

HOUSE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY - MARCH 22, 2005

HOUSE JOURNAL
59TH LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 22, 2005

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Dickenson. Pledge of Allegiance to the Flag.

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

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth, and fifty-sixth legislative days, find the same to be correct.

Barrett, Chair

Monte, the nationally acclaimed mascot of the Montana Grizzlies, stopped by to say hello to the House.

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 1:30 p.m.

REPORTS OF STANDING COMMITTEES

Correctly printed: **HB 522, HB 716, HB 765.**

Signed by the President at 4:50 p.m., March 21, 2005: **HB 203, HB 370, HB 463, HJR 10, HJR 18.**

APPROPRIATIONS (Buzzas, Chairman):

3/22/2005

HB 4, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "YEAR"

Insert: "YEARS 2005, 2006, AND"

2. Page 1.

Following: line 19

Insert: "Judiciary

District Court Operations

Safe kids, safe communities 2005 \$25,000 federal

All remaining fiscal year 2005 federal budget amendment authority for safe kids, safe communities is authorized to continue into federal fiscal year 2005."

3. Page 1, line 23.

Following: "criminals"

Insert: ", for additional legal services,"

4. Page 1.

Following: line 24

Insert: "Mental Disabilities Board of Visitors

All remaining fiscal year 2005 federal budget amendment authority for the Jobs and Growth Tax Relief Reconciliation Act funds for the additional operating costs is authorized to continue into federal fiscal year 2007."

5. Page 1, line 27 through line 28.

Following: "Act" on line 27

Strike: "and" on line 27 through "disabilities" on line 28

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6. Page 2.

Following: line 11

Insert: "Highway Patrol Division
New entrant program 2005 \$400,000 federal"

7. Page 3.

Following: line 3

Insert: "Library Program
Advisory board administrative support program 2005 \$9,570 federal
All remaining fiscal year 2005 federal budget amendment authority for the Montana historical records advisory board's administrative support project is authorized to continue into state fiscal year 2006."

8. Page 3.

Following: line 6

Insert: "Historic Preservation Program
Access to bureau of land management state historic preservation databases 2005 \$10,000 federal
All remaining fiscal year 2005 federal budget amendment authority for completing tasks to improve access to bureau of land management state historic preservation databases is authorized to continue into federal fiscal year 2005."

9. Page 3.

Following: line 7

Insert: "Lewis and Clark national historic trail 2005 \$6,250 federal
All remaining fiscal year 2005 federal budget amendment authority for the Lewis and Clark national historic trail grant is authorized to continue into state fiscal year 2007."

10. Page 3, line 14.

Following: "for"

Insert: "native prairie fish survey and inventory;"

11. Page 3, line 28.

Following: "canal;"

Insert: "burbot status assessment on Missouri River;"

12. Page 4, line 2.

Following: "dam"

Insert: "; for a conservation geneticist; and for the seasonal movements and habitat use of native Yellowstone fish, turtles, and birds"

13. Page 4, line 6.

Following: "for"

Insert: "sage grouse/leeks; coordinated bird monitoring; monitor grizzly bear population for the northern continental divide ecosystem; birds and species of concern surveys in northeastern Montana;"

14. Page 4, line 14.

Following: line 13

Insert: "All remaining fiscal year 2005 federal budget amendment authority for the amphibian and aquatic reptile inventory and for the statewide small mammal survey and inventory is authorized to continue into state fiscal year 2007."

15. Page 4, line 14.

Following: "for"

Insert: "natural resource conservation service co-op positions; loon ecology project; delisting of the gray wolf in the northern rocky mountains;"

16. Page 4.

Following: line 20

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Insert: "Capital Outlay

All remaining fiscal year 2005 federal budget amendment authority for the 3-mile wildlife management area; improvements to the Darby fishing access site; and acquisition of land at the headwaters of the Bull River and Lake Creek watersheds is authorized to continue to state fiscal year 2006.

All remaining fiscal year 2005 federal budget amendment authority for the Swan Valley phase I legacy project is authorized to continue into state fiscal year 2007.

Department Management

All remaining fiscal year 2005 federal budget amendment authority for the Montana department of natural resources and conservation forested trust land habitat conservation planning is authorized to continue into federal fiscal year 2007."

17. Page 4.

Following: line 22

Insert: "Biological analyses for support of reassessment monitoring 2005 \$185,000 federal"

18. Page 4, line 24.

Following: "projects"

Insert: "and the biological analyses for support of reassessment monitoring grant"

19. Page 4.

Following: line 29

Insert: "Conservation and Resource Development Division

Conservation capacity funds to local conservation districts 2005 \$125,000 federal

All remaining fiscal year 2005 federal budget amendment authority for conservation capacity funds to local conservation districts is authorized to continue into state fiscal year 2006."

20. Page 4.

Following: line 30

Insert: "Community assistance national flood insurance 2005 \$74,213 federal

Water management activities in Montana 2005 \$50,000 federal

Big Hole grant 2005 \$99,214 federal

Gaging stations 2005 \$31,016 federal

All remaining fiscal year 2005 federal budget amendment authority for community assistance national flood insurance is authorized to continue into federal fiscal year 2005.

All remaining fiscal year 2005 federal budget amendment authority for the Big Hole grant is authorized to continue into state fiscal year 2007.

All remaining fiscal year 2005 federal budget amendment authority for gaging stations is authorized to continue into federal fiscal year 2007."

21. Page 5.

Following: line 4

Insert: "Resource/conservation development grant 2005 \$24,000 federal

Rural fire assistance 2005 \$485,000 federal

Forest land enhancement 2005 \$85,000 federal

Habitat conservation plan 2005 \$384,443 federal

All remaining fiscal year 2005 federal budget amendment authority for the resource/conservation development grant is authorized to continue into federal fiscal year 2005."

22. Page 5, line 8.

Following: "grant"

Insert: "and the rural fire assistance grant"

23. Page 5, line 9.

Following: "the"

Insert: "forest land enhancement grant; habitat conservation plan;"

24. Page 5.

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Following: line 11

Insert: "Department of Administration

Administrative Financial Services Division

Project safe neighborhood 2005 \$517,197 federal

All remaining fiscal year 2005 federal budget amendment authority for project safe neighborhood is authorized to continue into federal fiscal year 2006.

Information Technical Services Division

Statewide radio system 2005 \$987,477 federal

All remaining fiscal year 2005 federal budget amendment authority for the statewide radio system is authorized to continue into state fiscal year 2007."

25. Page 5.

Following: line 18

Insert: "Department of Corrections

Juvenile Corrections

Serious and violent offender reentry grant 2005 \$17,000 federal

All remaining fiscal year 2005 federal budget amendment authority for the serious and violent offender reentry grant is authorized to continue into state fiscal year 2006."

26. Page 5.

Following: line 20

Insert: "Talk America/Bresnan 2005 \$393,824 federal

Flathead/Northwest Multicompany 2005 \$452,920 federal

All remaining fiscal year 2005 federal budget amendment authority for the Talk America/Bresnan grant is authorized to continue into state fiscal year 2007.

All remaining fiscal year 2005 federal budget amendment authority for the Flathead/Northwest Multicompany grant is authorized to continue into state fiscal year 2005."

27. Page 5, line 22.

Following: "Act"

Insert: "administration and"

28. Page 5.

Following: line 30

Insert: "Army National Guard Program

Distance learning 2005 \$43,470 federal

All remaining fiscal year 2005 federal budget amendment authority for the distance learning grant is authorized to continue into federal fiscal year 2005."

29. Page 6.

Following: line 3

Insert: "Veterans' Affairs Program

Memorial wall construction 2005 \$85,000 federal"

30. Page 6.

Following: line 5

Insert: "Food distribution, Indian reservations 2005 \$215,137 federal

Food stamp benefits 2005 \$4,000,000 federal

All remaining fiscal year 2005 federal budget amendment authority for food distribution on Indian reservations is authorized to continue into federal fiscal year 2005."

31. Page 6, line 9.

Following: "grant"

Insert: "and the food stamp benefit grant"

32. Page 6.

Following: line 9

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Insert: "Child and Family Services

Chaffee education and training vouchers program 2005 \$117,750 federal
All remaining fiscal year 2005 federal budget amendment authority for the Chaffee education and training vouchers program is authorized to continue into federal fiscal year 2005."

And, as amended, do pass. Report adopted.

HB 5, introduced bill, be amended as follows:

1. Title, line 12.

Following: "MCA;"

Insert: "ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO WAIVE REQUIREMENTS PERTAINING TO PUBLIC BIDS AND THE DEPOSIT OF STATE LAND SALE PROCEEDS FOR THE SALE OF THE JOCKO FISH HATCHERY; REMOVING THE AUTHORITY FOR THE CONSTRUCTION OF THE LIFE SCIENCES BUILDING AT THE UNIVERSITY OF MONTANA; REMOVING REVERSION REQUIREMENTS RELATED TO THE JOURNALISM BUILDING AT THE UNIVERSITY OF MONTANA; REMOVING RESTRICTIONS RELATING TO THE LAW BUILDING AT THE UNIVERSITY OF MONTANA; REMOVING CERTAIN RESTRICTIONS RELATING TO THE JOURNALISM BUILDING AT THE UNIVERSITY OF MONTANA; AMENDING SECTIONS 87-1-209 AND 87-1-601, MCA, SECTION 2, CHAPTER 557, LAWS OF 1999, AND SECTION 2, CHAPTER 573, LAWS OF 2001;"

2. Page 1, line 16 through page 9, line 23.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Definitions. For the purposes of [sections 1 through 12], unless otherwise stated, the following definitions apply:

(1) "Capital project" means the acquisition of land or improvements or the planning, capital construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 12].

(2) "LRBP" means the long-range building program account in the capital projects fund type.

(3) "Other funding sources" means money other than LRBP money, including special revenue fund money, that accrues to an agency under the provisions of law."

Insert: "NEW SECTION. Section 2. Capital projects appropriations and authorizations. (1) Subject to [section 8(2)], the following money is appropriated for the indicated capital projects from the indicated sources to the department of administration. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to transfer either or both the appropriations and authority among the necessary fund types for these projects:

Agency/Project	LRBP	Other Funding Sources
MONTANA SCHOOL FOR THE DEAF AND BLIND		
Facility Improvements, Montana School for the Deaf and Blind	\$400,000	
DEPARTMENT OF ADMINISTRATION		
Roof Repair and Replacement, Statewide	3,091,700	\$206,500 Federal Special Revenue
Repair/Preserve Building Exteriors, Statewide	500,000	
Window Repairs and Replacement, Statewide	1,275,000	
Deferred Maintenance, Montana Law Enforcement Academy	765,000	
Hazardous Materials Abatement, Statewide	500,000	
Code/Deferred Maintenance Projects, Statewide	1,262,300	90,000 Federal Special Revenue
Repair Deteriorated Campus Infrastructure, Statewide	550,000	
Major Maintenance and Repairs to State Capitol	500,000	
Upgrade Fire Alarm Systems, Statewide	400,000	
Repair Elevators, Capitol Complex	800,000	
Upgrade 1100 North Last Chance Gulch	1,208,000	
DPHHS Commodity Warehouse Expansion, Helena		2,000,000 Federal Special Revenue, Donations, and

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Grants

Public Restrooms, Virginia City and Nevada City 99,950
 Public Safety Learning Center, Montana Law Enforcement Academy 3,450,000 Federal Special Revenue,
 Donations, and Grants

Authority is granted to the department of administration in the indicated amount for the purpose of constructing the Public Safety Learning Center.

Long-Range Building Program Funding Interim Project 8,000

MONTANA HISTORICAL SOCIETY

Montana Historical Society Building, Helena 20,000,000 Donations and Grants

Authority is granted to the department of administration in the indicated amount for the construction of a new historical society building.

DEPARTMENT OF CORRECTIONS

Improve Water System, Montana State Prison 125,000

Improve High-Side Kitchen Ventilation,
 Montana State Prison 117,300

Improve Perimeter Security,
 Montana State Prison 1,400,000

DEPARTMENT OF FISH, WILDLIFE, AND PARKS

Hatchery Maintenance, Statewide 575,000 State Special Revenue

Rose Creek Hatchery 575,000 Federal Special Revenue

Fort Peck Storage/Office Space 1,700,000 State Special Revenue

Administrative Facilities Repair, Maintenance
 and Improvements 150,000 Federal Special Revenue

Administrative Facilities Repair, Maintenance
 and Improvements 800,000 State Special Revenue

DEPARTMENT OF MILITARY AFFAIRS

Federal Spending Authority 2,100,000 Federal Special Revenue

Western Montana Veterans' Cemetery, Missoula 3,200,000 Federal Special Revenue

Montana State Veterans' Cemetery Columbarium,
 Fort Harrison 500,000 Federal Special Revenue

MONTANA UNIVERSITIES AND COLLEGES

ADA/Code/Deferred Maintenance Projects,
 Montana University System 1,400,000

Upgrade Steam Distribution System,
 UM-Missoula 5,935,000 3,060,000 Auxiliary Funds

Upgrade HVAC Systems, Pershing and
 Brockman Halls, MSU-Northern 524,000

Heating System Improvements, Academic
 Center and McMullen Halls, MSU-Billings 245,000

Mining and Geology Building Mechanical System
 Renovation, UM-Butte 920,000

Upgrade Health Sciences HVAC System,
 Phase 2, UM-Missoula 970,000

Renovate Domestic Water Distribution System,
 UM-Dillon 183,100

Classroom/Laboratory Upgrades, Montana
 University System 1,000,000

Facility Repairs and Improvements, MSU-Billings 545,000

Heating Plant Phase 3, MSU-Bozeman 950,000

Renovate HVAC Systems, Science Complex
 3rd and 4th Floors, UM-Missoula 610,000

Water/Sewer System Repairs and Maintenance,
 MSU-Bozeman 250,000 250,000 Auxiliary Funds

Upgrade Primary Electrical Distribution,
 MSU-Bozeman 750,000 750,000 Auxiliary Funds

Facility Repairs and Improvements,
 MSU-Agricultural Experiment Stations 480,000

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MSU-Agricultural Experiment Station Projects 650,000
Campus Improvements, MSU-Northern 640,000 300,000 Auxiliary Funds
New Construction, Consolidate Campus,
UM-Missoula College of Technology 24,500,000 Federal Special Revenue, Donations,
Grants, and Higher Education Funds
Authority is granted to the department of administration in the indicated amount for the purpose of
constructing a new university of Montana-Missoula college of technology.
New Native American Center, UM-Missoula 2,500,000 Federal Special Revenue, Donations, Grants, and
Higher Education Funds
Authority is granted to the department of administration in the indicated amount for the purpose of
constructing the Native American center. This authority augments \$3,500,000 of existing authority for this capital
improvement.
New Gallery Space, UM-Missoula 6,000,000 Federal Special Revenue, Donations, Grants,
and Higher Education Funds
Authority is granted to the department of administration in the indicated amount for the purpose of
constructing new gallery space.
New Forestry Complex, UM-Missoula 20,000,000 Federal Special Revenue, Donations, Grants,
and Higher Education Funds
Authority is granted to the department of administration in the indicated amount for the purpose of
constructing the new forestry complex.
MBMG/Petroleum Building, UM-Tech, Butte 5,400,000 Federal Special Revenue, Donations, Grants,
and Higher Education Funds
Authority is granted to the department of administration in the indicated amount for the purpose of
constructing the MBMG/petroleum building.
Research Lab Facility, UM-Missoula 3,000,000 Federal Special Revenue,
Donations, Grants, and
Higher Education Funds
Authority is granted to the department of administration in the indicated amount for the purpose of
constructing the research lab facility.
Any increase in costs for the operations and maintenance of the research lab facility must be paid by the
university of Montana with nonstate revenue.
VisComm Black Box Theater,
MSU-Bozeman 2,750,000 Federal Special Revenue,
Donations, Grants,
and Higher Education Funds
Authority is granted to the department of administration in the indicated amount for the purpose of
constructing the new viscomm black box theater.
Animal Bioscience Building, MSU-Bozeman 7,500,000 Federal Special Revenue,
Donations, Grants,
and
Higher Education Funds
Authority is granted to the department of administration in the indicated amount for the purpose of
constructing the animal bioscience building. This authority augments \$5,000,000 of existing authority for this capital
improvement.
Museum of the Rockies, MSU-Bozeman 12,000,000 Federal Special Revenue,
Donations, Grants,
and
Higher Education Funds
Authority is granted to the department of administration in the indicated amount for the purpose of
constructing improvements to the museum of the rockies.
Native American Student Center, MSU-Bozeman 8,000,000 Federal Special Revenue,
Donations, Grants,
and
Higher Education Funds
Authority is granted to the department of administration in the indicated amount for the purpose of
constructing the Native American student center.
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
Facility Improvements, Montana

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State Hospital, Warm Springs	595,500	
Facility Improvements, Montana		
Developmental Center, Boulder	219,140	
Demolish Abandoned Buildings,		
Public Health and Human Services	1,750,000	
Stabilize Old Administration Building, Montana		180,000
Developmental Center, Boulder		
Secure Housing Unit, Montana		
Developmental Center, Boulder	2,542,000	
Special Care Unit Renovations,		
Eastern Montana Veterans' Home, Glendive		475,000
		State Special Revenue
Facility Renovation and Improvements,		
Montana Veterans' Home, Columbia Falls	465,000	State Special Revenue
Construct Chapel, Montana State Hospital,		
Warm Springs	350,000	Donations and Grants
Authority is granted to the department of administration in the indicated amount for the purpose of constructing the chapel at the Montana state hospital in Warm Springs.		
DEPARTMENT OF TRANSPORTATION		
Equipment Storage Buildings, Statewide	635,000	State Special Revenue
Chiller/Cooling Towers Replacement,		
Helena Headquarters	350,000	State Special Revenue
Office Addition, Billings	500,000	State Special Revenue
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
Replace Clearwater Unit Fire Cache	250,000	
OFFICE OF THE GOVERNOR		
Historic and Cultural Properties Interim Study	20,000	

(2) (a) For the purpose of constructing a privately funded chapel at the Montana state hospital in Warm Springs, the department of administration may waive, in whole or in part, the requirements pertaining to:

- (i) bidding and bonding for state building projects in Title 18;
- (ii) labor requirements in Title 18; and
- (iii) contractor registration in Title 39.

(b) The waiver pursuant to subsection (2)(a) may be exercised in the following circumstances:

- (i) to obtain the volunteer services and donated materials from members of the public, civic organizations, and other entities;
- (ii) to obtain the compensated services of contractors who are donating significant amounts of labor, time, and materials; and
- (iii) to meet the terms and conditions for receipt of major sums of money from private or public funding sources, including individual donations.

(3) (a) For the purpose of selling the Jocko fish hatchery to the Confederated Salish and Kootenai tribes and in exchange for constructing and improving the fish hatchery at the Rose Creek hatchery, the department of fish, wildlife, and parks may waive, in whole or in part, the requirements pertaining to:

- (i) public bids for land disposal in 87-1-209(3); and
- (ii) the real property trust fund in 87-1-601.

(b) The waiver pursuant to subsection (3)(a) may be exercised only under the circumstances described in subsection (3)(a). The waiver does not affect the department's requirement to obtain full market value pursuant to Article X, section 11, of the Montana constitution."

Insert: "NEW SECTION. Section 3. Fund transfer. There is transferred from the general fund \$9.9 million in fiscal year 2006 and \$19.4 million in fiscal year 2007 to the long-range building program account in the capital projects fund type for the projects enumerated in [section 2]."

Insert: "NEW SECTION. Section 4. Capital improvements. (1) Subject to [section 17], the following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the purpose of authorization.

Agency/Project	LRBP	Other Funding Sources
Big Springs PCB Cleanup		\$2,375,000 State Special Revenue
	2,375,000	Federal Special Revenue
Future Fisheries	1,190,000	State Special Revenue
Fishing Access Site Maintenance		350,000 State Special Revenue

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Fishing Access Site Protection	800,000	State Special Revenue
Community Fishing Ponds	50,000	Federal Special Revenue
Boat Washing Stations	25,000	State Special Revenue
		75,000 Federal Special Revenue
Fish Cleaning Stations	112,500	Federal Special Revenue
		37,500 Donations and Grants
Upland Game Bird Program	1,220,000	State Special Revenue
Wildlife Habitat Maintenance	750,000	State Special Revenue
Migratory Bird Stamp Program	625,000	State Special Revenue
Motorboat Recreation Site Improvements		2,305,000 State Special Revenue
		2,000,000 Donations
Cultural and Historic Parks Improvements	2,245,000	State Special Revenue
	300,000	Donations and Grants
Grant Programs/Federal Projects	330,000	State Special Revenue
		5,000,000 Federal Special Revenue

(2) (a) Authority is granted to the university of Montana in the indicated amount for the purpose of making capital improvements to campus facilities:

Agency/Project	LRBP	Other Funding Sources
General Spending Authority, UM-All Campuses	\$4,000,000	Federal Special Revenue, Higher Education Funds, Donations, and Grants

(b) All costs for the operations and maintenance of any new improvements constructed under this authorization must be paid by the university of Montana with nonstate revenue.

(3) (a) Authority is granted to Montana state university in the indicated amount for the purpose of making capital improvements to campus facilities:

Agency/Project	LRBP	Other Funding Sources
General Spending Authority, MSU-All Campuses	\$7,000,000	Federal Special Revenue, Higher Education Funds, Donations, and Grants

(b) All costs for the operations and maintenance of any new improvements constructed under this authorization must be paid by Montana state university with nonstate revenue.

(4) The following money is appropriated to the department of transportation in the indicated amount for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBP	Other Funding Sources
Facility Maintenance, Repair, and Small Projects, Statewide	\$3,515,000	State Special Revenue"

Insert: "NEW SECTION. Section 5. Land acquisition appropriations. Subject to [section 17], the following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land leasing, easement purchase, or development agreement:

Agency/Project	LRBP	Other Funding Sources
Fishing Access Site Acquisition, Statewide		\$650,000 State Special Revenue
		100,000 Federal Special Revenue
Habitat Montana		5,430,000 State Special Revenue"

Insert: "NEW SECTION. Section 6. Dams. (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amount for department dams:

Agency/Project	LRBP	Other Funding Sources
FWP Dams Repair		\$264,000
		State Special Revenue

(2) In accordance with 85-1-101, the department of natural resources and conservation shall coordinate and manage the projects."

Insert: "NEW SECTION. Section 7. Transfer of funds. The department of fish, wildlife, and parks and the department of transportation are authorized to transfer either or both the appropriations and authority in [sections 4 through 6] among the necessary fund types for these projects."

Insert: "NEW SECTION. Section 8. Planning and design. (1) Subject to subsection (2), the department of administration may proceed with the planning and design of capital projects prior to the receipt of money from other

funding sources. The department may use interaccount loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt of money from other funding sources.

(2) The department may not expend funds appropriated for statewide roof repair in [section 2] or under subsection (1) of this section until after the department has entered into a contract for roof repair at the Pine Hills school in Miles City."

Insert: "NEW SECTION. Section 9. Capital projects -- contingent funds. If a capital project is financed, in whole or in part, with appropriations contingent upon the receipt of other funding sources, the department of administration may not let the project for bid until the agency has submitted a financial plan for approval by the director of the department of administration. A financial plan may not be approved by the director if:

(1) the level of funding provided under the financial plan deviates substantially from the funding level provided in [sections 2 through 6] for that project; or

(2) the scope of the project is substantially altered or revised from the preliminary plans presented for that project in the 2007 biennium long-range building program presented to the 59th legislature."

Insert: "NEW SECTION. Section 10. Review by department of environmental quality. The department of environmental quality shall review capital projects authorized in [sections 2 through 6] for potential inclusion in the state building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a capital project will result in energy improvements, that project must be submitted to the energy conservation program for funding consideration. Funding provided under the energy conservation program guidelines must be used to offset or add to the authorized funding for the project, and the amount will be dependent on the annual utility savings resulting from the facility improvement. Agencies must be notified of potential funding after the review."

Insert: "NEW SECTION. Section 11. University buildings -- operation and maintenance. (1) The 59th legislature finds that the operation and maintenance of portions of new building space that supports academic missions of the university system should be funded with current unrestricted university funds. The funding of current unrestricted university funds is shared between state general fund, tuition, and other minor sources.

(2) The office of budget and program planning, the architecture and engineering division of the department of administration, the legislative fiscal division, and the Montana university system are directed to come to an agreement and to recommend to the 60th legislature the portions of new building space that support academic missions of the university system and funding allocations between the general fund and tuition. If the legislative audit division conducts a performance audit of the university system building program, then the office of budget and program planning, the architecture and engineering division of the department of administration, the legislative fiscal division, and the Montana university system shall take the results of the audit into consideration in making a recommendation.

(3) If the university system chooses to build nonacademic buildings, the operation and maintenance costs for the buildings must be funded from nonstate and nontuition sources."

Insert: "NEW SECTION. Section 12. Legislative consent. The appropriations authorized in [sections 1 through 6] constitute legislative consent for the capital projects contained in [sections 1 through 6] within the meaning of 18-2-102."

Insert: "Section 13. Section 87-1-209, MCA, is amended to read:

"87-1-209. Acquisition and sale of lands or waters. (1) The department, with the consent of the commission and, in the case of land acquisition involving more than 100 acres or \$100,000 in value, the approval of the board of land commissioners, may acquire by purchase, lease, agreement, gift, or devise and may acquire easements upon lands or waters for the purposes listed in this subsection. The department may develop, operate, and maintain acquired lands or waters:

(a) for fish hatcheries or nursery ponds;

(b) as lands or water suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or protection;

(c) for public hunting, fishing, or trapping areas;

(d) to capture, propagate, transport, buy, sell, or exchange any game, birds, fish, fish eggs, or fur-bearing animals needed for propagation or stocking purposes or to exercise control measures of undesirable species;

(e) for state parks and outdoor recreation;

(f) to extend and consolidate by exchange, lands or waters suitable for these purposes.

(2) The department, with the consent of the commission, may acquire by condemnation, as provided in Title 70, chapter 30, lands or structures for the preservation of historical or archaeological sites that are threatened with destruction or alteration.

(3) (a) ~~The Subject to [section 2(3)],~~ the department, with the consent of the commission, may dispose of lands and water rights acquired by it on those terms after public notice as required by subsection (3)(b) of this section, without regard to other laws that provide for sale or disposal of state lands and with or without reservation, as it considers necessary and advisable. The department, with the consent of the commission, may convey department

lands and water rights for full market value to other governmental entities without regard to the requirements of subsection (3)(b) or (3)(c) if the land is less than 10 acres or if the full market value of the interest to be conveyed is less than \$20,000. When the department conveys land or water rights to another governmental entity pursuant to this subsection, the department, in addition to giving notice pursuant to subsection (3)(b), shall give notice by mail to the landowners whose property adjoins the department property being conveyed.

(b) ~~Notice Subject to [section 2(3)],~~ notice of sale describing the lands or waters to be disposed of must be published once a week for 3 successive weeks in a newspaper with general circulation printed and published in the county where the lands or waters are situated or, if a newspaper is not published in that county, then in any newspaper with general circulation in that county.

(c) The notice must advertise for cash bids to be presented to the director within 60 days from the date of the first publication. Each bid must be accompanied by a cashier's check or cash deposit in an amount equal to 10% of the amount bid. The highest bid must be accepted upon payment of the balance due within 10 days after mailing notice by certified mail to the highest bidder. If that bidder defaults on payment of the balance due, then the next highest bidders must be similarly notified in succession until a sale is completed. Deposits must be returned to the unsuccessful bidders except bidders defaulting after notification.

(d) The department shall reserve the right to reject any bids that do not equal or exceed the full market value of the lands and waters as determined by the department. If the department does not receive a bid that equals or exceeds fair market value, it may then sell the lands or water rights at private sale. The price accepted on any private sale must exceed the highest bid rejected in the bid process.

(4) The department shall convey lands and water rights without covenants of warranty by deed executed by the governor or in the governor's absence or disability by the lieutenant governor, attested by the secretary of state and further countersigned by the director.

(5) The department, with the consent of the commission, is authorized to utilize the installment contract method to facilitate the acquisition of wildlife management areas in which game and nongame fur-bearing animals and game and nongame birds may breed and replenish and areas that provide access to fishing sites for the public. The total cost of installment contracts may not exceed the cost of purchases authorized by the department and appropriated by the legislature.

(6) The department is authorized to enter into leases of land under its control in exchange for services to be provided by the lessee on the leased land. ""

Insert: "Section 14. Section 87-1-601, MCA, is amended to read:

"87-1-601. Use of fish and game money. (1) (a) Except as provided in subsections (7) and (9), all money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the fish and game laws of this state, or from appropriations or received by the department from any other state source must be turned over to the department of revenue and placed in the state special revenue fund to the credit of the department.

(b) Any money received from federal sources must be deposited in the federal special revenue fund to the credit of the department.

(c) All interest earned on money from the following sources must be placed in the state special revenue fund to the credit of the department:

(i) the general license account;

(ii) the license drawing account;

(iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411, 87-2-722, and 87-2-724; and

(iv) money received from the sale of any other hunting and fishing license.

(2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the department under the terms of this title. The money described in subsection (1) must be spent for those purposes by the department, subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in this code means fish and game money in the state special revenue fund and the federal special revenue fund.

(4) Except as provided in subsections (7) and (8), all money collected or received from fines and forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish and game laws under Title 87 must be deposited by the department of revenue and credited to the department in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any case in which the fine is not imposed in addition to the costs of prosecution.

(5) (a) ~~Money Except as provided in [section 2(3)],~~ money must be deposited in an account in the permanent fund if it is received by the department from:

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- (i) the sale of surplus real property;
 - (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department except royalties or other compensation based on production; and
 - (iii) leases of interests in department real property not contemplated at the time of acquisition.
- (b) The interest derived from the account, but not the principal, may be used only for the purpose of operation, development, and maintenance of real property of the department and only upon appropriation by the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws or state statutes specifically naming the department or money received by the department, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in a violation.
- (6) Money received from the collection of license drawing applications is not subject to the deposit requirements of 17-6-105. The department shall deposit license drawing application money within a reasonable time after receipt.
- (7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or rules adopted under 77-1-804 must be deposited in the state general fund.
- (8) The department of revenue shall deposit in the state general fund one-half of the money received from the fines pursuant to 87-1-102.
- (9) (a) The department shall deposit all money received from the search and rescue surcharge in 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as provided for in 10-3-801.
- (b) Upon certification by the department of reimbursement requests submitted by the department of military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the department may transfer funds from the special revenue account to the search and rescue account provided for in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.
- (c) Using funds in the department's search and rescue account that are not already committed to reimbursement for search and rescue missions, the department may provide matching funds to the department of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears to the statewide total of search and rescue missions.
- (d) At the end of each fiscal year, any money remaining in the special revenue account after the transfers provided for in this section must be transferred to the general license account of the department."

Insert: "Section 15. Section 2, Chapter 557, Laws of 1999, is amended to read:

"Section 2. **Capital projects appropriations.**(1) Except as provided in subsection (4)(c), the following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project LRBP Other Funding Sources

DEPARTMENT OF ADMINISTRATION

Health and Safety Projects, Statewide \$730,000 \$ 250,000 Auxiliary

Hazardous Material Remediation, Statewide 300,000

Roof Replacements or Repairs, Statewide 521,000

Facility Assessments, Statewide 100,000 50,000 State Special Revenue

100,000 Federal Special Revenue

50,000 Auxiliary

Capital Renovation 1,000,000 Capitol Land Grant Revenue

Renovate Haynes Gallery Area,

Historical Society 1,000,000 Donations

DEPARTMENT OF CORRECTIONS

Expand Women's Prison, MWP 6,475,000 Federal Special Revenue

Missoula Regional Correctional Facility

Supplemental 526,497 Federal Special Revenue

Construct Reception Unit, MSP 5,500,000 Federal Special Revenue

170,000 General Fund

DEPARTMENT OF FISH, WILDLIFE AND PARKS

Bluewater Hatchery Renovations 200,000 State Special Revenue

Construct Fort Peck Fish Hatchery 14,640,000 Federal Special Revenue

DEPARTMENT OF MILITARY AFFAIRS

Construct New Armory, Kalispell 3,900,000 Federal Special Revenue

Construct New Armory, Bozeman 4,600,000 Federal Special Revenue

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MONTANA UNIVERSITY SYSTEM

Sprinkle Library, UM-Missoula 657,000

Ventilate and Update Fine

Arts Building, UM-Missoula 450,000

Boiler Upgrade and Ventilation, UM-Tech 530,000 120,000 Auxiliary

Maintain HVAC Systems, MSU-Billings

and COT-Billings 500,000

Replace Steam Distribution Piping, UM-Dillon 800,000 400,000 Auxiliary

Upgrade Boiler Controls, UM-Missoula 125,000 100,000 Auxiliary

Roof Replacements or Repairs,

University System 1,591,000

Maintain Main Hall Exterior, UM-Dillon 225,000

Renovate Cowan Hall, MSU-Northern 511,000

Addition to Paxson Gallery, UM-Missoula 2,500,000 Higher Education Funds, Federal, Donations, Grants, Plant Funds

Applied Technology Center Feasibility Study,

MSU-Northern 50,000

Construct Nondenominational

Chapel, UM-Tech 1,500,000 Donations

Forestry/Journalism Addition, UM-Missoula 10,000,000 Federal, Donations, Grants, Plant Funds

Native American Study Center, UM-Missoula 3,500,000 Higher Education Funds, Federal, Donations, Grants, Plant Funds

~~Life Sciences Building, UM-Missoula 23,000,000 Federal, State, Donations, Grants, Plant Funds~~

Rural Technology Education Center, UM-Dillon 350,000 Higher Education Funds, Federal, Donations, Grants, Plant Funds

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Lincoln Unit Office/Quarters and

Clearwater Egress 125,000

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

Sprinkle MMHNCC, Lewistown 300,000

Construct Special Care Unit,

Montana Veterans' Home 1,179,374 State Special Revenue

Improve Eastern Montana Veterans' Home 290,250 State Special Revenue

Improve Montana Veterans' Home 187,530 State Special Revenue

DEPARTMENT OF TRANSPORTATION

Construct Equipment Storage Buildings

and Roof Replacement at Helena

Headquarters, Statewide 2,100,000 Highways State Special Revenue

Construct Core Drilling Building, Helena 1,000,000 Highways State Special Revenue

(2) In the event one or both of the national guard armories located in Bozeman and Whitefish, Montana, and approved in House Bill No. 14 for replacement are sold prior to construction of the new Bozeman and Kalispell armories, the proceeds of the sale that were deposited to the general fund are appropriated for replacement construction up to a maximum of \$4,000,000 and the bond authority in House Bill No. 14 is reduced by a like amount.

(3) The department of public health and human services is seeking federal funds for use in the construction of the special care unit, Montana veterans' home. If federal funds become available for this purpose, the department shall reimburse funds from the state special revenue account used to build the new unit. The total amount approved for the project from all sources is \$1,179,374.

(4) (a) The 56th legislature authorizes four department of corrections' capital construction projects in the 2001 biennium. Funding for the projects is contained in House Bill No. 14 and subsection (1) of this section. The total project cost and the authorized funding for each project are as follows:

(i) \$9,375,000 for the women's prison expansion in Billings, funded by \$2,900,000 of general obligation bond proceeds authorized in House Bill No. 14 and by \$6,475,000 of federal funds appropriated in subsection (1) of this section;

(ii) \$2,225,000 for completing the Pine Hills youth correctional facility in Miles City, funded from general obligation bond proceeds authorized in House Bill No. 14;

(iii) \$5,670,000 to construct a reception unit at Montana state prison in Deer Lodge, funded by \$170,000

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of general fund money and by \$5,500,000 of federal funds appropriated in subsection (1) of this section; and

(iv) \$3,000,000 for security improvements and expanding the Wallace building at Montana state prison in Deer Lodge, funded from general obligation bond proceeds authorized in House Bill No. 14.

(b) The 56th legislature notes that approximately \$8,714,600 of federal department of justice funds are anticipated to become available for capital construction projects for the department of corrections in the 2001 biennium. It is the intent of the 56th legislature that the federal funds be used to the maximum extent possible. It is further the intent of the 56th legislature that the priority for using these federal funds is:

(i) up to \$6,475,000 for the women's prison expansion project, line-itemed in subsection (1);

(ii) up to \$526,497 for the Missoula regional correctional facility supplemental; and

(iii) up to \$5,500,000 for the construction of the reception unit at Montana state prison, line-itemed in subsection (1).

(c) (i) It is the intent of the legislature that the department of corrections may not accept federal funds for capital construction unless all conditions necessary to receive the federal dollars have been irrevocably met in advance of the expenditure of the federal funds.

(ii) It is further the intent of the legislature that federal spending authority for a capital construction project may be used only for the project identified in the law authorizing the project and may not be used for any other project.

(5) The appropriation for the Fort Peck fish hatchery in subsection (1) is contingent upon passage and approval of House Bill No. 20.

(6) The 56th legislature authorizes the construction of the rural technology education center at western Montana college of the university of Montana at a total project cost of \$4,520,000. Subsection (1) of this section contains \$350,000 in other revenue authority for this project, and House Bill No. 14 contains \$4,170,000 in general obligation bond authority for this project. In the event that other additional funds become available for this project during its construction, the general obligation bond authority in House Bill No. 14 must be reduced by a like amount and other revenue authority is increased by a like amount in subsection (1) of this section for the same purpose."

Insert: "Section 16. Section 2, Chapter 573, Laws of 2001, is amended to read:

"Section 2. Capital projects appropriations. (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project LRBP Other Funding Sources

DEPARTMENT OF ADMINISTRATION

Life Safety Projects, Statewide \$400,000

Hazardous Material Mitigation Fund 350,000

Roof Replacements or Repairs, Statewide 499,000

Project Litigation Fund 475,000

Capitol Complex Land Acquisition \$400,000 Capitol Land Grant Revenue

DEPARTMENT OF CORRECTIONS

Construction of Central Reception Unit 1,000,000 Federal Special Revenue

DEPARTMENT OF FISH, WILDLIFE, AND PARKS

Administrative Facility Repair and Maintenance 764,000 State Special Revenue

DEPARTMENT OF JUSTICE

Upgrade Foundations and Boiler, MLEA 200,000

DEPARTMENT OF MILITARY AFFAIRS

Construct New Dillon Armory 3,800,000 Federal Special Revenue

Construct New Kalispell Armory 3,700,000 Federal Special Revenue

MONTANA UNIVERSITIES AND COLLEGES

Replace Primary Power Distribution 162,750 59,375 Auxiliary

System, UM-Dillon

Roof Replacements or Repairs, 426,000

University System

Heating Plant Steam Distribution, 438,750 236,250 Auxiliary

Phase II, UM-Tech

Chemistry Building Addition, UM-Missoula 3,200,000 Federal, Donations, Grants,

Nonstate Funds, Plant Funds

All operating and maintenance expenses of the chemistry building addition are to be paid by the university of Montana-Missoula. Appropriation authority in excess of funds pledged for this project as of June 30, 2003, must be reverted.

Master Plan Campuses, University System 100,000 150,000 Higher Education Funds,

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Federal, Donations, Grants,
Plant Funds

This project will focus on maximizing use of existing buildings on the campuses.

Animal and Range Science Facility, 5,000,000 Higher Education Funds,

MSU-Bozeman Federal, Donations, Grants,

Nonstate Funds, Plant Funds

Gaines Hall Renovation/Addition Project Design,

MSU-Bozeman 2,000,000 Federal, Donations, Grants,

Nonstate Funds, Plant Funds

Agricultural Experiment Station, MSU-Bozeman 1,000,000 Federal, Donations, Grants,

Nonstate Funds, Plant Funds

Develop Classroom/Lab Design,

MSU-COT, Billings 50,000

Multi Media Center, Yellow Bay, 1,350,000 Federal, Donations, Grants,

UM-Missoula Nonstate Funds, Plant Funds

All construction, operation, and maintenance expenses of the Yellow Bay multi media center are to be paid by the center.

Law Building Renovation/Expansion, 5,000,000 Federal, Donations, Grants,

UM-Missoula Nonstate Funds, Plant Funds

~~All operating and maintenance expenses of the law building addition are to be paid by the university of Montana-Missoula.~~

School of Journalism Building, 12,000,000 Federal, Donations, Grants,

UM-Missoula Nonstate Funds, Plant Funds

~~Appropriation authority in excess of funds pledged for this project as of June 30, 2005, must be reverted. All operating and maintenance expenses of the school of journalism building are to be paid by the university of Montana-Missoula.~~

Construct Applied Technology Center, 3,000,000 Federal, Donations, Grants, MSU-Northern Nonstate Funds, Plant Funds

Install PBS Digital Conversion, MSU-Bozeman 3,059,455 Federal, Donations, Grants,

Nonstate Funds, Plant Funds

The university system and the information services division of the department of administration will work together to develop network plans or procedures that provide for the highest degree of bandwidth and cost-sharing capability between the university system and the department that is within technical specifications agreed to by the parties and is mutually beneficial to them. This obligation to cooperate and coordinate for the purpose of seeking mutually beneficial network arrangements applies to the intercity transport services acquired by the university system or the department of administration to meet the needs of the public broadcast system, including the utilization and sharing of excess capacity bandwidth to help meet the telecommunication needs of all state agencies in a manner that is both cost-effective and compatible with the efficient operation of the public broadcast system.

Develop Design to Expand COT,

UM-COT, Helena 125,000

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Expand Unit Office, Libby 94,000

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

Licensure Compliance, MMHNCC 524,000

Montana Veterans' Home Improvements, 165,875 State Special Revenue

Columbia Falls

Eastern Montana Veterans' Home 177,800 State Special Revenue

Improvements, Glendive

The legislature consents to the construction of the good shepherd chapel at the Montana developmental center in Boulder with donated funds. The construction of the chapel is exempt from provisions of Title 18.

STATE BOARD OF EDUCATION

Facility Improvements, Montana 315,160

School for the Deaf and Blind

DEPARTMENT OF TRANSPORTATION

Construct Equipment Storage Buildings, 2,700,000 Highways State

Statewide Special Revenue

(2) The Montana state university agricultural experiment station shall use these funds to construct and repair various experiment station buildings at the following locations: \$1,250,000 for Huntley, \$180,000 for Moccasin,

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\$200,000 for Havre, \$210,000 for Sidney, and \$160,000 for Kalispell. The amount of \$1 million for these projects will be funded from non-LRBP sources, and the amount of \$1 million will be funded from CPF in House Bill No. 14.

(3) For purposes of obtaining cash for the construction litigation appropriation authority in subsection (1), the architecture and engineering division of the department of administration may transfer any excess LRBP money from an agency as long as the transfer does not move funds required to complete any authorized agency project.

(4) The following projects are appropriated from the LRBP funding to the department of administration, in addition to the projects listed in subsection (1), by the decrease in bond debt service paid from the LRBP in House Bill No. 14:

Agency/Project LRBP Other Funding Sources
DEPARTMENT OF ADMINISTRATION
Life Safety Projects, Statewide \$300,000
Hazardous Material Mitigation, Statewide 90,000
Roof Replacements or Repairs, Statewide 150,000
MONTANA UNIVERSITIES AND COLLEGES
Code Compliance/Deferred
Maintenance, All Campuses 550,000
Develop Design to Expand COT,
UM-COT, Helena 240,000"

Insert: "COORDINATION SECTION. Section 17. Coordination instruction. If House Bill No. 79 is not passed and approved, then:

(1) the state special revenue appropriation for the wildlife habitat maintenance project in [section 4] is reduced to \$487,500; and

(2) the state special revenue appropriation for habitat Montana in [section 5] is reduced to \$2,747,500."

Insert: "COORDINATION SECTION. Section 18. Coordination instruction. If House Bill No. 777 is not passed and approved, then the appropriation in [section 2(1)] to the office of the governor for the historic and cultural properties interim study is void."

Insert: "NEW SECTION. Section 19. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. Section 20. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 6, introduced bill, be amended as follows:

1. Title, line 9.

Following: "FOR GRANTS;"

Insert: "PROVIDING FOR A TRANSFER OF FUNDS FROM THE STATE GENERAL FUND TO THE RENEWABLE RESOURCE GRANT ACCOUNT; TEMPORARILY REVISING THE USE OF THE RENEWABLE RESOURCE GRANT AND LOAN STATE SPECIAL REVENUE ACCOUNT;"

2. Title, line 10.

Following: "DATES"

Insert: "AND A TERMINATION DATE"

3. Page 1, line 22.

Following: "conservation"

Strike: "\$4"

Following: "\$4.6"

4. Page 3, line 20.

Strike: "Ranch-Lake"

Insert: "Ranch"

5. Page 5.

Strike: line 8 through line 9 in their entirety

6. Page 5.

Following: line 11

Insert: "Missoula County"

"(Grant Creek Restoration and Flood Mitigation) \$100,000"

7. Page 7, line 13.

Insert: "NEW SECTION. **Section 6. Fund transfer.** At the beginning of fiscal year 2007, the amount of \$600,000 is transferred from the state general fund to the renewable resource grant and loan program state special revenue account established in 85-1-604 for the purpose of making grants."

Renumber: subsequent sections

8. Page 8, line 3.

Following: line 2

Insert: "(4) For the biennium beginning July 1, 2005, appropriations may be made from the renewable resource grant and loan program state special revenue account for administrative expenses, including salaries and expenses for personnel and equipment, office space, and other expenses necessarily incurred in natural resource-related programs."

9. Page 8, line 12.

Strike: "[Sections 2 through 8 and this section] are"

Following: "Except as provided in subsection (2), [this act] is"

10. Page 8, line 15.

Insert: "NEW SECTION. **Section 11. Termination.** [Section 6(4)] terminates June 30, 2007."

And, as amended, do pass. Report adopted.

HB 7, introduced bill, be amended as follows:

1. Title, page 1, line 11.

Following: "FUNDS;"

Insert: "TEMPORARILY REVISING THE USE OF THE RECLAMATION AND DEVELOPMENT GRANTS ACCOUNT;"

2. Page 1, line 17.

Strike: "\$4"

Insert: "\$4.9"

3. Page 2, line 18.

Strike: "\$300,000"

Insert: "\$900,000"

4. Page 3.

Following: line 6

Insert: "Montana Department of Environmental Quality"

"(Former Harlem Equity Co-Op Bulk Plant) \$285,572"

5. Page 4, line 7.

Strike: "\$100,000"

Insert: "\$57,115.94"

6. Page 4, line 25.

Following: line 24

Insert: "(4) For the biennium beginning July 1, 2005, appropriations may be made from the reclamation and development grants special revenue account for administrative expenses, including salaries and expenses for personnel and equipment, office space, and other expenses necessarily incurred in natural resource-related programs."

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And, as amended, do pass. Report adopted.

HB 8, do pass. Report adopted.

HB 9, introduced bill, be amended as follows:

1. Page 1, line 29.

Following: "approved and"

Strike: "amounts"

Insert: "\$792,925 is"

2. Page 2, line 22.

Strike: "\$4,200"

Insert: "\$4,500"

3. Page 3, line 1.

Strike: "\$3,500"

Insert: "\$4,500"

4. Page 3, line 2.

Strike: "\$3,500"

Insert: "\$4,500"

5. Page 3.

Strike: line 4 in its entirety

6. Page 3.

Strike: line 7 in its entirety

7. Page 3.

Following: line 8

Insert: "1113 Browning Community Development Corporation \$9,000"

8. Page 3, line 14.

Strike: "\$3,500"

Insert: "\$4,500"

9. Page 3, line 18.

Strike: "\$21,200"

Insert: "\$30,000"

10. Page 4, line 9.

Strike: "\$3,500"

Insert: "\$4,500"

11. Page 4, line 20.

Strike: "\$3,500"

Insert: "\$4,500"

12. Page 4, line 25.

Strike: "\$6,300"

Insert: "\$12,300"

13. Page 4, line 28.

Strike: "\$3,528"

Insert: "\$4,500"

14. Page 5, line 6.

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Following: "reductions to"
Strike: "all"
Following: "projects"
Insert: " with funding greater than \$4,500"

And, as amended, do pass. Report adopted.

HB 11, introduced bill, be amended as follows:

1. Title, line 8.

Following: "ACCOUNT"

Insert: "AND THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM SPECIAL REVENUE
ACCOUNT"

2. Title, line 22.

Strike: "CERTAIN"

Insert: "A"

Strike: "GRANTS"

Insert: "GRANT"

Following: "90-6-703"

Insert: ", "

Strike: "AND"

3. Title, line 23.

Following: "90-6-710,"

Insert: "AND 90-6-715,"

4. Page 1, line 28.

Following: "department of commerce"

Strike: "the interest earnings of"

Insert: "\$16.2 million of the interest earnings from"

5. Page 2, line 10.

Strike: "\$500,000"

Insert: "\$650,000"

6. Page 2, line 11.

Strike: "524,503"

Insert: "674,503"

7. Page 2, line 12.

Strike: "500,000"

Insert: "650,000"

8. Page 2, line 13.

Strike: "500,000"

Insert: "650,000"

9. Page 3, line 14.

Strike: "Ranch-Lake"

Insert: "Ranch"

10. Page 4, line 7.

Following: "may"

Strike: "not"

11. Page 4, lines 7 through 9.

Following: "funds"

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Strike: remainder of line 7 through line 9 in their entirety

Insert: "only if one or more of the projects numbered 1 through 39 terminate their right to the awarded funds in writing prior to the end of the 2007 biennium."

12. Page 8.

Following: line 4

Insert: "28. Essex Water and Sewer District, Flathead County (water) 100,000"

13. Page 11, line 29.

Insert: "Section 9. Section 90-6-715, MCA, is amended to read:

"90-6-715. (Temporary) Special revenue account--use. (1)

(a) The treasure state endowment regional water system special revenue account may be used to:

(i) provide matching funds to plan and construct regional drinking water systems in Montana;

(ii) pay the debt service for regional water system bond issues; and

(iii) to provide funding of administrative expenses for state and local entities associated with regional drinking water systems.

(b) Except for the debt service and administrative expenses provided for in this subsection (1)(a), each state dollar must be matched equally by local funds. Federal and state grants may not be used as a local match.

(2) Up to 25% of the local matching funds required under subsection (1) for the treasure state endowment regional water system may be in the form of debt that was incurred by local government entities included in the regional water system to construct individual drinking water systems before the individual systems were connected to the regional system. However, the amount of an individual entity's debt that may be used for matching funds is limited to the amount necessary to allow the entity to maintain its water service charges below the hardship standard established by the department through administrative rules adopted under 90-6-710.

(3) The funds in the account are further restricted to be used to finance regional drinking water systems that supply water to large geographical areas and serve multiple local governments, such as projects in north central montana, from the waters of the Tiber reservoir, that will provide water for domestic use, industrial use, and stockwater for communities and rural residences that lie south of the Canadian border, west of Havre, north of Dutton, and east of Cut Bank and in northeastern Montana, from the waters of the Missouri River, that will provide water for domestic use, industrial use, and stockwater for communities and rural residences that lie south of the Canadian border, west of the North Dakota border, north of the Missouri River, and east of range 39.

(4) The funds must be administered by the department of natural resources and conservation for eligible projects.

(Terminates June 30, 2016--sec. 1, Ch. 70, L. 2001.)"

{Internal References to 90-6-715:

17-5-703x}"

Renumber: subsequent sections

14. Page 12, line 6.

Following: "\$5,300,000 is"

Strike: "authorized"

Insert: "appropriated"

15. Page 12, line 9.

Strike: "11(1)"

Insert: "12(1)"

16. Page 12, line 15.

Strike: "9(2)"

Following: "10(2)"

17. Page 12, line 20.

Strike: "9"

Insert: "10"

Strike: "11"

Insert: "12"

18. Page 13, line 1.

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Insert: "COORDINATION SECTION. Section 13. Coordination instruction. If House Bill No. 748 is passed and approved, then [sections 9 through 12 of this act] are void."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 12, introduced bill, be amended as follows:

1. Page 2, line 11.

Following: "authorization"

Insert: "-- appropriation"

2. Page 2, line 12.

Following: "exceed"

Strike: "\$2.5"

Insert: "\$3.75"

3. Page 2, line 26.

Following: "projects"

Strike: remainder of line 26

4. Page 3, line 2.

Following: "(c)"

Strike: "advanced technology center and campus irrigation project"

Insert: "Pershing and Brockman halls"

5. Page 3, line 4.

Following: "Montana;"

Strike: "and"

6. Page 3, line 6.

Following: "services,"

Strike: "Helena"

Insert: "Lewistown"

Strike: "."

Insert: ";

7. Page 3.

Following: line 6

Insert: "(f) boiler replacements in academic support center, McMullen hall, Montana state university-Billings, Billings, Montana;

(g) high side kitchen ventilation, men's prison, department of corrections, Deer Lodge, Montana;

(h) health sciences phase II ground water cooling and heating, ventilation, and air conditioning improvements, university of Montana-Missoula, Missoula, Montana;

(i) irrigation and Aspen hall, Montana school for the deaf and blind, Great Falls, Montana;

(j) boiler replacement, women's prison, department of corrections, Billings, Montana; and

(k) wood-fired boiler, university of Montana-western, Dillon, Montana."

And, as amended, do pass. Report adopted.

HB 299, do pass. Report adopted.

HB 540, introduced bill, be amended as follows:

1. Page 1, line 17.

Following: "proceeds."

Insert: "(1)"

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2. Page 1, line 18.

Strike: "designated entity"

Insert: "department of administration"

3. Page 1.

Following: line 21

Insert: "MONTANA HISTORICAL SOCIETY"

"Montana Historical Society Building \$7,500,000"

4. Page 1, line 24.

Strike: "\$16,500,000"

Insert: "11,000,000"

5. Page 1, line 25.

Strike: "9,500,000"

Insert: "9,000,000"

6. Page 1, line 29.

Strike: "7,000,000"

Insert: "9,000,000"

7. Page 1.

Following: line 29

Insert: "Gaines Hall Renovation, Phase I 3,500,000"

"MSUAES Projects 500,000"

Insert: "(2) The following money is appropriated from the CPF from the proceeds for the bonds authorized by [section 3] to the department of natural resources and conservation for the capital projects described in this section, contingent upon the authorization of general obligation bonds by the 59th legislature and the sale of bonds by the board of examiners:"

8. Page 2, line 4.

Following: "bonds"

Insert: "-- condition"

Following: "bonds."

Insert: "(1)"

Strike: "The"

Insert: "Subject to subsection (2), the"

9. Page 2, line 5.

Following: "not exceeding"

Strike: "\$60"

Insert: "\$67.5"

10. Page 2, line 10.

Following: line 9

Insert: "(2) The sale of bonds and the appropriation in [section 2] of bond proceeds for the St. Mary water project are contingent upon the receipt of the federal cost-share for the project."

11. Page 2, line 11.

Following: "department of administration"

Insert: "and department of natural resources and conservation"

12. Page 2, line 12.

Strike: "department"

Insert: "departments"

13. Page 2, line 30.

Following: line 29

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Insert: "NEW SECTION. Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 748, introduced bill, be amended as follows:

1. Page 1, line 26.

Insert: "NEW SECTION. Section 3. Agreement with department of natural resource and conservation. The board of examiners and the department of natural resources and conservation may enter into an agreement for the match to federal construction funds for the purpose of regional water projects, under which the department shall pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, an amount, as determined by the state treasurer, that is sufficient to pay the principal and interest due on the bonds and notes from which the appropriation was made. The agreement must further provide that income from the investment of bond proceeds, unused principal, and the reserves not required for a match to federal construction funds for the purpose of regional water projects may be credited against the department's payment obligation. Payment by the department must be made from available funds."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Keane, Chairman):

3/22/2005

SB 137, be concurred in. Report adopted.

SB 265, be concurred in. Report adopted.

SB 325, be amended as follows:

1. Page 2, line 7.

Following: "USED"

Insert: "unless the displays are the property of the retailer or, if supplied by a brewer, beer importer, or wholesaler, a display has been in the retailer's possession for more than 9 months"

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

SB 373, be concurred in. Report adopted.

SB 388, be amended as follows:

1. Title, line 5.

Following: "AUTOMOBILE"

Insert: "BODY"

2. Title, line 6.

Following: "AUTOMOBILE"

Insert: "BODY"

Strike: "IT HAS"

Insert: "THEY HAVE"

3. Title, line 7.

Following: "AUTOMOBILE"

Insert: "BODY"

4. Title, line 8.

Strike: "OBJECTIVE"

Insert: "CERTAIN"

5. Page 1, line 14.

Following: "~~body~~"

Insert: "body"
Strike: "shops"
Insert: "businesses"

6. Page 1, line 17.
Following: "automobile"
Insert: "body"

7. Page 1, line 20.
Following: "automobile"
Insert: "body"

8. Page 1, line 22.
Strike: "IF"
Insert: "Except as provided in subsection (2)(b), if"

9. Page 1, line 23.
Following: "automobile"
Insert: "body"

10. Page 1, line 25.
Following: "automobile"
Insert: "body"

11. Page 1, following line 27.
Insert: "(b) An insurance company may limit the number of automobile body repair businesses or locations participating in the insurance company's direct repair program to those automobile body repair businesses or locations that comply with the provisions of subsection (2)(c). An insurance company is not required to establish a direct repair program in a particular market area in which the insurance company's number of policyholders does not support establishing a direct repair program with any automobile body repair business or location."
Renumber: subsequent subsection

12. Page 1, line 29.
Strike: "an alphabetical"
Insert: "a"
Following: "automobile"
Insert: "body"
Following: "are"
Insert: "reasonably close or convenient to the insured person and"

13. Page 1, line 30.
Strike: "following objective criteria because"
Insert: "insurance company's criteria regarding whether"
Following: "because the"
Insert: "automobile body repair"

14. Page 2, line 4.
Following: "repairs"
Insert: "at the prevailing competitive market price and"

15. Page 2, line 5.
Following: "MEET"
Insert: "reasonable"
Following: "INDUSTRY"
Insert: "repair"

16. Page 2, line 7.

Strike: "and"

17. Page 2, following line 7.

Insert: "(v) agrees to inspection of its repairs and services by the insurance company and agrees that the insurance company may terminate the direct repair program with the automobile body repair business or location if the repairs and services are below the standards of quality required by the insurance company; and"

Renumber: subsequent subsection

18. Page 2, line 9.

Strike: "objective"

Following: "automobile"

Insert: "body"

19. Page 2, line 10.

Following: " _ "

Insert: "The additional criteria may include criteria determined to be necessary by the insurance company and designed to ensure that the automobile body repair business or location has the necessary estimating systems and programs and equipment to communicate electronically with the insurance company and that the automobile body repair business or location has taken steps to ensure the privacy of the insurance company and the insured person.

(d) If the insured person requests the list provided for in subsection (2)(c), the insurance company shall inform the insured person that the insured person may use an automobile body repair business or location at the sole discretion of the insured person.

(3) For the purposes of this section, an incentive or inducement does not include:

(a) providing an insured person with the list provided for in subsection (2)(c); or

(b) referring to a warranty issued by an automobile body repair business or location."

Renumber: subsequent subsections

20. Page 2, line 18.

Following: "automobile"

Insert: "body"

21. Page 2, line 19.

Following: "body"

Insert: "body"

22. Page 2, line 21.

Following: "body"

Insert: "body"

23. Page 2, line following 25.

Insert: "(5) If the insured person uses an automobile body repair business or location that is not on a list provided for in subsection (2)(c), the insurance company may not be held liable for any repair work performed by the automobile body repair business or location chosen by the insured person."

Renumber: subsequent subsections

24. Page 2, line 26.

Following: "automobile"

Insert: "body"

25. Page 2, line 27.

Following: "automobile"

Insert: "body"

26. Page 2, line 30.

Following: "automobile"

Insert: "body"

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

SB 401, be concurred in. Report adopted.

HUMAN SERVICES (Becker, Chairman): 3/22/2005

SB 21, be concurred in. Report adopted.

SB 322, be concurred in. Report adopted.

SB 479, be concurred in. Report adopted.

NATURAL RESOURCES (Peterson, Chairman): 3/22/2005

HJR 33, be adopted. Report adopted.

TRANSPORTATION (Mendenhall, Chairman): 3/22/2005

HB 769, do pass. Report adopted.

SB 164, be amended as follows:

1. Page 2, line 3.

Following: "highway"

Insert: "but may not erect more than three markers along the highway"

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

SB 174, be concurred in. Report adopted.

SB 277, be concurred in. Report adopted.

SB 285, be amended as follows:

1. Page 8, line 8.

Strike: "1.61%"

Insert: "1.54%"

2. Page 8, line 9.

Strike: "1.56%"

Insert: "1.52%"

3. Page 99, line 9.

Strike: "A"

Insert: "If a"

Following: "snowmobile"

Strike: "that"

Following: "and"

Strike: "that"

4. Page 99, line 10.

Following: "customers"

Insert: ", the business"

5. Page 99, lines 12 and 13.

Following: "year."

Insert: "a fee of \$20. If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed"

6. Page 230.

Following: line 10

Insert: "COORDINATION SECTION. Section 242. Coordination instruction. If both House Bill No. 752 and [this act] are passed and approved, section 61-3-204 must read as follows:

"**61-3-204. Replacement certificate of title -- application.** (1) If a certificate of title is lost, stolen, destroyed, mutilated, or becomes illegible or if the owner wants to update personal information on the electronic record of title or have a replacement certificate of title issued with updated information, the owner, as shown on the

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electronic record of title, may apply for and request the department to issue a replacement certificate of title. The application must include satisfactory evidence of the facts requiring the replacement certificate of title and be accompanied by a fee of ~~\$10~~ \$11. Of the ~~\$10~~ \$11 fee, \$5 must be deposited in the state general fund in accordance with 15-1-504, and the remaining \$5 must be forwarded to the department for deposit deposited in the motor vehicle information technology system account provided for in 61-3-550, and the remaining \$1 must be deposited in the court information technology improvement program account provided for in [section 5 of House Bill No. 752].

(2) Each replacement certificate of title issued by the department must contain the following statement: "This replacement voids any previously issued title." "

Insert: "COORDINATION SECTION. Section 243. Coordination instruction. If both House Bill No. 275 and [this act] are passed and approved, then the code commissioner shall change all references to vehicle in subsection (2)(b)(iii) of 61-3-208 in House Bill No. 275 to references to motor vehicle, trailer, semitrailer, pole trailer, camper, motorboat, personal watercraft, sailboat 12 feet in length or longer, or snowmobile."

Insert: "COORDINATION SECTION. Section 244. Coordination instruction. If both Senate Bill No. 79 and [this act] are passed and approved, then the code commissioner shall change all references to vehicle in subsection (1) of 61-3-460 in Senate Bill No. 79 to references to motor vehicle."

Insert: "COORDINATION SECTION. Section 245. Coordination instruction. If both Senate Bill No. 68 and [this act] are passed and approved, then [section 4] of Senate Bill No. 68 must read as follows:

"**NEW SECTION. Section 4. Property subject to registration fee.** The following property that is subject to a registration fee is exempt from property taxation:

- (1) truck canopy covers or toppers and campers;
- (2) motor homes;
- (3) all watercraft;
- (4) all trailers, semitrailers, pole trailers, and travel trailers as those terms are defined in 61-1-101;
- (5) all vehicles registered under 61-3-456;
- (6) (a) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and
(b) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (6)(a);
- (7) motorcycles and quadricycles; and
- (8) light vehicles as defined in 61-1-101."

Renumber: subsequent section

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

TRANSPORTATION (Mendenhall, Chairman):

3/22/2005

SB 459, be concurred in. Report adopted.

SJR 22, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

SB 278 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **SB 278**:

3/25/2005

Senator Wheat
Senator Black
Senator Hansen

House joint resolution not concurred in and returned to the House:

3/22/2005

HJR 21, introduced by Sinrud

Senate bill passed and transmitted to the House for concurrence:

3/22/2005

SB 275, introduced by Schmidt

House amendments to Senate bill concurred in:

3/22/2005

SB 117, introduced by Cocchiarella

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House bills concurred in and returned to the House: 3/22/2005

HB 17, introduced by Buzzas
HB 44, introduced by Dickenson
HB 46, introduced by Parker
HB 88, introduced by Caferro
HB 100, introduced by Maedje
HB 113, introduced by Jent
HB 162, introduced by Henry
HB 201, introduced by Ripley
HB 225, introduced by Maedje
HB 269, introduced by Clark
HB 481, introduced by Lindeen
HB 556, introduced by Noonan
HB 653, introduced by Becker
HB 660, introduced by A. Olson
HB 709, introduced by Raser

House joint resolution concurred in and returned to the House: 3/22/2005

HJR 5, introduced by Small-Eastman

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/22/2005

HB 377, introduced by Keane

FIRST READING AND COMMITMENT OF BILLS

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

HB 799, introduced by Wiseman, referred to Taxation.

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

SB 275, introduced by Schmidt, Becker, Cobb, Cooney, Gebhardt, Roberts, referred to Human Services.

THIRD READING OF BILLS

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

HB 522 passed 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, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 87

Noes: Bixby, D. Brown, Everett, Hawk, Jayne, Juneau, Koopman, Lange, Ripley, Sales, Sinrud, Wells.
Total 12

Excused: Balyeat.
Total 1

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Absent or not voting: None.
Total 0

HB 765 passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Dowell, Driscoll, Everett, Facey, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, 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, 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, Wiseman, Witt, Mr. Speaker.
Total 83

Noes: Caferro, Clark, Cohenour, Dickenson, Eaton, Franklin, Gallik, Golie, Gutsche, Henry, Hiner, Jayne, Jent, Kaufmann, B. Olson, Windy Boy.
Total 16

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

SB 42 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, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, 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 96

Noes: Hamilton, Jopek, Koopman.
Total 3

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

SB 105 concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. 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, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 88

Noes: D. Brown, Himmelberger, Jackson, W. Jones, Lake, Ross, Sinrud, Wagman, Waitschies, Ward, Warden.
Total 11

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Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

SB 178 concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Wiseman, Witt, Mr. Speaker.
Total 82

Noes: Bixby, Caferro, Campbell, Clark, Eaton, Gallik, Grinde, Gutsche, Hamilton, Harris, Jayne, Jopek, Juneau, Kaufmann, Raser, Wilson, Windy Boy.
Total 17

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

SB 326 concurred in as follows:

Ayes: Andersen, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lindeen, MacLaren, McAlpin, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wells, Wilson, Windham, Mr. Speaker.
Total 59

Noes: Arntzen, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dickenson, Everett, Gallik, Golie, Grinde, Hawk, Himmelberger, L. Jones, W. Jones, Klock, Koopman, Lambert, Lenhart, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Rice, Ripley, Ross, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Windy Boy, Wiseman, Witt.
Total 40

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

SB 359 concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Bixby, Branae, D. Brown, R. Brown, Butcher, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 84

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Noes: Becker, Bergren, Buzzas, Caferro, Callahan, Campbell, Clark, Hiner, Kaufmann, Lindeen, Parker, Small-Eastman, Villa, Wanzenried, Wells.
Total 15

Excused: Balyeat.
Total 1

Absent or not voting: None.
Total 0

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

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

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

HB 716 - Representative MacLaren moved **HB 716** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Clark, Driscoll, Everett, Galvin-Halcro, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, 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 58

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 42

Voted Absentee: Balyeat, Aye; Furey, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 584 - Representative Harris moved **HB 584** do pass.

HB 584 - Representative Bergren moved for cloture. Motion carried with a voice vote.

Representative Harris's motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Keane, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 61

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Caferro, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Kaufmann, Klock, Koopman, Lake, Lange, Malcolm, McKenney,

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McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Ripley, Roberts, Sales, Stahl, Stoker, Taylor, Waitschies, Ward, Wells, Witt.
Total 39

Voted Absentee: Furey, Aye; Balyeat, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Ayes: Andersen, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Villa, Wagman, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 79

Noes: Bixby, D. Brown, Dowell, Everett, Hawk, Juneau, Malcolm, Mendenhall, B. Olson, Sales, Small-Eastman, Taylor, Waitschies, Wells.
Total 14

Excused: Balyeat, Furey.
Total 2

Absent or not voting: Arntzen, Golie, Ward, Warden, Witt.
Total 5

MOTIONS

Dem. Floor Leader Parker moved to re-refer HB 716 and HB 584 to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer HB 529 from the Human Services Committee to the Taxation Committee. Without objection, so ordered.

Rep. Wells moved HB 497 be withdrawn from the Business and Labor Committee, printed and placed on 2nd Reading.

Rep. Golie moved to table Rep. Wells' motion. Motion passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 69

Noes: Andersen, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, MacLaren, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Noennig, Peterson, Rice, Ripley, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies.

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Total 29

Excused: Balyeat, Furey.
Total 2

Absent or not voting: None.
Total 0

Rep. House Leader Brown moved SB 102 be withdrawn from the Transportation Committee and be placed on 2nd Reading. Speaker Matthews stated this is a limited debate and requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Facey, Gallik, Glaser, Grinde, Gutsche, Harris, Hendrick, Henry, Himmelberger, Jacobson, L. Jones, W. Jones, Jopek, Koopman, Lake, Lange, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Parker, Peterson, Roberts, Ross, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Warden, Wells, Windy Boy, Mr. Speaker.
Total 54

Noes: Arntzen, Barrett, Campbell, Clark, Eaton, Everett, Franklin, Galvin-Halcro, Golie, Groesbeck, Hamilton, Hawk, Heinert, Hiner, Jackson, Jayne, Jent, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Malcolm, McKenney, Mendenhall, Milburn, Noonan, A. Olson, B. Olson, Raser, Rice, Ripley, Sales, Sesso, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Wiseman, Witt.
Total 43

Excused: Balyeat, Furey.
Total 2

Absent or not voting: Buzzas.
Total 1

Rep. Maedje moved to have the House reconsider its action on March 19, 2005, on HB 364 for purpose of placing the bill on 2nd Reading. Motion passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, D. Brown, Butcher, Caferro, Callahan, Cohenour, Dowell, Driscoll, Everett, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Klock, Koopman, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Peterson, Raser, Rice, Roberts, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wells, Mr. Speaker.
Total 50

Noes: Barrett, Bixby, R. Brown, Buzzas, Campbell, Clark, Dickenson, Eaton, Facey, Gutsche, Hamilton, Hawk, Himmelberger, Jent, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Ripley, Ross, Sales, Sesso, Sinrud, Stoker, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt.
Total 48

Excused: Balyeat, Furey.
Total 2

Absent or not voting: None.
Total 0

Rep. Harris moved that the House reconsider its action on March 21, 2005, on SB 160 for purpose of placing the bill on 2nd Reading.

Rep. Sinrud made a substitute motion to table Rep. Harris' motion. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick,

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Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. 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, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

Excused: Balyeat, Furey.

Total 2

Absent or not voting: None.

Total 0

The motion of Rep. Harris to reconsider previous action passed as follows:

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

Total 51

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

Total 46

Excused: Balyeat, Furey.

Total 2

Absent or not voting: Himmelberger.

Total 1

SB 160 will be placed on 2nd Reading.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Wednesday, March 23, 2005. Motion carried.

House adjourned at 3:10 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House