condemnation of property or of trespass, but rather is an exercise of the power granted by ~~sections 1 and 2~~, Article IX, sections 1 and 2, of the Montana constitution.

(5) (a) Within 6 months after the completion of projects to restore, reclaim, abate, control, or prevent adverse effects of past coal-mining practices on privately owned land, the department shall itemize the money expended and may file a statement of those expenses in the office of the clerk and recorder of the county in which the land lies, together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal-mining practices if the money expended resulted in a significant increase in property value. The statement constitutes a lien upon the land. The lien may not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal-mining practices. A lien under this subsection (5)(a) may not be filed against the property of a person who owned the surface prior to May 2, 1977, and who did not consent to, participate in, or exercise control over the mining operation that necessitated the reclamation performed under this part.

(b) The landowner may petition within 60 days of the filing of the lien to determine the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal-mining practices. The amount reported to be the increase in value of the premises constitutes the amount of the lien and must be recorded with the statement provided for in this section. Any party aggrieved by the decision may appeal as provided by law.

(c) The lien provided in this section must be recorded at the office of the county clerk and recorder. The statement constitutes a lien upon the land as of the date of the expenditure of the money and has priority as a lien second only to the lien of real estate taxes imposed upon the land.

(6) The department may acquire the necessary property by gift or purchase. If the property cannot be acquired by gift or purchase at a reasonable cost, proceedings may be instituted in the manner provided in Title 70, chapter 30, against all nonaccepting landholders if:

(a) the property is necessary for successful reclamation;

(b) the acquired land after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal-mining practices will serve recreation and historic purposes or conservation and reclamation purposes or provide open space benefits; and

(c) (i) permanent facilities, such as treatment plants or relocated stream channels, will be constructed on the land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past strip- or underground-coal-mining practices; or

(ii) acquisition of coal refuse disposal sites and all coal refuse on the land will serve the purposes of this part because public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effects of past coal-mining practices."

Insert: "Section 29. Section 82-4-252, MCA, is amended to read:

"82-4-252. Mandamus. (1) A resident of this state or any person having an interest ~~which that~~ is or may be adversely affected, with knowledge that a requirement of this part or a rule adopted under this part is not being enforced or implemented by a public officer or employee whose duty it is to enforce or implement the requirement or rule, may bring the failure to enforce to the attention of the public officer or employee by a written statement under oath that ~~shall must~~ state the specific facts of the failure to enforce the requirement or rule. Knowingly making false statements or charges in the affidavit subjects the affiant to penalties prescribed in 45-7-202.

(2) If the public officer or employee neglects or refuses for an unreasonable time after receipt of the statement to enforce or implement the requirement or rule, the resident or person having an interest ~~which that~~ is or may be adversely affected may bring an action of mandamus ~~in the district court of the first judicial district of this state, in and for the county of Lewis and Clark, or in the district court of the county in which the land is located.~~ The

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court, if it finds that a requirement of this part or a rule adopted under this part is not being enforced, shall order the public officer or employee whose duty it is to enforce the requirement or rule to perform ~~his~~ the officer's or employee's duties. If ~~he~~ the officer or employee fails to ~~do so~~ obey the order, the public officer or employee ~~shall~~ must be held in contempt of court and is subject to the penalties provided by law.

(3) Any person having an interest that is or may be adversely affected may commence a civil action on ~~his~~ the person's own behalf to compel compliance with this part against any person for the violation of this part or any rule, order, or permit issued ~~hereunder~~ under this part. However, ~~no such~~ the action may ~~not~~ not commence:

(a) prior to 60 days after the plaintiff has given notice in writing to the department and to the alleged violator; or

(b) if the department has commenced and is diligently prosecuting a civil action to require compliance with the provisions of this part or any rule, order, or permit issued ~~hereunder~~ under this part. Any person may intervene as a matter of right in ~~any such~~ the civil action. ~~Nothing in this~~ This section ~~restricts~~ does not restrict any right that any person may have under any statute or common law to seek enforcement of this part or the rules adopted ~~hereunder~~ under this part or to seek any other relief.

(4) Any person who is injured in ~~his~~ his person or property through the violation by any operator of any rule, order, or permit issued pursuant to this part may bring an action for damages, ~~(including reasonable attorney and expert witness fees),~~ only in the county in which the strip- or underground-coal-mining operation complained of is located. ~~Nothing in this~~ This subsection ~~affects~~ does not affect the rights established by or limits imposed under ~~chapter 71 of Title 39, chapter 71.~~

(5) The court, in issuing any final order in any action brought pursuant to subsection (3), may award costs of litigation, ~~(including attorney and expert witness fees),~~ to any party whenever the court determines ~~such that the~~ such that the award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Montana Rules of Civil Procedure. ""

Renumber: subsequent sections

59. Page 27, line 7.

Following: "Legislative"

Insert: "intent and"

60. Page 27, lines 8 through 10.

Following: "part." on line 8

Strike: remainder of line 8 through "constitution." on line 10

Insert: "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

61. Page 27, line 22.

Insert: "**Section 31.** Section 82-4-349, MCA, is amended to read:

"82-4-349. Limitations of actions -- venue -- injunction. (1) Legal actions seeking review of a department decision granting or denying an exploration license or operating permit issued under this part must be filed within 90 days after the decision is made. Summons must be issued and process served on all defendants within 60 days after the action is filed.

(2) An action to challenge the issuance of a license or permit pursuant to this part must be brought in the county in which the exploration or permitted activity is proposed to occur. If an activity is proposed to occur in more than one county, the action may be brought in any of the counties in which the exploration or activity is proposed to occur.

(3) A judicial challenge to an exploration license or operating permit issued pursuant to this part by a party other than the license or permitholder or applicant must include an action for a preliminary injunction against the party to whom the license or permit was issued unless otherwise agreed to by the license or permitholder or

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applicant.""

Renumber: subsequent sections

62. Page 27, line 24.

Strike: "Findings"

Insert: "Intent, findings,"

63. Page 27, lines 25 through 27.

Following: "Act." on line 25

Strike: remainder of line 25 through "constitution." on line 27

Insert: "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

64. Page 28, line 8.

Insert: "**Section 33.** Section 82-4-427, MCA, is amended to read:

"82-4-427. Hearing -- appeal -- venue -- injunction. (1) A person who is aggrieved by a final decision of the department under this part is entitled to a hearing before the board, if a written request is submitted to the board within 30 days of the department's decision.

(2) The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing held under this section.

(3) An action to challenge the issuance of a permit pursuant to this section must be brought in the county in which the permitted activity is proposed to occur. If an activity is proposed to occur in more than one county, the action may be brought in any of the counties in which the activity is proposed to occur.

(4) A judicial challenge to a permit issued pursuant to this part by a party other than the permitholder or applicant must include an action for a preliminary injunction against the party to whom the permit was issued unless otherwise agreed to by the permitholder or applicant."

Insert: "**Section 34.** Section 82-4-436, MCA, is amended to read:

"82-4-436. Plan amendments -- venue -- injunction. (1) Unless an amendment to a plan of operation, reclamation plan, or other permit is proposed by the operator, the department may modify only the terms of a plan or permit in compliance with this section.

(2) If the department believes, based on credible evidence, that continued operation under the terms of an existing plan or permit would violate a substantive numerical or narrative state standard or regulation or otherwise violate a purpose of this part, it may propose to the operator an amendment to the plan or permit.

(3) The department shall notify the operator of the proposed amendment in writing. The notice must include:

(a) an identification of the existing plan or permit;

(b) the justification for the amendment, including all test results or other credible evidence that the department relied on in proposing the amendment; and

(c) the text of the proposed amendment.

(4) The operator may, within 15 days of receipt of the department's amendment notice, request a review of the amendment by the department director. The amendment is not effective or enforceable until 15 days following the issuance of the department's amendment notice or until after the department director affirms or modifies the amendment if a review by the director is requested. A decision by the department director is subject to the contested case provisions of the Montana Administrative Procedure Act, provided for in Title 2, chapter 4, parts 6 and 7.

(5) If the operator does not appeal the proposed amendment, the amendment becomes effective and enforceable 15 days after the operator receives the notification.

(6) An action to challenge the issuance of an amendment pursuant to this section must be brought in the county in which the activity is proposed to occur. If an activity is proposed to occur in more than one county, the

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action may be brought in any of the counties in which the activity is proposed to occur.

(7) A judicial challenge to an amendment issued pursuant to this section by a party other than the amendment holder or applicant must include an action for a preliminary injunction against the party to whom the amendment was issued unless otherwise agreed to by the amendment holder or applicant."

Renumber: subsequent sections

65. Page 28, line 10.

Following: "Legislative"

Insert: "intent,"

Following: "findings"

Insert: ", "

66. Page 28, lines 12 and 13.

Following: "Act." on line 12

Strike: remainder of line 12 through "constitution." on line 13

Insert: "It is the legislature's intent that the requirements of this part provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

67. Page 28, line 26.

Following: "action"

Insert: "is proposed to occur or"

68. Page 28, line 27.

Following: "activity"

Insert: "is proposed to occur or"

69. Page 28, line 28.

Following: "activity"

Insert: "is proposed to occur or"

70. Page 28, line 30.

Strike: "32"

Insert: "36"

71. Page 29, line 1.

Strike: "32"

Insert: "36"

72. Page 29, line 2.

Insert: "NEW SECTION. Section 38. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

73. Page 29, line 7.

Insert: "NEW SECTION. Section 41. Termination. [Section 7] terminates July 1, 2005."

And, as amended, do pass. Report adopted.

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HB 467, introduced bill, be amended as follows:

1. Title, line 12 through line 13.

Following: "DATE AND"

Strike: "RETROACTIVE APPLICABILITY DATES"

Insert: "AN APPLICABILITY DATE"

2. Page 2, line 18.

Following: "result of"

Strike: "point source discharges"

Insert: "pollution"

3. Page 5, line 3 through line 7.

Strike: section 5 in its entirety

Insert: "NEW SECTION. Section 5. Applicability. [This act] applies to petitions for rulemaking to classify waters as outstanding resource waters that are filed after [the effective date of this act]."

And, as amended, do pass. Report adopted.

HB 574, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 584, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 673, introduced bill, be amended as follows:

1. Page 2, line 1.

Strike: "part 3"

Insert: "parts 3 and 4"

2. Page 3, line 30.

Strike: "part 3"

Insert: "parts 3 and 4"

And, as amended, do pass. Report adopted.

TRANSPORTATION (Waitschies, Chairman):

2/22/2003

HB 463, do pass. Report adopted.

MOTIONS

Representative R. Brown moved **HB 569** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 628** be taken from the Committee on Federal Relations, Energy, and Telecommunications and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative Cohenour requested on **HB 382** her vote be shown as yes. There being no objection, so ordered.

Representative Newman requested on **HB 411** that his name be removed as cosponsor. There being no objection, so ordered.

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SPECIAL ORDERS OF THE DAY

The following bill was **removed** from the consent calendar: **HB 689**.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 12:00 p.m., Monday, February 24, 2003. Motion carried.

House adjourned at 4:40 p.m.

MARILYN MILLER
Chief Clerk of the House

DOUG MOOD
Speaker of the House