

HOUSE JOURNAL
SEVENTY-SIXTH LEGISLATIVE DAY - APRIL 9, 2005

HOUSE JOURNAL
59TH LEGISLATURE
SEVENTY-SIXTH LEGISLATIVE DAY

Helena, Montana
April 9, 2005

House Chambers
State Capitol

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

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

Speaker Matthews introduced the following honorary pages: Derek Daniel, Billings; Jamaica Kaercher, Havre; and William Wangen, Helena.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 4/9/2005
Correctly printed: **HJR 38, HJR 42.**

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in: 4/9/2005

SB 2, introduced by Laible
SB 138, introduced by Weinberg
SB 183, introduced by Laible
SB 186, introduced by Joe Balyeat
SB 294, introduced by Hawks
SB 388, introduced by Keenan
SB 434, introduced by Lewis
SB 472, introduced by Perry

House amendments to Senate bills not concurred in: 4/9/2005

SB 107, introduced by Smith
SB 139, introduced by Esp
SB 154, introduced by Cobb
SB 175, introduced by Cromley
SB 217, introduced by Larson
SB 461, introduced by Steinbeisser

MESSAGES FROM THE GOVERNOR

April 8, 2005

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

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

Dear Speaker Matthews and President Tester:

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In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments to Senate Bill No. 326, "AN ACT REVISING THE LAW ON EXCAVATION NEAR UNDERGROUND FACILITIES; PROVIDING FOR SPECIFIC DAMAGE FEES; SETTING A DEADLINE FOR PAYMENT OF FEES; ALLOWING FOR JUDICIAL REVIEW OF FEES LEVIED; DESIGNATING THE USE OF FEES COLLECTED; PROVIDING FOR THE MAINTENANCE OF DAMAGE INCIDENT HISTORIES; AND AMENDING SECTIONS 69-4-501 AND 69-4-505, MCA," in the following manner:

Senate Bill No. 326 imposes damage fees against excavators who have failed to obtain information as to the location of an underground facility from a one-call notification center and have damaged an underground facility. The damage fees imposed under Senate Bill No. 326 are in addition to the excavator's liability to the owner of the underground facility for the full cost of the repair of the facility, pursuant to existing law.

My amendment reduces the damages fees that may be assessed against the excavator from a maximum of \$250 to \$125 for the first incident; from a maximum of \$1,000 to \$250 for the second incident; and from \$2,500 to \$500 for the third and subsequent incidents. I have proposed this amendment because I am concerned that the level of fees contained in the bill in its current form are excessive in relation to the egregiousness of the conduct giving rise to the fees and may be onerous to excavators operating small businesses. My amendment does not alter current law that fully compensates the owners of underground facilities for the cost of the repairs.

I have discussed my proposed amendment with the sponsor of the bill, Senator Jesse Laslovich. The proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

GOVERNOR'S AMENDMENTS
TO SENATE BILL 326
Amendments to Senate Bill No. 326
Reference Copy
Requested by the Governor
For the Senate Committee of the Whole
Prepared by Greg Petesch

1. Page 3, line 7.

Strike: "\$250"

Insert: "\$125"

2. Page 3, line 9.

Strike: "\$1,000"

Insert: "\$500"

3. Page 3, line 11.

Strike: "\$2,500"

Insert: "\$1,000"

**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 Hamilton in the chair.

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

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HB 45 - Representative A. Olson moved **HB 45** do pass.

HB 45 - Representative A. Olson moved **HB 45**, second reading copy, be amended as follows:

1. Page 2, line 11.

Strike: "PERSON"

Insert: "relative or household member"

Amendment adopted as follows:

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

Noes: Balyeat, Butcher, Jackson, W. Jones, Malcolm, Mendenhall, Stahl, Taylor.
Total 8

Voted Absentee: Everett, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 45 - Representative A. Olson moved **HB 45**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 77

Noes: Balyeat, Barrett, R. Brown, Butcher, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Lake, Maedje, Malcolm, Mendenhall, Milburn, Rice, Ripley, Sales, Sinrud, Stahl, Wagman, Wells.
Total 22

Voted Absentee: Everett, Windy Boy, Ayes.

Excused: None.
Total 0

Absent or not voting: Hamilton.
Total 1

SB 380 - Representative Dowell moved **SB 380** 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,

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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, 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 98

Noes: Hawk, Koopman.
Total 2

Voted Absentee: Everett, Windy Boy, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 406 - Representative McGillvray moved **SB 406** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, 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, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 81

Noes: Balyeat, R. Brown, Butcher, Glaser, Hawk, Himmelberger, Jackson, Jayne, W. Jones, Klock, Koopman, Maedje, Malcolm, McKenney, Mendenhall, Sales, Sinrud, Wagman, Wells.
Total 19

Voted Absentee: Everett, Windy Boy, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 407 - Representative McGillvray moved **SB 407** be concurred in. Motion **failed** as follows:

Ayes: Balyeat, Bixby, Branae, R. Brown, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Gallik, Galvin-Halcro, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jopek, Juneau, Kaufmann, McAlpin, McGillvray, McNutt, Noennig, Noonan, Parker, Raser, Small-Eastman, Stoker, Waitschies, Wanzenried, Wilson, Windham.
Total 41

Noes: Andersen, Arntzen, Barrett, Becker, Bergren, D. Brown, Butcher, Caferro, Campbell, Eaton, Everett, Furey, Glaser, Golie, Groesbeck, Henry, Hiner, Jayne, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Morgan, Musgrove, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Ward, Warden, Wells, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 59

Voted Absentee: Everett, No.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 426 - Representative Parker moved **SB 426** 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, 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, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 98

Noes: Jackson, Sinrud.
Total 2

Voted Absentee: Everett, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 452 - Representative Windham moved **SB 452** 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, 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, 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 97

Noes: Rice, Sales.
Total 2

Voted Absentee: Everett, Aye.

Excused: None.
Total 0

Absent or not voting: Himmelberger.
Total 1

SB 480 - Representative Gallik moved **SB 480** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. 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, Henry, Hiner,

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Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 80

Noes: Balyeat, R. Brown, Hawk, Hendrick, Himmelberger, Klock, Koopman, Lake, Lambert, Lange, Maedje, McNutt, Mendenhall, Rice, Ross, Sales, Stahl, Stoker, Waitschies, Wells.
Total 20

Voted Absentee: Everett, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 486 - Representative McKenney moved consideration of **SB 486** be passed for the day. Motion carried.

SB 504 - Representative Stoker moved **SB 504** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, 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, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Balyeat, Campbell, McAlpin, Noennig.
Total 4

Voted Absentee: Everett, Aye.

Excused: None.
Total 0

Absent or not voting: Lambert, A. Olson, Waitschies.
Total 3

SB 507 - Representative Hendrick moved **SB 507** be concurred in.

SB 507 - Representative Mendenhall moved **SB 507**, second reading copy, be amended as follows:

1. Title, line 9 through line 10.
Strike: "INCREASING" on line 9 through "TITLE:" on line 10
Strike: "61-3-203, 61-3-204," on line 10

2. Title, line 11.
Following: "PROVIDING"
Insert: "AN IMMEDIATE"
Strike: "DATES"
Insert: "DATE"

3. Page 5, line 4 through line 28.
Strike: sections 4 and 5 in their entirety

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Renumber: subsequent sections

4. Page 11, line 20 through page 12, line 3.

Strike: section 12 through section 14 in their entirety

Renumber: subsequent sections

5. Page 12, line 10.

Strike: "dates"

Insert: "date"

Strike: "(1)" through "[this act]"

Insert: "[This act]"

6. Page 12, line 12.

Strike: subsection (2) in its entirety

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, Jent, 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 52

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, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 48

Voted Absentee: Everett, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 507 - Representative Hendrick moved **SB 507**, as amended, be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, 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, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 87

Noes: Bixby, Caferro, Dowell, Everett, Franklin, Galvin-Halcro, Jacobson, Juneau, Kaufmann, Klock, Musgrove, Taylor, Windy Boy.

Total 13

Voted Absentee: Everett, No.

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 606 - Senate Amendments - Representative Gutsche moved Senate amendments to **HB 606** be **not** 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, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Everett, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Dickenson, 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, 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, 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: Buzzas, Cohenour, Dowell, Koopman, Sales.
Total 5

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

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

HJR 38 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, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 90

Noes: Hawk, Keane, Lake, Malcolm, B. Olson, Peterson, Sales, Wagman, Waitschies.
Total 9

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

SB 121 concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, 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, 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 96

Noes: Balyeat, Campbell, Jayne.
Total 3

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

SB 131 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, 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, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Hawk, Koopman, Malcolm.
Total 3

Excused: Everett.
Total 1

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Absent or not voting: None.
Total 0

SB 137 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, 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, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, 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, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 89

Noes: Bergren, Hawk, Jayne, Koopman, Maedje, Mendenhall, Sales, Sinrud, Wanzenried, Wells.
Total 10

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

SB 185 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, 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, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 84

Noes: Barrett, Butcher, Hawk, Jackson, W. Jones, Koopman, Lambert, Maedje, Morgan, Rice, Ripley, Sales, Sonju, Stahl, Wells.
Total 15

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

SB 208 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, 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, 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 97

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Noes: Jayne, Malcolm.
Total 2

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

SB 277 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Driscoll, Franklin, Glaser, Gutsche, Harris, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 65

Noes: Bixby, Buzzas, Caferro, Campbell, Cohenour, Dickenson, Dowell, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Hawk, Henry, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, McAlpin, Musgrove, Noonan, Raser, Sales, Sinrud, Sonju, Villa, Windham, Wiseman.
Total 34

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

SB 282 concurred in as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, 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, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 74

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Glaser, Hawk, Himmelberger, Jackson, W. Jones, Koopman, Lake, Lange, Maedje, Malcolm, McGillvray, Mendenhall, Rice, Ripley, Ross, Sales, Sonju, Wagman, Warden, Witt.
Total 25

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

SB 287 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, 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, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney,

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

Noes: Jayne, Koopman, Lambert, Wagman.
Total 4

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

SB 289 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, 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, Jopek, 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, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.
Total 93

Noes: Buzzas, Harris, MacLaren, Stahl, Wells, Wiseman.
Total 6

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

SB 320 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Campbell, Cohenour, Dickenson, Eaton, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, L. Jones, W. Jones, 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, 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 78

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Dowell, Driscoll, Facey, Franklin, Grinde, Gutsche, Harris, Henry, Jacobson, Jayne, Jent, Jopek, Juneau, Raser.
Total 21

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

SB 333 concurred in as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark,

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Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 80

Noes: Andersen, Balyeat, D. Brown, Butcher, Hawk, Heinert, Jackson, W. Jones, Lake, Maedje, Mendenhall, Rice, Sales, Sinrud, Sonju, Stahl, Taylor, Wells, Witt.
Total 19

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

SB 339 concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, 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, Jopek, 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, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.
Total 90

Noes: Balyeat, Bixby, Buzzas, Dickenson, Harris, Juneau, Kaufmann, Waitschies, Wiseman.
Total 9

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

SB 358 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, 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, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Hawk, Koopman, Sales.
Total 3

Excused: Everett.
Total 1

Absent or not voting: None.

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Total 0

SB 445 concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, 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, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, 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, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Witt, Mr. Speaker.

Total 91

Noes: Balyeat, Bixby, Harris, Jackson, Juneau, Lake, Mendenhall, Wiseman.

Total 8

Excused: Everett.

Total 1

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Buzzas, Chairman):

4/9/2005

SB 58, be concurred in. Report adopted.

SB 93, be concurred in. Report adopted.

SB 108, be concurred in. Report adopted.

SB 120, be concurred in. Report adopted.

SB 197, be concurred in. Report adopted.

SB 489, be concurred in. Report adopted.

SB 498, be concurred in. Report adopted.

HUMAN SERVICES (Becker, Chairman):

4/9/2005

HJR 37, be adopted. Report adopted.

SB 41, be amended as follows:

1. Page 1, line 19.

Strike: "security"

Insert: ", social,"

2. Page 1, line 22 and 23.

Strike: line 22 and line 23 in their entirety

Insert: "(c) giving priority to services that employ the science of prevention to reduce disability and illness, services that treat life-threatening conditions, and services that support independent or assisted living, including pain management, to reduce the need for acute inpatient or residential care."

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

SB 82, be concurred in. Report adopted.

SB 275, be concurred in. Report adopted.

SJR 30, be concurred in. Report adopted.

CONFERENCE (Tropila, Chairman):

4/9/2005

SB 81, be amended.

And as amended, be concurred in. Report adopted.

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MOTIONS

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Senate amendments to **HB 606**. Motion carried:

The Speaker appointed the following members:

Representative Gutsche
Representative Jopek
Representative Peterson
Representative Ross

Rep. Cohenour moved the House reconsider its action on April 8, 2005, on **SB 318** for the purpose of placing the bill on 2nd Reading. Motion passed as follows:

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

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.
Total 49

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

Rep. Jacobson moved the House reconsider its action on April 8, 2005, on **SB 428** for the purpose of placing the bill on 2nd Reading.

Rep. Sales moved to table Rep. Jacobson's motion. Motion **failed** as follows:

Ayes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells.
Total 45

Noes: Arntzen, Balyeat, 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, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 54

Excused: Everett.
Total 1

Absent or not voting: None.
Total 0

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Motion to reconsider action on **SB 428** passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, 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, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Windham, Witt.
Total 48

Voted Absentee: Everett, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Monday, April 11, 2005. Motion carried.

House adjourned at 10:06 a.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House