

HOUSE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 16, 2005

HOUSE JOURNAL
59TH LEGISLATURE
FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 16, 2005

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

MOTIONS

Dem. Leader Wanzenried moved the House suspend the rules to allow for debate on HJR 2 today and place HJR 2 as item #5 on the 2nd Reading agenda. Motion carried with a voice vote.

Dem. Floor Leader Parker moved SB 117 be moved to the bottom of the 2nd Reading board. Without objection, so ordered.

Rep. Bergren announced the House Democrats will caucus.
Rep. Lange announced the House Republicans will caucus.
Speaker Matthews stated the House will stand at ease until 12:55 p.m.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 3/16/2005
Correctly printed: **HB 327, HB 385, HB 475, HB 513, HB 541, HB 672, HB 700, HB 721.**
Correctly engrossed: **HB 236, HB 406, HB 628, HJR 2.**
Correctly enrolled: **HB 39, HB 81, HB 82, HB 158, HB 224, HB 273, HB 437, HB 557, HJR 13, HJR 29.**
Examined by the sponsor and found to be correct: **HB 20, HB 39, HB 79, HB 81, HB 82, HB 86, HB 114, HB 131, HB 155, HB 158, HB 183, HB 184, HB 187, HB 198, HB 207, HB 224, HB 242, HB 273, HB 298, HB 347, HB 350, HB 354, HB 397, HB 400, HB 401, HB 437, HB 508, HB 564, HB 598, HB 612, HJR 13.**
Signed by the Chief Clerk of the House at 4:00 p.m., March 15, 2005: **HB 20, HB 79, HB 86, HB 114, HB 131, HB 155, HB 183, HB 184, HB 187, HB 198, HB 207, HB 242, HB 298, HB 347, HB 350, HB 354, HB 397, HB 400, HB 401, HB 508, HB 564, HB 598, HB 612.**
Signed by the Speaker at 10:00 a.m., March 16, 2005: **HB 20, HB 79, HB 86, HB 114, HB 131, HB 155, HB 183, HB 184, HB 187, HB 198, HB 207, HB 242, HB 298, HB 347, HB 350, HB 354, HB 397, HB 400, HB 401, HB 508, HB 564, HB 598, HB 612.**

AGRICULTURE (Butcher, Chairman): 3/16/2005
SB 136, be concurred in and placed on the consent calendar. Report adopted.

APPROPRIATIONS (Buzzas, Chairman): 3/16/2005
HB 22, introduced bill, do pass and be placed on the consent calendar. Report adopted.
HB 169, do pass. Report adopted.
HB 364, introduced bill, be amended as follows:

1. Page 3, line 20.
Insert: "NEW SECTION. Section 7. Contingent voidness. (1) The department of public health and human services shall seek a determination from the appropriate federal agency whether [this act] is in compliance with federal law or regulations, and if [this act] is determined to be in violation of federal law or regulations, [this act] is void.
(2) Upon a determination that [this act] is or is not in violation of federal law or regulation, the department of public health and human services shall notify the code commissioner of the determination."

And, as amended, do pass. Report adopted.

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HB 368, do pass. Report adopted.
HB 470, introduced bill, do pass and be placed on the consent calendar. Report adopted.
HB 536, do pass. Report adopted.
HB 577, introduced bill, do pass and be placed on the consent calendar. Report adopted.
HB 673, do pass. Report adopted.
HB 728, introduced bill, be amended as follows:

1. Title, page 1, line 9 through line 10.
Strike: "PROVIDING" on line 9 through "FUND;" on line 10
2. Page 1, line 21 through line 22.
Following: "funding"
Strike: remainder of line 21 through "subsection (4)" on line 22
3. Page 1, line 23 through line 24.
Strike: subsection (4) in its entirety
4. Page 2, line 17.
Strike: "10-2-601;"

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Keane, Chairman):
SB 105, be amended as follows:

3/16/2005

1. Page 2, line 2.
Strike: "services"
Insert: "attendance"

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

SB 135, be concurred in. Report adopted.
SB 326, be amended as follows:

1. Page 3, line 7.
Following: "\$500"
Insert: "25% of the total cost of repairing the underground facility not to exceed"
2. Page 3, line 8.
Following: "\$2,500"
Insert: "50% of the total cost of repairing the underground facility not to exceed"
3. Page 3, line 30 through page 4, line 1.
Strike: "IF" on page 3, line 30 through "FEE" on page 4, line 1
Insert: "(1) Except as provided in subsection (2), damage fees collected by owners of underground facilities must be distributed"
4. Page 4, following line 4.
Insert: "(2) The underground facility owner is not liable for the distribution of damage fees to the one-call notification center in the event that those fees are not collected from the excavator."

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

JUDICIARY (Rice, Chairman):
SB 355, be concurred in. Report adopted.

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STATE ADMINISTRATION (Jent, Chairman):

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HB 752, do pass. Report adopted.

SB 81, be concurred in and placed on the consent calendar. Report adopted.

SB 160, be concurred in and placed on the consent calendar. Report adopted.

TAXATION (Waitschies, Chairman):

3/16/2005

HB 584, introduced bill, be amended as follows:

1. Page 3, line 11.

Strike: "completion"

Insert: "start"

2. Page 3, line 13.

Following: "name,"

Insert: "primary home address,"

3. Page 3, line 21.

Following: "preproduction to"

Insert: "the start and"

4. Page 3, line 23.

Strike: "and"

5. Page 3, line 25.

Following: "45-8-201(2)"

Insert: "; and

(k) if the production is a feature-length film, a statement that the production will include a line in the production's film credits that the production was filmed in Montana"

6. Page 3, line 30.

Following: "(b)"

Insert: "(i)"

Strike: "If"

Insert: "Subject to subsection (4)(b)(ii), if"

7. Page 4.

Following: line 1

Insert: "(ii) If the production is a feature-length film, the production company and the department of commerce, prior to the issuance of the certification number, shall enter into an agreement that the production company will comply with the provisions of subsection (2)(k). The agreement may provide for remedies if the production company violates the agreement."

8. Page 5, line 5.

Strike: "15%"

Insert: "10%"

9. Page 5, line 7.

Following: the second "department,"

Insert: "a list of all cast and crew participating in the production and"

10. Page 5, line 16.

Following: "A"

Insert: "C."

Strike: "a small business"

Insert: "an S."

Following: the second "corporation,"

Insert: "or"

11. Page 5, line 16 through line 17.

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Strike: ", a limited" on line 16 through "company" on line 17

12. Page 5, line 17.

Following: "by"

Strike: "a"

13. Page 5, line 18.

Strike: "small business"

Insert: "an S."

Following: "corporation"

Strike: ", "

Insert: "or"

Following: "a partnership, "

Strike: "a limited" through "company, "

14. Page 5, line 19.

Strike: "individual"

Following: "partners, "

Insert: "or"

Strike: ", or managers"

15. Page 5, line 30.

Strike: "10%"

Insert: "7%"

16. Page 6, line 8.

Following: "A"

Insert: "C."

Strike: "a small business"

Insert: "an S."

Following: the second "corporation, "

Insert: "or"

17. Page 6, line 8 through line 9.

Strike: ", a limited" on line 8 through "company" on line 9

18. Page 6, line 9.

Following: "by"

Strike: "a"

19. Page 6, line 10.

Strike: "small business"

Insert: "an S."

Following: "corporation"

Strike: ", "

Insert: "or"

Following: "a partnership, "

Strike: "a limited" through "company, "

20. Page 6, line 11.

Strike: "individual"

Following: "partners, "

Insert: "or"

Strike: ", or managers"

And, as amended, do pass. Report adopted.

HJR 2, introduced joint resolution, be amended as follows:

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1. Title, line 8.

Strike: "PRELIMINARY"

2. Page 2, line 15.

Strike: "\$1,384,639,000"

Insert: "\$1,396,528,000"

Strike: "\$1,429,143,000"

Insert: "\$1,425,745,000"

3. Page 2, line 16.

Strike: "\$1,469,173,000"

Insert: "\$1,467,194,000"

4. Page 2, line 17.

Strike: "preliminary"

5. Page 2, line 18.

Strike: "\$135,254,000"

Insert: "\$132,873,000"

6. Page 3, line 12.

Strike: "\$588.638"

Insert: "\$604.062"

7. Page 3, line 19.

Strike: "35.999"

Insert: "33.892"

Strike: "36.790"

Insert: "33.563"

Strike: "37.244"

Insert: "33.899"

8. Page 4, line 7.

Strike: "10.602"

Insert: "9.174"

Strike: "13.287"

Insert: "13.116"

Strike: "13.015"

Insert: "14.381"

9. Page 5, line 5.

Strike: "\$1,384.639"

Insert: "\$1,396.528"

Strike: "\$1,429.143"

Insert: "\$1,425.745"

Strike: "\$1,469.173"

Insert: "\$1,467.194"

10. Page 10.

Following: line 3

Insert: "Permanent Coal Trust Interest Earnings

FY Capital Gains (Millions) \$12.315 \$6.400 \$3.000 \$3.000"

11. Page 13, line 1.

Strike: the second "\$311.478"

Insert: "\$351.478"

Strike: "\$311.478"

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Insert: "\$351.478"
Strike: "\$311.478"
Insert: "\$351.478"

12. Page 13, line 2.
Strike: "3.40% "
Insert: "2.77% "
Strike: "4.27% "
Insert: "3.73% "
Strike: "4.18% "
Insert: "4.09% "

13. Page 18, line 1.
Strike: "\$127.007"
Insert: "\$130.336"
Strike: "\$124.916"
Insert: "\$130.916"

14. Page 18, line 3.
Strike: "60.373"
Insert: "59.004"
Strike: "59.307"
Insert: "56.809"
Strike: "58.106"
Insert: "55.568"

15. Page 18, line 7.
Strike: "7.401"
Insert: "6.898"
Strike: "7.417"
Insert: "6.626"
Strike: "7.420"
Insert: "6.627"

16. Page 18, line 8.
Strike: "9.094"
Insert: "8.337"
Strike: "9.704"
Insert: "8.578"
Strike: "10.230"
Insert: "9.071"

17. Page 18, line 12.
Strike: "1.163"
Insert: "1.080"
Strike: "1.191"
Insert: "1.061"
Strike: "1.217"
Insert: "1.086"

18. Page 18, line 14.
Strike: "3.123"
Insert: "2.841"
Strike: "3.709"
Insert: "3.301"
Strike: "4.230"
Insert: "3.820"

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19. Page 18, line 15.

Strike: "1.487"

Insert: "1.348"

Strike: "1.757"

Insert: "1.553"

Strike: "2.007"

Insert: "1.797"

20. Page 18, line 16.

Strike: "0.388"

Insert: "0.373"

Strike: "0.388"

Insert: "0.365"

Strike: "0.389"

Insert: "0.366"

21. Page 18, line 17.

Strike: "0.338"

Insert: "0.315"

Strike: "0.351"

Insert: "0.315"

Strike: "0.364"

Insert: "0.328"

22. Page 18, line 18.

Strike: "0.304"

Insert: "0.289"

Strike: "0.305"

Insert: "0.282"

Strike: "0.306"

Insert: "0.283"

23. Page 18, line 19.

Strike: "\$336.370"

Insert: "\$333.184"

Strike: "\$337.724"

Insert: "\$335.814"

Strike: "\$339.627"

Insert: "\$340.303"

And, as amended, be adopted. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

3/16/2005

SB 48, introduced by Harrington

FIRST READING AND COMMITMENT OF BILLS

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

HB 790, introduced by Peterson, Roush, Larson, Matthews, Wanzenried, Tester, Gebhardt, Brueggeman, referred

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to Natural Resources.

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

SB 48, introduced by Harrington, referred to Taxation.

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 759 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, 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, 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, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Buzzas, Callahan, Dickenson, Franklin, Groesbeck, Gutsche, Jopek.

Total 7

Excused: None.

Total 0

Absent or not voting: A. Olson, Windham.

Total 2

SB 51 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, 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: Koopman.

Total 1

Excused: None.

Total 0

Absent or not voting: A. Olson.

Total 1

SB 57 concurred in as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, 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, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Buzzas.
Total 1

Excused: None.
Total 0

Absent or not voting: Lambert, A. Olson.
Total 2

SB 64 concurred in 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, 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 96

Noes: Everett, Hawk, Koopman, Sales.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 84 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 80

Noes: Buzzas, Clark, Cohenour, Everett, Gallik, Gutsche, Hawk, Jackson, Lambert, McGillvray, Rice, Sales, Sinrud, Stoker, Wagman, Waitschies, Wanzenried, Wells, Windham.
Total 19

Excused: None.
Total 0

Absent or not voting: Klock.

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Total 1

SB 98 concurred in as follows:

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

Total 86

Noes: Butcher, Everett, Golie, Hawk, Hendrick, Jayne, Koopman, Lake, Mendenhall, Rice, Sales, Sinrud, Wagman, Wells.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 187 concurred in as follows:

Ayes: Andersen, Arntzen, Becker, 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, 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, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, 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 89

Noes: Balyeat, Barrett, Bergren, Everett, Heinert, Koopman, Malcolm, Mendenhall, Rice, Ripley, Sales.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 243 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, 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, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 93

Noes: Buzzas, Hawk, McGillvray, Stoker, Wagman, Windham.

Total 6

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Excused: None.
Total 0

Absent or not voting: Lindeen.
Total 1

SB 24 concurred in 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

**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 Villa in the chair.

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

SB 152 - Representative Lindeen moved **SB 152** be concurred in.

SB 152 - Representative Lindeen moved **SB 152**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

Following: "ESTABLISHED;"

Insert: "PROVIDING DEFINITIONS;"

2. Title, page 1, line 20.

Following: "SECTIONS"

Insert: "20-1-101,"

Following: "20-7-101"

Insert: ", "

3. Page 3, line 13 through line 14.

Following: "needs" on line 13

Strike: remainder of line 13 through the second "students" on line 14

Insert: ", such as:

- (i) a child with a disability, as defined in 20-7-401;
- (ii) an at-risk student;
- (iii) a student with limited English proficiency;

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- (iv) a child who is qualified for services under 29 U.S.C. 794; and
(v) gifted and talented children, as defined in 20-7-901"

4. Page 3, line 18.

Strike: ", well-prepared," through "administrators"

Insert: "and effective teachers or administrators and qualified staff"

5. Page 3, line 20.

Strike: "onsite"

Following: "technologies"

Insert: "associated with meeting the accreditation standards"

6. Page 3, lines 27 and 28.

Following: "schools" on line 27

Insert: "and in making adjustments to the funding formula"

Following: "factors" on line 27

Strike: remainder of line 27 through "formula" on line 28

7. Page 3, line 30.

Strike: "and school districts"

8. Page 4, line 1.

Strike: "school districts and school districts"

Insert: "schools"

9. Page 4, line 2.

Following: "of"

Strike: "at-risk students,"

Following: "needs"

Strike: "or disabilities, students"

Insert: ", such as a child with a disability, an at-risk student, a student"

10. Page 4, line 3.

Following: "proficiency,"

Insert: "a child who is qualified for services under 29 U.S.C. 794,"

Strike: "students"

Insert: "children"

11. Page 4, line 10.

Following: "schools"

Insert: "and reflects the costs associated with providing that system as determined in subsection (4)(a)"

12. Page 4, line 14.

Strike: "education"

13. Page 4, line 24.

Following: line 23

Insert: "**Section 3.** Section 20-1-101, MCA, is amended to read:

"**20-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Accreditation standards" means the body of administrative rules governing standards such as:

(a) school leadership;

(b) educational opportunity;

(c) academic requirements;

(d) program area standards;

(e) content and performance standards;

(f) school facilities and records;

(g) student assessment; and

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(h) general provisions.

~~(1)~~(2) "Agricultural experiment station" means the agricultural experiment station established at Montana state university-Bozeman.

(3) "At-risk student" means any student who is affected by environmental conditions that negatively impact the student's educational performance or threaten a student's likelihood of promotion or graduation.

~~(2)~~(4) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time pupils attending the public schools of a district.

~~(3)~~(5) "Board of public education" means the board created by Article X, section 9, subsection (3), of the Montana constitution and 2-15-1507.

~~(4)~~(6) "Board of regents" means the board of regents of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1505.

~~(5)~~(7) "Commissioner" means the commissioner of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1506.

~~(6)~~(8) "County superintendent" means the county government official who is the school officer of the county.

~~(7)~~(9) "District superintendent" means a person who holds a valid class 3 Montana teacher certificate with a superintendent's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a district superintendent.

(10)(a) "Educational program" means a set of educational offerings designed to meet the program area standards contained in the accreditation standards.

(b) The term does not include an educational program or programs used in 20-4-121 and 20-25-803.

~~(8)~~(11) "K-12 career and vocational/technical education" means organized educational activities that have been approved by the office of public instruction and that:

(a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and skills that the pupil needs to prepare for further education and for careers in the current or emerging employment sectors; and

(b) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills of the pupil.

~~(9)~~(12) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an applicable principal's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a principal. For the purposes of this title, any reference to a teacher must be construed as including a principal.

~~(10)~~(13) "Pupil" means a child who is 6 years of age or older on or before September 10 of the year in which the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-101(3) but has not yet reached 19 years of age and who is enrolled in a school established and maintained under the laws of the state at public expense. For purposes of calculating the average number belonging pursuant to 20-9-311, the definition of pupil includes a person who has not yet reached 19 years of age by September 10 of the year and is enrolled under 20-5-101(3) in a school established and maintained under the laws of the state at public expense.

~~(11)~~(14) "Pupil instruction" means the conduct of organized instruction of pupils enrolled in public schools while under the supervision of a teacher.

(15) "Qualified and effective teacher or administrator" means an educator who is licensed and endorsed in the areas in which the educator teaches, specializes, or serves in an administrative capacity as established by the board of public education.

~~(12)~~(16) "Regents" means the board of regents of higher education.

~~(13)~~(17) "School food services" means a service of providing food for the pupils of a district on a nonprofit basis and includes any food service financially assisted through funds or commodities provided by the United States government.

~~(14)~~(18) "State board of education" means the board composed of the board of public education and the board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

~~(15)~~(19) "State university" means Montana state university-Bozeman.

(20) "Student with limited English proficiency" means any student:

(a)(i) who was not born in the United States or whose native language is a language other than English;
(ii) who is a Native American and who comes from an environment in which a language other than English has had a significant impact on the individual's level of English proficiency; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment in which a language other than English is dominant; and

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(b) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student:

(i) the ability to meet the state's proficiency assessments;

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.

~~(16)~~(21) "Superintendent of public instruction" means that state government official designated as a member of the executive branch by the Montana constitution.

~~(17)~~(22) "System" means the Montana university system.

~~(18)~~(23) "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher certificate that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who is employed by a district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an emergency authorization of employment has been issued under the provisions of 20-4-111.

~~(19)~~(24) "Textbook" means a book or manual used as a principal source of study material for a given class or group of students.

~~(20)~~(25) "Textbook dealer" means a party, company, corporation, or other organization selling, offering to sell, or offering for adoption textbooks to districts in the state.

~~(21)~~(26) "Trustees" means the governing board of a district.

~~(22)~~(27) "University" means the university of Montana-Missoula.

~~(23)~~(28) "Vocational-technical education" means vocational-technical education of vocational-technical students that is conducted by a unit of the Montana university system, a community college, or a tribally controlled community college, as designated by the board of regents."

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, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Sales, Stahl.
Total 2

Excused: None.
Total 0

Absent or not voting: Everett.
Total 1

SB 152 - Representative Koopman moved **SB 152**, second reading copy, be further amended. Amendment **not** adopted as follows:

Ayes: Arntzen, D. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Koopman, Lange, Maedje, McGillvray, McNutt, Mendenhall, Morgan, Rice, Ripley, Sales, Sinrud, Stahl, Ward, Warden, Wells.
Total 22

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

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Total 77

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

SB 152 - Representative Lindeen moved **SB 152**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 84

Noes: Butcher, Everett, Hawk, Heinert, Jackson, Koopman, Lange, Maedje, McGillvray, Mendenhall, Morgan, Rice, Sales, Sinrud, Stahl, Wells.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 385 - Representative Wells moved **HB 385** do pass. 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, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Bixby, Facey, Furey, Galvin-Halcro, Jayne, Juneau, Windham.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 475 - Representative Buzzas moved **HB 475** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt.
Total 68

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Noes: Balyeat, Barrett, R. Brown, Butcher, Everett, Gallik, Glaser, Hawk, Heinert, Himmelberger, Jayne, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, B. Olson, Rice, Sales, Sinrud, Stahl, Wagman, Waitschies, Wells, Windham.
Total 29

Excused: None.
Total 0

Absent or not voting: Bixby, Juneau, Mr. Speaker.
Total 3

HJR 2 - Representative Waitschies moved **HJR 2** 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, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 95

Noes: Koopman, Morgan, Sales, Stahl, Wells.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 513 - Representative Raser moved **HB 513** 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, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, 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, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 91

Noes: Everett, Koopman, Lake, MacLaren, Rice, Sales, Sinrud, Wells.
Total 8

Excused: None.
Total 0

Absent or not voting: Jopek.
Total 1

HB 672 - Representative Butcher moved **HB 672** do pass. Motion carried as follows:

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

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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 96

Noes: Bixby, Juneau, Kaufmann.
Total 3

Excused: None.
Total 0

Absent or not voting: Campbell.
Total 1

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

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, 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, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Buzzas, Gallik, Glaser, Stahl.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 721 - Representative Parker moved **HB 721** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, 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, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 86

Noes: D. Brown, R. Brown, Hawk, Himmelberger, Jayne, Koopman, Lambert, Maedje, Mendenhall, Rice, Sales, Sonju, Wagman, Wells.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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Rep. Bergren assumed the chair.

HB 236 - Representative Jackson moved **HB 236** 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, 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: Noennig.

Total 1

SB 117 - Representative Villa moved **SB 117** be concurred in.

SB 117 - Representative Villa moved **SB 117**, second reading copy, be amended as follows:

1. Page 5, line 10.

Strike: "criminal"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, 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

SB 117 - Representative Villa moved **SB 117**, as amended, 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,

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

Total 98

Noes: Koopman, Sinrud.

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

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

Total 84

Noes: Butcher, Dowell, Everett, Furey, Koopman, McGillvray, Mendenhall, Rice, Ripley, Sales, Stahl.

Total 11

Excused: None.

Total 0

Absent or not voting: Hawk, Heinert, Klock, Small-Eastman, Wells.

Total 5

MOTIONS

Rep. Clark moved to suspend the House Rules to allow for the late introduction of a joint resolution to amend the constitution to balance the federal budget. This requires a 3/5 vote. Motion passed as follows:

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

Total 82

Noes: D. Brown, Glaser, Hendrick, W. Jones, Kaufmann, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Musgrove, Raser, Roberts, Stoker, Waitschies.

Total 16

Excused: None.

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Total 0

Absent or not voting: Caferro, A. Olson.

Total 2

Rep. Lange moved HB 528 be withdrawn from the Federal Relations, Energy, and Transportation Committee and referred to the House Taxation Committee. Motion carried with a voice vote.

Rep. Lange moved that HB 263 be withdrawn from the House Appropriations Committee, printed and placed on 2nd Reading on Tuesday, March 22, 2005. This requires a 3/5 vote. Motion **failed** as follows:

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

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

Total 46

Excused: None.

Total 0

Absent or not voting: A. Olson, Windham.

Total 2

Rep. Maedje moved the House reconsider its actions on March 15, 2005, on HB 277 for the purpose of placing HB 277 on 2nd Reading on March 22, 2005. Motion passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Caferro, Callahan, Clark, Dowell, Everett, Facey, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Harris, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McGillvray, McNutt, Musgrove, Parker, Peterson, Rice, Roberts, Sales, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.

Total 61

Noes: Balyeat, Bixby, D. Brown, Buzzas, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Franklin, Furey, Gallik, Grinde, Hamilton, Hawk, Henry, Jayne, Jent, Juneau, Malcolm, McAlpin, McKenney, Mendenhall, Milburn, Morgan, Noennig, Noonan, B. Olson, Raser, Ripley, Ross, Sesso, Sinrud, Small-Eastman, Stoker, Waitschies, Windham, Windy Boy.

Total 38

Excused: None.

Total 0

Absent or not voting: A. Olson.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Thursday, March 17, 2005. Motion carried.

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House adjourned at 2:50 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House