

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2005

HOUSE JOURNAL
59TH LEGISLATURE
THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana
February 17, 2005

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Koopman. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter Speaker Matthews received from Republican Leader Roy Brown. Rep. Brown stated that HB 222 and HB 659 received a tie vote during the executive action in the House Judiciary Committee, and he would like to exercise two of the discretionary bills allowed under the adopted rules of the House (H30-50 Procedures, Subsection 5) on HB 222 and HB 659.

Republican Leader Brown asked that HB 222 and HB 659 be placed on the agenda for the purposes of 2nd Reading on Friday, February 18, 2005.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 2/17/2005
Correctly engrossed: **HB 151, HB 379, HB 418, HB 521, HB 536, HB 549, HB 585, HB 611, HB 615, HB 625, HB 637, HJR 17.**
Signed by the Chief Clerk of the House at 3:40 p.m., February 16, 2005: **HB 84, HB 193, HB 194.**
Signed by the Speaker at 4:25 p.m., February 16, 2005: **HB 84, HB 193, HB 194.**
Signed by the President at 4:45 p.m., February 16, 2005: **HB 84, HB 193, HB 194.**
Delivered to the Governor for approval at 9:25 a.m., February 17, 2005: **HB 84, HB 193, HB 194.**

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Olson, Chairman): 2/17/2005
HB 631, do pass. Report adopted.
HB 687, do pass. Report adopted.
HJR 24, be adopted. Report adopted.

JUDICIARY (Rice, Chairman): 2/17/2005
HB 222, without recommendation. Report adopted.
HB 659, without recommendation. Report adopted.

LOCAL GOVERNMENT (Noennig, Chairman): 2/17/2005
HB 442, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "STREETS AND"
Insert: "CERTAIN PRIVATE"

2. Page 1, line 22.
Strike: "(a)"
Strike: "streets and"
Insert: "certain private"

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3. Page 1, line 23.

Following: "meet"

Strike: "the"

Insert: "certain"

Strike: "adopted under"

Insert: "as provided in"

4. Page 1, lines 24 and 25.

Strike: subsection (b) in its entirety

5. Page 4, line 4 through line 5.

Strike: subsection (3) in its entirety

Insert: "(3) A registered land surveyor may inspect a private subdivision road, and there is no requirement to have a licensed engineer inspect the road if:

(a) the road is subject only to county subdivision regulations and is not subject to municipal subdivision regulations;

(b) the road is a gravel road;

(c) the surveyor inspecting the road is not the same surveyor and is not financially affiliated with the surveyor who prepared the plat; and

(d) the specifications of the road under the county subdivision regulations require no more than:

(i) a specified height of base or pit run material;

(ii) a specified height of finish gravel;

(iii) a specified width of the road surface;

(iv) a specified width or depth of materials for driveway approaches;

(v) that driveway approaches have a culvert;

(vi) a specified compaction rate; and

(vii) a specified clearance distance on the right-of-way.

(4) If the conditions in subsection (3) are satisfied, a registered land surveyor may make an inspection to ensure that turnouts, cul-de-sacs, or other similar road features are the appropriate size and height and have the appropriate compaction rate.

(5) A registered land surveyor may not be prohibited from inspecting features of the road or right-of-way under this section that are incidental to the primary purpose and are related to measurements of distances, materials, clear zones, or similar regulations."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Peterson, Chairman):

2/17/2005

HB 428, introduced bill, be amended as follows:

1. Page 5, line 5.

Following: "and"

Strike: "the district court shall consider the factors"

2. Page 7, line 4.

Following: "and"

Strike: "the district court shall consider the factors"

And, as amended, do pass. Report adopted.

HB 429, introduced bill, be amended as follows:

1. Page 22, lines 24 and 25.

Following: "may," on line 24

Strike: remainder of line 24 through "and" on line 25

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And, as amended, do pass. Report adopted.

HB 606, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "A SMALL MINER WHO INTENDS"

Insert: "CERTAIN SMALL MINERS WHO INTEND"

2. Title, page 1, line 5.

Strike: "AN OPERATING PERMIT"

Insert: "OPERATING PERMITS"

3. Page 3, line 15.

Following: "(8)(a)"

Strike: "A"

Insert: "Except for a small miner proposing to conduct a placer or dredge mining operation, a"

4. Page 3, line 16.

Following: "operation"

Insert: "before constructing an impoundment"

5. Page 3, line 19.

Following: "(b)"

Strike: "A"

Insert: "Except for a small miner who conducts a placer or dredge mining operation, a"

Strike: "solid"

6. Page 3, line 20.

Following: "shall"

Strike: "apply for an operating permit"

Insert: "obtain an operating permit within 1 year of [the effective date of this act]"

And, as amended, do pass. Report adopted.

HB 612, introduced bill, be amended as follows:

1. Page 1, line 25.

Following: "proof of"

Insert: "vehicle liability insurance and"

Following: "million in"

Insert: "commercial general"

2. Page 1, line 28.

Following: "proof of"

Insert: "vehicle liability insurance and"

Following: "million in"

Insert: "commercial general"

3. Page 2, line 9.

Following: line 8

Insert: " (8) Permit applications pursuant to subsection (1)(b) are categorical exclusions as defined by rule, and the department is not required to comply with the provisions of 75-1-201(1) in reviewing those applications.

(9) Proposed timber sales under subsection (1)(b) do not take precedence over the timely sale and harvest of green timber pursuant to 77-5-207.

(10) Permit applications made pursuant to this section may be subject to further environmental review, and the number of permits may be limited if the department determines that sales may have a cumulative effect on geographic area."

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And, as amended, do pass. Report adopted.

HJR 9, introduced joint resolution, be amended as follows:

1. Page 1, line 25.

Strike: "impact"

Insert: "impacts, both positive and negative,"

2. Page 2, line 5.

Following: "impact"

Insert: ", positive and negative,"

3. Page 2, line 10.

Following: "impacts"

Insert: ", positive or negative, "

4. Page 2, line 11.

Following: "had on"

Strike: "the" through "impacts"

Insert: "local economies surrounding those areas, on the state economy, and on other aspects of society and the environment"

And, as amended, be adopted. Report adopted.

HJR 18, introduced joint resolution, be amended as follows:

1. Title, page 1, line 6.

Strike: "STOP CLOSING"

Insert: "NOT ARBITRARILY CLOSE"

2. Page 1, line 12.

Following: "WHEREAS,"

Strike: "elderly, disabled, and physically challenged Americans"

Insert: "Americans, especially those who are elderly, disabled, or physically challenged,"

3. Page 1, line 13.

Following: "roads"

Insert: "and access to trails and streams"

4. Page 1, line 14 through line 15.

Strike: ", through" on line 14 through "wilderness" on line 15

Insert: "should manage lands for multiple-use opportunities"

5. Page 1, line 20 through line 21.

Strike: "have volunteered" on line 20

Insert: "could volunteer"

Strike: "and have" on line 20 through "agencies" on line 21

6. Page 1, line 26.

Strike: "stop closing"

Insert: "not arbitrarily close"

7. Page 1, line 27.

Strike: "properly"

Insert: "be properly funded and"

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8. Page 1, line 28.

Following: "lands"

Insert: ", trails, and streams"

And, as amended, be adopted. Report adopted.

TAXATION (Waitschies, Chairman):

2/17/2005

HB 410, introduced bill, be amended as follows:

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

Strike: "PROVIDING" on line 9 through "INTEREST;" on line 10

2. Title, page 1, line 14.

Strike: "15-10-420,"

3. Page 1, line 20.

Following: "exceptions"

Insert: "-- appeal"

Strike: "(8)"

Insert: "(9)"

4. Page 1, line 21 through line 24.

Strike: "residential" on line 21 through "purpose" on line 24

Insert: "improvements classified under 15-6-134 that are completed after January 1 of the tax year must be assessed and taxed from the date on which the property is occupied or the property is put in use"

5. Page 1, line 25 through page 2, line 4.

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

Insert: "(2) (a) The owner of improvements described in subsection (1) shall, within 30 days of the applicable date referred to in subsection (1), notify the department, on a form prescribed by the department, that the property exists and is capable of being occupied or used.

(b) If the owner fails to notify the department as required under subsection (2)(a), the owner is subject to a penalty equal to 0.667% of the amount of tax due as determined under subsection (5).

(3) (a) As soon as practical after receiving the notice under subsection (2), the department shall appraise the improvements as provided in Title 15, chapters 7 and 8.

(b) The department shall, within 30 days of the appraisal, mail the owner a notice of appraisal. The notice must contain the information described in 15-7-102(1)(c).

(c) The notice must advise the owner that in order to be eligible for a refund of taxes from an appeal of the appraisal, the owner is required to pay the taxes under protest as provided in 15-1-402.

(d) Any misinformation provided in the notice does not affect the validity of the notice and may not be used as a basis for a challenge of the legality of the notice.

(4) If the owner of the improvements is dissatisfied with the appraisal, the procedures for review and appeal described in 15-7-102(3) through (6) apply."

Renumber: subsequent subsections

6. Page 2, line 10.

Strike: "(5)(b)"

Insert: "(6)(b)"

7. Page 2, line 13.

Strike: "not"

8. Page 2, line 15.

Strike: "October 1"

Insert: "the second Monday in August"

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9. Page 2, line 17.

Strike: "Immediately upon"

Insert: "Upon"

10. Page 2, line 21 through line 22.

Strike: ", in" through "section" on line 22

Following: "."

Insert: "Improvements that are assessed on or before July 1 of the current tax year must be included in the estimate of the total taxable value of newly taxable property for the purposes of 15-10-202(1) for the current tax year. Improvements assessed after July 1 of the current tax year must be included in the estimate of the total taxable value of newly taxable property in the following tax year."

11. Page 2, line 25.

Following: ";

Insert: "or"

12. Page 2, line 26 through line 28.

Following: "remodeling of" on line 26

Insert: "or additions to existing"

Strike: "if" on line 26 through "property" on line 28

13. Page 2, line 28.

Insert: "(10) The provisions of this section do not prohibit the department from assessing and taxing improvements classified under 15-6-134 that are under construction on January 1 of the tax year. The improvements must be valued based upon the percentage of completion of the construction on that date."

14. Page 4, line 9.

Following: "section 1"

Insert: "(7)"

15. Page 5, line 9 through page 7, line 11.

Strike: section 5 in its entirety

Renumber: subsequent sections

16. Page 8, line 2.

Following: "section 1"

Insert: "(6)(b)"

17. Page 8, line 8.

Following: "section 1"

Insert: "(6)(b)"

18. Page 8, line 12.

Strike: "Except" through "all"

Insert: "All"

19. Page 10, line 20.

Following: "section 1"

Insert: "(7)"

And, as amended, do pass. Report adopted.

HB 535, introduced bill, be amended as follows:

1. Page 6, line 17.

Strike: "more than 3 barrels"

Insert: "first 1"

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And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/17/2005

SB 101, introduced by Schmidt
SB 177, introduced by Ryan
SB 185, introduced by Mangan
SB 255, introduced by Gebhardt

SB 191, introduced by Grimes, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/17/2005

Yeas - 47
Nays - 3

FIRST READING AND COMMITMENT OF BILLS

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

HB 749, introduced by Ripley, Kaufmann, Morgan, Jayne, Matthews, Witt, R. Brown, referred to Human Services.
HB 750, introduced by McKenney, referred to Business and Labor.
HB 751, introduced by Maedje, referred to Natural Resources.
HB 752, introduced by Callahan, Stapleton, McNutt, Matthews, Lambert, Ellingson, Larson, Brueggeman, referred to State Administration.
HB 753, introduced by Himmelberger, Facey, referred to Federal Relations, Energy, and Telecommunications.
HB 754, introduced by Koopman, referred to State Administration.

**SECOND READING OF BILLS
(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 McNutt in the chair.

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

HB 439 - Representative Wiseman moved **HB 439** 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, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt.
Total 90

Noes: Hawk, Heinert, Jackson, Jayne, Maedje, Malcolm, Mendenhall, B. Olson, Wells.
Total 9

Excused: None.

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Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 431 - Representative Raser moved **HB 431** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McNutt, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 62

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hamilton, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Wells, Witt.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, 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, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 81

Noes: Balyeat, D. Brown, R. Brown, Butcher, Everett, Hawk, Klock, Koopman, Lambert, Maedje, McGillvray, Morgan, B. Olson, Roberts, Sinrud, Stahl, Stoker, Warden, Wells.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 562 - Representative Franklin moved **HB 562** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, 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, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 90

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Noes: R. Brown, Everett, Gallik, Jayne, Sales, Stahl, Warden, Wells.
Total 8

Excused: None.
Total 0

Absent or not voting: Caferro, Sinrud.
Total 2

HJR 6 - Representative Windy Boy moved **HJR 6** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, 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, 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, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sesso, Sinrud, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 89

Noes: D. Brown, R. Brown, Hawk, Jackson, Koopman, Morgan, Roberts, Sales, Sonju.
Total 9

Excused: None.
Total 0

Absent or not voting: Branae, Small-Eastman.
Total 2

HB 60 - Representative Harris moved **HB 60** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, 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, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 89

Noes: Balyeat, Bixby, Everett, Jackson, Jayne, Juneau, Klock, Koopman, Malcolm, Waitschies.
Total 10

Excused: None.
Total 0

Absent or not voting: Roberts.
Total 1

HB 63 - Representative Villa moved **HB 63** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, 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, Peterson, Raser, Rice, Ripley,

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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: Koopman.
Total 1

Excused: None.
Total 0

Absent or not voting: Bergren, Parker.
Total 2

HB 245 - Representative MacLaren moved **HB 245** do pass.

HB 245 - Representative MacLaren moved **HB 245**, second reading copy, be amended as follows:

1. Title, line 4 through line 5.

Strike: "CHILD UNDER 16 YEARS OF AGE"

Insert: "MINOR"

2. Page 1, line 19.

Strike: "16 YEARS OF AGE"

Insert: "the age of majority"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bixby, R. Brown, Butcher, Caferro, Campbell, Cohenour, Dowell, Eaton, Everett, Galvin-Halcro, Glaser, Golie, Grinde, Hawk, Heinert, Himmelberger, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Morgan, A. Olson, B. Olson, Raser, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wilson, Witt, Mr. Speaker.
Total 56

Noes: Becker, Bergren, Branae, D. Brown, Buzzas, Callahan, Clark, Dickenson, Driscoll, Facey, Franklin, Furey, Gallik, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Kaufmann, Koopman, Lange, Lindeen, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Rice, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wells, Windham, Windy Boy, Wiseman.
Total 44

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 245 - Representative MacLaren moved **HB 245**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 75

Noes: Becker, Bixby, D. Brown, Buzzas, Callahan, Driscoll, Facey, Furey, Gallik, Gutsche, Hamilton, Henry, Jayne, Jopek, Juneau, Kaufmann, Lindeen, Malcolm, Mendenhall, Musgrove, Noennig, Small-Eastman, Sonju, Ward,

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Windy Boy.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 290 - Representative Small-Eastman moved **HB 290** do pass. 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, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 55

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

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Parker moved consideration of **HB 291** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 363 - Representative Eaton moved **HB 363** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, 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, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman.
Total 84

Noes: Balyeat, Barrett, D. Brown, Everett, Glaser, Jackson, Jayne, Juneau, A. Olson, Rice, Ripley, Sales, Sonju, Waitschies, Witt.
Total 15

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

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

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro,

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Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 84

Noes: Becker, Everett, Hawk, Koopman, Maedje, McGillvray, Mendenhall, Rice, Sales, Sinrud, Sonju, Stahl, Wells.
Total 13

Excused: None.
Total 0

Absent or not voting: Henry, MacLaren, McNutt.
Total 3

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 359 passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stoker, Villa, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 65

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Heinert, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, McGillvray, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Witt.
Total 34

Excused: None.
Total 0

Absent or not voting: Branae.
Total 1

HB 436 passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, R. Brown, Butcher, Buzzas, Cohenour, Driscoll, Eaton, Everett, Galvin-Halcro, Glaser, Grinde, Groesbeck, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wiseman, Mr. Speaker.
Total 67

Noes: Arntzen, Bixby, Branae, D. Brown, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Facey, Franklin, Furey, Gallik, Golie, Gutsche, Hamilton, Henry, Jacobson, Jopek, Juneau, Kaufmann, McAlpin, Mendenhall, Musgrove, Rice, Small-Eastman, Stahl, Wanzenried, Wilson, Windham, Windy Boy.
Total 32

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Excused: None.
Total 0

Absent or not voting: Witt.
Total 1

HB 473 passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.
Total 69

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Glaser, Himmelberger, Jayne, W. Jones, Juneau, Koopman, Lake, Lange, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Noennig, Raser, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Warden, Wells, Witt, Mr. Speaker.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 493 passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, 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, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 86

Noes: Balyeat, Barrett, D. Brown, R. Brown, Himmelberger, Koopman, Ross, Sales, Sinrud, Sonju, Ward, Wells.
Total 12

Excused: None.
Total 0

Absent or not voting: Bixby, Gallik.
Total 2

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Keane, Chairman):
HB 517, introduced bill, be amended as follows:

2/17/2005

1. Title, line 10.
Strike: "16-1-404 AND 16-401"

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Insert: "16-1-401, 16-1-404, AND 16-1-501"

2. Page 2, line 1 through line 5.

Strike: subsections (b) through (e) in their entirety

Insert: "(b) provide, with or without charge, not more than two ounces of liquor that it produces at the distillery to consumer for consumption on the premises between 10 a.m. and 8 p.m.; or"

Renumber: subsequent subsection

3. Page 2, line 8 through line 9.

Following: "[section 1]" on line 8

Strike: "and" on line 8 through "less of liquor" on line 9

4. Page 2, line 10.

Strike: "licensed distributors"

Insert: "the department"

5. Page 2, line 11.

Strike: "distributes"

Insert: "produces"

6. Page 2, line 13.

Strike: "in the state, names and addresses of consignees,"

Insert: "to the department"

7. Page 6, following line 19.

Insert: "**Section 5.** Section 16-4-501, MCA, is amended to read:

"**16-4-501. License and permit fees.** (1) Each beer licensee licensed to sell either beer or table wine only, or both beer and table wine, under the provisions of this code, shall pay a license fee. Unless otherwise specified in this section, the fee is an annual fee and is imposed as follows:

(a) (i) each brewer and each beer importer, wherever located, whose product is sold or offered for sale within the state, \$500;

(ii) for each storage depot, \$400;

(b) (i) each beer wholesaler, \$400; each domestic winery producing more than 25,000 gallons of wine, \$400; each domestic winery producing 25,000 gallons or less of wine, \$200; each table wine distributor, \$400;

(ii) for each subwarehouse, \$400;

(c) each beer retailer, \$200;

(d) (i) for a license to sell beer at retail for off-premises consumption only, the same as a retail beer license;

(ii) for a license to sell table wine at retail for off-premises consumption only, either alone or in conjunction with beer, \$200;

(e) any unit of a nationally chartered veterans' organization, \$50.

(2) The permit fee under 16-4-301(1) is computed at the following rate:

(a) \$10 a day for each day that beer and table wine are sold at events, activities, or sporting contests, other than those applied for pursuant to 16-4-301(1)(c); and

(b) \$1,000 a season for professional sporting contests or junior hockey contests held under the provisions of 16-4-301(1)(c).

(3) The permit fee under 16-4-301(2) is \$10 for the sale of beer and table wine only or \$20 for the sale of all alcoholic beverages.

(4) Passenger carrier licenses must be issued upon payment by the applicant of an annual license fee in the sum of \$300.

(5) The annual license fee for a license to sell wine on the premises, when issued as an amendment to a beer-only license pursuant to 16-4-105, is \$200.

(6) The annual renewal fee for:

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- (a) a brewer producing 20,000 or fewer barrels of beer, as defined in 16-1-406, is \$200; and
(b) resort retail all-beverages licenses within a given resort area is \$2,000 for each license.
(7) Each licensee licensed under the quotas of 16-4-201 shall pay an annual license fee as follows:
(a) except as provided in this section, for each license outside of incorporated cities and incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000, \$250 for a unit of a nationally chartered veterans' organization and \$400 for all other licensees;
(b) except as provided in this section, for each license in incorporated cities with a population of more than 2,000 and less than 5,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$350 for a unit of a nationally chartered veterans' organization and \$500 for all other licensees;
(c) except as provided in this section, for each license in incorporated cities with a population of more than 5,000 and less than 10,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$500 for a unit of a nationally chartered veterans' organization and \$650 for all other licensees;
(d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$650 for a unit of a nationally chartered veterans' organization and \$800 for all other licensees;
(e) the distance of 5 miles from the corporate limits of any incorporated cities and incorporated towns is measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city or town; and where the premises of the applicant to be licensed are situated within 5 miles of the corporate boundaries of two or more incorporated cities or incorporated towns of different populations, the license fee chargeable by the larger incorporated city or incorporated town applies and must be paid by the applicant. When the premises of the applicant to be licensed are situated within an incorporated town or incorporated city and any portion of the incorporated town or incorporated city is without a 5-mile limit, the license fee chargeable by the smaller incorporated town or incorporated city applies and must be paid by the applicant.
(f) an applicant for the issuance of an original license to be located in areas described in subsections (6) and (7)(d) shall provide an irrevocable letter of credit from a financial institution that guarantees that applicant's ability to pay a \$20,000 license fee. A successful applicant shall pay a one-time original license fee of \$20,000 for a license issued. The one-time license fee of \$20,000 may not apply to any transfer or renewal of a license issued prior to July 1, 1974. All licenses, however, are subject to the specified annual renewal fees.
(8) The fee for one all-beverages license to a public airport is \$800. This license is nontransferable.
(9) The annual fee for a special beer and table wine license for a nonprofit arts organization under 16-4-303 is \$250.
(10) The annual fee for a distillery is \$600.
~~(10)(11)~~ The license fees provided in this section are exclusive of and in addition to other license fees chargeable in Montana for the sale of alcoholic beverages.
~~(11)(12)~~ In addition to other license fees, the department of revenue may require a licensee to pay a late fee of 33 1/3% of any license fee delinquent on July 1 of the renewal year or 1 year after the licensee's anniversary date, 66 2/3% of any license fee delinquent on August 1 of the renewal year or 1 year and 1 month after the licensee's anniversary date, and 100% of any license fee delinquent on September 1 of the renewal year or 1 year and 2 months after the licensee's anniversary date.
~~(12)(13)~~ All license and permit fees collected under this section must be deposited as provided in 16-2-108. ""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 557, do pass. Report adopted.

HB 559, introduced bill, be amended as follows:

1. Title, line 4.

Following: "ALLOWING"

Strike: "A"

Insert: "AN IRREVOCABLE"

2. Page 1, line 30.

Following: "or"

Insert: "irrevocable"

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And, as amended, do pass. Report adopted.

HB 563, introduced bill, be amended as follows:

1. Page 1, line 27.
Following: "drugs"
Insert: ", supplies, and educational materials"

2. Page 2, line 8.
Strike: "\$10,000"
Insert: "\$2,000"

And, as amended, do pass. Report adopted.

HB 567, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "OFFENSE"
Insert: "ASSAULT"

2. Page 1, line 11.
Strike: "offense"
Insert: "assault"

3. Page 1, line 14.
Strike: "offense"
Insert: "assault"

4. Page 1, line 16.
Strike: "offense"
Insert: "assault"

5. Page 1, line 18.
Strike: "offense"
Insert: "assault"

6. Page 1, line 25.
Strike: "offense"
Insert: "assault"

7. Page 1, line 28.
Strike: "offense"
Insert: "assault"

8. Page 1, line 29.
Strike: "offense"
Insert: "assault"

9. Page 1, line 30.
Strike: "offense"
Insert: "assault"

10. Page 2, line 2.
Strike: "offense"
Insert: "assault"

11. Page 2, line 11.
Strike: "offense"

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Insert: "assault"

Strike: "has the meaning provided in 46-23-502"

Insert: "means sexual assault as described in 45-5-502, sexual intercourse without consent as described in 45-5-503, incest as described in 45-5-507, or sexual abuse of children as described in 45-5-625"

And, as amended, do pass. Report adopted.

HJR 19, be adopted. Report adopted.

EDUCATION (Galvin-Halcro, Chairman):
HB 438, introduced bill, be amended as follows:

2/17/2005

1. Title, page 1, lines 5 through 10.

Following: "INSTRUCTION;" on line 5

Strike: remainder of line 5 through "PROGRAM;" on line 8

Insert: "REQUIRING THE BOARD OF PUBLIC EDUCATION TO ADOPT STANDARDS FOR PERSONNEL WHO PROVIDE BRAILLE INSTRUCTION;"

Following: "DISTRICT TO"

Strike: remainder of line 8 through "ONSITE" on line 10

Insert: "ENSURE THE AVAILABILITY OF TEXTBOOKS THAT COMPLY WITH FEDERAL LAW IN A TIMELY MANNER"

Strike: "OFFICE OF PUBLIC INSTRUCTION" on line 10

Insert: "MONTANA SCHOOL FOR THE DEAF AND BLIND"

2. Title, page 1, line 11.

Following: "PROGRAM;"

Insert: "PROVIDING AN APPROPRIATION;"

3. Page 2, line 21.

Strike: "20/200"

Insert: "20/70"

4. Page 2, line 23.

Following: "deterioration"

Insert: "that would qualify the child as having a visual acuity as described in subsection (1)(a)"

New amendment:

Page 3, line 2

Strike: "(1)"

5. Page 2, lines 28 through 30.

Strike: subsections (4) and (5) in their entirety

New amendment:

Page 3, line 12

Strike: "(1)"

6. Page 3, line 3 through line 10.

Following: "must" on line 3

Strike: remainder of line 3 through "instruction." on line 10

Insert: "be provided in accordance with the requirements of the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq."

7. Page 3, line 13 through line 29.

Following: "be" on line 13

Strike: remainder of line 13 through "impaired." on line 29

Insert: "provided in accordance with the requirements of the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq."

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8. Page 4, lines 2 through 10.

Following: "program." on line 2

Strike: remainder of line 2 through "(3)" on line 10

Following: "The" on line 10

Strike: "office of public instruction"

Insert: "Montana school for the deaf and blind"

9. Page 4, line 12.

Following: "program."

Insert: "The equipment must be loaned on a temporary basis to a school district, but the district is responsible for purchasing like equipment required by the student's individualized education program."

10. Page 4, lines 14 through 17.

Following: "training." on line 14

Strike: remainder of line 14 through "program." on line 17

Insert: "The board of public education shall establish standards to ensure that individuals who provide Braille instruction are appropriately trained and supervised."

11. Page 4, line 25 through page 5, line 1.

Following: "shall" on line 25

Strike: remainder of line 25 through "readers." on page 5, line 1

Insert: "ensure that the materials are made available to each blind and visually impaired child in a timely manner in accordance with the requirements of the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq."

12. Page 4, line 2.

Following: line 1

Insert: "NEW SECTION. Section 8. Appropriation. The following money is appropriated from the general fund to the Montana school for the deaf and blind to establish a Braille equipment loan program and to provide for expansion of the outreach program to assist public school districts in conforming with the requirements of the Blind Persons' Literacy Rights and Education Act:

Fiscal year 2006	\$244,273
Fiscal year 2007	\$195,731"

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 574, do pass. Report adopted.

HB 623, do pass. Report adopted.

JUDICIARY (Rice, Chairman):

2/17/2005

HB 520, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.

Strike: "WHILE" on line 5 through "LAWS" on line 7

Insert: "TO A HEALTH CARE PROVIDER OR LAW ENFORCEMENT PERSONNEL REGARDING AN ALLEGED OFFENSE AGAINST THAT PERSON UNDER THE CRIMINAL LAWS RELATING TO SEXUAL OFFENSES AGAINST A PERSON MAY NOT BE USED IN A PROSECUTION OF THAT PERSON FOR THE OFFENSE OF BEING A MINOR IN POSSESSION OF AN INTOXICATING SUBSTANCE; PROVIDING THAT THE SAME PROTECTION EXTENDS TO A PERSON WHO HELPS THE VICTIM OBTAIN MEDICAL OR OTHER ASSISTANCE OR REPORT THE OFFENSE TO LAW ENFORCEMENT PERSONNEL"

2. Page 4, line 28 through page 5, line 2.

Strike: subsection (10) in its entirety

Insert: "(10) Information provided or statements made by a person under 21 years of age to a health care provider

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or law enforcement personnel regarding an alleged offense against that person under Title 45, chapter 5, part 5, may not be used in a prosecution of that person under this section. This subsection's protection also extends to a person who helps the victim obtain medical or other assistance or report the offense to law enforcement personnel."

And, as amended, do pass. Report adopted.

HB 695, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "appropriated"

Insert: "used"

And, as amended, do pass. Report adopted.

HB 701, do pass. Report adopted.

HR 2, be adopted. Report adopted.

STATE ADMINISTRATION (Jent, Chairman):

2/17/2005

HB 564, do pass. Report adopted.

MOTIONS

Dem. Floor Leader Parker moved that HB 60 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Rep. Morgan moved that HB 231 be withdrawn from the Judiciary Committee and placed on 2nd Reading.

Rep. Bergren moved to table the motion. Motion failed as followed:

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, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 50

Noes: 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, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Returning to Rep. Morgan's motion that HB 231 be withdrawn from the Judiciary Committee and placed on 2nd Reading, Speaker Matthews stated 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,

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Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt, Mr. Speaker.
Total 52

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, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman.
Total 48

Excused: None.
Total 0

Absent or not voting: 0
Total 2

Rep. Clark moved that HB 455 be withdrawn from the Natural Resources Committee and placed on 2nd Reading.

Rep. Waitschies moved to call for the previous question. Speaker Matthews stated that Rep. Clark's motion requires a 3/5 vote. Motion failed 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, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 46

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 54

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Dem. Floor Leader Parker moved HB 482 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Rep. Gallik moved to withdraw HB 589 from the Business and Labor Committee and place it in the House Appropriations Committee. Speaker Matthews stated this requires a 3/5 vote. Motion failed as follows:

Ayes: Becker, Bergren, Bixby, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, McAlpin, Musgrove, Noonan, Parker, Raser, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.
Total 38

Noes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Callahan, Everett, Furey, Galvin-Halcro, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley,

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Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.

Total 62

Excused: None.

Total 0

Absent or not voting: None.

Total 0

UNFINISHED BUSINESS

Rep. Koopman requested the following sponsor be added to HB 594: Rep. Maedje.

Rep. Lange requested the following sponsors be added to HB 728: Rep. Balyeat and Rep. Furey.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Friday, February 18, 2005. Motion carried.

House adjourned at 3:08 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House