

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 31, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
SIXTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
March 31, 2005

House Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

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 12:50 p.m.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 3/31/2005  
Correctly printed: **HB 305, HB 569, HB 761, HB 771.**  
Correctly engrossed: **HB 214, HB 410, HB 461, HB 528, HB 592, HB 639, HB 741, HB 756, HB 774, HB 776.**

**BUSINESS AND LABOR** (Keane, Chairman): 3/31/2005  
**SB 217**, be amended as follows:

1. Page 1, line 28.  
**Strike:** "unless a lower rate is provided by a collective bargaining agreement"

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

**SB 466**, be amended as follows:

1. Page 6, line 8.  
**Strike:** "[This act]"  
**Insert:** "[Section 5]"

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

**SJR 24**, be concurred in and placed on the consent calendar. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 3/31/2005  
**HB 787**, introduced bill, be amended as follows:

1. Title, line 7 through line 8.  
**Strike:** the second "AND" on line 7 through "PROGRAM" on line 8

2. Page 3, line 7 through line 8.  
**Following:** "[section 3]"  
**Strike:** ", " on line 7 through "[section 4]," on line 8

3. Page 3, line 29 through page 4, line 11.  
**Strike:** section 4 in its entirety  
**Renumber:** subsequent sections

4. Page 5, line 9.  
**Strike:** "(1)"

5. Page 5, line 12 through line 13.  
**Strike:** subsection (2) in its entirety

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And, as amended, do pass. Report adopted.

**SB 365**, be concurred in. Report adopted.  
**SB 480**, be concurred in. Report adopted.  
**SB 497**, be concurred in. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):  
**HJR 36**, introduced joint resolution, be amended as follows:

3/31/2005

1. Page 2, line 2.  
Following: "Committee"  
Insert: "be requested to"

2. Page 2, line 6.  
**Following:** line 5  
**Insert:** "(2) include input from the director of the Office of Budget and Program Planning and the directors of state agencies that would be affected by changes to the resource indemnity trust;"  
**Renumber:** subsequent subsections

And, as amended, be adopted. Report adopted.

**SB 138**, be amended as follows:

1. Page 2, line 5.  
**Strike:** "the administrator"  
**Insert:** "a representative"

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

**SB 145**, be amended as follows:

1. Title, line 6.  
**Strike:** "INCREASING" through "MEMBERS"  
**Insert:** "REVISING THE MEMBERSHIP"

2. Page 1, line 17.  
**Strike:** "nine"  
**Insert:** "seven"

3. Page 1, line 20.  
**Strike:** subsection (b) in its entirety  
**Renumber:** subsequent subsections

4. Page 1, line 24.  
**Strike:** "two representatives"  
**Insert:** "a representative"

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

**SB 214**, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

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

3/31/2005

**SB 445**, introduced by McGee  
**SB 477**, introduced by Elliott  
**SB 499**, introduced by Keenan

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**SB 511**, introduced by Mangan

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

3/31/2005

**HB 142**, introduced by Ripley  
**HB 179**, introduced by Lake  
**HB 192**, introduced by Waitschies  
**HB 220**, introduced by Lake  
**HB 230**, introduced by Jacobson  
**HB 385**, introduced by Wells  
**HB 668**, introduced by Noonan

**MESSAGES FROM THE GOVERNOR**

March 30, 2005

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

Dear Representative Matthews:

Please be informed that I have signed **House Bill 203** sponsored by Representative Roberts, **House Bill 370** sponsored by Representative Gallik, **House Bill 452** sponsored by Representative Windy Boy, and **House Bill 463** sponsored by Representative Facey on March 30, 2005.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 30, 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 46, "**AN ACT CREATING THE OFFENSE OF VEHICULAR HOMICIDE 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; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

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House Bill No. 97, which was recently signed into law, needs to be coordinated with House Bill 46 transmitted for my signature so that vehicular homicide is one of the offenses that count toward a felony DUI. The proposed amendment to coordinate House Bills 97 and 46 are attached to this letter. A Department of Justice staff member has discussed my proposed amendments with the sponsor of the bill, Representative Parker, and he approves of the amendments.

Sincerely,

BRIAN SCHWEITZER  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 46  
Amendments to House Bill No. 46  
Reference Copy  
For the Governor  
Prepared by Valencia Lane, Legislative counsel

1. Page 3, line 11.

**Following:** line 10

**Insert:** "**COORDINATION SECTION. Section 5.** Coordination instruction. If both House Bill No. 97 and [this act] are passed and approved, then 61-8-731 must be amended as follows:

**"61-8-731. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- penalty for fourth or subsequent offense.** (1) ~~On the fourth or subsequent conviction under 61-8-714 or 61-8-722 for~~ Except as provided in subsection (3), if a person is convicted of a violation of 61-8-401 or 61-8-406 and the person has any combination of three or more prior convictions under 45-5-104, [section 1 of House Bill No. 46], 45-5-205, 61-8-401, or 61-8-406 and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in 61-8-401(1), the person is guilty of a felony and shall be punished by:

(a) sentencing the person to the department of corrections for placement in an appropriate correctional facility or program for a term of 13 months. The court shall order that if the person successfully completes a residential alcohol treatment program operated or approved by the department of corrections, the remainder of the 13-month sentence must be served on probation. The imposition or execution of the 13-month sentence may not be deferred or suspended, and the person is not eligible for parole.

(b) sentencing the person to either the department of corrections or the Montana state prison or Montana women's prison for a term of not more than 5 years, all of which must be suspended, to run consecutively to the term imposed under subsection (1)(a); and

(c) a fine in an amount of not less than \$1,000 or more than \$10,000.

(2) The department of corrections may place an offender sentenced under subsection (1)(a) in a residential alcohol treatment program operated or approved by the department of corrections or in a state prison.

(3) If a person is convicted of a violation of 61-8-401 or 61-8-406, the person has any combination of four or more prior convictions under 45-5-104, [section 1 of House Bill No. 46], 45-5-205, 61-8-401, or 61-8-406 and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in 61-8-401(1), and the person was, upon a prior conviction, placed in a residential alcohol treatment program under subsection (2), whether or not the person successfully completed the program, the person shall be sentenced to the department of corrections for a term of not less than 13 months or more than 5 years or be fined an amount of not less than \$1,000 or more than \$10,000, or both.

~~(3)~~(4) The court shall, as a condition of probation, order:

(a) that the person abide by the standard conditions of probation promulgated by the department of corrections;

(b) a person who is financially able to pay the costs of imprisonment, probation, and alcohol treatment under this section;

(c) that the person may not frequent an establishment where alcoholic beverages are served;

(d) that the person may not consume alcoholic beverages;

(e) that the person may not operate a motor vehicle unless authorized by the person's probation officer;

(f) that the person enter in and remain in an aftercare treatment program for the entirety of the probationary period;

(g) that the person submit to random or routine drug and alcohol testing; and

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(h) that if the person is permitted to operate a motor vehicle, the vehicle be equipped with an ignition interlock system.

~~(4)~~(5) The sentencing judge may impose upon the defendant any other reasonable restrictions or conditions during the period of probation. Reasonable restrictions or conditions may include but are not limited to:

- (a) payment of a fine as provided in 46-18-231;
- (b) payment of costs as provided in 46-18-232 and 46-18-233;
- (c) payment of costs of court-appointed counsel as provided in 46-8-113;
- (d) community service;
- (e) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of society; or

(f) any combination of the restrictions or conditions listed in subsections ~~(4)~~(a) (5)(a) through ~~(4)~~(e) (5)(e).

~~(5)~~(6) Following initial placement of a defendant in a treatment facility under subsection (2), the department of corrections may, at its discretion, place the offender in another facility or program.

~~(6)~~(7) The provisions of 46-18-203, 46-23-1001 through 46-23-1005, 46-23-1011 through 46-23-1014, and 46-23-1031 apply to persons sentenced under this section."

**Renumber:** subsequent section.

- END -

March 31, 2005

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

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

Dear President Tester and Speaker Matthews:

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 Senate Bill 61, "**AN ACT PROVIDING FOR APPOINTMENT OF TWO LEGISLATIVE LIAISONS TO THE STATE COMPENSATION INSURANCE FUND BOARD OF DIRECTORS; AUTHORIZING LIAISONS TO ATTEND BOARD MEETINGS AND RECEIVE INFORMATION AND ASSISTANCE FROM STATE COMPENSATION INSURANCE FUND STAFF; PROVIDING COMPENSATION AND LENGTH OF SERVICE; AMENDING SECTION 2-15-1019, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE**" for the following reasons.

Senate Bill 61 inserts members of the legislatures' economic affairs interim committee into the board meetings of the directors of the state compensation insurance fund. While the bill appears to be largely gratuitous since now anyone can attend the board meetings, receive agendas and request material from staff, my amendatory veto focuses only on two areas. First, subsection (10)(c) that places additional burdens on state fund staff for information and services and second that the funding for compensation is not budgeted. My proposed amendments eliminate subsection 10(c) and adds a provision requiring that the funding for the bill be paid for out of the economic affairs interim committee budget.

Sincerely,

BRIAN SCHWEITZER  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 61  
Amendments to Senate Bill No. 61  
Reference Copy  
Requested by the Governor

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For the Senate Committee of the Whole  
Prepared by Greg Petesch

1. Title, lines 5 through 7.  
Following: "DIRECTORS;" on line 5  
Strike: remainder of line 5 through "STAFF;" on line 7
2. Page 2, line 15.  
**Following:** "meetings;"  
**Insert:** "and"
3. Page 2, line 17 through line 19.  
**Following:** "fund" on line 17  
Strike: remainder of line 17 through "operations" on line 19
4. Page 2, line 21.  
Following: "expenses"  
Insert: ", "  
Following: "5-2-302"  
Insert: ",to be paid by the economic affairs interim committee"

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 803**, introduced by Stahl, Becker, Wiseman, referred to Taxation.

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

**SB 445**, introduced by McGee, referred to Education.

**SB 477**, introduced by Elliott, Cocchiarella, Hamilton, Lind, referred to State Administration.

**SB 499**, introduced by Keenan, referred to Human Services.

**SB 511**, introduced by Mangan, referred to Taxation.

**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 569** passed as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, 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, 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, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Bixby, Buzzas, Jayne, Juneau, Stahl.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Andersen.

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Total 1

**HB 771 failed** as follows:

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

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

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 39 concurred** in as follows:

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

Noes: Koopman.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 375 concurred** in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.  
Total 58

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

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Total 42

Excused: None.  
Total 0

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 Bergren in the chair.

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

**HB 774** - Representative Himmelberger moved **HB 774** do pass. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

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

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 123** - Representative Keane moved **SB 123** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 74

Noes: Balyeat, Bixby, D. Brown, Campbell, Dickenson, Everett, Franklin, Galvin-Halcro, Gutsche, Hawk, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lambert, Maedje, Malcolm, Morgan, Sinrud, Sonju, Ward, Witt.  
Total 23

Excused: None.  
Total 0

Absent or not voting: Glaser, Himmelberger, Sales.  
Total 3



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**SB 329** - Representative Parker moved consideration of **SB 329** be passed for the day. Motion carried.

**SB 194** - Representative Malcolm moved **SB 194** be concurred in. Motion **failed** as follows:

Ayes: Becker, Bixby, Buzzas, Caferro, Callahan, Cohenour, Dowell, Driscoll, Eaton, Facey, Franklin, Golie, Grinde, Gutsche, Harris, Heinert, Henry, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Musgrove, Noennig, A. Olson, B. Olson, Raser, Sinrud, Stoker, Waitschies, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 37

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Campbell, Clark, Dickenson, Everett, Furey, Gallik, Galvin-Halcro, Glaser, Groesbeck, Hamilton, Hawk, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Windy Boy.  
Total 62

Excused: None.  
Total 0

Absent or not voting: Jayne.  
Total 1

**SB 206** - Representative Ward moved **SB 206** be concurred in. 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, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, 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 94

Noes: Balyeat, Everett, Hawk, Lake, Ripley, Stahl.  
Total 6

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 38** - Representative Golie moved **SB 38** be concurred in. Motion carried as follows:

Ayes: 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, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 60

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lange, MacLaren, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman,

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Ward, Warden, Wells.  
Total 38

Excused: None.  
Total 0

Absent or not voting: Peterson, Waitschies.  
Total 2

**SB 244** - Representative Lindeen moved **SB 244** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 92

Noes: Butcher, Everett, Hawk, Hendrick, Malcolm, Stahl, Waitschies.  
Total 7

Excused: None.  
Total 0

Absent or not voting: A. Olson.  
Total 1

**SB 369** - Representative Keane moved **SB 369** 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, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, 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 94

Noes: Hendrick, Ripley, Sales.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Glaser, Maedje, McKenney.  
Total 3

**SJR 21** - Representative Wilson moved **SJR 21** be concurred in. Motion carried as follows:

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

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Total 69

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

Total 29

Excused: None.

Total 0

Absent or not voting: Harris, MacLaren.

Total 2

**SB 286** - Representative Glaser moved **SB 286** be concurred in. 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, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, 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, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Balyeat, Everett, Jackson, L. Jones, Lange, Sales, Sinrud.

Total 7

Excused: None.

Total 0

Absent or not voting: Klock, Lambert.

Total 2

**SB 325** - Representative Villa moved **SB 325** be concurred in. Motion carried as follows:

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

Total 65

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Caferro, Everett, Facey, Gallik, Hendrick, Himmelberger, Jackson, W. Jones, Kaufmann, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Warden, Wells, Windham, Windy Boy.

Total 34

Excused: None.

Total 0

Absent or not voting: Lambert.

Total 1

**SB 401** - Representative Gallik moved **SB 401** 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, Facey, Franklin,

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Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Everett, Himmelberger, W. Jones, Koopman, Mendenhall, Morgan, Sales, Sinrud, Wagman, Wells.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**SB 451** - Representative Roberts moved **SB 451** be concurred in. 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, 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, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 92

Noes: Hawk, Koopman, Mendenhall, Sales, Sinrud, Wells, Witt.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Balyeat.  
Total 1

Dem. Floor Leader Parker moved the committee rise and report and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Bergren moved the Committee of the Whole report be adopted.

Representative Himmelberger made a **substitute motion** that **HB 744** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried 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, Sesso, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 51

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, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

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Excused: None.  
Total 0

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 continuation of business on second reading. Motion carried. Representative Bergren in the chair.

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

**SB 479** - Representative McGillvray moved **SB 479** 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, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Koopman.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 77** - Representative Lange moved **SB 77** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, 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, Koopman, Lake, 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, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Bixby, Hawk, Stahl, Waitschies.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Lambert.  
Total 1

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**SB 126** - Representative Facey moved **SB 126** be concurred in. Motion carried as follows:

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

Noes: R. Brown, Buzzas, Franklin, Gallik, Hawk, Maedje, Mendenhall, Morgan, B. Olson, Rice, Sales, Sinrud, Waitschies.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Driscoll.  
Total 1

**SB 265** - Representative Villa moved **SB 265** be concurred in. Motion carried as follows:

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

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt, Mr. Speaker.  
Total 48

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

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 79

Noes: D. Brown, Butcher, Everett, Hawk, Himmelberger, Koopman, MacLaren, Malcolm, McGillvray, Mendenhall, B. Olson, Rice, Ross, Sales, Sonju, Wagman, Waitschies, Ward, Wells, Witt.  
Total 20

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Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**MOTIONS**

Rep. Bergren moved the House reconsider its action on HB 771 on 3rd Reading today and place on 3rd Reading on April 1, 2005. This is a majority vote. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 57

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells.  
Total 42

Excused: None.  
Total 0

Absent or not voting: Sinrud.  
Total 1

Rep. Peterson moved SB 124 be withdrawn from the Natural Resources Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Campbell, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, 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, Koopman, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 49

Excused: None.  
Total 0

Absent or not voting: Sinrud.  
Total 1

Dem. Floor Leader Parker moved SB 503 be referred back to the Fish, Wildlife and Parks Committee. Without objection, so ordered.

Rep. Wiseman moved SJR 16 be withdrawn from the Federal Relations, Energy and Telecommunications

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Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. 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, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Excused: None.  
Total 0

Absent or not voting: Sinrud.  
Total 1

Rep. Bergren moved SB 78 be withdrawn from the Business and Labor Committee, printed and placed on 2nd Reading. This requires a 3/5 vote. 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, Maedje, McAlpin, Musgrove, Noonan, Parker, Raser, Ross, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 46

Excused: None.  
Total 0

Absent or not voting: Sinrud.  
Total 1

### COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter from Republican Leader Brown to Speaker Matthews stating that he was exercising one of the silver bullets of the House Republicans according to House Rule H30-50(5) to take HB 762 from the House Taxation Committee and place on 2nd Reading on Friday, April 1, 2005.

### REPORTS OF STANDING COMMITTEES

**EDUCATION** (Galvin-Halcro, Chairman):  
**SB 198**, be amended as follows:

3/31/2005

1. Title, page 1, lines 4 through 6.  
**Following:** "REQUIRING" on line 4  
**Strike:** "A" on line 4 through "BUS" on line 6



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**Insert:** "THE BOARD OF PUBLIC EDUCATION AND SCHOOL DISTRICTS TO JOINTLY CONSIDER WAYS TO ADDRESS HARASSMENT, INTIMIDATION, AND BULLYING IN PUBLIC AND OTHER ACCREDITED SCHOOLS, INCLUDING THE DEVELOPMENT OF A MODEL POLICY AND TRAINING; PROVIDING FOR A REPORT TO THE LEGISLATURE BY THE BOARD OF PUBLIC EDUCATION UPON REQUEST; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 13.

**Following:** "intimidation,"

**Strike:** "or"

**Insert:** "and"

**Strike:** "disrupts"

**Insert:** "disrupt"

3. Page 1, line 16.

**Strike:** "or"

**Insert:** "and"

4. Page 1, line 17 through line 18.

**Following:** "need" on line 17

**Strike:** remainder of line 17 through "prohibit" on line 18

**Insert:** "to address"

**Following:** "intimidation," on line 18

**Strike:** "or"

**Insert:** "and"

5. Page 1, line 20 through page 3, line 13.

**Strike:** sections 2 through 5 in their entirety

**Insert:** "NEW SECTION. **Section 2. Addressing issue of harassment, intimidation, and bullying in schools -- report to legislature.** (1) The board of public education shall work with school districts to jointly consider methods to address harassment, intimidation, and bullying in public and other accredited schools.

(2) The board and school districts shall direct their efforts in combating harassment, intimidation, and bullying through the development of a model policy. These efforts should:

(a) involve consultation with parents, school personnel, students, and members of the community in the development of a model policy for districts;

(b) ensure that a model policy, at a minimum, includes:

(i) a definition of harassment, intimidation, and bullying that is at least as inclusive as the definition provided in subsection (4);

(ii) a procedure for a student or employee to report an act of harassment, intimidation, and bullying;

(iii) a procedure for resolving an allegation of a violation of the district's policy;

(iv) a prohibition on students, school district employees, or volunteers from engaging in reprisal or retaliation against a victim, witness, or person who provides information about an act of harassment, intimidation, and bullying; and

(v) an outline of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation, and bullying or retaliates against a person who reports an act of harassment, intimidation, and bullying; and

(c) identify resources available to provide training for school district employees or volunteers on the prevention of harassment, intimidation, and bullying.

(3) The board shall, upon request, report to the education and local government interim committee on the efforts taken jointly with school districts to address the issue of harassment, intimidation, and bullying in public and other accredited schools, including the number of school districts that have adopted policies prohibiting harassment, intimidation, and bullying.

(4) As used in [sections 1 and 2], "harassment, intimidation, and bullying" means any gesture or written, verbal, or physical act that:

(a) a reasonable person should know will have the effect of harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or damage to the student's property; or

(b) has the effect of insulting or demeaning a student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of the student."

**Renumber:** subsequent section

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6. Page 3, line 15.  
**Strike:** "through 5"  
**Insert:** "and 2"

7. Page 3, line 17.  
**Strike:** "through 5"  
**Insert:** "and 2"

8. Page 3, line 18.  
**Insert:** "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

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

**SB 224**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):  
**SB 197**, be concurred in. Report adopted.  
**SB 342**, be amended as follows:

3/31/2005

1. Page 3, line 11.  
**Following:** "(1)"  
**Insert:** "(a)"

2. Page 3, line 13.  
**Strike:** "an advertisement requesting"  
**Insert:** "a request for"

3. Page 3, line 14.  
**Strike:** "and proposals"  
**Insert:** "as defined in 60-2-134"  
**Following:** "."  
**Insert:** "At a minimum, publication of the request for qualifications must be an advertisement running for at least 3 weeks in each newspaper of general circulation that is published at least weekly and that is circulated within the state, with respect to state agency requests, or within the local area, with respect to a request by a governing body."  
(b) After evaluating the responses to the request for qualifications, a request for proposals must be sent to each respondent that meets the qualification criteria specified in the request for qualifications."

4. Page 3, line 25.  
**Strike:** "fees"  
**Insert:** "project costs"

5. Page 3.  
**Following:** line 26  
**Insert:** "(3) Under any contract awarded pursuant to [sections 1 through 3], architectural services must be performed by an architect, as defined in 37-65-102, and engineering services must be performed by a professional engineer, as defined in 37-67-101."  
**Renumber:** subsequent subsections

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

**SB 478**, be concurred in. Report adopted.  
**SB 491**, be concurred in. Report adopted.

**TAXATION** (Waitschies, Chairman):  
**HB 762**, without recommendation. Report adopted.

3/31/2005

**ANNOUNCEMENTS**

HOUSE JOURNAL  
SIXTY-EIGHTH LEGISLATIVE DAY - MARCH 31, 2005

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Friday, April 1, 2005. Motion carried.

House adjourned at 3:11 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House