

HOUSE JOURNAL
SIXTY-SEVENTH LEGISLATIVE DAY - MARCH 30, 2005

HOUSE JOURNAL
59TH LEGISLATURE
SIXTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 30, 2005

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

Sharon Odden, Vice President for programs at Easter Seals-Goodwill in Great Falls, presented Rep. Dickenson with an award for her tireless work for people with disabilities.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 1:00 p.m.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 3/30/2005

Correctly printed: **HB 374, HB 535, HB 584, HB 614, HB 689, HB 713, HB 716, HB 720, HB 761, HB 769.**

Correctly engrossed: **HB 698.**

Examined by the sponsor and found to be correct: **HB 16, HB 34, HB 206, HB 212, HB 257, HB 270, HB 271, HB 420, HB 507, HB 520, HB 555, HB 559, HB 581, HB 636, HB 743, HJR 30.**

Signed by the Chief Clerk of the House at 4:15 p.m., March 29, 2005: **HB 16, HB 34, HB 206, HB 212, HB 257, HB 270, HB 271, HB 420, HB 507, HB 520, HB 555, HB 559, HB 581, HB 636, HB 743, HJR 30.**

Signed by the Speaker at 10:15 a.m., March 30, 2005: **HB 16, HB 34, HB 206, HB 212, HB 257, HB 270, HB 271, HB 420, HB 507, HB 520, HB 555, HB 559, HB 581, HB 636, HB 743, HJR 30.**

Signed by the President at 12:30 p.m., March 30, 2005: **HB 16, HB 34, HB 206, HB 212, HB 257, HB 270, HB 271, HB 420, HB 507, HB 520, HB 555, HB 559, HB 581, HB 636, HB 743, HJR 30.**

Delivered to the Governor for approval at 1:30 p.m., March 30, 2005: **HB 16, HB 34, HB 206, HB 212, HB 257, HB 270, HB 271, HB 420, HB 507, HB 520, HB 555, HB 559, HB 581, HB 636, HB 743.**

Delivered to the Secretary of State at 12:36 p.m., March 29, 2005: **HJR 5, HJR 16.**

Signed by the President at 11:30 a.m., March 29, 2005: **HB 17, HB 32, HB 44, HB 46, HB 88, HB 100, HB 103, HB 113, HB 162, HB 174, HB 191, HB 196, HB 201, HB 223, HB 225, HB 234, HB 262, HB 269, HB 275, HB 281, HB 283, HB 306, HB 318, HB 321, HB 371, HB 409, HB 427, HB 452, HB 478, HB 481, HB 556, HB 567, HB 607, HB 631, HB 638, HB 653, HB 660, HB 702, HB 709, HJR 5, HJR 16.**

Delivered to the Governor for approval at 1:00 p.m., March 29, 2005: **HB 17, HB 32, HB 44, HB 46, HB 88, HB 100, HB 103, HB 113, HB 162, HB 174, HB 191, HB 196, HB 201, HB 223, HB 225, HB 234, HB 262, HB 269, HB 275, HB 281, HB 283, HB 306, HB 318, HB 321, HB 371, HB 409, HB 427, HB 452, HB 478, HB 481, HB 556, HB 567, HB 607, HB 631, HB 638, HB 653, HB 660, HB 702, HB 709.**

Delivered to the Secretary of State at 1:53 p.m., March 30, 2005: **HJR 30.**

FISH, WILDLIFE AND PARKS (Golie, Chairman): 3/30/2005

HB 214, introduced bill, be amended as follows:

1. Page 1, line 29.

Strike: "500"

Insert: "300"

And, as amended, do pass. Report adopted.

HB 305, do pass. Report adopted.

SB 76, be concurred in. Report adopted.

SB 186, be amended as follows:

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1. Page 1, line 16.

Strike: "substantial value prize"

Insert: "certificate or award"

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

SB 221, be concurred in. Report adopted.

SB 339, be amended as follows:

1. Title, line 4.

Following: "ISSUANCE OF"

Insert: "A FREE RESIDENT WILDLIFE CONSERVATION LICENSE OR"

2. Title, line 5.

Strike: "HALF-PRICE"

Insert: "REDUCED-RATE"

3. Title, line 12.

Strike: "HALF-PRICE"

Insert: "FREE OR REDUCED-RATE"

4. Title, line 13.

Following: "SECTIONS"

Insert: "87-2-202,"

5. Title, line 14.

Following: "87-2-711;"

Insert: ", "

6. Page 3, line 7.

Insert: "**Section 1.** Section 87-2-202, MCA, is amended to read:

"87-2-202. Application -- fee -- expiration. (1) ~~★~~ Except as provided in 87-2-803(11), a wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license or to receive a free wildlife conservation license pursuant to 87-2-803(11). It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$6.25, of which 25 cents is a search and rescue surcharge.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of \$9.25, of which 25 cents is a search and rescue surcharge.

(c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only once during any license year.

(d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage enhanced

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hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable only once during any license year.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

[(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(6) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Subsections (3)(c) and (3)(d) terminate March 1, 2006--sec. 9, Ch. 216, L. 2001; bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001; the \$2 wildlife conservation license fee increases in subsections (3)(a) and (3)(b) void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)"

Renumber: subsequent sections

7. Page 3, line 16.

Strike: "HALF-PRICE"

8. Page 3, line 17.

Following: "license"

Insert: "for \$25"

9. Page 3, line 21 through line 23.

Following: "87-2-202(3)(c)" on line 21

Strike: remainder of line 21 through "87-2-803(11)" on line 23

10. Page 4, line 2.

Strike: "HALF-PRICE"

Following: "license"

Insert: "for \$25"

11. Page 4, line 5 through line 6.

Following: "\$64" on line 5

Strike: remainder of line 5 through "87-2-803(11)" on line 6

12. Page 6, line 11.

Strike: "HALF-PRICE"

Insert: "free resident wildlife conservation license or a"

Following: "sports license"

Insert: "for \$25"

13. Page 6, line 12.

Strike: "EXCEPT"

Insert: "which may not include"

14. Page 6, line 17.

Strike: "HALF-PRICE"

Insert: "free resident wildlife conservation license or a \$25"

15. Page 6, line 20.

Strike: "HALF-PRICE"

Insert: "free resident wildlife conservation license or reduced-rate"

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

SB 410, be concurred in. Report adopted.

SB 503, be amended as follows:

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1. Title, line 7.

Following: "SEASON;"

Strike: "AND"

2. Title, line 8.

Following: "MCA"

Insert: "; AND PROVIDING A CONTINGENT EFFECTIVE DATE"

3. Page 1, line 13.

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective when the fish, wildlife, and parks commission adopts and publishes administrative rules restricting weapons use to archery, crossbows, shotguns, muzzleloaders, and traditional handguns in the Teton-Spring Creek bird preserve as defined in ARM 12.9.211."

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

STATE ADMINISTRATION (Jent, Chairman):

3/30/2005

SB 88, be concurred in. Report adopted.

SB 140, be concurred in. Report adopted.

SB 191, be amended as follows:

1. Title, page 1, line 7.

Following: "THE"

Insert: "INSURANCE"

Strike: "OF " through "SECURITIES"

2. Page 1, line 17.

Following: "auditor"

Insert: "insurance"

Strike: "of" through "SECURITIES"

3. Page 1, line 30.

Following: "auditor"

Strike: "insurance"

4. Page 1, line 30 through page 2, line 1.

Strike: "of" on page 1, line 30 through "SECURITIES" on page 2, line 1

5. Page 2, line 9.

Following: "auditor"

Insert: "insurance"

Strike: "of" through "SECURITIES"

6. Page 2, line 17.

Following: "auditor"

Insert: "insurance"

7. Page 2, line 17 through line 18.

Strike: "of" on line 17 through "SECURITIES" on line 18

8. Page 3, line 8.

Following: "auditor"

Insert: "insurance"

9. Page 3, line 8 through line 9.

Strike: "of" on line 8 through "SECURITIES" on line 9

10. Page 3, line 18.

Following: "auditor"

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Insert: "insurance"

11. Page 3, line 18 through line 19.

Strike: "of" on line 18 through "SECURITIES" on line 19

12. Page 3, line 27.

Following: "~~auditor~~"

Insert: "insurance"

13. Page 3, line 27 through line 28.

Strike: "of" on line 27 through "SECURITIES" on line 28

14. Page 4, line 4.

Following: "~~auditor~~"

Insert: "insurance"

15. Page 4, line 5.

Strike: "of" through "SECURITIES"

16. Page 4, line 13.

Following: "to the"

Insert: "insurance"

17. Page 4, line 13 through line 14.

Strike: "of" on line 13 through "SECURITIES" on line 14

18. Page 4, line 15.

Following: "to the"

Insert: "insurance"

19. Page 4, line 15 through line 16.

Strike: "of" on line 15 through "SECURITIES" on line 16

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

SB 302, be concurred in. Report adopted.

SB 347, be concurred in and be placed on the consent calendar. Report adopted.

SB 384, be concurred in. Report adopted.

SB 500, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

3/30/2005

SB 110, introduced by Cobb

SB 133, introduced by Mangan

SB 319, introduced by Ellingson

SB 358, introduced by Keenan

SB 428, introduced by Stapleton

SB 501, introduced by McGee

SB 507, introduced by Brueggeman

Senate joint resolution passed and transmitted to the House for concurrence:

3/30/2005

SJR 30, introduced by Weinberg

House amendments to Senate bill concurred in:

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SB 152, introduced by D. Ryan

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

3/30/2005

HB 236, introduced by Jackson

FIRST READING AND COMMITMENT OF BILLS

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

SB 110, introduced by Cobb, referred to Business and Labor.

SB 133, introduced by Mangan, referred to Business and Labor.

SB 319, introduced by Ellingson, referred to State Administration.

SB 358, introduced by Keenan, referred to Human Services.

SB 428, introduced by Stapleton, referred to Federal Relations, Energy, and Telecommunications.

SB 501, introduced by McGee, referred to Taxation.

SB 507, introduced by Brueggeman, Hendrick, Jopek, referred to Transportation.

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

SJR 30, introduced by Weinberg, Cobb, Jayne, Kaufmann, Lind, Morgan, referred to Human Services.

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 374 passed as follows:

Ayes: Andersen, Arntzen, Becker, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, W. Jones, Jopek, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Wiseman, Mr. Speaker.
Total 71

Noes: Balyeat, Barrett, Bergren, Bixby, D. Brown, Caferro, Everett, Heinert, Jackson, Jayne, L. Jones, Juneau, Kaufmann, Klock, Koopman, Lambert, Malcolm, McKenney, Mendenhall, Milburn, A. Olson, Rice, Sales, Sinrud, Sonju, Ward, Wells, Windy Boy, Witt.
Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 535 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, 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, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells,

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Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 91

Noes: Bixby, Buzzas, Caferro, Gallik, Gutsche, Harris, Henry, Kaufmann, Koopman.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 584 passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, 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, Jopek, Juneau, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 66

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Caferro, Everett, Hawk, Himmelberger, L. Jones, W. Jones, Kaufmann, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, A. Olson, B. Olson, Peterson, Ripley, Roberts, Sales, Stoker, Taylor, Waitschies, Ward, Wells.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 614 passed 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, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Sesso, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 54

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 46

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 689 passed as follows:

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

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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 98

Noes: Everett, Koopman.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 698 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Bixby, Caferro, Gutsche, Juneau, B. Olson, Small-Eastman.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 713 passed 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, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 68

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Morgan, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Wells.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 716 passed as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Callahan, Clark, Driscoll, Eaton, Everett, Facey, Glaser, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.
Total 67

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Campbell, Cohenour, Dickenson, Dowell, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, McAlpin, Parker, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 720 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Driscoll, Everett, Facey, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.
Total 64

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, McAlpin, Musgrove, Parker, Small-Eastman, Villa, Wilson, Windy Boy, Wiseman.
Total 36

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 752 failed (due to 2/3 vote requirement) 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, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Rice, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 56

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

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

HB 769 passed as follows:

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

Total 81

Noes: Balyeat, D. Brown, R. Brown, Butcher, Everett, Hawk, Himmelberger, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, Mendenhall, Ross, Stahl, Stoker, Ward, Warden.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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

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

HB 761 - Representative Noonan moved **HB 761** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, 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, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Balyeat, Everett, Koopman, Malcolm, Sales, Waitschies.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 410 - Representative Facey moved **HB 410** do pass.

HB 410 - Representative Facey moved **HB 410**, second reading copy, be amended as follows:

1. Page 12, line 12.

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Insert: "NEW SECTION. Section 10. Performance of assessment and taxation. It is the intent of the legislature that the assessment and taxation of property required under [section 1] be conducted with existing employees and within existing levels of funding."

Renumber: subsequent sections

Amendment adopted as follows:

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

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Everett, Klock.

Total 2

HB 410 - Representative Facey moved **HB 410**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Musgrove, Noonan, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 67

Noes: Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Koopman, Lambert, Lange, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Rice, Ripley, Roberts, Sales, Sinrud, Wagman, Wells, Witt.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 569 - Representative McNutt moved **HB 569** 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, Jent, L. Jones, W. Jones, 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 96

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Noes: D. Brown, Jayne, Jopek, Juneau.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 771 - Representative Bergren moved **HB 771** do pass. Motion carried as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noonan, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 51

Noes: Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Buzzas, Everett, Franklin, Gallik, Glaser, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Ward, Warden, Wells, Windham, Witt.
Total 49

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 375 - Representative Parker moved consideration of **SB 375** be placed below **SB 81** on the second reading board. Motion carried.

SB 39 - Representative Golie moved **SB 39** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Balyeat, Everett, Koopman, Noennig, Ripley, Stoker.
Total 6

Excused: None.
Total 0

Absent or not voting: Roberts.
Total 1

SB 81 - Representative Andersen moved **SB 81** be concurred in.

SB 81 - Representative D. Brown moved **SB 81**, second reading copy, be amended as follows:

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1. Page 1, line 14.

Strike: "10"

Insert: "20"

Amendment adopted as follows:

Ayes: Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Furey, Gallik, Golie, Grinde, Groesbeck, Gutsche, Harris, Henry, Himmelberger, Hiner, Jacobson, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, Mendenhall, Morgan, Noonan, Parker, Raser, Rice, Ripley, Roberts, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Wagman, Wanzenried, Ward, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 66

Noes: Andersen, Arntzen, Eaton, Franklin, Galvin-Halcro, Glaser, Hamilton, Hawk, Heinert, Hendrick, Jackson, Jayne, Jent, Klock, Koopman, Lambert, Lange, Maedje, McKenney, McNutt, Milburn, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Ross, Sinrud, Taylor, Villa, Waitschies, Warden, Wells, Windy Boy.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 81 - Representative Andersen moved **SB 81**, as amended, be concurred in. Motion carried as follows:

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

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 375 - Representative Bergren moved **SB 375** be concurred in.

SB 375 - Representative McKenney moved **SB 375**, second reading copy, be amended.

Amendment **not** adopted as follows:

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

Total 46

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Noes: 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, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 375 - Representative Noennig moved **SB 375**, second reading copy, be amended.

Amendment **not** adopted as follows:

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

Total 46

Noes: 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, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 375 - Representative Bergren moved **SB 375** be concurred in. 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, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.

Total 59

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

Total 41

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

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as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, 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, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 80

Noes: Balyeat, D. Brown, R. Brown, Everett, Hawk, Himmelberger, Klock, Koopman, Malcolm, McGillvray, Mendenhall, Morgan, Rice, Ripley, Sales, Sinrud, Sonju, Wells.
Total 18

Excused: None.
Total 0

Absent or not voting: Heinert, Musgrove.
Total 2

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 774 from the House Taxation Committee and place on 2nd Reading on March 31, 2005.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Keane, Chairman):
SB 183, be amended as follows:

3/30/2005

1. Page 3, line 22.
Strike: "must"
Insert: "is only required to"
Following: "chapter"
Insert: ", other than those requirements for the licensing of property managers,"

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

- SB 289, be concurred in. Report adopted.
SB 349, be concurred in. Report adopted.
SB 368, be concurred in. Report adopted.
SB 434, be amended as follows:

1. Title, line 12.
Following: "PROVIDING"
Insert: "A DELAYED EFFECTIVE DATE AND"

2. Page 1, line 19.
Strike: "viatical disclosure form,"

3. Page 2, line 1.
Strike: "viatical disclosure form,"

4. Page 2, line 11.
Following: "(b)"
Insert: "(i)"

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5. Page 2, line 13.

Following: "purposes"

Insert: ", subject to subsection (2)(c).

(ii) The running of the 60-day period is tolled for a period commencing on the date that the commissioner notifies the insurer of problems or questions and requests additional information from the insurer concerning a form filed pursuant to subsection (1)(a) and ending on the date that the insurer submits its response to the commissioner.

(iii) For purposes of tolling the 60-day period as provided in subsection (2)(b)(ii), the commissioner's request notification may be made electronically"

6. Page 3, line 3 through line 4.

Strike: subsection (6) in its entirety

Insert: "(6) The insurer may request a hearing, as provided for in 33-1-701, for unresolved disputes regarding a disapproval or a withdrawal of approval."

7. Page 10, following line 15.

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective January 1, 2006."

Renumber: subsequent section

8. Page 10, line 18.

Following: "insurance"

Insert: "on or"

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

SB 443, be amended as follows:

1. Title, line 5.

Following: "GUARD"

Insert: "AND MILITARY RESERVE"

2. Page 1, line 14.

Following: "guard"

Insert: "or the military reserves of the United States armed forces"

3. Page 2, line 9.

Following: "guard"

Insert: "or the military reserves of the United States armed forces"

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

HB 461, introduced bill, be amended as follows:

1. Page 1, line 18.

Strike: "7"

Insert: "8"

2. Page 1, line 23.

Following: "with"

Insert: "and does not have a vested interest in"

3. Page 2, line 6.

Strike: "7"

Insert: "8"

4. Page 2, following line 7.

Insert: "(1) "Athlete" means a person who participates in an athletic activity that involves exercises, sports, or games requiring physical strength, agility, flexibility, range of motion, speed, or stamina and which

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exercises, sports, or games are of the type conducted in association with an educational institution or a professional, amateur, or recreational sports club or organization."

Renumber: subsequent subsections

5. Page 2, line 8.

Following: "injury"

Strike: "sustained by a physically active individual"

Insert: "received by an athlete"

6. Page 2, line 9.

Strike: "for a fee"

7. Page 2, line 10.

Strike: "for a fee"

8. Page 2, line 11.

Strike: "rehabilitation"

Insert: "reconditioning"

Strike: "upon"

Insert: "under"

Strike: "referral, order, and"

Insert: "supervision or"

9. Page 2, lines 12 through 16.

Following: "20." on line 12

Strike: remainder of line 12 through line 16 in their entirety

Insert: "The term includes the following:

(a) the use of heat, light, sound, cold, electricity, exercise, reconditioning, or mechanical devices related to the care and conditioning of athletes;

(b) the organization and administration of athletic training programs and athletic facilities; and

(c) the education and counseling of the public on matters related to athletic training."

10. Page 2, line 19.

Strike: "7"

Insert: "8"

11. Page 2, line 22.

Strike: "7"

Insert: "8"

12. Page 2, line 23.

Strike: "7"

Insert: "8"

13. Page 3, line 13.

Strike: "Except as provided in subsection (4), a"

Insert: "A"

14. Page 3, line 20 through line 23.

Strike: subsection (4) in its entirety

15. Page 3, line 26.

Strike: "7"

Insert: "8"

16. Page 4, line 5.

Strike: "7"

Insert: "8"

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17. Page 4, lines 6 and 7.

Strike: "the abbreviations" on line 6 through "abbreviations" on line 7

Insert: "the abbreviation"

18. Page 4, line 17.

Strike: "'intern", "student", or "trainee'"

Insert: "'athletic training student'"

19. Page 4, line 21.

Strike: "'student athletic trainer'"

Insert: "'student assistant'"

20. Page 4, line 24.

Following: line 23

Insert: "NEW SECTION. Section 7. Application and administration of topical medications. (1) A licensed athletic trainer may apply or administer topical medications by:

(a) direct application;

(b) iontophoresis, a process by which topical medications are applied through the use of electricity; or

(c) phonophoresis, a process by which topical medications are applied through the use of ultrasound.

(2) A licensed athletic trainer may apply or administer the following topical medications:

(a) bactericidal agents;

(b) debriding agents;

(c) anesthetic agents;

(d) anti-inflammatory agents;

(e) antispasmodic agents; and

(f) adrenocorticosteroids.

(3) Topical medications applied or administered by a licensed athletic trainer must be prescribed on a specific or standing basis by a licensed medical practitioner authorized to order or prescribe topical medications and must be purchased from a pharmacy certified under 37-7-321. Topical medications dispensed under this section must comply with packaging and labeling guidelines developed by the board of pharmacy under Title 37, chapter 7.

(4) Appropriate recordkeeping is required of a licensed athletic trainer who applies or administers topical medications as authorized in this section."

Renumber: subsequent sections

21. Page 4, line 26.

Strike: "7"

Insert: "8"

22. Page 5, line 2.

Strike: "7"

Insert: "8"

23. Page 5, line 3.

Strike: "7"

Insert: "8"

And, as amended, do pass. Report adopted.

JUDICIARY (Rice, Chairman):

3/30/2005

SB 18, be concurred in. Report adopted.

SB 114, be amended as follows:

1. Title, page 1, line 9 through line 11.

Strike: "MAKING" on line 9 through "PRACTICES" on line 11

Insert: "CLARIFYING LANGUAGE RELATING TO INSURANCE OFFENSES"

2. Title, page 1, line 11.

Following: "33-2-104,"

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Insert: "AND"

3. Title, page 1, line 12.
Strike: "AND 45-6-317,"

4. Page 1, line 17.
Following: "fraud."
Insert: "(1)"
Strike: "act"
Insert: "offense"

5. Page 1, line 18.
Strike: "(1)"
Insert: "(a)"
Renumber: subsequent subsections

6. Page 2, line 6.
Insert: "(2) A person who knowingly violates this section commits the offense of insurance fraud and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both."

7. Page 2, line 8.
Strike: "Penalties"
Insert: "Civil penalties"

8. Page 2, line 12 through line 13.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

9. Page 3, line 8 through line 12.
Strike: subsection (7) in its entirety
Insert: "(7) A person who knowingly misappropriates an insurance premium paid by or proceeds due an insured is guilty of a felony and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both. The commissioner may refer a suspected offense to the attorney general or the appropriate county attorney."

10. Page 3, line 15.
Strike: "Certificate of authority"
Insert: "Authorization"

11. Page 3, line 15 through line 20.
Strike: subsection (1) in its entirety
Insert: "(1) A person may not act as an insurer and an insurer may not transact insurance in this state except as authorized in this code."

12. Page 3, line 24.
Strike: "convicted of purposely or knowingly violating"
Insert: "who knowingly violates"
Following: "felony"
Insert: "and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both, "

13. Page 4, line 8 through line 9.
Strike: subsection (3) in its entirety
Insert: "(3) A person who knowingly violates this section is guilty of a felony and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both."

14. Page 4, line 13.
Strike: the second "or"

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Strike: "purposely"

15. Page 4, line 18.

Strike: "Subject to 46-11-410, a"

Insert: "A"

16. Page 4, line 19.

Strike: the second "or"

Strike: "purposely"

17. Page 4, line 23 through line 25.

Strike: "theft" on line 23 through "person" on line 25

Insert: "a felony and shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$100,000, or both. Either a county attorney or the attorney general may prosecute the person."

18. Page 4, line 29 through page 5, line 22.

Strike: section 7 in its entirety

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

SB 385, be amended as follows:

1. Page 2, line 6.

Strike: "allegations"

Insert: "complaints"

2. Page 5, line 17.

Following: "2-15-210"

Strike: remainder of line 17 through "2-15-210(6)"

3. Page 7, line 21.

Following: "2-15-210"

Strike: remainder of line 21 through "2-15-210(6)"

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

SB 470, be concurred in. Report adopted.

TAXATION (Waitschies, Chairman):

3/30/2005

HB 528, introduced bill be amended as follows:

1. Title, page 1, line 5.

Following: "AIRPORT;"

Insert: "IMPOSING AN ANNUAL FEE OF \$400 ON THE LESSEE OF A RETAIL BEER AND WINE LICENSE AT THE YELLOWSTONE AIRPORT;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "16-4-304"

Insert: "AND 16-4-501"

2. Page 1, line 18.

Strike: "There" through "license"

Insert: "The lessee shall pay to the department of revenue an annual license fee as provided in 16-4-501"

3. Page 1.

Following: line 22

Insert: "**Section 2.** Section 16-4-501, MCA, is amended to read:

"**16-4-501. License and permit fees.** (1) Each beer licensee licensed to sell either beer or table wine only,

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or both beer and table wine, under the provisions of this code, shall pay a license fee. Unless otherwise specified in this section, the fee is an annual fee and is imposed as follows:

- (a) (i) each brewer and each beer importer, wherever located, whose product is sold or offered for sale within the state, \$500;
 - (ii) for each storage depot, \$400;
 - (b) (i) each beer wholesaler, \$400; each domestic winery producing more than 25,000 gallons of wine, \$400; each domestic winery producing 25,000 gallons or less of wine, \$200; each table wine distributor, \$400;
 - (ii) for each subwarehouse, \$400;
 - (c) each beer retailer, \$200;
 - (d) (i) for a license to sell beer at retail for off-premises consumption only, the same as a retail beer license;
 - (ii) for a license to sell table wine at retail for off-premises consumption only, either alone or in conjunction with beer, \$200;
 - (e) any unit of a nationally chartered veterans' organization, \$50.
- (2) The permit fee under 16-4-301(1) is computed at the following rate:
- (a) \$10 a day for each day that beer and table wine are sold at events, activities, or sporting contests, other than those applied for pursuant to 16-4-301(1)(c); and
 - (b) \$1,000 a season for professional sporting contests or junior hockey contests held under the provisions of 16-4-301(1)(c).
- (3) The permit fee under 16-4-301(2) is \$10 for the sale of beer and table wine only or \$20 for the sale of all alcoholic beverages.
- (4) Passenger carrier licenses must be issued upon payment by the applicant of an annual license fee in the sum of \$300.
- (5) The annual license fee for a license to sell wine on the premises, when issued as an amendment to a beer-only license pursuant to 16-4-105, is \$200.
- (6) The annual renewal fee for:
- (a) a brewer producing 20,000 or fewer barrels of beer, as defined in 16-1-406, is \$200; and
 - (b) resort retail all-beverages licenses within a given resort area is \$2,000 for each license.
- (7) Each licensee licensed under the quotas of 16-4-201 shall pay an annual license fee as follows:
- (a) except as provided in this section, for each license outside of incorporated cities and incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000, \$250 for a unit of a nationally chartered veterans' organization and \$400 for all other licensees;
 - (b) except as provided in this section, for each license in incorporated cities with a population of more than 2,000 and less than 5,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$350 for a unit of a nationally chartered veterans' organization and \$500 for all other licensees;
 - (c) except as provided in this section, for each license in incorporated cities with a population of more than 5,000 and less than 10,000 or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$500 for a unit of a nationally chartered veterans' organization and \$650 for all other licensees;
 - (d) for each license in incorporated cities with a population of 10,000 or more or within a distance of 5 miles, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city, \$650 for a unit of a nationally chartered veterans' organization and \$800 for all other licensees;
 - (e) the distance of 5 miles from the corporate limits of any incorporated cities and incorporated towns is measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of the city or town; and where the premises of the applicant to be licensed are situated within 5 miles of the corporate boundaries of two or more incorporated cities or incorporated towns of different populations, the license fee chargeable by the larger incorporated city or incorporated town applies and must be paid by the applicant. When the premises of the applicant to be licensed are situated within an incorporated town or incorporated city and any portion of the incorporated town or incorporated city is without a 5-mile limit, the license fee chargeable by the smaller incorporated town or incorporated city applies and must be paid by the applicant.
 - (f) an applicant for the issuance of an original license to be located in areas described in subsections (6) and (7)(d) shall provide an irrevocable letter of credit from a financial institution that guarantees that applicant's ability to pay a \$20,000 license fee. A successful applicant shall pay a one-time original license fee of \$20,000 for a license issued. The one-time license fee of \$20,000 may not apply to any transfer or renewal of a license issued prior to July 1, 1974. All licenses, however, are subject to the specified annual renewal fees.
- (8) The fee for one all-beverages license to a public airport is \$800. This license is nontransferable.
 - (9) The annual fee for a retail beer and wine license to the Yellowstone airport is \$400.
 - (10) The annual fee for a special beer and table wine license for a nonprofit arts organization under 16-4-303

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is \$250.

~~(10)~~(11) The license fees provided in this section are exclusive of and in addition to other license fees chargeable in Montana for the sale of alcoholic beverages.

~~(11)~~(12) In addition to other license fees, the department of revenue may require a licensee to pay a late fee of 33 1/3% of any license fee delinquent on July 1 of the renewal year or 1 year after the licensee's anniversary date, 66 2/3% of any license fee delinquent on August 1 of the renewal year or 1 year and 1 month after the licensee's anniversary date, and 100% of any license fee delinquent on September 1 of the renewal year or 1 year and 2 months after the licensee's anniversary date.

~~(12)~~(13) All license and permit fees collected under this section must be deposited as provided in 16-2-108."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 592, introduced bill, be amended as follows:

1. Title, page 1, line 14.

Following: "PROVIDING"

Insert: "EFFECTIVE DATES AND"

2. Page 3, line 2.

Strike: "Interest"

Insert: "Except as provided in subsection (4)(a)(i), interest"

3. Page 3, line 4.

Strike: the first "rate"

Insert: "rates"

Strike: "The interest rate"

Insert: "Interest rates on taxes not paid when due"

4. Page 3, line 5 through line 7.

Strike: "is equal" on line 5 through "year" on line 7

Insert: "are as follows:

(i) If the taxpayer assesses and pays the interest owing on taxes not paid when due, the interest rate is equal to the underpayment rate for individual taxpayers established by the secretary of the United States department of the treasury pursuant to section 6621 of the Internal Revenue Code, 26 U.S.C. section 6621, for the fourth quarter of the preceding year or 8%, whichever is greater.

(ii) Except as provided in subsection (4)(a)(iii), when the department assesses the interest owing on taxes not paid when due, including delinquent taxes and deficiency assessments, the interest rate is 12%.

(iii) When the department assesses the interest owing on taxes not paid when due under 15-30-103, including delinquent taxes and deficiency assessments, the interest rate is equal to the interest rate provided for under subsection (4)(a)(i)"

5. Page 27.

Following: line 30

Insert: "NEW SECTION. Section 39. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2005.

(2) [Section 2] is effective January 1, 2007."

Renumber: subsequent section

6. Page 28, line 2.

Following: "Applicability."

Insert: "(1) Except as provided in subsections (2) and (3), [this act] applies on and after July 1, 2005."

Strike: "(1) [This act]"

Insert: "(2) [Section 2]"

Renumber: subsequent subsection

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7. Page 28, line 3.

Strike: "2005"

Insert: "2006"

8. Page 28, line 4.

Strike: "[This act]"

Insert: "[Section 2]"

9. Page 28, line 5.

Strike: "2005"

Insert: "2006"

And, as amended, do pass. Report adopted.

HB 639, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "TAXES"

Insert: "UNLESS APPROVED BY THE ELECTORATE IN A STATEWIDE ELECTION"

2. Page 1, line 15.

Following: "taxes"

Insert: "unless approved by the electorate in a statewide election"

3. Page 1, line 21.

Following: "taxes"

Insert: "unless approved by the electorate"

4. Page 1, line 23.

Following: "taxes"

Insert: "unless approved by the electorate"

And, as amended, do pass. Report adopted.

HB 741, introduced bill, be amended as follows:

1. Title, page 1, line 9 through line 10.

Strike: "PROVIDING" on line 9 through "REVENUE;" on line 10

2. Title, page 1, line 26.

Following: "PROGRAM;"

Insert: "ELIMINATING THE BLOCK GRANTS FOR SCHOOL DISTRICTS, COUNTYWIDE SCHOOL RETIREMENT, AND COUNTYWIDE SCHOOL TRANSPORTATION;"

Following: "APPROPRIATION"

Insert: "TO THE MONTANA UNIVERSITY SYSTEM"

3. Title, page 2, line 3.

Following: "15-36-331,"

Insert: "15-36-332,"

4. Title, page 2, line 6.

Following: "20-10-144,"

Insert: "20-10-146,"

5. Title, page 2, line 8.

Strike: "15-68-820,"

Following: "20-9-360,"

Insert: "20-9-630, 20-9-631, 20-9-632,"

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Following: "MCA"
Strike: ", AND" through "2001"

6. Page 12, line 23.
Following: "The sale"
Insert: "or use"

7. Page 14, line 30.
Strike: "retailer"
Insert: "seller"

8. Page 17, line 24.
Following: "transportation"
Insert: ";

(d) advertising services. For the purposes of this section, "advertising services" means the actual creation or development of advertising and includes but is not limited to all advertising by:

- (i) newspaper, magazine, or other publication;
- (ii) radio or television;
- (iii) billboard, banner, hand bill, placard, sign, or the like;
- (iv) any other advertising means, media, or method"

9. Page 19, line 15.
Following: "(2)"
Insert: "(a)"
Following: "use tax"
Insert: "at 50% of the applicable rate imposed under 15-68-102(1) or (3)"

10. Page 19.
Following: line 15
Insert: "(b) The reduced tax rate under subsection (2)(a) applies only to the initial sale or use in this state of a motor home."

11. Page 19, line 30.
Strike: "subsection"
Insert: "subsections"
Following: "(2)"
Insert: "and (3)"

12. Page 20, line 5.
Following: "used"
Insert: "or consumed"

13. Page 20.
Following: line 8
Insert: " (3) The exemption of goods and services under this section does not apply to:

- (a) tangible personal property and services used in a manner that is incidental to agriculture, forestry, fishing, or hunting operations;
- (b) hand-held tools with a unit purchase price not in excess of \$100. For the purposes of this subsection

(3)(b), hand-held tools are those tools described in 15-6-201(1)(r)(i).

- (c) tangible personal property or services used in any activity other than agriculture, forestry, fishing, or hunting operations, including but not limited to:
 - (i) office equipment and supplies;
 - (ii) equipment and supplies used in selling or distributing activities;
 - (iii) janitorial equipment, supplies, and services; and
 - (iv) clothing;
- (d) tangible personal property used to make repairs and the associated service costs. This subsection (3)(d) does not include repair parts that become a component part of tangible property that is exempt under this section or lubricants, hydraulic oil, or coolants used in the operation of tangible personal property that are exempt under this

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section and the associated service costs of the repairs.

(e) motor vehicles and aircraft that are otherwise subject to the sales tax or use tax under this chapter."

14. Page 21, line 20.

Strike: "other businesses --"

15. Page 21, line 21.

Following: "substances"

Insert: "-- ingredient or component parts -- exceptions"

Strike: "The"

Insert: Except as provided in subsection (4), the

16. Page 21, line 24.

Following: "and"

Insert: "directly"

Following: "uses"

Insert: "or consumes"

17. Page 22, line 11 through line 15.

Strike: subsection (2) in its entirety

Insert: "(2) The sale or use of property that is incorporated as an ingredient or component part of a product is nontaxable if the purchaser has a nontaxable transaction certificate and the purchaser is engaged in and uses the property in mining or manufacturing. For the purposes of this subsection, electrical energy or electricity used or consumed by electrolytic reduction used in the reduction or refinement of ores is considered a component part of the product."

18. Page 22, line 16.

Following: "(3)"

Insert: "(a)"

19. Page 22.

Following: line 19

Insert: "(b) The sale or use of explosives, blasting material, or dynamite is subject to the sales tax and use tax.

(4) The nontaxability of goods and services under subsection (1) does not apply to:

(a) tangible personal property and services used in a manner that is incidental to construction, mining, manufacturing, rail transportation, electrical generation, or telecommunications operations;

(b) hand-held tools with a unit purchase price not in excess of \$100. For the purposes of this subsection (4)(b), hand-held tools are those tools described in 15-6-201(1)(r)(i).

(c) tangible personal property or services used in any activity other than as described in subsections (1)(b)(i) through (1)(b)(vi), including but not limited to:

(i) office equipment and supplies;

(ii) equipment and supplies used in selling or distributing activities;

(iii) janitorial equipment, supplies, and services;

(d) property used in research or development;

(e) tangible personal property used to make repairs and associated service costs. This subsection (4)(e) does not include repair parts that become a component part of tangible property that is nontaxable under this section or lubricants, hydraulic oil, or coolants used in the operation of tangible personal property that are nontaxable under this section and the service costs associated with the repairs.

(g) motor vehicles and aircraft that are otherwise subject to the sales tax or use tax under this chapter."

20. Page 32, line 11.

Strike: "Sales tax" through "allocation"

Insert: "University system"

21. Page 32, line 12 through line 24.

Strike: subsections (1) through (4) in their entirety

22. Page 32, line 25.

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Strike: "(5)(a)"
Insert: "(1)"
Strike: "\$13.6"
Insert: "\$11.9"

23. Page 32, line 27.
Strike: "(b)"
Insert: "(2)"

24. Page 33, line 2 through line 8.
Strike: subsection (6) in its entirety

25. Page 46, line 30.
Strike: "20-25-349"
Insert: "20-25-439"

26. Page 49, line 13.
Strike: ", if any, allocated to"
Insert: "deposited in"
Strike: "in [section 39]"
Insert: "under 15-68-820"

27. Page 53, line 4.
Strike: ", (6), and (8)"
Insert: "through (7)"

28. Page 53, line 6.
Following: "to"
Insert: "the state and to"

29. Page 53, line 7.
Following: "and"
Insert: "state and"
Strike: "university levy and"

30. Page 53, line 9.
Strike: "university levy and"

31. Page 53, line 11 through line 14.
Strike: "to school" on line 11 through "school district" on line 14
Insert: "the remainder to the state general fund"

32. Page 53, line 26 through line 27.
Strike: the first "the" on line 26 through "system and" on line 27

33. Page 54, line 1 through line 6.
Strike: subsection (7) in its entirety
Renumber: subsequent subsection

34. Page 81, line 4.
Strike: "1(h)"
Insert: "1201"

35. Page 81, line 5.
Strike: "1(h)"
Insert: "1201"

36. Page 82, line 11.

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Strike: "45.05% "
Insert: "26.28% "

37. Page 82, line 12.
Strike: "58.39% "
Insert: "44.82% "

38. Page 82, line 13.
Strike: "48.27% "
Insert: "30.83% "

39. Page 82, line 14.
Strike: "58.14% "
Insert: "42.2% "

40. Page 82, line 15.
Strike: "69.53% "
Insert: "50.68% "

41. Page 82, line 16.
Strike: "50.81% "
Insert: "32.55% "

42. Page 82, line 17.
Strike: "47.79% "
Insert: "34.92% "

43. Page 82, line 18.
Strike: "41.78% "
Insert: "29.18% "

44. Page 82, line 19.
Strike: "69.18% "
Insert: "40.52% "

45. Page 82, line 20.
Strike: "45.96% "
Insert: "34.21% "

46. Page 82, line 21.
Strike: "58.83% "
Insert: "34.04% "

47. Page 82, line 22.
Strike: "58.37% "
Insert: "34.08% "

48. Page 82, line 23.
Strike: "64.51% "
Insert: "40.45% "

49. Page 82, line 24.
Strike: "57.94% "
Insert: "41.59% "

50. Page 82, line 25.
Strike: "49.92% "
Insert: "34.17% "

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51. Page 82, line 26.

Strike: "48.64%"

Insert: "34.21%"

52. Page 82, line 27.

Strike: "48.04%"

Insert: "26.78%"

53. Page 82, line 28.

Strike: "54.02%"

Insert: "38.49%"

54. Page 82, line 29.

Strike: "54.26%"

Insert: "34.43%"

55. Page 82, line 30.

Strike: "60.9%"

Insert: "47.12%"

56. Page 83, line 1.

Strike: "40.38%"

Insert: "28.69%"

57. Page 83, line 2.

Strike: "47.47%"

Insert: "32.2%"

58. Page 83, line 3.

Strike: "45.71%"

Insert: "27.19%"

59. Page 83, line 4.

Strike: "39.33%"

Insert: "22.16%"

60. Page 83, line 5.

Strike: "47.99%"

Insert: "33.87%"

61. Page 83, line 6.

Strike: "53.51%"

Insert: "35.35%"

62. Page 83, line 7.

Strike: "61.24%"

Insert: "40.64%"

63. Page 83, line 8.

Strike: "46.1%"

Insert: "30.62%"

64. Page 83, line 9.

Strike: "57.61%"

Insert: "39.96%"

65. Page 83, line 10.

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Strike: "51.43% "
Insert: "30.83% "

66. Page 83, line 11
Strike: "49.16% "
Insert: "39.03% "

67. Page 83, line 12.
Strike: "46.74% "
Insert: "28.05% "

68. Page 83, line 13.
Strike: "50.15% "
Insert: "33.12% "

69. Page 83, line 26.
Strike: "and"

70. Page 83, line 28.
Following: "and"
Insert: "2.65% to the state special revenue fund to be appropriated to the Montana university system for the support, maintenance, and improvement of the university system; and"

71. Page 83, line 29.
Following: "(v)"
Insert: "(v)"

72. Page 84, line 2.
Strike: "and"

73. Page 84, line 4.
Following: "and"
Insert: "2.65% to the state special revenue fund to be appropriated to the Montana university system for the support, maintenance, and improvement of the university system; and"

74. Page 84, line 5.
Following: "(iv)"
Insert: "(iv)"

75. Page 84.
Following: line 5
Insert: "**Section 78.** Section 15-36-332, MCA, is amended to read:

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

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

	Elementary Retirement	High School Retirement	Countywide Transportation	School Districts
Big Horn	14.81%	10.36%	2.99% 26.99%	13.5%
Blaine	5.86%	2.31%	2.71% 24.73%	12.37%
Carbon	3.6%	6.62%	1.31%	49.18% <u>24.59%</u>
Chouteau	8.1%	4.32%	3.11%	23.79% <u>11.9%</u>
Custer	6.9%	3.4%	1.19%	31.25% <u>15.63%</u>
Daniels	0	7.77%	3.92%	48.48% <u>24.24%</u>
Dawson		5.53%	2.5%	1.11% 35.6% <u>17.8%</u>

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Fallon	0	7.63%	1.24%	42.58%	<u>21.29%</u>	
Fergus	7.88%	4.84%	2.08%	53.25%	<u>26.63%</u>	
Garfield		4.04%	3.13%	5.29%	<u>26.19%</u>	13.1%
Glacier	11.2%	4.87%	3.01%	46.11%	<u>23.06%</u>	
Golden Valley	0		11.52%	2.77%	<u>54.65%</u>	27.33%
Hill	6.7%	4.07%	1.59%	49.87%	<u>24.94%</u>	
Liberty	4.9%	4.56%	1.15%	35.22%	<u>17.61%</u>	
McCone		4.18%	3.19%	2.58%	<u>43.21%</u>	21.61%
Musselshell		5.98%	4.07%	3.53%	<u>32.17%</u>	16.09%
Petroleum	0		11.92%	4.59%	<u>55.48%</u>	27.74%
Phillips	0.43%	6.6%	1.08%	41.29%	<u>20.65%</u>	
Pondera		6.96%	5.06%	1.94%	<u>45.17%</u>	22.59%
Powder River		3.96%	2.97%	4.57%	<u>22.25%</u>	11.13%
Prairie	0	8.88%	1.63%	36.9%	<u>18.45%</u>	
Richland		4.1%	3.92%	2.26%	<u>43.77%</u>	21.89%
Roosevelt		9.93%	7.37%	2.74%	<u>40.94%</u>	20.47%
Rosebud		3.87%	2.24%	1.05%	<u>72.97%</u>	36.49%
Sheridan	0		3.39%	2.22%	<u>47.63%</u>	23.82%
Stillwater		6.87%	4.86%	1.63%	<u>41.16%</u>	20.58%
Sweet Grass		6.12%	6.5%	2.4%	<u>37.22%</u>	18.61%
Teton	6.88%	8.19%	3.8%	29.43%	<u>14.72%</u>	
Toole	2.78%	4.78%	1.3%	43.56%	<u>21.78%</u>	
Valley	2.26%	12.61%	4.63%	41.11%	<u>20.56%</u>	
Wibaux	0	4.1%	0.77%	31.46%	<u>15.73%</u>	
Yellowstone		7.98%	4.56%	1.07%	<u>52.77%</u>	26.39%
All other counties		3.81%	7.84%	1.81%	<u>41.04%</u>	20.51%

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) On or before May 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending December 31 of the previous year.

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

(8) The distribution to taxing units under this section is statutorily appropriated, as provided in 17-7-502, from the state special revenue fund."

Renumber: subsequent sections

76. Page 116, line 24.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

77. Page 116, line 26.

Strike: subsection (iv) in its entirety

Renumber: subsequent subsections

78. Page 121.

Following: line 8

Insert: "Section 109. Section 20-10-146, MCA, is amended to read:

"20-10-146. **County transportation reimbursement.** (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation or individual transportation that is actually rendered by a district in accordance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction must be the same as the state transportation reimbursement payment, except that:

(a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;

(b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; and

(c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321.

(2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:

(a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory attendance agreement provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year;

~~(ii) oil and natural gas production taxes;~~

~~(iii) anticipated local government severance tax payments for calendar year 1995 production;~~

~~(iv)(ii) coal gross proceeds taxes under 15-23-703;~~

~~(v) countywide school transportation block grants distributed under section 246, Chapter 574, Laws of 2001;~~

~~(vi)(iii) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;~~

~~(vii)(iv) federal forest reserve funds allocated under the provisions of 17-3-213; and~~

~~(viii)(v) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and~~

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(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on the fourth Monday of August by the county superintendent, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent of each county shall submit a report of the revenue amounts used to establish the levy requirements to the superintendent of public instruction not later than the second Monday in September. The report must be completed on forms supplied by the superintendent of public instruction.

(5) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments."

79. Page 123, line 24.

Strike: "sales tax and use tax account under [section 39]"

Insert: "state general fund"

80. Page 125, line 15.

Strike: "sales tax and use tax account under [section 39]"

Insert: "state general fund"

81. Page 126, line 24.

Strike: "sales tax and use tax account under [section 39]"

Insert: "state general fund"

82. Page 129, line 15.

Strike: "sales tax and use tax account established under [section 39]"

Insert: "state general fund"

83. Page 135, line 20.

Strike: "sales tax and use tax account under [section 39]"

Insert: "state general fund"

84. Page 137, line 16.

Following: "20-9-360,"

Insert: "20-9-630, 20-9-631, 20-9-632,"

85. Page 137, line 16 through line 17.

Following: "MCA," on line 16

Strike: "and" on line 16 through "2001," on line 17

86. Page 137, line 18.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

87. Page 139, line 4.

Strike: "on passage and approval"

Insert: "January 1, 2006"

88. Page 139, line 5.

Strike: "[Sections" through "2006"

Insert: "[Section 122 and this section] are effective on passage and approval"

89. Page 139.

Following: line 5

Insert: "(3) [Sections 6, 8, 28, 29, 32, 38, and 40 through 47] are effective July 1, 2005."

Renumber: subsequent subsections

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90. Page 139, line 6.

Strike: "119(3)"

Insert: "121(2)"

91. Page 139, line 8.

Strike: "119"

Insert: "122"

Strike: "this act"

Insert: "section 125(2)"

92. Page 139, line 11.

Following: "77,"

Insert: "78,"

Strike: "79"

Insert: "80"

93. Page 139, line 12.

Strike: "119(1) and (2)"

Insert: "121(1)"

94. Page 139, line 14.

Strike: "78"

Insert: "79"

Strike: "119(3)"

Insert: "121(2)"

And, as amended, do pass. Report adopted.

HB 756, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "PRODUCTION;"

Insert: "PROVIDING THAT THE TAX INCENTIVE BE PAID OUT OF THE GENERAL FUND; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA;"

2. Page 1, line 15.

Following: "property"

Insert: "in Montana"

3. Page 1, line 21 through line 22.

Strike: "25%" on line 21

Insert: "15%"

Strike: "The" on line 21 through "installments." on line 22

Insert: "The credit must be claimed in the tax year in which the facility begins processing oilseed or manufacturing a product from oilseed."

4. Page 2, line 21.

Following: "facility"

Insert: "in Montana"

5. Page 2, line 27.

Strike: "25%"

Insert: "15%"

6. Page 2, line 28.

Strike: "quarterly installments beginning in"

7. Page 3, line 26.

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Following: "incentive"
Insert: "-- appropriation"

8. Page 3, line 27.

Following: "production."

Insert: "The tax incentive under this section applies to biodiesel upon which the tax has been paid under 15-70-343 by a licensed distributor. For the purposes of this section, the production year is the period from July 1 of the current year to June 30 of the succeeding year."

9. Page 3, line 28.

Strike: "Payment must be"

Insert: "Payments"

Strike: "out" through "15-70-204"

Insert: "are statutorily appropriated, as provided in 17-7-502, from the state general fund"

10. Page 4.

Following: line 7

Insert: "(5) As used in this section, "biodiesel producer" means a person who engages in the business of producing, refining, or manufacturing in Montana biodiesel for sale, use, or distribution."

Renumber: subsequent subsection

11. Page 4.

Following: line 8

Insert: "**Section 4.** 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; [section 3]; 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; 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.)"

"**COORDINATION SECTION. Section 5. Coordination instruction.** If House Bill No. 776 is not passed and approved, the definition of "biodiesel" in 15-70-301 must read as follows:

"(2) (a) "Biodiesel" means a fuel produced from monoalkyl esters of long-chain fatty acids derived from vegetable oils, renewable lipids, animal fats, or any combination of those ingredients. The fuel must meet the requirements of ASTM D6751, also known as the Standard Specification for Biodiesel Fuel (B100) Blend Stock for

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Distillate Fuels, as adopted by the American society of testing and materials.

(b) Biodiesel is also known as "B-100"."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 774, introduced bill, be amended as follows:

1. Page 2, line 7.

Strike: "filing a delinquent"

Insert: "who has not filed a"

Following: "return"

Insert: "or paid the tax"

2. Page 2, line 8.

Strike: "after"

Insert: "on or before"

3. Page 4, line 12.

Strike: "fiscal year 2005"

Insert: "the 2007 biennium"

4. Page 4, line 14 through line 16.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

5. Page 4, line 24.

Following: "Sections 1"

Insert: ", "

Strike: "and"

Following: "2"

Insert: ", and 3(1)"

6. Page 4, line 25.

Following: "3"

Insert: "(2)"

And, as amended, without recommendation. Report adopted.

HB 776, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "THE BLENDING OF"

2. Title, page 1, line 10.

Strike: "BLENDED"

3. Page 3, line 12.

Strike: "blend"

4. Page 3, line 14.

Strike: "15-70-326"

Insert: "15-70-343"

Strike: "blend"

5. Page 3, line 15.

Strike: "blended"

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6. Page 3, line 18.

Strike: "blended"

7. Page 3, line 24.

Strike: "blend"

8. Page 7, line 21.

Strike: "ASTMPS 121"

Insert: "ASTM D6751"

9. Page 7, line 22.

Strike: "Provisional"

Insert: "Standard"

And, as amended, do pass. Report adopted.

MOTIONS

Rep. Noonan moved that the House suspend the Rules to allow for HB 761 to be placed on 3rd Reading. This requires a 2/3 vote. Motion 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, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 81

Noes: Balyeat, D. Brown, Everett, Heinert, Jackson, L. Jones, Koopman, Lake, Malcolm, McKenney, Mendenhall, Morgan, Rice, Sales, Sonju, Waitschies, Ward, Witt.

Total 18

Excused: None.

Total 0

Absent or not voting: Lenhart.

Total 1

THIRD READING OF BILLS

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

HB 761 passed as follows:

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

Total 94

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Noes: Everett, Koopman, Malcolm, Waitschies.
Total 4

Excused: None.
Total 0

Absent or not voting: Lenhart, Musgrove.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Thursday, March 31, 2005. Motion carried.

House adjourned at 3:05 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House