

**HOUSE JOURNAL  
58TH LEGISLATURE  
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
February 26, 2003

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Ballantyne. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Bookout-Reinicke, Lange, and Sinrud, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/26/2003  
Correctly printed: **HB 494, HB 602, HB 617, HB 651, HB 656, HB 662, HB 669, HB 675, HB 679, HB 686, HB 697, HB 709, HB 711, HB 719, HB 734, HJR 25, HJR 30.**  
Correctly engrossed: **HB 141, HB 205, HB 289, HB 295, HB 302, HB 524, HB 542, HB 545, HB 553, HB 564, HB 588, HB 630, HB 641, HB 659, HB 667, HB 681, HB 685, HB 695, HB 700, HB 701, HB 703, HB 733, HJR 31.**  
Correctly enrolled: **HB 108.**  
Examined by the sponsor and found to be correct: **HB 108.**  
Signed by the Speaker at 4:45 p.m., February 25, 2003: **HB 108.**  
Delivered to the Governor for approval at 3:15 p.m., February 25, 2003: **HB 181, HB 311.**

**APPROPRIATIONS** (Lewis, Chairman): 2/26/2003  
**HB 120**, introduced bill, be amended as follows:

1. Page 1, line 19.  
**Following:** "WHO"  
**Insert:** "is a county employee and who"

And, as amended, do pass. Report adopted.

**HB 249**, do pass. Report adopted.  
**HB 554**, introduced bill, be amended as follows:

1. Page 1, line 15.  
**Strike:** "The"  
**Insert:** "(1) Except as provided in subsection (2), the"

2. Page 1, line 18.  
**Strike:** "(1)"  
**Insert:** "(a)"

3. Page 1, line 19.  
**Strike:** "(2)"  
**Insert:** "(b)"

4. Page 1, line 20.  
**Strike:** "(3)"

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**Insert:** "(c)"

5. Page 1, line 22.

**Strike:** "~~(4)~~"

**Insert:** "(d)"

6. Page 1, line 23.

**Strike:** "~~(5)~~"

**Insert:** "(e)"

7. Page 1, line 24.

**Strike:** "~~(6)~~"

**Insert:** "(f)"

8. Page 1, line 26.

**Strike:** "~~(7)~~"

**Insert:** "(g)"

9. Page 1, line 8.

**Strike:** "~~(8)~~"

**Insert:** "(h)"

10. Page 2.

**Following:** line 13

**Insert:** "(2)(a) Subject to the conditions of this part, the department shall give priority to grant requests, not to exceed a total of \$200,000 for the biennium, from the board of oil and gas conservation. The board of oil and gas conservation shall use a grant that received priority under this subsection (2)(a) for oil and gas reclamation projects. The board may use a maximum of 2.5% of the amount of a grant for administrative costs associated with implementing the projects covered in the grant.

(b) Any unobligated fund balance of a grant that received priority under subsection (2)(a) remaining at the end of the current biennium must be included as part of the \$600,000 limitation for the next biennium.

(c) The priority given to the board of oil and gas conservation under subsection (2)(a) does not preclude the board of oil and gas conservation from submitting additional grant requests. The department shall evaluate additional grant requests from the board of oil and gas conservation in accordance with the provisions of subsection (1)."

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Barrett, Chairman):

2/25/2003

**HB 599**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "CONDUCTED"

**Insert:** "BY A POLITICAL SUBDIVISION"

2. Page 4, line 15.

**Following:** "election"

**Insert:** "of a political subdivision"

And, as amended, do pass. Report adopted.

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**HB 680**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Following:** "be"

**Insert:** "legibly"

**Following:** "typeface"

**Insert:** ", not including the signature,"

2. Page 1, line 16.

**Strike:** "legal"

**Following:** "first"

**Insert:** "or second"

3. Page 1, line 19 through line 27.

**Strike:** "(i)" on line 19 through ";" on line 27

**Insert:** "(i) the county, a lot, tract, or parcel designation, and the number of a filed certificate of survey;

(ii) the county, a lot and block designation, and the name or number of a filed subdivision plat;

(iii) the county, a lot, tract, or parcel designation, and the number of a filed corner recordation plat; or

(iv) the county and the section, township, and range, all of which must be spelled out in full, and one of the

following:

(A) an aliquot parts description of the property; or

(B) a metes and bounds description of the perimeter boundary, but only if the property has previously been transferred by a recorded document containing the same description and that description has not been superseded by one of the filed survey documents provided for in subsections (1)(c)(i) through (1)(c)(iii);"

4. Page 1, line 30.

**Following:** "(i)"

**Insert:** "at least"

**Following:** the first "and"

**Insert:** "at least"

5. Page 2, line 2.

**Following:** "(ii)"

**Insert:** "at least"

6. Page 2, line 4.

**Following:** "submitted"

**Insert:** "and may include legibly printed or typed transactional information"

7. Page 2, line 10.

**Strike:** "notarized"

**Insert:** "acknowledged"

8. Page 2, line 25.

**Following:** "7-4-2631"

**Insert:** "and subsection (2) of this section"

9. Page 2, line 27.

**Strike:** "\$25"

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**Insert:** "\$10"

10. Page 2, line 28.

**Following:** the second "page"

**Insert:** "for the first five pages or fractions of the pages and \$6 for each subsequent page"

11. Page 3, line 1.

**Following:** "7-4-2632"

**Insert:** "and [section 3(2)]"

12. Page 3, line 30.

**Strike:** "."

**Insert:** "."

13. Page 4, lines 1 and 2.

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

14. Page 4, lines 3 and 4.

**Strike:** "[section]" on line 3 through "or" on line 4

And, as amended, do pass. Report adopted.

**HB 687**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** ";

**Insert:** "PROVIDING CONTINGENT VOIDNESS;"

2. Page 1.

**Following:** line 20

**Insert:** "NEW SECTION. Section 2. Contingent voidness. If House Bill No. 206 is not passed and approved, then [this act] is void."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 731**, introduced bill, be amended as follows:

1. Page 2, line 17.

**Strike:** ", but no more than 65 years of age."

2. Page 2, line 18.

**Following:** "service"

**Insert:** "up to 30 total years of service"

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

**HJR 28**, introduced joint resolution, be amended as follows:

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1. Title, page 1, line 6.

**Strike:** "AND LOCAL GOVERNMENT ENTITIES"

**Insert:** "AGENCIES"

2. Page 1, line 10.

**Strike:** "local governments and"

3. Page 1, line 13.

**Following:** "industry,"

**Insert:** "and"

4. Page 1, line 14.

**Strike:** ", and local governments"

5. Page 1, line 24.

**Strike:** the second "and"

6. Page 1, line 25.

**Strike:** "local government entities"

**Insert:** "agencies"

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

**Strike:** "county" on page 1, line 30 through "districts," on page 2, line 1

And, as amended, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/25/2003

**SB 192**, introduced by O'Neil

**SB 270**, introduced by Harrington

**SB 287**, introduced by Sprague

**SB 304**, introduced by Johnson

**SB 321**, introduced by Laible

**SB 339**, introduced by Cooney

**SB 389**, introduced by McGee

**SB 401**, introduced by Wheat

**SB 406**, introduced by McGee

**SB 416**, introduced by Barkus

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 76**, introduced by Schmidt (by request of the Office of Public Instruction), referred to Education.

**SB 77**, introduced by Johnson (by request of the Transition Advisory Committee on Electric Utility Industry Restructuring), referred to Federal Relations, Energy, and Telecommunications.

**SB 78**, introduced by McCarthy (by request of the Department of Natural Resources and Conservation), referred to

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Natural Resources.

**SB 79**, introduced by Sprague, referred to State Administration.

**SB 80**, introduced by Laible (by request of the Legislative Council), referred to State Administration.

**SB 81**, introduced by Cooney (by request of the Office of Public Instruction), referred to State Administration.

**SB 82**, introduced by Kitzenberg, referred to Taxation.

**SB 83**, introduced by McGee (by request of the Department of Transportation), referred to Transportation.

**SB 84**, introduced by Cocchiarella (by request of the Revenue and Transportation Interim Committee), referred to Natural Resources.

**SB 85**, introduced by Cocchiarella (by request of the Legislative Council), referred to State Administration.

**SB 86**, introduced by Zook (by request of the Office of Budget and Program Planning), referred to Appropriations.

**SB 87**, introduced by Hansen, referred to Agriculture.

**SB 88**, introduced by Bales (by request of the Department of Natural Resources and Conservation), referred to Federal Relations, Energy, and Telecommunications.

**SB 94**, introduced by Stonington (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 95**, introduced by Stonington (by request of the Department of Public Health and Human Services), referred to Human Services.

**SB 97**, introduced by Story (by request of the Office of Public Instruction), referred to Local Government.

**SB 98**, introduced by Mangan, referred to Local Government.

**SB 363**, introduced by McNutt, Mendenhall, A. Olson, referred to Business and Labor.

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

House recessed at 8:08 a.m.

House reconvened at 8:30 a.m. All members present, except Representatives Bookout-Reinicke and Sinrud, excused. Quorum present.

**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. Speaker Mood in the chair.

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

**HB 583** - Representative R. Brown moved **HB 583** do pass. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, E. Clark, Cohenour, Devlin, Erickson, Everett, Facey, Forrester, Gallik, Gallus, Gibson, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Witt, Younkin, Mr. Speaker.

Total 60

Noes: Ballantyne, Balyeat, Bergren, Bixby, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cyr, Dickenson, Dowell, Franklin, Fritz, Fuchs, Galvin-Halcro, Golie, Gutsche, Harris, Jayne, Juneau, Kasten, Kaufmann, Keane, Laslovich, Malcolm, Musgrove, Newman, Parker, Pattison, Raser, Ryan, Sales, Sinrud, Small-Eastman, Smith, Wanzenried,

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Wilson, Windy Boy.  
Total 39

Voted Absentee: Bookout-Reinicke, Aye; Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: Fisher.  
Total 1

**HB 482** - Representative Forrester moved **HB 482** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, 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, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Sinrud, Ayes.

Excused: None.  
Total 0

Absent or not voting: Brueggeman, Fisher, Laszloffy.  
Total 3

Majority Leader R. Brown assumed the chair.

**HB 571** - Representative Parker moved **HB 571** 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, 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, 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, Schrupf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 95

Noes: Balyeat, Jayne, Sales, Sinrud.

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Total 4

Voted Absentee: Bookout-Reinicke, Aye; Sinrud, No.

Excused: None.

Total 0

Absent or not voting: Lenhart.

Total 1

**HB 693** - Representative Younkin moved consideration of **HB 693** be placed at the bottom of the second reading board. Motion carried.

**HB 540** - Representative Gallik moved **HB 540** do pass. Motion carried as follows:

Ayes: Ballantyne, Balyeat, 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, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Laslovich, Lawson, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 77

Noes: Andersen, Barrett, Devlin, Everett, Hawk, Jackson, Lambert, Lange, Laszloffy, Lehman, B. Olson, Pattison, Rice, Ripley, Roberts, Rome, Ross, Sales, Sinrud, Steinbeisser, Stoker, Wagman, Mr. Speaker.

Total 23

Voted Absentee: Bookout-Reinicke, Aye; Sinrud, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 113** - Representative Younkin moved consideration of **HB 113** be passed for the day. Motion carried.

**HB 127** - Representative Fritz moved **HB 127** 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, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 98



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Noes: None.  
Total 0

Voted Absentee: Bookout-Reinicke, Sinrud, Ayes.

Excused: None.  
Total 0

Absent or not voting: Laszloffy, Schrumpf.  
Total 2

**HB 431** - Representative Lawson moved **HB 431** 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, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, 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, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.  
Total 91

Noes: Balyeat, Fisher, Jayne, Kasten, Pattison, Sales, Sinrud.  
Total 7

Voted Absentee: Bookout-Reinicke, Aye; Sinrud, No.

Excused: None.  
Total 0

Absent or not voting: Gillan, Mr. Speaker.  
Total 2

**HB 460** - Representative Morgan moved **HB 460** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Everett, Fuchs, Haines, Hawk, Hurwitz, Jackson, Jayne, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Hedges, Jacobson, Jent, Juneau, Kaufmann, Keane, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Roberts, Small-Eastman, Smith, Wanzenried, Weiss, Wilson.  
Total 47

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Voted Absentee: Bookout-Reinicke, Sinrud, Ayes.

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

**HB 468** - Representative Gillan moved **HB 468** 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, 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: Bookout-Reinicke, Sinrud, Ayes.

Excused: None.

Total 0

Absent or not voting: Morgan.

Total 1

**HB 467** - Representative Barrett moved **HB 467** do pass. Motion carried as follows:

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

Total 54

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

Total 46

Voted Absentee: Bookout-Reinicke, Sinrud, Ayes.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

**HB 481** - Representative Lewis moved **HB 481** 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, 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, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, Everett, Fuchs, Hawk, Malcolm, Sales.

Total 6

Voted Absentee: Bookout-Reinicke, Sinrud, Ayes.

Excused: None.

Total 0

Absent or not voting: Jayne, Maedje.

Total 2

**HB 506** - Representative Erickson moved **HB 506** do pass. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Fisher, Franklin, Fritz, Gallik, Gallus, Gibson, Gutsche, Haines, Harris, Jacobson, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Parker, Raser, Ryan, Smith, Wanzenried, Weiss.

Total 40

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Forrester, Fuchs, Galvin-Halcro, Gillan, Golie, Hawk, Hedges, Hurwitz, Jackson, Jayne, Jent, Kasten, Lake, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 60

Voted Absentee: Bookout-Reinicke, Sinrud, Noes.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

Representative Sinrud present at this time.

**HB 509** - Representative A. Olson moved **HB 509** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, 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, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, 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 91

Noes: Balyeat, Brueggeman, Kasten, Lewis, Mendenhall, Pattison, Sales.

Total 7

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Forrester, Fritz.

Total 2

**HB 518** - Representative Lindeen moved **HB 518** 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, 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, Kaufmann, Keane, Lake, 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, Schruppf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 92

Noes: Kasten, Lambert, Sales.

Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Balyeat, Dowell, Juneau, Laszloffy, Mr. Speaker.

Total 5

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**HB 523** - Representative Younkin moved consideration of **HB 523** be placed at the bottom of the second reading board. Motion carried.

**HB 529** - Representative Kaufmann moved **HB 529** do pass. Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Gutsche, Haines, Harris, Jayne, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Malcolm, Morgan, Musgrove, Newman, Parker, Raser, Ross, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Thomas, Wanzenried, Windy Boy.

Total 45

Noes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallik, Golie, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Sales, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 55

Voted Absentee: Bookout-Reinicke, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 609** - Representative Windy Boy moved **HB 609** 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, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, 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, 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: None.

Total 0

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Cohenour, Fisher, Maedje.

Total 3

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**HB 640** - Representative Haines moved **HB 640** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, P. Clark, Devlin, Dowell, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Witt, Younkin, Mr. Speaker.  
Total 61

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, Cohenour, Cyr, Dickenson, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jent, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Matthews, Newman, Parker, Ryan, Small-Eastman, Smith, Weiss, Wilson, Windy Boy.  
Total 38

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Jayne.  
Total 1

**HB 648** - Representative Younkin moved **HB 648** 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, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, 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, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 96

Noes: Lawson, Steinbeisser, Stoker.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Haines.  
Total 1

**HB 660** - Representative Buzzas moved **HB 660** do pass.

Representative Buzzas moved **HB 660**, second reading copy, be amended as follows:

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1. Page 1, line 23.

**Following:** "(4)"

**Insert:** "(a)"

2. Page 1, line 27.

**Following:** line 26

**Insert:** "(b) A retailer that accepts the return of a keg that does not have an identification label or tag attached shall obtain the information required in [section 2] on the original purchaser, to the extent possible, and obtain the same information on the person returning the keg. This information must be kept on file with the retailer for not less than 90 days from the date of return."

3. Page 2, line 21.

**Following:** "purchaser of"

**Insert:** "or person returning"

4. Page 2, line 25.

**Following:** line 24

**Insert:** "(4) A retailer that accepts a keg for return that does not have an identification label or tag attached and that records the information required, as provided in [section 1(4)(b)], may not be considered to have violated subsection (2) or (3)."

Representative Wagman moved to segregate section 2 from the amendment. Motion **failed** as follows:

Ayes: Balyeat, Brueggeman, Fuchs, Hedges, Jackson, Laszloffy, Mendenhall, Ripley, Shockley, Sinrud, Wagman, Younkin.

Total 12

Noes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, 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, Hurwitz, Jacobson, Jayne, 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, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 87

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. 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, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman,

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Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 88

Noes: Balyeat, D. Brown, P. Clark, Fuchs, Jackson, Kasten, Malcolm, Mendenhall, Ripley, Sales, Wagman.  
Total 11

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: None.  
Total 0

Motion that **HB 660**, as amended, do pass carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Golie, Gutsche, Haines, Harris, Hedges, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 82

Noes: Barrett, D. Brown, Cyr, Fuchs, Hawk, Hurwitz, Jackson, Kasten, Lehman, Maedje, Malcolm, Rice, Ripley, Roberts, Rome, Ross, Steinbeisser.  
Total 17

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Gillan.  
Total 1

**HB 673** - Representative Peterson moved **HB 673** do pass.

Representative Peterson moved **HB 673**, second reading copy, be amended as follows:

1. Title, line 8.

**Following:** "THE"

**Strike:** "COMMISSION"

**Insert:** "DEPARTMENT"

2. Page 2, line 4.

**Strike:** "commission"

**Insert:** "department"



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3. Page 2, line 5.

**Following:** "comment"

**Insert:** ". The commission shall consider the public comment"

4. Page 4, line 3.

**Strike:** "commission"

**Insert:** "department"

5. Page 4, line 4.

**Following:** "comment"

**Insert:** ". The commission shall consider the public comment"

Amendment adopted as follows:

Ayes: Ballantyne, Balyeat, Barrett, Becker, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, P. Clark, Cohenour, Devlin, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, Gibson, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, 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, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Witt, Younkin, Mr. Speaker.

Total 83

Noes: Bergren, Buzzas, Callahan, Dickenson, Franklin, Gallik, Galvin-Halcro, Gillan, Golie, Jacobson, Jayne, Jent, Smith.

Total 13

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Andersen, Cyr, Windy Boy.

Total 3

Motion that **HB 673**, as amended, do pass carried as follows:

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

Total 60

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

Total 39

Voted Absentee: Bookout-Reinicke, Aye.

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Excused: None.  
Total 0

Absent or not voting: Kaufmann.  
Total 1

**HB 689** - Representative A. Olson moved **HB 689** 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, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, 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, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Harris, Kaufmann, Wanzenried.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 710** - Representative Raser moved **HB 710** 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, 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, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Balyeat, Devlin, Hawk, Lewis, Pattison, Ripley, Sales, Sinrud, Steinbeisser.  
Total 9

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 693** - Representative Sinrud moved **HB 693** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Facey, Fisher, Forrester, Franklin, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, 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, Raser, Rice, Ripley, Roberts, Rome, Ryan, Schrupf, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Younkin, Mr. Speaker.  
Total 83

Noes: Balyeat, Callahan, Erickson, Everett, Fritz, Fuchs, Gutsche, Harris, Jayne, Peterson, Ross, Sales, Shockley, Smith, Windy Boy, Witt.  
Total 16

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: None.  
Total 0

**HB 523** - Representative Balyeat moved **HB 523** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bitney, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Carney, P. Clark, Cyr, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Fuchs, Gallik, Gibson, Gillan, Gutsche, Harris, Hurwitz, Jackson, Jacobson, Juneau, Kasten, Kaufmann, Keane, Lake, Laslovich, Lawson, Lehman, Lenhart, Matthews, Mendenhall, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ryan, Sales, Schrupf, Shockley, Sinrud, Smith, Stoker, Wagman, Wanzenried, Wilson, Windy Boy, Younkin.  
Total 66

Noes: Bergren, Bixby, Callahan, E. Clark, Cohenour, Devlin, Fisher, Gallus, Galvin-Halcro, Golie, Haines, Hawk, Hedges, Jayne, Jent, Lambert, Lange, Laszloffy, Lewis, Lindeen, Maedje, Malcolm, McKenney, Morgan, Musgrove, B. Olson, Ross, Small-Eastman, Steinbeisser, Thomas, Waitschies, Weiss, Witt, Mr. Speaker.  
Total 34

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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

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Speaker Mood moved that the House recess until 2:35 p.m. for caucuses. Motion carried.

House recessed at 2:10 p.m.

House reconvened at 2:35 p.m. All members present except Representative Bookout-Reinicke. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman): 2/26/2003  
Delivered to the Governor for approval at 11:30 a.m., February 26, 2003: **HB 108**.

**AGRICULTURE** (Rice, Chairman): 2/26/2003  
**HB 676**, introduced bill, be amended as follows:

1. Page 1, line 21.  
**Following:** "modification"  
**Insert:** "that results in a change in the state"

And, as amended, do pass. Report adopted.

**HB 677**, introduced bill, be amended as follows:

1. Page 2, line 7.  
**Strike:** "regardless of the maximum cost for"  
**Insert:** "if"  
**Following:** "restoration"  
**Insert:** "does not exceed \$7,000"
2. Page 3, line 16.  
**Following:** "3-10-301"  
**Insert:** "if the amount of liability does not exceed \$7,000"  
**Following:** "   "  
**Insert:** "If the amount of liability for restoration exceeds \$7,000, then the action must be brought in district court."

And, as amended, do pass. Report adopted.

**HB 678**, do pass. Report adopted.  
**HB 683**, do pass. Report adopted.  
**HB 720**, introduced bill, be amended as follows:

1. Title, line 9.  
**Strike:** "30 DAYS"  
**Insert:** "THE TIME PERIOD SPECIFIED BY DEPARTMENT RULE"
2. Page 1, line 20.  
**Following:** "rules"  
**Insert:** "establishing a timeframe within which the department is required to issue its decision on whether an application is correct and complete and rules"

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3. Page 1, line 28.

**Strike:** "30 days"

**Insert:** "the timeframe established by rule pursuant to subsection (2)"

4. Page 1, line 30.

**Strike:** "30 days"

**Insert:** "the timeframe established by rule pursuant to subsection (2)"

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Balyeat, Chairman):  
**HB 100**, introduced bill, be amended as follows:

2/26/2003

1. Title, line 18.

**Strike:** "IMMEDIATE"

2. Page 3, line 13 through line 14.

**Following:** "whether" on line 13

**Strike:** remainder of line 13 through first "state" on line 14

**Insert:** "taken in Montana or outside"

3. Page 4, line 10 through line 11.

**Following:** "whether" on line 10

**Strike:** remainder of line 10 through first "state" on line 11

**Insert:** "taken in Montana or outside"

4. Page 5, line 16.

**Following:** "plus"

**Strike:** "50 cents"

**Insert:** "\$40"

**Following:** "additional"

**Insert:** "160 acres and any fraction of 160 acres"

5. Page 5, line 17.

**Following:** "~~thereof~~"

**Strike:** "acre"

6. Page 5, line 22.

**Following:** "~~turkeys,~~"

**Insert:** "Merriam's turkeys,"

7. Page 5, line 24.

**Following:** "birds"

**Strike:** "of each species to be hunted on a"

**Insert:** "cumulative of all species authorized for an individual"

8. Page 6, line 5.

**Strike:** "[the effective date of this act]"

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**Insert:** "July 1, 2003,"

9. Page 6, line 7 through line 8.

**Following:** "after" on line 7

**Strike:** remainder of line 7 through "act" on line 8

**Insert:** "July 1, 2003,"

10. Page 7, line 3.

**Following:** "effective"

**Strike:** "on passage and approval"

**Insert:** "July 1, 2003"

And, as amended, do pass. Report adopted.

**HB 241**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "BIRD"

**Insert:** "RELEASES AND"

2. Title, line 12.

**Following:** "TERMINATION;"

**Insert:** "INCREASING THE PERCENTAGE OF MONEY GENERATED FROM CERTAIN HUNTING LICENSES THAT IS AVAILABLE FOR UPLAND GAME BIRD ACTIVITIES; REDUCING THE PERCENTAGE OF MONEY REQUIRED TO BE SET ASIDE EACH FISCAL YEAR FOR BIRD RELEASE EXPENDITURES;"

3. Page 1, line 19.

**Strike:** "3"

**Insert:** "2"

4. Page 1, line 23.

**Strike:** "3-year"

**Insert:** "2-year"

5. Page 1, line 24.

**Following:** "assess all"

**Insert:** "upland game bird releases and"

6. Page 1, line 29.

**Following:** "modification of"

**Insert:** "upland game bird releases or"

7. Page 1, line 30.

**Following:** "termination of"

**Insert:** "upland game bird releases or"

8. Page 2, line 7.

**Following:** "spent on"

**Insert:** "new"

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9. Page 2, line 25.

**Strike:** "15%"

**Insert:** "20%"

10. Page 2, line 26.

**Following:** "department to"

**Insert:** ":

(a) prepare and disseminate information to landowners and organizations concerning the upland game bird enhancement program;

(b) review potential upland game bird release sites;

(c) assist applicants in preparing management plans for project areas; and"

11. Page 3, line 1.

**Following:** "~~(d)~~"

**Insert:** "(d)"

**Following:** "assess"

**Insert:** "upland game bird releases and"

12. Page 3, line 6.

**Strike:** "15%"

**Insert:** "10%"

13. Page 5, line 16.

**Following:** "bird"

**Insert:** "release and"

And, as amended, do pass. Report adopted.

**HB 352**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Following:** "must be"

**Insert:** "a person who has purchased a Montana hunting or fishing license in each of the 10 years prior to appointment and who is"

2. Page 1, line 17.

**Strike:** "or a licensed outfitter"

And, as amended, do pass. Report adopted.

**HB 486**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "ARE CERTIFIED AS FREE OF"

**Insert:** "TEST NEGATIVE FROM A CERTIFIED LABORATORY FOR"

2. Page 1, line 25.

**Following:** "confirmed,"

**Insert:** "as identified by the department,"

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3. Page 1, line 26.

**Following:** "have been"

**Strike:** "certified, in writing, as"

**Insert:** "tested by a certified laboratory and found to be"

4. Page 1, line 27.

**Strike:** "Certification"

**Insert:** "Certified laboratory reports"

**Following:** "must be"

**Strike:** "accomplished"

**Insert:** "obtained"

5. Page 1, line 28.

**Following:** "by a"

**Insert:** "United States department of agriculture"

6. Page 1, line 28 through line 29.

**Following:** "laboratory" on line 28

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

**Insert:** "or other accredited laboratory that performs"

7. Page 2, line 8.

**Following:** "been"

**Insert:** "tested by a"

**Following:** "certified"

**Strike:** ", "

**Insert:** "laboratory"

8. Page 2, line 9.

**Strike:** "in writing, as"

**Insert:** "and found to be"

And, as amended, do pass. Report adopted.

**HB 558**, introduced bill, be amended as follows:

1. Title, line 12.

**Strike:** "CALENDAR"

**Insert:** "FISCAL"

2. Title, line 15.

**Following:** "PROVIDING A"

**Strike:** "DELAYED"

3. Page 2, line 19.

**Strike:** "calendar"

**Insert:** "fiscal"



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4. Page 3, line 7.

**Following:** "effective"

**Strike:** "January 1, 2004"

**Insert:** "July 1, 2003"

And, as amended, do pass. Report adopted.

**HB 598**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "PARKS TO"

**Strike:** "CONTRACT WITH A PRIVATE ENTITY"

**Insert:** "SOLICIT BIDS"

2. Title, line 8.

**Following:** "PUBLICATION OF"

**Strike:** "GENERAL ORDERS,"

**Insert:** "HUNTING, FISHING, AND TRAPPING"

**Following:** "RULES"

**Strike:** ", "

3. Title, line 10.

**Following:** "PUBLICATION OF"

**Strike:** "GENERAL ORDERS,"

**Insert:** "HUNTING, FISHING, AND TRAPPING"

**Following:** "RULES"

**Strike:** ", "

4. Title, line 12 through line 13.

**Following:** "STATE;" on line 12

**Strike:** remainder of line 12 through "PRINTING;" on line 14

**Insert:** "REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO ADOPT RULES GOVERNING  
THE POSTING AND PUBLICATION OF ALL GENERAL RULES, REGULATIONS, AND ORDERS;"

5. Title, line 13 through line 14.

**Following:** "AMENDING" on line 13

**Strike:** remainder of line 13 through "18-7-101 AND" on line 14

**Insert:** "SECTION"

6. Page 1, line 18 through page 2, line 1.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

7. Page 2, line 6 through line 7.

**Strike:** line 6 through line 7 in their entirety

8. Page 2, line 8.

**Strike:** "(b)"

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**Insert:** "(1)(a)"  
**Following:** "invite"  
**Strike:** "proposals"  
**Insert:** "bids"

9. Page 2, line 9.  
**Strike:** "general orders,"  
**Insert:** "annual and biennial hunting, fishing, and trapping"  
**Following:** "rules"  
**Strike:** " " "  
**Following:** "The"  
**Strike:** "proposals"  
**Insert:** "bids"

10. Page 2, line 10.  
**Strike:** "orders,"  
**Insert:** "and biennial hunting, fishing, and trapping"  
**Following:** "rules"  
**Strike:** " " "

11. Page 2, line 13.  
**Strike:** "proposal"  
**Insert:** "bid"

12. Page 2, line 14.  
**Following:** "manner"  
**Insert:** ", content,"

13. Page 2, line 15.  
**Following:** "binding"  
**Strike:** " ; and"  
**Insert:** ". The advertising must be in a format that does not include price information."

14. Page 2, line 18.  
**Strike:** "(c)"  
**Insert:** "(b)"  
**Following:** "receipt of"  
**Strike:** "proposals"  
**Insert:** "bids"  
**Following:** "pursuant to"  
**Insert:** "this"  
**Following:** "subsection (1)"  
**Strike:** "(b)"

15. Page 2, line 20.  
**Strike:** "(1)(b)(ii)"  
**Insert:** "(1)(a)(ii)"

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16. Page 2, line 21 through line 24.

**Strike:** subsection (2) in its entirety

**Insert:** "(c) If no bids for printing are received, the department may publish the hunting, fishing, and trapping rules and regulations pursuant to rules adopted under subsection (2).

(2) The department shall adopt rules governing the posting and publication of all general rules, regulations, and orders."

And, as amended, do pass. Report adopted.

**HB 649**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "PROGRAM,"

**Strike:** "OR"

2. Title, line 7.

**Following:** "PROGRAM"

**Insert:** ", OR OTHER DEPARTMENT FUNDS AVAILABLE FOR VOLUNTARY LEASES OR OTHER WATER AUGMENTATION MEASURES"

**Following:** "FUNDS FROM THE"

**Strike:** "FEDERAL WILDLIFE CONSERVATION AND RESTORATION"

**Insert:** "U.S. FISH AND WILDLIFE SERVICE STATE WILDLIFE GRANT"

3. Title, line 8.

**Following:** "PROGRAM"

**Insert:** "OR OTHER AVAILABLE FEDERAL FUNDS"

4. Page 1, line 18.

**Following:** "under the"

**Strike:** "federal wildlife conservation and restoration"

**Insert:** "U.S. fish and wildlife service state wildlife grant"

5. Page 1, line 19.

**Following:** first "program"

**Insert:** "or other available federal funds"

6. Page 1, line 21.

**Following:** "87-1-257,"

**Strike:** "or"

**Following:** "these programs"

**Insert:** ", or from any other department funds available for voluntary leases or other water augmentation measures"

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

**HB 661**, introduced bill, be amended as follows:

1. Title, line 5 through line 6.

**Following:** "MANNER" on line 6

**Strike:** remainder of line 5 through "LANDS," on line 6

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2. Page 1.

**Strike:** line 12 through line 26 in their entirety

3. Page 2, line 2.

**Following:** "manner,"

**Strike:** "based on the responsible stewardship of land, both public and private,"

4. Page 2, line 6 through line 7.

**Following:** "region" on line 6

**Strike:** remainder of line 6 through "region" on line 7

And, as amended, do pass. Report adopted.

**HJR 32**, introduced joint resolution, be amended as follows:

1. Page 1, line 17.

**Following:** "vary from"

**Strike:** "200 to 1,000"

**Insert:** "250 to 300"

2. Page 1, line 19.

**Following:** "upon,"

**Strike:** "uncontrolled"

**Following:** "populations"

**Strike:** "will"

**Insert:** "may"

**Following:** "rate of"

**Insert:** "up to"

3. Page 1, line 19 through line 20.

**Following:** "34%" on line 19

**Strike:** remainder of line 19 through "more" on line 20

4. Page 1, line 25.

**Following:** "WHEREAS,"

**Strike:** "with"

**Following:** "elk"

**Strike:** "composing about"

**Insert:** "may compose up to"

5. Page 1, line 25 through line 26.

**Following:** "diet" on line 25

**Strike:** remainder of line 25 through "year" on line 26

6. Page 2, line 1.

**Following:** "wolves"

**Strike:** "within the next few years"

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7. Page 2, line 3.

**Following:** "will"

**Strike:** "almost certainly bring an end to elk hunting by"

**Insert:** "reduce hunting opportunities for"

8. Page 2, line 4.

**Following:** "Montana"

**Strike:** "and will subsequently impact other wildlife resources, livestock, pets, and outdoor recreation"

And, as amended, be adopted. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):  
**HB 517**, introduced bill, be amended as follows:

2/26/2003

1. Title, line 7.

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3, line 5.

**Strike:** "the tax"

**Insert:** "up to 2 mills"

**Strike:** "under"

**Insert:** "subject to the provisions of"

3. Page 3.

**Following:** line 13

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

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

**HB 610**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Following:** "5%"

**Insert:** "in any year"

And, as amended, do pass. Report adopted.

**HB 625**, do pass. Report adopted.

**HB 712**, introduced bill, be amended as follows:

1. Page 3.

**Following:** line 22

**Insert:** "(a) for the imposition of conditions or restrictions under the local government regulations in effect at the time of the establishment of the vested property right;"

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

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

Speaker Mood moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Majority Leader R. Brown in the chair.

**HB 700** - Representative Brueggeman moved **HB 700** do pass. Motion carried as follows:

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

Total 56

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

Total 43

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

**HB 205** - Representative Franklin moved **HB 205** do pass.

Representative Franklin moved **HB 205**, second reading copy, be amended as follows :

1. Page 11, line 25.

**Strike:** "OR"

**Insert:** ", "

2. Page 11, line 26.

**Strike:** "TO 33-19-306"

**Following:** "(A)"

**Strike:** "(ii)"

**Insert:** "(iii)"

**Strike:** "OR"

**Insert:** ", "

3. Page 11, line 27.

**Following:** "HAS"

**Insert:** "not"

**Strike:** "IDENTIFIED"

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**Insert:** "deidentified"  
**Strike:** "TO 33-19-306"  
**Strike:** "OR"  
**Insert:** ", "  
**Following:** "MEDICAL"  
**Insert:** "record"

4. Page 11, line 28.

**Strike:** "IDENTIFIED"  
**Insert:** "deidentified"  
**Strike:** "AND TO 33-19-306"  
**Insert:** "or"  
**Following:** "(22)"  
**Strike:** "AND"  
**Insert:** "or"

Amendment adopted as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, 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, 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 96

Noes: None.  
Total 0

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Bixby, Gillan, Juneau.  
Total 3

Motion that **HB 205**, 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, 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, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Mr. Speaker.  
Total 95

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Noes: Balyeat, Rice, Sales.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Fuchs, Younkin.  
Total 2

**HB 289** - Representative Newman moved **HB 289** 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, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lange, Laslovich, Laszloffy, Lawson, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.  
Total 89

Noes: D. Brown, Golie, Jayne, Lambert, Lehman, Maedje, A. Olson, Rice, Ripley, Wagman, Witt.  
Total 11

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 719** - Representative A. Olson moved **HB 719** do pass. Motion carried as follows:

Ayes: Andersen, Barrett, Bergren, Bitney, Bookout-Reinicke, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Gallus, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrupf, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 52

Noes: Ballantyne, Balyeat, Becker, Bixby, R. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Musgrove, Newman, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47



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Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Branae.

Total 1

**HB 679** - Representative Steinbeisser moved **HB 679** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, 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, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 91

Noes: Ballantyne, Carney, Cohenour, Gallik, Galvin-Halcro, Laslovich, Musgrove, Wanzenried.

Total 8

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

**HB 545** - Representative Laszloffy moved consideration of **HB 545** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 564** - Representative Lindeen moved **HB 564** do pass. Motion carried as follows:

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

Total 80

Noes: Balyeat, D. Brown, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hedges, Kasten, Lewis, Maedje, B. Olson, Pattison, Roberts, Sales, Mr. Speaker.

Total 17

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Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Brueggeman, Carney, Mendenhall.

Total 3

**HB 588** - Representative Matthews moved **HB 588** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Callahan, Carney, E. Clark, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Fritz, Fuchs, Gallus, 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, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 87

Noes: Buzzas, P. Clark, Cohenour, Everett, Franklin, Gallik, Galvin-Halcro, Jent, Musgrove, Sales, Smith.

Total 11

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Balyeat, Brueggeman.

Total 2

**HB 685** - Representative Laszloffy moved consideration of **HB 685** be passed for the day. Motion carried.

**HB 733** - Representative Laszloffy moved consideration of **HB 733** be passed for the day. Motion carried.

**HB 701** - Representative Newman moved **HB 701** do pass.

Representative Newman made a substitute motion that **HB 701** be passed for the day. Motion carried.

**HB 703** - Representative Parker moved **HB 703** 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, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lake, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Pattison, Peterson, Raser, Ripley, Roberts, Ross, Ryan, Shockley, Sinrud, Small-Eastman, Smith, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin.

Total 81

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Noes: Balyeat, R. Brown, Fisher, Fuchs, Hawk, Jayne, Lambert, Lange, Laszloffy, Lawson, Maedje, B. Olson, Rice, Rome, Sales, Schrupf, Steinbeisser, Stoker.

Total 18

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**HB 697** - Representative Sales moved **HB 697** do pass. Motion **failed** as follows:

Ayes: Balyeat, Barrett, Bitney, Bookout-Reinicke, Brueggeman, E. Clark, Devlin, Everett, Fuchs, Hawk, Jackson, Kasten, Laszloffy, Lewis, Maedje, Malcolm, Mendenhall, Morgan, Pattison, Peterson, Rice, Sales, Shockley, Sinrud, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 29

Noes: Andersen, Ballantyne, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, 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, Laslovich, Lawson, Lehman, Lenhart, Lindeen, Matthews, McKenney, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.

Total 71

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 30** - Representative Windy Boy moved **HJR 30** be adopted. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, 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, 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, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, 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: Barrett, Rice.

Total 2

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Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Fuchs, Malcolm.  
Total 2

**HB 295** - Representative Jent moved **HB 295** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, 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, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Roberts, Ross, Ryan, Sales, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Barrett, Fisher, Jayne, A. Olson, Ripley, Rome, Steinbeisser.  
Total 7

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Brueggeman.  
Total 1

**HB 545** - Representative Laszloffy moved consideration of **HB 545** be placed at the top of the second reading board. Motion carried.

Representative Haines moved **HB 545** do pass.

Representative Malcolm moved **HB 545**, second reading copy, be amended as follows:

1. Title, line 5.

**Following:** "OPERATIONS;"

**Insert:** "AUTHORIZING THE BOARD OF ENVIRONMENTAL REVIEW TO ADOPT RULES FOR SUCTION DREDGING SUBJECT TO THE PERMIT FEES;"

**Following:** "SECTIONS"

**Insert:** "75-5-201,"

**Following:** "75-5-516"

**Insert:** ", "

2. Page 1.

**Following:** line 8

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**Insert:** "Section 1. Section 75-5-201, MCA, is amended to read:

"**75-5-201. Board rules authorized.** (1) (a) The board shall, subject to the provisions of 75-5-203, adopt rules for the administration of this chapter.

(b) The board shall adopt rules that describe the location and the times of the year when suction dredging is permissible. These rules may be adopted only after consultation with the local conservation districts in the areas subject to the rule.

(2) The board's rules may include a fee schedule or system for assessment of administrative penalties as provided under 75-5-611."

**Renumber:** subsequent sections

3. Page 3, line 13.

**Following:** "(a)"

**Strike:** "The"

**Insert:** "Except as provided in subsection (12)(c), the"

4. Page 3.

**Following:** line 20

**Insert:** "(c) The fees in subsections (12)(a) and (12)(b) may not be imposed until rules governing suction dredging have been adopted under 75-5-201."

Representative Haines moved the amendment (amendment #1 section #1-3) be divided. Thereupon, amendment #1 section #1-3 was adopted as follows:

Ayes: Ballantyne, Balyeat, 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, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Matthews, Newman, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 50

Noes: Andersen, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Haines, Hawk, Hedges, Hurwitz, Jackson, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schruppf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 49

Voted Absentee: Bookout-Reinicke, No.

Excused: None.

Total 0

Absent or not voting: Fuchs.

Total 1

Thereupon, amendment #1 section #4 was **not** adopted 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,

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Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Malcolm, Parker, Raser, Roberts, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 47

Noes: Andersen, Balyeat, Barrett, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Rome, Ross, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 53

Voted Absentee: Bookout-Reinicke, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Motion that **HB 545**, as amended, do pass carried as follows:

Ayes: Andersen, Barrett, Becker, Bitney, Bookout-Reinicke, D. Brown, R. Brown, Brueggeman, Carney, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 58

Noes: Ballantyne, Balyeat, Bergren, Bixby, Branae, Buzzas, Callahan, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Laslovich, Lewis, Lindeen, Malcolm, Musgrove, Parker, Pattison, Raser, Ryan, Sales, Small-Eastman, Smith, Weiss, Wilson.  
Total 42

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 617** - Speaker Mood moved consideration of **HB 617** be placed at the bottom of the second reading board.  
Motion carried.

**HB 651** - Representative Harris moved **HB 651** do pass. Motion carried as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Bookout-Reinicke, Branae, D. Brown, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro,

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Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Laslovich, Lehman, Lenhart, Lindeen, Maedje, Matthews, Morgan, Musgrove, Newman, Noennig, B. Olson, Parker, Raser, Roberts, Rome, Ryan, Small-Eastman, Smith, Stoker, Thomas, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 58

Noes: Andersen, Balyeat, Barrett, Bitney, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Facey, Fisher, Fuchs, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lange, Laszloffy, Lawson, Lewis, Malcolm, McKenney, Mendenhall, A. Olson, Pattison, Peterson, Rice, Ripley, Ross, Sales, Schruppf, Shockley, Sinrud, Steinbeisser, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 41

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Haines.  
Total 1

**HB 667** - Representative Harris moved **HB 667** 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, 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, 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, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: Everett, Fuchs, Steinbeisser.  
Total 3

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 669** - Representative Younkin moved **HB 669** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bookout-Reinicke, Branae, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy,

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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, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 91

Noes: Bixby, D. Brown, Buzzas, Gallik, Galvin-Halcro, Jayne, Juneau, Small-Eastman, Smith.  
Total 9

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 542** - Representative Franklin moved **HB 542** 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, 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, 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: Bookout-Reinicke, Aye.

Excused: None.  
Total 0

Absent or not voting: Everett.  
Total 1

**HB 681** - Representative E. Clark moved **HB 681** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, 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, Hedges, Hurwitz, Jackson, Jacobson, Jent, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley,



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Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 90

Noes: Balyeat, Bixby, Hawk, Jayne, Juneau, Mendenhall, Sales, Sinrud, Small-Eastman, Smith.

Total 10

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 659** - Representative Kaufmann moved **HB 659** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, 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, Forrester, Franklin, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jacobson, Jayne, Juneau, Kasten, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Ross, Ryan, Schrumpf, Small-Eastman, Smith, Thomas, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 78

Noes: Balyeat, Barrett, Everett, Fisher, Fuchs, Hawk, Jackson, Jent, Laszloffy, Lawson, Rice, Ripley, Roberts, Rome, Sales, Shockley, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt.

Total 22

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 711** - Representative Gallus moved **HB 711** do pass. Motion carried as follows:

Ayes: Andersen, Ballantyne, Becker, Bergren, Bitney, Bixby, Bookout-Reinicke, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Gibson, Gutsche, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jent, Juneau, Kasten, Kaufmann, Keane, Lange, Laslovich, Laszloffy, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Roberts, Rome, Ross, Ryan, Schrumpf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Younkin, Mr. Speaker.

Total 78

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Noes: Balyeat, Barrett, Dickenson, Everett, Fisher, Fuchs, Galvin-Halcro, Gillan, Golie, Haines, Hawk, Jayne, Lake, Lambert, Lawson, Morgan, Rice, Ripley, Sales, Wagman, Witt.

Total 21

Voted Absentee: Bookout-Reinicke, Aye.

Excused: None.

Total 0

Absent or not voting: Franklin.

Total 1

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

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bitney, D. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gillan, Haines, Hawk, Hedges, Hurwitz, Jackson, Jent, Kasten, Kaufmann, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, Musgrove, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr.

Speaker.

Total 61

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Golie, Gutsche, Harris, Jacobson, Jayne, Juneau, Keane, Parker, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 36

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: R. Brown, Morgan.

Total 2

### 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 574** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. 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, Kaufmann, Keane, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, 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,

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Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 93

Noes: P. Clark, Kasten, Laslovich, Pattison, Sinrud, Wanzenried.  
Total 6

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: None.  
Total 0

**HB 584** passed 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, Gillan, Golie, 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, Schrupf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 92

Noes: Balyeat, Sales, Smith, Wanzenried.  
Total 4

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Gutsche, Stoker, Wilson.  
Total 3

**HB 621** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, 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, 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, Peterson, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Thomas, Wagman, Waitschies, Weiss, Wilson, Witt, Younkin, Mr. Speaker.  
Total 89

Noes: Balyeat, Golie, Jent, Raser, Sales, Wanzenried, Windy Boy.  
Total 7

Excused: Bookout-Reinicke.

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Total 1

Absent or not voting: Brueggeman, Pattison, Stoker.

Total 3

**HB 631** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Buzzas, Callahan, Carney, E. 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, Matthews, McKenney, Mendenhall, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schruppf, Shockley, Sinrud, Small-Eastman, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 92

Noes: Balyeat, P. Clark, Malcolm, Newman, Sales, Smith, Wanzenried.

Total 7

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0

**HB 637** passed as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, Brueggeman, Buzzas, Callahan, Carney, E. Clark, P. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Facey, Fisher, Forrester, Franklin, Fritz, Fuchs, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, Kaufmann, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Malcolm, Matthews, McKenney, Mendenhall, 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 92

Noes: Balyeat, R. Brown, Everett, Hawk, Lake, Morgan, Sales.

Total 7

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0

**HB 684** passed as follows:

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Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, Cohenour, Cyr, Devlin, Dickenson, Dowell, Erickson, Everett, Facey, Fisher, Forrester, Fritz, Fuchs, Gallik, Gallus, Gibson, Gillan, Golie, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, Juneau, Kasten, 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, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 87

Noes: Balyeat, Buzzas, P. Clark, Franklin, Galvin-Halcro, Kaufmann, Sales, Small-Eastman, Smith, Wanzenried, Weiss.  
Total 11

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Malcolm.  
Total 1

**HJR 24** adopted as follows:

Ayes: Andersen, Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Callahan, Carney, E. Clark, P. Clark, Cyr, Devlin, Dickenson, Dowell, Everett, Fisher, Forrester, Fritz, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Jacobson, Jayne, Jent, 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, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Schrupf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 81

Noes: Balyeat, Buzzas, Cohenour, Erickson, Facey, Franklin, Fuchs, Gallik, Gutsche, Harris, Juneau, Kaufmann, Parker, Sales, Small-Eastman, Smith, Wanzenried, Wilson.  
Total 18

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: None.  
Total 0

**HB 370** passed as follows:

Ayes: Ballantyne, Barrett, Becker, Bergren, Bitney, Bixby, Branae, 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, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lenhart, Lewis, Lindeen, Maedje, Matthews, McKenney, Morgan, Musgrove, Newman, Noennig, A. Olson, Parker, Peterson, Raser, Roberts, Ryan, Schrupf, Shockley, Small-Eastman, Smith, Stoker, Thomas, Wagman, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.

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Total 81

Noes: Andersen, Balyeat, D. Brown, R. Brown, Hawk, Kasten, Malcolm, Mendenhall, B. Olson, Pattison, Rice, Ripley, Rome, Ross, Sales, Sinrud, Steinbeisser, Waitschies.

Total 18

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: None.

Total 0

**HB 437** passed as follows:

Ayes: Andersen, Ballantyne, Balyeat, Barrett, Bergren, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Cyr, Devlin, Everett, Fisher, Forrester, Fuchs, Gallus, Gillan, Golie, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Keane, Lake, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.

Total 61

Noes: Becker, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Dickenson, Dowell, Erickson, Facey, Franklin, Fritz, Gallik, Galvin-Halcro, Gibson, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Lindeen, Malcolm, Musgrove, Raser, Ryan, Sales, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.

Total 37

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Parker.

Total 1

**HB 465** passed as follows:

Ayes: Barrett, Becker, Bergren, Bitney, Bixby, Branae, D. Brown, R. Brown, Brueggeman, Carney, P. Clark, Cyr, Dowell, Erickson, Everett, Fisher, Fritz, Fuchs, Gallus, Gutsche, Haines, Harris, Hawk, Hedges, Hurwitz, Jackson, Juneau, Keane, Lambert, Lange, Laslovich, Laszloffy, Lawson, Lehman, Lewis, Lindeen, Maedje, Matthews, McKenney, Mendenhall, Morgan, Newman, Noennig, A. Olson, B. Olson, Pattison, Peterson, Raser, Rice, Ripley, Roberts, Rome, Ross, Ryan, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Windy Boy, Witt, Younkin, Mr. Speaker.

Total 69

Noes: Andersen, Ballantyne, Buzzas, Callahan, E. Clark, Cohenour, Devlin, Dickenson, Facey, Forrester, Franklin, Gallik, Galvin-Halcro, Gibson, Gillan, Golie, Jacobson, Jayne, Jent, Kasten, Kaufmann, Lake, Lenhart, Malcolm, Musgrove, Parker, Small-Eastman, Smith, Wilson.

Total 29

Excused: Bookout-Reinicke.

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Total 1

Absent or not voting: Balyeat.

Total 1

**HB 493** passed 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, 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, Shockley, Sinrud, Small-Eastman, Smith, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Wanzenried, Weiss, Wilson, Windy Boy, Witt, Younkin, Mr. Speaker.  
Total 97

Noes: None.

Total 0

Excused: Bookout-Reinicke.

Total 1

Absent or not voting: Gutsche, Schrumpf.

Total 2

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Bookout-Reinicke, Chairman):

2/26/2003

Correctly printed: **HB 249, HB 625, HB 678, HB 683.**

Correctly engrossed: **HB 100, HB 120, HB 241, HB 352, HB 486, HB 502, HB 517, HB 554, HB 558, HB 598, HB 599, HB 610, HB 649, HB 661, HB 680, HB 687, HB 712, HB 720, HB 731, HJR 28, HJR 32.**

**TRANSPORTATION** (Waitschies, Chairman):

2/26/2003

**HB 502**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "ALL"

2. Title, page 1, line 5.

**Strike:** "SOLD" through "MONTANA"

3. Title, page 1, line 6.

**Following:** "ENGINES"

**Insert:** "OF STATE VEHICLES THAT ARE PART OF THE MONTANA BIODIESEL PILOT PROGRAM;  
ESTABLISHING THE MONTANA BIODIESEL PILOT PROGRAM"

4. Title, page 1, line 6 through line 8.

**Strike:** "EXEMPTING FUEL" on line 6 through "TERM" on line 8

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**Insert:** "STANDARDIZING THE DEFINITIONS OF"  
**Following:** ""BIODIESEL""  
**Insert:** "AND DEFINING "BIODIESEL BLEND""

5. Title, page 1, line 10.

**Strike:** "15-70-341,"

**Insert:** "15-70-301, 15-70-304, 15-70-321,"

**Strike:** "CONTINGENT EFFECTIVE"

**Insert:** "TERMINATION"

6. Page 1, line 15 through line 16.

**Strike:** "-- exemption" on line 15

**Strike:** "(1)" on line 15 through "all" on line 16

**Insert:** "All"

7. Page 1, line 16.

**Following:** "fuel"

**Strike:** "sold" through "use"

**Insert:** "used"

**Following:** "engines"

**Insert:** "of state vehicles that are part of the Montana biodiesel pilot program"

8. Page 1, line 18 through line 19.

**Strike:** subsection (2) in its entirety

9. Page 1, line 21 through page 5, line 21.

**Strike:** section 2 in its entirety

**Insert:** "NEW SECTION. Section 2. Montana biodiesel pilot program. (1) The department shall develop and implement a pilot program utilizing a portion of the department's motor vehicle fleet as a pilot project to research the use of biodiesel as defined in 82-15-101.

(2) The research must focus on:

(a) effects of biodiesel on vehicle engines;

(b) effects of biodiesel on the environment;

(c) cost of biodiesel, including distribution and end-use consumer price;

(d) storage of biodiesel; and

(e) taxation related to biodiesel."

**Insert:** "NEW SECTION. Section 3. Reports required on Montana biodiesel pilot program. The department shall report on a biannual basis or upon request to the revenue and transportation interim committee regarding the progress of the pilot program and any results of the research."

**Insert:** "**Section 4.** Section 15-70-301, MCA, is amended to read:

**"15-70-301. (Temporary) Definitions.** As used in this part, the following definitions apply:

(1) "Agricultural use" means use of special fuel by a person who earns income while engaging in the business of farming or ranching and who files farm or income reports for tax purposes as required by the United States internal revenue service.

(2) "Bond" means:

(a) a bond executed by a special fuel user as principal with a corporate surety qualified under the laws of



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Montana, payable to the state of Montana, and conditioned upon faithful performance of all requirements of this part, including the payment of all taxes, penalties, and other obligations of the special fuel user arising out of this part; or

(b) a deposit with the department by the special fuel user, under terms and conditions that the department may prescribe, of certificates of deposit or irrevocable letters of credit issued by a bank and insured by the federal deposit insurance corporation.

(3) "Bulk delivery" means placing special fuel not intended for resale in storage or containers. The term does not mean special fuel delivered into the supply tank of a motor vehicle.

(4) "Cardrol" or "keylock" means a unique device intended to allow access to a special fuel dealer's unattended pump or dispensing unit for the purpose of delivery of special fuel to an authorized user of the unique device.

(5) "Department" means the department of transportation.

(6) (a) "Distributed" means, at the time that special fuel is withdrawn, the withdrawal from a storage tank, a refinery, or a terminal storage in this state for sale or use in this state or for the transportation other than by pipeline to another refinery in this state or a pipeline terminal in this state of the following:

(i) special fuel refined, produced, manufactured, or compounded in this state and placed in storage tanks in this state;

(ii) special fuel transferred from a refinery or pipeline terminal in this state and placed in tanks at the refinery or terminal; or

(iii) special fuel imported into this state and placed in storage at a refinery or pipeline terminal.

(b) When withdrawn from the storage tanks, refinery, or terminal, the special fuel may be distributed only by a person who is the holder of a valid distributor's license.

(c) Special fuel imported into this state, other than that special fuel placed in storage at a refinery or pipeline terminal, is considered to be distributed after it has arrived in and is brought to rest in this state.

(7) "Distributor" means:

(a) a person who engages in the business in this state of producing, refining, manufacturing, or compounding special fuel for sale, use, or distribution;

(b) an importer who imports special fuel for sale, use, or distribution;

(c) a person who engages in the wholesale distribution of special fuel in this state and chooses to become licensed to assume the Montana state special fuel tax liability; and

(d) an exporter.

(8) "Export" means to transport out of Montana, by any means other than in the fuel supply tank of a motor vehicle, special fuel received from a refinery or pipeline terminal within Montana.

(9) "Exporter" means a person who transports, other than in the fuel supply tank of a motor vehicle, special fuel received from a refinery or pipeline terminal in Montana to a destination outside Montana for sale, use, or consumption outside Montana.

(10) "Import" means to first receive special fuel into possession or custody after its arrival and coming to rest at a destination within the state or to first receive any special fuel shipped or transported into this state from a point of origin outside this state other than in the fuel supply tank of a motor vehicle.

(11) "Importer" means a person who transports or arranges for the transportation of special fuel into Montana for sale, use, or distribution.

(12) "Improperly imported fuel" means special fuel that is:

(a) consigned to a Montana destination and imported into the state without the distributor first having obtained a Montana special fuel distributor license as required in 15-70-341; or

(b) delivered, possessed, sold, or transferred in the state in any manner not authorized under Title 15, chapter 70.

(13) "Motor vehicle" means all vehicles that are operated upon the public highways or streets of this state and that are operated in whole or in part by the combustion of special fuel.

(14) "Person" includes any person, firm, association, joint-stock company, syndicate, partnership, or corporation. Whenever the term is used in any clause prescribing and imposing a fine or imprisonment, or both, as

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applied to a firm, association, syndicate, or partnership, it includes the partners or members and, as applied to joint-stock companies and corporations, the officers.

(15) "Public roads and highways of this state" means all streets, roads, highways, and related structures:

- (a) built and maintained with appropriated funds of the United States, the state of Montana, or any political subdivision of the state;
- (b) dedicated to public use;
- (c) acquired by eminent domain, as provided in Title 60, chapter 4, or Title 70, chapter 30; or
- (d) acquired by adverse use by the public, with jurisdiction having been assumed by the state or any political subdivision of the state.

(16) "Special fuel" means those combustible gases and liquids commonly referred to as diesel fuel or any other volatile liquid of less than 46 degrees A.P.I. (American petroleum institute) gravity test, except liquid petroleum gas, when actually sold for use in motor vehicles operating upon the public roads and highways within the state of Montana. The term special fuel includes all other types of additives when the additive is mixed or blended into special fuel, regardless of the additive's classifications or uses.

(17) "Special fuel dealer" means:

- (a) a person in the business of handling special fuel who delivers any part of the fuel into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by the person;
- (b) a person who sells special fuel at a location unattended by the dealer through an unattended pump by use of a cardrol, keylock, or similar device; or
- (c) a person who provides a facility, with or without attended services, from which more than one special fuel user obtains special fuel for use in the fuel supply tank of a motor vehicle not then controlled by the dealer.

(18) (a) "Special fuel user" means a person who consumes in this state special fuel for the operation of motor vehicles owned or controlled by the person upon the highways of this state.

(b) The term does not include the U.S. government, a state, a county, an incorporated city or town, or a school district of this state.

(19) "Use", when the term relates to a special fuel user, means the consumption by a special fuel user of special fuels in the operation of a motor vehicle on the highways of this state.

**15-70-301. (Effective on occurrence of contingency) Definitions.** As used in this part, the following definitions apply:

(1) "Agricultural use" means use of special fuel by a person who earns income while engaging in the business of farming or ranching and who files farm or income reports for tax purposes as required by the United States internal revenue service.

(2) "Biodiesel" means:

~~—— (a) (i) a fuel sold for use in motor vehicles operating upon the public roads and highways within the state that contains at least 20% esterified vegetable oil, at least 10% alcohol, or an equivalent mixture of both oil and alcohol, with the balance being diesel fuel or any other petroleum-based volatile liquid of less than 46 degrees A.P.I. (American petroleum institute) gravity test and other additives; or~~

~~—— (ii) a monoalkyl ester that:~~

~~—— (A) is derived from domestically produced vegetable oils, renewable lipids, rendered animal fats, or any combination of those ingredients; and~~

~~—— (B) meets the requirements of ASTM PS 121, also known as the Provisional Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels, as adopted by the American society of testing and materials.~~

~~—— (b) Biodiesel is also known as "B-20": a fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats and is also designated as B100.~~

(3) "Biodiesel blend" means a blend of biodiesel and petroleum diesel fuel.

~~(3)~~(4) "Bond" means:

(a) a bond executed by a special fuel user as principal with a corporate surety qualified under the laws of Montana, payable to the state of Montana, and conditioned upon faithful performance of all requirements of this part, including the payment of all taxes, penalties, and other obligations of the special fuel user arising out of this part; or

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(b) a deposit with the department by the special fuel user, under terms and conditions that the department may prescribe, of certificates of deposit or irrevocable letters of credit issued by a bank and insured by the federal deposit insurance corporation.

~~(4)~~(5) "Bulk delivery" means placing special fuel not intended for resale in storage or containers. The term does not mean special fuel delivered into the supply tank of a motor vehicle.

~~(5)~~(6) "Cardrol" or "keylock" means a unique device intended to allow access to a special fuel dealer's unattended pump or dispensing unit for the purpose of delivery of special fuel to an authorized user of the unique device.

~~(6)~~(7) "Department" means the department of transportation.

~~(7)~~(8) (a) "Distributed" means, at the time that special fuel is withdrawn, the withdrawal from a storage tank, a refinery, or a terminal storage in this state for sale or use in this state or for the transportation other than by pipeline to another refinery in this state or a pipeline terminal in this state of the following:

(i) special fuel refined, produced, manufactured, or compounded in this state and placed in storage tanks in this state;

(ii) special fuel transferred from a refinery or pipeline terminal in this state and placed in tanks at the refinery or terminal; or

(iii) special fuel imported into this state and placed in storage at a refinery or pipeline terminal.

(b) When withdrawn from the storage tanks, refinery, or terminal, the special fuel may be distributed only by a person who is the holder of a valid distributor's license.

(c) Special fuel imported into this state, other than that special fuel placed in storage at a refinery or pipeline terminal, is considered to be distributed after it has arrived in and is brought to rest in this state.

~~(8)~~(9) "Distributor" means:

(a) a person who engages in the business in this state of producing, refining, manufacturing, or compounding special fuel for sale, use, or distribution;

(b) an importer who imports special fuel for sale, use, or distribution;

(c) a person who engages in the wholesale distribution of special fuel in this state and chooses to become licensed to assume the Montana state special fuel tax liability; and

(d) an exporter.

~~(9)~~(10) "Export" means to transport out of Montana, by any means other than in the fuel supply tank of a motor vehicle, special fuel received from a refinery or pipeline terminal within Montana.

~~(10)~~(11) "Exporter" means a person who transports, other than in the fuel supply tank of a motor vehicle, special fuel received from a refinery or pipeline terminal in Montana to a destination outside Montana for sale, use, or consumption outside Montana.

~~(11)~~(12) "Import" means to first receive special fuel into possession or custody after its arrival and coming to rest at a destination within the state or to first receive any special fuel shipped or transported into this state from a point of origin outside this state other than in the fuel supply tank of a motor vehicle.

~~(12)~~(13) "Importer" means a person who transports or arranges for the transportation of special fuel into Montana for sale, use, or distribution.

~~(13)~~(14) "Improperly imported fuel" means special fuel that is:

(a) consigned to a Montana destination and imported into the state without the distributor first having obtained a Montana special fuel distributor license as required in 15-70-341; or

(b) delivered, possessed, sold, or transferred in the state in any manner not authorized under Title 15, chapter 70.

~~(14)~~(15) "Motor vehicle" means all vehicles that are operated upon the public highways or streets of this state and that are operated in whole or in part by the combustion of special fuel.

~~(15)~~(16) "Person" includes any person, firm, association, joint-stock company, syndicate, partnership, or corporation. Whenever the term is used in any clause prescribing and imposing a fine or imprisonment, or both, as applied to a firm, association, syndicate, or partnership, it includes the partners or members and, as applied to joint-stock companies and corporations, the officers.

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~~(16)~~(17) "Public roads and highways of this state" means all streets, roads, highways, and related structures:  
(a) built and maintained with appropriated funds of the United States, the state of Montana, or any political subdivision of the state;

(b) dedicated to public use;

(c) acquired by eminent domain, as provided in Title 60, chapter 4, or Title 70, chapter 30; or

(d) acquired by adverse use by the public, with jurisdiction having been assumed by the state or any political subdivision of the state.

~~(17)~~(18) "Special fuel" means those combustible gases and liquids commonly referred to as diesel fuel or any other volatile liquid of less than 46 degrees A.P.I. (American petroleum institute) gravity test, except liquid petroleum gas, when actually sold for use in motor vehicles operating upon the public roads and highways within the state of Montana. The term special fuel includes biodiesel and additives of all types when the additive is mixed or blended into special fuel, regardless of the additive's classifications or uses.

~~(18)~~(19) "Special fuel dealer" means:

(a) a person in the business of handling special fuel who delivers any part of the fuel into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by the person;

(b) a person who sells special fuel at a location unattended by the dealer through an unattended pump by use of a cardtrol, keylock, or similar device; or

(c) a person who provides a facility, with or without attended services, from which more than one special fuel user obtains special fuel for use in the fuel supply tank of a motor vehicle not then controlled by the dealer.

~~(19)~~(20) (a) "Special fuel user" means a person who consumes in this state special fuel for the operation of motor vehicles owned or controlled by the person upon the highways of this state.

(b) The term does not include the U.S. government, a state, a county, an incorporated city or town, or a school district of this state.

~~(20)~~(21) "Use", when the term relates to a special fuel user, means the consumption by a special fuel user of special fuels in the operation of a motor vehicle on the highways of this state. (Terminates June 30 of fourth year following date of occurrence of contingency--sec. 13, Ch. 568, L. 2001.)

**15-70-301. (Effective July 1 of fourth year following date of occurrence of contingency) Definitions.**  
As used in this part, the following definitions apply:

(1) "Agricultural use" means use of special fuel by a person who earns income while engaging in the business of farming or ranching and who files farm income reports for tax purposes as required by the United States internal revenue service.

(2) "Bond" means:

(a) a bond executed by a special fuel user as principal with a corporate surety qualified under the laws of Montana, payable to the state of Montana, and conditioned upon faithful performance of all requirements of this part, including the payment of all taxes, penalties, and other obligations of the special fuel user arising out of this part; or

(b) a deposit with the department by the special fuel user, under terms and conditions that the department may prescribe, of certificates of deposit or irrevocable letters of credit issued by a bank and insured by the federal deposit insurance corporation.

(3) "Bulk delivery" means placing special fuel not intended for resale in storage or containers. The term does not mean special fuel delivered into the supply tank of a motor vehicle.

(4) "Cardtrol" or "keylock" means a unique device intended to allow access to a special fuel dealer's unattended pump or dispensing unit for the purpose of delivery of special fuel to an authorized user of the unique device.

(5) "Department" means the department of transportation.

(6) (a) "Distributed" means, at the time that special fuel is withdrawn, the withdrawal from a storage tank, a refinery, or a terminal storage in this state for sale or use in this state or for the transportation other than by pipeline to another refinery in this state or a pipeline terminal in this state of the following:

(i) special fuel refined, produced, manufactured, or compounded in this state and placed in storage tanks in this state;

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(ii) special fuel transferred from a refinery or pipeline terminal in this state and placed in tanks at the refinery or terminal; or

(iii) special fuel imported into this state and placed in storage at a refinery or pipeline terminal.

(b) When withdrawn from the storage tanks, refinery, or terminal, the special fuel may be distributed only by a person who is the holder of a valid distributor's license.

(c) Special fuel imported into this state, other than that special fuel placed in storage at a refinery or pipeline terminal, is considered to be distributed after it has arrived in and is brought to rest in this state.

(7) "Distributor" means:

(a) a person who engages in the business in this state of producing, refining, manufacturing, or compounding special fuel for sale, use, or distribution;

(b) an importer who imports special fuel for sale, use, or distribution;

(c) a person who engages in the wholesale distribution of special fuel in this state and chooses to become licensed to assume the Montana state special fuel tax liability; and

(d) an exporter.

(8) "Export" means to transport out of Montana, by any means other than in the fuel supply tank of a motor vehicle, special fuel received from a refinery or pipeline terminal within Montana.

(9) "Exporter" means a person who transports, other than in the fuel supply tank of a motor vehicle, special fuel received from a refinery or pipeline terminal in Montana to a destination outside Montana for sale, use, or consumption outside Montana.

(10) "Import" means to first receive special fuel into possession or custody after its arrival and coming to rest at a destination within the state or to first receive any special fuel shipped or transported into this state from a point of origin outside this state other than in the fuel supply tank of a motor vehicle.

(11) "Importer" means a person who transports or arranges for the transportation of special fuel into Montana for sale, use, or distribution.

(12) "Improperly imported fuel" means special fuel that is:

(a) consigned to a Montana destination and imported into the state without the distributor first having obtained a Montana special fuel distributor license as required in 15-70-341; or

(b) delivered, possessed, sold, or transferred in the state in any manner not authorized under Title 15, chapter 70.

(13) "Motor vehicle" means all vehicles that are operated upon the public highways or streets of this state and that are operated in whole or in part by the combustion of special fuel.

(14) "Person" includes any person, firm, association, joint-stock company, syndicate, partnership, or corporation. Whenever the term is used in any clause prescribing and imposing a fine or imprisonment, or both, as applied to a firm, association, syndicate, or partnership, it includes the partners or members and, as applied to joint-stock companies and corporations, the officers.

(15) "Public roads and highways of this state" means all streets, roads, highways, and related structures:

(a) built and maintained with appropriated funds of the United States, the state of Montana, or any political subdivision of the state;

(b) dedicated to public use;

(c) acquired by eminent domain, as provided in Title 60, chapter 4, or Title 70, chapter 30; or

(d) acquired by adverse use by the public, with jurisdiction having been assumed by the state or any political subdivision of the state.

(16) "Special fuel" means those combustible gases and liquids commonly referred to as diesel fuel or any other volatile liquid of less than 46 degrees A.P.I. (American petroleum institute) gravity test, except liquid petroleum gas, when actually sold for use in motor vehicles operating upon the public roads and highways within the state of Montana. The term special fuel includes all other types of additives when the additive is mixed or blended into special fuel, regardless of the additive's classifications or uses.

(17) "Special fuel dealer" means:

(a) a person in the business of handling special fuel who delivers any part of the fuel into the fuel supply

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tank or tanks of a motor vehicle not then owned or controlled by the person;

(b) a person who sells special fuel at a location unattended by the dealer through an unattended pump by use of a cardrol, keylock, or similar device; or

(c) a person who provides a facility, with or without attended services, from which more than one special fuel user obtains special fuel for use in the fuel supply tank of a motor vehicle not then controlled by the dealer.

(18) (a) "Special fuel user" means a person who consumes in this state special fuel for the operation of motor vehicles owned or controlled by the person upon the highways of this state.

(b) The term does not include the U.S. government, a state, a county, an incorporated city or town, or a school district of this state.

(19) "Use", when the term relates to a special fuel user, means the consumption by a special fuel user of special fuels in the operation of a motor vehicle on the highways of this state."

**Insert: "Section 5.** Section 15-70-304, MCA, is amended to read:

**"15-70-304. (Temporary) Bonding, release of surety, and additional bond.** (1) Except as provided in this section, a special fuel user's permit may not be issued to a person or continued in force unless the person has furnished a bond, as defined in 15-70-301 and in a form as the department may require, to secure its compliance with this part and the payment of any taxes, interest, and penalties due and to become due under this part. The department shall waive the bond requirement of a special fuel user not subject to the provisions of subsection (2)(a) or (2)(b).

(2) The total amount of the bond or bonds required of a special fuel user must be equivalent to twice the special fuel user's estimated quarterly tax payments as provided in this part, determined as the department considers proper; however, the total amount of the bond or bonds may not be less than:

(a) \$5,000 for a special fuel user awarded a contract in accordance with 15-70-321; and

(b) \$500 for any other special fuel user who:

(i) requests a special fuel user's permit to be reissued after being canceled for cause; or

(ii) fails to file timely reports and pay tax due as required by 15-70-325 and 15-70-327.

(3) A surety on a bond furnished by a special fuel user, as provided in this section, must be released and discharged from any liability to the state accruing on the bond after the expiration of 30 days from the date when the surety has lodged with the department a written request to be released and discharged, but this provision may not operate to relieve, release, or discharge the surety from any liability already accrued or that accrues before the expiration of the 30-day period. The department shall, promptly upon receiving a release request, notify the special fuel user who furnished the bond, and unless the special fuel user, on or before the expiration of the 30-day period, files a new bond in accordance with the requirements of this section or makes a deposit in lieu of a bond as provided in 15-70-301(2), the department shall cancel the special fuel user's permit.

(4) The department may require a special fuel user to give a new or additional surety bond or to deposit additional securities of the character specified in 15-70-301(2) if, in its opinion, the security of the surety bond previously filed by the special fuel user or the market value of the properties deposited as security by the special fuel user becomes impaired or inadequate. Upon failure of the special fuel user to give a new additional surety bond or to deposit additional securities within 30 days after being requested to do so by the department, the department shall cancel the permit.

**15-70-304. (Effective on occurrence of contingency) Bonding, release of surety, and additional bond.**

(1) Except as provided in this section, a special fuel user's permit may not be issued to a person or continued in force unless the person has furnished a bond, as defined in 15-70-301 and in a form as the department may require, to secure its compliance with this part and the payment of any taxes, interest, and penalties due and to become due under this part. The department shall waive the bond requirement of a special fuel user not subject to the provisions of subsection (2)(a) or (2)(b).

(2) The total amount of the bond or bonds required of a special fuel user must be equivalent to twice the special fuel user's estimated quarterly tax payments as provided in this part, determined as the department considers proper; however, the total amount of the bond or bonds may not be less than:

(a) \$5,000 for a special fuel user awarded a contract in accordance with 15-70-321; and

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(b) \$500 for any other special fuel user who:

- (i) requests a special fuel user's permit to be reissued after being canceled for cause; or
- (ii) fails to file timely reports and pay tax due as required by 15-70-325 and 15-70-327.

(3) A surety on a bond furnished by a special fuel user, as provided in this section, must be released and discharged from any liability to the state accruing on the bond after the expiration of 30 days from the date when the surety has lodged with the department a written request to be released and discharged, but this provision may not operate to relieve, release, or discharge the surety from any liability already accrued or that accrues before the expiration of the 30-day period. The department shall, promptly upon receiving a release request, notify the special fuel user who furnished the bond, and unless the special fuel user, on or before the expiration of the 30-day period, files a new bond in accordance with the requirements of this section or makes a deposit in lieu of a bond as provided in ~~15-70-301(3)~~ the definition of bond in 15-70-301, the department shall cancel the special fuel user's permit.

(4) The department may require a special fuel user to give a new or additional surety bond or to deposit additional securities of the character specified in ~~15-70-301(3)~~ the definition of bond in 15-70-301 if, in its opinion, the security of the surety bond previously filed by the special fuel user or the market value of the properties deposited as security by the special fuel user becomes impaired or inadequate. Upon failure of the special fuel user to give a new additional surety bond or to deposit additional securities within 30 days after being requested to do so by the department, the department shall cancel the permit. (Terminates June 30 of fourth year following date of occurrence of contingency--sec. 13, Ch. 568, L. 2001.)

**15-70-304. (Effective July 1 of fourth year following date of occurrence of contingency) Bonding, release of surety, and additional bond.** (1) Except as provided in this section, a special fuel user's permit may not be issued to a person or continued in force unless the person has furnished a bond, as defined in 15-70-301 and in a form as the department may require, to secure its compliance with this part and the payment of any taxes, interest, and penalties due and to become due under this part. The department shall waive the bond requirement of a special fuel user not subject to the provisions of subsection (2)(a) or (2)(b).

(2) The total amount of the bond or bonds required of a special fuel user must be equivalent to twice the special fuel user's estimated quarterly tax payments as provided in this part, determined as the department considers proper; however, the total amount of the bond or bonds may not be less than:

- (a) \$5,000 for a special fuel user awarded a contract in accordance with 15-70-321; and
- (b) \$500 for any other special fuel user who:
  - (i) requests a special fuel user's permit to be reissued after being canceled for cause; or
  - (ii) fails to file timely reports and pay tax due as required by 15-70-325 and 15-70-327.

(3) A surety on a bond furnished by a special fuel user, as provided in this section, must be released and discharged from any liability to the state accruing on the bond after the expiration of 30 days from the date when the surety has lodged with the department a written request to be released and discharged, but this provision may not operate to relieve, release, or discharge the surety from any liability already accrued or that accrues before the expiration of the 30-day period. The department shall, promptly upon receiving a release request, notify the special fuel user who furnished the bond, and unless the special fuel user, on or before the expiration of the 30-day period, files a new bond in accordance with the requirements of this section or makes a deposit in lieu of a bond as provided in 15-70-301(2), the department shall cancel the special fuel user's permit.

(4) The department may require a special fuel user to give a new or additional surety bond or to deposit additional securities of the character specified in 15-70-301(2) if, in its opinion, the security of the surety bond previously filed by the special fuel user or the market value of the properties deposited as security by the special fuel user becomes impaired or inadequate. Upon failure of the special fuel user to give a new additional surety bond or to deposit additional securities within 30 days after being requested to do so by the department, the department shall cancel the permit."

**Insert: "Section 6.** Section 15-70-321, MCA, is amended to read:

**"15-70-321. (Temporary) Tax on special fuel and volatile liquids.** (1) The department shall, under the provisions of rules issued by it, collect or cause to be collected from the owners or operators of motor vehicles a tax,

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as provided in subsection (2):

(a) for each gallon of undyed special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test when actually sold or used to produce motor power to operate motor vehicles upon the public roads and highways of this state;

(b) for each gallon of special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test when actually sold or used in motor vehicles, motorized equipment, and the internal combustion of any engines, including stationary engines, used in connection with any work performed under any contracts pertaining to the construction, reconstruction, or improvement of any highway or street and their appurtenances awarded by any public agencies, including federal, state, county, municipal, or other political subdivisions; and

(c) for each gallon of dyed special fuel delivered into the fuel supply tank of a diesel-powered highway vehicle, regardless of weight, operating upon the public roads and highways of this state.

(2) The tax imposed in subsection (1) is 27 3/4 cents per gallon.

**15-70-321. (Effective on occurrence of contingency) Tax on special fuel and volatile liquids.** (1) The department shall, under the provisions of rules issued by it, collect or cause to be collected from the owners or operators of motor vehicles a tax, as provided in subsection (2):

(a) for each gallon of undyed special fuel or other volatile liquid, except liquid petroleum gas and biodiesel, of less than 46 degrees A.P.I. (American petroleum institute) gravity test when actually sold or used to produce motor power to operate motor vehicles upon the public roads and highways of this state;

(b) for each gallon of special fuel or other volatile liquid, except liquid petroleum gas and biodiesel, of less than 46 degrees A.P.I. (American petroleum institute) gravity test when actually sold or used in motor vehicles, motorized equipment, and the internal combustion of any engines, including stationary engines, used in connection with any work performed under any contracts pertaining to the construction, reconstruction, or improvement of any highway or street and their appurtenances awarded by any public agencies, including federal, state, county, municipal, or other political subdivisions;

(c) for each gallon of dyed special fuel delivered into the fuel supply tank of a diesel-powered highway vehicle, regardless of weight, operating upon the public roads and highways of this state; and

(d) for each gallon of biodiesel blend that is at least 20% biodiesel and that is delivered into the fuel supply tank of a highway vehicle, regardless of weight, operating upon the public roads and highways of this state.

(2) (a) The tax imposed in subsections (1)(a) through (1)(c) is 27 3/4 cents per gallon.

(b) The tax imposed in subsection (1)(d) is 85% of the amount provided for in subsection (2)(a).

(Terminates June 30 of fourth year following date of occurrence of contingency--sec. 13, Ch. 568, L. 2001.)

**15-70-321. (Effective July 1 of fourth year following date of occurrence of contingency) Tax on special fuel and volatile liquids.** (1) The department shall, under the provisions of rules issued by it, collect or cause to be collected from the owners or operators of motor vehicles a tax, as provided in subsection (2):

(a) for each gallon of undyed special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test when actually sold or used to produce motor power to operate motor vehicles upon the public roads and highways of this state;

(b) for each gallon of special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test when actually sold or used in motor vehicles, motorized equipment, and the internal combustion of any engines, including stationary engines, used in connection with any work performed under any contracts pertaining to the construction, reconstruction, or improvement of any highway or street and their appurtenances awarded by any public agencies, including federal, state, county, municipal, or other political subdivisions; and

(c) for each gallon of dyed special fuel delivered into the fuel supply tank of a diesel-powered highway vehicle, regardless of weight, operating upon the public roads and highways of this state.

(2) The tax imposed in subsection (1) is 27 3/4 cents per gallon.""

**Renumber:** subsequent sections



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10. Page 5, line 25 through line 30.

**Following:** "means" on line 25

**Strike:** "a monoalkyl" on line 25 through "materials." on line 30

**Insert:** "a fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats and is also designated as B100."

(2) "Biodiesel blend" means a blend of biodiesel and petroleum diesel fuel."

**Renumber:** subsequent subsections

11. Page 7, line 1.

**Strike:** "(4)"

**Insert:** "(5)"

12. Page 7, line 13.

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1 through 3] are"

13. Page 7, line 14.

**Following:** "part of"

**Strike:** "Title" through "[section 1]"

**Insert:** "Title 60, chapter 2, part 2, and the provisions of Title 60, chapter 2, part 2, apply to [sections 1 through 3]"

14. Page 7, lines 16 through 19.

**Strike:** section 6 in its entirety

**Renumber:** subsequent section

15. Page 7, line 20.

**Insert:** "NEW SECTION. Section 10. Termination. [Sections 1 through 3] terminate December 31, 2006."

And, as amended, do pass. Report adopted.

**MOTIONS**

Representative Laszloffy moved **HB 685** be taken from second reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative Laszloffy moved **HB 701** be taken from second reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative Laszloffy moved **HB 604** 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 Laszloffy moved **HB 295** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative Harris moved **HB 651** be taken from third reading and be rereferred to the Committee on Appropriations. There being no objection, so ordered.

Representative R. Brown moved **HB 113** be taken from second reading and be rereferred to the Committee on Appropriations. Motion **failed** as follows:

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Ayes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lehman, Lewis, Maedje, McKenney, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Pattison, Peterson, Rice, Roberts, Rome, Ross, Sales, Schrumpf, Shockley, Sinrud, Steinbeisser, Stoker, Thomas, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 49

Noes: 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, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lawson, Lenhart, Lindeen, Matthews, Musgrove, Newman, Parker, Raser, Ripley, Ryan, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 49

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Malcolm.  
Total 1

Representative P. Clark moved **HB 671** be taken from the Committee on Fish, Wildlife, and Parks and be placed on second reading Legislative Day 44. Motion **failed** as follows:

Ayes: Ballantyne, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Carney, P. Clark, Cohenour, Cyr, Dickenson, Dowell, Erickson, Facey, Forrester, Fritz, Gallik, Gallus, Galvin-Halcro, Gibson, Gillan, Golie, Gutsche, Harris, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Laslovich, Lenhart, Lindeen, Matthews, Musgrove, Newman, Noennig, Parker, Raser, Ryan, Shockley, Small-Eastman, Smith, Wanzenried, Weiss, Wilson, Windy Boy.  
Total 48

Noes: Andersen, Balyeat, Barrett, Bitney, D. Brown, R. Brown, Brueggeman, E. Clark, Devlin, Everett, Fisher, Franklin, Fuchs, Haines, Hawk, Hedges, Hurwitz, Jackson, Kasten, Lake, Lambert, Lange, Laszloffy, Lawson, Lehman, Lewis, Maedje, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Pattison, Peterson, Rice, Ripley, Roberts, Rome, Ross, Sales, Schrumpf, Sinrud, Steinbeisser, Stoker, Wagman, Waitschies, Witt, Younkin, Mr. Speaker.  
Total 50

Excused: Bookout-Reinicke.  
Total 1

Absent or not voting: Thomas.  
Total 1

**SPECIAL ORDERS OF THE DAY**

The following cosponsors were added to **HB 624**: Buzzas, Fuchs, Kasten, Laslovich.

The following bill was **added** to the consent calendar: **HB 635**.

**ANNOUNCEMENTS**

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Committee meetings were announced by the committee chairs.

Majority Leader Brown moved that the House adjourn until 8:00 a.m., Thursday, February 27, 2003. Motion carried.

House adjourned at 7:46 p.m.

MARILYN MILLER  
Chief Clerk of the House

DOUG MOOD  
Speaker of the House