

HOUSE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 24, 2005

**HOUSE JOURNAL
59TH LEGISLATURE
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
March 24, 2005

House Chambers
State Capitol

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

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

Rep. Lange announced the House Republicans will caucus.
Rep. Parker announced the House Democrats will caucus.
Speaker Matthews stated the House will stand at ease until 8:45 a.m.

House reconvened at 8:45 a.m.

Speaker Matthews thanked the pages for the week.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter from Republican Leader Brown to Speaker Matthews stating that he was exercising one of the silver bullets of the House Republicans according to House Rule H30-50(5) to take HB 235 from the House Fish, Wildlife and Parks Committee and place on 2nd Reading on March 24, 2005.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 3/24/2005
Correctly engrossed: **HB 6, HB 7, HB 140, HB 336, HB 395, HB 440, HB 569, HB 643, HB 667, HB 687, HB 695, HB 689, HB 713, HB 720, HB 745, HB 748, HB 757, HB 771, HB 772, HB 790, HB 791.**
Correctly printed: **HB 76, HB 89, HB 99, HB 173, HB 235, HB 264, HB 288, HB 326, HB 393, HB 435, HB 438, HB 482, HB 535, HB 707, HB 715, HB 740, HB 742, HB 782, HB 796.**

BUSINESS AND LABOR (Keane, Chairman): 3/24/2005
HB 772, introduced bill, be amended as follows:

1. Page 2, line 10.
Strike: "a"
Strike: "organization"
Insert: "organizations"
2. Page 2, line 11.
Strike: "a"
Strike: "organization"
Insert: "organizations"
3. Page 2, line 12.
Strike: "during the injured worker's lifetime"
Insert: "for each catastrophic injury"
4. Page 3, line 16.
Strike: "a"
Strike: "organization"
Insert: "organizations"

And, as amended, do pass. Report adopted.

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SB 286, be concurred in. Report adopted.
SB 412, be amended as follows:

1. Title, line 9.

Following: "AUTHORITY;"

Insert: "AUTHORIZING THE DEPARTMENT OF LABOR AND INDUSTRY TO PROVIDE FOR A LIMITED MECHANIC'S LICENSE AND A LIMITED ELEVATOR CONTRACTOR'S LICENSE;"

2. Page 2, line 17.

Following: "~~actions.~~"

Insert: "The department shall adopt rules to provide for a limited mechanic's license and a limited elevator contractor's license."

3. Page 3, line 5.

Following: "license"

Insert: "-- limited mechanic's license"

4. Page 3, line 8.

Strike: "An"

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

5. Page 3, following line 13.

Insert: "(3) The department shall adopt rules for the licensure, without examination, of an applicant who can demonstrate that the applicant has worked continuously as an elevator mechanic for the 3 years prior to [the effective date of this section] and has the requisite experience for licensure. An applicant under this section shall pay the required application fee and shall submit any required proof under oath."

Renumber: subsequent subsection

6. Page 3, following line 15.

Insert: "(5) (a) The department may issue a limited mechanic's license to an applicant that authorizes a licensee to work only on platform lifts, stairway chairlifts, and dumbwaiters that are installed in private residences.

(b) The examination for a limited mechanic's license must be based on the applicable codes for the equipment that a licensee is authorized to install.

(c) The department shall issue a limited mechanic's license to an applicant that meets the requirements of this subsection (5)."

7. Page 4, line 11.

Following: "license"

Insert: "-- limited elevator contractor's license"

"

8. Page 4, following line 24.

Insert: "(4) The department may issue a limited elevator contractor's license to an applicant that limits a licensee to the business of installing, altering, and repairing elevators, platform lifts, stairway chairlifts, and dumbwaiters in private residences. The department shall issue a limited elevator contractor's license to an applicant that meets the requirements of this section."

9. Page 5, line 24 through line 27.

Strike: subsection (1) in its entirety

Insert: "(1)(a) All licenses issued under [sections 1 through 14] expire on a date set by department rule.

(b) A licensee may renew a license by filing an application with the department on a form provided by the department and by paying a renewal fee in an amount established by the department by rule."

10. Page 11, line 1.

Following: "basis"

Insert: ", except that freight elevator inspections must be conducted every 2 years"

11. Page 13, line 27.

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Strike: "on passage and approval"
Insert: "October 1, 2005"

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

FISH, WILDLIFE AND PARKS (Golie, Chairman):
HB 235, without recommendation. Report adopted.

3/24/2005

LOCAL GOVERNMENT (Noennig, Chairman):
SB 167, be concurred in. Report adopted.
SB 225, be concurred in. Report adopted.
SB 294, be amended as follows:

3/24/2005

1. Page 1, line 20.
Strike: "5"
Insert: "2"

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

SB 350, be concurred in. Report adopted.
SB 472, be amended as follows:

1. Title, line 5.
Strike: "AS COUNTY PROJECTS"

2. Page 1, line 14.
Strike: "county"
Insert: "public"

3. Page 1, line 15.
Following: "REQUEST OF A"
Insert: "federal or"
Following: "AGENCY"
Insert: ", "
Strike: "OR"

4. Page 1, line 16.
Following: "GOVERNMENT"
Insert: ", or nonprofit corporation"
Following: "TERMS"
Insert: "or on their own action for county projects"

5. Page 1, line 17 and line 18.
Strike: "public"
Following: the first "projects"
Strike: remainder of line 17 through "county" on line 18
Insert: "as public"

6. Page 1, line 25.
Strike: "county"
Insert: "government"

7. Page 1, line 26.
Strike: "county"
Insert: "government"

8. Page 2, line 10.
Strike: "Failure"

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Insert: "An unexcused failure"

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

NATURAL RESOURCES (Peterson, Chairman):

3/24/2005

HB 782, do pass. Report adopted.

HB 790, introduced bill, be amended as follows:

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

Strike: "MAY" on line 8

Insert: "SHALL, IF APPROPRIATE,"

Strike: "IF IT" on line 8 through "NECESSARY" on line 9

2. Page 1, line 25 through page 2, line 2.

Strike: "two" on page 1, line 25 through "senate" on page 2, line 2

Insert: "four members, two from each political party, who are legislators appointed to the environmental quality council;

(ii) two members who are public members of the environmental quality council"

3. Page 2, line 3.

Strike: "(v) four"

Insert: "(iii) six"

4. Page 2, line 6.

Strike: "four"

Insert: "six"

Strike: "(2)(a)(v)"

Insert: "(2)(a)(iii)"

5. Page 2, line 10.

Strike: "(2)(a)(v)"

Insert: "(2)(a)(iii)"

6. Page 2, line 15.

Strike: "must"

Insert: "should"

Following: "agreements"

Insert: ", including but not limited to road development and dust mitigation, the disposal of produced water, and onsite water impoundments"

7. Page 2, line 29.

Following: "impoundments"

Insert: "and effects on downstream water users"

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

Strike: "may" on page 2, line 30

Insert: "shall, if appropriate,"

Strike: "if it" on page 2, line 30 through "format" on page 3, line 1

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

3/24/2005

SB 66, introduced by Kitzenberg

SB 146, introduced by McGee

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SB 224, introduced by Laslovich

Senate joint resolution passed and transmitted to the House for concurrence: 3/24/2005

SJR 5, introduced by Schmidt

House bills concurred in and returned to the House: 3/24/2005

HB 206, introduced by Noonan
HB 420, introduced by Wagman
HB 520, introduced by Furey

House joint resolution concurred in and returned to the House: 3/24/2005

HJR 30, introduced by Roberts

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/24/2005

HB 363, introduced by Eaton
HB 425, introduced by Parker
HB 457, introduced by Noennig
HB 473, introduced by Parker
HB 726, introduced by Gutsche
HB 737, introduced by McNutt
HB 738, introduced by Kaufmann

FIRST READING AND COMMITMENT OF BILLS

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

HJR 39, introduced by Gallik, referred to State Administration.

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

SB 66, introduced by Kitzenberg, referred to Taxation.
SB 146, introduced by McGee, referred to Judiciary.
SB 224, introduced by Laslovich, referred to Education.

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

SJR 5, introduced by Schmidt, referred to Education.

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

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

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

HB 277 - Representative Parker moved consideration of **HB 277** be placed below **HB 395** on the second reading board. Motion carried.

HB 35 - Representative Parker moved consideration of **HB 35** be placed below **HB 326** on the second reading board. Motion carried.

HB 249 - Representative Lindeen moved **HB 249** do pass. Motion carried as follows:

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Ayes: Andersen, Arntzen, 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, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 68

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Himmelberger, W. Jones, Koopman, Lake, Lambert, Malcolm, McGillvray, McNutt, Morgan, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 32

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 288 - Representative Himmelberger moved consideration of **HB 288** be placed at the bottom of the second reading board. Motion carried.

HB 264 - Representative Windham moved **HB 264** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 64

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Hendrick, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McKenney, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Wells, Witt.
Total 35

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: Hamilton.
Total 1

HB 326 - Representative Peterson moved **HB 326** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, 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, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 92

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Noes: Buzzas, Caferro, Everett, Hawk, Jayne, Kaufmann, Koopman, Sales.
Total 8

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 35 - Representative Parker moved consideration of **HB 35** be placed below **HB 704** on the second reading board.
Motion carried.

HB 379 - Representative Windy Boy moved **HB 379** 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, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 90

Noes: Balyeat, R. Brown, Everett, Hawk, Jackson, Koopman, Mendenhall, Ripley, Sinrud, Wells.
Total 10

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 484 - Representative L. Jones moved **HB 484** 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, 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 98

Noes: Keane, Koopman.
Total 2

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

HB 512 - Representative Witt moved **HB 512** 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, 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, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Balyeat, Eaton, Koopman, McGillvray, Sales, Sinrud, Warden.

Total 7

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: Roberts.

Total 1

HB 531 - Representative Franklin moved **HB 531** do pass. Motion carried as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 61

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Caferro, Everett, Grinde, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Ward, Warden, Witt.

Total 39

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 540 - Representative Dickenson moved **HB 540** 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, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 95

Noes: Balyeat, Everett, Hawk, Sales, Stoker.
Total 5

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 552 - Representative Caferro moved **HB 552** 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, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 58

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 42

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 704 - Representative Windy Boy moved **HB 704** 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, Heinert, 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, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 88

Noes: Everett, Hawk, Hendrick, Koopman, Lake, Peterson, Rice, Ross, Sales, Sonju, Wells, Witt.
Total 12

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 35 - Representative Parker moved consideration of **HB 35** be placed below **HB 395** on the second reading board. Rep. Sales objected. Motion carried as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 73

Noes: Arntzen, D. Brown, Golie, Hawk, L. Jones, W. Jones, Koopman, MacLaren, McGillvray, McKenney, Mendenhall, Milburn, Rice, Sales, Sinrud, Sonju, Taylor, Ward, Warden, Wells.
Total 20

Excused: Balyeat.
Total 1

Absent or not voting: Dowell, Furey, Hendrick, Raser, Wagman, Windham.
Total 6

HB 742 - Representative Buzzas moved **HB 742** do pass. Motion carried as follows:

Ayes: 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, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman.
Total 67

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Klock, Koopman, Lake, MacLaren, McGillvray, McKenney, Mendenhall, Milburn, B. Olson, Peterson, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wells, Witt, Mr. Speaker.
Total 33

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 749 - Representative Ripley moved **HB 749** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Warden, Wilson, Windy Boy, Witt.
Total 81

Noes: D. Brown, Everett, Harris, Koopman, McGillvray, Mendenhall, Parker, Rice, Sales, Sinrud, Wanzenried, Ward, Wells, Wiseman, Mr. Speaker.
Total 15

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Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: Facey, Furey, Lindeen, Windham.
Total 4

HB 89 - Representative Witt moved **HB 89** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, 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, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 86

Noes: Buzzas, Everett, Gallik, Gutsche, Hamilton, Koopman, McGillvray, Sales, Sinrud, Stoker, Wells, Windham, Wiseman.
Total 13

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: D. Brown.
Total 1

HB 99 - Representative Lange moved **HB 99** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, 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, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, 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 88

Noes: Balyeat, Bixby, Caferro, Campbell, Everett, Jayne, Juneau, Kaufmann, Koopman, Maedje, Rice.
Total 11

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: Lambert.
Total 1

HB 140 - Representative Parker moved **HB 140** do pass. Motion carried as follows:

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

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

Total 87

Noes: D. Brown, R. Brown, Everett, Hawk, Himmelberger, Koopman, Lake, Mendenhall, Rice, Ross, Sales, Sinrud.

Total 12

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: Lambert.

Total 1

HB 395 - Representative Becker moved **HB 395** do pass. Motion carried as follows:

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

Total 80

Noes: D. Brown, Dickenson, Everett, Furey, Galvin-Halcro, Hawk, Hiner, Jayne, Koopman, Lake, McKenney, Noonan, Rice, Ross, Sales, Sinrud, Villa, Wells.

Total 18

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: Arntzen, Witt.

Total 2

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

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

Total 82

Noes: Butcher, Everett, Hawk, Jayne, MacLaren, McGillvray, Mendenhall, Rice, Sales, Waitschies, Wells.

Total 11

Excused: Balyeat.

Total 1

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Absent or not voting: Andersen, Juneau, Koopman, Malcolm, Morgan, Taylor.
Total 6

Rep. Lange announced the House Republicans will caucus.
Rep. Parker announced the House Democrats will caucus.
Chairman Noennig stated the House will stand at ease until 11:00 a.m.

House resumed at 11:00 a.m.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Buzzas, Chairman):

3/24/2005

HB 173, do pass. Report adopted.

HB 204, do pass. Report adopted.

HB 667, introduced bill, be amended as follows:

1. Title, line 23.

Following: "CREDITS"

Insert: "AND PROVIDING FOR CONTINGENT FUNDING"

2. Page 2, line 4.

Strike: "The"

Insert: "Subject to the conditions in 53-6-1201, the"

3. Page 6, line 6.

Strike: "The"

Insert: "Subject to the conditions in 53-6-1201, the"

4. Page 25, line 24.

Following: "initiatives"

Insert: "-- contingency"

5. Page 26, line 19.

Following: "(4)"

Insert: "(a) The money appropriated for fiscal year 2006 for the program in subsections (3)(d) through (3)(g) may not be expended until the office of budget and program planning has certified that \$25 million has been deposited in the account provided for in this section.

(b) For each succeeding fiscal year, on or before July 1, the budget director shall calculate a balance required to sustain the program for each fiscal year of the next biennium. If the budget director certifies that the reserve balance will be sufficient, then the commissioner may expend the revenue for the program as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify the commissioner. Upon receipt of the notification, the commissioner shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

(c)"

6. Page 26, line 25.

Insert: "NEW SECTION. Section 19. Contingency on expenditure. [Sections 1 through 9] may not be construed to require implementation or ongoing operation of the programs in 53-6-1201(3)(d) through (3)(g) without a line item appropriation in the general appropriations bill included for that purpose."

Renumber: subsequent subsections

7. Page 26, line 29.

Strike: "[Section 10] is"

Insert: "[Sections 10 and 19] are"

8. Page 26, line 30.

Strike: "[section 10]"

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Insert: "[sections 10 and 19]"

And, as amended, do pass. Report adopted.

HB 713, introduced bill, be amended as follows:

1. Page 1, line 13.

Strike: "\$1 million"

Insert: "\$250,000"

2. Page 1, line 20.

Insert: "(3) Any funds not expended specifically for the purposes of [this act] must revert to the general fund."

And, as amended, do pass. Report adopted.

HB 715, do pass. Report adopted.

HB 740, do pass. Report adopted.

HB 757, introduced bill, be amended as follows:

1. Title, line 9.

Following: "ACCOUNT;"

Insert: "AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR FUNDING THE ACCOUNT;"

2. Page 2, line 1.

Following: "program."

Insert: "The department may request the board of examiners to issue revenue bonds, as provided in [sections 7 through 21] for the purpose of providing funds for a loan."

3. Page 2, line 9.

Strike: "(1)"

4. Page 2, lines 12 and 13.

Strike: subsection (2) in its entirety

5. Page 4, line 29.

Insert: "NEW SECTION. Section 7. Definitions. As used in [sections 7 through 21], the following definitions apply:

(1) "Board" means the board of examiners created under 2-15-1007.

(2) "Bonds" means bonds, notes, or other evidences of indebtedness issued pursuant to [sections 7 through 21] as essential freight rail revenue bonds.

(3) "Cost", as applied to any project, means any cost of any part of the project pursuant to 60-11-120.

(4) "Outstanding bonds" means bonds issued and outstanding at any particular time but does not include bonds owned by the state, bonds that have been refunded, or bonds for the payment of which an irrevocable deposit of cash and United States government securities has been made in an amount sufficient to pay principal, interest, and redemption premium, if any, when due.

(5) "Projects" means the acquisition, construction, reconstruction, maintenance, and repair of rail lines.

(6) "Revenue" means the revenue from the operation of a rail line credited to the department in the state special revenue fund."

Insert: "NEW SECTION. Section 8. Revenue bond debt service account -- deposit of bond proceeds. (1) There is in the debt service fund an essential freight rail revenue bond debt service account. Subject only to the prior pledge and appropriation made by 17-5-507, the state treasurer shall deposit revenue as may be pledged to the payment of particular bonds to the credit of the essential freight rail revenue bond debt service account as required by resolution or indenture.

(2) All proceeds of an issue of bonds must be deposited in a separate account in the state special revenue fund, except that any premiums and accrued interest received may be deposited in a separate account in the debt service fund established for that bond issue by resolution or indenture. No more than the principal and interest on the bonds due in any year may be retained in the essential freight rail revenue bond debt service account for the payment of bonds. The remainder of pledged revenue is available for authorized purposes of the department. Money

deposited in the separate accounts in the state special revenue fund until spent for project purposes may be pledged and appropriated for the payment of bonds, which are a first lien and prior charge upon the funds, and the funds may be used for payment of bonds to the extent that revenue deposited in the essential freight rail revenue bond debt service account are not sufficient for those purposes.

(3) Interest and investment earnings on the separate accounts in subsections (1) and (2) must be retained in the separate accounts referred to in subsection (2)."

Insert: "NEW SECTION. Section 9. Pledge of revenue. All or any portion of revenue may be pledged to the payment of the principal, interest, and redemption premium, if any, on particular issues of essential freight rail revenue bonds, and the pledge is and remains at all times a first lien and prior charge upon the pledged revenue credited to the essential freight rail revenue bond debt service account, subject to a first lien and charge in favor of certain essential freight rail revenue bonds as provided in 17-5-507 and subject to the pledge of particular revenue to secure particular issues of essential freight rail revenue bonds."

Insert: "NEW SECTION. Section 10. Authority to issue revenue bonds. The board may issue and sell essential freight rail revenue bonds to finance the cost of projects, to pay the costs of issuing the bonds, and to provide for reserves, upon recommendation of the department. The state reserves the right to issue additional bonds secured equally and ratably by the pledge and appropriation of the revenue or separately secured by a portion of revenue subject only to the pledge of particular revenue to secure particular bonds."

Insert: "NEW SECTION. Section 11. Collection of revenue -- restriction on additional bonds. The legislature shall provide for the continued collection and deposit of revenue into the state special revenue fund for the credit of the department in amounts sufficient to pay, when due, the annual debt service charges on all outstanding bonds. The board is authorized to include a contractual undertaking for the benefit of bondholders to this effect in the resolution or indenture under which the bonds are issued."

Insert: "NEW SECTION. Section 12. Bond anticipation notes -- issued when -- payment of principal and interest. (1) The board may, pending the issuance of essential freight rail revenue bonds, issue temporary notes in anticipation of the proceeds to be derived from the sale of the bonds, which notes are designated as "bond anticipation notes". The proceeds of the sale of the bond anticipation notes may be used only for the purpose for which the proceeds of the bonds are to be used, including costs of issuance. If, prior to the issuance of the bonds, it becomes necessary or desirable to redeem outstanding notes, additional bond anticipation notes may be issued to redeem the outstanding notes. A renewal of any note may not be issued after the sale of bonds in anticipation of which the original notes were issued.

(2) Bond anticipation notes or other short-term evidences of indebtedness maturing not more than 3 years after the date of issue may be issued from time to time as the proceeds are needed. The notes must be authorized by the board and have terms and provisions as may be provided by resolution of the board. However, each resolution of the board authorizing notes must:

(a) describe the need for the proceeds of the notes to be issued; and

(b) specify the principal amount of the notes or maximum principal amount of the notes that may be outstanding at any one time, the rate or rates of interest or maximum rate of interest or interest rate formula of the notes as determined in the manner specified in the resolution authorizing the notes, and the maturity date or maximum maturity date of the notes.

(3) Subject to the limitations contained in this section and the standards and limitations prescribed in the authorizing resolution, the board in its discretion may provide for the notes described in subsection (2) to be issued and sold, in whole or in part, from time to time, and may delegate to the state treasurer the power to determine the time or times of sale, the manner of sale, the amounts, the maturities, the rate or rates of interest, and other terms and details of the notes as may be considered appropriate by the board or, if there has been a delegation, the state treasurer. The board may, in its discretion but subject to the limitations contained in this section, provide in the resolution authorizing the issuance of notes for:

(a) the employment of one or more persons or firms to assist the board in the sale of the notes;

(b) the appointment of one or more banks or trust companies, either inside or outside the state, as depository for safekeeping and as agent for the delivery and payment of the notes;

(c) the refunding of the notes, from time to time, without further action by the board, unless and until the board revokes the authority to refund; and

(d) other terms and conditions that the board may consider appropriate."

Insert: "NEW SECTION. Section 13. Form -- principal and interest -- fiscal agent -- bonds authorized. (1) Each series of essential freight rail revenue bonds may be issued by the board at public or private sale, in denominations and form, whether payable to bearer or registered as to principal or both principal and interest, with provisions for the conversion or exchange, bearing interest at a rate or rates or the method of determining the rate or rates, maturing at times, not more than 40 years from the date of issue, subject to redemption at earlier times and prices and upon notice, and payable at the office of a fiscal agency of the state that the board shall determine, subject

to the limitations contained in [sections 7 through 21]. Any action taken by the board under [sections 7 through 21] must be approved by at least a majority vote of its members.

(2) In all other respects, the board is authorized to prescribe the form and terms of the bonds and shall do whatever is lawful and necessary for their issuance and payment.

(3) Bonds and any interest coupons appurtenant to the bonds must be signed by the members of the board, and the bonds must be issued under the great seal of the state of Montana. The bonds and coupons may be executed with facsimile signatures and seal in the manner and subject to the limitations prescribed by law. The state treasurer shall keep a record of all bonds issued and sold.

(4) The board may employ a fiscal agent and a bond registrar and transfer agent to assist in the performance of its duties under [sections 7 through 21].

(5) In connection with the issuance and sale of bonds, the board may arrange for lines of credit or letters of credit with any bank, firm, or person for the purpose of providing an additional source of repayment for bonds issued pursuant to [sections 7 through 21]. Amounts drawn on lines of credit may be evidenced by negotiable or nonnegotiable notes or other evidences of indebtedness, containing the terms and conditions that the board may authorize in the resolution approving the same.

(6) No more than \$150 million of bonds issued under [sections 7 through 21] may be outstanding at any time. Additional bonds, other than refunding bonds, may not be issued until the pledge in favor of the bonds is satisfied and discharged."

Insert: "NEW SECTION. Section 14. Trust indenture. In the discretion of the board, essential freight rail revenue bonds issued under [sections 7 through 21] may be secured by a trust indenture by and between the board and a trustee, which may be any trust company or bank having the powers of a trust company inside or outside of the state. Each trust indenture or an executed counterpart of the indenture must be filed in the office of the secretary of state. The filing of a trust indenture or an executed counterpart of the indenture in the office of the county clerk and recorder of the county in which the property covered by the trust indenture is located is constructive notice of its content to all persons from the time of filing, and the recording of the trust indenture or its content is not necessary."

Insert: "NEW SECTION. Section 15. Provisions for protecting bondholders. The resolution of the board providing for the issuance of essential freight rail revenue bonds or the trust indenture may contain provisions for protecting and enforcing the rights and remedies of the bondholders that are reasonable, proper, and not in violation of law, including covenants setting forth the duties of the state, the board, and the department in relation to the projects financed with the proceeds of the bonds and the custody, safeguarding, and application of all money. The trust indenture may set forth the rights and remedies of the bondholders customary in trust indentures, deeds of trusts, and mortgages securing bonds or debentures of corporations. The enumeration of particular powers granted by this section may not impair any general grant of power contained in [sections 7 through 21]."

Insert: "NEW SECTION. Section 16. Personal liability -- suit to compel performance. (1) The members of the board and officers and employees of the department are not personally liable or accountable by reason of the issuance of or on any essential freight rail revenue bond issued by the board under [sections 7 through 21].

(2) Any holder of bonds issued under [sections 7 through 21] or any person or officer who is a party in interest, subject to any applicable agreements or trust indentures, may sue to enforce and compel the performance of the bond provisions as set out in [sections 7 through 21]."

Insert: "NEW SECTION. Section 17. Negotiability of bonds. Essential freight rail revenue bonds issued under [sections 7 through 21] are negotiable instruments under the Uniform Commercial Code, subject only to the provisions for registration of bonds."

Insert: "NEW SECTION. Section 18. Signatures of board members. If any member of the board whose signature appears on essential freight rail revenue bonds or coupons issued under [sections 7 through 21] ceases to be a member before the delivery of the bonds, the member's signature is nevertheless valid and sufficient for all purposes as if the member had remained in office until delivery."

Insert: "NEW SECTION. Section 19. Refunding obligations. (1) The board may provide for the issuance of refunding obligations for refunding any obligations then outstanding that have been issued under [sections 7 through 21], including the payment of any redemption premium and any interest accrued or to accrue to the date of redemption of the obligations. The issuance of refunding obligations, the maturities and other details, the rights of the holders, and the rights, duties, and obligations of the state are governed by the appropriate provisions of [sections 7 through 21] that relate to the issuance of the obligations.

(2) Refunding obligations issued as provided in subsection (1) may be sold or exchanged for outstanding obligations issued under [sections 7 through 21]. The proceeds may be applied to the purchase, redemption, or payment of the outstanding obligations. Pending the application of the proceeds of refunding obligations, with other available funds, to the payment of principal, accrued interest, and any redemption premium on the obligations being refunded and, if permitted in the resolution authorizing the issuance of the refunding obligations or in the trust

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agreement securing them, to the payment of interest on refunding obligations and expenses in connection with refunding, the proceeds may be invested as provided in Title 17, chapter 6."

Insert: "NEW SECTION. Section 20. Pledge of state. In accordance with the constitutions of the United States and the state of Montana, the state pledges that it will not in any way impair the obligations of any agreement between the state and the holders of notes and essential freight rail revenue bonds issued by the state under [sections 7 through 21]."

Insert: "NEW SECTION. Section 21. Tax exemption of bonds -- legal investment. (1) All essential freight rail revenue bonds issued under [sections 7 through 21], their transfer, and their income, including any profits made on their sale, are exempt from taxation by the state or any political subdivision or other instrumentality of the state, except for estate taxes.

(2) Bonds issued under [sections 7 through 21] are legal investments for any person or board charged with investment of public funds and are acceptable as security for any deposit of public money."

Renumber: subsequent sections

6. Page 4, line 30.

Following: "4"

Insert: "and 7 through 21"

7. Page 5, line 2.

Following: "4"

Insert: "and 7 through 21"

And, as amended, do pass. Report adopted.

HB 791, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "\$7.5"

Insert: "\$6.1"

2. Page 2, line 12.

Strike: "\$7.5"

Insert: "\$6.1"

And, as amended, do pass. Report adopted.

EDUCATION (Galvin-Halcro, Chairman):

3/24/2005

SB 363, be concurred in. Report adopted.

SB 460, be concurred in. Report adopted.

THIRD READING OF BILLS

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

HB 4 passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, 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, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 64

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

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Total 32

Excused: Balyeat.

Total 1

Absent or not voting: Buzzas, Franklin, Himmelberger.

Total 3

HB 5 passed as follows:

Ayes: 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, 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, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 85

Noes: Andersen, D. Brown, Everett, Hawk, Heinert, Koopman, Lake, McGillvray, Sales, Sinrud, Stahl, Stoker, Taylor.

Total 13

Excused: Balyeat.

Total 1

Absent or not voting: Franklin.

Total 1

HB 8 passed 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, 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 97

Noes: Glaser, Koopman.

Total 2

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

HB 9 passed 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, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan,

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Total 84

Noes: D. Brown, Everett, Hawk, Heinert, Koopman, Lake, Mendenhall, Morgan, Sales, Sinrud, Sonju, Stahl, Wagman, Wells.
Total 14

Excused: Balyeat.
Total 1

Absent or not voting: Franklin.
Total 1

HB 11 passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, 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, 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 93

Noes: D. Brown, Koopman, Lake, McGillvray, Morgan.
Total 5

Excused: Balyeat.
Total 1

Absent or not voting: Dickenson.
Total 1

HB 12 passed as follows:

Ayes: Andersen, Arntzen, Barrett, 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, Klock, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 77

Noes: D. Brown, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Koopman, Lake, Lange, MacLaren, McGillvray, McKenney, Milburn, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Ward.
Total 22

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

HB 22 passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro,

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

Noes: Koopman, Lake.
Total 2

Excused: Balyeat.
Total 1

Absent or not voting: Keane.
Total 1

HB 148 passed as follows:

Ayes: Arntzen, 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, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 76

Noes: Andersen, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, L. Jones, Koopman, Lake, Malcolm, Mendenhall, Milburn, Rice, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Waitschies, Wells.
Total 23

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

HB 299 passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, 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: D. Brown, Hawk, Koopman, McGillvray, Sales, Stahl, Stoker.
Total 7

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

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HB 673 passed as follows:

Ayes: Andersen, Arntzen, 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, Noonan, 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, Parker, Raser, Ripley, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.
Total 45

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

HB 752 failed (due to 2/3 vote requirement) 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, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 58

Noes: Andersen, Arntzen, 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, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 41

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

HB 758 passed 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, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 95

Noes: Koopman, Sales, Stahl, Stoker.
Total 4

Excused: Balyeat.
Total 1

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Absent or not voting: None.
Total 0

MOTIONS

Rep. Clark moved HB 219 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, A. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 55

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 44

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

Rep. Bergren moved HB 417 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading on March 29, 2005. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, Morgan, Musgrove, Noonan, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 58

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McNutt, Mendenhall, Milburn, Noennig, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Windham, Wiseman.
Total 41

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

Rep. Small-Eastman moved HB 499 be withdrawn from the Appropriations 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, 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 50

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Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Hiner, 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

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Rep. Lange moved HB 374 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion passed as follows:

Ayes: Andersen, Arntzen, 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, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 86

Noes: Barrett, Becker, Everett, Klock, Lambert, Maedje, Malcolm, McKenney, Mendenhall, Milburn, B. Olson, Rice, Witt.

Total 13

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Rep. Bergren moved HB 698 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sales, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 75

Noes: Buzzas, Callahan, Clark, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Hiner, Jayne, L. Jones, Jopek, Koopman, McKenney, Mendenhall, Milburn, B. Olson, Rice, Ross, Sinrud, Sonju, Waitschies, Wanzenried, Witt.

Total 24

Excused: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Rep. Harris moved HB 614 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading

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on March 29, 2005. This requires a 3/5 vote. Motion passed 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, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Rice, Ross, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 67

Noes: Andersen, Barrett, D. Brown, R. Brown, Everett, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Koopman, Lake, Lambert, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, B. Olson, Peterson, Ripley, Roberts, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.
Total 32

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

Rep. Noonan moved HB 761 be withdrawn from the Appropriations Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 59

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 40

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Buzzas, Chairman):
HB 707, do pass. Report adopted.

3/24/2005

**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 Noennig in the chair.

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

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HB 35 - Representative Jent moved **HB 35** do pass.

HB 35 - Representative Jent moved **HB 35**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

Following: ~~FEES;~~

Insert: "PROVIDING A FUNDING MECHANISM FOR THE INCREASES BY RAISING CERTAIN VEHICLE REGISTRATION FEES;"

2. Title, page 1, line 10.

Strike: "AN"

Insert: "FOR A STATUTORY"

3. Title, page 1, line 11.

Strike: "SECTION"

Insert: "SECTIONS"

4. Title, page 1, line 12.

Following: "~~61-3-321,~~"

Insert: "17-7-502, AND 61-3-321,"

5. Page 13.

Following: line 18

Insert: "Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-35-108; 15-36-332; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-11-404; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-5-306; 23-5-409; 23-5-612; 23-5-631; 23-7-301; 23-7-402; [section 4]; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 2 and 5, Ch. 481, L. 2003, the inclusion of 90-6-710 terminates June 30, 2005; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; and pursuant to sec. 135, Ch. 114, L. 2003, the inclusion of 2-15-151 terminates June 30, 2005.)"

Insert: "Section 3. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, reregistration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:

(a) light vehicles under 2,850 pounds, \$13.75 in calendar year 2004 and, in each subsequent year, \$17;

(b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25. For a trailer or

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semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

- (c) motor vehicles registered pursuant to 61-3-411 that are:
 - (i) 2,850 pounds and over, \$10; and
 - (ii) under 2,850 pounds, \$5;
- (d) off-highway vehicles registered pursuant to 23-2-817, \$9 in calendar year 2004 and, in each subsequent year, \$19.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle.
- (e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton, \$18.75 in calendar year 2004 and, in each subsequent year, \$22;
- (f) logging trucks less than 1 ton, \$23.75;
- (g) motor homes, \$22.25;
- (h) motorcycles and quadricycles, \$9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, \$9.75 in calendar year 2004 and, in each subsequent year, \$11.25. This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.
 - (i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.
 - (j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, \$16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.
 - (k) travel trailers, \$11.75. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.
 - (l) recreational vehicles, \$3.50 in calendar year 2004 and, in each subsequent year, \$9.75. If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.
 - (2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.
 - (b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.
 - (3) An additional fee of \$5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, \$5 in calendar year 2004 and, in each subsequent year, \$16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.
 - (4) A fee of \$5 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.
 - (5) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.
 - (6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.
 - (b) The following vehicles are not subject to the fee imposed in subsection (6)(a):
 - (i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and
 - (ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.
 - (7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.
 - (b) The following vehicles are not subject to the fee:
 - (i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;
 - (ii) off-highway vehicles registered pursuant to 23-2-817; and
 - (iii) vehicles bearing license plates described in 61-3-458(3)(d).
 - (8) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.
 - (9) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.
 - (10) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

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(11) (a) Unless a person exercises the option in subsection (11)(b), an additional fee of \$4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part. The fee must be deposited in the state general fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii).

(b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual registration, certify that the person does not intend to use state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection (11)(a). If a written election is made, the fee may not be collected.

(12) For each vehicle subject to a registration fee under subsection (1), an additional fee of \$5 must be collected and forwarded to the department of revenue. The department of revenue shall deposit the \$5 in the account established in [section 4]."

Insert: "NEW SECTION. Section 4. Special revenue account to partially fund highway patrol officers' salaries -- statutory appropriation. (1) There is an account in the state special revenue fund provided for in 17-2-102.

(2) The money in the account is statutorily appropriated, as provided in 17-7-502, to the department of justice to fund, pursuant to 2-18-303(10):

(a) an increase in the base salary for the number of highway patrol officer positions existing on June 30, 2006;

(b) the base salary and associated operating costs for new highway patrol officer positions created after June 30, 2006; and

(c) biennial salary increases after June 30, 2006, for highway patrol officers."

Renumber: subsequent sections

6. Page 14, line 7 through line 15.

Strike: section 3 in its entirety

Renumber: subsequent sections

7. Page 14.

Following: line 19

Insert: "(1) [Section 4] is intended to be codified as an integral part of Title 44, chapter 1, part 5, and the provisions of Title 44, chapter 1, part 5, apply to [section 4]."

8. Page 14, line 20.

Following: "~~(2)~~"

Insert: "(2)"

Strike: "2"

Insert: "5"

9. Page 14, line 21.

Strike: "2"

Insert: "5"

10. Page 19, line 15.

Strike: "[Section 2] is"

Insert: "[Sections 2 through 4] are"

Amendment adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Ross, 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, Maedje, Malcolm, McGillivray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson,

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Rice, Ripley, Roberts, 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 35 - Representative Jent moved **HB 35**, as amended, 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, Everett, 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, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 91

Noes: Balyeat, D. Brown, Glaser, Hawk, Maedje, Mendenhall, Stahl, Wells, Witt.

Total 9

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 277 - Representative Maedje moved **HB 277** do pass.

HB 277 - Representative Maedje moved **HB 277**, second reading copy, be amended as follows:

1. Page 1, line 12.

Strike: "\$100,000 from the general fund"

Insert: "\$45,000 from the state special revenue account for state parks"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 71

Noes: Balyeat, Barrett, D. Brown, R. Brown, Cohenour, Dickenson, Eaton, Gallik, Gutsche, Hamilton, Harris, Henry, Himmelberger, Jayne, W. Jones, Lake, McAlpin, McGillvray, McKenney, Morgan, B. Olson, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies.

Total 29

Voted Absentee: Balyeat, No.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 277 - Representative Maedje moved **HB 277**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dowell, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Groesbeck, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 58

Noes: Balyeat, Barrett, D. Brown, R. Brown, Cohenour, Dickenson, Driscoll, Eaton, Everett, Gallik, Grinde, Gutsche, Hamilton, Harris, Hawk, Himmelberger, Jayne, W. Jones, Koopman, Lake, Lange, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Warden, Wells, Windy Boy.
Total 41

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: Juneau.
Total 1

HB 435 - Representative Branae moved **HB 435** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 55

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.
Total 45

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 438 - Representative Buzzas moved **HB 438** do pass. Motion carried as follows:

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

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Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 95

Noes: D. Brown, Lake, Malcolm, Mendenhall, Sales.
Total 5

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 76 - Representative Parker moved consideration of **HB 76** be placed at the top of the second reading board. Motion carried.

HB 76 - Representative Buzzas moved **HB 76** do pass.

HB 76 - Representative Buzzas moved **HB 76**, second reading copy, be amended as follows:

1. Page 1, line 9.
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"

2. Page 1, line 22.
Strike: "2005"
Insert: "2007"

3. Page 4, line 30.
Strike: "on passage and approval"
Insert: "July 1, 2007"

Amendment adopted as follows:

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

Noes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 49

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

HB 76 - Representative Buzzas moved **HB 76**, as amended, do pass. Motion carried as follows:

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Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 64

Noes: Andersen, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Waitschies, Ward, Wells, Witt.

Total 36

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 440 - Representative Wiseman moved **HB 440** do pass. Motion carried as follows:

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

Total 59

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Stahl, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 41

Voted Absentee: Balyeat, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Ayes: Andersen, Arntzen, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman.

Total 68

Noes: Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Everett, Golie, Hamilton, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, McGillvray, A. Olson, B. Olson, Rice, Wagman, Waitschies, Windy Boy, Witt, Mr. Speaker.

Total 32

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Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 65

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Jackson, L. Jones, Klock, Koopman, Lake, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ross, Sales, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Wells, Witt.
Total 35

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 796 - Representative Callahan moved **HB 796** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Himmelberger, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 69

Noes: Balyeat, Barrett, Everett, Heinert, Hendrick, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, MacLaren, Malcolm, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells.
Total 31

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 336 - Representative Lange moved **HB 336** do pass.

HB 336 - Representative Morgan moved **HB 336**, second reading copy, be amended.

Amendment **not** adopted as follows:

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

Total 50

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

Total 50

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 336 - Do pass motion carried as follows:

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

Total 78

Noes: Bergren, Callahan, Eaton, Everett, Gallik, Golie, Heinert, Jackson, Juneau, Klock, Koopman, Lake, Mendenhall, Rice, Ripley, Ross, Sales, Sinrud, Taylor, Waitschies, Wells, Wilson.

Total 22

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Himmelberger assumed the Chair.

HB 482 - Representative Lindeen moved **HB 482** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, 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, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

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Noes: Barrett, Everett, Hawk, Koopman, McGillvray, Morgan, B. Olson, Sinrud, Stoker, Waitschies.
Total 10

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: MacLaren.
Total 1

HB 288 - Representative Noennig moved **HB 288** 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, 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, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Everett, Jayne, Koopman, Sales, Sinrud, Wells.
Total 6

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: Roberts.
Total 1

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Himmelberger 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, 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, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 82

Noes: D. Brown, Everett, Hawk, W. Jones, Koopman, MacLaren, Mendenhall, Rice, Sales, Sinrud, Sonju, Wagman, Waitschies, Wells.
Total 14

Excused: Balyeat.
Total 1

Absent or not voting: Clark, Himmelberger, Roberts.
Total 3

Rep. Bergren announced the House Democrats will caucus.
Rep. Lange announced the House Republicans will caucus.

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Speaker Matthews stated the House will stand at ease until 2:05 p.m.

House reconvened at 2:15 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 Noennig in the chair.

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

HB 423 - Representative Stahl moved **HB 423** do pass.

HB 423 - Representative Stahl moved **HB 423**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

Strike: "GENERAL"

Insert: "STATE SPECIAL REVENUE"

2. Page 1, line 26.

Strike: "general fund"

Insert: "state special revenue account used for the purpose of state parks"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Butcher, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Jackson, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt.

Total 63

Noes: Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Dowell, Galvin-Halcro, Golie, Grinde, Himmelberger, Hiner, Jacobson, Jayne, W. Jones, Kaufmann, Koopman, Lake, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Mendenhall, Raser, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Wells, Windham, Mr. Speaker.

Total 37

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 423 - Representative Stahl moved **HB 423**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Branae, Butcher, Caferro, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McKenney, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Roberts, Sesso, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt.

Total 61

Noes: Barrett, Bixby, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Everett, Golie, Grinde, Hawk,

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Himmelberger, Jackson, Jayne, L. Jones, Juneau, Kaufmann, Koopman, Lake, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Raser, Rice, Ripley, Ross, Sales, Sinrud, Small-Eastman, Villa, Wagman, Wanzenried, Wells, Windham, Mr. Speaker.
Total 39

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 235 - Representative Lange moved **HB 235** do pass.

HB 235 - Representative Clark moved **HB 235**, second reading copy, be amended as follows:

1. Title, line 7.

Following: "ACCESS"

Insert: "ENHANCEMENT"

Following: "PROGRAMS"

Insert: "AND LAW ENFORCEMENT"

2. Title, line 13.

Following: "COMMITTEE;"

Insert: "PROVIDING AN APPROPRIATION;"

3. Page 2, line 5.

Following: "access"

Insert: "enhancement"

Following: "programs"

Insert: "and law enforcement"

3. Page 6, line 23.

Insert: "NEW SECTION. **Section 6. Appropriation.** In order to implement the law enforcement provisions of [section 1(4)] and other fish, wildlife, and parks department enforcement duties, there is appropriated from the department of fish, wildlife, and parks state special revenue fund account to the department of fish, wildlife, and parks \$114,000 in fiscal year 2006 and \$104,500 in fiscal year 2007 for two FTE regional game warden investigators."

Renumber: subsequent sections

Amendment adopted as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Roberts, Sesso, Small-Eastman, Villa, Wagman, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 62

Noes: Andersen, D. Brown, R. Brown, Butcher, Everett, Galvin-Halcro, Golie, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Koopman, Lake, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Waitschies, Wanzenried, Wells, Witt.

Total 37

Voted Absentee: Balyeat, Aye.

Excused: None.

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Total 0

Absent or not voting: Barrett.
Total 1

HB 235 - Representative Lange moved **HB 235**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, D. Brown, R. Brown, Butcher, Caferro, Clark, Cohenour, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Grinde, Gutsche, Hamilton, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Klock, Koopman, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 72

Noes: Barrett, Bixby, Branae, Buzzas, Callahan, Campbell, Dickenson, Dowell, Franklin, Galvin-Halcro, Golie, Groesbeck, Harris, Hawk, Jacobson, Jayne, Juneau, Keane, Lake, Lindeen, Musgrove, Raser, Ripley, Ross, Sesso, Small-Eastman, Villa, Witt.
Total 28

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 772 - Representative Facey moved **HB 772** do pass. Motion carried as follows:

Ayes: Arntzen, 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, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Maedje, McAlpin, McKenney, Musgrove, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 59

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.
Total 41

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Speaker Matthews moved consideration of **HB 782**, **HB 173**, and **HB 204** be placed below **HB 740** on the second reading board. Motion carried.

HB 713 - Representative Parker moved consideration of **HB 713** be passed for the day. Motion carried.

HB 790 - Representative Peterson moved **HB 790** do pass. Motion carried as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan,

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Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, 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, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 90

Noes: Andersen, R. Brown, Gallik, Hawk, Himmelberger, Jayne, Lake, Ripley, Taylor.
Total 9

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: Roberts.
Total 1

HB 667 - Representative Wanzenried moved **HB 667** do pass. Motion carried as follows:

Ayes: Arntzen, 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, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 79

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Hendrick, Klock, Koopman, Lake, Lambert, Lange, A. Olson, B. Olson, Ripley, Ross, Sales, Waitschies, Ward, Wells.
Total 21

Voted Absentee: Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 707 - Representative Groesbeck moved **HB 707** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, 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 91

Noes: Balyeat, Galvin-Halcro, Hawk, Jayne, L. Jones, Malcolm, McGillvray, Milburn.
Total 8

Voted Absentee: Balyeat, No.

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Excused: None.
Total 0

Absent or not voting: Clark.
Total 1

HB 715 - Representative Maedje moved **HB 715** do pass. Motion **failed** as follows:

Ayes: Balyeat, Bergren, Branae, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Facey, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, W. Jones, Jopek, Lambert, Maedje, McAlpin, Morgan, Musgrove, Noennig, Noonan, Raser, Roberts, Sesso, Small-Eastman, Ward, Windham, Wiseman.
Total 39

Noes: Andersen, Arntzen, Barrett, Becker, Bixby, D. Brown, R. Brown, Buzzas, Callahan, Clark, Dowell, Everett, Franklin, Galvin-Halcro, Golie, Gutsche, Hawk, Hendrick, Himmelberger, Jayne, Jent, L. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 61

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 740 - Representative Heinert moved **HB 740** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 89

Noes: D. Brown, Hendrick, Koopman, Lake, Malcolm, McAlpin, McGillvray, Mendenhall, Sales, Ward, Wells.
Total 11

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 782 - Representative McNutt moved **HB 782** do pass.

HB 782 - Representative McNutt moved **HB 782**, second reading copy, be amended as follows:

1. Page 9, line 27.
Strike: "The following money"
Insert: "There"

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Strike: "general fund"

Insert: "available principal of the resource indemnity trust for fiscal years 2006 and 2007 \$49,000"

2. Page 9, line 29.

Strike: ":"

Insert: "."

3. Page 9.

Strike: line 30

4. Page 10.

Strike: line 1

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

Total 96

Noes: None.

Total 0

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: Everett, Facey, Malcolm, Sinrud.

Total 4

HB 782 - Representative McNutt moved **HB 782**, as amended, do pass. Motion carried as follows:

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

Total 99

Noes: None.

Total 0

Voted Absentee: Balyeat, Aye.

Excused: None.

Total 0

Absent or not voting: Branae.

Total 1

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HB 173 - Representative Heinert moved **HB 173** do pass. Motion carried as follows:

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

Noes: McAlpin, Sales.
Total 2

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: Lambert.
Total 1

HB 204 - Representative Witt moved **HB 204** 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, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Koopman, McGillvray, Wagman.
Total 3

Voted Absentee: Balyeat, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 757 - Representative L. Jones moved **HB 757** 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, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

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Noes: Balyeat, McGillvray, Mendenhall, Sales.
Total 4

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

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

Noes: Everett, Hawk, Koopman, Maedje, McGillvray, Mendenhall, B. Olson, Sales, Sinrud, Wells.
Total 10

Excused: Balyeat.
Total 1

Absent or not voting: Butcher, Golie, L. Jones, Klock, Milburn, Ripley.
Total 6

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 10:00 a.m., Tuesday, March 29, 2005. Motion carried.

House adjourned at 4:23 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House