

**HOUSE JOURNAL
59TH LEGISLATURE / SPECIAL SESSION DECEMBER 2005
FIRST LEGISLATIVE DAY**

Helena, Montana
December 14, 2005

House Chambers
State Capitol

Pursuant to the Proclamation Call to the 59th Legislature for a Special Session, the House of Representatives of the 59th Legislature of the State of Montana was called to order at 9:00 a.m. by Representative Gary Matthews, Speaker of the House.

STATE OF MONTANA
OFFICE OF THE GOVERNOR
PROCLAMATION
CALL TO THE 59TH LEGISLATURE
FOR A SPECIAL SESSION

WHEREAS, pursuant to Article V, section 6 of the Constitution of the State of Montana and § 5-3-101, MCA, the Governor may convene the legislature in special session; and

WHEREAS, pursuant to Article VI, section 11 of the Constitution of the State of Montana, the Governor may convene the legislature whenever he considers it in the public interest; and

WHEREAS, the Montana Supreme Court, in *Columbia Falls Elementary School District No. 6 v. State of Montana*, 2005 MT 69, held that Montana's system for funding its public elementary and secondary schools was unconstitutional in that the funding system was not based on a definition of a quality education and the requirement to recognize the cultural heritage of American Indians was not being fulfilled; and

WHEREAS, the 59th Legislature, through passage of Senate Bill No. 152 (SB 152), defined a "basic system of free quality public elementary and secondary schools," as required by Article X, section 1(3) of the Montana Constitution and the Montana Supreme Court's ruling; and

WHEREAS, the 59th Legislature, for the first time in Montana history, consistent with the Montana Constitution and the Montana Supreme Court's ruling, appropriated in excess of \$3.4 million for the 2006-07 biennium to fund education related to the preservation of the distinct and unique cultural heritage of American Indians; and

WHEREAS, the 59th Legislature increased funding for Montana's K-12 schools by appropriating more than \$88 million in new money for the biennium – an historic increase; and

WHEREAS, the 59th Legislature, through passage of Senate Bill No. 525 (SB 525), established a quality schools interim committee to devise, by December 1, 2005, a funding formula for Montana's public elementary and secondary schools based on the definition of quality education enacted by the 59th Legislature; and

WHEREAS, the quality schools interim committee has accomplished the tasks assigned to it under SB 525, but has not agreed upon any one school funding formula; and

WHEREAS, in addition to the constitutional requirement that the legislature provide a basic system of free quality public elementary and secondary schools, Article VIII, section 9 of the Constitution of the State of Montana requires the state to maintain a balanced budget by directing that legislative appropriations not exceed anticipated revenue; and

WHEREAS, one component of a quality education system is the ability to recruit and retain qualified teachers, and in order to be able to recruit and retain qualified teachers, schools must be able to offer teachers

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competitive benefit packages; and

WHEREAS, Montana's teachers' retirement system currently has an unfunded liability exceeding \$900,000,000.00; and

WHEREAS, Montana's public retirement system currently has an unfunded liability exceeding \$500,000,000.00; and

WHEREAS, school boards are beginning the process of preparing their budgets for the 2006-07 academic year; and

WHEREAS, the regular session of the 59th Legislature completed its work in eighty-six days anticipating the likelihood of a special legislative session to enact a school funding system based on the definition of a quality education; and

WHEREAS, it is in the public interest of all Montanans that the 59th Legislature convene in special session to consider these matters.

NOW, THEREFORE, I, BRIAN SCHWEITZER, GOVERNOR OF THE STATE OF MONTANA, pursuant to the authority vested in me by the Constitution and laws of the State of Montana, do hereby convene the Fifty-Ninth Legislature in special session, in Helena, at the Capitol, at the hour of 9:00 a.m., the 14th day of December, 2005, and hereby limit the special session to the following subjects:

1. Legislation to enact a funding system for Montana's public elementary and secondary schools that is based on the definition of a quality education contained in SB 152 and that recognizes the cultural heritage of American Indians, in compliance with Article X, section 1 of the Montana Constitution and in fulfillment of the requirements of the Montana Supreme Court's decision in *Columbia Falls Elementary School v. State of Montana*, and that also remains within a balanced budget, as required by Article VIII, section 9 of the Montana Constitution;
2. An appropriation for the funding system enacted by the Legislature in special session in compliance with the Montana Constitution and the Supreme Court's holding;
3. An appropriation of one-time money from the general fund to Montana's public elementary and secondary schools for recognition of the cultural heritage of American Indians and to address the following needs of schools: facility studies, weatherization for long-term energy savings, deferred maintenance, and assistance with utility and transportation energy costs;
4. An appropriation of \$100 million from the general fund to the teachers' retirement system to both reduce the unfunded liability of the system and to help improve Montana's ability to recruit and retain qualified teachers;
5. An appropriation of \$25 million from the general fund to the public retirement system to help reduce the unfunded liability of the system;
6. LC 2006-2, approved by the State Administration and Veterans' Affairs Interim Committee on November 30, 2005;
7. An updated revenue estimate requested by the revenue and transportation committee;
8. Confirmation of the chief water judge and the workers' compensation judge, as required by § 3-1-1013, MCA;
9. Confirmation of the governor's vacancy appointment of the director of the department of public health and human services; and

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10. Any appropriations necessary for the operation of the special legislative session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Montana to be affixed. DONE at the City of Helena, the Capitol, this 14th day of December, in the year of our Lord, two thousand and five.

BRIAN SCHWEITZER
Governor

The Invocation was given by Representative Ripley. Pledge of Allegiance to the Flag was led by Speaker Matthews.

Chief Clerk Marilyn Miller called the roll of the members of the House of Representatives of the 59th Legislature Special Session December 2005. Representative Maedje Excused. Quorum present.

District 1	Rep Ralph Heinert
District 2	Rep Rick Maedje
District 3	Rep Dee Brown
District 4	Rep Mike Jopek
District 5	Rep George Everett
District 6	Rep Verdell Jackson
District 7	Rep Jon Sonju
District 8	Rep Tim Dowell
District 9	Rep William Jones
District 10	Rep Bernie Olson
District 11	Rep Janna Taylor
District 12	Rep Jeanne Windham
District 13	Rep Paul Clark
District 14	Rep Gordon Hendrick
District 15	Rep Joey Jayne
District 16	Rep Carol Juneau
District 17	Rep Rick Ripley
District 18	Rep Joe Mckenney
District 19	Rep Mike Milburn
District 20	Rep George Golie
District 21	Rep Tim Callahan
District 22	Rep Bill Wilson
District 23	Rep John Parker
District 24	Rep Eve Franklin
District 25	Rep Sue Dickenson
District 26	Rep Kathleen Galvin-Halcro
District 27	Rep Llew Jones
District 28	Rep John Witt
District 29	Rep Edward Butcher
District 30	Rep Jim Peterson
District 31	Rep Margaret Campbell
District 32	Rep Jonathan Windy Boy
District 33	Rep Bob Bergren
District 34	Rep John Musgrove
District 35	Rep Wayne Stahl
District 36	Rep Karl Waitschies
District 37	Rep Walter Mcnutt

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District 38	Rep Ralph Lenhart
District 39	Rep Carol Lambert
District 40	Rep Gary Matthews
District 41	Rep Norma Bixby
District 42	Rep Veronica Small-eastman
District 43	Rep Monica Lindeen
District 44	Rep William Glaser
District 45	Rep Alan Olson
District 46	Rep Mark Noennig
District 47	Rep Dennis Himmelberger
District 48	Rep Wanda Grinde
District 49	Rep Roy Brown
District 50	Rep Tom Mcgillvray
District 51	Rep Robyn Driscoll
District 52	Rep Arlene Becker
District 53	Rep Elsie Arntzen
District 54	Rep Gary Branae
District 55	Rep Michael Lange
District 56	Rep Don Roberts
District 57	Rep Penny Morgan
District 58	Rep Emelie Eaton
District 59	Rep Joan Andersen
District 60	Rep John Ross
District 61	Rep Bruce Malcolm
District 62	Rep Pat Wagman
District 63	Rep Bill Warden
District 64	Rep Larry Jent
District 65	Rep Brady Wiseman
District 66	Rep Christopher Harris
District 67	Rep John Sinrud
District 68	Rep Scott Sales
District 69	Rep Jack Wells
District 70	Rep Roger Koopman
District 71	Rep Diane Rice
District 72	Rep Debby Barrett
District 73	Rep Art Noonan
District 74	Rep George Groesbeck
District 75	Rep Jim Keane
District 76	Rep Jon Sesso
District 77	Rep Scott Mendenhall
District 78	Rep Jill Cohenour
District 79	Rep Dave Gallik
District 80	Rep Mary Caferro
District 81	Rep Christine Kaufmann
District 82	Rep Hal Jacobson
District 83	Rep Harry Klock
District 84	Rep John Ward
District 85	Rep Cynthia Hiner
District 86	Rep Dan Villa
District 87	Rep Ron Stoker
District 88	Rep Bob Lake

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District 89	Rep Gary Maclaren
District 90	Rep Ray Hawk
District 91	Rep Kevin Furey
District 92	Rep Robin Hamilton
District 93	Rep Rosalie Buzzas
District 94	Rep Dave Mcalpin
District 95	Rep Tom Facey
District 96	Rep Teresa Henry
District 97	Rep Dave Wanzenried
District 98	Rep Holly Raser
District 99	Rep Gail Gutsche
District 100	Rep John Balyeat

Speaker Matthews introduced the following pages:

Pages: Whitney Derks, Denton; Caitlin Field, Townsend; and Beth Wurm, Glendive.

Speaker Matthews reported that at 1:00 p.m. Wednesday, December 13, 2005, there would be a special presentation for the Montana veterans who gave their lives to defend this country during the Global War on Terrorism.

Representative Roy Brown, House Republican Leader, addressed the body.

Representative David Wanzenried, House Democratic Leader, addressed the body.

TEMPORARY RULE CHANGES FOR THE 59TH SPECIAL SESSION

It is proposed that the House adopt a motion to suspend the House Rules as reflected in this document for the duration of the Special Session. House Rules not contained in this document would remain in effect as provided in H70-20. December 2005.

HOUSE RULES

- H30-50. Procedures.** (1) The chairman shall notify the sponsor of any bill pending before the committee of the time and place it will be considered.
- (2) A standing or select committee may not take up referred legislation unless the sponsor or one of the cosponsors is present or unless the sponsor has given written consent.
- (3) The committee shall act on each bill in its possession:
- (a) by reporting the bill out of the committee:
 - (i) with the recommendation that it be referred to another committee;
 - (ii) favorably as to passage; or
 - (iii) unfavorably; or
 - (b) by tabling the measure in committee.
- (4) The committee may not report a bill to the House without recommendation. Except as provided in subsection (5), a tie vote in a standing committee on the question of a recommendation to the whole House on a matter before the committee, for example on a question of whether a bill "do pass" or "do not pass", does not result in the matter passing out to the whole House for consideration without recommendation.
- (5) ~~Each political party is entitled to choose 12 bills on which a A tie vote in committee will result in the matter passing out of committee to the whole House without recommendation. The bills must be chosen by the House Democratic Leader for the Democratic party and the House Republican Leader for the Republican party. The House Democratic Leader and the House Republican Leader may agree in writing to increase the number of bills on which a tie vote in committee will result in the matter passing out of committee to the whole House without recommendation.~~
- (6) ~~The committee may recommend that a bill on which it has made a favorable recommendation by unanimous vote~~

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~~be placed on the consent calendar:~~

~~(7)~~ (6) In reporting a measure out of committee, a committee shall include in its report:

- (a) the measure in the form reported out;
- (b) the recommendation of the committee;
- (c) an identification of all substantive changes; and
- (d) a fiscal note, if required.

~~(8)~~ (7) If a measure is withdrawn from a committee and brought to the House floor for debate on second reading on that day without a committee recommendation, the bill does not include amendments formally adopted by the committee.

~~(9)~~ (8) A second to any motion offered in a committee is not required in order for the motion to be considered by the committee.

~~(10)~~ (9) The vote of each member on all committee actions must be recorded. All motions may be adopted only on the affirmative vote of a majority of the members voting.

~~(11)~~ (10) A motion to take a bill from the table may be adopted by the affirmative vote of a majority of the members present at any meeting of the committee.

~~(12)~~ (11) An action formally taken by a committee may not be altered in the committee except by reconsideration and further formal action of the committee.

~~(13)~~ (12) A committee may reconsider any action as long as the matter remains in the possession of the committee. A committee member need not have voted with the prevailing side in order to move reconsideration.

~~(14)~~ (13) Any legislation requested by a committee requires three-fourths of all members of the committee to vote in favor of the question to allow the committee to request the drafting or introduction of legislation. Votes requesting drafting and introduction of committee legislation may be taken jointly or separately.

~~(15)~~ (14) The chairman shall decide points of order.

~~(16)~~ (15) The privileges of committee members include the following:

- (a) to participate freely in committee discussions and debate;
- (b) to offer motions;
- (c) to assert points of order and privilege;
- (d) to question witnesses upon recognition by the chairman;
- (e) to offer any amendment to any bill; and
- (f) to vote, either by being present or by proxy, using a standard form or through the vice chairman or minority vice chairman.

~~(17)~~ (16) Any meeting of a committee held through the use of telephone or other electronic communication must be conducted in accordance with Chapter 3 of the House Rules.

~~(18)~~ (17) A committee may consolidate into one bill any two or more related bills referred to it whenever legislation may be simplified by the consolidation.

~~(19)~~ (18) Committee procedure must be informal, but when any questions arise on committee procedure, the rules or practices of the House are applicable except as stated in the House Rules.

H40-40. Introduction -- receipt. (1) During a session, proposed House legislation (1) may be introduced in the House by submitting it, endorsed with the signature of a representative as chief sponsor, to the Chief Clerk for introduction. ~~Except for the first 15 bill numbers that may be reserved for preintroduced legislation, in each session of the Legislature, the~~ The proposed legislation must be numbered consecutively by type in the order of receipt. Submission and numbering of properly endorsed legislation constitutes introduction.

(2) Preintroduction of legislation prior to a session under provisions of the joint rules constitutes introduction in the House.

(3) Acknowledgment by the Chief Clerk of receipt of legislation or other matters transmitted from the Senate for consideration by the House constitutes introduction of the Senate legislation in the House or receipt by the House for purposes of applying time limits contained in the House rules. All legislation may be referred to a committee prior to being read across the rostrum as provided in H40-50.

(4) Acknowledgment by the Chief Clerk of receipt of messages from the Senate or other elected officials constitutes receipt by the House for purposes of any applicable time limit. Senate legislation or messages received from the

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Senate or elected officials are subject to all other rules.

H40-60. One reading per day. ~~Except on the final legislative day, legislation~~ Legislation may receive ~~no~~ more than one reading per legislative day. ~~On the final legislative day, legislation may receive more than one reading.~~

H40-70. Referral. (1) If the Speaker is not the elected leader of the Democratic caucus, the Rules Committee shall establish the jurisdiction of each standing committee and all properly introduced House legislation and transmitted Senate legislation must be referred to a House committee, ~~joint select committee, or joint special committee~~ by the Chief Clerk of the House in conformity to the committee jurisdiction. The assignment of a bill to a committee may be appealed to the Rules Committee by either House Leader. If the Rules Committee does not reassign a bill to another committee, the original assignment may not be changed unless accomplished by motion on the House floor.

(2) Legislation may not receive final passage and approval unless it has been referred to a House committee, ~~joint select committee, or joint special committee.~~

H40-80. Rereferral -- normal progression. (1) ~~Except as provided in~~ Subject to subsection (2), legislation that is in the possession of the House and that has not been finally disposed of may be rereferred to a House committee by ~~House motion approved by not less than three-fifths of the members present and voting~~ agreement between the House Democratic Leader and the House Republican Leader.

(2) Legislation that is in the possession of the House and that has been reported from a committee with a do pass or be concurred in recommendation may be rereferred to a House committee by a majority vote or by agreement between the House Democratic Leader and the House Republican Leader.

(3) The normal progress of legislation through the House consists of the following steps in the order listed: introduction; referral to a standing or select committee; a report from the committee; second reading; and third reading.

H40-110. Consent calendar procedure. (1) ~~Noncontroversial bills and simple and joint resolutions may be recommended for the consent calendar by a standing committee and processed according to the following provisions:~~

(a) ~~To be eligible for the consent calendar, the legislation must receive a unanimous vote by the members of the standing committee in attendance (do pass, do pass as amended). In addition, a motion must be made and passed unanimously to place the legislation on the consent calendar and this action reflected in the committee report. Appropriation or revenue bills may not be recommended for the consent calendar.~~

(b) ~~The legislation must then be sent to be processed and reproduced as a third reading version and specifically marked as a "consent calendar" item.~~

(2) ~~Other legislation may be placed on the consent calendar by agreement between the Speaker and the Republican floor leader following a positive recommendation by a standing committee. The legislation must be sent to be processed as a second reading version but must be specifically announced and posted as a "consent calendar" item.~~

(3) ~~Legislation must be posted immediately (as soon as it is received appropriately printed) on the consent calendar and must remain there for 1 legislative day before consideration under Order of Business No. 11, special orders of the day. At that time, the presiding officer shall announce consideration of the consent calendar and allow "reasonable time" for questions and answers upon request. No debate is allowed.~~

(4) ~~If any one representative submits a written objection to the placement of legislation on the consent calendar, the legislation must be removed from the consent calendar and added to the regular second reading board.~~

(5) ~~Consent calendar legislation will be considered on Order of Business No. 8, third reading of bills, following the regular third reading agenda, as separately noted on the agenda.~~

(6) ~~Legislation on the consent calendar must be considered individually with the roll call vote spread on the journal as the final vote in the House.~~

(7) ~~Legislation passed on the consent calendar must then be transmitted to the Senate. Legislation must be appropriately printed prior to transmittal.~~

H40-140. Second reading. (1) Legislation returned from committee may be placed on second reading unless otherwise ordered by the House.

(2) The House shall form itself into a Committee of the Whole to consider business on second reading. The

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Committee of the Whole may debate legislation, attach amendments, and recommend approval or disapproval of legislation.

(3) ~~Except on the final legislative day, at least 1 legislative day must elapse between the time legislation is~~ Legislation reported from committee ~~and the time it is~~ may be considered on second reading at any time.

(4) If a motion to recommend that a bill "do pass" or "be concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do not pass" or "be not concurred in", is considered to have passed. If a motion to recommend that a bill "do not pass" or "be not concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do pass" or "be concurred in", is considered to have passed.

(5) An amendment attached to legislation by the Committee of the Whole remains unless removed by further legislative action.

(6) When the Committee of the Whole reports to the House, the House shall adopt or reject the Committee of the Whole report. If the House rejects the Committee of the Whole report, the legislation remains on second reading, as amended by the Committee of the Whole, unless the House orders otherwise.

(7) A representative may move to segregate legislation from the Committee of the Whole report before the report is adopted. Segregated legislation, as amended by the Committee of the Whole, must be placed on second reading unless the House orders otherwise. Amendments adopted by the Committee of the Whole on segregated legislation remain adopted unless reconsidered or unless the legislation is rereferred to a committee.

H40-190. Engrossing. ~~(1) After legislation is passed on second reading, it must be engrossed within 48 hours under the direction of the Speaker. The Speaker may grant additional time for engrossing.~~

~~(2) When the legislation that has passed second reading, as amended, has been correctly engrossed, it may be placed on third reading on the following legislative day. If the bill is not amended, the bill must be sent to printing. On the final legislative day, the correctly engrossed legislation may be placed on third reading on the same legislative day. For the purposes of this rule, "engrossing" means placing amendments in a bill.~~

H40-200. Third reading. (1) All bills, joint resolutions, and Senate amendments to House bills and joint resolutions passing second reading must be placed on third reading ~~the day following the receipt of the engrossing or other appropriate printing report.~~

(2) Legislation on third reading may not be amended or debated.

(3) The Speaker shall state the question on legislation on third reading. If a majority of the representatives voting does not approve the legislation, it fails to pass third reading.

H50-40. Call of the House with a quorum. (1) If a quorum is present but at least one representative is excused or absent, ~~one-third~~ a majority of the representatives present and voting may order a call of the House with a quorum.

(2) The motion for a call is nondebatable, may not be amended, and is in order at any time a vote is not being taken, except that a call of the House with a quorum is not allowed in the Committee of the Whole.

(3) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.

(4) When all representatives are present, except those on leave with cause, the call is automatically lifted. The call may also be lifted by adjournment or by two-thirds of the representatives present and voting.

H50-150. Questions requiring other than a majority vote. The following questions require the vote specified for each condition:

100 House Members

(1) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund (two-thirds);

(2) a motion to approve a bill to appropriate the principal of the coal severance tax trust fund (three-fourths);

(3) a motion to approve a bill to appropriate highway revenue, as described in Article VIII, section 6, of the Montana Constitution, for purposes other than therein described (three-fifths);

(4) a motion to approve a bill to authorize creation of state debt (two-thirds);

(5) a motion to temporarily suspend a joint rule governing the procedure for handling bills (two-thirds).

Members Present and Voting

(1) a motion to override the Governor's veto (two-thirds);

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- (2) a call of the House with a quorum (one-third);
- (3) a motion to lift a call of the House (two-thirds);
- ~~(4) a motion to rerefer a bill from one committee to another pursuant to Rule 40-80(1) (three-fifths);~~
- ~~(5) (4) a motion to withdraw a bill from a committee (three-fifths);~~
- ~~(6) (5) a motion to add legislation to the second or third reading agenda (three-fifths);~~
- ~~(7) a motion to remove legislation from its normal progress through the House as provided under H40-80(3) and reassign it unless otherwise specifically provided by these rules, such as H40-80(2) (three-fifths);~~
- (8) a motion to change a vote (unanimous);
- (9) a motion to call for cloture (two-thirds);
- (10) a motion to take from the table in Committee of the Whole (three-fifths).

Members Voting

- (1) a motion to amend or suspend rules (two-thirds);
- (2) a motion to overturn an adverse committee report (three-fifths);
- (3) a motion to record a vote (one representative);
- (4) a motion to spread a vote on the journal (two representatives);
- (5) an appeal of the ruling of the presiding officer (three representatives);
- (6) a motion to speak more than once on a debatable motion (unanimous vote);
- (7) a motion to appeal the presiding officer's interpretation of the rules to the House Rules Committee (15 representatives).

Entire Legislature

- (1) a motion to approve a bill proposing to amend the Montana Constitution (two-thirds of the entire Legislature).

I move to suspend the Joint Rules as reflected in the document printed and place on members desks for the duration of the Special Session. Joint Rules not contained in this document remain in effect as provided in 60-40. December 2005.

JOINT RULES

~~**30-50. Committee consideration of appropriation bills.** (1) All bills providing for an appropriation of public money may first be considered by a joint committee composed of the members of the Senate Finance and Claims Committee and the House Appropriations Committee, and then by each separately.~~

~~_____ (2) Meetings of the joint committee must be held upon call of the chair of the House Appropriations Committee, who is chair of the joint committee.~~

~~_____ (3) The committee chair of the Senate Finance and Claims Committee or of the House Appropriations Committee may be a voting member in the joint subcommittees if:~~

~~_____ (a) either house has fewer members on the joint subcommittees;~~

~~_____ (b) the chair represents the house with fewer members on the subcommittees; and~~

~~_____ (c) the chair is present for the vote at the time that a question is called. A vote may not be held open to facilitate voting by a chair.~~

40-40. Bill requests and introduction -- limits and procedures. (1) Prior to ~~a regular~~ the special session, a person entitled to serve in that session, hereafter referred to as a "member", is entitled to request bill drafting services from the Legislative Services Division, ~~subject to the following limits:~~

~~_____ (a) Prior to 5 p.m. on December 5 preceding a regular session of the Legislature, a member may request an unlimited number of bills and resolutions to be prepared by the Legislative Services Division for introduction in the regular session.~~

~~_____ (b) After 5 p.m. on December 5, a member may request no more than seven bills or resolutions to be prepared by the Legislative Services Division. At least five of the seven bills or resolutions must be requested before the regular session convenes.~~

~~_____ (c) After December 5, a member, in the member's discretion, may grant to any other member any of the remaining bill or resolution requests the granting member has not used. A bill requested by an individual may not be~~

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transferred to another legislator but may be introduced by another legislator:

~~_____ (d) These limitations on bill and resolution requests do not apply to:~~

~~_____ (i) Code Commissioner bills;~~

~~_____ (ii) a bill or resolution requested by a standing committee; and~~

~~_____ (iii) a bill or resolution requested by a member at the request of a newly elected state official if so designated for bills within the call of the special session.~~

~~(2) The staff of the Legislative Services Division shall work on bill draft requests in the order received. After a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of that member must receive a lower drafting priority than all other bills of members not in excess of five per member. The Speaker of the House, the minority leader of the House, the President of the Senate, and the minority leader of the Senate may each direct the staff of the Legislative Services Division to assign a higher priority to 10 draft requests. The staff of the Legislative Services Division shall assign a higher priority to any bill draft request when jointly directed by:~~

~~_____ (a) the President of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House; or~~

~~_____ (b) the House and the Senate.~~

(3) Bills and resolutions must be reviewed by the staff of the Legislative Services Division prior to introduction for proper format, style, and legal form. The staff of the Legislative Services Division shall store bills on the automated bill drafting equipment and shall print and deliver them to the requesting members. The original bill cover must be signed to indicate review by the Legislative Services Division. A bill may not be introduced unless it is so signed.

(4) ~~(a)~~ During a session, a bill may be introduced by endorsing it with the name of a member and presenting it to the Chief Clerk of the House of Representatives or the Secretary of the Senate. Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill must be introduced in the house in which the member whose name appears first on the bill is a member. The chief joint sponsor's name must appear immediately to the right of the first sponsor's name. ~~Except as provided in subsection (4)(b), in each session of the Legislature, bills~~ Bills, joint resolutions, and simple resolutions must be numbered consecutively in separate series in the order of their receipt.

~~(b) The first 15 House bills may be reserved for preintroduced bills.~~

(5) (a) Any bill proposed by an interim or statutory legislative committee or introduced by request of an administrative or executive agency or department must be so indicated by placing after the names of the sponsors the phrase "By Request of the..... (Name of committee or agency)". The phrase may not be added to an introduced bill and may not be placed on a bill whose subject matter was requested by an agency or statutory or interim committee prior to the convening of the session. Unless requested by an individual member, a bill draft request submitted at the request of an agency must be submitted to, reviewed by, and requested by the appropriate interim or statutory committee. ~~Except as provided in subsection (5)(b), an agency or committee bill request must be preintroduced or the request is canceled. Preintroduction must occur no later than 5 p.m. on the fifth working day prior to the convening of a legislative session. Preintroduction is accomplished when the Legislative Services Division receives a signed preintroduction form:~~

~~_____ (b) The preintroduction requirement does not apply to an office held by an elected official during the official's first year in that office or to bills requested by a joint select or joint special committee appointed prior to the convening of the legislative session to address a specific issue.~~

(6) Bills may be preintroduced, numbered, and reproduced prior to a legislative session by the staff of the Legislative Services Division. Actual signatures of persons entitled to serve as members in the ensuing session may be obtained on a consent form from the Legislative Services Division and the sponsor's name printed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded to the Legislative Services Division to be included on the face of the bill following standing committee approval.

40-50. Schedules for drafting requests and bill introduction. ~~(i) The following schedule must be followed for submission of drafting requests:~~

~~_____ Request Deadline~~

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	5:00 P.M.
	Legislative Day
● General Bills and Resolutions	10
● Revenue Bills	17
● Committee Bills and Resolutions	36
● Committee Revenue Bills	62
● Committee Bills implementing provisions of a general appropriation act	75
● Interim study resolutions	75
● Appropriation Bills	No Deadline
● Resolutions to express confirmation of appointments	No Deadline
● Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules	No Deadline
—————(2) Bills and resolutions must be introduced within 2 legislative days after delivery.	

40-140. Second reading -- bill reproduction. (1) If the majority of a house adopts a recommendation for the passage of a bill originating in that house after the bill has been returned from a committee with amendments, the bill must be reproduced on yellow paper with all amendments incorporated into the copies.

(2) If a bill has been returned from a committee without amendments, only the first sheet must be reproduced on yellow paper, and the remainder of the text may be incorporated by reference to the preceding version of the entire bill.

(3) A bill requested by and heard by a joint select or joint special committee, as provided in 40-40(5)(b), may be referred directly to second reading. If the bill is passed by the house of origin, the bill must be transmitted to the other house, and if the bill was not amended, it may be placed on second reading without the need for referral to a committee.

~~**40-150. Engrossing.** (1) When a bill has been reported favorably by Committee of the Whole of the house in which it originated and the report has been adopted, the bill must be engrossed if the bill is amended. Committee of the Whole amendments must be included in the engrossed bill. If the bill is not amended, the bill must be sent to printing. The bill must be placed on the calendar for third reading on the legislative day after receipt.~~

~~(2) Copies of the engrossed bill to be distributed to members are reproduced on blue paper. If a bill is unamended by the Committee of the Whole and contains no clerical errors, it is not required to be reprinted. Only the first sheet must be reproduced on blue paper, with the remainder of the text incorporated by reference to the preceding version of the entire bill.~~

~~(3) If a bill is amended by a standing committee in the second house, the amendments must be included in a tan-colored bill and distributed in the second house for second reading consideration. If the bill is amended in Committee of the Whole, the amendments must be included in a salmon-colored reference bill and distributed in the second house for third reading. If the bill passes on third reading, copies of the reference bill must be distributed in the original house. The original house may request from the second house a specified number of copies of the amendments to be printed.~~

40-200. Transmittal deadlines. (1) (a) A bill or amendment transmitted after the deadline established in this subsection (1) may be considered by the receiving house only upon approval of two-thirds of its members present and voting. If the receiving house does not so vote, the bill or amendment must be held pending in the house to which it was transmitted:

—————(b) (i) A bill, except for an appropriation bill, a revenue bill, an interim study resolution, or amendments

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~~considered by joint committee, must be transmitted from one house to the other on or before the 45th legislative day.~~

~~(ii) Amendments, except to appropriation bills, bills implementing the general appropriations bill, the revenue estimating resolution, interim study resolutions, and revenue bills, must be transmitted from one house to the other on or before the 73rd legislative day.~~

~~(c) (i) Revenue bills must be transmitted to the other house on or before the 71st legislative day.~~

~~(ii) Amendments to revenue bills, received from the other house, must be transmitted to the house of origin on or before the 82nd legislative day.~~

~~(iii) A revenue bill is one that either increases or decreases revenue.~~

~~(d) (i) Appropriation bills and any bill implementing provisions of a general appropriation bill must be transmitted to the Senate on or before the 67th legislative day.~~

~~(ii) Senate amendments to appropriation bills must be transmitted by the Senate to the House on or before the 80th legislative day.~~

~~(2) (a) A joint resolution introduced for the purpose of estimating revenue available for appropriation by the Legislature must be transmitted to the Senate no later than the 60th legislative day.~~

~~(b) Amendments to the revenue estimating resolution must be transmitted to the House no later than the 82nd legislative day.~~

~~(3) Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules may be transmitted at any time during a session.~~

~~(4) Interim study resolutions must be transmitted from one house to the other on or before the 85th legislative day.~~

Rep. Parker moved that the temporary House Rules recommended and unanimously approved by the House Rules Committee be adopted as the House Rules for the Special Session of the 59th Legislature. Rep. Lange concurred. Motion carried.

Rep. Parker moved that the temporary Joint Rules recommended and unanimously approved by the Joint Rules Committee be adopted as the temporary Joint Rules of the House and Senate of the Special Session of the 59th Legislature. Rep Lange concurred. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

HB 1, introduced by Wanzenried (by request of the Governor), referred to Appropriations.

HB 2, introduced by Jackson (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

HB 3, introduced by Glaser, referred to Education.

HB 4, introduced by Wagman, referred to Education.

HB 5, introduced by Buzzas, referred to Appropriations.

UNFINISHED BUSINESS

Rep. Wanzenried moved that the following sponsors be added to HB 1: Representatives Bergren, Cohenour, Dickenson, Dowell, Hamilton, Jopek, Lenhart, Matthews, McAlpin, Parker, Windy Boy, Wiseman; and Senators Elliott, Gillan, Hawks, Larson, Laslovich, Ryan, Schmidt, Tester, Tropila.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Dem. Floor Leader Parker moved that the House stand in recess until 1 p.m., Wednesday, December 14, 2005. Motion carried.

House recessed at 9:37 a.m.

The House reconvened at 1:00 pm. Rep. Maedje present All members present.

SPECIAL ORDERS OF THE DAY

Speaker Matthews opened the session to honor Montana's fallen heroes. The colors were posted by the Honor Guard of the Montana National Army Reserves. The invocation was given by Chaplin Lt. Colonel John Allen, Montana Air National Guard.

After being introduced by Speaker Matthews, Brigadier Stan Putnam, Montana National Guard, gave the following address:

Governor, Mr. Speaker, Members of the body, Families, Guests and Service Members

It is a distinct honor to be here today to represent Montana Service Members, from all branches of the Military. On behalf of all Service Members and their families, we would like to thank all Montanans for their outstanding support, and outpouring of love in support of our Troops.

We gather here today to honor the families of Montana Military Members. The family members of our Soldiers, Sailors, Marines, and Airmen have felt the fear, anguish, and pain of separation, while their loved one was deployed, protecting our way of live. We thank you for your continued love and support

Of special note, are the families who have lost loved ones during the Global War on Terrorism. We, in the military, would like to pay special tribute to those families, for their courage and their sacrifice. We will not forget our brothers and sisters who have made this ultimate sacrifice.

Last, we would like to thank you, the members of this body, as well as the members of the Senate, and Governor Schweitzer's administration, for your outstanding and continued support of our Soldiers, Sailors, Marines, Airmen, and their families.

God bless America, God bless Montana, and God bless each and everyone of you. Thank you.

The following proclamation was presented:

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A PROCLAMATION OF THE HOUSE OF REPRESENTATIVES
OF THE STATE OF MONTANA

HONORING THE LIVES AND MEMORIES OF
OUR FALLEN HEROES

WHEREAS, the more than 2,000 members of the U.S. Armed Forces who have been killed in Iraq or Afghanistan since the beginning of Operation Iraqi Freedom and Operation Enduring Freedom were all volunteers who placed themselves in harm's way, and their deaths are a reminder that there are men and women of this country willing to sacrifice themselves for the United States; and

WHEREAS, each of the lives sacrificed is a story of lives ended prematurely, dreams not fulfilled, friends left sorrowful, and families left more burdened; and

WHEREAS, the personal tragedies for the spouses, families, and friends of those who died for their country are all the more poignant in the case of those Montanans who gave their lives for their country because those Montanans were our neighbors, colleagues, classmates, and friends; and

WHEREAS, 14 Montanans or former Montanans who were members of the reserve or active component of the U.S. military and from various armed services have now given their lives for their country and for the Iraqi and Afghan people; they came from many different walks of life, from small towns and from cities, and

WHEREAS, it is fitting and proper that those left behind should honor the lives, sacrifices, and memories of the Montanans who gave their lives as part of Operation Iraqi Freedom or Operation Enduring Freedom.

NOW, THEREFORE, THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA, on behalf of all of the people of Montana, expresses its deepest sympathy to their family and friends. We take this means to pay tribute to the lives and memories of:

Sgt. Travis Arndt, Great Falls
Captain Michael MacKinnon, Helena
Private 1st Class Andrew Bedard, Missoula
Lance Corporal Nicholas Bloem, Bozeman
Sergeant 1st Class Robbie McNary, Lewistown
Corporal Raleigh Smith, Troy
Lance Corporal Nathan Wood, Great Falls
Staff Sergeant Aaron Holleyman, Glasgow
Lance Corporal Kane Funke, Kalispell
Corporal Dean Partt, Stevensville
Private 1st Class Owen D. Witt, Sand Springs
First Lieutenant Edward Saltz, Big Fork
Private 1st Class Kristofer Stonesifer, Missoula
1st Lieutenant Josh Hyland, Missoula
and to express our sincere thanks for their service and sacrifice.

REPORTS OF STANDING COMMITTEES

Correctly engrossed: **HB 2, HB 5**

STATE ADMINISTRATION (Jent, Chairman):

12/14/2005

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HB 2, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "CONSIDER THE"

Insert: "ACTUARIAL AND"

2. Title, page 1, line 14 through line 16.

Following: "SYSTEMS"

Strike: ", AND" on line 14 through "RETIREMENT" on line 16

3. Page 1, line 30.

Following: "consider the"

Insert: "actuarial and"

4. Page 2, line 20.

Following: "(2):"

Insert: "and"

5. Page 2, line 23 through line 25.

Following: "request" on line 23

Strike: "; and" on line 23 through "fund" on line 25

And, as amended, do pass. Report adopted.

APPROPRIATIONS (Buzzas, Chairman):

12/14/2005

HB 5, do pass. Report adopted.

**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 Matthews in the chair.

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

HB 5 - Representative Sinrud moved **HB 5**, second reading copy, be amended. Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, 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 47

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert,

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

Total 53

Voted Absentee: Maedje, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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

Total 76

Noes: D. Brown, Butcher, Everett, Glaser, Heinert, Hendrick, Koopman, Lange, Malcolm, McGillvray, Morgan, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells, Witt.

Total 24

Voted Absentee: Maedje, Aye.

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 Parker moved the Committee of the Whole report be adopted. Report adopted 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, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 88

Noes: Butcher, Everett, Glaser, Hendrick, Koopman, Malcolm, McGillvray, Sales, Sonju, Wells.

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Total 10

Excused: Maedje.

Total 1

Absent or not voting: Sinrud.

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 5 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman.

Total 73

Noes: D. Brown, Butcher, Everett, Glaser, Heinert, Hendrick, Klock, Koopman, Lange, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Wells, Witt.

Total 25

Excused: Maedje.

Total 1

Absent or not voting: Mr. Speaker.

Total 1

MOTIONS

Rep. Mendenhall moved that the 59th Legislature convene itself in a concurrent special session to consider a proposition to amend the Montana Constitution to limit spending.

Motion vote as follows:

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

Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen,

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McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 50

Excused: Maedje.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs. Dem. Floor Leader Parker moved that the House stand in recess until 5 p.m., Wednesday, December 14, 2005. Motion carried.

House recessed at 2 p.m.

The House reconvened at 5 p.m. Representative Maedje present. All members present.

REPORTS OF STANDING COMMITTEES

Correctly printed: **HB 2**.

APPROPRIATIONS (Buzzas, Chairman): 12/14/2005
HB 1, do pass without recommendations pursuant to HR 30-50(5). Report adopted.

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

HJR 1, introduced by Lake, referred to Taxation.

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

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

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

HB 2 - Representative Jackson moved **HB 2** do pass. Motion carried as follows:

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

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Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 95

Noes: Dickenson, Jent, W. Jones, Lenhart, B. Olson.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Caucus meetings were announced.

Democratic Floor Leader Parker moved that the House recess for twenty minutes. Motion carried.

House recessed at 5:20 p.m.

House reconvened at 5:50 p.m. All members present. Quorum present.

HB 1 - Representative Wanzenried moved **HB 1** do pass.

HB 1 - Representative Bergren moved for cloture. Motion passed.

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wanzenried, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 87

Noes: R. Brown, Butcher, Glaser, Himmelberger, Lambert, Lange, Rice, Sinrud, Taylor, Wagman, Waitschies, Ward.
Total 12

Excused: None.
Total 0

Absent or not voting: Windham.
Total 1

HB 1 - Representative Wanzenried moved **HB 1** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen,

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

Total 51

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

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Parker 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, 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

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

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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 2 passed as follows:

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

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Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. 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, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 92

Noes: Balyeat, Butcher, Dickenson, Jent, W. Jones, B. Olson, Ripley, Taylor.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 1 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

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

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12 p.m., Thursday, December 15, 2005. Motion carried.

House adjourned at 7:10 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House