

HOUSE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 9, 2005

**HOUSE JOURNAL**  
**59TH LEGISLATURE**  
**FIFTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
March 9, 2005

House Chambers  
State Capitol

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

Roll Call. All members present, except Representative Small-Eastman, excused. Quorum present.

Rep. Lange announced the House Republicans will caucus.  
Rep. Bergren announced the House Democrats will caucus.  
Speaker Matthews stated the House will recess until 1:00 p.m.

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter Speaker Matthews received from Rep. Buzzas, Chairwoman of the House Appropriations Committee, stating that pursuant to H 30-50(5) the committee has submitted HB 2 as amended without recommendation. The Chief Clerk also read a letter from Democratic Leader Wanzenried dated March 8, 2005, asking that HB 2 as amended be placed on the agenda for purposes of second reading on Thursday, March 17, 2005.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 3/9/2005  
Correctly printed: **SB 16, SB 17, SB 53, SB 54, SB 69, SB 169, SB 170, SB 187.**  
Correctly engrossed: **HB 364, HB 421, HB 674.**  
Signed by the Chief Clerk of the House at 3:30 p.m., March 8, 2005: **HB 21, HB 27, HB 29, HB 37, HB 66.**  
Signed by the Speaker at 3:55 p.m., March 9, 2005: **HB 21, HB 27, HB 29, HB 37, HB 66.**  
Signed by the President at 5:20 p.m., March 8, 2005: **HB 21, HB 27, HB 29, HB 37, HB 66.**  
Delivered to the Governor for approval at 10:00 a.m., March 9, 2005: **HB 21, HB 27, HB 29, HB 37, HB 66.**

**APPROPRIATIONS** (Buzzas, Chairman): 3/9/2005  
**HB 2**, submit without recommendation, as amended. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman): 3/9/2005  
**SB 117**, be concurred in. Report adopted.  
**SB 188**, be concurred in. Report adopted.  
**SB 189**, be concurred in. Report adopted.  
**SB 243**, be concurred in. Report adopted.

**EDUCATION** (Galvin-Halcro, Chairman): 3/9/2005  
**SB 57**, be concurred in. Report adopted.  
**SB 171**, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman): 3/9/2005  
**HB 172**, introduced bill, be amended as follows:

1. Title, line 5.  
**Strike:** "INCREASING"  
**Insert:** "REVISING"

2. Title, line 6.  
**Following:** "LICENSE"  
**Insert:** "AND DRAWING"  
**Following:** "FEES;"

**Insert:** "CREATING A RESIDENT SENIOR COMBINATION LICENSE;"

**Following:** "SECTIONS"

**Insert:** "87-2-113,"

3. Title, line 7.

**Following:** "87-2-701,"

**Insert:** "87-2-704, 87-2-708,"

4. Page 1, line 11.

**Insert:** "NEW SECTION. Section 1. Resident senior combination license. A resident, as defined in 87-2-102, who is 62 years of age or older or who will turn 62 years old before or during the season for which the license is issued may purchase a resident senior combination license for \$55. The resident senior combination license entitles the holder to exercise all rights granted to holders of Class A, Class A-1, and Class A-3 licenses and includes an elk tag and a resident wildlife conservation license."

**Insert:** "**Section 2.** Section 87-2-113, MCA, is amended to read:

**"87-2-113. Drawing and application fees.** (1) When the department determines a drawing is necessary prior to issuance of hunting licenses for any game species during a hunting season, it shall collect a \$3 ~~\$5~~ per species drawing fee with each application submitted.

(2) (a) If a resident participates in a preference system adopted by the commission, the department shall collect an additional application fee of \$2 for each application form to fund the administration of the preference system.

(b) If a nonresident participates in a preference system adopted by the commission, the department shall collect an additional application fee of \$20 for each application form to fund the administration of the preference system.

(3) Drawing fees collected pursuant to this section must be deposited in the state special revenue fund to the credit of the department as set forth in 87-1-601.

(4) The payment of a drawing fee confers no hunting rights or privileges.

(5) The commission may waive the provisions of subsection (1) when a drawing is required for a special season under 87-1-304."

{Internal References to 87-2-113:

x87-2-730}"

**Renumber:** subsequent sections

5. Page 3, line 2.

**Strike:** "\$10"

**Insert:** "\$6.50"

6. Page 3, line 12.

**Strike:** "\$20"

**Insert:** "\$7.50"

7. Page 3, line 21.

**Strike:** "\$10"

**Insert:** "\$6.50"

8. Page 4, line 1.

**Strike:** "\$10"

**Insert:** "\$6.50"

9. Page 4, line 10.

**Strike:** "\$7"

**Insert:** "\$6.50"

10. Page 4, line 25.

**Strike:** "\$20"

**Insert:** "\$16"

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11. Page 4, line 27.

**Strike:** "\$25"

**Insert:** "\$20"

12. Page 4, line 28.

**Strike:** "\$20"

**Insert:** "\$19"

13. Page 4, line 29.

**Strike:** "\$25"

**Insert:** "\$20"

14. Page 7, line 1.

**Strike:** "\$20"

**Insert:** "\$19"

15. Page 8, line 15.

**Strike:** "\$150"

**Insert:** "\$125"

**Strike:** "\$980"

**Insert:** "\$750"

16. Page 8, line 16.

**Strike:** "\$150"

**Insert:** "\$125"

**Strike:** "\$980"

**Insert:** "\$750"

17. Page 8, line 17.

**Strike:** "\$150"

**Insert:** "\$125"

**Strike:** "\$980"

**Insert:** "\$750"

18. Page 8, line 18.

**Strike:** "\$20"

**Insert:** "\$14"

19. Page 8, line 20.

**Strike:** "\$350"

**Insert:** "\$300"

20. Page 8, line 21.

**Strike:** "\$150"

**Insert:** "\$125"

**Strike:** "\$980"

**Insert:** "\$750"

21. Page 9, line 1.

**Strike:** "\$150"

**Insert:** "\$125"

**Strike:** "\$980"

**Insert:** "\$750"

22. Page 9, line 2.

**Strike:** "\$150"

**Insert:** "\$125"

**Strike:** "\$980"

**Insert:** "\$750"

23. Page 9, line 3.

**Strike:** "\$150"

**Insert:** "\$125"

**Strike:** "\$980"

**Insert:** "\$750"

24. Page 9, line 4.

**Strike:** "\$20"

**Insert:** "\$14"

25. Page 9, line 6.

**Strike:** "\$350"

**Insert:** "\$300"

26. Page 9, line 7.

**Strike:** "\$150"

**Insert:** "\$125"

**Strike:** "\$980"

**Insert:** "\$750"

27. Page 9, line 12.

**Insert:** "**Section 14.** Section 87-2-704, MCA, is amended to read:

**"87-2-704. Regulation of special elk permits.** (1) The department may:

(a) provide for the refund of resident elk tag license fees to persons applying for special elk permits in hunting districts where there is no general elk hunting and set time limits and describe area restrictions; and

(b) designate special elk permit areas where priority will be given to applicants who have not held special elk permits for a period of years to be determined by the department.

(2) The department shall provide that a person who is issued a special elk permit to hunt antlerless elk during the regular hunting season is:

(a) limited to the hunting and taking of only an antlerless elk in the hunting district or portion of a hunting district where the permit is valid; and

(b) entitled to the general elk hunting privileges for a holder of a Class A-5 license in all other hunting districts.

(3) The commission may establish a waiting period during which a person who has received a special elk permit that is valid for an antlered bull may not receive another special elk permit that is valid for an antlered bull. The commission may specify which special elk permits are subject to the waiting period, by hunting district or portion of a hunting district.

(4) The fee for a special elk permit is ~~\$3~~ \$4.

(5) The department may adopt rules necessary to implement this section."

**Insert:** "**Section 15.** Section 87-2-708, MCA, is amended to read:

**"87-2-708. Class A-2--special bow and arrow license.** A holder of a valid hunting license for which a special archery season is set by the department may receive, upon payment of an additional fee of ~~\$8~~ \$10, a Class A-2 license that authorizes the holder to hunt with bow and arrow the game animals authorized by the licenses held and to possess the carcass of the game animals during seasons and in areas designated by the department."

**Renumber:** subsequent sections

28. Page 9, line 17.

**Strike:** "\$75"

**Insert:** "\$70"

29. Page 9, line 21.

**Strike:** "\$95"

**Insert:** "\$85"

30. Page 9, line 29.

**Strike:** "\$75"

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**Insert:** "\$70"

31. Page 10, line 2.  
**Strike:** "\$95"  
**Insert:** "\$85"

32. Page 10, line 14.  
**Strike:** "\$8"  
**Insert:** "\$10"  
**Strike:** "\$10"  
**Insert:** "\$12"

33. Page 10, line 30.  
**Strike:** "\$8"  
**Insert:** "\$6.50"

34. Page 11, line 1.  
**Strike:** "\$10"  
**Insert:** "\$8"

35. Page 12, line 29.  
**Strike:** "\$8"  
**Insert:** "\$6.50"  
**Strike:** "\$10"  
**Insert:** "\$8"

36. Page 13, line 3.  
**Strike:** "\$30"  
**Insert:** "\$25"

37. Page 13, line 14.  
**Strike:** "\$10"  
**Insert:** "\$8"

38. Page 13, line 17.  
**Strike:** "\$5"  
**Insert:** "\$3"

39. Page 13, line 30.  
**Insert:** "NEW SECTION. Section 20. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 8, and the provisions of Title 87, chapter 2, part 8, apply to [section 1]."  
**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 243**, do pass. Report adopted.

**HB 260**, introduced bill, be amended as follows:

1. Title, line 5 through line 9.

**Following:** "ACQUISITION" on line 5

**Strike:** remainder of line 5 through "MCA" on line 9

**Insert:** "BY ALLOWING THE PUBLIC AND UNSUCCESSFUL WILDLIFE DRAWING LICENSE APPLICANTS TO DONATE MONEY FOR RECREATIONAL SITE ACQUISITION; ESTABLISHING AN ACCOUNT FOR PUBLIC DONATIONS DEDICATED TO SITE ACQUISITION AND DIRECTING EXPENDITURES FROM THE ACCOUNT;"

2. Title, line 9.

**Following:** "PROVIDING"

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**Insert:** "AN IMMEDIATE"

**Following:** "EFFECTIVE"

**Strike:** "DATES"

**Insert:** "DATE"

3. Page 1, line 19 through line 20.

**Strike:** "**Decal**" on line 19 through "--" on line 20

**Insert:** "Recreational site acquisition"

4. Page 1, line 20.

**Following:** "**funds.**"

**Strike:** remainder of line 20 through "Fees" on page 2, line 18

**Insert:** "(1) Donations"

5. Page 2, line 19 through page 2, line 21.

**Following:** "by the department" on line 19

**Strike:** remainder of line 19 through "used" on line 21

6. Page 2, line 21.

**Following:** "acquisition"

**Strike:** ", operation, maintenance, and development"

7. Page 2, line 22.

**Following:** "access sites"

**Insert:** "but may not be used to acquire property through condemnation or eminent domain proceedings"

8. Page 2, line 23.

**Strike:** "(9)"

**Insert:** "(2)"

**Following:** "subsection"

**Strike:** "(8)"

**Insert:** "(1)"

9. Page 2, line 24.

**Strike:** "application"

**Insert:** "license"

10. Page 2, line 25.

**Following:** "subsection"

**Strike:** "(8)"

**Insert:** "(1)"

11. Page 2, line 26 through line 28.

**Strike:** subsection (10) in its entirety

12. Page 2, line 30 through page 5, line 16.

**Strike:** section 2 through section 4 in their entirety

**ReNUMBER:** subsequent sections

13. Page 5, line 18.

**Strike:** "(1)"

14. Page 5, line 20 through line 21.

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

15. Page 5, line 23.

**Strike:** "**dates**"

**Insert:** "date"

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**Strike:** "(1) [Section 5 and this section] are"  
**Insert:** "[This act] is"

16. Page 5, line 25 through line 26.  
**Strike:** subsections (2) and (3) in their entirety

And, as amended, do pass. Report adopted.

**HB 277**, do pass. Report adopted.

**HUMAN SERVICES** (Becker, Chairman):  
**HB 669**, introduced bill, be amended as follows:

3/9/2005

1. Page 2, line 5.  
**Strike:** "may"  
**Insert:** "shall"

And, as amended, do pass. Report adopted.

**HB 740**, do pass. Report adopted.

**SELECT COMMITTEE ON EDUCATION** (Lindeen, Chairman):  
**SB 152**, introduced bill, be amended as follows:

3/9/2005

1. Title, page 1, line 7.  
**Following:** "ESTABLISHED;"  
**Insert:** "PROVIDING A STATEMENT OF LEGISLATIVE GOALS FOR PUBLIC SCHOOLS; REQUIRING THE BOARD OF PUBLIC EDUCATION TO SUBMIT NEW OR PROPOSED AMENDMENTS TO ACCREDITATION STANDARDS TO THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE FOR REVIEW AND FOR A DETERMINATION OF FISCAL IMPACT FOR INCLUSION IN THE EXECUTIVE BUDGET;"

2. Title, page 1, line 9 through 11.  
**Following:** "SCHOOLS" on line 9  
**Strike:** remainder of line 9 through "EXPERTS" on line 11

3. Title, page 1, line 12.  
**Strike:** "EVERY 6"  
**Insert:** "AT LEAST EVERY 10"

4. Title, page 1, line 14.  
**Following:** "FORMULA"  
**Insert:** "IF NECESSARY"

5. Title, page 1, line 15.  
**Strike:** "SECTION"  
**Insert:** "SECTIONS 20-7-101 AND 20-9-303, MCA; REPEALING SECTIONS 20-2-115 AND"  
**Following:** "AN"  
**Insert:** "IMMEDIATE"

6. Title, page 1, line 16.  
**Strike:** "AND AN APPLICABILITY DATE"

7. Page 1, line 18 through page 2, line 13.  
**Strike:** page 1, line 18 through page 2, line 13 in their entirety.

8. Page 2, line 17 through page 6, line 3.  
**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Legislative goals for public elementary and secondary schools. It is the goal of the legislature that Montana's public elementary and secondary school system, in cooperation with parents or guardians, create a learning environment for each student that:

- (1) furthers the ability to reason critically and creatively;
- (2) fosters the ability to effectively communicate ideas, knowledge, and thoughts;
- (3) develops a sense of personal and civic responsibility;
- (4) develops a strong work ethic, postsecondary readiness, and employment skills; and
- (5) encourages a healthy lifestyle."

**Insert:** "NEW SECTION. Section 2. Basic system of free quality public elementary and secondary schools defined -- identifying educationally relevant factors -- establishment of funding formula and budgetary structure -- legislative review. (1) Pursuant to Article X, section 1, of the Montana constitution, the legislature is required to provide a basic system of free quality public elementary and secondary schools throughout the state of Montana that will guarantee equality of educational opportunity to all.

(2) As used in this section, a "basic system of free quality public elementary and secondary schools" means:

(a) the educational program specified by the accreditation standards provided for in 20-7-111, which represent the minimum standards upon which a basic system of free quality public elementary and secondary schools is built;

(b) educational programs to provide for students with special needs or disabilities, at-risk students, students with limited English proficiency, and gifted and talented students;

(c) educational programs to implement the provisions of Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5, through development of curricula designed to integrate the distinct and unique cultural heritage of American Indians into the curricula, with particular emphasis on Montana Indians;

(d) qualified, well-prepared, and effective teachers, staff, and administrators to implement the programs in subsections (2)(a) through (2)(c);

(e) facilities and onsite distance learning technologies;

(f) transportation of students pursuant to Title 20, chapter 10;

(g) a procedure to assess and track student achievement in the programs established pursuant to subsections (2)(a) through (2)(c); and

(h) preservation of local control of schools in each district vested in a board of trustees pursuant to Article X, section 8, of the Montana constitution.

(3) In developing a mechanism to fund the basic system of free quality public elementary and secondary schools, the legislature shall, at a minimum, consider the following educationally relevant factors in making adjustments to the funding formula:

(a) the number of students in a district;

(b) the needs of isolated schools and school districts with low population density;

(c) the needs of urban school districts and school districts with high population density;

(d) the needs of at-risk students, students with special needs or disabilities, students with limited English proficiency, and gifted and talented students;

(e) the needs of American Indian students; and

(f) the ability of school districts to attract and retain qualified educators and other personnel.

(4) By July 1, 2007, the legislature shall:

(a) determine the costs of providing the basic system of free quality public elementary and secondary schools;

(b) establish a funding formula that:

(i) is based on the definition of a basic system of free quality public elementary and secondary schools;

(ii) allows the legislature to adjust the funding formula based on the educationally relevant factors identified in this section;

(iii) is self-executing and includes a mechanism for annual inflationary adjustments;

(iv) is based on state education laws;

(v) is based on federal education laws consistent with Montana's constitution and laws; and

(vi) distributes to school districts in an equitable manner the state's share of the costs of the basic system of free quality public elementary and secondary schools; and

(c) consolidate the budgetary fund structure to create the number and types of funds necessary to provide school districts with the greatest budgetary flexibility while ensuring accountability and efficiency.

(5) At least every 10 years following [the effective date of this act], the legislature shall:

(a) authorize a study to reassess the educational needs and costs related to the basic system of free quality public elementary and secondary schools; and

(b) if necessary, incorporate the results of those assessments into the state's funding formula."

**Insert:** "Section 3. Section 20-7-101, MCA, is amended to read:

**"20-7-101. Standards of accreditation.** (1) Standards of accreditation for all schools ~~shall~~ **must** be adopted by the board of public education upon the recommendations of the superintendent of public instruction.

(2) Prior to adoption or amendment of any accreditation standard, the board shall submit each proposal to the education and local government interim committee for review. The interim committee shall request a fiscal analysis to be prepared by the legislative fiscal division. The legislative fiscal division shall provide its analysis to the interim committee and to the office of budget and program planning to be used in the preparation of the executive budget.

(3) If the fiscal analysis of the proposal is found by the legislative fiscal division to have a substantial fiscal impact, the board may not implement the standard until July 1 following the next regular legislative session and shall request that the same legislature fund implementation of the proposed standard. A substantial fiscal impact is an amount that cannot be readily absorbed in the budget of an existing school district program.

~~(2)~~(4) Standards for the retention of school records must be as provided in 20-1-212."

**Insert:** "Section 4. Section 20-9-303, MCA, is amended to read:

**"20-9-303. Nonisolated school BASE budget funding -- special education funds.** (1) An elementary school that has an ANB of nine or fewer pupils for 2 consecutive years and that is not approved as an isolated school under the provisions of 20-9-302 may budget and spend the BASE budget amount, but the county and state shall provide one-half of the direct state aid, and the district shall finance the remaining one-half of the direct state aid by a tax levied on the property of the district. When a school of nine or fewer pupils is approved as isolated under the provisions of 20-9-302, the county and state shall participate in the financing of the total amount of the direct state aid.

(2) Funds provided to support the special education program may be expended only for special education purposes as approved by the superintendent of public instruction in accordance with the special education budgeting provisions of this title. Expenditures for special education must be accounted for separately from and in addition to the balance of the school district general fund budgeting requirements provided in ~~20-9-307 and~~ 20-9-308. The amount of the special education allowable cost payments that is not matched with district funds, as required in 20-9-321, will reduce by a like amount the district's ensuing year's allowable cost payment for special education."

**Insert:** "NEW SECTION. Section 5. Repealer. Sections 20-2-115 and 20-9-307, MCA, are repealed."

**Insert:** "NEW SECTION. Section 6. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 20, and the provisions of Title 20 apply to [sections 1 and 2]."

**Insert:** "NEW SECTION. Section 7. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Insert:** "NEW SECTION. Section 8. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

#### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 3/9/2005

SB 432, introduced by Brueggeman

SB 438, introduced by Elliott

House bills concurred in and returned to the House: 3/9/2005

HB 80, introduced by Campbell

HB 90, introduced by Kaufmann

HB 126, introduced by Mendenhall

HB 127, introduced by Mendenhall

HB 128, introduced by Jent

HB 168, introduced by Becker

HB 171, introduced by Cohenour

HB 175, introduced by Cohenour

HB 185, introduced by Harris

HB 190, introduced by Becker

HB 195, introduced by Matthews

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**HB 205**, introduced by Parker  
**HB 226**, introduced by McAlpin  
**HB 274**, introduced by Peterson  
**HB 300**, introduced by Gallik  
**HB 381**, introduced by Callahan

**House joint resolution** concurred in and returned to the House: 3/9/2005

**HJR 3**, introduced by Jackson

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/9/2005

**HB 227**, introduced by Galvin-Halcro

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 765**, introduced by Maedje, D. Brown, Heinert, Hendrick, Everett, W. Jones, referred to Transportation.  
**HB 766**, introduced by Wiseman, Cobb, Elliott, referred to Natural Resources.  
**HB 767**, introduced by Maedje, referred to Natural Resources.  
**HB 768**, introduced by Hamilton, Williams, referred to Appropriations.

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

**HJR 34**, introduced by Cohenour, Dickenson, Sesso, Musgrove, Campbell, Windy Boy, Villa, Groesbeck, Noonan, Bergren, Golie, Keane, Franklin, Callahan, Maedje, Galvin-Halcro, Parker, Heinert, referred to Natural Resources.

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

**SB 432**, introduced by Brueggeman, referred to Taxation.  
**SB 438**, introduced by Elliott, referred to Taxation.

**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 Wiseman in the chair.

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

**HB 453** - Representative Parker moved consideration of **HB 453** be placed below **SB 8** on the second reading board. Motion carried.

**HB 625** - Representative Parker moved consideration of **HB 625** be passed for the day. Motion carried.

**HB 611** - Representative Parker moved consideration of **HB 611** be placed below **HB 673** on the second reading board since the sponsor was not present. Motion carried.

**SB 23** - Representative Parker moved consideration of **SB 23** be placed at the bottom of the second reading board. Without objection, so ordered.

**HB 476** - Representative McAlpin moved **HB 476** do pass.

**HB 476** - Representative McAlpin moved **HB 476**, second reading copy, be amended as follows:

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1. Page 4, line 12.

**Strike:** "\$20"

**Insert:** "\$13"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, 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, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Balyeat, Butcher, Heinert, Jayne, L. Jones, Milburn, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies.

Total 12

Excused: Small-Eastman, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

**HB 476** - Representative McAlpin moved **HB 476**, as amended, do pass. Motion carried as follows:

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

Total 67

Noes: Balyeat, Barrett, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McNutt, Mendenhall, Milburn, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Wagman, Waitschies, Wells, Witt.

Total 33

Voted Absentee: Small-Eastman, Windy Boy, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 406** - Representative Bergren moved **HB 406** do pass.

**HB 406** - Representative Bergren moved **HB 406**, second reading copy, be amended as follows:

1. Title, page 1, line 11.

**Strike:** the second "AND"

2. Title, page 1, line 13.

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**Following:** "ACT"

**Insert:** "; AND PROVIDING EFFECTIVE DATES"

3. Page 3, line 25.

**Insert:** "NEW SECTION. **Section 9. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective October 1, 2006.

(2) [Section 3(1) and this section ] are effective on passage and approval."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, 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, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Jackson, Jayne, Kaufmann.

Total 3

Excused: Windy Boy.

Total 1

Absent or not voting: None.

Total 0

**HB 406** - Representative Bergren moved **HB 406**, second reading copy, be further amended as follows:

1. Page 2, line 2.

**Following:** "shippers of"

**Insert:** "processed"

2. Page 2, line 3.

**Following:** "package of"

**Insert:** "processed"

3. Page 2, line 7.

**Strike:** "WHOLE"

**Insert:** "Processed whole"

4. Page 2, line 17.

**Following:** "vending of"

**Insert:** "processed"

5. Page 2, line 26.

**Following:** "vending of"

**Insert:** "processed"

6. Page 2, line 27.

**Following:** "marks from"

**Insert:** "processed"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin,

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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, Keane, 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, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: Kaufmann, McGillvray, Stoker.  
Total 3

Excused: Windy Boy.  
Total 1

Absent or not voting: None.  
Total 0

**HB 406** - Representative Bergren moved **HB 406**, second reading copy, be further amended as follows:

1. Page 3, line 13 through line 16.  
**Strike:** section 6 in its entirety  
**Renumber:** subsequent sections

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, 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, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Kaufmann.  
Total 1

Excused: Windy Boy.  
Total 1

Absent or not voting: None.  
Total 0

**HB 406** - Representative Keane moved for cloture. Motion carried on voice vote.

**HB 406** - Representative Bergren moved **HB 406**, as amended, do pass. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, 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, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, Parker, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 63

Noes: Andersen, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, Koopman, Lake, Lambert, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Ripley, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies,

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Warden, Wells, Witt.  
Total 37

Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 8** - Representative Mendenhall moved **SB 8** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, 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 97

Noes: Jayne, Koopman, Sales.  
Total 3

Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 453** - Representative Furey moved **HB 453** 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, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 47

Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 26** - Representative Waitschies moved **SB 26** be concurred in. 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, Everett, Facey, Franklin, 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, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.  
Total 95

Noes: Musgrove.  
Total 1

Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: Eaton, Furey, Taylor, Mr. Speaker.  
Total 4

**SB 37** - Representative Bergren moved **SB 37** be concurred in. 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, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Malcolm.  
Total 1

Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: Gallik.  
Total 1

**SB 50** - Representative Gutsche moved **SB 50** be concurred in. 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, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Everett, Hawk, Koopman, Malcolm, McGillvray, Sales, Sinrud.  
Total 7

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Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: Ward.  
Total 1

**SB 83** - Representative Waitschies moved **SB 83** be concurred in. 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, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

Noes: Koopman, Sinrud.  
Total 2

Voted Absentee: Windy Boy, Aye.

Excused: None.  
Total 0

Absent or not voting: W. Jones.  
Total 1

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

**HB 673** - Representative Keane moved for cloture. Motion carried with a voice vote.

**HB 673** -Motion to pass **HB 673** carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, 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, Witt.  
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 48

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 Wiseman moved the Committee of the Whole report be adopted. Report adopted

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as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Jopek, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 81

Noes: Cohenour, Driscoll, Galvin-Halcro, Golie, Gutsche, Harris, Hiner, Jayne, Juneau, Kaufmann, Keane, Koopman, Noennig, Sales, Wells, Wilson, Witt.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Balyeat, Jacobson.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 342** passed as follows:

Ayes: Bergren, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dickenson, Dowell, Eaton, Everett, Furey, Galvin-Halcro, Glaser, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, Jent, L. Jones, W. Jones, Juneau, Klock, Koopman, Lambert, Lange, Lenhart, MacLaren, Maedje, McGillvray, Mendenhall, Milburn, Morgan, Musgrove, Raser, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman.  
Total 51

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Driscoll, Facey, Franklin, Gallik, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hiner, Jacobson, Jopek, Kaufmann, Keane, Lake, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wilson, Witt, Mr. Speaker.  
Total 49

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 361** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 82

Noes: D. Brown, Hawk, Jackson, L. Jones, W. Jones, Koopman, Lake, Maedje, Malcolm, Mendenhall, Milburn,

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Morgan, Rice, Ross, Sinrud, Wagman, Ward.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Balyeat.  
Total 1

**HB 488** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Himmelberger, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Franklin, Hawk, Heinert, Hendrick, Henry, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, 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.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 563 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, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
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, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 606** 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, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove,

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Total 90

Noes: Everett, Glaser, Hawk, Himmelberger, Jackson, Klock, Koopman, Maedje, Stahl, Ward.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved to re-refer HB 625 to the Taxation Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer HB 673 to the House Appropriations Committee. Without objection, so ordered.

Rep. Leader R. Brown moved to re-refer HB 406 to the House Appropriations Committee. Rep. Bergren objected to the motion. Speaker Matthews stated this requires a majority vote. Motion **failed** as follows:

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

Total 50

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

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Leader R. Brown moved to re-refer HB 476 to the House Appropriations Committee. Rep. McAlpin objected to the motion. 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, Witt.

Total 50

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

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Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Lange moved HB 124 be withdrawn from the Select Committee on Education and placed on 2nd Reading on Thursday, March 10, 2005. This requires a 3/5 vote.

Rep. Villa made a substitute motion to table Rep. Lange's motion. 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, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 46

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

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Clark moved the previous question.

Rep. Lange's motion that HB 124 be withdrawn from the Select Committee on Education and placed on 2nd Reading, requiring a 3/5 vote, **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Butcher, Clark, Everett, Facey, Furey, Glaser, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jent, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, Maedje, Musgrove, Noennig, Noonan, Parker, Raser, Sales, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Wiseman, Mr. Speaker.  
Total 49

Excused: None.  
Total 0

Absent or not voting: MacLaren.  
Total 1

Rep. Lange moved HB 2 be re-referred to the House Appropriations Committee. Speaker Matthews stated this

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requires a 3/5 vote. Motion **failed** as follows:

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

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: SB 9, SB 36, SB 56, and SB 132. There being no questions, these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Thursday, March 10, 2005. Motion carried.

House adjourned at 3:30 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House