

HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 19, 2005

HOUSE JOURNAL
59TH LEGISLATURE
FORTY-FIRST LEGISLATIVE DAY

Helena, Montana
February 19, 2005

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

Speaker Matthews introduced the following Honorary Pages for the day: Quinn Collins, Helena; Sean Collins, Helena; and Patrick Lopach, Helena.

Speaker Matthews and the House thanked the pages for the week.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 2/19/2005
Correctly printed: **HB 228, HB 474, HB 502, HB 507, HB 538, HB 590, HB 601, HB 636, HB 640, HB 653, HB 661, HB 668, HB 702, HB 705, HB 712, HB 728, HJR 11, HJR 29.**
Correctly engrossed: **HB 61, HB 240, HB 241, HB 263, HB 342, HB 387, HB 399, HB 406, HB 420, HB 435, HB 440, HB 454, HB 484, HB 537, HB 552, HB 555, HB 589, HB 674, HB 678, HB 685, HB 696, HB 709, HB 721, HB 726, HB 730, HB 743, HB 747, HJR 7, HJR 22.**
Examined by the sponsor and found to be correct: **HB 447, HR 2.**
Signed by the Chief Clerk of the House at 1:40 p.m., February 19, 2005: **HR 2.**
Signed by the Speaker at 1:45 p.m., February 19, 2005: **HR 2.**
Signed by the Chief Clerk of the House at 3:15 p.m., February 19, 2005: **HB 447.**
Signed by the Speaker at 3:35 p.m., February 19, 2005: **HB 447.**

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 2/19/2005

HB 447, introduced by Gallik

Senate bills passed and transmitted to the House for concurrence: 2/19/2005

SB 168, introduced by Mangan
SB 344, introduced by Wheat
SB 375, introduced by Wheat
SB 409, introduced by Gallus
SB 88, introduced by Squires

**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 McKenney in the chair.

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

HB 173 - Representative Heinert moved **HB 173** 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,

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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, 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

Excused: None.
Total 0

Absent or not voting: Roberts.
Total 1

HB 418 - Representative Keane moved **HB 418** 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, Koopman, 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, 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: Bergren.
Total 1

Excused: None.
Total 0

Absent or not voting: Morgan.
Total 1

HB 638 - Representative Arntzen moved **HB 638** 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, 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, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Gallik, Keane, McGillvray, Small-Eastman.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 647 - Representative Mendenhall moved **HB 647** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Glaser, Grinde, Groesbeck, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lindeen, Maedje, Malcolm, 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, Wiseman, Witt.
Total 75

Noes: Bixby, Buzzas, Caferro, Campbell, Cohenour, Eaton, Furey, Gallik, Galvin-Halcro, Golie, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, McAlpin, Windy Boy.
Total 23

Excused: None.
Total 0

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

HJR 16 - Representative Groesbeck moved **HJR 16** be adopted. 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, Hawk, 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, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Heinert, Koopman, Morgan, Sales, Sinrud, Wells.
Total 6

Excused: None.
Total 0

Absent or not voting: Harris.
Total 1

Representative Parker moved consideration of **HB 438** be placed below **HJ 24** on the second reading board.
Motion carried.

HB 557 - Representative Butcher moved **HB 557** 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, 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, 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.

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Total 0

Excused: None.
Total 0

Absent or not voting: Gallik.
Total 1

HB 612 - Representative Maedje moved **HB 612** 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, 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, 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

Excused: None.
Total 0

Absent or not voting: Grinde.
Total 1

HB 623 - Representative MacLaren moved **HB 623** 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, 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, 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

Excused: None.
Total 0

Absent or not voting: Himmelberger.
Total 1

Representative Parker moved consideration of **HB 615** be placed at the bottom of the second reading board.
Motion carried.

Representative Parker moved consideration of **HB 151** be passed for the day. Motion carried.

HB 631 - Representative Stahl moved **HB 631** do pass. Motion carried as follows:

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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, 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: None.
Total 0

Excused: None.
Total 0

Absent or not voting: W. Jones.
Total 1

HR 2 - Representative Sonju moved **HR 2** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, 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, 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

Excused: None.
Total 0

Absent or not voting: Bixby.
Total 1

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McKenney 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, 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, 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, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Ripley, 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: None.
Total 0

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Excused: None.
Total 0

Absent or not voting: Hendrick, McKenney, Peterson, Sales.
Total 4

REPORTS OF STANDING COMMITTEES

TRANSPORTATION (Mendenhall, Chairman):

2/19/2005

HB 630, do pass. Report adopted.

HB 645, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 678, introduced bill, be amended as follows:

1. Page 3, line 7.

Strike: "100"

Insert: "110"

2. Page 6, line 5.

Strike: "100"

Insert: "110"

And, as amended, do pass. Report adopted.

HB 683, do pass. Report adopted.

HB 688, do pass. Report adopted.

HB 746, do pass. Report adopted.

Rep. Lange announced the House Republicans will caucus.

Rep. Bergren announced the House Democrats will caucus.

Speaker Matthews stated the House will recess until 9:15 a.m.

Rep. Stahl rose and stated "We have a young man with us today who has some very deep Montana roots. Some of those roots are in Helena, but they reach all the way up to my part of Phillips County. Patrick Lopach, who is an Honorary Page today. Patrick is 13 years old and attends C.R. Anderson Middle School. Patrick brought something with him today that I'm going to take a few minutes to tell you about.

Patrick's great, great, great, grandfather was Judge Cornelius Hedges. He was born in Massachusetts and received degrees from Yale and Harvard. He moved to Iowa, where he practiced law. He decided to move West and walked from Iowa to Montana in 1864. He walked to improve his health. He settled on Last Chance Gulch.

There's a lot I could say about Cornelius. Cornelius was our state's first Superintendent of Public Instruction. Some call him the "Father of Montana Education." An elementary school in Kalispell is named for him, as is a dorm at MSU, and as are mountain peaks in Yellowstone Park and just North of Helena in the Big Belts.

Cornelius later became a Montana judge and was also a member of the 1870 Washburn Expedition to the area that would become Yellowstone. Judge Hedges is said to have suggested that Yellowstone should become a National Park. It became our nation's first.

Judge Cornelius Hedges, a Republican, was the 1st Senate Minority Leader in our 2nd Legislative Session in 1889. In the 1st Session, they apparently felt they didn't need one.

One of Judge Hedges's sons was Henry. He left Helena for Northeastern Montana and ranched near Saco next to where my family's farm is now.

Another son, Willys, followed his father Cornelius into politics. He served in the House of Representatives, and he was Speaker in the 1905 Session, 100 years ago.

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Patrick is the proud owner of a very beautiful memento from that 1905 Session. Times must have been a little better one hundred years ago. At the end of the 1905 Session, Speaker Willys Hedges was presented with a lovely gold watch to honor his service. Patrick brought the watch with him today. The watch will be under the care of our Chief Clerk for the day.

Patrick, you should be proud of your family's Montana heritage. And we all should be proud of our heritage as Montanans. We should feel challenged every day to live up to that heritage.

Thanks for joining us today, Patrick, and thanks for letting us see your beautiful heirloom."

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Olson, Chairman): 2/19/2005
HB 141, do pass. Report adopted.
HB 642, introduced bill, be amended as follows:

1. Title, line 10 through line 13.

Strike: "REQUIRING" on line 10 through "SUPPLIER;"

2. Page 4.

Following: line 23

Insert: "(17) "Generation facilities" means any combination of a generator or generators and other associated machinery and equipment that are normally operated to produce electricity, including associated transmission facilities necessary to interconnect with the transmission grid."

Renumber: subsequent subsections

3. Page 4, line 29 through line 30.

Strike: "established" on line 29 through "territory" on line 30

Insert: "that is:

(a) established and regulated by a local government unit with self-government powers that has acquired by ownership or lease an interest in a generation facility with at least 65 megawatts of capacity for the purpose of providing default supply service within its jurisdictional limits; and

(b) a member of a rural cooperative utility that:

(i) has received all governmental permits and authorizations necessary to legally commence construction of a generation facility, including resolution of all legal challenges to the permits, and that has prudently commenced the construction of the generation facility; or

(ii) owns or operates generation facilities with at least 65 megawatts of capacity in the state of Montana"

4. Page 5, line 24 through line 25.

Strike: subsection (28) in its entirety

Renumber: subsequent subsections

5. Page 8, line 8.

Strike: "Except" through "subject"

Insert: "Subject"

6. Page 9, line 9.

Following: "offered"

Insert: ", including customers that transition to default supply service from a local electricity supply entity"

7. Page 9, line 10.

Strike: "within the service territory"

8. Page 10, line 22.

Strike: "that" through "provider"

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9. Page 10, line 26.

Strike: "that" through "provider"

10. Page 10, line 30.

Strike: "that" through "provider"

11. Page 11, line 14 through line 19.

Strike: "(a)" on line 14 through "(b)" on line 19

12. Page 11, line 20.

Strike: "is"

Insert: "are"

13. Page 11, line 22.

Following: "customer"

Insert: ", along with any new charges established by the commission pursuant to 69-8-201(5)"

14. Page 11, line 23 through line 24.

Strike: subsection (c) in its entirety

15. Page 11, line 27.

Strike: "Beginning"

Insert: "Except as provided in [section 11], beginning"

16. Page 11, line 29.

Strike: "that" through "entity"

17. Page 16, line 6 through page 17, line 5.

Strike: section 11 in its entirety

Insert: "NEW SECTION. Section 11. Local electricity supply entity -- default supply service. (1) On or before July 1, 2007, a local electricity supply entity that has adopted a plan for the transition of and service to the default supply customers of a public utility of the local electrical supply entity may file with the commission a petition that demonstrates that the transition of the default supply customers of a public utility to the local electricity supply entity under this section will not subject either customers in transition or the other default supply customers of a public utility to higher or more unstable default supply service rates over a 10-year planning period than would otherwise result if those default supply customers had not been transferred to the local electricity supply entity.

(2) (a) Unless the local electricity supply entity and the public utility otherwise agree, a plan for transition and service adopted by the local electricity supply entity in accordance with subsection (1) must contain, at minimum, the terms provided in subsections (2)(b) and (2)(c).

(b) The transition of the public utility's default supply customers within the local electricity supply entity's jurisdictional area to the local electricity supply entity must occur in four equal blocks of customers spread equally over a period of 2 years. Once the plan for orderly transition has commenced, all default supply customers of the public utility within the jurisdictional limits of the local electricity supply entity must be transferred to the local electricity supply entity.

(c) A customer of the local electricity supply entity:

(i) that has an individual account with an average monthly load demand of less than 50 kilowatts in the previous calendar year is assigned to the local electricity supply entity as a default supply customer and must receive the customer's electricity supply from the local electricity supply entity; and

(ii) with an estimated average monthly load demand of 50 kilowatts or greater but with an individual average monthly load demand of less than 5,000 kilowatts in the previous calendar year for that individual load may receive the customer's electricity supply from the local electricity supply entity as a default supply customer.

(3) (a) If the local electricity supply entity's petition meets the requirements of subsection (1), the commission shall enter an order approving the petition. On the date that the commission issues the order approving the petition, the local electricity supply entity is the default supplier within its service territory, subject to the terms of the petition.

(b) If the petition does not meet the requirements of subsection (1), the commission shall enter an order

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that establishes the terms and conditions necessary for the local electricity supply entity to satisfy the requirements of subsection (1). On the date that the commission's order becomes final, the local electricity supply entity is the default supplier within its service territory subject to the terms of the order unless the local electricity supply entity elects, within 30 days from the time the commission issues the final order, to withdraw its petition.

(4) (a) An order of the commission under subsection (3) must be issued within 180 days of the petition, unless that period is extended by the commission for good cause for another 90 days.

(b) If the commission has not taken action on the petition at the end of the period specified in subsection (4)(a), the petition is considered approved as filed.

(5) A local electricity supply entity that has been designated as a default supplier pursuant to subsection (1) is exempt from the provisions of 69-8-419 through 69-8-421."

18. Page 17, line 7.

Strike: "(1)"

19. Page 17, line 10.

Strike: "(a)"

Insert: "(1)"

Renumber: subsequent subsections

20. Page 17, line 24 through line 26.

Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

HB 685, introduced bill, be amended as follows:

1. Title, line 6.

Following: "SUPPLY"

Insert: "FROM A FINANCIALLY STABLE AND CREDITWORTHY ENTITY THAT SUPPLIES ELECTRICITY"

2. Title, line 8.

Following: "COST"

Insert: "FROM A FINANCIALLY STABLE AND CREDITWORTHY ENTITY THAT SUPPLIES ELECTRICITY"

3. Page 1, line 22.

Following: "cost"

Insert: "from a financially stable and creditworthy entity that supplies electricity"

4. Page 2, line 20.

Following: "cost"

Insert: "from a financially stable and creditworthy entity that supplies electricity"

5. Page 3, line 29.

Following: "cost"

Insert: "from a financially stable and creditworthy entity that supplies electricity"

And, as amended, do pass. Report adopted.

HB 725, do pass. Report adopted.

HB 732, do pass. Report adopted.

HJR 21, be adopted. Report adopted.

HJR 28, be adopted. Report adopted.

JUDICIARY (Rice, Chairman):

HB 61, introduced bill, be amended as follows:

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1. Title, page 1, line 6 through line 10.

Strike: "ASSUMES" on line 6

Insert: "ACKNOWLEDGES"

Strike: "IN" on line 6 through "OPPORTUNITY" on line 10

Insert: "; STATING THE DUTIES OF A PERSON WHO PROVIDES AND A PERSON WHO PARTICIPATES IN A SPORT OR RECREATIONAL OPPORTUNITY; STATING THE RESPONSIBILITY OF THE PROVIDER AND PARTICIPANT FOR INJURIES TO A PARTICIPANT"

2. Page 1.

Following: line 14

Insert: "WHEREAS, sports and recreational providers have an obligation to inform recreationists of the risks inherent in their particular sports and recreational activities; and"

3. Page 1, line 15.

Following: "should"

Insert: "knowingly"

4. Page 1, line 18.

Strike: "discouraging" through "from"

Insert: "ensuring the education of participants regarding the "

5. Page 1, line 19.

Following: "activity"

Insert: "and thus discouraging claims"

Following: ";

Insert: "and"

6. Page 1, line 21.

Strike: "controlling"

Insert: "eliminating"

Strike: "; and"

Insert: "."

7. Page 1.

Strike: line 22 through line 23

8. Page 1, line 27.

Page 2, lines 3, 10, and 30.

Page 3, lines 2, 22, and 24.

Following: "through"

Strike: "4"

Insert: "6"

9. Page 2, line 2.

Following: "recreation"

Insert: "through the education of participants "

10. Page 2, line 3.

Strike: "limit or eliminate the liability of"

Insert: "allow"

11. Page 2, line 4.

Strike: "to a sport or recreational participant"

Insert: "to assert as a defense inherent risk and the participant's willful or negligent acts or omissions"

12. Page 2, line 6 through line 8.

Strike: subsection (4) in its entirety

Insert: "(4) The legislature finds and declares that the determinations of whether injury or damages are the result of the inherent risks of a sport or recreational opportunity and whether a participant's willful or negligent acts or omissions are the cause of injury or damages are questions of fact."

13. Page 2, line 19.

Following: "kayaking"

Insert: "target shooting,"

14. Page 2, line 22.

NEW SECTION. Section 3. Duties of provider of sport or recreational opportunity. (1) A provider of a sport or recreational opportunity has an obligation to educate participants about the risks inherent in the sport or recreational opportunity, including inherent risks that:

(a) cannot be eliminated;

(b) cannot be altered or controlled; and

(c) can be altered or controlled but that the provider chooses not to alter or control because the alteration or control would eliminate an integral part of the sport or recreational opportunity.

(2) A provider is not required to eliminate, alter, or control an inherent risk in a provided sport or recreational opportunity.

(3) A provider has an obligation to:

(a) properly use and maintain products and equipment used in a provided sport or recreational opportunity;

(b) provide services in a manner that is consistent with industry standards for the sport or recreational opportunity; and

(c) inform a participant of any physical requirements necessary to participate in the sport or recreational opportunity."

Insert: "NEW SECTION. Section 4. Duties of participant in sport or recreational opportunity. A participant in a sport or recreational opportunity has an obligation to:

(1) review educational materials, if any, provided by a provider of the sport or recreational opportunity that relate to risks inherent in the sport or recreational opportunity;

(2) follow rules and directives of a provider of the sport or recreational opportunity designed to further safe participation and alleviate inherent risks; and

(3) inform a provider of a sport or recreational opportunity of any physical limitations of the participant that affect the participant's ability to meet physical requirements that the provider informed the participant are necessary for the sport or recreational opportunity."

Renumber: subsequent sections

15. Page 2, line 24.

Strike: "assumes"

Insert: "acknowledges"

16. Page 2, line 25.

Strike: ", whether" through "and is"

Insert: "and may be"

17. Page 2, line 26.

Strike: "or other persons"

Following: "damage to"

Insert: "the person's"

18. Page 2, line 28 through line 29.

Strike: subsection (2) in its entirety

Insert: "(2) The determination of whether injury or damage resulted from an inherent risk of a sport or recreational opportunity is a question of fact. The determination of whether willful or negligent acts or omissions of a participant are the cause of injury or damage is a question of fact."

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

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Strike: "if the" on page 2, line 30 through "opportunity" on page 3, line 1

20. Page 3, line 2.
Following: "design"
Insert: ", use,"

21. Page 3, line 7.
Strike: "3"
Insert: "6"

22. Page 3, line 30 through page 4, line 2.
Strike: section 7 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 721, introduced bill, be amended as follows:

1. Page 2, line 14.
Strike: "from the evidence"
2. Page 2, line 19.
Following: "who"
Insert: ", under the direction of the drug treatment court judge,"
3. Page 2, line 29.
Following: "abuse"
Insert: "treatment"
4. Page 5, line 2.
Following: "court"
Insert: "under the direction of the drug treatment court judge"
5. Page 6, line 16.
Strike: "department of public health and human services"
Insert: "office of the supreme court administrator"

And, as amended, do pass. Report adopted.

HB 726, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "VIOLATORS;"
Insert: "PROVIDING THAT A CONVICTED PERSON PAY A \$50 PRESENTENCE REPORT FEE TO FUND THE ALTERNATE SENTENCING OPTION;"
2. Title, page 1, line 7.
Following: "SECTIONS"
Insert: "46-18-111,"
Strike: "AN"
3. Title, page 1, line 8.
Strike: "DATE"
Insert: "DATES"
4. Page 1, line 11.
Insert: "**Section 1.** Section 46-18-111, MCA, is amended to read:
"46-18-111. Presentence investigation -- when required. (1) Upon the acceptance of a plea or upon a

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verdict or finding of guilty to one or more felony offenses, the district court shall direct the probation officer to make a presentence investigation and report. The district court shall consider the presentence investigation report prior to sentencing. If the defendant was convicted of an offense under 45-5-502, 45-5-503, 45-5-504, 45-5-505, 45-5-507, 45-5-625, or 45-5-627, the investigation must include a psychosexual evaluation of the defendant and a recommendation as to treatment of the defendant in the least restrictive environment, considering the risk the defendant presents to the community and the defendant's needs, unless the defendant was sentenced under 46-18-219. The evaluation must be completed by a sex offender therapist who is a member of the Montana sex offender treatment association or has comparable credentials acceptable to the department of labor and industry. The psychosexual evaluation must be made available to the county attorney's office, the defense attorney, the probation and parole officer, and the sentencing judge. All costs related to the evaluation must be paid by the defendant. If the defendant is determined by the district court to be indigent, all costs related to the evaluation are the responsibility of the district court and must be paid by the county or the state, or both, under Title 3, chapter 5, part 9.

(2) The court shall order a presentence report unless the court makes a finding that a report is unnecessary. Unless the court makes that finding, a defendant convicted of any offense not enumerated in subsection (1) that may result in incarceration for 1 year or more may not be sentenced before a written presentence investigation report by a probation and parole officer is presented to and considered by the district court. The district court may order a presentence investigation for a defendant convicted of a misdemeanor only if the defendant was convicted of a misdemeanor that the state originally charged as a sexual or violent offense as defined in 46-23-502.

(3) The defendant shall pay to the department of corrections a \$50 fee at the time that the report is completed, unless the court determines that the defendant is not able to pay the fee within a reasonable time. The fee may be retained by the department and used to finance contracts entered into under 53-1-203(4)."

Renumber: subsequent sections

5. Page 4, line 6.

Following: "program"

Insert: "provided for in 53-1-203"

6. Page 7, line 13.

Following: "46-18-201"

Insert: "and 46-18-225 and as a sanction option under 46-23-1015"

7. Page 8, line 1.

Strike: "date"

Insert: "dates"

Strike: "[This act] is"

Insert: "(1) [Section 1] and this section are"

8. Page 8, line 2.

Insert: "(2) [Sections 2 through 6] are effective July 1, 2006."

And, as amended, do pass. Report adopted.

SELECT COMMITTEE ON EDUCATION (Lindeen, Chairman):
HB 310, introduced bill, be amended as follows:

2/19/2005

1. Page 3, lines 3 and 4.

Following: "(p)" on line 3

Strike: remainder of line 3 through "factors," on line 4

Following: "definition" on line 4

Insert: "of a basic system of free quality public elementary and secondary schools"

Following: the third "the"

Insert: "identified"

2. Page 3, line 6.

Strike: "five"

Insert: "seven"

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3. Page 3, line 7.

Following: line 6

Insert: "(i) the governor or the governor's designee;

(ii) the superintendent of public instruction or the superintendent's designee;"

Renumber: subsequent subsections

4. Page 3, line 12.

Following: "years"

Insert: "following {the effective date of this act]"

And, as amended, do pass. Report adopted.

HB 624, do pass. Report adopted.

**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 McKenney in the chair.

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

HB 340 - Representative Wiseman moved **HB 340** 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, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lambert, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 59

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Ward, Wells, Witt.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Parker moved consideration of **HB 372** be placed below **HB 559** on the second reading board. Motion carried.

HB 376 - Representative Harris moved **HB 376** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 65

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Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Taylor, Waitschies, Wells, Witt.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 392 - Representative Hamilton moved **HB 392** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, W. Jones, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman.
Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Campbell, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jayne, Jent, L. Jones, Jopek, Juneau, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Ward, Wells, Witt, Mr. Speaker.
Total 45

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 429 - Representative Gutsche moved **HB 429** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, W. Jones, Keane, Klock, Koopman, Lake, Lange, 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, Warden, Wells, Witt, Mr. Speaker.
Total 46

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 442 - Representative Maedje moved **HB 442** do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Harris, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley,

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

Total 48

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

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 450 - Representative Jopek moved **HB 450** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 60

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, McGillvray, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 38

Excused: None.

Total 0

Absent or not voting: Caferro, Jacobson.

Total 2

HB 492 - Representative Morgan moved **HB 492** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, 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, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Buzzas, Callahan, Campbell, Clark, Dickenson, Groesbeck, Jopek, Sesso, Villa, Wanzenried, Windham.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Ayes: Andersen, 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, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 78

Noes: Balyeat, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, L. Jones, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Rice, Sales, Sinrud, Stoker, Wagman, Waitschies, Wells.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 521 - Representative Furey moved **HB 521** 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, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Musgrove, Noonan, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman.
Total 57

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Keane, Klock, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt, Mr. Speaker.
Total 43

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 549 - Representative Gallik moved **HB 549** do pass. 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, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, 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, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 50

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 556 - Representative Noonan moved **HB 556** 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, 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 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 559 - Representative Lake moved **HB 559** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, 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, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.
Total 90

Noes: Caferro, Campbell, Cohenour, Hiner, Keane, Noonan, Sesso, Villa.
Total 8

Excused: None.
Total 0

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

HB 372 - Representative Harris moved **HB 372** do pass. Motion **failed** as follows:

Ayes: 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, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 48

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk,

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Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 52

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Lange moved consideration of **HB 564** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 567 - Representative Windham moved **HB 567** 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, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 67

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, MacLaren, Maedje, McKenney, McNutt, Milburn, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Wagman, Waitschies, Ward, Wells, Witt.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 574 - Representative Branae moved **HB 574** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 73

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Juneau, Koopman, Lambert, Lange, Maedje, Malcolm, McGillvray, Mendenhall, B. Olson, Rice, Ripley, Stahl, Stoker, Wagman, Waitschies, Witt.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 598 - Representative Gallik moved **HB 598** do pass. Motion carried as follows:

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Ayes: Balyeat, Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 65

Noes: Andersen, Arntzen, Barrett, Bixby, D. Brown, R. Brown, Butcher, Campbell, Everett, Hendrick, Himmelberger, Jayne, L. Jones, Jopek, Juneau, Koopman, Lake, Lange, MacLaren, Maedje, McKenney, Milburn, Morgan, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Ward, Warden, Wells, Witt.
Total 35

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 McKenney moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Clark, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lake, Lange, Lenhart, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 75

Noes: Bergren, Caferro, Callahan, Gallik, Harris, Kaufmann, Koopman, Lindeen, Maedje, Mendenhall, Parker, Rice, Sales, Villa, Waitschies, Wells.
Total 16

Excused: None.
Total 0

Absent or not voting: Campbell, Cohenour, Gutsche, Heinert, Himmelberger, Jackson, W. Jones, Lambert, McKenney.
Total 9

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved the House will stand in recess until 1:30 p.m. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Becker, Chairman):
HB 387, introduced bill, be amended as follows:

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1. Page 1, line 15.
Strike: "40.5%"
Insert: "35%"

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And, as amended, do pass. Report adopted.

HB 395, with the recommendation that it be referred to Appropriations Committee. Report adopted.
HB 552, introduced bill, be amended as follows:

1. Title, line 5.

Following: "CRITERIA"

Insert: "BELOW \$15,000"

2. Title, line 6 through line 9.

Following: "MEDICAID;" on line 6

Strike: remainder of line 6 through "MEDICAID; AND" on line 9

Insert: "PROVIDING AN APPROPRIATION;"

Strike: "SECTIONS"

Insert: "SECTION"

3. Title, line 10.

Strike: "AND 53-6-131"

Following: "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

4. Page 2, line 12.

Following: "criteria"

Insert: "below \$15,000"

5. Page 2, line 13.

Strike: "18"

Insert: "19"

6. Page 2, line 28 through line 29.

Strike: subsection (10) in its entirety

7. Page 3, line 1 through page 5, line 13.

Strike: section 2 in its entirety

Insert: "NEW SECTION. Section 2. Appropriation. There is appropriated \$2.1 million from the health and medicaid initiatives state special revenue account in 53-6-1201 to the department of public health and human services for fiscal year 2007 for the purposes of 53-6-113."

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2006."

And, as amended, do pass. Report adopted.

HB 555, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "STATE-FUNDED"

Following: "FAMILIES"

Insert: "OR"

2. Title, line 8.

Strike: "AN"

Insert: "A DELAYED"

3. Page 1, line 16.

Strike: "required by the"

Insert: "or"

4. Page 1, line 17.

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Strike: "program"
Insert: "funds"
Strike: "separate state-funded"

5. Page 1, line 23.
Strike: "state-funded"

6. Page 2, line 5 through line 8.
Following: "(3)" on line 5
Strike: remainder of line 5 through "activity." on line 8
Strike: "also" on line 8

7. Page 2, line 10.
Strike: "state-funded"

8. Page 2, line 20.
Following: "means"
Insert: ":"
(a)"

9. Page 2, line 21.
Following: "Montana"
Insert: "in which an individual is"

10. Page 2, line 22.
Strike: the first "in"
Following: "degree"
Insert: " ; "
Following: the first "or"
Insert: "(b)"

11. Page 5, line 18.
Strike: "2005"
Insert: "2006"

And, as amended, do pass. Report adopted.

HB 696, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "AND"
Insert: "OR"

2. Page 1, line 25.
Strike: "and"
Insert: "or"

And, as amended, do pass. Report adopted.

HB 704, do pass. Report adopted.
HB 737, do pass. Report adopted.

**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 Golie in the chair.

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

HB 614 - Representative Harris moved **HB 614** do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 81

Noes: Andersen, Balyeat, R. Brown, Butcher, Everett, Hawk, Jackson, Jayne, Juneau, Koopman, Malcolm, Mendenhall, A. Olson, B. Olson, Sales, Sinrud, Wagman, Waitschies.
Total 18

Excused: None.
Total 0

Absent or not voting: Driscoll.
Total 1

HB 637 - Representative Arntzen moved **HB 637** do pass. Motion **failed** as follows:

Ayes: Arntzen, Becker, Buzzas, Cohenour, Dickenson, Golie, Gutsche, Hamilton, Harris, Heinert, Jackson, Malcolm, McGillvray, McKenney, Noennig, Parker, Roberts, Sales, Stoker, Taylor, Wilson, Witt.
Total 22

Noes: Andersen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Peterson, Raser, Ripley, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 77

Excused: None.
Total 0

Absent or not voting: Rice.
Total 1

HB 684 - Representative Maedje moved **HB 684** do pass. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Everett, 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, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, 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, Windham, Wiseman, Witt, Mr. Speaker.
Total 88

Noes: Bixby, Campbell, Cohenour, Eaton, Gallik, Jayne, Jopek, Juneau, McAlpin, Wilson, Windy Boy.
Total 11

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Excused: None.
Total 0

Absent or not voting: Arntzen.
Total 1

HB 687 - Representative Mendenhall moved **HB 687** do pass. Motion carried as follows:

Ayes: Balyeat, Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Hamilton, Harris, Heinert, Henry, Jacobson, Jayne, Jent, Jopek, Kaufmann, Keane, Lake, Lindeen, McAlpin, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Sesso, Sinrud, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Ward, Windham, Windy Boy, Wiseman.
Total 54

Noes: Andersen, Arntzen, Barrett, Bixby, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Golie, Gutsche, Hawk, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Juneau, Klock, Koopman, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Morgan, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Taylor, Wagman, Warden, Wells, Witt, Mr. Speaker.
Total 45

Excused: None.
Total 0

Absent or not voting: Wilson.
Total 1

HB 695 - Representative Jayne moved **HB 695** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 68

Noes: Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, MacLaren, Malcolm, McNutt, Mendenhall, Milburn, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Wells, Witt.
Total 31

Excused: None.
Total 0

Absent or not voting: Keane.
Total 1

HB 701 - Representative Noennig moved **HB 701** do pass. Motion carried as follows:

Ayes: Balyeat, Becker, Bergren, Bixby, Branae, 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, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 69

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Everett, Heinert, Hendrick, Himmelberger, Jackson,

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Jayne, L. Jones, W. Jones, Lake, Lange, MacLaren, McGillvray, Milburn, Morgan, Rice, Ripley, Sales, Sinrud, Sonju, Taylor, Wagman, Ward, Warden, Wells, Witt.
Total 30

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

HJR 13 - Representative Clark moved **HJR 13** be adopted. Motion carried as follows:

Ayes: 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, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 88

Noes: Andersen, Arntzen, Balyeat, Barrett, Malcolm, Mendenhall, A. Olson, Ripley, Ross, Taylor, Wagman, Witt.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 17 - Representative McAlpin moved **HJR 17** be adopted. 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, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, Mendenhall, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 59

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McKenney, McNutt, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 41

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 18 - Representative Himmelberger moved **HJR 18** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Dowell, Driscoll, Eaton, Everett, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert,

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Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 73

Noes: Bixby, Buzzas, Caferro, Campbell, Cohenour, Dickenson, Facey, Franklin, Furey, Gallik, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jent, Juneau, Kaufmann, Malcolm, Raser, Ross, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 19 - Representative Matthews moved **HJR 19** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 85

Noes: Barrett, Butcher, Everett, Gallik, Hendrick, Jent, Koopman, Malcolm, Rice, Sales, Sinrud, Warden, Wells, Windham.
Total 14

Excused: None.
Total 0

Absent or not voting: Himmelberger.
Total 1

HJR 24 - Representative Bergren moved **HJR 24** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, 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, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Barrett, Wagman.
Total 2

Excused: None.
Total 0

Absent or not voting: Ward.

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Total 1

HB 438 - Representative Buzzas moved **HB 438** 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, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, 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, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: B. Olson.

Total 1

HB 615 - Representative Harris moved **HB 615** 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, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 53

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, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, 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, 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, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Barrett, Buzzas, Dickenson, Jopek, Koopman, Sales, Sinrud, Sonju, Wagman.

Total 9

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 537 - Representative Wanzenried moved **HB 537** 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, 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, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 98

Noes: Stoker.
Total 1

Excused: None.
Total 0

Absent or not voting: Warden.
Total 1

HB 590 - Representative Buzzas moved **HB 590** 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, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, 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, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Everett, Sales, Waitschies, Ward.
Total 4

Excused: None.
Total 0

Absent or not voting: Jacobson, Wanzenried.
Total 2

HB 636 - Representative Stahl moved **HB 636** 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, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 92

Noes: Groesbeck, Keane, Koopman, Malcolm, Morgan, Ripley, Sales, Sinrud.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 60

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 40

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 709 - Representative Raser moved **HB 709** 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, 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 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 743 - Representative Harris moved **HB 743** 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, Facey, Franklin,

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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, 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: Everett, Sales.
Total 2

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 Golie moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, 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, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 87

Noes: Arntzen, Everett, Hamilton, Maedje, Rice, Sales, Sinrud, Ward, Wells, Witt.
Total 10

Excused: None.
Total 0

Absent or not voting: Butcher, Himmelberger, Taylor.
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 222 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Everett, Glaser, Harris, 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, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 52

Noes: Becker, Bergren, Bixby, 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, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy,

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Wiseman.
Total 47

Excused: None.
Total 0

Absent or not voting: Jopek.
Total 1

HB 245 passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Branae, R. Brown, Butcher, Caferro, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Windham, Wiseman, Witt, Mr. Speaker.
Total 74

Noes: Balyeat, Bergren, Bixby, D. Brown, Buzzas, Callahan, Campbell, Driscoll, Franklin, Gallik, Groesbeck, Jayne, Juneau, Lindeen, Malcolm, Mendenhall, Musgrove, Noennig, Ripley, Sesso, Sonju, Ward, Wilson, Windy Boy.
Total 24

Excused: None.
Total 0

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

HB 587 passed 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, 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, Sinrud, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Sales, Sonju.
Total 2

Excused: None.
Total 0

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

REPORTS OF STANDING COMMITTEES

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EDUCATION (Galvin-Halcro, Chairman):
HB 435, introduced bill, be amended as follows:

2/20/2005

1. Title, page 1, line 10.

Following: "INSTITUTIONS"

Insert: "AND CERTAIN OUT-OF-STATE PUBLIC COLLEGES OR UNIVERSITIES OR, WITH DONATIONS FROM PRIVATE SOURCES, TO STUDENTS ATTENDING MONTANA PRIVATE COLLEGES"

2. Title, page 1, line 15.

Following: the first "STUDENT"

Insert: "OR IF A RECIPIENT BECOMES INELIGIBLE; PROVIDING THAT SCHOLARSHIP FUNDING IS A STATE OBLIGATION"

3. Page 1, line 25.

Following: "institutions"

Insert: "and Montana's private colleges"

4. Page 2, line 4.

Following: "program"

Insert: "-- duties of council"

5. Page 2, lines 8 and 9.

Strike: subsection (2) in its entirety

Insert: "(2) The council shall review the lists and applications submitted in accordance with procedures adopted by the board pursuant to [section 5]. From those lists and applications, the council shall prepare and submit a final list of qualified scholarship recipients to the board. Following consultation with the council, the board shall pay for scholarships awarded to qualified recipients."

6. Page 2, line 13.

Following: line 12

Insert: "(4) Funds from public sources may not be used to pay for scholarships to students enrolled in Montana private colleges.

(5) Funds from private sources must be deposited into an account in the state special revenue fund established in 17-2-102 to be used by the board to pay for scholarships for students enrolled in Montana private colleges."

7. Page 2.

Following: line 15

Insert: "(1) "Accredited" means that a school complies with the standards for accreditation of schools established by the board of public education pursuant to 20-7-102."

Renumber: subsequent subsections

8. Page 2, lines 16 and 17.

Following: the first "a"

Strike: remainder of line 16 through "council" on line 17

Insert: "Montana resident who meets the admission requirements established by board policy or by the admission officer of a Montana private college"

9. Page 2, line 25.

Insert: "(6) "Montana private college" means a nonprofit private educational institution as defined in 15-30-163(3)(b).

(7) "Nontraditional student" means a first-time student who enters a postsecondary institution or Montana private college more than 3 years after high school graduation."

Renumber: subsequent subsections

10. Page 3, line 23.

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Following: "Montana"

Strike: "public"

Insert: "accredited"

Following: "schools"

Insert: ", including accredited nonpublic high schools,"

11. Page 3.

Following: line 24

Insert: "(b) when possible, procedures for obtaining lists of nontraditional students or recipients of general educational development equivalency diplomas in the current year;

(c) procedures for an application process and, upon recommendation of the council, eligibility criteria for at-large students, at least part of which must include a grade point average or a standardized college admission test;"

Renumber: subsequent subsections

12. Page 3, line 29.

Following: "institutions"

Insert: "and Montana private colleges"

13. Page 3, line 30.

Strike: ";

Insert: "."

14. Page 4, line 2.

Following: "institution"

Insert: "or the Montana private college"

15. Page 4, line 3.

Following: "institution"

Insert: "or the Montana private college"

16. Page 4, line 5.

Following: "institution"

Insert: "or Montana private college"

17. Page 4, line 6.

Following: "institution's"

Insert: "or Montana private college's"

18. Page 4, line 8.

Following: "procedures"

Insert: ":

(a)"

19. Page 4, line 9.

Following: "another"

Insert: "or from a Montana private college to a postsecondary institution"

Following: "scholarship"

Insert: "; and

(b) to ensure compliance with [section 2(4)] if a student transfers from a postsecondary institution to a Montana private college"

20. Page 4, line 14.

Following: "institution"

Insert: "or, subject to the provisions of [section 2(4)], at a Montana private college"

21. Page 4, line 16.

Strike: "subsection (6)"

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Insert: "subsections (6) and (7) and the availability of funds from private sources"

22. Page 4, line 19.

Following: "institutions"

Insert: "or Montana private colleges"

23. Page 4, lines 20 and 21.

Following: "year" on line 20

Insert: ", which may be"

Following: "Montana's" on line 20

Strike: "180" through "public" on line 21

Insert: "accredited"

Following: "schools" on line 21

Insert: ", including accredited nonpublic high schools,"

Following: "institution" on line 21

Insert: "or a Montana private college"

24. Page 4, line 22.

Following: line 21

Insert: "(c) a merit-based scholarship of \$1,000 a year, which may be awarded to one graduate of each of Montana's accredited high schools, including accredited nonpublic high schools, who enrolls in a 2-year postsecondary institution;"

Renumber: subsequent subsections

25. Page 4, line 22.

Strike: "250"

Insert: "70"

26. Page 4, lines 24 and 25.

Following: "to" on line 24

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

Insert: "180 students, including students who return to school as nontraditional students, who enroll"

27. Page 4, lines 26 and 27.

Following: "100"

Strike: remainder of line 26 through "graduates" on line 27

Insert: "students, including students who return to school as nontraditional students,"

28. Page 4, lines 29 and 30.

Following: "220"

Strike: remainder of line 29 through "graduates" on line 30

Insert: "students, including students who return to school as nontraditional students,"

29. Page 5, line 5.

Following: "institution"

Insert: "or a Montana private college"

30. Page 5, line 9.

Following: "institution's"

Insert: "or Montana private college's"

31. Page 5, line 12.

Following: "institution's"

Insert: "or the Montana private college's"

32. Page 5, line 14.

Strike: "(2)(d)"

Insert: "(2)(c) or if a recipient of a scholarship becomes ineligible for renewal of a scholarship"

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33. Page 5, line 16.

Following: line 15

Insert: "(7) Except for funds donated from private sources, the obligation for funding the governor's best and brightest postsecondary scholarship program is an obligation of the state. This section may not be construed to require the board to provide a scholarship to an eligible student without a line item appropriation to the board."

34. Page 5, line 19.

Following: "institution"

Insert: "or a Montana private college"

35. Page 5, line 26.

Following: "policy"

Insert: "or those eligibility criteria established by the board upon recommendation by the council pursuant to [section 5(2)(c)]"

36. Page 5, line 28.

Following: "institution"

Insert: "or a Montana private college"

37. Page 6, line 2.

Following: "institution"

Insert: "or a Montana private college"

38. Page 6, line 3.

Following: "and"

Insert: ", except for extenuating circumstances as determined by the board"

39. Page 6, line 8.

Following: "institution"

Insert: "or a Montana private college"

40. Page 6, line 9.

Following: "institution"

Insert: "or Montana private college"

41. Page 6, line 14.

Following: "(3)"

Strike: "To"

Insert: "Except as provided in subsection (5), to"

42. Page 6, line 15.

Following: "institution"

Insert: "or a Montana private college"

Following: "and"

Insert: ", except for extenuating circumstances as determined by the board"

43. Page 6, line 21.

Following: "(4)"

Strike: "To"

Insert: "Except as provided in subsection (5), to"

44. Page 6, line 22.

Following: "institution"

Insert: "or a Montana private college"

Following: "and"

Insert: ", except for extenuating circumstances as determined by the board"

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45. Page 6, line 28.

Following: line 27

Insert: "(5) A student who receives a 4-year scholarship to attend an in-state postsecondary institution as a freshman and sophomore may transfer the scholarship to attend a public out-of-state college or university as a junior or senior if the transfer to the public out-of-state college or university is necessary to complete the final 2 years of a 4-year degree program."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 628, introduced bill, be amended as follows:

1. Title, line 6.

Following: "DUTIES;"

Strike: "AND"

2. Title, line 7.

Following: "REGULATION"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 4.

Strike: "or"

4. Page 2, line 5.

Following: "activities" on line 5

Insert: "; or

(vi) an organization, boarding school, or residential school that is an adjunct ministry of a church incorporated in the state of Montana"

5. Page 3, line 11.

Insert: "NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 660, do pass and placed on the consent calendar. Report adopted.

HB 672, do pass. Report adopted.

HB 681, do pass. Report adopted.

HB 747, introduced bill, be amended as follows:

1. Title, line 4.

Following: "DISTRICT"

Insert: "AND PUBLIC POSTSECONDARY INSTITUTION"

2. Title, line 5.

Strike: "SCHOOL"

Insert: "PUBLIC"

3. Page 1, line 12.

Strike: "school"

Insert: "public"

4. Page 1, line 13.

Strike: "school"

5. Page 1, line 17.

Strike: "school"

Following: "district"

Insert: "or public postsecondary institution"

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6. Page 1, line 19.

Strike: "school"

7. Page 1, line 21.

Following: "district"

Insert: "or public postsecondary institution"

8. Page 1, line 22.

Strike: "school"

9. Page 1.

Following: line 23

Insert: "(3) As used in this section, "public education program" means a program operated by a public school or a public postsecondary institution."

10. Page 1, line 25.

Following: "instruction."

Insert: "(1)"

11. Page 1.

Following: line 26

Insert: "(2) [Section 1] is intended to be codified as an integral part of Title 20, chapter 25, and the provisions of Title 20, chapter 25, apply to [section 1]."

And, as amended, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Olson, Chairman): 2/20/2005
HB 389, introduced bill, be amended as follows:

1. Page 2, line 28 through line 29.

Following: "(i)" on line 28

Insert: "the revenue requirement for a plant or equipment owned or leased by a default supplier and used for the production of electricity, including"

Strike: "leased" on line 28 through "electricity" on line 29

2. Page 8, line 8.

Following: "(2)"

Insert: "(a)"

3. Page 8.

Following: line 9

Insert: "(b) The commission may not penalize the default supplier financially if the default supplier chooses not to invest in, acquire, or lease a plant or equipment used for the production of electricity in the default supplier's default supply portfolio.

(c) If the commission approves the default supplier's investment in, acquisition of, or lease of a plant or equipment used for the production of electricity as a part of the default supply portfolio, the default supplier may not withdraw its proposal from the portfolio."

4. Page 8, line 11.

Strike: "subsections"

Insert: "subsection"

Strike: "and (2)"

5. Page 8, line 15.

Following: "supplier"

Insert: "only if the default supplier elects to pursue the option in subsection (2)(a)"

6. Page 9, line 5.

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Following: "(1)"

Insert: "(a)"

7. Page 9, line 5.

Following: "(1)"

Insert: "(a)"

8. Page 9, line 7.

Following: "electricity."

Insert: "The application must specify:

(i) the revenue requirement for electrical energy, capacity, and other services to be supplied by the plant or equipment;

(ii) the quantity of energy, capacity, and other services to be supplied by the plant or equipment; and

(iii) the term to which customers would be committed to the energy, capacity, and other services to be supplied by the plant or equipment.

(b) If an application for advanced approval under this section is based on an investment in or acquisition or lease of a plant or equipment with a nameplate capacity larger than 10 megawatts, the default supplier shall evaluate the specific revenue requirement for the electrical energy, capacity, and other services against other alternatives available in the wholesale market as established by the results of a request for proposals that is consistent with commission rules."

9. Page 9, line 14.

Following: the first "69-8-419"

Insert: ", "

Strike: "and"

Following: the second "69-8-419"

Insert: ", and the commission's minimum filing requirements"

10. Page 9, line 15 through line 17.

Strike: subsection (c) in its entirety

11. Page 9, line 18.

Following: "deny"

Strike: ", in whole or in part,"

12. Page 9, line 19.

Strike: the first "of" through "electricity"

13. Page 9, line 20.

Strike: "may"

Insert: "shall"

Following: "information"

Insert: "that is"

Strike: "up to"

Insert: "and included in the administrative record at"

14. Page 9, line 21.

Strike: the second "of" on line 21 through "electricity" on line 22

15. Page 9, line 23 through line 24.

Strike: the first "of" on line 23 through "electricity" on line 24

Insert: "pursuant to this section"

16. Page 9, line 25 through line 26.

Strike: "investment" on line 25 through "electricity" on line 26

Insert: "specific revenue requirements for electrical energy, capacity, and other services, the term of those costs, and the quantity of each service to be supplied by the plant or equipment specified in the application for advanced approval"

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17. Page 9, line 27.

Strike: "investment or acquisition"

Insert: "application"

18. Page 9, line 29 through line 30.

Strike: the first "the" on line 29 through "service" on line 30

Insert: "the specific revenue requirements for electrical energy, capacity, and other services, the term of those costs, and the quantity of each service to be supplied by the plant or equipment specified in the application for advanced approval are reasonable"

19. Page 10, line 5 through line 6.

Strike: "costs" on line 5 through "findings" on line 6

Insert: "the specific revenue requirements for electrical energy, capacity, and other services determined to be reasonable in the commissions's order"

20. Page 10, line 7 through line 12.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

21. Page 10.

Following: line 25

Insert: "(7) (a) In adopting rules pursuant to 69-8-419, the commission shall ensure that the default supplier does not unfairly favor its own generation or lease proposals over alternative supply sources.

(b) The commission shall review default supply procurement bids in order to ensure that the default supplier does not unfairly favor its own generation or lease proposals. The commission may protect cost information that a bidder to supply electricity for the default supply considers confidential if the commission determines protection would be in the public interest.

(c) The commission may, as necessary, require the default supplier to demonstrate that the revenue requirement included in an application for advanced approval reflects a reasonable return on the estimated costs of an investment in or the lease of a plant or equipment used for the production of electricity.

(d) The commission may protect cost information in an application for advanced approval that the default supplier considers confidential if the commission determines protection would be in the public interest."

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Becker, Chairman):

2/20/2005

HB 738, do pass. Report adopted.

NATURAL RESOURCES (Peterson, Chairman):

2/20/2005

HB 69, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Strike: line 9 in its entirety

2. Title, page 1, line 12.

Strike: "AMENDING SECTION 15-38-202, MCA;"

3. Page 1, line 26 through line 27.

Strike: lines 26 and 27 in their entirety

Renumber: subsequent subsection

4. Page 2, line 27 through line 28.

Strike: subsection (2) in its entirety.

Renumber: subsequent subsections

5. Page 3, line 11 through page 7, line 25.

Strike: section 5 in its entirety

Renumber: subsequent sections

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6. Page 7, line 30.

Insert: "COORDINATION SECTION. Section 6. Coordination instruction. If House Bill No. 22 is passed and approved, [this act] is void."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 453, introduced bill, be amended as follows:

1. Page 2, line 8.

Strike: "\$500"

Insert: "\$250"

Strike: "\$5,000"

Insert: "\$1,000"

2. Page 2, line 11 through line 12.

Following: "of the" on line 11

Strike: "first" on line 11 through "or in the" on line 12

Following: "occurred" on line 12

Insert: " or, if mutually agreed upon by the parties, in the district court of the first judicial district, Lewis and Clark County"

3. Page 3, line 11.

Strike: "\$500"

Insert: "\$250"

4. Page 3, line 12.

Strike: "\$5,000"

Insert: "\$1,000"

5. Page 3, line 15 through line 16.

Following: "of the" on line 15

Strike: "first" on line 15 through "or in the" on line 16

Following: "occurred" on line 16

Insert: " or, if mutually agreed upon by the parties, in the district court of the first judicial district, Lewis and Clark County"

6. Page 4, line 21 through line 22.

Following: "of the" on line 21

Strike: "first" on line 21 through "or in the" on line 22

Following: "occurred" on line 22

Insert: " or, if mutually agreed upon by the parties, in the district court of the first judicial district, Lewis and Clark County"

7. Page 6, line 4.

Strike: "\$500"

Insert: "\$250"

8. Page 6, line 5.

Strike: "\$5,000"

Insert: "\$1,000"

And, as amended, do pass. Report adopted.

HB 470, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "COSTS"

Insert: "AND FEES"

2. Title, page 1, line 5.
Following: "SECTIONS"
Insert: "75-1-202,"
Following: "75-1-207,"
Strike: "75-1-220,"
Insert: "75-1-208,"

3. Title, page 1, line 6.
Strike: "75-10-929,"
Strike: "75-20-301,"

4. Title, line 7 through line 8.
Strike: "REPEALING" on line 7 through "75-1-204, MCA;" on line 8

5. Page 1, line 12.
Insert: "Section 1. Section 75-1-202, MCA, is amended to read:
"75-1-202. Agency rules to prescribe fees. Each agency of state government charged with the responsibility of issuing a lease, permit, contract, license, or certificate under any provision of state law may adopt rules prescribing fees which shall that must be paid by a person, corporation, partnership, firm, association, or other private entity when an application for a lease, permit, contract, license, or certificate will require an agency to compile an environmental impact statement as prescribed by 75-1-201 and the agency has not made the finding under 75-1-205(1)(a). An agency must shall determine within 30 days after a completed application is filed whether it will be necessary to compile an environmental impact statement and assess a fee as prescribed by this part section within any statutory timeframe for issuance of the lease, permit, contract, license, or certificate or, if no statutory timeframe is provided, within 90 days. The Except as provided in 85-2-124, the fee assessed under this part section shall may be used only to gather data and information necessary to compile an environmental impact statement as defined in parts 1 through 3. No A fee may not be assessed if an agency intends only to file a negative declaration stating that the proposed project will not have a significant impact on the human environment.""

Renumber: subsequent sections

6. Page 1, line 14.
Following: "fees"
Insert: "and costs"

7. Page 1, line 16.
Following: "paying"
Insert: ":"
(a)"

8. Page 1, line 17.
Following: "process"
Insert: "if the agency makes a written determination, based on material evidence identified in the determination, that there will be a significant environmental impact or a potential for a significant environmental impact; or
(b) a fee as provided in 75-1-202 if the agency does not make the determination provided for in subsection (1)(a)"

9. Page 1, line 22.
Following: "distributing"
Insert: "a reasonable number of copies of"

10. Page 1, line 26.
Following: "distributing"
Insert: "a reasonable number of copies of"

11. Page 1, line 29.

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Following: "(3)"
Insert: "(a)"
Following: "include"
Insert: ":"
(a)"

12. Page 1, line 30.
Following: "statement"
Strike: "and"
Insert: ";
(b)"
Following: "of"
Insert: "an"
Following: "agency"
Strike: "employees"
Insert: "employee who is designated as the agency's coordinator for preparation of the environmental impact statement"

13. Page 2, line 1.
Following: "those activities"
Insert: "; and
(c) travel and per diem expenses for other agency personnel for attendance at meetings and hearings on the environmental impact statement"

14. Page 2, line 2 through line 6.
Strike: subsections (4) and (5) in their entirety
Insert: "(4)(a) Whenever the agency makes the determination in subsection (1)(a), it shall notify the applicant of the cost of conducting the process to determine the scope of the environmental impact statement. The applicant shall pay that cost, and the agency shall then conduct the scoping process. The timeframe in 75-1-208(4)(a)(i) and any statutory timeframe for a decision on the application is tolled until the applicant pays the cost of the scoping process.
(b) If the agency decides to hire a third-party contractor to prepare the environmental impact statement, the agency shall prepare a list of no fewer than four contractors acceptable to the agency and shall provide the applicant with a copy of the list. If fewer than four acceptable contractors are available, the agency shall include all acceptable contractors on the list. The applicant shall provide the agency with a list of at least 50% of the contractors from the agency's list. The agency shall select its contractor from the list provided by the applicant.
(c) Upon completion of the scoping process and subject to subsection (1)(d), the agency and the applicant shall negotiate an agreement for the preparation of the environmental impact statement. The agreement shall provide that:
(i) the applicant shall pay the cost of the environmental impact statement as determined by the agency after consultation with the applicant. In determining the cost, the agency shall identify and consult with the applicant regarding the data and information that must be gathered and studies that must be conducted.
(ii) the agency shall prepare the environmental impact statement within a reasonable time determined by the agency after consultation with the applicant and set out in the agreement. This timeframe supersedes any timeframe in statute or rule. If the applicant and the agency cannot agree on a timeframe, the agency shall prepare the environmental impact statement within any timeframe provided by statute or rule.
(iii) the applicant shall make periodic advance payments to cover work to be performed;
(iv) the agency may order work on the environmental impact statement to stop if the applicant fails to make advance payment as required by the agreement. The time for preparation of the environmental impact statement is tolled for any period during which a stop-work order is in effect for failure to make advance payment.
(v)(A) if the agency determines that the actual cost of preparing the environmental impact statement will exceed the cost set out in the agreement or that more time is necessary to prepare the environmental impact statement, the agency shall submit proposed modifications to the agreement to the applicant;
(B) if the applicant does not agree to an extension of the time for preparation of the environmental impact statement, the agency may initiate the informal review process under subsection (4)(d). Upon completion of the informal review process, the agreement may be amended only with the consent of the applicant.
(C) if the applicant does not agree with the increased costs proposed by the agency, the applicant may

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refuse to agree to the modification and may also provide the agency with a written statement providing the reason that payment of the increased cost is not justified or, if applicable, the reason that a portion of the increased cost is not justified. The applicant may also request an informal review as provided in subsection (4)(d). If the applicant provides a written statement pursuant to this subsection (4)(c)(v)(C), the agreement must be amended to require the applicant to pay all undisputed increased cost and 75% of the disputed increased cost and to provide that the agency is responsible for 25% of the disputed increased cost. If the applicant does not provide the statement, the agreement must be amended to require the applicant to pay all increased costs.

(d) If the applicant does not agree with costs determined under subsection (4)(c)(i) or proposed under subsection (4)(c)(v), the applicant may initiate the informal review process pursuant to 75-1-208(3). If the applicant does not agree to a time extension proposed by the agency under subsection (4)(c)(v), the agency may initiate an informal review by an appropriate board under 75-1-208(3). The period of time for completion of the environmental impact statement provided in the agreement is tolled from the date of submission of a request for a review by the appropriate board until the date of completion of the review by the appropriate board. However, the agency shall continue to work on preparation of the environmental impact statement during this period if the applicant has advanced money to pay for this work."

Renumber: subsequent subsection

15. Page 2, line 7.
Following: "fees"
Insert: "and costs"

16. Page 2, line 8.
Following: "fees"
Insert: "and costs"

17. Page 2, line 17.
Strike: "of environmental quality"
Following: "under"
Strike: "75-1-205"
Insert: "75-1-205(1)(a)"

18. Page 2, line 20 through page 3, line 19.
Strike: section 3 in its entirety

Renumber: subsequent sections

Insert: "Section 4. Section 75-1-208, MCA, is amended to read:

"**75-1-208. Environmental review procedure.** (1) (a) Except as provided in 75-1-205(4) and subsection (1)(b) of this section, an agency shall comply with this section when completing any environmental review required under this part.

(b) To the extent that the requirements of this section are inconsistent with federal requirements, the requirements of this section do not apply to an environmental review that is being prepared jointly by a state agency pursuant to this part and a federal agency pursuant to the National Environmental Policy Act or to an environmental review that must comply with the requirements of the National Environmental Policy Act.

(2) A project sponsor may, after providing a 30-day notice, appear before the environmental quality council at any regularly scheduled meeting to discuss issues regarding the agency's environmental review of the project. The environmental quality council shall ensure that the appropriate agency personnel are available to answer questions.

(3) If a project sponsor experiences problems in dealing with the agency or any consultant hired by the agency regarding an environmental review, the project sponsor may submit a written request to the agency director requesting a meeting to discuss the issues. The written request must sufficiently state the issues to allow the agency to prepare for the meeting. If the issues remain unresolved after the meeting with the agency director, the project sponsor may submit a written request to appear before the appropriate board, if any, to discuss the remaining issues. A written request to the appropriate board must sufficiently state the issues to allow the agency and the board to prepare for the meeting.

(4) (a) Subject to the requirements of subsection (5), to ensure a timely completion of the environmental review process, an agency is subject to the time limits listed in this subsection (4) unless other time limits are provided by law. All time limits are measured from the date the agency receives a complete application. An agency has:

(i) 60 days to complete a public scoping process, if any;

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(ii) 90 days to complete an environmental review unless a detailed statement pursuant to 75-1-201(1)(b)(iv) or 75-1-205(4), is required; and

(iii) 180 days to complete a detailed statement pursuant to 75-1-201(1)(b)(iv).

(b) The period of time between the request for a review by a board and the completion of a review by a board under 75-1-201(1)(b)(iv)(C)(III) or (8) or subsection (10) of this section may not be included for the purposes of determining compliance with the time limits established for conducting an environmental review under this subsection or the time limits established for permitting in 75-2-211, 75-2-218, 75-10-922, 75-20-216, 75-20-231, 76-4-125, 82-4-122, 82-4-231, 82-4-337, and 82-4-432.

(5) An agency may extend the time limits in subsection (4) by notifying the project sponsor in writing that an extension is necessary and stating the basis for the extension. The agency may extend the time limit one time, and the extension may not exceed 50% of the original time period as listed in subsection (4). After one extension, the agency may not extend the time limit unless the agency and the project sponsor mutually agree to the extension.

(6) If the project sponsor disagrees with the need for the extension, the project sponsor may request that the appropriate board, if any, conduct a review of the agency's decision to extend the time period. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue.

(7) (a) Except as provided in subsection (7)(b), if an agency has not completed the environmental review by the expiration of the original or extended time period, the agency may not withhold a permit or other authority to act unless the agency makes a written finding that there is a likelihood that permit issuance or other approval to act would result in the violation of a statutory or regulatory requirement.

(b) Subsection (7)(a) does not apply to a permit granted under Title 75, chapter 2, or under Title 82, chapter 4, parts 1 and 2.

(8) Under this part, an agency may only request that information from the project sponsor that is relevant to the environmental review required under this part.

(9) An agency shall ensure that the notification for any public scoping process associated with an environmental review conducted by the agency is presented in an objective and neutral manner and that the notification does not speculate on the potential impacts of the project.

(10) An agency may not require the project sponsor to provide engineering designs in greater detail than that necessary to fairly evaluate the proposed project. The project sponsor may request that the appropriate board, if any, review an agency's request regarding the level of design detail information that the agency believes is necessary to conduct the environmental review. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue.

(11) An agency shall, when appropriate, consider the cumulative impacts of a proposed project. However, related future actions may only be considered when these actions are under concurrent consideration by any agency through preimpact statement studies, separate impact statement evaluations, or permit processing procedures."

Renumber: subsequent sections

19. Page 5, line 24 through line 30.

Strike: "At" on line 24 through "75-1-205." on line 30

20. Page 6, line 1.

Following: "in"

Insert: "75-1-205(4) and"

21. Page 6, line 4.

Strike: "if the department prepares the environmental impact statement."

22. Page 6, line 6 through line 8.

Following: "~~statement.~~"

Strike: remainder of line 6 through "costs." on line 8

Insert: "if the department prepares the environmental impact statement;"

23. Page 10, line 6 through page 12.

Strike: "At" on line 6 through "75-1-205." on line 12

24. Page 10, line 13.

Following: "in"

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Insert: "75-1-205(4) and"

25. Page 10, line 16.

Strike: "if the department prepares the environmental impact statement."

26. Page 10, line 18 through line 20.

Following: "~~statement;~~"

Strike: remainder of line 18 through "costs." on line 20

Insert: "if the department prepares the environmental impact statement;"

27. Page 12, line 26 through page 13, line 1.

Strike: "At" on line page 12, line 26, through "75-1-205." on page 13, line 1

28. Page 13, line 3.

Strike: "and payment of any estimated cost pursuant to 75-1-205"

29. Page 13, line 7.

Following: "in"

Insert: "75-1-205(4) and"

30. Page 13, line 8 through line 9.

Strike: "and" on line 8 through "75-1-205" on line 9

31. Page 13, line 14 through page 14, line 11.

Strike: section 7 in its entirety

Renumber: subsequent sections

32. Page 15, line 8.

Strike: "(a)"

33. Page 15, line 9.

Following: "~~(a)~~"

Strike: "(i)"

Insert: "(a)"

34. Page 15, line 10.

Following: "~~(b)~~"

Strike: "(ii)"

Insert: "(b)"

35. Page 15, line 13 through line 18.

Strike: subsection (b) in its entirety

36. Page 15, line 20.

Strike: "and payment of any estimated cost required to be paid under 75-1-205"

37. Page 15, line 25.

Following: "in"

Insert: "75-1-205(4),"

Following: "75-1-208(4)(b)"

Insert: ", "

38. Page 15, line 26 through line 27.

Strike: "and" on line 26 through "75-1-205" on line 27

39. Page 16, line 4.

Following: "in"

Insert: "75-1-205(4),"

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Following: "75-1-208(4)(b)"
Insert: ", "

40. Page 16, line 5 through line 6.
Strike: "and" on line 5 through "75-1-205" on line 6

41. Page 16, line 23 through page 18, line 4.
Strike: section 10 in its entirety
Renumber: subsequent sections

42. Page 19, line 25.
Following: "in"
Insert: "75-1-205(4) and"

43. Page 19, line 28 through line 30.
Strike: "after" on line 28 through "costs" on line 30

44. Page 21, line 4 through line 9.
Strike: "At" on line 4 through "75-1-205." on line 9

45. Page 21, line 10.
Following: "in"
Insert: "75-1-205(4) and"

46. Page 21, line 11 through line 12.
Strike: "and" on line 11 through "75-1-205" on line 12

47. Page 21, line 14.
Strike: "after payment of any additional cost required to be paid by 75-1-205(5)"

48. Page 22, line 17.
Strike: "The" through " ."

49. Page 23, line 16.
Following: "in"
Insert: "75-1-205(4) and"

50. Page 23, line 17 through line 18.
Strike: "if" on line 17 through "necessary" on line 18

51. Page 24, line 5.
Strike: "(i)"
Following: "in"
Insert: "75-1-205(4) and"

52. Page 24, line 10.
Strike: "(ii)"
Following: "on"
Strike: " ."

53. Page 24, line 11.
Strike: "(A)"

54. Page 24, line 11 through line 13.
Strike: "if" on line 11 through "(B)" on line 13

55. Page 24, line 13 through line 15.
Strike: "or" on line 13 through "later" on line 15

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56. Page 24, line 16.

Strike: "(iii)"

57. Page 27, line 29 through page 28, line 4.

Strike: "At" on page 27, line 29 through "75-5-205." on page 28, line 4

58. Page 28, line 5.

Following: "in"

Insert: "75-1-205(4) and"

59. Page 28, line 30 through page 29, line 2.

Strike: "If" on page 28, line 30, through "75-1-205." on page 29, line 2

60. Page 29, line 10 through line 11.

Strike; "However" on line 10 through "costs." on line 11

61. Page 32, line 22.

Following: "Costs"

Insert: "and fees"

62. Page 32, line 26.

Following: "water"

Insert: "and the application or combination of applications involves the use of 4,000 or more acre-feet per year and 5.5 or more cubic feet per second of water"

63. Page 32, line 26.

Following: "applicant"

Insert: "shall follow the process and"

64. Page 32, line 27.

Following: "costs"

Insert: "or fees"

Following: "in"

Strike: "75-5-205"

Insert: "Title 75, chapter 1, parts 1 and 2"

65. Page 32, line 27 through page 33, line 1.

Strike: "The" on line 27 through "(2)" on page 33, line 1

66. Page 33, line 7.

Following: "costs"

Insert: "and fees"

67. Page 33, line 9 through line 24.

Strike: "Any" on line 9 through "expense." on line 24

68. Page 33, line 25.

Strike: "(5)"

Insert: "(4)"

Following: "Costs"

Insert: "or fees"

69. Page 34, line 2.

Strike: "(6)"

Insert: "(5)"

Following: "costs"

Insert: "or fees"

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70. Page 34, line 3.

Strike: "(7)"

Insert: "(6)"

71. Page 35, line 19.

Following: "costs"

Insert: "or fees"

72. Page 35, line 22 through line 23.

Strike: section 22 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 581, do pass. Report adopted.

HB 591, introduced bill, be amended as follows:

1. Page 1, line 18 through line 19.

Following: "~~residential~~" on line 18

Strike: remainder of line 18 through "chapter" on line 19

Insert: "may be reasonably conditioned or prohibited on a site that is located within a geographic area zoned as residential, as defined by the board of county commissioners"

2. Page 1, line 20.

Strike: "condition the"

Insert: "reasonably condition, but not prohibit, the complete"

3. Page 1, line 22.

Following: "asphalt"

Strike: ", on" through "as"

Insert: "in all zones other than"

And, as amended, do pass. Report adopted.

HB 609, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "SECTIONS 27-19-201 AND"

Insert: "SECTION"

2. Page 1, line 11 through line 28.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 2, line 10.

Strike: "prevailing"

Following: "party"

Insert: "obtaining injunctive relief"

4. Page 2, line 11.

Following: "means"

Insert: "an action by a party with a water right"

Strike: "contest"

Insert: "enjoin"

5. Page 2, line 12 through line 14.

Strike: "valid"

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Following: "right"

Insert: "."

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

6. Page 2, line 18.

Strike: "prevailing"

Following: "party"

Insert: "obtaining injunctive relief"

7. Page 2, line 19.

Following: "means"

Insert: "an action by a party with a water right"

Strike: "contest"

Insert: "enjoin"

8. Page 2, line 20 through line 21.

Strike: "valid"

Following: "right"

Insert: "."

Strike: remainder of line 20 through line 21

And, as amended, do pass. Report adopted.

HB 666, do pass. Report adopted.

HB 700, introduced bill, be amended as follows:

1. Title, line 10.

Following: "7-6-2225,"

Insert: "7-6-2226,"

2. Title, line 11.

Strike: "REPEALING SECTION 7-6-2226, MCA;"

3. Page 1, line 16.

Following: "~~reserve~~"

Insert: "trust"

4. Page 3, line 7.

Following: "county for"

Insert: "general"

Following: "planning"

Insert: "functions"

5. Page 1, line 18.

Following: "~~reserve~~"

Insert: "trust"

6. Page 1, line 19.

Following: "mine"

Insert: "trust"

7. Page 1, line 27.

Following: "mine"

Insert: "trust"

8. Page 2, line 3.

Following: "to"

Insert: "existing business for retention and expansion or to assist"

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Strike: "or expanding"

9. Page 2, line 9.

Following: "mine"

Insert: "trust"

10. Page 2, lines 10 through 12.

Following: "levies." on line 10

Strike: remainder of line 10 through line 12 in its entirety

11. Page 2, line 13.

Following: "mine"

Insert: "trust"

12. Page 2, line 15.

Insert: "**Section 2.** Section 7-6-2226, MCA, is amended to read:

"7-6-2226. Metal mines license tax reserve account. (1) The governing body of a county receiving tax collections under 15-37-117(1)(e) may establish a metal mines license tax reserve account to be used to hold the collections. The governing body may hold money in the account for any time period considered appropriate by the governing body. Money held in the account may not be considered as cash balance for the purpose of reducing mill levies.

(2) Money may be expended from the account ~~for any purpose as provided by law in 7-6-2225.~~

(3) Money in the account must be invested as provided by law. Interest and income from the investment of the metal mines license tax reserve account must be credited to the account. ""

Renumber: subsequent sections

13. Page 3, line 4.

Following: "reserve"

Insert: "trust"

14. Page 4, line 18.

Following: "reserve"

Insert: "trust"

15. Page 4, line 21.

Strike: section 5 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

MOTIONS

Dem. Floor Leader Parker moved to re-refer the following bills to the House Appropriations Committee: HB 173, HB 438, HB 340, HB 392, HB 521, HB 614, HB 687, HB 695, and HB 640. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer HB 372 to the Appropriations Committee. Rep. Leader Brown objected. Speaker Matthews stated this 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, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 46

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Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, 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, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 52

Excused: None.
Total 0

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

Rep. Koopman moved to withdraw HB 322 from the Business and Labor Committee and place on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Everett, Gallik, Glaser, Hamilton, Hendrick, Himmelberger, L. Jones, W. Jones, Klock, Koopman, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, A. Olson, Peterson, Rice, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wiseman.
Total 47

Noes: Balyeat, Bergren, Bixby, Branae, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, McNutt, Noennig, Noonan, B. Olson, Parker, Raser, Ripley, Ross, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.
Total 51

Excused: None.
Total 0

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

Rep. Jackson moved to withdraw HB 360 from the Natural Resources Committee and place on 2nd Reading. Speaker Matthews stated this requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, D. Brown, R. Brown, Butcher, Buzzas, Cohenour, Dowell, Eaton, Everett, Glaser, Golie, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, McGillvray, McKenney, McNutt, Morgan, Musgrove, B. Olson, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden.
Total 41

Noes: Barrett, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Dickenson, Driscoll, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, Mendenhall, Milburn, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ross, Sesso, Villa, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 57

Excused: None.
Total 0

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

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Rep. Stoker moved to reconsider action of yesterday, February 18, 2005, on HB 490 and place on 2nd Reading. Motion passed as follows:

Ayes: Arntzen, Balyeat, Barrett, Bergren, Bixby, D. Brown, Caferro, Campbell, Driscoll, Everett, Franklin, Gallik, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, L. Jones, W. Jones, Juneau, Kaufmann, Klock, Koopman, Lake, Lange, Lindeen, MacLaren, Maedje, McAlpin, Milburn, Morgan, Musgrove, A. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Warden, Wells, Wiseman, Witt.
Total 59

Noes: Andersen, Becker, Branae, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Furey, Galvin-Halcro, Golie, Grinde, Hiner, Jayne, Jent, Keane, Lambert, Lenhart, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Noennig, Noonan, B. Olson, Raser, Sesso, Villa, Ward, Wilson, Windham, Windy Boy, Mr. Speaker.
Total 39

Excused: None.
Total 0

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

Dem. Floor Leader Parker moved to withdraw HB 395 from Human Services Committee and re-refer to the House Appropriations Committee. Speaker Matthews stated this requires a 3/5 vote. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 80

Noes: Barrett, D. Brown, Eaton, Everett, Hawk, Jent, Lake, Malcolm, McKenney, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Wagman, Witt.
Total 18

Excused: None.
Total 0

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

Rep. Leader Brown moved to re-refer HB 615 to House Appropriations. 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, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.
Total 49

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, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin,

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Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt,
Mr. Speaker.
Total 49

Excused: None.
Total 0

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

UNFINISHED BUSINESS

Rep. L. Jones requested the following sponsor be added to HB 484: Rep. Taylor.

Rep. L. Jones objected to HB 507 on the Consent Calendar and requested the bill be placed on 2nd Reading.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Monday, February 21, 2005. Motion carried.

House adjourned at 4:53 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House