

HOUSE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY - MARCH 19, 2005

**HOUSE JOURNAL
59TH LEGISLATURE
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 19, 2005

House Chambers
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Hamilton. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews introduced the following Honorary Pages: Alec Gordon, Helena; Rachel Hoversland, Helena; and Ben Peterson, Billings.

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 9:40 a.m.

House reconvened at 10:10 a.m.

REPORTS OF STANDING COMMITTEES

Correctly printed: **HJR 25**.
Correctly engrossed: **HB 522, HB 643, HB 765**.
Correctly enrolled: **HB 203, HB 370, HB 463, HJR 10, HJR 18**.
Examined by the sponsor and found to be correct: **HB 203, HB 370, HB 463, HJR 10, HJR 18**.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 3/19/2005

SB 207, introduced by Perry
SB 345, introduced by Mangan

House amendments to Senate bills concurred in: 3/19/2005

SB 61, introduced by Cocchiarella
SB 166, introduced by Black

House bills concurred in and returned to the House: 3/19/2005

HB 103, introduced by Driscoll
HB 191, introduced by Becker
HB 196, introduced by Jayne
HB 223, introduced by Jent
HB 234, introduced by Lange
HB 262, introduced by Lange
HB 318, introduced by McKenney
HB 631, introduced by Stahl
HB 638, introduced by Arntzen

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/19/2005

HB 493, introduced by Noonan
HB 502, introduced by Wiseman

MESSAGES FROM THE GOVERNOR

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March 19, 2005

The Honorable Gary Matthews
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jon Tester
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Matthews and President Tester:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 67, "**AN ACT GENERALLY REVISING PROVISIONS OF THE MONTANA PROCUREMENT ACT; PROVIDING THAT THE PUBLIC HAS THE RIGHT TO INSPECT COMPETITIVE SEALED BIDS AFTER THEY ARE OPENED, SUBJECT TO SPECIFIED LIMITATIONS; PROVIDING THAT ART PURCHASED OR COMMISSIONED FOR A MUSEUM OR PUBLIC DISPLAY IS EXEMPT FROM THE ACT; REMOVING THE SUNSET FROM THE PROVISION AUTHORIZING AN AGENCY TO REQUEST AN ALTERNATIVE PROCUREMENT METHOD; REMOVING THE CAP ON THE AMOUNT FOR WHICH A LETTER OF CREDIT MAY BE ISSUED; PROVIDING AN EXCEPTION TO HOW LONG PERFORMANCE SECURITY ON A CONTRACT MUST BE KEPT; CLARIFYING EXCEPTIONS TO THE CONTRACT TIME PERIOD LIMIT SPECIFIED IN THE ACT; AMENDING SECTIONS 18-4-126, 18-4-132, 18-4-301, 18-4-303, 18-4-304, 18-4-312, AND 18-4-313, MCA; REPEALING SECTION 29, CHAPTER 181, LAWS OF 2001; AND PROVIDING AN EFFECTIVE DATE**" for the following reasons.

House Bill 67 makes general revisions to the Montana Procurement Act, concerning the procurement practices of the State of Montana. My amendments are intended to make the statutory exceptions to disclosure of public documents consistent with rulings of the Montana Supreme Court concerning the right to know provision of the Montana Constitution, found in Article II, Section 9.

Current law, §18-4-304, MCA, provides that after competitive sealed proposals to the state are opened, they are subject to public inspection, with the following exceptions: 1) limitations found in the Uniform Trade Secrets Act; 2) matters involving individual safety; 3) information requested by the Department of Administration during the bidding process to establish vendor responsibility; 4) and matters protected from disclosure pursuant to the state or federal constitutions.

My proposed amendment eliminates the third exception. The result would be that information requested of a vendor by the Department of Administration during the bidding process to establish vendor responsibility would be subject to public scrutiny, unless the information fell within one of the other established exceptions, such as trade secrets and information entitled to constitutional protections from public disclosure.

Similarly, current law, § 18-4-308, MCA, provides for confidentiality of information furnished by a bidder or offeror with respect to their responsibility. My proposed amendment eliminates subsection (2) of § 18-4-308, so that this information would no longer be deemed confidential.

I believe that my recommended amendment to House Bill 67 brings Montana's procurement laws in line with the Montana Supreme Court's interpretations of the right to know provision found in Article II, Section 9 of the Montana Constitution, specifically the court's decisions in *Great Falls Tribune v. Montana Public Service Commission*, 2003 MT 359, *Great Falls Tribune Co., Inc. v. Rick Day*, 1998 MT 133.

I have discussed my proposed amendment with the sponsor of the bill, Representative Larry Jent, who supports the amendment. The proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER

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GOVERNOR

cc: Legislative Services Division
Janet Kelly, Director, Department of Administration

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 67
Amendments to House Bill No. 67
Reference Copy
Requested by the Governor
For the House Committee of the Whole
Prepared by Greg Petesch

1. Title, line 9.

Following: "ACT;"

Insert: "REVISING THE INFORMATION IN A BID OR OFFER THAT MAY NOT BE DISCLOSED;"

2. Title, line 13.

Following: "18-4-304,"

Insert: "18-4-308,"

3. Page 6, line 30.

Following: ";"

Insert: "and"

4. Page 7, lines 1 and 2.

Strike: subsection (c) in its entirety

ReNUMBER: subsequent subsection

5. Page 7, line 10.

Insert: "Section 6. Section 18-4-308, MCA, is amended to read:

"18-4-308. Nonresponsibility of bidders and offerors --nondisclosure. (†) A written determination of nonresponsibility of a bidder or offeror must be made in accordance with rules adopted by the department. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to ~~such that~~ bidder or offeror.

(2) ~~Information furnished by a bidder or offeror pursuant to this section may not be disclosed outside of the department or the purchasing agency without prior written consent by the bidder or offeror."~~

ReNUMBER: subsequent sections

FIRST READING AND COMMITMENT OF BILLS

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

HB 795, introduced by Witt, Black, Gebhardt, L. Jones, Lambert, referred to Transportation.

HB 796, introduced by Callahan, Hiner, Hawk, Sesso, Witt, referred to Appropriations.

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

HJR 36, introduced by Ripley, Musgrove, Buzzas, McNutt, Wells, Hansen, Barkus, Hawks, referred to Natural Resources.

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

SB 18, introduced by Wheat, referred to Judiciary.

SB 207, introduced by Perry, Barkus, referred to Judiciary.

SB 333, introduced by Smith, Campbell, Dowell, Gillan, Hansen, Lenhart, Musgrove, Tropila, Wilson, Windham,

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referred to State Administration.

SB 345, introduced by Mangan, referred to Taxation.

SB 376, introduced by Wheat, referred to Natural Resources.

MOTIONS

Rep. John Balyeat moved to have the House reconsider its action on HB 2.

Dem. Floor Leader Parker objected to the decorum of Rep. Balyeat and stated Rep. Balyeat was out of order and requested a Rules Committee meeting.

Speaker Matthews ruled Rep. Balyeat was out of order.

Rep. Balyeat apologized to Rep. Parker and to the House.

Speaker Matthews cancelled the Rules Committee.

Rep. Golie made a substitute motion to table Rep. Balyeat's motion. 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

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Rep. Balyeat's motion to reconsider action on HB 2 **failed** as follows:

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

Total 50

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

Total 50

Excused: None.

Total 0

Absent or not voting: None.

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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 McKenney in the chair.

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

HB 60 - Representative Harris moved **HB 60** do pass. Motion carried as follows:

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

Total 52

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

Total 47

Excused: None.

Total 0

Absent or not voting: Stoker.

Total 1

HB 102 - Representative Lenhart moved **HB 102** do pass. Motion carried as follows:

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

Total 63

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Hendrick, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 169 - Representative McAlpin moved **HB 169** do pass. Motion carried as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones,

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Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 70

Noes: Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, Klock, Koopman, Lake, Maedje, Malcolm, McNutt, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Wagman, Waitschies, Ward, Wells, Witt.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 181 - Representative Musgrove moved **HB 181** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 67

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Klock, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.
Total 32

Excused: None.
Total 0

Absent or not voting: A. Olson.
Total 1

HB 364 - Representative Maedje moved **HB 364** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, Noennig, Noonan, Rice, Sesso, Small-Eastman, Stahl, Taylor, Villa, Waitschies, Wilson, Windham, Mr. Speaker.
Total 56

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Clark, Eaton, Everett, Hawk, Hendrick, Himmelberger, Koopman, Lake, Lange, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Wanzenried, Ward, Warden, Wells, Windy Boy, Wiseman, Witt.
Total 43

Excused: None.
Total 0

Absent or not voting: A. Olson.
Total 1

HB 368 - Representative Mendenhall moved **HB 368** do pass. Motion carried as follows:

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Ayes: Andersen, Arntzen, Balyeat, Becker, Bixby, D. Brown, R. Brown, Butcher, Caferro, Campbell, Dickenson, Dowell, Everett, Franklin, Furey, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt.
Total 60

Noes: Barrett, Bergren, Branae, Buzzas, Callahan, Clark, Cohenour, Driscoll, Eaton, Facey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Kaufmann, Keane, Lake, Lenhart, Lindeen, McAlpin, McGillvray, Noennig, Noonan, Parker, Sesso, Stoker, Villa, Wanzenried, Wiseman, Mr. Speaker.
Total 40

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 536 - Representative Callahan moved **HB 536** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 55

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, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.
Total 45

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 628 - Representative Clark moved **HB 628** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, 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, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 84

Noes: Barrett, Bixby, Buzzas, Caferro, Himmelberger, Juneau, Kaufmann, Koopman, Lange, Malcolm, Mendenhall, Rice, Sales, Stoker, Wagman, Ward.
Total 16

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 673 - Representative Butcher moved **HB 673** do pass. Motion **failed** as follows:

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

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

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 584 - Representative Parker moved consideration of **HB 584** be passed for the day. Motion carried.

HB 728 - Representative Lange moved **HB 728** 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, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Juneau, Stoker.
Total 2

Excused: None.
Total 0

Absent or not voting: Hamilton, Wanzenried.
Total 2

HB 780 - Representative Sinrud moved **HB 780** do **not** pass. Motion carried as follows:

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

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Total 91

Noes: Becker, Clark, Gallik, Henry, Lenhart, McAlpin, Musgrove, Wilson, Mr. Speaker.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 625 - Representative Rice moved **HB 625** 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, Sesso, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Stoker, Windy Boy.
Total 2

Excused: None.
Total 0

Absent or not voting: Small-Eastman.
Total 1

HB 758 - Representative McNutt moved consideration of **HB 758** be passed for the day. Motion carried.

Chairman McKenney stated the House will recess for 10 minutes.

House reconvened at 12:15 p.m.

Rep. Koopman assumed the Chair.

SB 108 - Representative McKenney moved **SB 108** be concurred in. Motion carried as follows:

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

Noes: Glaser, Hawk, Hendrick, Himmelberger, Jayne, Koopman, Maedje, Malcolm, McGillvray, Sales, Sinrud, Stahl, Ward, Wells.
Total 14

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

SB 129 - Representative Dickenson moved **SB 129** be concurred in. Motion carried as follows:

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

Noes: Balyeat, D. Brown, Everett, Hawk, Himmelberger, Koopman, Malcolm, Morgan, Sales, Sinrud, Sonju, Stoker, Ward, Wells.
Total 14

Excused: None.
Total 0

Absent or not voting: Harris, Witt.
Total 2

SB 130 - Representative McKenney moved **SB 130** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 77

Noes: Balyeat, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Himmelberger, Koopman, Lange, Malcolm, McGillvray, Mendenhall, Morgan, A. Olson, Sales, Sinrud, Sonju, Wagman, Waitschies, Ward, Warden, Wells.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 134 - Representative Dowell moved **SB 134** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, 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, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 89

Noes: D. Brown, Caferro, Everett, Hawk, Kaufmann, Koopman, Sales, Sinrud, Stoker, Ward.
Total 10

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Excused: None.
Total 0

Absent or not voting: Keane.
Total 1

SB 165 - Representative Villa moved **SB 165** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 89

Noes: D. Brown, Gallik, Hawk, Himmelberger, Koopman, Lake, Milburn, Sales, Sinrud, Stoker, Ward.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 103 - Representative Harris moved **SB 103** be concurred in. Motion carried as follows:

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

Noes: Ward.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 135 - Representative Galvin-Halcro moved **SB 135** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Small-Eastman, Stahl, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 78

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Noes: D. Brown, Everett, Glaser, Hawk, Himmelberger, Jayne, Koopman, Lake, Lambert, Malcolm, Mendenhall, Milburn, Morgan, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Ward, Wells.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 274 - Representative Milburn moved consideration of **SB 274** be passed for the day. Motion carried.

SB 316 - Representative Roberts moved **SB 316** be concurred in. Motion carried as follows:

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

Noes: Hawk, Koopman, Sales, Sinrud, Stoker.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 317 - Representative Roberts moved **SB 317** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 73

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jayne, W. Jones, Koopman, Lake, McGillvray, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stoker, Waitschies, Wells, Wilson, Windham.
Total 27

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

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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, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 86

Noes: Everett, Hawk, Jayne, Koopman, McGillvray, Mendenhall, Morgan, Sales, Sinrud, Stoker, Wagman, Wells, Witt.
Total 13

Excused: None.
Total 0

Absent or not voting: W. Jones.
Total 1

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 327 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 89

Noes: D. Brown, Everett, Hawk, Hendrick, Koopman, Morgan, Sales, Sinrud, Waitschies, Wells.
Total 10

Excused: None.
Total 0

Absent or not voting: Windham.
Total 1

HB 541 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, 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, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 92

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Noes: Bergren, Buzzas, Campbell, Dickenson, Himmelberger, Kaufmann, Parker, Stahl.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Dem. Floor Leader Parker moved to re-refer SB 108 to the House Appropriations Committee. Without objection, so ordered.

UNFINISHED BUSINESS

Rep. Sinrud objected to HB 148 on the Consent Calendar. HB 148 will be placed on 2nd Reading.

SPECIAL ORDERS OF THE DAY

Consent Calendar: HB 414, SB 162, and SB 254. There being no questions, these bills will be placed on 3rd Reading.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Monday, March 21, 2005. Motion carried.

House adjourned at 1:32 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House