

HOUSE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY - MARCH 23, 2005

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59TH LEGISLATURE
SIXTY-FOURTH LEGISLATIVE DAY

Helena, Montana
March 23, 2005

House Chambers
State Capitol

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

Roll Call. All members present, except Representative John Balyeat, excused. Quorum present.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 1:05 p.m.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 3/23/2005

Correctly printed: **HB 8, HB 299, HB 769, HJR 33.**

Correctly engrossed: **HB 4, HB 5, HB 6, HB 7, HB 9, HB 11, HB 12, HB 35, HB 249, HB 379, HB 484, HB 512, HB 531, HB 540, HB 552, HB 704, HB 748, HB 749.**

Correctly enrolled: **HB 17, HB 44, HB 46, HB 88, HB 100, HB 113, HB 162, HB 201, HB 225, HB 269, HB 281, HB 409, HB 478, HB 481, HB 556, HB 607, HB 653, HB 660, HB 702, HB 709, HJR 5.**

Delivered to the Secretary of State at 9:50 a.m., March 23, 2005: **HJR 10, HJR 18.**

Delivered to the Governor for approval at 8:25 a.m., March 23, 2005: **HB 203, HB 370, HB 463.**

Examined by the sponsor and found to be correct: **HB 17, HB 32, HB 44, HB 46, HB 88, HB 100, HB 103, HB 113, HB 162, HB 174, HB 191, HB 196, HB 201, HB 223, HB 225, HB 234, HB 262, HB 269, HB 275, HB 281, HB 283, HB 306, HB 318, HB 321, HB 371, HB 409, HB 427, HB 478, HB 452, HB 481, HB 556, HB 567, HB 607, HB 631, HB 638, HB 653, HB 660, HB 702, HB 709, HJR 5, HJR 16.**

APPROPRIATIONS (Buzzas, Chairman): 3/23/2005

HB 35, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 9.

Strike: "PROVIDING" on line 8 through "FEES;" on line 9

2. Title, page 1, line 10.

Strike: "FOR A STATUTORY"

Insert: "AN"

3. Title, page 1, line 11.

Strike: "SECTIONS"

Insert: "SECTION"

4. Title, page 1, line 11 through line 12.

Strike: "17-7-502" on line 11 through "61-3-321," on line 12

5. Page 5, line 19 through page 13, line 18.

Strike: section 2 through section 7 in their entirety

Renumber: subsequent sections

6. Page 14, line 6.

Insert: "NEW SECTION. Section 3. Appropriation. (1) There is appropriated for the fiscal year beginning July 1, 2006, \$3,480,008 from the general fund to the department of justice to fund an increase in the base salary for the number of highway patrol officer positions existing on June 30, 2006; to fund the base salary and associated operating costs for new highway patrol officer positions created after June 30, 2006; and to fund biennial salary increases after June 30, 2006, for highway patrol officers.

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(2) There is appropriated from the highways state special revenue account to the department of justice \$283,325 for the fiscal year beginning July 1, 2005, and \$566,650 for the fiscal year beginning July 1, 2006, to fund base salaries and associated personal services costs of the highway patrol division of the department of justice."
Renumber: subsequent sections

7. Page 14, line 7 through line 10.
Strike: "(1)" on line 7 through "(2)" on line 10
Strike: "8" on line 10
Insert: "2"

8. Page 14, line 11.
Strike: "8"
Insert: "2"

9. Page 14.
Following: line 11

"COORDINATION SECTION. Section 5. Coordination instruction. If [this act] and House Bill No. 447 are both passed and approved, then 2-18-303 must be amended as follows:

"2-18-303. Procedures for using pay schedules. (1) The pay schedule provided in 2-18-312 must be implemented as follows:

(a) The pay schedule provided in 2-18-312 indicates the entry salary and market salary for each grade for positions classified under the provisions of part 2 of this chapter.

(b) Each employee newly hired by the state of Montana must be hired at the entry rate, except as provided in subsections ~~(6) through (9)~~ (5) through (9).

(c) On the first day of the first complete pay period in fiscal year ~~2004~~ 2006, each employee is entitled to the amount of the employee's base salary as it was on June 30, ~~2003~~ 2005.

(d) Effective on the first day of the first complete pay period that includes ~~January 1, 2005~~ an employee's anniversary date during the fiscal year ending June 30, 2006, the base salary of each employee must be increased ~~by an amount equal to 25 cents an hour or by a lesser amount so that the employee's base salary after the increase does not exceed the maximum salary of the pay grade as provided in subsection (1)(f) 3.5% or \$1,005, based upon 2,080 annual hours in a pay status, whichever is greater.~~ Effective on the first day of the first complete pay period that includes an employee's anniversary date during the fiscal year ending June 30, 2007, the base salary of each employee must be increased by 4% or \$1,188, based upon 2,080 annual hours in a pay status, whichever is greater. For employees hired on or before September 30, 2005, the anniversary date is October 1.

(e) An employee's base salary may be no less than the entry salary for the employee's assigned grade.

~~(f) The maximum salary for each grade is determined by subtracting the entry salary from the market salary and adding that amount to the market salary.~~

~~(2) The pay schedule provided in 2-18-312 and the provisions of subsection subsections (1)(a) through (1)(d) of this section do not apply to those teachers or blue-collar occupations compensated under the pay schedules provided in 2-18-313 and 2-18-315 employees who are members of collective bargaining units that have collectively bargained to participate in a separate or alternative classification and pay plan or who are covered under subsections (5) and (6) of this section.~~

~~(3) The pay schedules provided in 2-18-313 and 2-18-315 must be implemented as follows:~~

~~———— (a) (i) The pay schedules provided for in 2-18-313 indicate the annual compensation for teachers employed under the authority of the department of corrections or the department of public health and human services for fiscal years 2004 and 2005.~~

~~———— (ii) The compensation of each teacher on July 1, 2003, is the same as it was on June 30, 2003.~~

~~———— (iii) Effective on the first day of the first complete pay period that includes January 1, 2005, the base salary of each teacher employed in the department of public health and human services and the department of corrections is the amount provided for the teacher's step and education level under 2-18-313(2). This subsection (3)(a)(iii) does not provide for a step advancement.~~

~~———— (b) The pay schedules provided in 2-18-315 indicate the maximum hourly compensation for fiscal years ending June 30, 2004, and June 30, 2005, for employees in apprentice trades and crafts and other blue-collar occupations recognized in the state blue-collar classification plan who are members of units that have collectively bargained separate classification and pay plans.~~

~~———— (c) The compensation of each employee on the first day of the first pay period in each fiscal year is that amount corresponding to the grade occupied on the last day of the preceding fiscal year.~~

~~(4)(3) (a) (i) If the legislature authorizes a pay increase for state employees, a member of a bargaining unit~~

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may not receive a pay increase until the employer's collective bargaining representative receives written notice that the employee's bargaining unit has ratified a completely integrated collective bargaining agreement.

~~(ii) If ratification of a completely integrated collective bargaining agreement, as required by subsection (4)(a)(i), is not completed by the date on which a legislatively authorized pay increase is implemented, retroactivity to that date may be negotiated.~~

~~(iii)(ii)~~ (ii) If ratification of a completely integrated collective bargaining agreement, as required by subsection ~~(4)(a)(i)~~ (3)(a)(i), is not completed by the date on which a legislatively authorized pay increase is implemented, members of the bargaining unit must continue to receive the compensation that they were receiving until an agreement is ratified.

(b) Methods of administration not inconsistent with the purpose of this part and necessary to properly implement the pay schedules and adjustments provided in 2-18-312, ~~2-18-313~~, ~~2-18-315~~, and this section may be provided for in collective bargaining agreements.

~~(5)(4)~~ (4) The current wage or salary of an employee may not be reduced by the implementation of the pay schedules provided for in 2-18-312, ~~2-18-313~~, and ~~2-18-315~~.

~~(6)(5)~~ (5) The department may authorize a separate pay schedule for classes of medical professionals if the rates provided in 2-18-312 are not sufficient to attract and retain fully licensed and qualified professionals.

~~(7)(6)~~ (6) (a) The department may develop and implement an alternative pay and classification plan for certain classes, occupations, and work units. Pay for employees in the alternative pay and classification plan may be established and changed based on demonstrated competencies and accomplishments, on the labor market, and on other situations defined by the department.

(b) To the extent that the plan applies to employees within a collective bargaining unit, the implementation of the plan is a negotiable subject under 39-31-305.

~~(8)(7)~~ (7) The department may develop programs that enable the department to mitigate problems associated with difficult recruitment, retention, transfer, or other exceptional circumstances. To the extent that the program applies to employees within a collective bargaining unit, it is a negotiable subject under 39-31-305.

~~(9)(8)~~ (8) The department shall review the competitiveness of the compensation provided to all occupations under this part. If the department finds that substantial problems exist with recruitment and retention because of inadequate salaries when compared to competing employers, the department may establish criteria allowing an adjustment in pay or classification to mitigate the problems. To the extent that these adjustments apply to employees within a collective bargaining unit, the implementation of these adjustments is a negotiable subject under 39-31-305.

(9) (a) Montana highway patrol officer base salaries and biennial salary increases must be established through an alternative pay and classification plan. Before January 1 of each odd-numbered year, the department shall, after seeking the advice of the Montana highway patrol, conduct a salary survey to be used in establishing the base salary and any biennial salary increase for existing and entry-level highway patrol officer positions. The county sheriff departments in the following consolidated governments and counties are the labor market for purposes of the survey: Butte-Silver Bow, Cascade, Yellowstone, Missoula, Lewis and Clark, Gallatin, Flathead, and Dawson. The base salary and biennial salary increases for existing and entry-level highway patrol officer positions must then be determined by the department of justice, using the results of the salary survey and the department of justice pay plan guidelines. Base or biennial salary increases under this subsection are exclusive of and not in addition to any increases otherwise awarded to other state employees after July 1, 2006.

(b) To the extent that the plan applies to employees within a collective bargaining unit, the implementation of the plan is a negotiable subject under 39-31-305.

(c) The salary survey must be submitted to the office of budget and program planning as a part of the information required by 17-7-111.

(d) (i) Except as provided in subsection (9)(d)(ii), the survey and plan must be completed at least 6 months before the start of each regular legislative session.

(ii) The first survey must be completed by January 1, 2006, for the plan to be implemented for the first full pay period in fiscal year 2007."

Insert: "COORDINATION SECTION. Section 6. Coordination instruction. If [this act] and House Bill No. 447 are both passed and approved, then [section 6] of House Bill No. 447 must be amended as follows:

"Section 6. Appropriation. (1) The following money for the indicated fiscal years is appropriated to the listed agencies, from the designated state fund, to implement the adjustments provided for in 2-18-303:

Fiscal Year 2006	General Fund	State Special	Federal Special	Proprietary
Legislative Branch	\$209,282	\$18,179	\$0	\$0
Consumer Council				

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	0	11,734	0	0		
Judicial Branch	599,262		23,565	2,033	0	
Executive Branch	5,613,599		5,553,930		3,644,273	138,263
University System	3,820,187		0	125,024	0	
Total	\$10,242,330		\$5,607,408		\$3,771,330	\$138,263
Fiscal Year 2007						
	General Fund	State Special	Federal Special	Proprietary		
Legislative Branch	\$538,330	\$46,934	\$0	\$0		
Consumer Council	0	30,024	0	0		
Judicial Branch	1,547,500	59,996	5,282	0		
Executive Branch	14,700,424	14,466,134	<u>14,166,823</u>	9,491,019		361,653
University System	9,007,001	0	293,720	0		
Total	\$25,793,255	\$14,603,088	<u>\$14,303,777</u>	\$9,790,021		\$361,653

(2) The following money is appropriated for the biennium to the office of budget and program planning, from the designated state fund, to be distributed to agencies when personnel vacancies do not occur, retirement costs exceed agency resources, or other contingencies arise:

	General Fund	State Special	Federal Special	Proprietary
Personal Services Contingency	\$1,500,000	\$2,400,000	\$500,000	\$100,000

(3) The following money is appropriated for the biennium to the department of administration for a labor-management training initiative:

	General Fund	Other Funds	
Labor-Management Training Initiative			\$ 75,000"

Renumber: subsequent section

10. Page 14, line 14.

Strike: "JANUARY 1, 2006"

Insert: "on passage and approval"

11. Page 14, line 16.

Strike: subsection (2) in its entirety

Insert: "(2) [Section 2] is effective January 1, 2006."

And, as amended, do pass. Report adopted.

HB 89, introduced bill, do pass. Report adopted.

HB 249, introduced bill, be amended as follows:

1. Title, page 1, line 18.

Following: "CORPORATIONS"

Insert: "AND CERTAIN OTHER ECONOMIC DEVELOPMENT ORGANIZATIONS"

2. Page 8, line 1.

Following: "corporations"

Insert: "and economic development organizations that are located in a county that is not part of a certified regional development corporation"

And, as amended, do pass. Report adopted.

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HB 264, do pass. Report adopted.
HB 288, do pass. Report adopted.
HB 326, do pass. Report adopted.
HB 379, introduced bill, be amended as follows:

1. Title, line 9 through line 12.

Strike: "ALLOCATING" on line 9 through "TAXES" on line 12

Insert: "DIRECTING THE TRANSFER OF FUNDS FROM THE ORPHAN SHARE ACCOUNT"

2. Title, line 12 through line 13.

Strike: "SECTIONS" on line 12 through "AND" on line 13

Insert: "SECTION"

3. Page 1, line 22 through line 25.

Strike: "ALLOCATED" on line 22 through "15-36-331" on line 25

Insert: "transferred from the orphan share account pursuant to 75-10-743"

4. Page 1, line 26.

Strike: "(C)"

Insert: "(b)"

5. Page 2, line 28 through page 7, line 4.

Strike: section 2 through section 3 in their entirety

Renumber: subsequent sections

6. Page 7, line 10.

Following: "and"

Insert: ", except as provided in subsections (10) and (11),"

7. Page 7, line 11.

Following: "and"

Strike: ", except as provided in subsection (10),"

8. Page 7.

Following: line 18

Insert: "(c) funds allocated from the resource indemnity and ground water assessment tax proceeds provided for in 15-38-106;

(d) funds received from the distribution of oil and natural gas production taxes pursuant to 15-36-331;"

Renumber: subsequent subsections

9. Page 9.

Following: line 3

Insert: "(11)(a) Beginning in the fiscal year that commences July 1, 2005, the department shall transfer from the orphan share account to the long-term or perpetual water treatment permanent trust fund provided for in [section 1] \$1.2 million in each fiscal year until the board of investments makes the certification pursuant to subsection (11)(b) of this section.

(b) (i) The board of investments shall monitor the long-term or perpetual water treatment permanent trust fund provided for in [section 1] to determine when the amount of money in the long-term or perpetual water treatment permanent trust fund will be sufficient, with future earnings, to provide a fund balance of \$19.3 million on January 1, 2018.

(ii) When the board of investments makes the determination, pursuant to subsection (11)(b)(i), the board of investments shall notify the department and certify to the department the amount of money, if any, that must be transferred during the fiscal year in which the board of investments makes its determination, pursuant to subsection (11)(b)(i), in order to provide a fund balance of \$19.3 million on January 1, 2018.

(iii) In the fiscal year that the board of investments makes its determination and notifies the department, the department shall transfer only the amount certified by the board of investments, if any, and may not make additional transfers during subsequent fiscal years."

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And, as amended, do pass. Report adopted.

HB 484, introduced bill, be amended as follows:

1. Title, line 7.

Following: "FACILITIES;"

Insert: "PROVIDING A RESTRICTED APPROPRIATION;"

2. Page 6, line 30.

Insert: "NEW SECTION. Section 6. Restricted appropriation. There is appropriated \$46,289 in fiscal year 2006 and \$42,605 in fiscal year 2007 from the general fund to the department of livestock in order to implement the provisions of the mobile slaughter facility licensing program created in [this act]. This appropriation is a restricted appropriation, as that term is described in [section 4] of House Bill No. 2."

And, as amended, do pass. Report adopted.

HB 512, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "60-11-111"

Insert: "AND 60-11-120"

2. Page 1, line 12.

Following: "transportation"

Insert: "for the biennium beginning July 1, 2005,"

Following: "60-11-120"

Insert: "(2)(a)"

3. Page 2, line 12.

Insert: "**Section 3.** Section 60-11-120, MCA, is amended to read:

"60-11-120. Railroad and intermodal transportation facility loans and grants -- authorization -- eligibility. (1) Money appropriated by the legislature may be used by the department of ~~transportation~~, after deducting the necessary costs and expenses for administering this section, to provide loans and grants for the preservation and continued operation of railroad branch lines identified in 60-11-111 and for the development and improvement of intermodal transportation facilities except as prohibited by federal law. Proceeds of all repayments of loans, including interest, made under this section must be deposited in the state general fund except as required by federal law.

(2) An owner or operator of a railroad identified in 60-11-111(2) is eligible for a loan or grant under this section if the owner or operator:

(a) undertakes to repair, improve, or replace rail facilities to allow the continued operation of the railroad for local rail transportation service; and

(b) derives revenue from the continued operation of the railroad.

(3) A port authority created under Title 7, chapter 14, part 11, is eligible for a loan or grant under this section for the development or improvement of an intermodal transportation facility under this section if:

(a) the port authority is included in the state transportation planning process as described in 23 U.S.C. 135; and

(b) the intermodal transportation facility for which a loan or grant is sought is integrally related to the railroad transportation system of the state."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 531, introduced bill, be amended as follows:

1. Page 2, line 2.

Following: "development"

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Insert: "for the biennium beginning July 1, 2005"

Strike: "\$1.5 million"

Insert: "\$750,000"

And, as amended, do pass. Report adopted.

HB 552, introduced bill, be amended as follows:

1. Page 2, line 16.

Following: "GROUPS"

Insert: ", as provided in 42 U.S.C. 1396a(l)(1)(B) through (l)(1)(D)"

2. Page 5, line 18.

Strike: "\$2.1 MILLION"

Insert: "\$1,876,316"

And, as amended, do pass. Report adopted.

HB 704, introduced bill, be amended as follows:

1. Page 2.

Following: line 14

"NEW SECTION. Section 2. No appropriation. It is the intent of the legislature that the requirements of [this act] be conducted within existing levels of funding."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 742, do pass. Report adopted.

HB 749, introduced bill, be amended as follows:

1. Page 1, line 17.

Strike: "2007"

Insert: "2006"

And, as amended, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Olson, Chairman):

3/23/2005

SJR 4, be concurred in. Report adopted.

SJR 17, be concurred in. Report adopted.

SJR 7, be amended as follows:

1. Title, line 5.

Following: "FLATHEAD"

Insert: "LAKE AND"

2. Title, line 6.

Following: "URGING"

Insert: "THAT"

Strike: "TO"

3. Title, line 7.

Strike: "A"

Insert: "THE INTERNATIONAL JOINT COMMISSION CONDUCT AND"

Following: "COMPLETE"

Insert: "AN"

4. Title, line 8.

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Strike: "BE" through "COMMISSION"

5. Title, line 9.

Following: "METHANE"

Insert: "AND OTHER HYDROCARBON"

Strike: "BRITISH COLUMBIA"

Insert: "THE VALLEY OF THE FLATHEAD RIVER AND CRITICAL ADJACENT ENVIRONS"

6. Page 1, line 12.

Following: "mountains,"

Insert: "the clarity of our skies,"

7. Page 1, line 16.

Following: "Montana"

Insert: ", the nation,"

Strike: the second "and" through "creation"

8. Page 1, line 17.

Strike: "transboundary"

Strike: "region" through "internationally"

Insert: "is"

Following: "recognized"

Insert: "nationally and internationally"

Following: "unique"

Insert: "and invaluable"

9. Page 1, line 18.

Following: "Park"

Insert: "; the Great Bear, Bob Marshall, and Mission Mountains Wilderness; the Wild and Scenic Flathead River system;"

10. Page 1, line 20 through line 21.

Strike: "WHEREAS," on line 20 through the second "and" on line 21

11. Page 1, line 22.

Following: "depends"

Insert: "in significant measure "

Strike: "maintaining our"

Insert: "preserving"

12. Page 1, line 23.

Following: "wildlife,"

Insert: "clean and clear air,"

13. Page 1, line 24 through line 25.

Strike: "WHEREAS," on line 24 through the second "and" on line 25

14. Page 1, line 28.

Strike: "energy" through "development"

Insert: "mining and extraction of hydrocarbons, including coal, coal bed methane, oil, and natural gas"

15. Page 1, line 29.

Following: "no"

Insert: "unacceptable"

16. Page 2, line 1.

Strike: "to prevent the degradation of"

Insert: "not to degrade the"

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17. Page 2, line 6 through line 8.

Strike: "coal" on line 6 through "border" on line 8

Insert: "new proposals for coal and coal bed methane development in the Flathead valley and critical adjacent environs in British Columbia are imminent possibilities"

18. Page 2.

Following: line 8

Insert: "WHEREAS, there has not been a complete environmental assessment of the impacts of new coal field development on the valley of the north fork of the Flathead River and critical adjacent environs; and "

19. Page 2, line 9.

Following: "requested"

Insert: "that"

20. Page 2, line 10.

Following: "assessment"

Insert: "be completed"

Strike: "drilling"

Insert: "development"

21. Page 2, line 11.

Strike: "Montana rivers"

Insert: "the Flathead River"

22. Page 2, line 13 through line 14.

Strike: "transboundary" on line 13

Insert: "and resolving"

Strike: "Flathead" on line 13 through "watersheds" on line 14

Insert: "transboundary areas addressed in this resolution"

23. Page 2, line 19.

Strike: "implementing"

Insert: "that implements in a meaningful and measurable manner"

24. Page 2, line 20 through line 21.

Strike: "that" on line 20 through "Montana" on line 22

Insert: "that the legislature of the State of Montana urges that the International Joint Commission conduct a comprehensive environmental assessment of the impacts of developing hydrocarbon resources on the transboundary resources and waters of the valley of the north fork of the Flathead River and critical adjacent environs prior to a final decision on whether or not to approve hydrocarbon development and in particular coal mines and coal bed methane in these transboundary areas"

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

SJR 19, be concurred in. Report adopted.

SJR 23, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Golie, Chairman):

3/23/2005

SB 77, be concurred in. Report adopted.

SB 126, be concurred in. Report adopted.

SB 298, be concurred in. Report adopted.

JUDICIARY (Rice, Chairman):

3/23/2005

SB 2, be amended as follows:

1. Page 1, line 20.

Following: "government."

Insert: "For purposes of this section, the use of the word "God" is not intended to further the establishment of any

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specific religion or set of religious beliefs or to dissuade the free exercise of any religion or set of religious beliefs."

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

SB 423, be amended as follows:

1. Title, page 1, line 9.

Strike: "CERTAIN CONDITIONS"

Insert: "A CONDITION"

2. Page 4, line 3.

Following: "greater"

Insert: "if the person's blood alcohol concentration at the time of the arrest was 0.16 or greater"

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

SB 426, be concurred in. Report adopted.

SB 435, be amended as follows:

1. Page 3, line 24.

Strike: "nonresident"

Insert: "nondomiciliary"

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

TAXATION (Waitschies, Chairman):

3/23/2005

HB 569, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "SUCH AS"

Insert: "INCLUDING FLOW LINES AND"

Following: "LINES"

Insert: "IF OWNED BY A PRODUCER"

2. Page 1, line 17.

Following: "including"

Insert: "flow lines and"

Following: "lines"

Insert: "if owned by a producer"

3. Page 2, line 12.

Strike: "Gathering"

Insert: "Flow lines and gathering"

4. Page 2, line 13.

Strike: "field"

Insert: "well"

5. Page 4, line 17.

Strike: "gathering" through "section"

Insert: "production facilities, including the producer's flow lines, gathering lines, compressors, and meters, are not centrally assessed even if they are located in more than one county or state. For the purposes of this subsection, the producer is the legal entity or entities liable for the oil and gas production taxes under Title 15, chapter 36"

And, as amended, do pass. Report adopted.

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HB 689, introduced bill, be amended as follows:

1. Page 2, line 2.

Following: "recapture"

Insert: "by the local governing body"

2. Page 2, line 7.

Following: "conversion."

Insert: "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

3. Page 3, line 22.

Following: "recapture"

Insert: "by the local governing body"

4. Page 3, line 26.

Following: "conversion."

Insert: "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

5. Page 4, line 28.

Following: "recapture"

Insert: "by the local governing body"

6. Page 5, line 2.

Following: "conversion."

Insert: "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

7. Page 5, line 29.

Following: "recapture"

Insert: "by the local governing body"

8. Page 6, line 4.

Following: "conversion."

Insert: "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

9. Page 7, line 7.

Following: "recapture"

Insert: "by the local governing body"

10. Page 7, line 12.

Following: "conversion."

Insert: "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

11. Page 8, line 14.

Following: "recapture"

Insert: "by the local governing body"

12. Page 8, line 18.

Following: "conversion."

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Insert: "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

13. Page 8, line 26.

Following: "recapture"

Insert: "by the local governing body"

14. Page 8, line 30.

Following: "conversion."

Insert: "The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

And, as amended, do pass. Report adopted.

HB 720, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "THAT A"

Insert: "COMPLETE"

2. Title, page 1, line 6 through line 7.

Strike: "AN IMMEDIATE" on line 6 through "EFFECTIVE DATE" on line 7

Insert: "EXCEPTIONS"

3. Page 1, line 19.

Following: "submitting"

Strike: "an"

Insert: "a complete"

4. Page 2, line 5.

Following: "has"

Insert: "review or"

5. Page 2, line 19 through line 22.

Strike: "If" on line 19 through "information." on line 22

Insert: "The local government shall establish, by ordinance or resolution, a completeness review process, including time periods within which to determine whether the application contains all of the information required by the local government's ordinances, resolutions, or other regulations, and shall notify the applicant of the local government's determination as to whether or not the application is complete."

6. Page 2, line 23.

Strike: "the 30-day"

Insert: "any applicable"

7. Page 2, line 24.

Following: "submission."

Insert: "A determination that a site-specific development plan is complete under this section does not limit the ability of the local government to request additional information during the review process."

8. Page 2, line 25.

Strike: "The"

Insert: "Except as provided under 76-2-206 or 76-2-306 and unless otherwise agreed to in writing by the applicant, the"

9. Page 2, line 26.

Strike: "growth policy,"

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Following: "ordinances"
Strike: ", "
Following: "that the"
Insert: "complete"

10. Page 2, line 27.
Strike: "first"
Following: "government"
Insert: "entity that has jurisdiction over the application"

11. Page 3, line 2.
Strike: section 5 in its entirety

And, as amended, do pass. Report adopted.

HB 771, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "APPROPRIATING"
Insert: "ALLOCATING"

2. Title, line 8.
Following: "DATE"
Insert: "AND AN APPLICABILITY DATE"

3. Page 1, line 12.
Strike: "If the"
Insert: "Upon the transfer of a motor home, if the new"

4. Page 1, line 13.
Following: "entity, the"
Insert: "new"

5. Page 3, line 18.
Strike: "appropriation"
Insert: "dedication"

6. Page 3, line 19.
Strike: "(1)"

7. Page 3, lines 22 through 27.
Strike: subsection (2) in its entirety

8. Page 4, line 9.
Insert: "NEW SECTION. **Section 8. Applicability.** [This act] applies to transfers occurring on or after [the effective date of this act]."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence: 3/23/2005

SB 509, introduced by Harrington

House bills concurred in and returned to the House: 3/23/2005

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HB 281, introduced by Wagman
HB 409, introduced by Golie
HB 478, introduced by Warden
HB 607, introduced by A. Olson
HB 702, introduced by Malcolm

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/23/2005

HB 351, introduced by Butcher
HB 396, introduced by Becker

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments:

3/23/2005

HJR 1, introduced by Franklin

FIRST READING AND COMMITMENT OF BILLS

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

HB 800, introduced by Lange, referred to Federal Relations, Energy, and Telecommunications.
HB 801, introduced by A. Olson, Stapleton, referred to State Administration.
HB 802, introduced by A. Olson, referred to Business and Labor.

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

HJR 38, introduced by Butcher, McAlpin, Klock, Jackson, Galvin-Halcro, L. Jones, Heinert, Ross, Black, Bixby, Milburn, Callahan, Matthews, Campbell, Golie, Jacobson, Witt, Lambert, Musgrove, Lindeen, Bergren, Steinbeisser, Everett, Rice, Andersen, Barrett, Stoker, Taylor, Noonan, Ripley, Groesbeck, Milburn, Stahl, referred to Agriculture.

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

SB 509, introduced by Harrington, Cohenour, referred to Taxation.

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

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Jent in the chair.

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

SB 274 - Representative Milburn moved **SB 274** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Campbell, Cohenour, Everett, Facey, Furey, Glaser, Harris, Heinert, Hendrick, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.

Total 55

Noes: Becker, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Clark, Dickenson, Dowell, Driscoll, Eaton, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Koopman, Lindeen, McAlpin, Mendenhall, Musgrove, Noennig, Noonan, Raser, Sales, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.

Total 45

Voted Absentee: Balyeat, Aye.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 745 - Representative Matthews moved **HB 745** do pass.

HB 745 - Representative Sinrud moved **HB 745**, second reading copy, be amended.

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, 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 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, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 51

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 745 - Representative Sinrud moved **HB 745**, second reading copy, be amended as follows:

1. Page 1, line 18.
Strike: "\$2,162,942"
Insert: "\$1,669,184"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 51

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, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 49

Voted Absentee: Balyeat, Aye.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 745 - Representative Sinrud moved **HB 745**, second reading copy, be further amended.

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

Total 51

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 745 - Representative Matthews moved **HB 745**, as amended, do pass. Motion carried as follows:

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

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, 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 48

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 752 - Representative Callahan moved **HB 752** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton,

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Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 57

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.
Total 43

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 643 - Representative Dowell moved **HB 643** do pass.

HB 643 - Representative McKenney moved **HB 643**, second reading copy, be amended.

Amendment **not** adopted as follows:

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

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, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.
Total 55

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 643 - Representative Koopman moved **HB 643**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt, Mr. Speaker.
Total 44

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, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen,

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McAlpin, McGillvray, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.
Total 55

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: Peterson.
Total 1

HB 643 - Representative Maedje moved **HB 643**, second reading copy, be amended as follows:

1. Page 10.

Following: line 10

Insert: "NEW SECTION. Section 15. Contingent termination. [This act] terminates on July 1, 2007, unless the sale and use of tobacco products is prohibited by state law."

Chair ruled the amendment was not in order according to Mason Rules 402.

Rep. Maedje responded that the Code Commissioner had said it was.

Rep. Floor Leader Brown objected to the ruling of the Chair.

Chairman Jent stated that House Rules 20-90(2), question on the ruling of the Chair, is a non-debatable motion of present and voting.

Motion to sustain the ruling of the Chair passed as follows:

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

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

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

Rep. Maedje moved to segregate his amendment to only paragraph #5.

Chair ruled the segregation is out of order.

Rep. Maedje moved for a call of the House.

Rep. Lindeen asked for an explanation. The Chair stated the House will stand at ease.

Rep. Maedje withdrew his motion for a call of the House.

Speaker Matthews moved HB 643 be moved down on the board. Motion carried.

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

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lange, Lindeen, Maedje, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Ripley, Roberts, Ross, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Ward, Warden, Windham, Wiseman, Mr. Speaker.
Total 64

Noes: Barrett, Dowell, Everett, Hawk, Heinert, Hendrick, Keane, Koopman, Lambert, MacLaren, Malcolm, McAlpin, McGillvray, Mendenhall, Milburn, Morgan, B. Olson, Peterson, Raser, Rice, Sales, Sinrud, Taylor, Wagman, Waitschies, Wells, Wilson, Windy Boy, Witt.
Total 29

Excused: Balyeat.
Total 1

Absent or not voting: Butcher, Clark, Jent, Lenhart, Sesso, Stahl.
Total 6

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Buzzas, Chairman):

3/23/2005

HB 99, do pass. Report adopted.

HB 140, introduced bill, be amended as follows:

1. Page 4, line 13 through line 14.

Strike: "FIDUCIARY" through "PLAN" on line 14

Insert: "duty to advocate the interests of the consumer who is a party to the debt management plan and not promote the interests of any third party that is in conflict with the primary obligation of advocating the interests of the consumer"

And, as amended, do pass. Report adopted.

HB 395, introduced bill, be amended as follows:

1. Title, line 7.

Following: "RESIDENCE" on line 7

Strike: "OR THE STATE"

2. Title, line 8 through line 10.

Following: "COSTS;"

Strike: remainder of line 8 through "53-21-128, AND" on line 10

Insert: "AMENDING SECTION"

3. Page 1, line 14 through page 4, line 12.

Strike: section 1 through section 4 in their entirety

Renumber: subsequent sections

4. Page 4, line 16.

Following: "and"

Insert: "psychiatric precommitment examination, detention, treatment, and"

5. Page 4, line 20.

Strike: "Subject to subsection (2)(b), the costs of"

Insert: "The county of residence shall also pay all"

6. Page 4, line 22.

Following: line 21

Insert: "psychiatric"

Following: "precommitment"

Insert: "psychiatric"

Following: "~~eustody~~"

Insert: "psychiatric"

7. Page 4, line 25.

Following: "the"

Insert: "respondent, the parent or guardian of a respondent who is a minor, or the"

8. Page 4, line 26.

Following: "respondent:"

Insert: "or"

9. Page 4, line 27 and line 28.

Following: "residence of the respondent"

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

Insert: "in an amount not to exceed the amount paid for the service by a public assistance program"

10. Page 5, line 12.

Insert: "**NEW SECTION. Section 2. Cost study.** The department of public health and human services shall work with county attorneys and county commissioners to ascertain the actual precommitment costs of involuntary commitments and present that information and any findings and recommendations to the 2007 legislature through an appropriate interim committee."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 435, do pass. Report adopted.

HB 438, introduced bill, do pass. Report adopted.

HB 440, introduced bill, be amended as follows:

1. Page 2, line 6.

Following: "**PURPOSE**"

Insert: "-- account"

2. Page 2, line 16.

Insert: "(4) There is an account in the state special revenue fund to the credit of the department for the purposes of this section. The department may accept donations from any private source and place the donations in the account. Money in the account must be expended by the department for implementing the anhydrous ammonia tank lock program."

And, as amended, do pass. Report adopted.

HB 687, introduced bill, be amended as follows:

1. Page 3, line 27.

Following: "violation of"

Insert: "the tax and directory requirements of"

2. Page 3, line 30.

Following: "violations of"

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Insert: "the tax and directory requirements of"

3. Page 4, line 3.

Following: "with"

Insert: "the tax"

4. Page 4, line 6.

Following: "with"

Insert: "the tax"

5. Page 4, line 11.

Following: "Montana"

Insert: "to a person other than a licensed wholesaler or retailer"

6. Page 8, line 2.

Following: line 1

Insert: "(j) "Manufacturer's original container" means the original master shipping case or original shipping case used by the tobacco product manufacturer to ship multipack units, such as boxes, cartons, and sleeves, to warehouse distribution points."

Renumber: subsequent subsections

7. Page 9, line 7.

Strike: "and"

Insert: "wholesalers, or"

8. Page 9, line 9.

Strike: "and"

Insert: "wholesalers, or"

9. Page 10, line 10.

Strike: "Every"

Insert: "Except as provided in subsection (3), every"

10. Page 10, line 11.

Following: "other state"

Insert: "or country"

11. Page 10, line 23.

Insert: "(3) A common carrier hauling, transporting, or shipping tobacco products to a licensed wholesaler or retailer in Montana shall submit the reports described in subsection (1) to the department upon request of the department."

12. Page 14, line 28.

Strike: "and"

Insert: "or"

13. Page 14, line 29.

Strike: "and"

Insert: "or"

14. Page 14, line 30.

Strike: "and"

Insert: "or"

15. Page 15, line 2.

Following: "cigarettes"

Strike: "and"

Insert: "or"

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16. Page 16, line 25.

Strike: "200"

Insert: "600"

17. Page 16, line 26.

Strike: "10"

Insert: "30"

18. Page 19, line 1.

Following: "contraband"

Insert: ", with a value of \$1,000 or more,"

19. Page 19, line 24.

Following: "both."

Insert: "For a first offense, if a violation of this part involves contraband, the value of which does not exceed \$1,000, the offense is punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in the county jail for not less than 30 days or more than 6 months, or both."

20. Page 20, line 3.

Following: "(3)"

Insert: "(a)"

Strike: "In"

Insert: "Except as provided in subsection (3)(b), in"

21. Page 20, line 9.

Following: line 8

Insert: "(b) A civil penalty may not be assessed to a person for a first violation of subsection (1) if the offense involves contraband with a value of \$1,000 or less."

22. Page 23, line 26.

Insert: "NEW SECTION. Section 34. Enforcement. The attorney general, a designee of the attorney general, or any person who holds a permit under 26 U.S.C. 5713 may bring an action in the appropriate Montana district court to prevent or restrain violations of [section 5] by any person or by a principal of the person."

Renumber: subsequent sections

23. Page 23, line 30.

Following: "6"

Insert: "and 34"

24. Page 24, line 2.

Following: "6"

Insert: "and 34"

And, as amended, do pass. Report adopted.

HB 695, introduced bill, be amended as follows:

1. Page 1, line 10.

Strike: "\$200,000"

Insert: "\$75,000"

2. Page 1, line 11.

Strike: "\$200,000"

Insert: "\$75,000"

And, as amended, do pass. Report adopted.

HB 796, do pass. Report adopted.

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MOTIONS

Rep. Lange moved HB 235 be withdrawn from the Fish, Wildlife and Parks Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

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

Total 52

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, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 47

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Rep. Jopek moved HJR 23 be withdrawn from the Business and Labor Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

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

Total 51

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

Total 48

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Rep. Sinrud moved HB 134 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, D. Brown, R. Brown, Butcher, Driscoll, Eaton, Everett, Facey, Glaser, Golie, 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 54

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Noes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Franklin, Furey, Gallik, Galvin-Halcro, 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 45

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

Dem. Floor Leader Parker moved to re-refer from the Business and Labor Committee: HB 802 to the Taxation Committee, HB 797 to the Taxation Committee, and HJR 37 to the Human Services Committee.

Rep. McKenney objected but later withdrew his objection.

Speaker Matthews stated that without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer HB 274 to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that the House accede to the request of the Senate and appoint a Conference Committee to meet with a like committee from the Senate to confer on House amendments to SB 278 introduced by Senator Black. The following members have been appointed: Rep. Keane, Rep. Gallik, Rep. McKenney, and Rep. Heinert. Without objection, so ordered.

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House stand in recess until 6:00 p.m. Motion carried.

House adjourned at 3:10 p.m.

House reconvened at 6:00 p.m.

Rep. Bergren announced the House Democrats will caucus.
Rep. Lange announced the House Republicans will caucus.
Speaker Matthews stated the House will stand at ease until 6:20 p.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. Motion carried. Representative Jent in the chair.

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

HB 643 - Representative Dowell moved **HB 643** do pass.

HB 643 - Representative McKenney moved **HB 643**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt, Mr. Speaker.
Total 46

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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, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.
Total 54

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 643 - Representative Koopman moved **HB 643**, second reading copy, be amended.

Amendment **not** adopted as follows:

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

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, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.
Total 55

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 643 - Representative Maedje moved **HB 643**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Heinert, Klock, Lambert, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Morgan, Ripley, Stahl, Taylor, Wagman, Wells, Witt, Mr. Speaker.
Total 26

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, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, McAlpin, McGillvray, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman.
Total 74

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Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 643 - Representative Maedje moved **HB 643**, second reading copy, be amended.

Chairman Jent ruled the amendment was out of order. Rep. Leader Brown objected stating the Chair wasn't asked for a ruling. Chairman Jent stated the House will stand at ease.

Rep. Facey rose on a point of order, he believed the amendment is not about medical marijuana. Chair sustained.
Rep. Lange asked the House to stand at ease.
The House reconvened. Chairman Jent stated Rep. Maedje could move his amendment.

Amendment **not** adopted as follows:

Ayes: Andersen, Balyeat, Barrett, Butcher, Everett, Glaser, Heinert, Klock, Koopman, Lambert, Maedje, McGillvray, Rice, Ripley, Stahl, Taylor, Wells.
Total 17

Noes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 83

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 643 - Representative Jayne moved **HB 643**, second reading copy, be amended as follows:

1. Page 9, line 7.

Following: "MISDEMEANOR"

Insert: "after a third violation within a 3-year period"

2. Page 9, line 8.

Following: "BE"

Insert: "warned, reprimanded, or"

3. Page 9, line 16.

Following: "16-4-401"

Insert: "or by the department of justice for the purposes of 23-5-119, 23-5-177, or 23-5-611(1)(a) or (1)(c)"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent,

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L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, Mendenhall, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Rice, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 74

Noes: Balyeat, D. Brown, Butcher, Everett, Hawk, Himmelberger, Klock, Koopman, Lake, Lambert, Maedje, McKenney, McNutt, Milburn, A. Olson, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies.

Total 24

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: R. Brown, Peterson.

Total 2

HB 643 - Representative Dowell moved **HB 643**, as amended, do pass. Motion carried as follows:

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

Total 60

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Everett, Hawk, Heinert, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Wells, Witt, Mr. Speaker.

Total 40

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker and Rep. Floor Leader Lange rose to ask the members to remember to be respectful and show courtesy to each other with the long agenda for the evening.

HB 277 - Speaker Matthews moved consideration of **HB 277** be passed for the day. Motion carried.

HB 148 - Representative Lambert moved **HB 148** do pass. Motion carried as follows:

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

Total 81

Noes: Andersen, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Koopman, Lake, Malcolm, McKenney, Mendenhall, Rice, Sales, Sinrud, Stahl, Stoker, Taylor, Wells.

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Total 19

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 4 - Representative Musgrove moved **HB 4** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 65

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Ward, Warden, Wells.

Total 35

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Chairman Jent stated the House will stand at ease for 5 minutes.

House resumed. Rep. Bergren in the Chair.

HB 5 - Representative Wells moved **HB 5** do pass. Motion carried as follows:

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

Total 80

Noes: Arntzen, Balyeat, D. Brown, Everett, Glaser, Hawk, Heinert, Jackson, Koopman, Lake, Lambert, McGillvray, Morgan, Roberts, Sales, Sinrud, Stahl, Stoker, Taylor.

Total 19

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: Sonju.

Total 1

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HB 6 - Representative Witt moved **HB 6** do pass.

HB 6 - Representative Witt moved **HB 6**, second reading copy, be amended as follows:

1. Page 8, line 29.

Following: "[Section]"

Strike: "6(4)"

Insert: "7(4)"

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

Total 99

Noes: Morgan.

Total 1

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 6 - Representative Witt moved **HB 6**, as amended, do pass. Motion carried as follows:

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

Total 96

Noes: Balyeat, Everett, Morgan.

Total 3

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: Lake.

Total 1

HB 7 - Representative Callahan moved **HB 7** do pass.

HB 7 - Representative Callahan moved **HB 7**, second reading copy, be amended as follows:

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1. Title, line 13.

Strike: "A"

Following: "TERMINATION"

Strike: "DATE"

Insert: "DATES"

2. Page 5, line 10.

Following: "Termination."

Insert: "(1)"

Following: "7"

Insert: "(3)"

3. Page 5.

Following: line 10

Insert: "(2) [Section 7(4)] terminates June 30, 2007."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Everett, Stoker, Taylor.

Total 3

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 7 - Representative Callahan moved **HB 7**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Everett, Koopman, Morgan, Stoker.

Total 4

Voted Absentee: Balyeat, Aye.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 8 - Representative Witt moved **HB 8** do pass. Motion carried as follows:

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

Total 94

Noes: Everett, Koopman, Morgan, Ross, Small-Eastman, Stahl.

Total 6

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 9 - Representative Witt moved **HB 9** do pass. Motion carried as follows:

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

Total 88

Noes: Balyeat, D. Brown, Everett, Hawk, Koopman, Lake, Morgan, Sales, Sinrud, Stahl, Wagman, Wells.

Total 12

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 11 - Representative McNutt moved **HB 11** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman,

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Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 90

Noes: Balyeat, D. Brown, Everett, Koopman, McGillvray, Morgan, Sales, Sinrud, Sonju.
Total 9

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: Golie.
Total 1

HB 12 - Representative Sesso moved **HB 12** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 90

Noes: Balyeat, R. Brown, Everett, Hawk, Koopman, McGillvray, Sales, Sinrud, Stahl, Stoker.
Total 10

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 22 - Representative McNutt moved **HB 22** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: Koopman.
Total 1

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 299 - Representative Wells moved **HB 299** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 92

Noes: Everett, Glaser, Hawk, Koopman, McGillvray, Sales, Stahl, Stoker.
Total 8

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 673 - Representative Butcher moved **HB 673** do pass. Motion carried as follows:

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

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Ripley, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.
Total 46

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 748 - Representative Wells moved **HB 748** do pass.

HB 748 - Representative Wells moved **HB 748**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "PROJECTS;"

Insert: "PROVIDING FOR DEBT SERVICE PAYMENTS FROM AVAILABLE AMOUNTS IN THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM SPECIAL REVENUE ACCOUNT;"

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2. Page 1, line 25.

Insert: "NEW SECTION. Section 3. Payment of debt service. It is the intent of the legislature to annually pay principal of and interest or premiums, if any, on the bonds authorized by [section 2] from any available funds in the treasure state endowment regional water system special revenue account established in 90-6-715. Funds in the treasure state endowment regional water system special revenue account may be used each fiscal year to pay debt service on the bonds in that fiscal year to the extent that funds in the account are then available. Subject to the limitations of 90-6-715, funds in the treasure state endowment regional water system special revenue account are subject to appropriation for other purposes that the legislature considers appropriate and are not reserved to pay debt service on the bonds authorized by [section 2]."

Renumber: subsequent sections

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, 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.
Total 99

Noes: None.
Total 0

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

HB 748 - Representative Wells moved **HB 748**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, 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 99

Noes: Balyeat.
Total 1

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 758 - Representative McNutt moved **HB 758** do pass.

HB 758 - Representative Small-Eastman moved **HB 758**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Franklin, Furey, Grinde, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Noonan, Parker, Raser, Small-Eastman, Stahl, Villa, Wilson, Windham.

Total 28

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Eaton, Everett, Facey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wiseman, Witt, Mr. Speaker.

Total 71

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

HB 758 - Representative McNutt moved **HB 758** do pass. Motion carried as follows:

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

Total 96

Noes: Koopman, Sales, Small-Eastman.

Total 3

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: Juneau.

Total 1

HB 769 - Representative Golie moved **HB 769** do pass. Motion carried as follows:

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

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Total 59

Noes: Andersen, Arntzen, Balyeat, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.

Total 41

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 364 - Representative Maedje moved **HB 364** do pass. Motion **failed** as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Everett, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Hamilton, Harris, Heinert, Hiner, Jackson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lindeen, Maedje, Musgrove, Noennig, Raser, Small-Eastman, Sonju, Stahl, Taylor, Wanzenried, Wilson, Wiseman, Mr. Speaker.

Total 44

Noes: Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Clark, Driscoll, Eaton, Facey, Franklin, Grinde, Gutsche, Hawk, Hendrick, Henry, Himmelberger, Jacobson, Jent, W. Jones, Keane, Lake, Lambert, Lange, Lenhart, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Stoker, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt.

Total 56

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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

Total 81

Noes: D. Brown, Everett, Franklin, Hawk, Koopman, Lambert, McGillvray, Mendenhall, Morgan, Rice, Sales, Sinrud, Small-Eastman, Taylor.

Total 14

Excused: Balyeat.

Total 1

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Absent or not voting: Heinert, Ripley, Ward, Wilson.
Total 4

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Buzzas, Chairman):

3/23/2005

HB 76, do pass. Report adopted.

HB 336, introduced bill, be amended as follows:

1. Page 4, line 22.

Strike: "\$143,560"

2. Page 4, line 23.

Following: "FUND"

Insert: "\$143,560"

Strike: "YEARS"

Insert: "year"

Following: the first "AND"

Insert: "\$143,560 in fiscal year"

And, as amended, do pass. Report adopted.

HB 393, do pass. Report adopted.

HB 482, introduced bill, do pass. Report adopted.

HB 535, do pass. Report adopted.

MOTIONS

Dem. Floor Leader Parker moved to re-refer HB 769 to the House Appropriations Committee. Without objection, so ordered.

Rep. Facey moved HB 124 be withdrawn from the Appropriations Committee printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Barrett, Becker, Bixby, Branae, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Keane, Lake, Lambert, Lange, Lindeen, McAlpin, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Warden, Wilson, Windham, Windy Boy, Wiseman.

Total 51

Noes: Andersen, Arntzen, Bergren, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Everett, Franklin, Glaser, Gutsche, Harris, Hawk, Himmelberger, Jackson, L. Jones, Kaufmann, Klock, Koopman, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Peterson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Wanzenried, Ward, Wells, Witt, Mr. Speaker.

Total 47

Excused: Balyeat.

Total 1

Absent or not voting: Lenhart.

Total 1

Rep. Stahl moved HB 423 be withdrawn from the Appropriations Committee printed and placed on 2nd Reading. This requires a 3/5 vote. Motion carried as follows:

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Ayes: Andersen, Arntzen, Becker, Bergren, D. Brown, Butcher, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Furey, Gallik, Groesbeck, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, MacLaren, Maedje, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt.
Total 62

Noes: Barrett, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Gutsche, Hamilton, Hiner, Jacobson, Jayne, Jent, Juneau, Kaufmann, Koopman, Lenhart, Lindeen, McAlpin, McGillvray, Mendenhall, Parker, Raser, Ripley, Small-Eastman, Wanzenried, Windham, Mr. Speaker.
Total 36

Excused: Balyeat.
Total 1

Absent or not voting: Malcolm.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Thursday, March 24, 2005. Motion carried.

House adjourned at 9:10 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House