

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana  
January 29, 2005

House Chambers  
State Capitol

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

Roll Call. All members present, except Representatives Jopek, Dickenson, Wagman, and Sinrud excused. Quorum present.

Speaker Matthews introduced the Honorary Pages: Carly Ryan, Great Falls and Sean Ryan, Great Falls. Speaker Matthews and the House thanked the pages for the week.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 1/29/2005  
Correctly printed: **HB 218, HB 266, HB 274, HB 317.**  
Correctly engrossed: **HB 1, HB 92, HB 381.**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 1/29/2005  
**HB 48**, introduced bill, be amended as follows:

1. Title, line 5.  
**Strike:** "AND"

2. Title, line 6.  
**Following:** "MCA"  
**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 16.  
**Following:** "apply to"  
**Insert:** ": (i)"

4. Page 1, line 17.  
**Strike:** "or to"  
**Insert:** "; (ii)"  
**Following:** "facility"  
**Strike:** "."  
**Insert:** ";"

5. Page 1.

**Following:** line 17  
**Insert:** "(iii) an associated facility for handling ash that is covered under a certificate issued under Title 75, chapter 20, at an electrical generation facility. This exclusion does not apply to a lateral expansion of an associated facility for handling ash if the lateral expansion is not covered under a certificate issued under Title 75, chapter 20.  
(iv) an ash disposal facility or structure at an electrical generating plant or facility if the disposal facility or structure was subject to a ground water discharge permit issued under Title 75, chapter 5, on [the effective date of this act]."

6. Page 1.  
**Following:** line 20

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**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman):  
**HB 14**, introduced bill, be amended as follows:

1/29/2005

1. Title, line 5.

**Following:** "AUCTION"

**Insert:** "OR LOTTERY"

2. Title, line 6.

**Insert:** "AUCTION"

**Insert:** "OR LOTTERY"

3. Title, line 8.

**Strike:** "AND"

**Following:** "AUCTION"

**Insert:** "OR LOTTERY"

4. Title, line 9.

**Following:** "GOATS"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1, line 13.

**Following:** "Auction"

**Insert:** "or lottery"

6. Page 1, line 14.

**Strike:** "male"

**Following:** "auction"

**Insert:** "or lottery"

7. Page 1, line 15.

**Following:** "auction"

**Insert:** "or lottery"

8. Page 1, line 15 through line 16.

**Following:** "organization" on line 15

**Strike:** remainder of line 15 through "focuses on" on line 16

**Insert:** "involved in"

9. Page 1, line 16.

**Following:** "auction"

**Insert:** "or lottery"

10. Page 1, line 17.

**Following:** "auction"

**Insert:** "or lottery"

11. Page 1, line 19.

**Following:** "auction"

**Insert:** "or lottery"

12. Page 1, line 21.

**Following:** "auction"

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**Insert:** "or lottery"

13. Page 1, line 26.

**Insert:** "NEW SECTION. Section 3. **Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 120**, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

**Strike:** "REVISING" on line 6 through "TESTING;" on line 8

2. Title, line 9 through line 11.

**Following:** "RELATED TO" on line 9

**Strike:** remainder of line 9 through "SAILBOATS, AND" on line 11

3. Title, line 13.

**Following:** "23-2-506,"

**Strike:** "23-2-523, 61-8-407,"

**Following:** "MCA;"

**Strike:** "REPEALING SECTION 23-2-535, MCA;"

4. Page 1, line 18 through page 6, line 12.

**Strike:** section 1 through section 7 in their entirety

**Renumber:** subsequent sections

5. Page 7, line 3.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsections

6. Page 7, line 15.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsections

7. Page 7, line 22 through page 10, line 2.

**Strike:** section 10 through section 11 in their entirety

**Renumber:** subsequent sections

8. Page 11, line 4.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsections

9. Page 11, line 9 through line 17.

**Strike:** section 13 through section 15 in their entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 242**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "12"

**Insert:** "17"

**Strike:** "PURCHASE A"

**Insert:** "RECEIVE A FREE"

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2. Title, line 6.

**Strike:** "THE AGE WAIVER AND"

3. Page 2, line 17.

**Strike:** "twelve"

**Insert:** "seventeen"

4. Page 3, line 27.

**Strike:** "waive the age requirements for purchasing a hunting"

**Insert:** "issue a free resident or nonresident big game combination"

**Following:** "license"

**Strike:** "for"

**Insert:** ", as applicable, to"

5. Page 3, line 28.

**Strike:** "12"

**Insert:** "17"

6. Page 3, line 29.

**Strike:** "age waiver"

**Insert:** "free license"

7. Page 3, line 30.

**Strike:** "waiver"

**Insert:** "free license"

**Following:** "may be"

**Strike:** "extended"

**Insert:** "issued"

8. Page 4, line 1.

**Strike:** "license, not including any combination license or license issued through a drawing"

**Insert:** "season"

9. Page 4, line 5 through line 7.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

1/29/2005

**HB 46**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "HOMICIDE"

**Strike:** ";

**Insert:** "WHILE UNDER THE INFLUENCE; PROVIDING THAT ON THE FIRST THROUGH THIRD CONVICTION FOR DRIVING UNDER THE INFLUENCE OR WITH AN EXCESSIVE ALCOHOL CONCENTRATION, IF THE PERSON HAS A PRIOR CONVICTION OF VEHICULAR HOMICIDE WHILE UNDER THE INFLUENCE, THE PERSON SHALL BE PUNISHED AS PROVIDED IN 61-8-731 FOR A FOURTH OR SUBSEQUENT OFFENSE OF DRIVING UNDER THE INFLUENCE OR WITH AN EXCESSIVE ALCOHOL CONCENTRATION; AMENDING SECTIONS 61-8-714 AND 61-8-722, MCA;"

2. Page 1, line 10.

**Following:** "homicide"

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**Insert:** "while under influence"

3. Page 1, line 11.

**Following:** "homicide"

**Insert:** "while under the influence"

4. Page 1, line 12 through line 13.

**Strike:** "a state" on line 12 through "death" on line 13

**Insert:** "61-8-401 or 61-8-406"

5. Page 1, line 14.

**Following:** "homicide"

**Insert:** "while under the influence"

6. Page 1, line 15.

**Following:** "homicide"

**Insert:** "while under the influence"

7. Page 1, line 16.

**Strike:** "20"

**Insert:** "30"

**Following:** "both."

**Insert:** "Imposition of a sentence may not be deferred."

8. Page 1, line 17.

**Insert:** "Section 2. Section 61-8-714, MCA, is amended to read:

**"61-8-714. Penalty for driving under influence of alcohol or drugs -- first through third offense. (1)**  
★ Except as provided in subsection (4), a person convicted of a violation of 61-8-401 shall be punished by imprisonment for not less than 24 consecutive hours or more than 6 months and shall be punished by a fine of not less than \$300 or more than \$1,000. The initial 24 hours of the imprisonment term must be served in the county jail and may not be served under home arrest. The mandatory imprisonment sentence may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. Except for the initial 24 hours of the imprisonment term, notwithstanding 46-18-201(2), the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of court-ordered chemical dependency assessment, education, or treatment by the person.

(2) ~~On~~ Except as provided in subsection (4), on a second conviction, the person shall be punished by a fine of not less than \$600 or more than \$1,000 and by imprisonment for not less than 7 days or more than 6 months. At least 48 hours of the imprisonment term must be served consecutively in the county jail and may not be served under home arrest. The imposition or execution of the first 5 days of the imprisonment sentence may not be suspended. Except for the initial 5 days of the imprisonment term, notwithstanding 46-18-201(2), the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of a chemical dependency treatment program by the person.

(3) ~~On~~ Except as provided in subsection (4), on the third conviction, the person shall be punished by imprisonment for a term of not less than 30 days or more than 1 year and by a fine of not less than \$1,000 or more than \$5,000. At least 48 hours of the imprisonment term must be served consecutively in the county jail and may not be served under home arrest. The imposition or execution of the first 10 days of the imprisonment sentence may not be suspended. The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of a chemical dependency treatment program by the person.

(4) If the person has a prior conviction under [section 1], the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration.

**Insert:** "Section 3. Section 61-8-722, MCA, is amended to read:

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**"61-8-722. Penalty for driving with excessive alcohol concentration -- first through third offense.** (1) ~~A~~ Except as provided in subsection (4), a person convicted of a violation of 61-8-406 shall be punished by imprisonment for not more than 10 days and shall be punished by a fine of not less than \$300 or more than \$1,000.

(2) ~~On~~ Except as provided in subsection (4), on a second conviction of a violation of 61-8-406, the person shall be punished by imprisonment for not less than 5 days, to be served in the county jail and not on home arrest, or more than 30 days and by a fine of not less than \$600 or more than \$1,000. The imposition or execution of the first 5 days of the imprisonment sentence may not be suspended.

(3) ~~On~~ Except as provided in subsection (4), on a third conviction of a violation of 61-8-406, the person shall be punished by imprisonment for not less than 10 days, to be served in the county jail and not on home arrest, or more than 6 months and by a fine of not less than \$1,000 or more than \$5,000. The imposition or execution of the first 10 days of the imprisonment sentence may not be suspended.

(4) If the person has a prior conviction under [section 1], the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 100**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 6.

**Strike:** "REQUIRING" on line 4 through "WARRANT;" on line 6

2. Page 1, line 6.

**Following:** "PERSONS"

**Insert:** "AT SEARCHED PREMISES"

3. Title, page 1, line 8 through line 11.

**Strike:** "REQUIRING" on line 8 through "PREMISES;" on line 11

**Strike:** "SECTIONS 46-5-221, 46-5-227, AND"

**Insert:** "SECTION"

4. Page 1, line 16 through page 2, line 5.

**Strike:** section 1 through section 2 in their entirety

**Renumber:** subsequent section

5. Page 2, line 12 through line 14.

**Strike:** "The entry" on line 12 through "premises." on line 14

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

1/29/2005

**HB 102**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "ACT"

**Insert:** "DEPOSITING FEES FROM THE REGISTRATION OF CERTAIN VEHICLES AND DRIVER'S LICENSES TO THE STATE GENERAL FUND;"

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2. Title, page 1, line 6.

**Following:** "AND"

**Strike:** "THE"

**Insert:** "A"

3. Title, page 1, line 7 through line 8.

**Strike:** "DEDICATED" on line 7 through "LICENSES" on line 8

**Insert:** "THE AMOUNTS REQUIRED TO PAY CERTAIN SUPPLEMENTAL BENEFITS UNDER THE HIGHWAY PATROL OFFICERS' RETIREMENT SYSTEM"

4. Title, page 1, line 8.

**Following:** "SECTIONS"

**Insert:** "15-1-122,"

**Following:** "17-7-502,"

**Insert:** "19-6-401, 19-6-404,"

5. Title, page 1, line 9.

**Strike:** "IMMEDIATE"

6. Page 1.

**Following:** line 12

**Insert:** NEW SECTION. Section 1. State contribution for supplemental benefits -- statutory appropriation.

The state shall annually contribute to the pension trust fund the lump-sum amount determined by the board as required to pay benefits under 19-6-709. The amount is statutorily appropriated, as provided in 17-7-502, from the general fund to the pension trust fund."

**Insert:** "Section 2. Section 15-1-122, MCA, is amended to read:

"**15-1-122. Fund transfers.** (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

~~(a)~~ \$75,000 in fiscal year 2003;

~~(b)~~(a) \$0 in fiscal years 2004 and 2005;

~~(c)~~(b) \$3,050,205 in fiscal year 2006; and

~~(d)~~(c) in each succeeding fiscal year, the amount in subsection ~~(2)~~(c) (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and

(ii) \$1 for each passenger car or truck under 8,001 pounds GVW that is registered for licensing pursuant to Title 61, chapter 3, part 3, and \$5 for each permanently registered light vehicle. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532.

(b) to the noxious weed state special revenue account provided for in 80-7-816:

(i) \$1 in fiscal year 2006 and, in each subsequent year, \$2.75 for each off-highway vehicle for which the fee in lieu of tax is paid, as provided for in 23-2-803; and

(ii) for vehicles registered or reregistered pursuant to 61-3-321:

(A) \$1.50 for each registered light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicle weighing more than 1 ton, and motor home; and

(B) \$1.50 in fiscal year 2006 and, in each subsequent year, \$3.65 for each motorcycle and quadricycle;

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and

- (C) \$7.50 for each permanently registered light vehicle;
- (c) to the department of fish, wildlife, and parks:
  - (i) \$2.50 in fiscal year 2006 and, in each subsequent year, \$14.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be used to acquire and maintain pumpout equipment and other boat facilities;
  - (ii) \$5 in fiscal year 2006 and, in each subsequent year, \$19 for each snowmobile registered under 23-2-616, with 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-619, 23-2-621, 23-2-622, 23-2-626, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities;
  - (iii) \$1 for each duplicate snowmobile registration decal issued under 23-2-617;
  - (iv) \$5 in fiscal year 2006 and, in each subsequent year, \$13.25 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;
  - (v) to the state special revenue fund established in 23-1-105, \$3.50 in fiscal year 2006 and, in each subsequent year, \$8 for each recreational vehicle, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321;
  - (vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533; and
  - (vii) to the state special revenue fund established in 23-1-105, \$4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to 61-3-321(1)(a), with \$3.50 of the money used for state parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City;
- (d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate subject to the fee in 61-3-459;
- (e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:
  - ~~(i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and~~
  - ~~(ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562;~~
  - ~~(f) 25 cents a year for each registered vehicle and \$1.25 for each permanently registered vehicle subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112;~~
  - ~~(g)(f) to the search and rescue account provided for in 10-3-801:~~
    - (i) \$2 a year for each vessel [subject to the search and rescue surcharge] in 23-2-517;
    - (ii) \$2 a year for each snowmobile [subject to the search and rescue surcharge] in 23-2-615(1)(b) and 23-2-616(3); and
    - (iii) \$2 a year for each off-highway vehicle [subject to the search and rescue surcharge] in 23-2-803; and
  - ~~(h)(g) 50 cents a year for each vehicle subject to the fee in 61-3-321(7) for deposit in the state special revenue fund to the credit of the veterans' services account provided for in 10-2-112(1).~~
- (4) For each fiscal year, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may be included in vehicle counts only in the year in which the vehicle is registered or reregistered. Transfer amounts in each fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available. Vehicles that are permanently registered may be included in vehicle counts only in the year in which the vehicles are registered by new owners.
- (5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

**Renumber:** subsequent sections

7. Page 1, line 26.

**Following:** "19-3-319;"

**Insert:** "19-6-404; [section 1];"



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8. Page 1, line 29.

**Strike:** "61-3-527" through "61-5-121;"

9. Page 2.

**Following:** line 14

**Insert:** "**Section 4.** Section 19-6-401, MCA, is amended to read:

**"19-6-401. Payments into pension trust fund.** There is a pension trust fund for the payment of benefits under the retirement system. All appropriations made by the state, all contributions by members, in the amount specified, and all interest on and increase of earnings from the investments and investment of money under in this pension trust fund, all fees or portions of fees that are required by law to be paid to the retirement system or trust fund, and a portion of the fees from driver's licenses and duplicate driver's licenses as provided in 61-5-121 must be deposited in the pension trust fund."

**Insert:** "**Section 5.** Section 19-6-404, MCA, is amended to read:

**"19-6-404. State's contribution -- statutory appropriations.** The state of Montana shall ~~annually~~ contribute to the pension trust fund an amount equal to 36.33% of the total compensation paid to the members from the following sources:

(1) an amount equal to 26.15% of the total compensation of the members, which is payable, as appropriated by the legislature, from the same source that is used to pay compensation to the members; and

(2) an amount equal to 10.18% of the total compensation of the members, which is payable from a portion of the fees from driver's licenses and duplicate driver's licenses as provided in 61-5-121 ~~statutorily appropriated, as provided in 17-7-502,~~ from the general fund to the pension trust fund."

**Renumber:** subsequent sections

10. Page 3, lines 1 and 2.

**Strike:** "of fees"

**Following:** "transferred"

**Insert:** "statutorily"

**Following:** "appropriated"

**Strike:** "to" on line 1 through "61-3-562(1)(b)" on line 2

**Insert:** "under [section 1]"

11. Page 3, line 17.

**Strike:** "\$40"

**Insert:** "\$41.25"

12. Page 4, line 14 through line 19.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsection

13. Page 4, lines 21 and 22.

**Strike:** "(Subsection" on line 21 through "2001.)" on line 22

14. Page 4, line 29.

**Strike:** "\$50"

**Insert:** "\$51.25"

15. Page 5, line 1.

**Strike:** "\$130"

**Insert:** "\$131.25"

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16. Page 5, line 8 through line 13.  
**Strike:** subsection (4) in its entirety

17. Page 5, line 17.  
**Strike:** "(1)(c)"  
**Insert:** "(1)(b)"

18. Page 5, line 18.  
**Strike:** "\$50"  
**Insert:** "\$52"

19. Page 5, line 28 through page 6, line 3.  
**Strike:** subsection (b) in its entirety  
**Renumber:** subsequent subsection

20. Page 6, line 20.  
**Strike:** "\$50"  
**Insert:** "\$52"

21. Page 6, line 28 through line 29.  
**Strike:** "(Subsection (1)(b) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)"

22. Page 7, line 5 through line 11.  
**Strike:** subsection (a) in its entirety  
**Renumber:** subsequent subsections

23. Page 7, line 15.  
**Strike:** "(1)(b)(i)"  
**Insert:** "(1)(a)(i)"

24. Page 7, line 19.  
**Strike:** "(1)(c)(i)"  
**Insert:** "(1)(b)(i)"

25. Page 7, line 23.  
**Strike:** "(1)(b)(ii)"  
**Insert:** "(1)(a)(ii)"  
**Strike:** "(1)(c)(ii)"  
**Insert:** "(1)(b)(ii)"

26. Page 7, line 24.  
**Strike:** "54.5% "  
**Insert:** "76.8% "  
**Strike:** "62.5% "  
**Insert:** "87.5% "

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27. Page 8, line 4.

**Strike:** "(1)(b)(i)"

**Insert:** "(1)(a)(i)"

**Strike:** "(1)(c)(i)"

**Insert:** "(1)(b)(i)"

28. Page 8, line 6 through line 7.

**Strike:** "account" on line 6 through "(1)(a)" on line 7

**Insert:** "state traffic education account established in 20-7-504, the state motorcycle safety account established in 20-25-1002"

29. Page 8, line 8 through line 9.

**Strike:** "(1)(a)" on line 8 through "(1)(g)" on line 9

**Insert:** "(1)(c) through (1)(f)"

30. Page 8, line 12 through line 13.

**Strike:** "account" on line 12 through "(1)(a)"

**Insert:** "state traffic education account established in 20-7-504, the state motorcycle safety account established in 20-25-1002"

31. Page 8, line 15.

**Strike:** "(1)(a)" through "(1)(g)"

**Insert:** "(1)(a)(ii), (1)(b)(ii), and (1)(c) through (1)(f)"

32. Page 8.

**Following:** line 15

**Insert:** "NEW SECTION. Section 11. Transfer of funds. On [the effective date of this act], the balance of money remaining in the state special revenue account for the highway patrol officers' retirement pension trust fund that was contained in 61-5-121 must be transferred to the state general fund."

**Insert:** "NEW SECTION. Section 12. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 19, chapter 6, part 4, and the provisions of Title 19, chapter 6, part 4, apply to [section 1]."

**Renumber:** subsequent sections

33. Page 8, line 17.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2005"

34. Page 8, lines 19 and 20.

**Following:** "19-6-709" on line 19

**Strike:** ", " on line 19 through "17-7-502" on line 20

**Insert:** "and [section 1]"

And, as amended, do pass. Report adopted.

**HB 239**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

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**SB 150**, introduced by Keenan  
**SB 171**, introduced by Gallus  
**SB 182**, introduced by Gillan

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 483**, introduced by Bergren, Galvin-Halcro, Villa, Noonan, Lange, A. Olson, Parker, Tropila, Matthews, Wilson, Harrington, Golie, referred to Business and Labor.  
**HB 484**, introduced by L. Jones, Wanzenried, Butcher, Windham, Lambert, referred to Business and Labor.  
**HB 485**, introduced by Himmelberger, referred to Taxation.  
**HB 486**, introduced by Gallik, referred to Fish, Wildlife and Parks.  
**HB 487**, introduced by Gallik, referred to Fish, Wildlife and Parks.  
**HB 488**, introduced by Gallik, referred to State Administration.  
**HB 489**, introduced by Gallik, referred to Agriculture.  
**HB 490**, introduced by Stoker, Hendrick, Wanzenried, Everett, Hawk, Lange, R. Brown, Jacobson, Windham, Bergren, Wilson, McGillvray, Stahl, Maedje, Mendenhall, referred to State Administration.  
**HB 491**, introduced by Bixby, referred to Natural Resources.  
**HB 492**, introduced by Morgan, referred to Transportation.  
**HB 493**, introduced by Noonan, Parker, Gallus, Eaton, Sesso, A. Olson, Keane, Harrington, Golie, Andersen, referred to Business and Labor.  
**HB 494**, introduced by Franklin, Henry, Parker, Ellingson, Schmidt, Caferro, referred to Business and Labor.  
**HB 495**, introduced by Koopman, Curtiss, Heinert, referred to Taxation.  
**HB 496**, introduced by Franklin, Villa, Grinde, Cohenour, Gallik, referred to Appropriations.

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

**HJR 14**, introduced by Furey, referred to Business and Labor.

Dem. Floor Leader Parker requested the House stand in recess until 8:30 a.m.  
Rep. Floor Leader Lange announced House Republicans will caucus.  
Dem. Whip Bergren announced House Democrats will caucus.

**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 Lindeen in the chair.

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

**HB 339** - Representative Facey moved **HB 339** do pass.

**HB 339** - Representative Facey moved **HB 339**, second reading copy, be amended as follows:

1. Page 2, lines 1 through 3.  
**Strike:** subsection (3) in its entirety  
**Renumber:** subsequent subsection

Amendment adopted as follows:

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

Total 84

Noes: Balyeat, Glaser, Hendrick, Maedje, Malcolm, Mendenhall, Rice, Roberts, Sonju, Stahl, Stoker, Wagman, Ward.

Total 13

Voted Absentee: Wagman, No.

Excused: Dickenson, Jopek, Sinrud.

Total 3

Absent or not voting: None.

Total 0

**HB 339** - Representative Facey moved **HB 339**, as amended, do pass. Motion **failed** as follows:

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

Total 50

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

Total 50

Voted Absentee: Dickenson, Jopek, Ayes; Sinrud, Wagman, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 354** - Representative Noennig moved **HB 354** do pass. Motion carried as follows:

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

Total 99

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Noes: Jayne.  
Total 1

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 4** - Representative Peterson moved **HJR 4** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 199** - Representative A. Olson moved **HB 199** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 273** - Representative Lambert moved **HB 273** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 266** - Representative Rice moved **HB 266** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 274** - Representative Peterson moved **HB 274** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson,

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Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Everett, Himmelberger, Jayne, Koopman, Sales.  
Total 5

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 317** - Representative Hamilton moved **HB 317** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, 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, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 98

Noes: Balyeat, Stoker.  
Total 2

Voted Absentee: Dickenson, Jopek, Sinrud, Wagman, Ayes.

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 Lindeen moved the Committee of the Whole report be adopted.

Rep. Leader R. Brown made a **substitute motion** that **HB 339** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 84

Noes: Balyeat, D. Brown, Everett, Himmelberger, Koopman, McNutt, Ripley, Sales, Sonju, Stahl.  
Total 10



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Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: Harris, Wilson.  
Total 2

**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 158** passed as follows:

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

Noes: Keane.  
Total 1

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: Harris.  
Total 1

**HB 211** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: MacLaren.  
Total 1

**HB 216** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik,

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Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Everett, Hawk, Jayne, Koopman, MacLaren, Rice, Sales, Wells.  
Total 8

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: None.  
Total 0

**HB 244** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: None.  
Total 0

**HB 255** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: None.  
Total 0

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**HB 283** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: Campbell.  
Total 1

**HB 300** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Sales.  
Total 1

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: None.  
Total 0

**HB 302** passed as follows:

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

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

Excused: Dickenson, Jopek, Sinrud, Wagman.

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Total 4

Absent or not voting: None.  
Total 0

**HB 306** passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, 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, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Balyeat, Barrett, D. Brown, Buzzas, Everett, Hawk, Koopman, Ripley, Sales, Wells.  
Total 10

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: None.  
Total 0

**HB 318** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.  
Total 88

Noes: Becker, Butcher, Buzzas, Everett, Sales, Waitschies, Wells, Wiseman.  
Total 8

Excused: Dickenson, Jopek, Sinrud, Wagman.  
Total 4

Absent or not voting: None.  
Total 0

**MOTIONS**

Rep. Facey moved that HB 339 be re-referred from the Committee of the Whole to the Business and Labor Committee. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Consent calendar: HB 170 There being no questions, this bill will proceed to 3rd Reading.

**ANNOUNCEMENTS**

HOUSE JOURNAL  
TWENTY-THIRD LEGISLATIVE DAY - JANUARY 29, 2005

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Monday, January 31, 2005. Motion carried.

House adjourned at 9:53 a.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House