

HOUSE JOURNAL
SIXTY-NINTH LEGISLATIVE DAY - APRIL 1, 2005

HOUSE JOURNAL
59TH LEGISLATURE
SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana
April 1, 2005

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

Speaker Matthews introduced Brook McLendon from Billings as an honorary page for the day. Speaker Matthews and the House thanked the pages for the week.

Rep. Bergren announced the House Democrats will caucus.
Rep. Lange announced the House Republicans will caucus.
Speaker Matthews stated the House will stand at ease until 1:05 p.m.

House reconvened at 1:14 p.m.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 4/1/2005
Correctly printed: **HB 762**.
Correctly engrossed: **HB 529, HB 764, HB 787, HB 803, HJR 38**.

AGRICULTURE (Butcher, Chairman): 4/1/2005
HJR 38, introduced joint resolution, be amended as follows:

1. Page 2, line 1.

Following: "ownership"

Insert: "of livestock for more than 7 days"

And, as amended, be adopted. Report adopted.

SB 259, be amended as follows:

1. Title, line 4.

Following: "PROPERTY TO"

Insert: "NONFEDERAL"

2. Page 1, line 14.

Strike: "Prior"

Insert: "Except as provided in subsection (4), prior"

Following: "property by a"

Insert: "nonfederal"

3. Page 1, line 21.

Strike: "The"

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

4. Page 1, line 28.

Insert: "(4) If a transfer of property will occur during the winter months when the ability to identify noxious weeds is significantly reduced by snow cover, the purchaser, seller, grantee, or grantor may request a 6-month extension for completion of the inspection and any noxious weed management agreement that may be required. If, upon inspection, it is determined that a noxious weed management agreement is necessary, unless otherwise agreed by the parties, the purchaser or grantee is responsible for implementing the provisions of that agreement. "

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

SB 314, be amended as follows:

1. Title, page 1, line 5.

Following: "DEFINING"

Strike: "TERMS" through "INTEREST"

Insert: "TERM "ENTITY""

2. Page 1, line 10 through line 15.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 1, line 22.

Following: "shall"

Insert: "own irrigable land within the division of the district that the individual would represent or"

4. Page 1, line 24.

Following: "HOLD AN"

Strike: "OWNERSHIP INTEREST IN"

Insert: "equity ownership in an entity that owns"

5. Page 1, line 26.

Following: "(b)"

Strike: "have" through "year"

Insert: "be a resident of the county, or an adjoining county, in which some portion of the division of the district that the individual would represent is located"

6. Page 1.

Following: line 30

Insert: "(3) For the purposes of this section, the term "entity" means a corporation, a limited liability company, a business trust, an estate, a trust, a partnership, an unincorporated association, or a foundation."

7. Page 2, line 2 through line 3.

Strike: section 3 in its entirety

Renumber: subsequent sections

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

SB 461, be amended as follows:

1. Title, line 6.

Following: "CENTER"

Insert: "; REQUIRING THAT THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS PROVIDE RECEIVERS TO A LANDOWNER OR A LANDOWNER'S DESIGNEE, UPON REQUEST, IN AREAS WHERE DEPREDATIONS ARE CHRONIC OR LIKELY"

2. Page 2, line 5.

Insert: "(4) The department shall provide receivers that are capable of receiving signals from the radio-tracking collars to a landowner or a landowner's designee in areas where depredations are chronic or likely if requested by the landowner or the landowner's designee."

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

FISH, WILDLIFE AND PARKS (Golie, Chairman):

4/1/2005

SB 91, be amended as follows:

1. Title, line 12.

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Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 2, line 6.

Strike: "THE"

Insert: "If the commission authorizes the issuance of 40 or more special wild buffalo licenses in any license year, the"

3. Page 3, line 21.

Insert: "NEW SECTION. Section 5. Termination. [This act] terminates July 1, 2015."

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

SB 503, be amended as follows:

1. Title, line 12.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 2, line 6.

Strike: "THE"

Insert: "If the commission authorizes the issuance of 40 or more special wild buffalo licenses in any license year, the"

3. Page 3, line 21.

Insert: "NEW SECTION. Section 5. Termination. [This act] terminates July 1, 2015."

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

LOCAL GOVERNMENT (Noennig, Chairman):

4/1/2005

SB 116, be amended as follows:

1. Page 14, line 8.

Strike: "the subdivision"

Insert: "development"

2. Page 14, line 18.

Strike: "adequacy"

Insert: "sufficiency"

3. Page 14, line 23 through line 26.

Strike: subsection (2) in its entirety

Insert: "(2) If the tract of record proposed to be subdivided has not been subdivided or created by a subdivision under this chapter or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-201 or 76-3-207 since July 1, 1973, then the proposed subdivision is a first minor subdivision from a tract of record and, when legal and physical access to all lots is provided, must be reviewed as follows:"

4. Page 15, line 13 through line 16.

Strike: "created" on line 13 through "76-3-207" on line 16

Insert: "from a tract of record as provided in subsection (2)"

5. Page 15, line 27 through line 30.

Strike: "subsequent" on line 27 through "76-3-207" on line 30

Insert: "any minor subdivision that is not a first minor subdivision from a tract of record, as provided in subsection (2), is a subsequent minor subdivision and"

6. Page 16, line 5.

Following: "(5)"

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Insert: "(a)"
Following: "approval"
Insert: ",
Strike: "or"
Following: "disapproval"
Insert: "conditional approval, or"

7. Page 16, line 6.
Strike: "an"
Insert: "that a subdivision"

8. Page 16, line 7.
Strike: "(a)"

9. Page 16.
Following: line 7
Insert: "(b) If regulations change during the period that the application is reviewed for required elements and sufficient information, the determination of whether the application contains the required elements and sufficient information must be based on the new regulations."

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

SB 175, be amended as follows:

1. Page 1, line 29.
Following: "assessed"
Insert: "for that part of the cost associated with the lot's or parcel's reasonably estimated traffic flows"
Following: "basis of the"
Insert: "lot's or parcel's"

2. Page 1, line 30.
Strike: line 30 through "parcel"

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

SB 195, be amended as follows:

1. Page 2, line 3.
Strike: "includes"
Insert: "may include"

2. Page 2, line 7.
Strike: "includes"
Insert: "may include"

3. Page 2, line 23 through line 24.
Strike: "an average on line 23 through "BUSINESS" on line 24
Insert: "a net"
Following: "density" on line 24
Insert: ", expressed as units per acre,"
Strike: "average" on line 24
Insert: "net"
Strike: "nearest" on line 24
Insert: "adjacent"

4. Page 3, line 3.
Following: "authorized by"
Insert: "subdivision or zoning regulations adopted by"

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5. Page 5, line 19.

Strike: ", an inventory of vacant properties within the city limits,"

6. Page 6, line 23.

Strike: "guide"

Insert: "promote"

7. Page 6, line 24.

Strike: "into the"

Insert: "in"

8. Page 6, line 25.

Strike: "meeting"

Insert: "market incentives to help meet"

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

SB 290, be amended as follows:

1. Page 2, line 13.

Strike: "between 20 and"

Insert: "20 acres or more and less than"

2. Page 6, line 12.

Strike: "FOR" through "PERFORMED"

Insert: "the representative drainfield site used for the soil profile description as required"

3. Page 6, line 23.

Following: "site"

Insert: "identified on the vicinity map, as provided in subsection (1)(a)(i)(G),"

4. Page 8, line 14.

Strike: "to"

Insert: "acres or more and less than"

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

SB 458, be amended as follows:

1. Title, line 6.

Strike: "30 DAYS"

Insert: "6 MONTHS"

2. Page 1, line 24.

Strike: "30 days"

Insert: "6 months"

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

TAXATION (Waitschies, Chairman):

HB 529, introduced bill, be amended as follows:

4/1/2005

1. Title, page 1, line 4 through line 10.

Strike: "PROVIDING" on line 4 through "GOVERNOR;" on line 10

2. Title, page 1, line 11.

Following: "PROVIDING"

Insert: "AN"

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3. Title, page 1, line 12.

Strike: "DATES" through "APPLICABILITY"

4. Page 1, line 16 through page 2, line 20.

Strike: section 1 through section 4 in their entirety

Renumber: subsequent sections

5. Page 2, line 22.

Following: "disregard."

Insert: "(1)"

6. Page 2, line 26.

Insert: "(2) The department shall use temporary assistance for needy families block grant funds received as federal special revenue for the purposes of subsection (1)."

7. Page 2, line 27 through page 3, line 1.

Strike: "(1)" on page 2, line 27 through "(3)" on page 3, line 1

8. Page 3, line 1.

Strike: "Sections 4 and 5"

Insert: "Section 1"

Strike: "are"

Insert: "is"

9. Page 3, line 2.

Strike: "sections 4 and 5"

Insert: "section 1"

10. Page 3, line 4 through line 6.

Strike: "dates" on line 4

Insert: "date"

Strike: "(1)" on line 4 through "(2)" on line 6

Strike: "Section 5" on line 6

Insert: "This act"

11. Page 3, line 8 through line 9.

Strike: section 8 in its entirety

And, as amended, do pass. Report adopted.

HB 703, do pass. Report adopted.

HB 764, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "12"

Insert: "6"

2. Title, page 1, line 6.

Strike: "MARKET"

Insert: "ASSESSED"

3. Title, page 1, line 9.

Following: the second "FOR"

Insert: "A"

Strike: "INDUSTRY"

Insert: "COMMERCIAL ACTIVITY"

4. Title, page 1, line 11.

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Following: "15-7-103,"

Insert: "AND"

Strike: "AND 15-24-1401,"

5. Page 1, line 18.

Strike: "12%"

Insert: "6%"

Strike: "market"

Insert: "assessed"

6. Page 1, line 24.

Strike: "as if" through "but"

Insert: "on the amount of unreclaimed waste material on the property and"

7. Page 1, line 26.

Strike: "or improvements"

8. Page 1, line 27.

Strike: "a lower"

Insert: "the appropriate tax"

9. Page 1, line 28.

Strike: "industry"

Insert: "businesses"

10. Page 2, line 2 through line 5.

Strike: "as if" through "kind" on line 5

Insert: "at the greater of \$500 an acre or 10 cents per cubic yard of unreclaimed waste material on the waste management area property"

11. Page 2.

Following: line 5

Insert: "(2) The department shall reclassify property under [section 1] that no longer meets the definition of waste management area property under 15-1-101. The property must be reclassified according to its use. The department may obtain the assistance of the department of environmental quality in determining whether the property no longer meets the definition of waste management area property.

(3) If the taxpayer reclaims property subject to taxation under [section 1] and if the department determines that the land is suitable for agricultural purposes, the land may be reclassified as agricultural or nonagricultural land under 15-6-133(1)(a) or (1)(c) subject to the provisions of 15-7-202."

Renumber: subsequent subsection

12. Page 2, line 8 through line 9.

Strike: "if it" on line 8 through "productive" on line 9

Insert: "provided in subsection (1)"

13. Page 2, line 11.

Strike: "The" through "use."

14. Page 2, line 13.

Strike: "or expanding industry"

Insert: "development"

15. Page 2, line 15.

Strike: "qualifying"

Following: "improvements"

Insert: ", "

16. Page 2, line 15 through line 16.

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Strike: "or modernized" on line 15 through "existing industry" on line 16
Insert: "appurtenant land, and personal property for a commercial activity, including new industrial property described in 15-6-135"

Strike: "10%" on line 16
Insert: "50%"

17. Page 2, line 17.
Strike: "market"
Insert: "taxable"

18. Page 2, line 24.
Strike: "an industrial facility"
Insert: "a commercial activity"

19. Page 2, line 25 through line 26.
Strike: "improvements" on line 25 through "processes" on line 26
Insert: "property"
Strike: "qualify" on line 16
Insert: "qualifies"

20. Page 2, line 29 through line 30.
Strike: "The" on line 29 through "15-24-1402(3)" on line 30
Insert: "Upon receipt of approval of the governing body of the affected taxing jurisdiction, the department shall make the assessment change pursuant to this section"

21. Page 3.
Following: line 7
Insert: " (6) Property taxes abated from the reduction in property taxes allowed by this section are subject to recapture by the local governing body if the ownership or use of the property does not meet the requirements of this section or the resolution required by subsection (2). The recapture is equal to the amount of taxes avoided, plus interest and penalties for nonpayment of property taxes provided in 15-16-102, during any period in which an abatement under the provisions of this section was in effect. A recapture of taxes abated by this section is not allowed with regard to property ceasing to qualify for the abatement by reason of an involuntary conversion. The recapture of abated taxes may be canceled, in whole or in part, if the local governing body determines that the taxpayer's failure to meet the requirements is a result of circumstances beyond the control of the taxpayer."

22. Page 6, line 4.
Following: "(v)"
Insert: "(i)"
Strike: "contiguous parcels of"
Strike: "totaling 160 acres"

23. Page 6, line 5.
Strike: "or more"
Strike: "and" through "land"

24. Page 6.
Following: line 5
Insert: "(A) has been intentionally used for the disposition or storage of waste rock, tailings, slag, clinker, or other waste from mining, milling, smelting, or refining, including material excavated or reclaimed from another location pursuant to an agreement, an administrative order, or a consent decree;"

25. Page 6, line 6.
Strike: "(i)"
Insert: "(B)"
Strike: "have"
Insert: "has"

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26. Page 6, line 6 through line 8.

Strike: "effects" on line 6 through "controls" on line 8

Insert: "presence of unreclaimed waste rock, tailings, slag, clinker, or other waste from mining, milling, smelting, or refining"

27. Page 6, line 9.

Strike: "(ii)(A)"

Insert: "(C)(I)"

Strike: "are"

Insert: "is part of a facility"

28. Page 6, line 11.

Strike: "(B)"

Insert: "(II)"

Strike: "are"

Insert: "is part of a facility"

Strike: "compliance"

29. Page 6.

Following: line 11

Insert: "(ii) The term is limited to property that:

(A) was constructed before 1971 and contains 1 million cubic yards or more of unreclaimed waste rock, tailings, slag, clinker, or other waste from mining, milling, smelting, or refining; or

(B) contains tremolite asbestos.

(iii) The term does not include:

(A) land contained within or immediately contiguous to impoundments constructed as part of a hydroelectric generation facility;

(B) land that is or has been permitted or reclaimed under Title 82, chapter 4;

(C) land that is or has been reclaimed under voluntary cleanup plans pursuant to 75-10-734;

(D) land that is or has been reclaimed by the department of environmental quality under 82-4-239, 82-4-371, or 82-4-445; or

(E) land that is or has been reclaimed pursuant to an administrative order or consent decree from the department of environmental quality or U.S. environmental protection agency."

30. Page 6, line 25.

Following: line 24

Insert: "(d) for a general and uniform method of appraising forest lands;"

Renumber: subsequent subsection

31. Page 8, line 26.

Strike: "market"

Insert: "assessed"

32. Page 9, line 3 through line 28.

Strike: section 8 in its entirety

Renumber: subsequent sections

33. Page 10, line 4.

Strike: "part 14,"

34. Page 10, line 5.

Strike: "part 14,"

Following: "section"

Strike: "1"

Insert: "4"

35. Page 10.

Following: line 5

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Insert: "COORDINATION SECTION, Section 9. Coordination instruction. If House Bill No. 689 is not passed and approved, then [section 4(6) of this act] is void."

And, as amended, do pass. Report adopted.

HB 802, do pass. Report adopted.

HB 803, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "DATE"

Insert: ", "

Strike: "AND"

2. Title, page 1, line 7.

Following: "DATE"

Insert: ", AND A CONTINGENT TERMINATION DATE"

3. Page 2.

Following: line 11

Insert: "NEW SECTION, Section 6. Contingent termination. The voluntary income tax checkoff created in [section 1] terminates on January 1 of the first tax year following the 2 immediately preceding tax years in which the voluntary checkoff raises less than \$10,000 in each of those 2 tax years."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

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

4/1/2005

HB 63, introduced by Villa

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced and read first time:

HB 804, introduced by Milburn.

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 410 passed as follows:

Ayes: Andersen, 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, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 66

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

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Total 33

Excused: None.
Total 0

Absent or not voting: Stahl.
Total 1

HB 771 failed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 49

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

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 38 concurred in 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, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, 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, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 43

Excused: None.
Total 0

Absent or not voting: Raser.
Total 1

SB 77 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, 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, B. Olson, Parker, Peterson, Raser, Rice, Ripley,

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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 97

Noes: A. Olson, Waitschies.
Total 2

Excused: None.
Total 0

Absent or not voting: Butcher.
Total 1

SB 81 concurred in as follows:

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

Noes: Koopman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 123 failed as follows:

Ayes: Becker, Branae, Butcher, Caferro, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Hiner, Jent, Jopek, Kaufmann, Keane, Lenhart, McAlpin, Mendenhall, Musgrove, Noennig, Noonan, Parker, Sesso, Small-Eastman, Villa, Wagman, Wanzenried, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 44

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Everett, Franklin, Hawk, Heinert, Henry, Himmelberger, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Warden, Windham, Witt.
Total 56

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 126 concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bixby, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche,

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Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Ross, Sales, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 80

Noes: Balyeat, Bergren, D. Brown, R. Brown, Buzzas, Franklin, Gallik, Glaser, Hawk, Himmelberger, Koopman, Lange, Mendenhall, Morgan, B. Olson, Rice, Roberts, Sinrud, Stahl, Witt.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 206 concurred in 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, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Balyeat, Everett, Hawk, Lake, Sales, Stahl, Wells.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 244 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, 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, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 87

Noes: Butcher, Everett, Hawk, Hendrick, Himmelberger, Lake, Malcolm, A. Olson, Ripley, Sales, Sinrud, Waitschies, Wells.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 265 failed as follows:

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

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, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 50

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 286 concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, 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, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 82

Noes: Balyeat, Bixby, D. Brown, Everett, Heinert, Jackson, L. Jones, W. Jones, Koopman, Milburn, Peterson, Ripley, Sales, Sinrud, Sonju, Waitschies, Wells, Witt.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 325 concurred in as follows:

Ayes: Arntzen, Balyeat, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Sesso, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Wiseman, Witt, Mr. Speaker.
Total 67

Noes: Andersen, Barrett, Becker, R. Brown, Butcher, Caferro, Everett, Facey, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Kaufmann, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, Mendenhall, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Wells, Windham, Windy Boy.
Total 33

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

SB 369 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, 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: Hendrick.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 401 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, 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, Heinert, Henry, 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, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 89

Noes: D. Brown, Everett, Hendrick, Himmelberger, Koopman, Mendenhall, Morgan, Sales, Sinrud, Wagman, Wells.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 451 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 86

Noes: D. Brown, R. Brown, Hawk, Koopman, Lange, Mendenhall, Sinrud, Sonju, Stahl, Warden, Wells, Witt.
Total 12

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Excused: None.
Total 0

Absent or not voting: Keane, Sales.
Total 2

SB 479 concurred in as follows:

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

Noes: Koopman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 21 concurred in as follows:

Ayes: Arntzen, Balyeat, 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, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 71

Noes: Andersen, Barrett, D. Brown, R. Brown, Everett, Hawk, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Rice, Roberts, Sales, Sinrud, Sonju, Taylor, Wagman, Ward, Warden, Wells.
Total 28

Excused: None.
Total 0

Absent or not voting: W. Jones.
Total 1

**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 Wagman 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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SB 329 - Representative Wanzenried moved **SB 329** be concurred in. Motion carried as follows:

Ayes: 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, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 63

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Waitschies, Wells, Witt.
Total 36

Excused: None.
Total 0

Absent or not voting: Peterson.
Total 1

SJR 19 - Representative Maedje moved **SJR 19** be concurred in. 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, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 88

Noes: D. Brown, Hawk, Jackson, W. Jones, Lake, MacLaren, McGillvray, B. Olson, Ross, Stoker, Wagman, Waitschies.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 23 - Representative Rice moved **SJR 23** 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, 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, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 95

Noes: Lake, B. Olson, Stoker, Wagman, Waitschies.
Total 5

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 762 - Representative R. Brown moved consideration of **HB 762** be placed below **HB 528** on the second reading board. Motion carried.

HB 214 - Representative Sales moved **HB 214** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Caferro, Cohenour, Driscoll, Facey, Furey, Glaser, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Klock, Koopman, Lake, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt, Mr. Speaker.

Total 68

Noes: Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Dickenson, Dowell, Eaton, Everett, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Jayne, Juneau, Keane, Lindeen, McAlpin, Noonan, B. Olson, Parker, Raser, Small-Eastman, Villa, Wanzenried, Wilson, Wiseman.

Total 31

Excused: None.

Total 0

Absent or not voting: Lambert.

Total 1

HB 461 - Representative Arntzen moved **HB 461** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, Butcher, Buzzas, Caferro, Driscoll, Facey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Heinert, Hendrick, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sonju, Stahl, Taylor, Wagman, Ward, Warden, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 61

Noes: Branae, R. Brown, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Franklin, Furey, Galvin-Halcro, Golie, Gutsche, Harris, Hawk, Henry, Himmelberger, Hiner, Jayne, Juneau, Koopman, Lange, Lindeen, Noonan, B. Olson, Parker, Raser, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Wells, Wilson.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 756 - Representative Parker moved consideration of **HB 756** be placed at the bottom of the second reading board. Motion carried.

HB 528 - Representative Koopman moved **HB 528** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, L. Jones, Kaufmann, Keane, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan,

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Total 73

Noes: Buzzas, Callahan, Clark, Furey, Galvin-Halcro, Golie, Groesbeck, Himmelberger, Jayne, Jent, W. Jones, Jopek, Juneau, Klock, Lindeen, Malcolm, McGillvray, Musgrove, Noennig, A. Olson, B. Olson, Ross, Stoker, Ward, Windham, Windy Boy.
Total 26

Excused: None.
Total 0

Absent or not voting: Wanzenried.
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 Wagman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, 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, 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, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 88

Noes: Everett, Hawk, Heinert, Hendrick, Koopman, Mendenhall, B. Olson, Sinrud.
Total 8

Excused: None.
Total 0

Absent or not voting: Arntzen, Henry, Sales, Wagman.
Total 4

**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 Wagman in the chair.

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

HB 305 - Representative R. Brown moved consideration of **HB 305** be placed at the bottom of the second reading board. Motion carried.

HB 762 - Representative John Balyeat moved **HB 762** do pass.

HB 762 - Representative Waitschies moved **HB 762**, second reading copy, be amended as follows:

1. Page 1, line 24.
Strike: "15%"
Insert: "5%"
Strike: "\$500,000"

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Insert: "\$100,000"

2. Page 3, line 1.

Strike: "15%"

Insert: "5%"

3. Page 3, line 1.

Following: "facility"

Insert: ", up to a total of \$100,000 for the facility or property installed in the facility"

Amendment adopted as follows:

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

Total 54

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

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 762 - Representative John Balyeat moved **HB 762**, as amended, do pass. Motion **failed** as follows:

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

Total 50

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

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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 Wagman moved the Committee of the Whole report be adopted. Report 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, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin,

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Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, L. 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, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 47

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House recess until 5:00 p.m., Friday, April 1, 2005. Motion carried.

House recessed at 3:12 p.m.

House reconvened at 5:10 p.m.

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Keane, Chairman):

4/1/2005

SB 110, be concurred in. Report adopted.

SB 311, be concurred in. Report adopted.

SB 380, be amended as follows:

1. Page 4, line 30.

Following: "state"

Insert: "and its affiliates, as defined in 33-2-1101"

2. Page 6, line 15.

Strike: "ADDRESS, TELEPHONE NUMBER"

Insert: "city, state"

Following: "TYPE"

Insert: "and, optionally, the address and telephone number"

3. Page 8, line 17.

Following: "section"

Insert: ", except that affiliates, as defined in 33-2-1101, that are selling medical care discount cards in Montana shall obtain a certificate of registration"

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

SB 457, be concurred in and placed on the consent calendar. Report adopted.

SB 486, be concurred in. Report adopted.

JUDICIARY (Rice, Chairman):

4/1/2005

SB 80, be concurred in. Report adopted.

SB 119, be amended as follows:

1. Title, page 1, line 9.

Following: "COURT"

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Insert: "AND ABSENT OBJECTION BY A PARTY TO THE PROCEEDING"

2. Page 2, line 14.

Following: "court"

Insert: "and absent an objection by a party to the proceeding"

3. Page 3, line 13.

Strike: "may"

Insert: "shall"

4. Page 3, line 14.

Following: "safety"

Insert: ", history, and specific needs"

5. Page 3, line 28.

Strike: "Notice"

Insert: "Prior to the beginning of the review, reasonable notice"

6. Page 4, line 23.

Following: "its"

Insert: "minutes and"

7. Page 12, line 8.

Following: "court"

Insert: "and absent an objection by a party to the proceeding"

8. Page 13, line 12.

Following: "hearing, the"

Insert: "entity shall keep minutes of the hearing and the minutes and"

9. Page 16, line 22.

Following: "court"

Insert: "and absent an objection by a party to the proceeding"

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

SB 122, be amended as follows:

1. Page 1, lines 22 through 27.

Strike: "means" on line 22 through "transfer" on line 27

Insert: "has the meaning provided in 28-2-801"

2. Page 2, line 7.

Strike: "financial"

3. Page 2, lines 18 through 20.

Following: the second "assignment" on line 18

Strike: "within" on line 18 through "act]" on line 20

Insert: ", as defined for federal tax purposes, of the liability to make periodic payments under a structured settlement"

4. Page 3, line 2.

Strike: "period"

Insert: "periodic"

5. Page 3, line 15.

Following: "payee"

Strike: "or transferee"

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6. Page 3, line 27.

Strike: "or other payment"

Insert: "and other payments to a broker or other intermediary"

7. Page 4, line 9.

Following: "transferred"

Insert: "structured"

8. Page 4, line 23.

Following: "right is"

Insert: "not"

9. Page 4, line 24.

Following: "issuer is"

Insert: "not"

10. Page 4, line 25.

Strike: "only if"

Insert: "unless"

11. Page 5, line 5.

Strike: "(1)"

12. Page 5, line 6.

Following: "12]"

Strike: ","

Insert: ";
(1)"

13. Page 5, line 7.

Following: "transferee"

Strike: ","

Insert: ";"

14. Page 5, line 8.

Strike: "The"

Insert: "the"

15. Page 5, line 14.

Following: "12]"

Strike: ","

Insert: " ; and

(3) neither the structured settlement obligor nor the annuity issuer may be required to divide a periodic payment between a payee and a transferee or assignee or between two or more transferees or assignees."

16. Page 5, line 16.

Strike: "A payee or a transferee shall comply with"

Insert: "After the transfer of a structured settlement payment right pursuant to [sections 1 through 12], any further transfer by the payee is subject to"

17. Page 5, line 17.

Following: "12]"

Strike: "before making" through "right"

18. Page 7, line 9.

Following: "law"

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Strike: "OR CONTRACT"

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

SB 146, be amended as follows:

1. Page 25, line 3.

Following: "subsection"

Insert: ", as adjusted pursuant to subsection (3)(a)(i),"

2. Page 86, line 28.

Following: "On"

Strike: "July 1, 2006"

Insert: "January 1, 2007, and on January 1, 2008"

3. Page 86, line 30.

Strike: "25%"

Insert: "12.5%"

Strike: "100%"

Insert: "25%"

4. Page 88, line 29.

Following: "MISSOULA COUNTY,"

Insert: "Flathead County,"

5. Page 89, line 13.

Following: "AUDITOR FOR"

Insert: "50% of"

6. Page 89, line 29.

Following: "MISSOULA COUNTY,"

Insert: "Flathead County,"

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

SB 196, be amended as follows:

1. Title, page 1, line 5.

Strike: "A COURT FROM ENTERING A JUDGMENT OR ORDER"

Insert: "A FINAL ORDER OR JUDGMENT OR WRITTEN FINAL SETTLEMENT AGREEMENT"

2. Title, page 1, line 9.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

3. Page 1, line 18.

Following: "that"

Insert: "endangers public safety or health and"

4. Page 1, line 19.

Strike: "an"

Insert: "a final"

5. Page 1, line 20 through line 21.

Strike: "THAT" on line 20 through "safety" on line 21

6. Page 1, line 22.

Strike: "court" through "contract"

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Insert: "final order or judgment entered or written final settlement agreement"

7. Page 1, line 22 through line 23.

Strike: "pursuant" on line 22 through "litigation" on line 23

8. Page 1, line 24.

Strike: "THAT" through "safety"

9. Page 1, line 25.

Following: "enforced."

Insert: "This section does not prohibit the parties from keeping the monetary amount of a written final settlement agreement confidential."

10. Page 2, line 7.

Strike: "court" through "contract"

Insert: "final order or judgment or written final settlement agreement"

11. Page 2, line 7 through line 9.

Strike: ". A" on line 7 through "section" on line 8

Following: the second "court" on line 8

Strike: "that" on line 8 through "8" on line 9

Insert: "in which the case was filed"

12. Page 2, line 10 through line 11.

Strike: "Upon" on line 10 through "the" on line 11

Insert: "The"

13. Page 2, line 19.

Following: "PROCEDURE"

Insert: "or to any materials produced under the order. Any materials used as exhibits may be publicly disclosed pursuant to the provisions of subsections (7) and (8)"

14. Page 2.

Following: line 24

Insert: "NEW SECTION. Section 4. Applicability. [This act] applies to causes of action filed after [the effective date of this act]."

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

SB 207, be concurred in. Report adopted.

SB 279, be amended as follows:

1. Page 1, line 21.

Insert: "(c) A person may not be proceeded against for the same act or omission to act under both a municipal infraction ordinance and the corresponding state law criminal offense on which the municipal infraction ordinance is based."

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

SB 344, be amended as follows:

1. Title, page 1, line 5.

Following: "OR"

Insert: "DANGEROUS"

2. Page 1, line 28.

Strike: "drugs"

Insert: "dangerous drugs, as defined in 50-32-101,"

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3. Page 1, line 29.

Following: "or"
Insert: "dangerous"

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

SB 381, be concurred in. Report adopted.
SB 406, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "PROVIDING" on line 6 through "INDIGENTS;" on line 7

2. Page 3, line 20 through page 4, line 21.
Strike: section 3 through section 5 in their entirety

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

SB 407, be concurred in. Report adopted.
SB 452, be amended as follows:

1. Page 2, line 7.
Strike: "up to"
Strike: "36"
Insert: "72"

2. Page 2, line 13.
Strike: "up to"
Strike: "36"
Insert: "72"

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

SB 504, be concurred in. Report adopted.

STATE ADMINISTRATION (Jent, Chairman):

4/1/2005

SB 109, be concurred in. Report adopted.
SB 288, be concurred in. Report adopted.
SB 295, be concurred in. Report adopted.
SB 299, be concurred in. Report adopted.
SB 333, be concurred in. Report adopted.
SB 335, be concurred in and placed on consent calendar. Report adopted.
SB 370, be concurred in. Report adopted.
SB 396, be amended as follows:

1. Title, page 1, line 5.
Following: "EXPENDITURES"
Insert: "AND EXPENDITURES"
Strike: "SECTIONS 13-37-216 AND"
Insert: "SECTION"

2. Page 1, line 10 through page 2, line 12.
Strike: section 1 in its entirety
Renumber: subsequent section

3. Page 2, line 29.
Following: "and"
Insert: "[section 2] and"

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4. Page 3.

Following: line 14

Insert: "NEW SECTION. Section 2. Supreme court candidates -- limits on independent expenditures -- definition. (1) Subject to 13-35-231, a political committee may not make an independent expenditure to support or oppose a candidate for justice of the supreme court in excess of \$1,300 for each election in a campaign.

(2) For purposes of this section, "independent expenditure" means an expenditure for communications expressly advocating the success or defeat of a candidate for justice of the supreme court that is not made with the cooperation or prior consent of, in consultation with, or at the request or suggestion of a candidate or political committee or an agent of a candidate or political committee."

Insert: "NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 13, chapter 37, part 2, and the provisions of Title 13, chapter 37, part 2, apply to [section 2]."

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

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

Dem. Leader Wanzenried moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Wagman in the chair.

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

HB 592 - Representative Waitschies moved **HB 592** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, 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 93

Noes: Buzzas, Caferro, Dickenson, Furey, Galvin-Halcro, Jayne, Kaufmann.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 639 - Representative Peterson moved consideration of **HB 639** be passed for the day. Motion carried.

HB 776 - Representative Raser moved **HB 776** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, 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, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sesso, Small-Eastman, Sonju, Stahl, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 71

Noes: Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Klock,

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Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Morgan, B. Olson, Roberts, Sales, Sinrud, Stoker, Taylor, Wagman, Ward, Wells.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 756 - Representative Parker moved consideration of **HB 756** be passed for the day. Motion carried.

HB 305 - Representative Arntzen moved **HB 305** do pass.

HB 305 - Representative Arntzen moved **HB 305**, second reading copy, be amended as follows:

1. Page 21, line 4.

Insert: "NEW SECTION. Section 28. Contingent voidness. If the director of the department of public health and human services certifies to the governor and to the secretary of state in writing that the federal office of child support enforcement has notified the director that implementation of [this act] will result in federal disapproval of the Title IV-D state child support enforcement plan, then [this act] is void. The director shall also notify the code commissioner in writing of the occurrence of this contingency."

Renumber: subsequent sections

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Driscoll, Everett, Glaser, Grinde, 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, Mr. Speaker.
Total 53

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, 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.
Total 47

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 305 - Representative Arntzen moved **HB 305**, as amended, do pass. Motion **failed** as follows:

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

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

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

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 81

Noes: Arntzen, Butcher, Everett, Hawk, Himmelberger, W. Jones, Koopman, MacLaren, Maedje, Malcolm, Mendenhall, Morgan, Rice, Sales, Sinrud, Taylor, Wells, Witt.
Total 18

Excused: None.
Total 0

Absent or not voting: Wagman.
Total 1

REPORTS OF STANDING COMMITTEES

EDUCATION (Galvin-Halcro, Chairman): 4/1/2005
SB 419, be concurred in. Report adopted.

HUMAN SERVICES (Becker, Chairman): 4/1/2005
SB 33, be concurred in. Report adopted.
SB 46, be concurred in. Report adopted.

MOTIONS

Rep. Windy Boy moved SB 320 be withdrawn from the Agriculture Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 86

Noes: Clark, Golie, Grinde, Harris, Jacobson, Jopek, Koopman, McAlpin, Raser, Sinrud, Wanzenried, Windham, Wiseman.
Total 13

Excused: None.

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Total 0

Absent or not voting: Arntzen.

Total 1

Rep. Bergren moved the House reconsider its action on HB 771 on 3rd Reading on April 1, 2005, for the purpose of placing HB 771 on 3rd Reading on April 2, 2005. Motion passed as follows:

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

Total 52

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

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Clark moved to suspend the House rules to allow for the late introduction and transmittal of two bills which will amend the Montana initiative process. This requires a 2/3 vote. Motion passed as follows:

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

Total 97

Noes: Golie, Koopman, Sinrud.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Bergren moved the House reconsider its action on SB 265 on 3rd Reading on April 1, 2005, for the purpose of placing SB 265 on 3rd Reading on April 2, 2005. Motion passed as follows:

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

Total 51

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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, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 49

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Consent Calendar: SB 347. There being no questions, this bill will be placed on 3rd Reading.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, April 2, 2005. Motion carried.

House adjourned at 6:36 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House