

HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 2005

HOUSE JOURNAL
59TH LEGISLATURE
THIRTY-SECOND LEGISLATIVE DAY

Helena, Montana
February 9, 2005

House Chambers
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Wagman. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Harris, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Clark notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Matthews requested Sgt.-at-Arms Clark to admit the Honorable Senate into the House chamber. Speaker Matthews introduced Senate President Tester and yielded the chair to him.

Senate Majority Leader Ellingson moved that the body resolve itself into a joint session for the purpose of receiving the State of the Tribal Nations' address from D. Fred Matt, Chairman of the Confederated Salish and Kootenai Tribes of the Flathead Nation. Motion carried.

The posting of the colors by the Mission Valley Honor Guard was followed by the Pledge of Allegiance. Faith Matt, the youngest daughter of Chairman Fred Matt and his wife, Tammy, sang the National Anthem. Tony Incashola, tribal member of the Pend d' Orielle Tribe of the Flathead Nation, gave the opening prayer.

Senate Majority Leader Ellingson moved the President be authorized to appoint a committee of four to notify the Honorable Chairman Matt that the body was in joint session and ready to receive his address. Motion carried.

Senate President Tester appointed Senator Pease, Senator Cobb, Representative Jayne, and Representative Roberts to escort the Honorable Chairman Matt into the House Chamber.

The committee escorted Chairman Matt into the chambers.

Senate President Tester introduced Chairman Matt to the joint session. Chairman Matt made the following remarks:

"Thank you, President Tester, Speaker Matthews. Thank you for inviting me to speak to you today.

I am so proud of my daughter Faith and her beautiful voice and my wife Tammy, my daughter April and her fiancé Ryan and my mother-in-law Greta, who also join me today.

Thank you to the Mission Valley Honor Guard that presented the colors. You have represented our Nation well when you put yourself in harm's way and you continue to do so through your community service. We have a proud legacy as Indians have the highest percentage of military service of any ethnic group in the United States since World War II.

Thank you, Tony. Your words are so healing.

I just greeted President Bush in Great Falls. The cowboy hats outnumber the ties and that is even in Indian Country.

Honorable Governor Schweitzer, thank you. In your swearing in ceremony, you welcomed Indians to the Capitol. In fact, you invited us to come in through the front door and we have. You asked that we send you our "Best and Brightest" tribal members and we sent names. You have asked us to join your team in record numbers. Montana Indians have been appointed to your Cabinet, your staff and to Montana boards and commissions. Your effort is extraordinary. We hope it will be one of the many legacies as a result of you being the Governor.

Over the past couple of years, you sat with the seven Tribal Councils and asked for our support. You told us you

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would come back after you were elected...to save a seat for you in our tribal chambers.

Your trip with Attorney General Mike McGrath to consult with the Northern Cheyenne Tribes is historic. The Northern Cheyenne Tribes asked me to convey their sincere thank you for the position you have taken with the Tongue River.

For centuries, promises made to Indian people have been made but broken. You kept your promise and we are grateful.

Thank you, Lt. Governor Bolinger, who is not here today because he is in our national capital. I understand that your first official trip as Lt. Governor was to Blackfeet Country. That speaks volumes to your commitment to Indian people. Your presence and participation on issues important to us will be key over the next few years.

Thank you, distinguished members of the Senate and House of Representatives and in particular, our Native American legislators: Norma Bixby, Margaret Campbell, my representative Joey Jayne, Carol Juneau, Veronica Small-Eastman, Jonathan Windy Boy, and Senators Gerald Pease and Frank Smith. We look to you for leadership as the legislative session continues.

Blackfeet Chairman Allan Talks About, Chippewa Cree Chairman Chance Houle, Crow Chairman Carl Venne, Ft. Belknap is represented by Julia Doney, Ft. Peck Chairman Ray Eder, Northern Cheyenne Chairman Eugene Little Coyote, and Chairman John Sinclair from the Little Shell Band of Chippewa Tribe. Thank you, tribal leaders, for the honor to represent you as the Chairman of the Montana Wyoming Tribal Leaders Council.

On behalf of the Confederated Salish and Kootenai Tribes and the Tribal Nations across the state of Montana, I am honored to present the State of the Tribal Nations and I am proud to report our Indian Nations are strong and on the move.

Recently, the great Crow Nation changed their constitution and it had brought significant changes and opportunities for economic development and tapping the tribe's vast minerals with the purpose of creating jobs for their members and the state of Montana.

The Ft. Belknap Tribes developed an Aquatic Resource Protection Ordinance to support the nationwide goal of no net loss of wetlands.

The Ft. Peck Tribes are proud to report that they are active participants in state politics with the election of two tribal members, Representative Margaret Campbell and Senator Frank Smith. Senator Smith also represents the Tribes on the Ft. Peck Tribal Executive Committee.

The Blackfeet Tribal Nation will see nearly \$100,000,000 in road construction by the year 2009.

The Tribes at Rocky Boy are proud to report that they began to operate a Tribal Temporary Assistance for Needy Families Program in November 2004.

The Charles Russell painting that dominates this Chamber serves as reminder of the historic relationship between the Tribes and those who came west to this great country. Charlie Russell recognized that the coming of Lewis and Clark had the greatest impact on the Indian people, as our way of life was forever changed. In 1805, the Native American economy was strong. Our families were strong units. We depended on each other for our survival. There was food, clothing and shelter with a strong religion and value system.

The mural depicts an event that took place on September 4, 1805 when Lewis and Clark's journey embarked on Salish territory at Ross's Hole. The encounter between them and the Salish tribal people was a monumental event that ultimately led to the success of the expedition. The Salish people graciously provided the explorers with fresh horses, food and other vital supplies that were needed for their trek across the Bitterroot Mountains to the Pacific Ocean.

Without our assistance, who knows what the outcome of the journey would have been. It was the first partnership between the tribes and those that came from other nations to escape religious persecution and economic disadvantage. Today, we begin another partnership. It is a new day in Montana. We look forward to working with the elected leaders in Helena for laws and policies that will strengthen our government-to-government relationship.

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During this legislative session, you will hear many ideas to help make Montana even better, yes, better than the last, best place as we know it.

As you deliberate on these idea, please consider the impact on the Indian Nations. Jobs are a top priority. Nowhere are jobs more needed than on Montana's reservation. Glacier and Rosebud counties have some of the highest unemployment rates across the state and nation. All but one Montana reservations have unemployment rates over 50%, some as high as 85%. If those rates were anywhere else in the state, an emergency would be declared. This is unacceptable and we must work together to fix it.

The fix begins by reauthorizing the Tribal Economic Development Commission for four more years. After a slow start, the Commission is beginning to make advances at bringing businesses and employment to our communities.

The Governor's budget recommends \$1 million for Economic Development in Indian Country. This is just a start, but much needed. I urge your support. Remember, the State of Montana cannot move ahead economically without bringing the poorest along, and in Montana, the poorest live on our reservations.

On Thursday, I had a chance to hear President George W. Bush speak about his plan for Social Security. He reports that it is in crisis and needs fixing. The people I represent just want a chance to pay social security taxes, through good paying jobs. We need your help to make that American Dream possible for each tribal member.

Education is another major issue facing this legislative session. Governor Schweitzer and Superintendent of Public Instruction Linda McCulloch unveiled a plan to provide an additional \$80 million to address Judge Sherlock's court order to ensure a basic system of quality education for Montana students. It includes funding for the Judge's order for Indian Education for All. This is a start. One that will allow the Tribes to create the needed infrastructure for this to be successful and tribal specific curriculums to be taught in all schools.

Let us remember, Indian Education for All is for all Montanans, not just Indians. It is only through education that the ignorance of our culture and values can start to address the unknown about tribal way of life that will help to end racism and discrimination. All Montanans will benefit and our state will be better and our citizens stronger.

I urge your support for House Bill 16, which provides funding for non-beneficiaries attending tribal colleges. I have wondered why the students that receive this funding are called non-beneficiaries, when in fact they receive the biggest benefit: a quality education while staying close to home and family.

Each of our seven reservations is home to nationally accredited institutions of higher learning. They are vital parts of our communities and the surrounding communities. These institutions are not just for tribal members but many non-Indians also attend, receiving nursing degrees to vocational certifications.

However, since the tribal colleges are funded based on the number of enrolled tribal members, they do not receive any funding for the non-Indians that attend. This bill would provide funding for the non-Indians students who attend these colleges. Yes, the non-beneficiaries. Thank you, Representative Rick Ripley from Wolf Point, Montana, for sponsoring this important legislation.

Healthcare is another issue of major significance to reservations. Medicaid redesign is a major issue of this 59th legislative session. Several bills have been introduced including one by Senator John Cobb that would authorize the submittal of a waiver to expand health care to uninsured Montanans. Another House Bill 452, to implement the Medicaid Redesign Team's recommendations for health programs for Indians. Medicaid and Children's Health Insurance Program are vital to many tribal members and I urge your careful consideration of this legislation.

Plans are being generated to spend the additional revenue generated from Initiative 149 including a program to ensure our tribal elders have access to prescription drugs. This is one of the most important services we can provide all senior citizens from across this state. Thank you, Senator Tester, for sponsoring this important legislation.

And please fully fund the Low Income Energy Heating Assistance Program. Don't have elders, the keepers of culture, and children have to make the decision: to heat or eat!

A number of bills have been introduced in the House and Senate, by Republicans and Democrats representing eastern and western Montana, from large cities and rural areas, to address the growing substance abuse problem in our state.

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This truly is a bipartisan effort as no one from Libby to Miles City or from Browning to Lame Deer can escape from the devastating effects of tobacco, alcohol abuse and methamphetamine. Nowhere is the problem more keenly felt than in our tribal communities. The disturbing effects on our families with the loss of life and the potential of many young people is indescribable.

The financial drain on our government is untold. The cost of social services, incarceration and court services are just a few impacts that can be identified. Please join with the group of lawmakers, such as Representative Don Roberts from Billings, to seek a coordinated and consolidated effort to address this problem.

On a tribal note, we extend a thank you to Senator Shockley for his sponsorship of Senate Bill 187 to provide "Full faith and credit for Salish and Kootenai Tribal fish and game citations." It will soon be transmitted to the House of Representatives after passing the Senate with nearly a unanimous vote of 49 in favor and only 1 dissenting vote.

Let us imagine a state without hunger, including our reservations. Let us imagine a state without poverty, including our reservations. Let us imagine a state without prejudice, including all people of color, race, gender, religion and sexual orientation. Let us imagine a state where all families do not fear a child getting sick and not being able to provide her care, including our reservations. Let us imagine a state where anyone who wants to work, can work, including our reservations.

Legislators, as you deliberate to make laws that govern our state, let Charlie Russell's painting remind you of your obligation to protect include Native people as we approach the 200th Anniversary of their meeting with the Salish. And let it begin, today. Lem Lech."

Chairman Matt and the body rose for the presentation of an Honor Song.

President Tester thanked Chairman Matt for his address and for the Honor Song. President Tester requested the committee escort Chairman Matt from the Joint Session.

Senate Majority Leader Ellingson moved that the Joint Session convened to receive the State of the Tribal Nations from the Honorable Chairman Matt be adjourned.

Joint Session adjourned at 2:50 p.m.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 2/9/2005
Correctly printed: **HJR 10**.
Correctly engrossed: **HB 60, HB 105, HB 203, HB 295, HB 361, HB 396, HB 439, HB 451, HB 452, HB 475, HB 478, HJR 12**.

BUSINESS AND LABOR (Keane, Chairman): 2/9/2005
HB 140, introduced bill, be amended as follows:

1. Title, line 8.
Following: "SERVICES;"
Insert: "PROVIDING THE DEPARTMENT OF ADMINISTRATION WITH RULEMAKING AUTHORITY;"

2. Title, line 8.
Strike: "AND"
Following: "PENALTIES"
Insert: "; REPEALING CERTAIN DEBT ADJUSTMENT LAWS; AND REPEALING SECTIONS 31-3-201, 31-3-202, AND 31-3-203, MCA"

3. Page 1, line 21.

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Following: "·"
Strike: "and"

4. Page 1, line 23.

Following: "accountant"

Insert: "; and

(d) debt collectors that do not advertise or hold themselves out as a credit counseling service"

5. Page 3, line 18.

Following: "plans"

Insert: "-- rulemaking authority"

6. Page 3, line 29 through line 30.

Strike: "a" on line 29 through "provided" on line 30

Insert: "a statement, in a prominent location in the plan in at least 10-point bold type, that either party may cancel the agreement without penalty at any time upon 10 days' notice and that a consumer who cancels an agreement is entitled to a refund of all unexpended funds that the consumer has paid to the credit counseling service as of the date of the notice"

7. Page 4, line 1.

Strike: "and"

8. Page 4, line 2.

Following: "resolved"

Insert: "; and

(g) a statement that the credit counseling service has a fiduciary duty to the consumer who is a party to a debt management plan"

9. Page 4, following line 6.

Insert: "(4) (a) A credit counseling service may not impose any fees or other charges on a consumer or receive any payment from a consumer or other person on behalf of a consumer except as allowed by this section.

(b) The fees or charges referred to in this subsection (4) include voluntary contributions and any other fees charged to or collected from a consumer or on behalf of a consumer.

(c) A credit counseling service may not charge an initial consultation fee that exceeds an amount set by the department by rule. The fee or portion of the fee may not be charged until the credit counseling service has complied with the provisions of this section.

(d) A credit counseling service may charge a monthly maintenance fee. In the absence of exceptional circumstances as defined in the department's rules, a credit counseling service may not have a total monthly fee in an amount that exceeds the amount set by the rules.

(e) A credit counseling service may not, as a condition of entering into a debt management plan, require a consumer to purchase for a fee a counseling session, an educational program, or materials and supplies.

(f) Fees charged for services other than credit counseling services must be fair and reasonable.

(g) If the credit counseling service imposes any fee or other charge or receives any funds or other payments not authorized by this section, except as a result of a bona fide error, the debt management plan is void and the credit counseling service shall return to the consumer all fees received from or on behalf of the consumer.

(5) Credit counseling services are prohibited from using hold harmless clauses, confessions of judgment, and waivers of the right to jury trials in debt management plans.

(6) The department may promulgate rules as necessary to implement the provisions of [sections 1 through 7], including setting fees."

10. Page 5, following line 7.

Insert: "NEW SECTION. Section 8. Repealer. Sections 31-3-201, 31-3-202, and 31-3-203, MCA, are repealed."

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Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 331, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "CASUALTY"

Insert: "MEDICAL MALPRACTICE"

2. Page 1, line 27.

Strike: "casualty"

Insert: "medical malpractice"

3. Page 2, line 4.

Following: "write"

Strike: "and"

Insert: "or"

Strike: "casualty"

Insert: "medical malpractice"

4. Page 2, line 6.

Strike: "casualty"

Insert: "medical malpractice"

5. Page 2, line 11.

Following: "market"

Insert: "or with an eligible surplus lines insurer"

6. Page 2, line 17.

Following: "market"

Insert: "or with an eligible surplus lines insurer"

7. Page 2, line 22.

Following: "market"

Insert: "or with an eligible surplus lines insurer"

8. Page 2, line 24.

Following: "market"

Insert: "or with an eligible surplus lines insurer"

And, as amended, do pass. Report adopted.

EDUCATION (Galvin-Halcro, Chairman):

2/9/2005

HB 369, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "EXAMINATION"

Insert: "DURING THEIR JUNIOR YEAR IN HIGH SCHOOL"

2. Page 1, line 12.

Following: first "examination"

Insert: "during a student's junior year in high school"

And, as amended, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Golie, Chairman):

2/9/2005

HB 308, introduced bill, be amended as follows:

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1. Title, line 11.

Following: "CHANGE"

Insert: "AND INCREASING THE PERIOD FOR SUBMISSION OF NEW EVIDENCE OF ADVERSE EFFECTS TO OTHER WATER RIGHTS"

2. Title, line 12 through line 13.

Strike: "REMOVING" on line 12 through "PROJECT;" on line 13

3. Title, line 16 through line 17.

Strike: "REMOVING" on line 16 through "RIGHT;" on line 17

4. Title, line 21.

Following: "AMOUNT"

Insert: ", EXCEPT THAT ONLY THE AMOUNT HISTORICALLY CONSUMED, OR A SMALLER AMOUNT IF SPECIFIED IN THE LEASE AUTHORIZATION, MAY BE USED TO MAINTAIN OR ENHANCE STREAMFLOWS BELOW THE LESSOR'S POINT OF DIVERSION"

5. Page 28, line 19.

Strike: "Except as provided in subsection (9), an"

Insert: "An"

6. Page 28, line 20.

Strike: "for each additional period"

7. Page 28, line 24.

Strike: "30"

Insert: "90"

8. Page 29, line 20.

Strike: "pursuant to 85-2-408"

Following: "period"

Strike: "equal to the expected life of the project"

9. Page 29, line 21 through line 22.

Following: "~~years~~" on line 21

Insert: "not to exceed 30 years unless a renewal is obtained pursuant to subsection (3)"

Strike: "A" on line 21 through "expected." on line 22

10. Page 31, line 15.

Insert: "(2) (a) A temporary change authorization under the provisions of this section is allowable only if the owner of the water right voluntarily agrees to:

(i) change the purpose of a consumptive use water right to instream flow for the benefit of the fishery resource; or

(ii) lease a consumptive use water right to another person for instream flow to benefit the fishery resource.

(b) For the purpose of this subsection (2), "person" means and is limited to an individual, association, partnership, or corporation."

Renumber: subsequent subsections

11. Page 32, line 3.

Following: "consumed"

Insert: ", or a smaller amount if specified by the department in the lease authorization,"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Noennig, Chairman):

2/9/2005

HB 321, introduced bill, be amended as follows:

1. Title, line 5.

Following: "LAND"

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Insert: "WITH CONCURRENCE OF THE COUNTY GOVERNING BODY OR BODIES"

2. Page 1, line 28.

Following: "(2)"

Insert: "with the concurrence of the county governing body or bodies,"

3. Page 2, line 12.

Following: "donations"

Insert: "or devises"

And, as amended, do pass. Report adopted.

HB 330, introduced bill, be amended as follows:

1. Title, line 7 through line 13.

Strike: line 7 through "POLICY;" on line 13

2. Title, line 14.

Strike: "SECTIONS 76-3-505 AND"

Insert: "SECTION"

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

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 2, line 5.

Strike: "proposed"

5. Page 2, line 7.

Strike: "proposed"

Strike: "complies with the growth policy,"

6. Page 2, line 8.

Strike: ", and is in the public interest"

7. Page 2, line 9 through line 10.

Following: "services" on line 9

Strike: remainder of line 9 through "interest." on line 10

8. Page 2, line 12 through line 13.

Following: "applicable" on line 12

Strike: remainder of line 12 through "interest" on line 13

9. Page 2, line 20.

Following: "and"

Insert: "and"

10. Page 2, line 21 and 22.

Strike: "and" on line 21 through "chapter 1;" on line 22

11. Page 2, line 24.

Strike: "proposed"

12. Page 2, line 26.

Strike: "proposed"

13. Page 2, line 30.

Strike: "proposed"

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14. Page 3, line 8.

Strike: "may be"

Insert: "is"

15. Page 3, line 12.

Strike: "proposed"

16. Page 3, line 25 through line 26.

Strike: subsection (8) in its entirety

And, as amended, do pass. Report adopted.

JUDICIARY (Rice, Chairman):
HB 304, introduced bill, be amended as follows:

2/9/2005

1. Title, page 1, line 8.

Following: line 7

Insert: "NONCOMMERCIAL"

2. Title, page 1, line 9 through line 10.

Strike: "REVISING" on line 9 through "ROAD;" on line 10

3. Page 2, line 6.

Following: "÷"

Insert: ":"

4. Page 2, line 7.

Following: "(i)"

Insert: "(i)"

5. Page 2, line 11.

Following: "chapter"

Insert: "; and"

(ii) at the time of driving, operating, or moving the off-highway vehicle, has in the person's possession a certificate showing the successful completion of an off-highway vehicle safety education course approved by the department of fish, wildlife, and parks and is in the physical presence of a person who possesses a license issued under this chapter

6. Page 2, line 13 through line 14.

Following: "person" on line 13

Strike: "a" on line 13 through "alien," on line 14

7. Page 2, line 18.

Strike: ", commonly known as an illegal alien,"

8. Page 2, line 22.

Strike: ", commonly known as an illegal alien,"

9. Page 3, line 29.

Strike: "commonly known as an illegal alien,"

10. Page 5, line 14.

Strike: "The"

Insert: "Except for commercial driver's licenses, the"

And, as amended, do pass. Report adopted.

HJR 15, introduced joint resolution, be amended as follows:

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1. Page 2, line 4 through line 5.

Strike: "study" on line 4 through "Montana" on line 5

Insert: "determine the reasons why there is a disproportionate number of adult and youth minority persons in the criminal justice system"

And, as amended, be adopted. Report adopted.

SELECT COMMITTEE ON EDUCATION (Lindeen, Chairman):
HB 63, introduced bill, be amended as follows:

2/9/2005

1. Page 6, line 3.

Strike: "less the state special education allowable cost payment"

2. Page 6, line 6.

Following: "aid"

Insert: "and the state special education allowable cost payment"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Jent, Chairman):
HB 148, introduced bill, be amended as follows:

2/9/2005

1. Title, page 1, line 11.

Following: "LOAN;"

Insert: "PROVIDING AN APPROPRIATION;"

2. Page 6.

Following: line 26

Insert: "NEW SECTION. Section 7. Appropriation. The following money is appropriated as follows for the biennium ending June 30, 2007, to implement the retirement system state employer contribution rate increases provided for in [this act]:

	Fiscal Year 2006		Fiscal Year 2007	
	General Fund	Other Funds	General Fund	Other Funds
Executive Branch	\$887,794	\$1,428,134	\$886,929	\$1,426,574
University System	\$133,329	\$0	\$133,083	\$0
Office of Public Instruction	\$185,218	\$0	\$188,922	\$0
Legislative Branch	\$13,212	\$0	\$13,194	\$0
Judicial Branch	\$24,234	\$6,445	\$24,173	\$6,430
Consumer Council	\$740	\$2,242	\$742	\$2,248"

Renumber: subsequent section

And, as amended, do pass. Report adopted.

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HB 181, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "CHANGING" through "2005;"

2. Title, page 1, line 14.

Strike: "19-20-101,"

Following: "19-20-605,"

Insert: "AND"

3. Title, page 1, line 14 through line 15.

Following: "19-20-621," on line 14

Strike: "19-20-715" on line 14 through "19-20-805," on line 15

4. Page 1, line 25.

Strike: "benefit changes for future members and"

5. Page 1, line 30 through page 5, line 20.

Strike: section 1 in its entirety

Renumber: subsequent sections

6. Page 6, line 24.

Strike: "and"

7. Page 6, line 25.

Following: "2007"

Insert: "; and

(iii) 10.62% beginning July 1, 2009"

8. Page 8, line 3 through page, 11, line 28.

Strike: sections 5 through 9 in their entirety

Renumber: subsequent sections

9. Page 12, line 5.

Strike: "\$1,738,000"

Insert: "\$1,650,000"

Strike: "\$1,772,000"

Insert: "\$1,714,000"

10. Page 12, line 7.

Strike: "\$26,000"

Insert: "\$18,000"

Strike: "\$26,000"

Insert: "\$18,000"

11. Page 12, line 9.

Strike: "\$524,000"

Insert: "\$397,000"

Strike: "\$691,000"

Insert: "\$843,000"

Strike: "\$522,000"

Insert: "\$395,000"

Strike: "\$691,000"

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Insert: "\$903,000"

And, as amended, do pass. Report adopted.

HB 346, introduced bill, be amended as follows:

1. Page 3, line 8 through line 12.

Strike: subsection (b) in its entirety

Insert: "(b) A member who is receiving a full pension benefit, as provided in 19-17-404, may return to service with a volunteer fire department without loss of benefits. A member returning to service under this section may not be considered an active member earning service credit."

2. Page 4.

Following: line 9

Insert: "COORDINATION SECTION. **Section 4. Coordination instruction.** If Senate Bill No. 197 and [this act] are both passed and approved, then [this act] is void."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 386, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/9/2005

SB 200, introduced by Wheat
SB 229, introduced by Cobb
SB 261, introduced by Perry
SB 269, introduced by Wheat
SB 292, introduced by Barkus

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

2/9/2005

SJR 9, introduced by Tester

FIRST READING AND COMMITMENT OF BILLS

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

HB 599, introduced by Small-Eastman, Dickenson, referred to Agriculture.
HB 600, introduced by Hamilton, referred to Fish, Wildlife and Parks.
HB 601, introduced by Clark, referred to Fish, Wildlife and Parks.
HB 602, introduced by Ward, Everett, Wagman, Campbell, John Balyeat, referred to Judiciary.
HB 603, introduced by Gutsche, MacLaren, referred to Fish, Wildlife and Parks.
HB 604, introduced by Lindeen, referred to Business and Labor.
HB 605, introduced by Gutsche, Hiner, Clark, Bergren, Shockley, referred to Fish, Wildlife and Parks.
HB 606, introduced by Gutsche, Clark, Campbell, Cohenour, referred to Natural Resources.
HB 607, introduced by A. Olson, referred to Taxation.
HB 608, introduced by Jackson, Taylor, Heinert, referred to Natural Resources.
HB 609, introduced by Taylor, Jackson, Heinert, referred to Natural Resources.
HB 610, introduced by Maedje, Golie, referred to Transportation.
HB 611, introduced by Windy Boy, Bergren, Hansen, Caferro, Noonan, McAlpin, Eaton, Harrington, Ellingson, Musgrove, Williams, Buzzas, Tester, Pease, referred to Judiciary.

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HB 612, introduced by Maedje, Heinert, Everett, Arntzen, Hendrick, Furey, Lake, Klock, D. Brown, A. Olson, Jackson, Taylor, Ward, Rice, Harris, Himmelberger, Stoker, Sinrud, W. Jones, Wagman, Barrett, referred to Natural Resources.

HB 613, introduced by Facey, referred to Local Government.

HB 614, introduced by Harris, Villa, Cohenour, Dickenson, Callahan, Maedje, Jacobson, Parker, Henry, Musgrove, Campbell, Lindeen, Wanzenried, Grinde, Clark, Noonan, Eaton, Bergren, Raser, Wilson, Gutsche, Jopek, Dowell, McAlpin, Branae, Small-Eastman, Hendrick, Galvin-Halcro, Windham, referred to Local Government.

HB 615, introduced by Harris, referred to Judiciary.

HB 616, introduced by Keane, Groesbeck, Sesso, referred to State Administration.

HB 617, introduced by Koopman, Wells, Butcher, Stoker, Heinert, Brueggeman, Lange, Morgan, A. Olson, Curtiss, Ward, Maedje, Hawk, Mendenhall, Wagman, W. Jones, Jackson, McGillvray, Everett, Lambert, Stahl, Waitschies, John Balyeat, referred to Judiciary.

HB 618, introduced by Hamilton, referred to Business and Labor.

HB 619, introduced by Hamilton, referred to Business and Labor.

HB 620, introduced by Driscoll, referred to Education.

HB 621, introduced by Butcher, referred to Education.

HB 622, introduced by Butcher, referred to Natural Resources.

HB 623, introduced by MacLaren, Himmelberger, Lindeen, John Balyeat, Cohenour, Golie, Keane, referred to Education.

HB 624, introduced by Villa, Cohenour, Parker, Noonan, Jopek, McAlpin, Jacobson, Facey, Sesso, Bixby, Musgrove, Wanzenried, Mangan, Groesbeck, Squires, Grinde, Gallik, Dowell, Cooney, A. Olson, Tropila, Driscoll, Furey, Hiner, Larson, Windy Boy, Ryan, Franklin, Schmidt, referred to Select Committee on Education.

HB 625, introduced by Rice, referred to Local Government.

HB 626, introduced by Rice, Sales, Arntzen, Peterson, Witt, referred to Local Government.

HB 627, introduced by Rice, Sales, Arntzen, Peterson, Witt, referred to Business and Labor.

HB 628, introduced by Clark, Elliott, Jopek, Heinert, Jackson, Wanzenried, Curtiss, Lewis, Roberts, Taylor, Dowell, Noonan, Maedje, referred to Business and Labor.

HB 629, introduced by Koopman, referred to Education.

HB 630, introduced by Mendenhall, Matthews, Keenan, Cocchiarella, Story, referred to Business and Labor.

HB 631, introduced by Stahl, Tropila, referred to Business and Labor.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJR 1, introduced by Ellingson, Parker, referred to the Joint Rules Committee.

MOTIONS

Dem. Floor Leader Parker moved to be on Order of Business #9, Motions. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 47

Excused: Harris.

Total 1

Absent or not voting: Balyeat, Butcher.

Total 2

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Dem. Floor Leader Parker moved HB 324 be taken from 3rd Reading today and moved to 3rd Reading on Thursday, February 10, 2005. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 51

Noes: Andersen, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 45

Excused: Harris.
Total 1

Absent or not voting: Balyeat, Butcher, Himmelberger.
Total 3

Rep. Lange announced the House Republicans will caucus.
Rep. Bergren announced the House Democrats will caucus.
Speaker Matthews stated the House will stand at ease.

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

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gallik in the chair.

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

HB 230 - Representative Jacobson moved **HB 230** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Balyeat, Koopman.
Total 2

Voted Absentee: Harris, Aye.

Excused: None.

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Total 0

Absent or not voting: Ripley, Sales.

Total 2

Representative Gallik moved consideration of **HB 337** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

Representative Parker moved consideration of **HB 370** be placed at the bottom of the second reading board due to the sponsor being in the chair. Motion carried.

HB 401 - Representative Keane moved **HB 401** do pass.

HB 401 - Representative Keane moved **HB 401**, second reading copy, be amended as follows:

1. Page 4, line 22.

Following: "winches"

Insert: ", other than air tugger winches on equipment used to drill oil, natural gas, or water wells"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Balyeat, Sales, Sinrud, Sonju.

Total 4

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 401 - Representative Keane moved **HB 401**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Koopman, Sales, Sinrud.

Total 3

Voted Absentee: Harris, Aye.

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Excused: None.
Total 0

Absent or not voting: Taylor.
Total 1

HB 249 - Representative Lindeen moved **HB 249** do pass.

HB 249 - Representative Mendenhall moved **HB 249**, second reading copy, be amended as follows:

1. Page 7, following line 12.

Insert: "(d) The rules must provide for the full or partial repayment of a grant if the new jobs or some of the new jobs for which a grant is given are not created."

Renumber: subsequent subsection

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Harris, Aye.

Excused: None.
Total 0

Absent or not voting: Noennig.
Total 1

HB 249 - Representative Lindeen moved **HB 249**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Bergren, Bixby, Branae, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 74

Noes: Balyeat, Barrett, D. Brown, Butcher, Caferro, Everett, Hendrick, Himmelberger, W. Jones, Kaufmann, Koopman, Lake, Maedje, Malcolm, Morgan, B. Olson, Rice, Ripley, Ross, Sales, Small-Eastman, Wagman, Waitschies, Wells.
Total 24

Voted Absentee: Harris, Aye.

Excused: None.

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Total 0

Absent or not voting: Becker, Gutsche.

Total 2

HB 425 - Representative Parker moved **HB 425** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Balyeat, Barrett, Hawk, Koopman, McNutt, Mendenhall, Ripley, Sales.

Total 8

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 25 - Representative Roberts moved **HB 25** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: Jayne.

Total 1

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 156 - Representative Henry moved **HB 156** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock,

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Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 98

Noes: Balyeat, Koopman.
Total 2

Voted Absentee: Harris, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 243 - Representative Lambert moved **HB 243** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Bixby, Campbell, Hiner, Jayne, Juneau, Kaufmann.
Total 6

Voted Absentee: Harris, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 307 - Representative Parker moved **HB 307** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Balyeat, Jayne, Juneau.
Total 3

Voted Absentee: Harris, Aye.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 312 - Representative Golie moved **HB 312** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 77

Noes: Balyeat, Barrett, Butcher, Everett, Hawk, L. Jones, Koopman, Lake, Lambert, McGillvray, Mendenhall, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Ward, Witt.

Total 23

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 367 - Representative Parker moved **HB 367** do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 80

Noes: Andersen, Balyeat, R. Brown, Butcher, Everett, Himmelberger, L. Jones, Klock, Koopman, Lambert, Maedje, McNutt, Mendenhall, Ripley, Sales, Stahl, Taylor, Wagman, Wells, Witt.

Total 20

Voted Absentee: Harris, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gallik moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart,

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Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 83

Noes: Butcher, Everett, Jayne, L. Jones, Koopman, Maedje, Mendenhall, Rice, Sales, Sinrud, Sonju, Stahl, Wagman, Wells, Witt.
Total 15

Excused: Harris.
Total 1

Absent or not voting: Hamilton.
Total 1

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 26 passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 90

Noes: Balyeat, Gallik, Jayne, MacLaren, Rice, Ripley.
Total 6

Excused: Harris.
Total 1

Absent or not voting: Dowell, Golie, Lake.
Total 3

HB 298 passed as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 54

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Klock, Koopman, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 43

Excused: Harris.
Total 1

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Absent or not voting: Dowell, Lake.
Total 2

HB 301 passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 89

Noes: Balyeat, D. Brown, Everett, Heinert, Koopman, Sales, Sinrud, Stahl.
Total 8

Excused: Harris.
Total 1

Absent or not voting: Dowell, Lake.
Total 2

HB 347 passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Morgan, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 57

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lambert, Lange, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Musgrove, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 40

Excused: Harris.
Total 1

Absent or not voting: Dowell, Lake.
Total 2

HB 348 passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 71

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Himmelberger, Jayne, Koopman, Lambert, Lange, Malcolm, McGillvray, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Ward, Warden, Wells, Witt.
Total 26

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Excused: Harris.
Total 1

Absent or not voting: Dowell, Lake.
Total 2

HB 409 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.
Total 95

Noes: Koopman, Wiseman.
Total 2

Excused: Harris.
Total 1

Absent or not voting: Dowell, Lake.
Total 2

HB 457 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 82

Noes: R. Brown, Butcher, Everett, Franklin, Glaser, Golie, Henry, Hiner, Jackson, Lange, Morgan, Sales, Sesso, Sinrud, Warden, Witt.
Total 16

Excused: Harris.
Total 1

Absent or not voting: Dowell.
Total 1

MOTIONS

Dem. Floor Leader Parker moved that HB 249 and HB 243 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 579 be re-referred from Natural Resources Committee to the Business and Labor Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 564 and HB 575 be re-referred from Fish, Wildlife and Parks Committee to the State Administration Committee. Without objection, so ordered.

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Rep. McGillvray moved that HB 117 from the Human Services Committee be moved to 2nd Reading.
Rep. Villa called for the previous question. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 49

Excused: Harris.
Total 1

Absent or not voting: None.
Total 0

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read Speaker Matthews' letter to Senate President Tester stating that he had appointed Rep. Holly Raser and Rep. Bill Glaser to the Joint Select Committee on Education Funding.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Thursday, February 10, 2005. Motion carried.

House adjourned at 3:30 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House