

HOUSE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY - MARCH 17, 2005

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

Helena, Montana
March 17, 2005

House Chambers
State Capitol

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

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

Gregg Trude spoke to the House and gave an update on Tsunami relief efforts.

Terry Johnson and Clayton Schenk from the Legislative Fiscal Division gave presentations on House Bill 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 236 passed as follows:

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

Noes: None.

Total 0

Excused: Lange.

Total 1

Absent or not voting: Jent, Noennig.

Total 2

HB 385 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, 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, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: Bergren, Bixby, Caferro, Campbell, Franklin, Furey, Galvin-Halcro, Henry, Jayne, Juneau, Kaufmann, Windham.

Total 12

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Excused: Lange.
Total 1

Absent or not voting: Noennig.
Total 1

HB 406 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, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Mendenhall, Musgrove, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 81

Noes: Balyeat, D. Brown, Hawk, Heinert, Koopman, Lake, Lambert, Maedje, Malcolm, McKenney, Milburn, Morgan, B. Olson, Sinrud, Stoker, Waitschies.
Total 16

Excused: Lange.
Total 1

Absent or not voting: Jent, Noennig.
Total 2

HB 475 passed as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 66

Noes: Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Franklin, Gallik, Glaser, Hawk, Heinert, Himmelberger, Jayne, Koopman, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Noennig, B. Olson, Rice, Sales, Sinrud, Sonju, Wagman, Waitschies, Warden, Wells, Wilson, Windham.
Total 32

Excused: Lange.
Total 1

Absent or not voting: Jent.
Total 1

HB 513 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, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, 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

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Noes: Everett, Koopman, Lake, Rice, Sales, Sinrud, Wells.
Total 7

Excused: Lange.
Total 1

Absent or not voting: Jent.
Total 1

HB 672 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, 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, Keane, Klock, Koopman, Lake, Lambert, 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: Caferro, Juneau, Kaufmann.
Total 3

Excused: Lange.
Total 1

Absent or not voting: None.
Total 0

HB 700 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, 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, 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 97

Noes: Gallik, Stahl.
Total 2

Excused: Lange.
Total 1

Absent or not voting: None.
Total 0

HB 721 passed as follows:

Ayes: Andersen, Arntzen, 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, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson,

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Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 80

Noes: Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jayne, Koopman, Lake, Lambert, Morgan, Rice, Sales, Sonju, Stahl, Wells.
Total 19

Excused: Lange.
Total 1

Absent or not voting: None.
Total 0

HJR 2 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, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 91

Noes: Koopman, Maedje, Mendenhall, Morgan, Sales, Sinrud, Stahl, Wells.
Total 8

Excused: Lange.
Total 1

Absent or not voting: None.
Total 0

Rep. Bergren announced the House Democrats will caucus.
Rep. Brown announced the House Republicans will caucus.
Speaker Matthews stated the House will stand at ease until 9:20 a.m.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter Speaker Matthews received from Democratic Leader Dave Wanzenried dated March 16, 2005, stating that pursuant to H30-50(5) House Democrats would like to exercise one of their twelve silver bullets, asking that HB 745 be placed on the agenda for 2nd reading in time to meet all applicable deadlines.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 3/17/2005
Correctly printed: **HB 22, HB 169, HB 368, HB 470, HB 536, HB 577, HB 673, HB 752.**
Correctly engrossed: **HB 60, HB 102, HB 181, HB 364, HB 584, HB 625, HB 728, HB 745, HB 758.**
Examined by the sponsor and found to be correct: **HB 50, HB 54, HB 116, HB 147, HB 157, HB 161, HB 180, HB 209, HB 285, HB 557, HJR 29.**
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 161, 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.**

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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.**

Signed by the President at 3:55 p.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.**

Delivered to the Governor at 7:20 a.m., March 17, 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 Chief Clerk of the House at 4:25 p.m., March 16, 2005: **HB 39, HB 54, HB 81, HB 82, HB 158, HB 224, HB 273, HB 437, HB 557, HJR 13, HJR 29.**

Signed by the Speaker at 5:00 p.m., March 16, 2005: **HB 39, HB 54, HB 81, HB 82, HB 158, HB 224, HB 273, HB 437, HB 557, HJR 13, HJR 29.**

Signed by the President at 8:50 a.m., March 17, 2005: **HB 39, HB 54, HB 81, HB 82, HB 158, HB 224, HB 273, HB 437, HB 557, HJR 13, HJR 29.**

Delivered to the Governor for approval at 7:40 a.m., March 17, 2005: **HB 39, HB 54, HB 81, HB 82, HB 158, HB 224, HB 273, HB 437, HB 557.**

Delivered to the Secretary of State at 9:40 a.m., March 17, 2005: **HJR 13, HJR 29.**

APPROPRIATIONS (Buzzas, Chairman):
HB 60, introduced bill, be amended as follows:

3/17/2005

1. Page 1, line 30.

Following: "structure"

Insert: "used as a clandestine methamphetamine drug lab"

2. Page 2, line 22.

Following: "the"

Insert: "assessment or"

3. Page 2, line 27.

Following: "may"

Strike: "assess"

Insert: "adopt rules to provide for the assessment of"

4. Page 2, line 29.

Following: "cause."

Insert: "The rules may provide for the assessment of reasonable fees to cover the cost of the contractor certification program."

5. Page 3, line 12 through line 14.

Following: "(2)"

Strike: "AN" on line 12 through "[SECTION 4]" on line 14

Insert: "With the exception of an owner or an owner's agent who caused the methamphetamine contamination, an owner or an owner's agent who has submitted documentation to the department by a contractor who is certified pursuant to [section 4] that the inhabitable property has been remediated to the standards established in [section 3] or submits documentation by a certified contractor that the property meets the decontamination standards without decontamination and who receives notification from the department confirming the contamination has been satisfactorily addressed"

6. Page 3, line 24 through line 27.

Strike: "An" on line 24 through "[section 4]." on line 27

Insert: "Upon confirmation by the department that an inhabitable property has been properly remediated to the standards established in [section 3] or that the inhabitable property meets the decontamination standards without decontamination, the department shall remove the inhabitable property from the list required in subsection (2).

7. Page 3, line 28.

Strike: "notify"

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Insert: "provide written notification to"
Following: "officer"
Insert: "and the property owner of record"
Following: "properly"
Insert: "assessed or"

8. Page 3, line 30.

Following: line 29

Insert: "(4) The department may adopt rules establishing reasonable requirements for the sufficiency of documentation to be provided by a certified contractor."

Renumber: subsequent subsections

9. Page 4, line 10.

Following: "codified"

Strike: remainder of line 10

Insert: "in Title 75, chapter 10."

And, as amended, do pass. Report adopted.

HB 102, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "AND ~~THE~~ A STATE SPECIAL REVENUE ACCOUNT"

2. Page 5, line 23.

Strike: "appropriations"

Insert: "appropriation"

And, as amended, do pass. Report adopted.

HB 148, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 181, introduced bill, be amended as follows:

1. Page 12, line 7.

Strike: "\$1,650,000"

Insert: "\$1,680,000"

And, as amended, do pass. Report adopted.

HB 414, introduced bill, do pass and be placed on the consent calendar. Report adopted.

3/17/2005

HB 745, introduced bill, be amended as follows:

1. Page 2, line 2.

Strike: "\$40,000"

Insert: "\$135,123"

2. Page 2, line 19 through line 20.

Strike: "estimated" on line 19 through "legislature" on line 20

Insert: "needed to make statutorily determined payments to school district BASE aid, with current House Bill No. 2 general fund BASE aid appropriation authority"

Following: "aid" on line 20

Insert: "general fund"

3. Page 2, line 21 through line 23.

Strike: "of the difference" on line 21 through "account" on line 23

Insert: "needed to make statutorily determined payments to school district BASE aid, with current House Bill No. 2 general fund BASE aid"

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4. Page 2, line 25.
Strike: "\$25,846,341"
Insert: "\$21,006,994"

And, as amended, without recommendation. Report adopted.

BUSINESS AND LABOR (Keane, Chairman):

3/17/2005

SB 254, be concurred in and placed on the consent calendar. Report adopted.

SB 274, be concurred in. Report adopted.

SB 317, be amended as follows:

1. Title, line 10.
Strike: the first "AND"
Insert: ", "
Following: "35-2-617,"
Insert: "AND 35-2-722,"

2. Page 2, line 12.
Following: "PUBLIC ASSETS"
Insert: "and the proceeds of public assets"

3. Page 2, line 20.
Strike: "EXERCISE"
Insert: "transfer"

4. Page 3, line 4 and line 5.
Strike: "NEGOTIABLE" on line 4 through "30-3-104" on line 5
Insert: "but not limited to stocks, shares, bonds, notes, evidences of indebtedness, negotiable instruments, or an ownership interest in an entity"

5. Page 3, line 13.
Strike: "OR"
Insert: "(xi) any transfer of assets between a nonprofit health entity that is a nonprofit public benefit corporation and a nonprofit mutual benefit corporation in which all of the members are nonprofit public benefit corporations, provided that the management of all assets transferred by a nonprofit public benefit corporation in a transaction described in this subsection (3)(c)(xi) continue to be managed in a manner consistent with the public benefit purpose of the transferring nonprofit public benefit corporation; or"
Renumber: subsequent subsection

6. Page 3, line 20.
Following: the first "ASSETS"
Insert: "or the proceeds of public assets"

7. Page 4, line 10.
Following: "COMPORTS"
Insert: "with"
Strike: "ON"
Insert: "of"

8. Page 5, line 7.
Following: "(1)"
Insert: "(a)"

9. Page 5, line 8.
Following: "respect to"
Insert: "the assets of any public benefit corporation, to"
Following: "charity,"
Insert: "or"

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10. Page 5, line 9 and 10.

Following: "part 5" on line 9

Strike: ", or to" on line 9 through "35-7-722" on line 10

11. Page 5.

Following: line 10

Insert: "(b) Filing of an application under [sections 1 through 18] satisfies any notice requirements under 35-2-609, 35-2-617, or 35-2-722."

12. Page 5, line 11 through line 13.

Strike: subsection (2) in its entirety

Insert: "(2) (a)(i) Nothing in [sections 1 through 18] precludes the attorney general, the commissioner, or a nonprofit health entity from filing an action in district court under Title 27, chapter 8, seeking a declaration that a nonprofit health entity transaction is or is not a conversion transaction as defined in [section 1] or a declaration of whether assets of a nonprofit health entity are or are not public assets as defined in [section 1]. No other declaratory relief may be sought in a court regarding any issue arising from a transaction that is or is alleged to be a conversion transaction under [sections 1 through 18], except that a transferor or transferee may file an action in district court seeking an injunction prohibiting the attorney general or commissioner from making an unlawful disclosure of trade secrets or proprietary or other confidential information.

(ii) In an action under this subsection (2) to determine whether assets of a nonprofit health entity are or are not public assets, the presumption in [section 13(3)] applies.

(b) The commissioner or the attorney general, or both, may contract with experts as reasonably necessary to bring or defend an action pursuant to this subsection (2) and the nonprofit health entity shall pay the costs reasonably incurred by the commissioner or the attorney general for the experts' services.

(c) In an action under this subsection (2), if the court finds that the transaction is a conversion transaction subject to [sections 1 through 18] and the transaction has not been completed, the court shall enter an injunction prohibiting any further actions to complete the transaction until it has been approved by the commissioner and attorney general under [section 2].

(d) In an action under this subsection (2), if the court finds that a completed transaction was a conversion transaction that the commissioner and attorney general have not approved under [section 2], the court shall enter an injunction requiring the nonprofit health entity or any successor to the assets involved in the transaction to submit an application for review under [section 5]. After reviewing any application submitted following a court order under this subsection (2)(d), the attorney general may direct that the nonprofit health entity or any successor to the assets involved in the transaction distribute the fair market value of any public assets involved in the transaction as required under [section 18].

(e) The court issuing the declaratory judgment retains jurisdiction to enforce any direction by the attorney general for distribution of the fair market value of public assets under this subsection (2).

(3) [Sections 1 through 18] may not be construed to make void or voidable or to require any distribution of assets with respect to any transaction or series of transactions completed before [the effective date of this act], even if that transaction or series of transactions is considered as part of a conversion transaction completed on or after [the effective date of this act]."

13. Page 8, line 17.

Following: "ATTORNEY GENERAL"

Insert: "or a court pursuant to [section 4]"

14. Page 9, line 27.

Following: "ATTORNEY GENERAL"

Insert: "or a court pursuant to [section 4]"

15. Page 11, line 12.

Strike: "The"

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

16. Page 11, line 24.

Strike: "for-profit company and its"

Insert: "parties to the conversion transaction and their"

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17. Page 12, line 3.

Strike: the first "the for-profit entity"

Insert: "any party to the conversion transaction"

Strike: the second "the for-profit entity"

Insert: "a party to the conversion transaction"

18. Page 12, line 23.

Insert: "(5) Notwithstanding any other provision of this section, the proceeds of a conversion transaction that are public assets of a nonprofit mutual benefit corporation in which all of the members are nonprofit public benefit corporations may be distributed to the member nonprofit public benefit corporations if the articles of incorporation of the nonprofit mutual benefit corporation provide for that distribution."

19. Page 13, line 25 through 28.

Following: "[sections 1 through 18]." on line 25

Strike: remainder of line 25 through "corporation." on line 28

20. Page 15, line 9.

Insert: "Section 21. Section 35-2-722, MCA, is amended to read:

"**35-2-722. Notices to the attorney general.** (1) ~~A~~ Except as provided in subsection (4), a public benefit corporation or religious corporation shall give the attorney general written notice that it intends to dissolve at or before the time it delivers articles of dissolution to the secretary of state. The notice must include a copy or summary of the plan of dissolution.

(2) Assets may not be transferred or conveyed by a public benefit corporation or religious corporation as part of the dissolution process until 20 days after it has given the written notice required by subsection (1) to the attorney general or until the attorney general has consented in writing to the dissolution or indicated in writing that he will not take action in respect to the transfer or conveyance, whichever is earlier.

(3) When all or substantially all of the assets of a public benefit corporation have been transferred or conveyed following approval of dissolution, the board shall deliver to the attorney general a list showing those, other than creditors, to whom the assets were transferred or conveyed. The list must indicate the address of each person, other than creditors, who received assets and indicate what assets each received.

(4) A public benefit corporation or religious corporation that is considered a nonprofit health entity, as defined in [section 1], is subject to the provisions of [sections 1 through 18]."

Renumber: subsequent sections

21. Page 15, line 17.

Following: "transaction"

Insert: "or any individual transaction or series of transactions"

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

SB 329, be concurred in. Report adopted.

LOCAL GOVERNMENT (Noennig, Chairman):

SB 32, be concurred in. Report adopted.

3/17/2005

SB 40, be amended as follows:

1. Title, line 7.

Strike: "RESOLUTION OF INTENTION TO CREATE THE DISTRICT AND THE"

2. Title, line 9.

Strike: "7-12-2105,"

3. Page 2, line 4 through line 25.

Strike: section 2 in its entirety

Renumber: subsequent sections

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

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SB 162, be concurred in and placed on the consent calendar. Report adopted.
SB 185, be concurred in. Report adopted.

STATE ADMINISTRATION (Jent, Chairman):

3/17/2005

HB 633, do pass. Report adopted.
HB 780, do pass. Report adopted.
SB 62, be concurred in. Report adopted.
SB 118, be amended as follows:

1. Title, page 1, line 17.

Following: "MCA;"
Strike: "AND"

2. Title, page 1, line 19.

Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 4, line 3.

Following: "DEPARTMENT"
Insert: "of military affairs"

4. Page 4, line 8.

Strike: "A DEPARTMENT EMPLOYEE"
Insert: "an employee of the department of military affairs"

5. Page 4, line 9.

Strike: "A DEPARTMENT EMPLOYEE"
Insert: "an employee of the department of military affairs"

6. Page 7, line 9.

Following: "complainant"
Insert: "and the employer in writing"

7. Page 13.

Following: line 28
Insert: "NEW SECTION. Section 30. Effective date. [This act] is effective on passage and approval."

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

SB 182, be concurred in. Report adopted.

SB 206, be concurred in. Report adopted.

TAXATION (Waitschies, Chairman):

3/17/2005

HB 625, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.

Strike: "REQUIREMENT" on line 7
Insert: "REQUIREMENTS"
Strike: "DELETING" on line 7 through "FOR" on line 8

2. Page 2.

Following: line 15
Insert: "(b) has, prior to designation by the department of commerce, a population of less than 5,500 according to the most recent federal census or federal estimate;"
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

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HB 758, introduced bill, be amended as follows:

1. Title, page 1, line 9, through page 1, line 12.
Strike: "STATUTORILY" on line 9 through "COUNTY;" on line 12

2. Title, page 1, line 14.
Following: the first "and"
Strike: "17-7-502,"
Insert: "15-36-332,"
Strike: "IMMEDIATE"

3. Page 1, lines 19 and 20.
Strike: "The oil" on line 19
Insert: "Oil"
Following: "account" on line 19
Strike: remainder of line 19 through "appropriation" on line 20

4. Page 1, line 20.
Strike: "(1)"

5. Title, page 1, line 22.
Strike: "Interest" through "account."

6. Page 1, line 23 through line 24.
Strike: subsection (2) in its entirety

7. Page 1, line 26 through page 2, line 4.
Strike: section 2 in its entirety
Renumber: subsequent sections

8. Page 11.
Following: line 18
Insert: "Section 5. Section 15-36-332, MCA, is amended to read:

"15-36-332. **Distribution of taxes to taxing units -- appropriation.** (1) (a) By the dates referred to in subsection (6), the department shall distribute oil and natural gas production taxes allocated under 15-36-331(3) to each eligible county.

(b) By the dates referred to in subsection (6), the department shall distribute the amount deposited in the oil, gas, and coal natural resource account under 15-36-331(2)(b) as provided in subsection (8).

(2) (a) Each county treasurer shall distribute the amount of oil and natural gas production taxes designated under subsection (1), including the amounts referred to in subsection (2)(b), to the countywide elementary and high school retirement funds, countywide transportation funds, and eligible school districts according to the following schedule:

	Elementary Retirement	High School Retirement	Countywide Transportation	School Districts
Big Horn	14.81%	10.36%	2.99%	26.99%
Blaine	5.86%	2.31%	2.71%	24.73%
Carbon	3.6%	6.62%	1.31%	49.18%
Chouteau	8.1%	4.32%	3.11%	23.79%
Custer	6.9%	3.4%	1.19%	31.25%
Daniels	0	7.77%	3.92%	48.48%
Dawson	5.53%	2.5%	1.11%	35.6%
Fallon	0	7.63%	1.24%	42.58%
Fergus	7.88%	4.84%	2.08%	53.25%
Garfield	4.04%	3.13%	5.29%	26.19%
Glacier	11.2%	4.87%	3.01%	46.11%
Golden Valley	0	11.52%	2.77%	54.65%
Hill	6.7%	4.07%	1.59%	49.87%
Liberty	4.9%	4.56%	1.15%	35.22%

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McCone	4.18%	3.19%	2.58%	43.21%
Musselshell	5.98%	4.07%	3.53%	32.17%
Petroleum	0	11.92%	4.59%	55.48%
Phillips	0.43%	6.6%	1.08%	41.29%
Pondera	6.96%	5.06%	1.94%	45.17%
Powder River	3.96%	2.97%	4.57%	22.25%
Prairie	0	8.88%	1.63%	36.9%
Richland	4.1%	3.92%	2.26%	43.77%
Roosevelt	9.93%	7.37%	2.74%	40.94%
Rosebud	3.87%	2.24%	1.05%	72.97%
Sheridan	0	3.39%	2.22%	47.63%
Stillwater	6.87%	4.86%	1.63%	41.16%
Sweet Grass	6.12%	6.5%	2.4%	37.22%
Teton	6.88%	8.19%	3.8%	29.43%
Toole	2.78%	4.78%	1.3%	43.56%
Valley	2.26%	12.61%	4.63%	41.11%
Wibaux	0	4.1%	0.77%	31.46%
Yellowstone	7.98%	4.56%	1.07%	52.77%
All other counties		3.81%	7.84%	1.81% 41.04%

(b) (i) The county treasurer shall distribute 9.8% of the Custer County share to the countywide community college district in Custer County.

(ii) The county treasurer shall distribute 14.5% of the Dawson County share to the countywide community college district in Dawson County.

(3) The remaining oil and natural gas production taxes for each county must be used for the exclusive use and benefit of the county, including districts within the county established by the county.

(4) (a) The county treasurer shall distribute oil and natural gas production taxes to school districts in each county referred to in subsection (2) as provided in subsections (4)(b) through (4)(d).

(b) The amount distributed to each K-12 district within the county is equal to oil and natural gas production taxes in the county multiplied by the ratio that oil and natural gas production taxes attributable to oil and natural gas production in the K-12 school district bear to total oil and natural gas production taxes attributable to total oil and natural gas production in the county and multiply that amount by the school district percentage figure for the county referred to in subsection (2)(a).

(c) For the amount to be distributed to each elementary school district and to each high school district under subsection (4)(d), the department shall first determine the amount of oil and natural gas taxes in the high school district that is attributable to oil and natural gas production in each elementary school district that is located in whole or in part within the exterior boundaries of a high school district and multiply that amount by the school district percentage figure for the county referred to in subsection (2)(a).

(d) (i) The amount distributed to each elementary school district that is located in whole or in part within the exterior boundaries of a high school district is equal to the amount determined in subsection (4)(c) multiplied by the ratio that the total mills of the elementary school district bear to the sum of the total mills of the elementary school district and the total mills of the high school district.

(ii) The amount distributed to the high school district is equal to the amount determined in subsection (4)(c) multiplied by the ratio that the total mills of the high school district bear to the sum of the total mills of each elementary school district referred to in subsection (4)(c) and the total mills of the high school district.

(5) (a) Oil and natural gas production taxes calculated for each school district under subsections (4)(b) through (4)(d) must be distributed to each school district in the relative proportion of the mill levy for each fund.

(b) If a distribution under subsection (5)(a) exceeds the total budget for a school district fund, the board of trustees of an elementary or high school district may reallocate the excess to any budgeted fund of the school district.

(6) The department shall remit the amounts to be distributed in this section to the county treasurer by the following dates:

(a) On or before August 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending March 31 of the current year.

(b) On or before November 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending June 30 of the current year.

(c) On or before February 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending September 30 of the previous year.

(d) On or before May 1 of each year, the department shall remit to the county treasurer oil and natural gas

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production tax payments received for the calendar quarter ending December 31 of the previous year.

(7) The department shall provide to each county by May 31 of each year the amount of gross taxable value represented by all types of production taxed under 15-36-304 for the previous calendar year multiplied by 60%. The resulting value must be treated as taxable value for county classification purposes under 7-1-2111.

(8) The department shall distribute the funds received under 15-36-331(2)(b) to counties based on county oil and gas production. Of the distribution to a county, one-third must be distributed to the county government and two-thirds must be distributed to incorporated cities and towns within the county. If there is more than one incorporated city or town within the county, the city and town allocation must be distributed to the cities and towns based on their relative populations.

~~(8)(9)~~ The distribution distributions to taxing units and to counties and incorporated cities and towns under this section is are statutorily appropriated, as provided in 17-7-502, from the state special revenue fund. ""

9. Page 11, line 20 through page 12, line 20.

Strike: section 6 in its entirety

Insert: "NEW SECTION. Section 6. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa."

10. Page 12, line 22.

Strike: "Sections"

Insert: "Section"

Strike: "and 2"

Strike: "are"

Insert: "is"

11. Page 12, line 23.

Strike: "sections"

Insert: "section"

Strike: "and 2"

12. Page 12.

Following: line 24

Insert: "COORDINATION SECTION. Section 8. Coordination instruction. If House Bill No. 482 and [this act] are passed and approved, then:

(1) the percentage figure referred to in each version of 15-35-108(3) in House Bill No. 482 and [this act] must be 5.46%; and

(2) the percentage figure referred to in each version of 15-35-108 allocating money to the oil, gas, and coal natural resource account must be 2.9%."

13. Page 12, line 25.

Strike: "on passage and approval"

Insert: "July 1, 2005"

14. Page 12, line 27.

Strike: "tax years beginning after"

Insert: "oil and gas production occurring after"

And, as amended, do pass. Report adopted.

SB 70, be concurred in. Report adopted.

SB 74, be concurred in. Report adopted.

SB 92, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

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House bills concurred in and returned to the House: 3/17/2005

HB 50, introduced by Roberts
HB 97, introduced by Lange
HB 116, introduced by Barrett
HB 147, introduced by Clark
HB 157, introduced by McKenney
HB 161, introduced by McNutt
HB 180, introduced by Lake
HB 209, introduced by McKenney
HB 285, introduced by Taylor

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/17/2005

HB 30, introduced by Wanzenried
HB 345, introduced by Gallik

House bills not concurred in and returned to the House: 3/17/2005

HB 367, introduced by Parker

FIRST READING AND COMMITMENT OF BILLS

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

HB 791, introduced by Juneau, Bixby, referred to Education.
HB 792, introduced by Koopman, referred to Taxation.
HB 793, introduced by McAlpin, referred to Natural Resources.

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

HJR 35, introduced by Arntzen, Lange, Becker, Bergren, referred to Education.

**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 Glaser in the chair.

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

HB 2 - Representative Witt moved **HB 2** do pass and gave opening remarks.

Rep. Buzzas gave remarks as the Chair of the House Appropriations Committee.

Rep. Sinrud gave opening remarks on HB 2, Section A: General Government.

HB 2 - Representative Wanzenried moved **HB 2**, second reading copy, be amended as follows:

1. Page A-7, line 7.
Strike: "19,754,810 19,954,761" [state special FY06 and FY07]
Insert: "19,504,810 19,704,761" [state special FT06 and FY07]

Amendment **not** adopted as follows:

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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, Koopman, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, 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, 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, Wilson, Witt.

Total 50

Voted Absentee: Lange, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-5, line 4 through line 8.

Strike: line 4 through line 8 in their entirety

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, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Lange, Aye.

Excused: None.

Total 0

Absent or not voting: Parker.

Total 1

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-13, line 16 through line 17.

Strike: line 16 through line 17 in their entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert,

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Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, 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, Windham, Witt, Mr. Speaker.
Total 53

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, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.
Total 46

Excused: Lange.
Total 1

Absent or not voting: None.
Total 0

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-11, line 6.
Strike: "663,831 660,001" [general fund FY06 and FY07]
Insert: "607,003 606,324" [general fund FY06 and FY07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Franklin, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.
Total 57

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, Musgrove, Noonan, Raser, Sesso, Small-Eastman, Villa, Wilson, Windy Boy, Wiseman.
Total 40

Excused: Lange.
Total 1

Absent or not voting: Jent, Keane.
Total 2

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-11, line 25 through page A-12, line 1.
Strike: Page A-11, line 25 through Page A-12, line 1 in their entirety
Renumber: subsequent subsections

2. Page A-12, line 20.
Strike: line 20 in its entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Buzzas, Clark, Dowell, Everett, Glaser, Grinde, Gutsche, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt,

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Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 64

Noes: Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Harris, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Raser, Sesso, Small-Eastman, Villa, Wilson.
Total 36

Voted Absentee: Lange, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Representative Sesso moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-5, line 9 through line 14.
Strike: line 9 through line 14 in their entirety

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

Voted Absentee: Lange, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-9, line 11.
Strike: "2,077,468 2,077,671" [general fund FY06 and FY07]
Insert: "1,956,988 1,957,191" [general fund FY06 and FY07]

2. Page A-9, line 17.
Strike: "3,264,485 3,903,588" [general fund FY06 and FY07]
Insert: "3,048,995 3,688,098" [general fund FY06 and FY07]

3. Page A-9, line 19.
Strike: "991,141 989,824" [general fund FY06 and FY07]

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Insert: "884,464 883,147" [general fund FY06 and FY07]

4. Page A-9, line 21.

Strike: "4,794,495 4,780,586" [general fund FY06 and FY07]

Insert: "4,605,617 4,591,708" [general fund FY06 and FY07]

5. Page A-10 line 2.

Strike: "5,096,954 5,106,724" [general fund FY06 and FY07]

Insert: "5,029,426 5,039,196" [general fund FY06 and FY07]

Amendment adopted 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, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 49

Voted Absentee: Lange, Aye.

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

Speaker Matthews moved the committee rise, report progress, and beg leave to sit again. Motion carried with a voice vote.

Speaker Matthews announced the House Democrats will caucus. The House will stand at ease until 11:20 a.m.

The House reconvened at 11:20 a.m.

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

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Representative Glaser in the chair.

Rep. Brown moved to reconsider the House action on HB 2-22 amendment. 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, 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, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

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Noes: None.
Total 0

Excused: Lange.
Total 1

Absent or not voting: Buzzas.
Total 1

HB 2 - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-7, line 7.
Strike: "19,754,810 19,954,761" [state special FY06 and FY07]
Insert: "19,504,810 19,704,761" [state special FT06 and FY07]

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, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Keane, Lange, Ayes.

Excused: None.
Total 0

Absent or not voting: Small-Eastman.
Total 1

HB 2 - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-7, line 7.
Strike: "19,754,810 19,954,761" [state special fund FY06 and FY07]
Insert: "19,311,913 19,491,140" [state special fund FY06 and FY07]

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.

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Total 0

Voted Absentee: Keane, Lange, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-12, line 13.

Strike: "There"

Insert: "If House Bill No. 102 is not passed and approved, there"

2. Page D-3, line 20.

Strike: "There"

Insert: "If House Bill No. 102 is not passed and approved, there"

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

Voted Absentee: Keane, Lange, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-3, line 12.

Strike: "2,730,968 [general fund FY06]"

Insert: "2,130,968 [general fund FY06]"

Amendment adopted as follows:

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

Total 55

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

Total 43

Voted Absentee: Lange, Aye.

Excused: None.

Total 0

Absent or not voting: Keane, B. Olson.

Total 2

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-11, line 14.

Strike: "4,100,000" [general fund FY06]

Insert: "3,500,000" [general fund FY06]

Amendment adopted as follows:

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

Total 50

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

Total 49

Voted Absentee: Lange, Aye.

Excused: Keane.

Total 1

Absent or not voting: None.

Total 0

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-1, line 24.

Strike: "3,876,156 4,210,183" [general fund FY06 and FY07]

Insert: "3,763,760 4,104,420" [general fund FY06 and FY07]

2. Page A-2, line 25 through page A-3, line 8.

Strike: line 25 on page A-2 and lines 1 through 8 on page A-3 in their entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Franklin, Galvin-Halcro, Glaser, Golie, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.

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Total 61

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, McAlpin, Musgrove, Noennig, Parker, Raser, Small-Eastman, Wilson, Windy Boy, Wiseman.

Total 39

Voted Absentee: Lange, Aye; Keane, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Raser moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-4.

Following: line 18

Insert: "It is the intent of the legislature that the department of commerce use accommodations taxes to fund \$300,000 in fiscal year 2006 and \$300,000 in fiscal year 2007 for marketing montana and business recruitment program."

Amendment **not** adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Galvin-Halero, Golie, Grinde, Gutsche, Hamilton, Harris, Hiner, Jacobson, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 41

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

Total 59

Voted Absentee: Keane, Aye; Lange, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-3, line 22.

Strike: "86,527 86,395" [general fund for FY06 and FY07]

Insert: "61,527 61,395" [general fund for FY06 and FY07]

Amendment adopted as follows:

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

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Total 56

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

Total 44

Voted Absentee: Lange, Aye; Keane, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Wanzenried moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-12, line 18.

Strike: "\$4,000,000"

Insert: "\$2,100,000"

2. Page A-12, line 19.

Following: "purpose."

Insert: "If House Bill No. 745 is passed and approved in a form that includes an appropriation of \$2,100,000 to finish the contractor payments on IRIS phase one, then this appropriation is void."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, 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, 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 98

Noes: D. Brown, Stahl.

Total 2

Voted Absentee: Keane, Lange, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-4, line 1.

Strike: "274,417 264,366" [general fund FY06 and FY07]

Insert: "236,917 226,866" [general fund FY06 and FY07]

Amendment adopted as follows:

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

Total 53

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

Total 47

Voted Absentee: Lange, Aye; Keane, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-2, line 3.

Strike: "1,345,000" [general fund FY06]

Insert: "1,095,000" [general fund FY06]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Facey, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, 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, Warden, Wells, Wilson, Windham, Witt.

Total 55

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

Total 45

Voted Absentee: Lange, Aye; Keane, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-12, lines 4 and 5.

Strike: line 4 through line 5 in their entirety

2. Page A-12, line 22.

Strike: line 22 in its entirety

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dickenson, Eaton, Everett, Facey, Gallik, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 79

Noes: Bergren, Bixby, Buzzas, Callahan, Dowell, Driscoll, Franklin, Furey, Galvin-Halcro, Groesbeck, Henry, Jopek, Juneau, Keane, Lindeen, Musgrove, Noonan, Parker, Sesso, Small-Eastman, Villa.

Total 21

Voted Absentee: Lange, Aye; Keane, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-1, line 18.

Strike: "250,000 250,000" [state special fund FY06 and FY07]

Insert: "219,354 219,354" [state special fund FY06 and FY07]

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, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt.

Total 88

Noes: Facey, Furey, Gallik, Hiner, Jent, Lenhart, McNutt, Ripley, Small-Eastman, Windy Boy, Wiseman, Mr. Speaker.

Total 12

Voted Absentee: Keane, Lange, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Sinrud moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-2, line 11.

Strike: "29,719,790 30,108,259" [general fund fy06/fy07]

Insert: "29,038,875 29,427,344" [general fund fy06/fy07]

Amendment **not** adopted as follows:

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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, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

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

Total 52

Voted Absentee: Lange, Aye; Keane, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Harris moved **HB 2**, second reading copy, be further amended as follows:

1. Page A-4, line 1.

Strike: "274,417" [general fund FY06]

Insert: "277,617" [general fund FY06]

Amendment adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hiner, Jackson, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Sesso, Sinrud, Small-Eastman, Villa, Wagman, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 58

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Everett, Facey, Glaser, Hawk, Hendrick, Henry, Himmelberger, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Warden, Wells, Witt.

Total 42

Voted Absentee: Keane, Aye; Lange, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Sinrud withdrew his amendment HB 2-29.

Rep. Parker announced the House Democrats will caucus.

Rep. Brown announced the House Republicans will caucus.

Chairman Glaser stated the House will stand at ease until 2:25 p.m.

House resumed at 2:34 p.m.

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Rep. Ward read the following proclamation:

A PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA
March 17, 2005

WHEREAS, Thomas Francis Meagher was an Irish patriot, American Civil War General, and first Secretary of the Montana Territory; and

WHEREAS, Thomas Francis Meagher was the Acting Territorial Governor from September 1865 to July 1867; and

WHEREAS, March 17 is the feast of Saint Patrick and a fitting day to recognize this great Irishman; and

WHEREAS, 2005 will mark the 100th Anniversary of the Thomas Francis Meagher statue which graces the front of our great Montana Capitol Building; and

WHEREAS, on the 5th of July, 2005, this hallmark statue, which has been enjoyed by Montanans and visitors for a century, will be the subject of a Centennial Celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That the House of Representatives and the Senate of the State of Montana, on this, the 17th day of March, 2005, hereby recognize Thomas Francis Meagher for his contributions to the cause of freedom and prosperity for the people of this State.

We encourage and support the Centennial Celebration to recognize the setting of and recent restoration of the Thomas Francis Meagher statue.

We further order and declare that July 5, 2005 shall be known as Thomas Francis Meagher Day in the State of Montana.

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

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for the continuation of business on second reading. Representative Himmelberger in the chair.

Rep. Kaufmann gave opening remarks on Section B: Department of Health and Human Services.

HB 2 - Representative Caferro moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 9.

Strike: "19,197,505" [state special fund FY07]

Insert: "17,397,505" [state special fund FY07]

2. Page B-4, line 20.

Following: "d."

Strike: "Eliminate Asset Test"

Insert: "Raise Asset Limit for Medicaid Eligibility"

3. Page B-4, line 21.

Strike: line 21 in its entirety [general fund and federal funds FY06]

Insert: "1,876,316 4,529,679" [state special and federal funds FY06]

Explanation: This amendment funds the state match for raising the asset limit for children's Medicaid eligibility (HB 552) from I-149 state special revenue authority instead of from general fund and adjusts the funding in HB 2 to correspond to the most recent fiscal note for HB 552.

The \$1,876,316 million in state special revenue authority to support HB 552 is removed from funding appropriated for small business tax credits and health insurance premium assistance (HB 667). The net change due to this amendment is a \$2.2 million general fund reduction and a \$781,487 reduction in federal matching funds.

Amendment adopted as follows:

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Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt, Mr. Speaker.
Total 48

Voted Absentee: Lange, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Representative Morgan moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 9.

Strike: "19,197,505 26,497,755" [state special fund FY06 and FY07]

Insert: "247,505 6,129,733" [state special fund FY06 and FY07]

2. Page B-4, line 13.

Strike: "9,966,860 11,101,211" [state special fund FY06 and FY07]

Insert: "7,922,954 10,005,119" [state special fund FY 06 and FY07]

Strike: "319,083,736 342,322,522" [federal special fund FY06 and FY07]

Insert: "312,701,466 338,872,401" [federal special fund FY06 and FY07]

Explanation: This amendment makes several changes to the I-149 appropriation included in the Director's Office and one change to the expansion of CHIP coverage to an additional 3,000 children (base level enrollment of 10,900) included in the Health Resources Division for a total reduction of \$42.1 million state special revenue and \$9.8 million federal funds over the biennium. Each change and the specific reductions associated with each change are listed below. The amendment:

1. Delays implementation of the low-income prescription drug coverage program embodied in SB 324 until 1/1/07
--reduction \$7.0 million in FY06 and \$5.25 million in FY07
3. Delays implementation of Medicaid provider rate increases and service expansions until 1/1/07
--reduction of \$5,594,101 in FY06 and \$3,568,023 in FY07
3. Delays expansion of CHIP to 13,900 (an additional 3,000 children) until 1/1/07
--reduction \$2,043,906 in FY06 and \$1,096,092 in FY07
4. Removes the appropriation for the small business tax credit and premium assistance program embodied in HB 667
--reduction of \$6.0 million in FY06 and \$11.55 million in FY07
5. Removes \$355,899 in excess appropriation authority in FY06 that is not assigned to any particular function in the executive budget

Amendment **not** adopted 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, Warden, Wells, Witt.
Total 49

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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, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Voted Absentee: Lange, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 2 - Representative Kaufmann moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-4, line 13.

Strike: "95,477,980 9,966,860" [general fund and state special revenue FY06]

Insert: "96,577,980 8,866,860" [general fund and state special revenue FY06]

Strike: "103,789,808 11,101,211" [general fund and state special revenue FY07]

Insert: "104,889,808 10,001,211" [general fund and state special revenue FY07]

Explanation: This amendment uses the \$2.2 million reduction of general fund in FY 06 in HB2-1021 which passed for raising the asset limit for children's Medicaid eligibility (HB 552).

The \$2.2 million general fund reduction for the asset test is reallocated \$1.1 million each year of the biennium to support state match for the Children's Health Insurance Program (CHIP). State special revenue CHIP match from I-149 is reduced by \$1.1 million each year due to the general fund increase.

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, Gallik, Galvin-Halcro, Glaser, Grinde, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Windy Boy, Wiseman, Witt.

Total 80

Noes: Everett, Furey, Golie, Groesbeck, Hawk, Koopman, Lake, Maedje, Mendenhall, Milburn, Ross, Sales, Sinrud, Wagman, Waitschies, Wells, Wilson, Windham, Mr. Speaker.

Total 19

Voted Absentee: Lange, Aye.

Excused: None.

Total 0

Absent or not voting: Noennig.

Total 1

HR 2 - Representative Morgan moved **HR 2**, second reading copy, be further amended as follows:

1. Page B-1, line 4.

Strike: "183,934,559 196,348,153" [federal special fund FY06 and FY07]

Insert: "188,849,559 198,863,153" [federal special fund FY06 and FY07]

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2. Page B-1, line 7 through line 10.

Strike: line 7 through line 10 in their entirety

Renumber: subsequent subsections

3. Page B-1, line 13 through line 18.

Strike: line 13 through line 18 in their entirety

4. Page B-2, line 9.

Strike: line 9 in its entirety

Insert: "1,328,489 1,331,310" [general fund FY06/FY07]
"19,191,224 26,491,473" [state special revenue FY06/FY07]
"2,624,543 17,142,060" [federal funds FY06/FY07]

5. Page B-2, lines 12 and 13.

Strike: lines 12 and 13 in their entirety [general fund FY06]

6. Page B-3, lines 3 and 4.

Strike: lines 3 and 4 in their entirety

Renumber: subsequent subsection

7. Page B-4, line 13.

Strike: "95,477,980 9,966,860" [general fund and state special revenue FY06]
Insert: "98,770,849 6,673,991" [general fund and state special revenue FY06]
Strike: "103,789,808 11,101,211" [general fund and state special revenue FY07]
Insert: "107,082,677 7,808,342" [general fund and state special revenue FY07]

8. Page B-4, lines 16 and 17.

Strike: lines 16 through 17 in their entirety

Renumber: subsequent subsections

9. Page B-4, lines 20 and 21.

Strike: lines 20 through 21 in their entirety

Renumber: subsequent subsections

10. Page B-4, line 23.

Strike: "1,000,000 2,414,135" [state special and federal funds FY06]

Insert: "800,000 1,931,308" [state special and federal funds FY06]

11. Page B-5, line 2.

Strike: "0 1,924,781 0 1,346,732" [general fund and state special revenue FY06 and FY07]
Insert: "1,924,781 0 1,346,732 0" [general fund and state special revenue FY06 and FY07]

12. Page B-5, line 4.

Strike: "47,257,025 48,377,984" [general fund FY 06 and FY 07]
Insert: "47,461,025 48,581,984" [general fund FY 06 and FY 07]
Strike: "13,301,080 13,227,306" [state special fund FY06/FY07]
Insert: "13,097,080 13,023,306" [state special fund FY06/FY07]

13. Page B-5, line 14.

Strike: line 14 in its entirety

Insert: "2,080,000 1,120,000 7,725,230" [general fund, state special revenue, and federal funds FY06]

14. Page B-5, line 16.

Strike: "41,867,075 5,300,526" [general fund and state special revenue FY 06]
Insert: "42,065,504 5,102,097" [general fund and state special revenue FY 06]
Strike: "42,533,984 5,416,927" [general fund and state special revenue FY 07]
Insert: "42,732,413 5,218,498" [general fund and state special revenue FY 07]

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15. Page B-5, lines 23 and 24.

Strike: lines 23 through 24 in their entirety

Renumber: subsequent subsection

16. Page B-6, line 18.

Following: "for"

Strike: "Energy Ombudsman, Child Care, Food Banks, TANF Reduce CC Transfer, Fund Cash Assistance,"

17. Page B-6, line 19.

Following: "Increase,"

Strike: "Revenue Auditors,"

18. Page B-6, line 20.

Following: "Physician Rate Increase,"

Strike: "Eliminate Asset Test for Children,"

19. Page B-6, line 21.

Following: "Increase,"

Insert: "and"

Following: "Drugs"

Strike: ", and Substance Abuse Treatment"

20. Page B-6, line 24 through page B-7, line 7.

Strike: line 24 through line 7 in their entirety

21. Page B-7, line 15 through line 18.

Strike: line 15 through line 18 in their entirety

22. Page B-7, line 23 through line 24.

Strike: line 23 through line 24 in their entirety

23. Page B-8, lines 15 and 16.

Strike: lines 15 through 16 in their entirety

24. Page B-12, lines 8 through 11

Strike: lines 8 through 11 in their entirety

25. Page B-12, lines 13 through 15.

Strike: lines 13 through 15 in their entirety

26. Page B-14, lines 5 through 8.

Strike: lines 5 through 8 in their entirety

Explanation: This amendment removes all appropriations from I-149 that conflict with the statutory uses allowed, except for the appropriation from I-149 funds that supports the Mental Health Services Plan. The amendment reduces state special revenue by \$11.1 and federal funds by \$7.9 million. General fund increases by a net of \$2.4 million over the biennium. Each specific change and the amount of the change is listed in the attached spreadsheet.

Amendment **not** adopted 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,

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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

Voted Absentee: Lange, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HR 2 - Representative Facey moved **HR 2**, second reading copy, be further amended as follows:

1. Page B-1, line 4.

Strike: "183,934,559 196,348,153" [federal special fund FY06 and FY07]

Insert: "183,809,559 196,223,153" [federal special fund FY06 and FY07]

2. Page B-1.

Following: line 18

Insert: "h. Adult Basic Education (Restricted) 125,000 125,000" [federal special fund FY06 and FY07]

3. Page B-7.

Following: line 24

Insert: "Funding in Adult Basic Education supports provision of adult basic education services designed to meet the specific needs of TANF participants. Priority for funding must be given to the geographic areas that have the highest percentage of their population enrolled in the TANF program."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 83

Noes: Barrett, Everett, Jackson, Koopman, McGillvray, Mendenhall, Milburn, Rice, Sales, Sinrud, Sonju, Stahl, Wagman, Warden, Wells, Witt.
Total 16

Voted Absentee: Lange, Aye.

Excused: None.
Total 0

Absent or not voting: L. Jones.
Total 1

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried with a voice vote.

Dem. Floor Leader Parker announced the Democrats will caucus.
Chairman Himmelberger stated the House will stand at ease until 5:10 p.m.

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HB 2 - Representative Morgan moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 9.

Strike: line 9 in its entirety

Insert: "1,328,489 1,331,310" [general fund FY06/FY07]
"19,191,224 26,491,473" [state special revenue FY06/FY07]
"2,624,543 17,142,060" [federal funds FY06/FY07]

Explanation: This amendment removes \$100,000 each year from the Directors Office, the amount needed to support the second deputy director position. The funds removed by fiscal year are:

		FY 06	FY 07
General Fund		37,147	37,146
State Special Revenue	6,281	6,282	
Federal		56,572	56,572

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Callahan, Dickenson, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt.
Total 71

Noes: Becker, Bergren, Bixby, Buzzas, Caferro, Campbell, Clark, Cohenour, Dowell, Eaton, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Harris, Jayne, Jopek, Juneau, Kaufmann, Lenhart, McAlpin, Parker, Raser, Small-Eastman, Wanzenried, Wilson, Wiseman, Mr. Speaker.
Total 28

Voted Absentee: Lange, Aye.

Excused: None.
Total 0

Absent or not voting: Rice.
Total 1

HB 2 - Representative Morgan moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-5.

Following: line 14

Insert: "f. Study of Veterans' Long-Term Health Care Needs (Restricted/Biennial/OTO)
50,000" [state special revenue from cigarette taxes]

2. Page B-13, line 16.

Following: line 16

Insert: "Funding in Study of Veterans' Long-Term Health Care Needs may be used by the department only to perform an analysis related to veterans' long-term care needs. The funds must be used to determine demographics of the Montana veterans' population, including the number and age of veterans in each county and the type of long-term care needs of the population. The long-term care assessment for veterans must include evaluation of the need for nursing home, domiciliary, and Alzheimer services as well as various types of community and in-home care that are needed. The study must also evaluate existing veterans' home services and configuration of those services with respect to the needs identified. The department shall provide the results of the study to the legislative finance committee by September 1, 2006."

Explanation: This amendment appropriates \$50,000 of state special cigarette tax revenue allocated to veterans' services for a study of long-term care needs of Montana veterans' and requires that the Legislative Finance Committee receive the study results in time to be included in legislative staff analysis of the executive budget request.

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Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, Butcher, Caferro, Dickenson, Dowell, Driscoll, Everett, Facey, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 71

Noes: Bergren, Bixby, Branae, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Eaton, Franklin, Galvin-Halcro, Gutsche, Hawk, Henry, Hiner, Juneau, Kaufmann, Koopman, Lindeen, McGillvray, Mendenhall, Musgrove, Parker, Sales, Sinrud, Small-Eastman, Waitschies, Windham.
Total 29

Voted Absentee: Lange, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Representative McNutt moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, line 14.
Strike: "1,256,796" "1,257,348"[state special fund FY 06 & FY 07]
Insert: "1,045,546" "1,046,098"[state special fund FY 06 & FY 07]

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Campbell, Clark, Cohenour, Everett, Facey, Gallik, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Witt, Mr. Speaker.
Total 65

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Galvin-Halcro, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Juneau, Kaufmann, Lambert, Lindeen, McAlpin, Morgan, Noonan, Parker, Raser, Small-Eastman, Villa, Wilson, Wiseman.
Total 35

Voted Absentee: Lange, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Representative Taylor moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 12.
Following: "Revenue"
Strike: "Auditors"
Insert: "Auditor"

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2. Page B-2, line 13.

Strike: "1,120,000" [general fund FY06]
Insert: "115,638" [general fund FY06]

3. Page B-6, line 19.

Following: "Revenue"
Strike: "Auditors"
Insert: "Auditor"

4. Page B-8, line 15.

Following: "Revenue"
Strike: "Auditors"
Insert: "Auditor"
Following: "tax"
Strike: "auditors"
Insert: "audit staff"

Explanation: This amendment reduces the funding for new audit FTE in the Department of Revenue. The appropriation for the FTE is included in the Department of Public Health and Human Services with the direction that the appropriation be transferred to DPHHS. This amendment reduces the general fund appropriated by \$1,006,342 and supports 1.00 new FTE instead of 6.00 new FTE.

Amendment **not** adopted 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

Voted Absentee: Lange, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Representative Wagman moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-2, line 9.

Strike: "19,197,505 26,497,755" [state special fund FY06 and FY07]

Insert: "247,505 18,426,783" [state special fund FY06 and FY07]

2. Page B-4, line 13.

Strike: "9,966,860 11,101,211" [state special fund FY06 and FY07]

Insert: "7,922,945 11,027,072" [state special fund FY06 and FY07]

Strike: "319,083,736 342,322,522" [federal special fund FY06 and FY07]

Insert: "312,701,466 342,089,158" [federal special fund FY06 and FY07]

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Amendment **not** adopted 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, Warden, Wells, Witt.
Total 49

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

Voted Absentee: Lange, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Representative Morgan moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-5, lines 23 and 24.
Strike: lines 23 through 24 in their entirety
Renumber: subsequent subsection

2. Page B-6, line 21.
Following: "Increase,"
Insert: "and"
Following: "Drugs"
Strike: ", and Substance Abuse Treatment"

3. Page B-14, lines 5 through 8.
Strike: lines 5 through 8 in their entirety

Explanation: This amendment removes a one time only appropriation of \$1 million general fund to support chemical dependency addiction and treatment, with a focus on methamphetamine addictions.

Amendment adopted 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, Warden, Wells, Windham, Witt, Mr. Speaker.
Total 52

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

Voted Absentee: Lange, Aye.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Representative Morgan moved **HB 2**, second reading copy, be further amended as follows:

1. Page B-3, lines 3 and line 4.
Strike: lines 3 through 4 in their entirety
Renumber: subsequent subsection

Explanation: This amendment eliminates the pilot program for Tribal peer counseling for tobacco/smoking prevention and control. The amendment eliminates \$60,000 general fund over the biennium.

Amendment adopted 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, Windham, Witt, Mr. Speaker.
Total 52

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

Voted Absentee: Lange, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Chairman Himmelberger stated HB 2 Section B is closed.

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Waitschies, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 70

Noes: Andersen, Barrett, Bixby, Cohenour, Everett, Galvin-Halcro, Hawk, Heinert, Jacobson, Jayne, Jopek, Klock, Koopman, MacLaren, Maedje, Malcolm, Mendenhall, Morgan, Rice, Roberts, Sales, Taylor, Villa, Wagman, Warden, Wells.
Total 26

Excused: Lange.
Total 1

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Absent or not voting: Campbell, Himmelberger, Wanzenried.
Total 3

MOTIONS

Dem. Floor Leader Parker moved to re-refer SB 481 from the Business and Labor Committee to the Human Services Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer SB 497 from the Business and Labor Committee to the Federal Relations, Energy, and Transportation Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer SJR 3 from the Business and Labor Committee to the Fish, Wildlife, and Parks Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to return HB 367 to the Senate for their reconsideration. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 83

Noes: Balyeat, Barrett, Everett, Koopman, Malcolm, Mendenhall, Morgan, Ripley, Roberts, Sales, Sinrud, Waitschies, Wells, Witt.
Total 14

Excused: Lange.
Total 1

Absent or not voting: Hendrick, McGillvray.
Total 2

SPECIAL ORDERS OF THE DAY

Consent Calendar: HB 327, HB 541. There being no questions, these bills will be placed on 3rd Reading.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Friday, March 18, 2005. Motion carried.

House adjourned at 5:55 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House