

**HOUSE JOURNAL  
59TH LEGISLATURE  
EIGHTIETH LEGISLATIVE DAY**

Helena, Montana  
April 14, 2005

House Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

**COMMUNICATIONS AND PETITIONS**

Chief Clerk Marilyn Miller read a letter from Democratic Leader Wanzenried to Speaker Matthews stating that he was exercising one of the silver bullets of the House Democrats according to House Rule H30-50(5) to take **SB 48** from the House Taxation Committee and place on 2nd Reading on April 15, 2005.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman):

4/14/2005

Correctly enrolled: **HB 18, HB 67, HB 140, HB 159, HB 179, HB 182, HB 188, HB 192, HB 197, HB 208, HB 216, HB 220, HB 230, HB 236, HB 250, HB 254, HB 295, HB 302, HB 307, HB 317, HB 331, HB 332, HB 377, HB 345, HB 349, HB 351, HB 363, HB 379, HB 385, HB 395, HB 396, HB 406, HB 411, HB 418, HB 421, HB 425, HB 428, HB 429, HB 431, HB 457, HB 473, HB 474, HB 502, HB 503, HB 530, HB 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB 748, HB 749.**

Examined by the sponsor and found to be correct: **HB 140, HB 179, HB 192, HB 197, HB 208, HB 216, HB 220, HB 230, HB 236, HB 250, HB 254, HB 295, HB 302, HB 307, HB 317, HB 332, HB 345, HB 349, HB 351, HB 363.**

Signed by the Chief Clerk of the House at 5:10 p.m., April 13, 2005: **HB 6, HB 22, HB 85, HB 89, HB 167, HB 211, HB 244, HB 698, HB 728.**

Signed by the Speaker at 8:00 a.m., April 14, 2005: **HB 6, HB 22, HB 85, HB 89, HB 167, HB 211, HB 244, HB 698, HB 728.**

Signed by the President at 10:00 a.m., April 14, 2005: **HB 6, HB 22, HB 85, HB 89, HB 167, HB 211, HB 244, HB 698, HB 728.**

Delivered to the Governor for approval at 12:25 p.m., April 14, 2005: **HB 6, HB 22, HB 85, HB 89, HB 167, HB 211, HB 244, HB 698, HB 728.**

**TAXATION** (Waitschies, Chairman):

4/14/2005

**HJR 43**, be adopted. Report adopted.

**SB 48**, without recommendation. Report adopted.

**SB 115**, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "1.5"

**Insert:** "3"

2. Title, page 1, line 9.

**Strike:** "15-1-101, 15-6-135,"

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

3. Page 1, line 24 through line 25.

**Strike:** the second "or" on line 24 through "utility;" on line 25

**Insert:** "described under 15-6-137."

4. Page 1, line 26 through page 1, line 29.

**Strike:** subsection (e) through subsection (f) in their entirety

5. Page 2, line 5.

**Strike:** "1.5%"

**Insert:** "3%"

6. Page 2, line 8 through line 9.

**Strike:** ", including" on line 8 through "[section 1]," on line 9

7. Page 2, line 22.

**Insert:** "NEW SECTION. Section 3. Tax abatement for wind generation facilities. Notwithstanding the provisions of 15-24-1401, on [the effective date of Senate Bill No. 19], a new wind generation facility described in [section 1] may be granted the tax benefits under 15-24-1402 as that section applied on December 31, 2004."

**Renumber:** subsequent sections

8. Page 2, line 23 through page 7, line 21.

**Strike:** section 3 through section 4 in their entirety

**Renumber:** subsequent sections

9. Page 8, line 25.

**Strike:** "or [section 1]"

10. Page 9, line 15 through line 16.

**Strike:** "or" on line 15 through "[section 1]"

11. Page 10, line 6.

**Strike:** "or [section 1]"

12. Page 17.

**Following:** line 24

**Insert:** "(3) [Section 3] is intended to be codified as an integral part of Title 15, chapter 24, part 14, and the provisions of Title 15, chapter 24, part 14, apply to [section 3]."

COORDINATION SECTION. Section 12. Coordination instruction. If Senate Bill No. 19 is not passed and approved, [section 3 of this act] is void.

COORDINATION SECTION. Section 13. Coordination instruction. If Senate Bill No. 48 is not passed and approved or if Senate Bill No. 48 is passed and approved but it does not contain a section that amends 15-6-138 to eliminate the provision for a phased-in reduction of the tax rate on class eight property to zero contingent on a certain increase in state wages and salaries and if Senate Bill No. 68 and [this act] are passed and approved, then [section 6] of Senate Bill No. 68 must read as follows:

NEW SECTION. Section 6. Personal and other property exemptions. The following categories of property are exempt from taxation:

(1) harness, saddlery, and other tack equipment;

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

(2) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

- (a) construct, repair, and maintain improvements to real property; or
- (b) repair and maintain machinery, equipment, appliances, or other personal property;
- (3) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;
- (4) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;
- (5) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:
  - (a) the acquired cost of the personal property is less than \$15,000;
  - (b) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and
  - (c) the lease of the personal property is generally on an hourly, daily, or weekly basis;
- (6) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;
- (7) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;

and

(8) the following property, except property included in 15-6-135, 15-6-137, 15-6-141, 15-6-145, 15-6-156, and [section 1 of Senate Bill No. 115] if the tax rate in 15-6-138 reaches zero:

- (a) all agricultural implements and equipment;
- (b) all mining machinery, fixtures, equipment, tools, and supplies;
- (c) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and similar equipment that is skidable, portable, or movable, tools, and supplies;
- (d) all manufacturing machinery, fixtures, equipment, tools, and supplies;
- (e) all goods and equipment that are intended for rent or lease;
- (f) special mobile equipment as defined in 61-1-104;
- (g) furniture, fixtures, and equipment;
- (h) x-ray and medical and dental equipment;
- (i) citizens' band radios and mobile telephones;
- (j) radio and television broadcasting and transmitting equipment;
- (k) cable television systems;
- (l) coal and ore haulers; and
- (m) theater projectors and sound equipment."

**Renumber:** subsequent sections

13. Page 18, line 1.

**Following:** "2"

**Insert:** ", 3,"

**Strike:** "9"

**Insert:** "8"

**Strike:** "11"

**Insert:** "10"

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

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

**SB 442**, be concurred in. Report adopted.

**SB 511**, be concurred in. Report adopted.

**SJR 20**, be amended as follows:

1. Page 1, line 10.

**Strike:** "LIMIT"

**Insert:** "affect"

2. Page 1, line 12.

**Strike:** "limiting"

**Insert:** "acquired"

3. Page 1, line 13.

**Following:** "these"

**Insert:** "and adjacent"

4. Page 1, line 14 through line 15.

**Strike:** line 14 through line 15

5. Page 1, line 18.

**Following:** "acquisition"

**Insert:** "of development rights"

**Strike:** "significant"

6. Page 1, line 19.

**Following:** "counties"

**Insert:** ";

7. Page 1, line 19 through line 20.

**Following:** "counties"

**Strike:** remainder of line 19 through "agreement;" on line 20

8. Page 1, line 21.

**Strike:** "there are"

**Strike:** "CURRENTLY 12"

**Following:** "AGENCIES"

**Insert:** "are"

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

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 517**

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Report No. 1, April 13, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 517** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 517** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.

**Strike:** "DEFINITION"

**Insert:** "Definitions"

**Following:** "31."

**Insert:** "the following definitions apply:

(1) "Microdistillery" means a distillery located in Montana that produces 25,000 gallons or less of liquor annually. (2)"

**Strike:** ""PRODUCES""

**Insert:** ""Produces""

2. Page 2, line 10 through line 15.

**Strike:** subsections (c) and (d) in their entirety

**Renumber:** subsequent subsection

3. Page 2, line 29.

**Insert:** "(3) A microdistillery may:

(a) provide, with or without charge, not more than 2 ounces of liquor that it produces at the microdistillery to consumers for consumption on the premises between 10 a.m. and 8 p.m. A microdistillery may not sell or give more than 2 ounces of liquor to an individual for on-premises consumption during a business day.

(b) sell liquor that it produces at retail at the distillery directly to the consumer for off-premise consumption if:

(i) not more than 1 liter a day is sold to an individual; and

(ii) the minimum retail price as determined by the department is charged."

For the House:

Galvin-Halcro  
Himmelberger  
McKenney  
Wiseman

For the Senate:

Smith, Chairman  
Laible  
Tester

**FREE CONFERENCE COMMITTEE**

on **Senate Bill 146**

Report No. 1, April 13, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 146** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 146** (reference copy -- salmon) be amended as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

1. Page 10, line 27.

**Following:** "DEFENDER."

**Insert:** "The office of appellate defender must be located in Helena, Montana."

2. Page 28, line 4.

**Strike:** "\$310,195"

**Insert:** "\$172,600"

3. Page 86, line 30.

**Following:** "~~100%~~"

**Strike:** "25%"

**Insert:** "50%"

For the Senate:

Wheat, Chairman  
Ellingson  
McGee

For the House:

Gutsche  
Parker  
Lange  
Rice

CONFERENCE COMMITTEE  
on **Senate Bill 443**  
Report No. 1, April 13, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 443** (reference copy -- salmon) and recommend this Conference Committee report be accepted.

And, recommend that House amendments to **Senate Bill 443** (reference copy -- salmon) be rejected by the Senate.

For the Senate:

Roush, Chairman  
Cocchiarella  
Steinbeisser

For the House:

Arntzen  
Klock  
Windy Boy

**FREE** CONFERENCE COMMITTEE  
on **House Bill 146**  
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 146** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 146** (reference copy -- salmon) be amended as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

1. Page 2, line 22.

**Following:** "entity"

**Insert:** "or its contractors"

2. Page 3, line 11.

**Following:** "citizen"

**Strike:** "or governmental entity"

3. Page 3, line 13.

**Following:** "employee"

**Strike:** "related to the officer's or employee's service"

**Insert:** "within the scope of the officer's or employee's duties"

4. Page 5, line 21.

**Following:** the first "citizen"

**Insert:** "either as plaintiff or as coplaintiff"

5. Page 5, line 22.

**Following:** "between"

**Strike:** "25%"

**Insert:** "15%"

For the House:

Everett  
Gallik  
Harris  
Koopman

For the Senate:

Cromley, Chairman  
Laslovich  
Shockley

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 217**  
Report No. 1, April 14, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 217** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted as follows:

And, recommend that **Senate Bill 217** (reference copy -- salmon) be amended as follows:

1. Title, line 8.

**Following:** "MCA;"

**Strike:** "AND"

2. Title, line 8.

**Following:** "ARM 24.21.414"

**Insert:** "; AND PROVIDING A DELAYED EFFECTIVE DATE"

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

3. Page 1, line 26.

**Following:** "EMPLOYER'S"

**Insert:** "lowest"

4. Page 6, line 21.

**Strike:** "ONLY FOR CONSTRUCTION SERVICES, AS DEFINED IN 18-2-401"

5. Page 6, line 22 through line 24.

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

**Renumber:** subsequent subsections

6. Page 8, following line 7.

**Insert:** "NEW SECTION. Section 7. Effective date. [This act] is effective October 1, 2006."

BE ADOPTED

For the Senate:

Cocchiarella, Chairman

Kitzenberg

Larson

WITH NO RECOMMENDATION

For the House:

Bergren

Keane

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 218**  
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 218** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 218** (reference copy -- salmon) be amended as follows:

1. Title, line 10 through line 11.

**Strike:** "REDUCING" through "DISTRICT;"

2. Title, line 13.

**Strike:** "7-22-2441,"

3. Page 3, line 17 through line 23.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

For the House:

Arntzen

Harris

For the Senate:

Hawks, Chairman

Kitzenberg

Moss



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

McAlpin  
B. Olson

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 272**  
Report No. 1, April 13, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 272** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 272** (reference copy -- salmon) be amended as follows:

1. Title, line 4.

**Strike:** "25"

**Insert:** "50"

2. Page 1, line 20 through line 21.

**Strike:** ", except as provided in subsection (3)"

3. Page 1, line 23.

**Strike:** "25" in two places

**Insert:** "50" in two places

4. Page 1, line 24.

**Strike:** "25" in three places

**Insert:** "50" in three places

5. Page 3, line 21.

**Strike:** "TWENTY-FIVE"

**Insert:** "Fifty"

For the House:

Cohenour  
Groesbeck  
Lambert  
A. Olson

For the Senate:

Tropila, Chairman  
Bales  
Gallus

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 348**  
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 348** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 348** (reference copy -- salmon) be amended as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

1. Page 1.

**Following:** line 28

**Insert:** "(4) A retailer that accepts the return of a keg that does not have an identification tag attached shall obtain the information required in [section 2] on the original purchaser, to the extent possible, and obtain the same information on the person returning the keg. This information must be kept on file with the retailer for not less than 45 days from the date of return."

**Renumber:** subsequent subsections

2. Page 2.

**Following:** line 18

**Insert:** "(b) the date of purchase;  
(c) the name of the clerk making the sale;  
(d) the keg identification number required under [section 1]; and"

**Renumber:** subsequent subsection

3. Page 2, line 20.

**Strike:** "5"

**Insert:** "not less than 45"

4. Page 2, line 21.

**Strike:** "OR UNTIL" through "LATER"

5. Page 2, lines 25 through 26.

**Strike:** "IF A" on line 25

**Insert:** "A"

**Strike:** "RECOVERS A KEG" on line 25 through "TAG" on line 26

**Insert:** "may not request information on file about the original purchaser of a keg unless"

**Following:** "16-6-305" on line 26

**Insert:** ", 45-5-623,"

**Following:** "45-5-624(4)"

**Strike:** "THE"

**Insert:** ". The"

6. Page 2, line 27.

**Strike:** the first "THE"

**Insert:** "any recovered"

**Strike:** "REQUEST"

**Insert:** "verify"

7. Page 2, lines 29 through 30.

**Following:** "PURCHASER" on line 29

**Strike:** ", WITH HALF" on line 29 through "DIVISION" on line 30

For the House:

Buzzas  
Himmelberger

For the Senate:

Williams, Chairman  
Grimes

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Kaufmann  
McKenney

**FREE CONFERENCE COMMITTEE**  
on **House Bill 493**  
Report No. 1, April 13, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 493** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 493** (reference copy -- salmon) be amended as follows:

1. Page 1, lines 17 through 18.

**Following:** "projects" on line 17

**Strike:** ", INCLUDING" through "AUTHORITY," on line 17

2. Page 1, line 23.

**Following:** the second "department"

**Insert:** "of commerce"

3. Page 1, line 25.

**Following:** "located,"

**Insert:** "to contract with an airport authority, as defined in 67-1-101, a local port authority, as described in 7-14-1101, or a regional port authority, as described in 7-14-1102,"

4. Page 2, line 4.

**Following:** "COMMERCE"

**Insert:** "after consultation with the architecture and engineering division of the department of administration"

5. Page 3, lines 6 through 7.

**Following:** "~~project~~" on line 6

**Strike:** "a report" on line 6 through "firm" on line 7

**Insert:** "a certificate signed by the director of the office of budget and program planning"

6. Page 3, line 9.

**Following:** "preparing the"

**Insert:** "analysis for the"

For the House:

McKenney  
Milburn  
Noonan  
Wilson

For the Senate:

Gallus, Chairman  
Lewis  
Williams

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 139**

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Report No. 1, April 14, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 139** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 139** (reference copy -- salmon) be amended as follows:

1. Page 19, line 24.

**Strike:** "PERSONALLY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED"

**Insert:** "by mail or personal service in accordance with Rule 5 of the Montana Rules of Civil Procedure"

2. Page 19, line 25.

**Strike:** "SIGNING OF THE RETURN RECEIPT"

**Insert:** "mailing to the last-known address of the parties and counsel of record"

For the Senate:

Laslovich, Chairman  
Cromley  
Esp

For the House:

Caferro  
Facey  
Morgan  
Stoker

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 4/14/2005

**SB 524**, introduced by Cooney

**SB 525**, introduced by Tester

**House amendments to Senate bills** concurred in: 4/14/2005

**SB 104**, introduced by Gillan

**SB 285**, introduced by Story

**SB 320**, introduced by Bales

**SB 326**, introduced by Laslovich

**SB 328**, introduced by Squires

**SB 380**, introduced by Tester

**SB 406**, introduced by Shockley

**SB 412**, introduced by Cocchiarella

**SB 452**, introduced by Perry

**House bills** concurred in and returned to the House: 4/14/2005

**HB 421**, introduced by Golie

**HB 748**, introduced by Wells

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

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

4/18/2005

**HB 4**, introduced by Musgrove  
**HB 11**, introduced by McNutt  
**HB 288**, introduced by Noennig  
**HB 435**, introduced by Branae  
**HB 476**, introduced by McAlpin  
**HB 552**, introduced by Caferro  
**HB 720**, introduced by Sinrud

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

4/18/2005

**HJR 2**, introduced by Waitschies

**SB 287** - The Senate failed to concur in House amendments to **SB 287**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 287**:

4/14/2005

Senator Gillan  
Senator Laible  
Senator Schmidt

**SB 445** - The Senate failed to concur in House amendments to **SB 445**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 445**:

4/14/2005

Senator Gillan  
Senator Mangan  
Senator McGee

**SB 114** - The Senate failed to concur in House amendments to **SB 114**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 114**:

4/14/2005

Senator Cocchiarella  
Senator Grimes  
Senator Tester

**SB 339** - The Senate failed to concur in House amendments to **SB 339**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 339**:

4/14/2005

Senator Joe Balyeat  
Senator Larson  
Senator Tropila

**HB 218** - The Senate failed to concur in House amendments to **HB 218**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **HB 218**:

4/14/2005

Senator Hawks

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Senator Kitzenberg  
Senator Moss

**HB 227** - The Senate failed to concur in House amendments to **HB 227**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **HB 227**:

4/14/2005

Senator Bales  
Senator Elliott  
Senator Harrington

**HB 99** - The Senate failed to concur in House amendments to **HB 99**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **HB 99**:

4/14/2005

Senator Laslovich  
Senator Mangan  
Senator Shockley

**HB 177** - The Senate failed to concur in House amendments to **HB 177**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **HB 177**:

4/14/2005

Senator Ellingson  
Senator Essmann  
Senator Squires

**Conference Committee Report** No.1 2nd Reading adopted:

4/14/2005

**HB 63**, introduced by Villa  
**SB 423**, introduced by Laslovich

**Conference Committee Report** No.1 3rd Reading adopted:

4/14/2005

**SB 81**, introduced by Stapleton

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 524**, introduced by Cooney, referred to Taxation.  
**SB 525**, introduced by Tester, Cooney, Keenan, Ryan, Story, referred to Select Committee on Education.

**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:

**SB 407** concurred in as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Ayes: Andersen, Arntzen, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Warden, Wells, Windham, Wiseman, Witt.  
Total 68

Noes: Balyeat, Barrett, Becker, Bergren, Campbell, Eaton, Everett, Furey, Galvin-Halcro, Golie, Jayne, L. Jones, Klock, Koopman, Lambert, MacLaren, Malcolm, McKenney, Musgrove, A. Olson, B. Olson, Rice, Ripley, Sonju, Villa, Ward, Wilson, Windy Boy, Mr. Speaker.  
Total 29

Excused: None.  
Total 0

Absent or not voting: Butcher, Harris, Stahl.  
Total 3

**SB 489** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 76

Noes: D. Brown, Buzzas, Caferro, Everett, Gallik, Gutsche, Hamilton, L. Jones, Juneau, Kaufmann, Keane, Koopman, Lake, MacLaren, Mendenhall, Milburn, Rice, Ross, Sales, Sinrud, Wanzenried, Ward, Witt.  
Total 23

Excused: None.  
Total 0

Absent or not voting: Harris.  
Total 1

**SB 301** concurred in as follows:

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

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Total 63

Noes: Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Everett, Gallik, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jayne, Koopman, Lake, Lange, Lindeen, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Parker, Rice, Ripley, Sales, Sinrud, Sonju, Taylor, Wanzenried, Ward, Warden, Wells, Wiseman.

Total 36

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

**SB 428** concurred in 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, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 51

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

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 63, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dickenson, Everett, Franklin, Furey, Glaser, Golie, Groesbeck, Gutsche, Harris, Hendrick, Henry, Himmelberger, 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, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 78

Noes: Arntzen, Balyeat, Bixby, Branae, Cohenour, Dowell, Driscoll, Eaton, Facey, Gallik, Galvin-Halcro, Grinde, Hamilton, Hawk, Heinert, Hiner, Juneau, Morgan, Musgrove, B. Olson, Small-Eastman, Windham.

Total 22



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 453, as amended by the Senate,** passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 62

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Hawk, Hendrick, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells, Witt.  
Total 37

Excused: None.  
Total 0

Absent or not voting: Franklin.  
Total 1

**HB 652, as amended by the Senate,** passed 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, 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, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Everett, Galvin-Halcro, A. Olson, Sinrud, Waitschies.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 668, as amended by the Senate,** passed as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Ayes: Andersen, Arntzen, 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, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 83

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, L. Jones, Koopman, Lake, Lambert, Malcolm, McKenney, Mendenhall, Morgan, Ripley, Sonju, Waitschies, Ward.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 681, as amended by the Senate, passed 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, 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

Noes: Everett, Hawk, Koopman.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 687, as amended by the Senate, passed as follows:**

Ayes: Andersen, Arntzen, Balyeat, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Windham, Wiseman.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Total 66

Noes: Barrett, Becker, Bergren, Bixby, R. Brown, Campbell, Everett, Galvin-Halcro, Golie, Gutsche, Harris, Hawk, Himmelberger, Jackson, Jayne, L. Jones, Juneau, Klock, Koopman, Lambert, Maedje, McGillvray, Milburn, Rice, Ripley, Sales, Sinrud, Sonju, Wagman, Ward, Wilson, Windy Boy, Witt, Mr. Speaker.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 696, as amended by the Senate, passed as follows:**

Ayes: 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, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Andersen, Butcher, Everett, Hawk, Himmelberger, Jackson, W. Jones, Koopman, Malcolm, McKenney, Milburn, A. Olson, Rice, Ross, Sales, Sinrud, Sonju, Waitschies, Warden, Wells.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 701, as amended by the Senate, passed as follows:**

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, 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, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, 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, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: D. Brown, R. Brown, Himmelberger, Jayne, Lake, Lange, McGillvray, Wagman.

Total 8

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 721, as amended by the Senate,** passed as follows:

Ayes: Andersen, 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, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, 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, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 79

Noes: Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jayne, Koopman, Lake, Lambert, Rice, Sales, Sinrud, Sonju, Ward, Wells, Witt.  
Total 21

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 726, as amended by the Senate,** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, 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, Hendrick, Henry, 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, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 89

Noes: Balyeat, D. Brown, R. Brown, Glaser, Himmelberger, Jayne, Sonju, Stahl, Wagman, Wells, Witt.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 732, as amended by the Senate,** passed as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. 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, 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, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Barrett, R. Brown, Everett, Hawk, Himmelberger, Rice, Wagman.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 737, as amended by the Senate, passed as follows:**

Ayes: Andersen, Arntzen, Balyeat, 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, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 76

Noes: D. Brown, R. Brown, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, W. Jones, Koopman, Lange, MacLaren, Maedje, Mendenhall, Milburn, Morgan, Rice, Sales, Sinrud, Sonju, Wagman, Waitschies, Ward, Wells.  
Total 24

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 738, as amended by the Senate, passed as follows:**

Ayes: Andersen, Arntzen, 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, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden,

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 78

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Jackson, Klock, Koopman, Lake, Lange, MacLaren, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Wagman, Waitschies, Wells, Witt.  
Total 22

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 1, as amended by the Senate**, adopted 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, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 80

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Koopman, Lake, Lambert, MacLaren, Ripley, Ross, Sales, Sonju, Stahl, Waitschies, Ward, Wells.  
Total 20

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 6, as amended by the Senate**, adopted 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, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 83

Noes: Balyeat, D. Brown, R. Brown, Everett, Hawk, Jackson, Koopman, Lake, Lange, MacLaren, Rice, Ripley, Roberts, Ross, Sales, Sonju, Warden.  
Total 17

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 7, as amended by the Senate**, adopted 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, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Waitschies.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 15, as amended by the Senate**, adopted 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, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 55

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, Rice, Ripley, Roberts, Ross, Sales, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 44

Excused: None.  
Total 0

Absent or not voting: Sinrud.  
Total 1

**HJR 17, as amended by the Senate**, adopted as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

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, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 60

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 40

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 19, as amended by the Senate**, adopted 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, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, 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, 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, Witt, Mr. Speaker.  
Total 91

Noes: Everett, Gallik, Hendrick, Jackson, Koopman, Milburn, Sales, Sinrud, Wells.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 61, as amended by the Governor**, 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, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange,



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, 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, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Everett, Hawk, Hendrick, Koopman, Malcolm, Mendenhall, Sales, Wells.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 68** 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, 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 99

Noes: Gallik.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 85** concurred in as follows:

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

Total 76

Noes: Balyeat, D. Brown, Driscoll, Everett, Heinert, Himmelberger, Jackson, L. Jones, Koopman, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Wagman, Waitschies, Witt.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 87** concurred in as follows:

Ayes: 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, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 79

Noes: Andersen, Balyeat, D. Brown, Everett, Jackson, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, Mendenhall, Morgan, Rice, Sales, Sonju, Stoker, Taylor, Wagman, Witt.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 261** 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, 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

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

**SB 292** 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, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 84

Noes: Everett, Golie, Hawk, Heinert, Hendrick, Koopman, Lambert, Malcolm, McGillvray, Mendenhall, Rice, Sales, Sinrud, Wanzenried, Wells, Witt.  
Total 16

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 296** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, 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 86

Noes: Bixby, D. Brown, Caferro, Cohenour, Eaton, Gallik, Golie, Hamilton, Harris, Jacobson, Jopek, Juneau, Kaufmann, Malcolm.  
Total 14

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 323** concurred in 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, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, 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,

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

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, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Bixby, Furey, Gallik, Hamilton, Jayne, Juneau, Kaufmann, Windy Boy.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 340** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Glaser, Grinde, Groesbeck, Gutsche, Heinert, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 73

Noes: Barrett, D. Brown, R. Brown, Gallik, Galvin-Halcro, Golie, Hamilton, Harris, Hawk, Hendrick, Jackson, Jayne, Juneau, Kaufmann, Keane, Koopman, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Rice, Ripley, Sales, Stoker, Wells, Windy Boy.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 432** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, 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, 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: None.

Total 0

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Excused: None.  
Total 0

Absent or not voting: Campbell.  
Total 1

**SB 499 failed** as follows:

Ayes: Andersen, Arntzen, Barrett, D. Brown, R. Brown, Butcher, Caferro, Dickenson, Facey, Glaser, Hendrick, Himmelberger, Hiner, Jackson, W. Jones, Kaufmann, Lake, Lange, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Mr. Speaker.  
Total 42

Noes: Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, Mendenhall, Musgrove, Parker, Peterson, Raser, Sales, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Witt.  
Total 58

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 Jopek in the chair.

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

**SB 30** - Representative Windham moved **SB 30** be concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Buzzas, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jent, Jopek, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wells, Wilson, Windham, Wiseman, Mr. Speaker.  
Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, Bixby, D. Brown, R. Brown, Butcher, Caferro, Clark, Everett, Glaser, Grinde, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Windy

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Boy, Witt.  
Total 51

Excused: None.  
Total 0

Absent or not voting: Branae, Peterson.  
Total 2

**SB 274** - Representative Milburn moved **SB 274** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, 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, Milburn, Morgan, Musgrove, Noonan, A. 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: Callahan, Koopman, Mendenhall, Noennig, B. Olson.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Sales.  
Total 1

**HJR 25** - Representative Maedje moved **HJR 25** be adopted. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, Butcher, Everett, Glaser, Heinert, Hendrick, Jackson, Jacobson, Jayne, L. Jones, Juneau, Klock, Lambert, Maedje, McKenney, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, Peterson, Rice, Ripley, Roberts, Stahl, Taylor, Wagman, Witt, Mr. Speaker.  
Total 35

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Himmelberger, Hiner, Jent, W. Jones, Jopek, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, Milburn, Morgan, B. Olson, Parker, Raser, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman.  
Total 64

Excused: None.  
Total 0

Absent or not voting: R. Brown.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Total 1

**HJR 26** - Representative Harris moved **HJR 26** be adopted. Motion carried as follows:

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

Total 53

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

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved consideration of **HJR 37, HJR 40, HJR 41, SB 319, HB 83** be placed at the bottom of the second reading board. Motion carried.

**HJR 32** - Representative Sesso moved **HJR 32** be adopted. Motion carried as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. 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, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ripley, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: Arntzen, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, Koopman, Lake, Lambert, MacLaren, Malcolm, Mendenhall, B. Olson, Peterson, Rice, Ross, Sales, Waitschies, Wells.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 33** - Representative A. Olson moved **HJR 33** be adopted. Motion carried as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

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, 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, Ripley, Roberts, 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, Lake, Ross.

Total 3

Excused: None.

Total 0

Absent or not voting: Harris.

Total 1

**HJR 36** - Representative Ripley moved **HJR 36** be adopted. Motion carried as follows:

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

Total 97

Noes: Lake, Ross, Waitschies.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 39** - Representative Gallik moved **HJR 39** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, 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, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 69



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Noes: Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Rice, Roberts, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies.

Total 30

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

**HJR 42** - Representative Jent moved **HJR 42** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, 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, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Lake, Ross, Stahl.

Total 3

Excused: None.

Total 0

Absent or not voting: Jayne.

Total 1

**SB 133** - Representative McKenney moved **SB 133** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, D. Brown, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Keane, Klock, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 71

Noes: Balyeat, Barrett, Bixby, R. Brown, Butcher, Buzzas, Caferro, Clark, Franklin, Gutsche, Hawk, Hendrick, Jayne, W. Jones, Juneau, Kaufmann, Koopman, Lake, Lange, McGillvray, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Wagman, Wells, Windy Boy.

Total 29

Excused: None.

Total 0

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved consideration of **SJR 11** and **HB 5** be placed at the bottom of the second reading board. Motion carried.

**SJR 6** - Representative Noonan moved **SJR 6** 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, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 59

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Hendrick, Himmelberger, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Taylor, Wagman, Waitschies, Warden, Wells.  
Total 39

Excused: None.  
Total 0

Absent or not voting: Butcher, Stahl.  
Total 2

**SJR 28** - Representative Becker moved **SJR 28** be concurred in. Motion carried 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, Hendrick, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 44

Excused: None.  
Total 0

Absent or not voting: Gallik.  
Total 1

**SJR 29** - Representative Villa moved **SJR 29** be concurred in. Motion carried as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 74

Noes: Balyeat, Barrett, R. Brown, Everett, Gutsche, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Kaufmann, Koopman, Lake, Lambert, McGillvray, Milburn, Morgan, Ripley, Roberts, Ross, Sales, Sinrud, Stoker, Taylor, Wagman, Waitschies.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 35 - Senate Amendments** - Representative Jent moved Senate amendments to **HB 35** be concurred in. Motion carried as follows:

Ayes: Andersen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 77

Noes: Arntzen, Barrett, D. Brown, Butcher, Caferro, Everett, Glaser, Hawk, Jayne, W. Jones, Lake, Lambert, MacLaren, Maedje, McGillvray, Morgan, Rice, Sales, Sinrud, Sonju, Wagman, Ward, Witt.  
Total 23

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Jopek moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson,

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 84

Noes: Balyeat, Barrett, Dowell, Hawk, Hendrick, Koopman, MacLaren, McGillvray, Mendenhall, B. Olson, Rice, Sales, Sinrud, Wagman, Wells.

Total 15

Excused: None.

Total 0

Absent or not voting: Wanzenried.

Total 1

**REPORTS OF STANDING COMMITTEES**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 4/14/2005

**HJR 44**, be adopted. Report adopted.

**HJR 45**, be adopted. Report adopted.

**SB 415**, be amended as follows:

1. Title, page 1, line 11 through line 12.

**Strike:** "AND" on line 11 through "SUPPLIERS" on line 12

2. Page 1, line 23.

**Strike:** "7"

**Insert:** "8"

3. Page 2, line 6.

**Strike:** "7"

**Insert:** "8"

4. Page 2, line 17.

**Following:** line 16

**Insert:** "(1) Ancillary services" means services or tariff provisions related to generation and delivery of electric power other than simple generation, transmission, or distribution. Ancillary services related to transmission services include energy losses, energy imbalances, scheduling and dispatching, load following, system protection, and reactive power."

**Renumber:** subsequent subsections

5. Page 2, line 23.

**Following:** "on"

**Strike:** "either"

**Following:** the first "the"

**Strike:** "customer or"

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

6. Page 2, line 25 through line 27.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

7. Page 2, line 29.

**Strike:** "7"

**Insert:** "8"

8. Page 3, line 4.

**Following:** "electricity"

**Strike:** "on a real-time basis"

9. Page 3, line 9 through line 10.

**Following:** "project"

**Strike:** "with" on line 9 through "project" on line 10

10. Page 3, line 17.

**Following:** ";

**Insert:** "and"

11. Page 3, line 19 through line 21.

**Strike:** "; and" on line 19 through "Montana" on line 21

12. Page 4, line 13.

**Following:** "(11)"

**Insert:** "and [section 7]"

13. Page 4, line 14.

**Strike:** "and competitive electricity suppliers"

14. Page 4, line 16.

**Strike:** "and competitive electricity supplier"

15. Page 4, line 19.

**Strike:** "and competitive electricity supplier"

16. Page 4, line 27.

**Strike:** "and competitive electricity supplier"

17. Page 5, line 20.

**Strike:** "or competitive electricity supplier"

18. Page 5, line 21.

**Strike:** "or competitive electricity supplier's"

19. Page 5, line 25.

**Strike:** "or a competitive electricity supplier"

20. Page 5, line 27 through line 28.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

**Strike:** "or competitive electricity supplier"

21. Page 6, line 4.

Strike: "or competitive electricity supplier"

22. Page 6, line 5.

Strike: "or competitive electricity supplier's"

23. Page 6, line 8.

**Strike:** "or competitive electricity supplier's"

24. Page 6, line 10.

Strike: "7"

Insert: "8"

Strike: "or a competitive electricity supplier"

25. Page 6, line 12.

**Strike:** "or competitive electricity supplier"

26. Page 6, line 13.

Strike: "or competitive electricity supplier"

27. Page 6, line 16 through line 17.

**Strike:** "or competitive electricity supplier"

28. Page 6, line 18.

Strike: "or competitive electricity supplier"

29. Page 6, line 19.

Strike: "\$20"

Insert: "\$10"

Strike: "or competitive electricity supplier"

30. Page 6, line 21.

**Strike:** "general fund"

**Insert:** "universal low-income energy assistance fund established in 69-8-412(1)(a)"

31. Page 6, line 22.

Strike: "or competitive electricity supplier"

32. Page 6, line 25.

Strike: "or competitive electricity supplier"

33. Page 6, line 26 through line 27.

**Following:** "but"

**Strike:** "that" on line 26 through "supplier," on line 27

34. Page 6, lines 27 and 28.

**Following:** "achieved"

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Strike: "AT" on line 27 through "[SECTION 6(2)]" on line 28

**Insert:** "either because renewable energy credits cannot be procured or for other legitimate reasons that are outside the control of the public utility"

35. Page 6, line 30 through page 7, line 1.

**Strike:** "or competitive electricity supplier"

36. Page 7, line 4.

**Strike:** "7"

**Insert:** "8"

**Strike:** "and a competitive electricity supplier"

37. Page 7, line 5.

**Strike:** "or competitive electricity supplier"

38. Page 7, line 10.

**Strike:** "or a competitive electricity supplier"

39. Page 7, line 13.

**Following:** "(3)"

**Insert:** "(a)"

40. Page 7.

**Following:** line 16

**Insert:** "(b) Contracts signed for projects located in Montana must require all contractors to pay the standard prevailing rate of wages for heavy construction, as provided in 18-2-401(13)(a), during the construction phase of the project."

41. Page 7, line 17.

**Strike:** "7"

**Insert:** "8"

42. Page 7, line 20.

**Strike:** "7"

**Insert:** "8"

43. Page 7, line 23.

**Strike:** "and a competitive electricity supplier"

44. Page 7, line 30.

**Strike:** "and a competitive electricity supplier"

45. Page 8, line 1.

**Strike:** "7"

**Insert:** "8"

46. Page 8, line 5.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

**Strike:** "7"  
**Insert:** "8"

47. Page 8, line 7.  
**Strike:** "7"  
**Insert:** "8"

48. Page 8, line 9.  
**Strike:** "7"  
**Insert:** "8"

49. Page 8, line 10.  
**Strike:** subsection (d) in its entirety  
**Renumber:** subsequent subsections

50. Page 8, line 14.  
**Strike:** "7"  
**Insert:** "8"

51. Page 8, line 15.  
**Insert:** "NEW SECTION. Section 7. Cost caps. (1) A public utility that has restructured pursuant to Title 69, chapter 8, is not obligated to take electricity from an eligible renewable resource unless the eligible renewable resource has demonstrated through a competitive bidding process that the total cost of electricity from that eligible resource, including the associated cost of ancillary services necessary to manage the transmission grid and firm the resource, is less than or equal to bids for the equivalent quantity of power over the equivalent contract term from other electricity suppliers.

(2) A public utility that has not restructured pursuant to Title 69, chapter 8, is not obligated to take electricity from an eligible renewable resource unless the cost per kilowatt hour of the generation from the renewable resource does not exceed by more than 15% the cost of power from any other alternate generating resource available to the public utility."

**Renumber:** subsequent sections

52. Page 8, line 30.  
**Strike:** "7"  
**Insert:** "8"

53. Page 9, line 1.  
**Strike:** "7"  
**Insert:** "8"

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

**SJR 31**, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE  
on House Bill 115**



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 115** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 115** (reference copy -- salmon) be amended as follows:

1. Title, line 7 through line 8.

**Insert:** "LIMITING THE ACREAGE OF PROPERTY THAT IS TAX-EXEMPT FOR CHURCHES AND PARSONAGES;"

**Following:** "CLERGY";

**Insert:** "LIMITING THE ACREAGE EXEMPTION FOR EDUCATIONAL PROPERTY AND REQUIRING AN ATTENDANCE POLICY, CURRICULUM, AND INSTRUCTION; PROVIDING THAT UP TO 15 ACRES OF PROPERTY PURCHASED FOR CHARITABLE USE IS EXEMPT AT THE TIME OF PURCHASE; PROVIDING THAT IF EXEMPT PROPERTY IS NOT USED FOR A CHARITABLE PURPOSE WITHIN 8 YEARS OR IS SOLD, THEN LOST TAX REVENUE MUST BE REPAID; PROVIDING THAT THE REPAYMENT AMOUNT IS A LIEN UPON THE PROPERTY;"

2. Title, page 1, line 18.

**Following:** "AN"

**Insert:** "IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE"

3. Page 5, line 30.

**Following:** "~~clergy~~;"

**Insert:** " not to exceed one residence for each member of the clergy, "

4. Page 6, line 3 through line 4.

**Insert:** "but may not exceed 15 acres for a church or 1 acre for a clergy residence after subtracting any area required by zoning, building codes, or subdivision requirements"

5. Page 6, line 7.

**Following:** "~~acres~~;"

**Insert:** "not to exceed 80 acres, "

6. Page 6, line 10.

**Following:** "~~which~~;"

**Insert:** "which:"

7. Page 6, line 11.

**Following:** "~~(i)~~"

**Insert:** "(i)"

**Strike:** "THAT"

8. Page 6.

**Following:** line 13

**Insert:** "(ii) has an attendance policy; and  
(iii) has a definable curriculum with systematic instruction;"

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

9. Page 11.

**Following:** line 8

**Insert:** "(iii) up to 15 acres of property owned by a purely public charity is exempt at the time of its purchase even if the property must be improved before it can directly be used for its intended charitable purpose. If the property is not directly used for the charitable purpose within 8 years of receiving an exemption under this section or if the property is sold or transferred before it entered direct charitable use, the exemption is revoked and the property is taxable. In addition to taxes due for the first year that the property becomes taxable, the owner of the property shall pay an amount equal to the amount of the tax due that year times the number of years that the property was tax-exempt under this section. The amount due is a lien upon the property and when collected must be distributed by the treasurer to funds and accounts in the same ratio as property tax collected on the property is distributed. At the time the exemption is granted, the department shall file a notice with the clerk and recorder in the county in which the property is located. The notice must indicate that an exemption pursuant to this section has been granted. The notice must describe the penalty for default under this section and must specify that a default under this section will create a lien on the property by operation of law. The notice must be on a form prescribed by the department."

10. Page 21, line 24.

**Insert:** "NEW SECTION. **Section 9. Effective date.** [This act] is effective on passage and approval."

**Renumber:** subsequent section

11. Page 21, line 25.

**Strike:** "Applicability"

**Insert:** "Retroactive applicability"

**Strike:** "to tax years beginning"

**Insert:** "retroactively, within the meaning of 1-2-109, to property tax exemption applications made"

12. Page 21, line 26.

**Strike:** "2005"

**Insert:** "2004"

For the House:

Branae  
Groesbeck  
McNutt  
Warden

For the Senate:

Toole, Chairman  
Essmann  
Gillan

**FREE CONFERENCE COMMITTEE**  
on **House Bill 361**  
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 361** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 361** (reference copy -- salmon) be amended as follows:

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

1. Page 4, line 13.

**Strike:** "Except" on line 13 through "the"

**Insert:** "The"

2. Page 4, line 14.

**Strike:** "fees or"

3. Page 5, line 7.

**Strike:** "AND"

4. Page 5, line 8.

**Following:** "(F)"

**Insert:** "except as provided in subsection (1)(g),"

5. Page 5.

**Following:** line 15

(g) beginning January 1, 2011, assess an annual fee on the federal government or its agencies, the state of Montana, counties, cities, or towns if they are the operators of a permitted opencut mining operation. The annual fee must be paid on all permitted acreage. The annual fee is:

(i) \$75 if the permitted acreage is less than or equal to 25 acres;

(ii) \$150 if the permitted acreage is greater than 25 acres and less than or equal to 50 acres;

(iii) \$300 if the permitted acreage is greater than 50 acres and less than or equal to 100 acres; and

(iv) \$600 if the permitted acreage is greater than 100 acres."

6. Page 9, line 23.

**Following:** "2006"

**Insert:** ", to be deposited in the state special revenue fund and used to pay the costs of administering this part"

7. Page 19, line 16.

**Strike:** "[THIS ACT]"

**Insert:** "Section 82-4-432(2)(b)"

**Strike:** "June 30"

**Insert:** "December 31"

For the House:

Gallik  
Hamilton  
Peterson

For the Senate:

Harrington, Chairman  
Gebhardt  
Toole

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 367**  
Report No. 1, April 14, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 367** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

And, recommend that **House Bill 367** (reference copy -- salmon) be amended as follows:

1. Title, line 7 through line 10.

**Following:** "RECORD;" on line 7

**Strike:** "PROVIDING THAT AN APPEAL FROM A JUSTICE'S COURT OF RECORD TO THE DISTRICT COURT IS ON THE RECORD AND NOT DE NOVO ONLY IF ALL THE PARTIES WERE REPRESENTED BY AN ATTORNEY IN THE JUSTICE'S COURT OF RECORD."

2. Page 5, line 19 through line 20.

**Following:** "3-10-115" on line 19

**Strike:** "IF ALL PARTIES WERE REPRESENTED BY AN ATTORNEY IN THE JUSTICE'S COURT OF RECORD"

For the House:

Driscoll  
Lange  
Parker  
Rice

For the Senate:

Mangan, Chairman  
Cromley  
Perry

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 461**  
Report No. 1, April 14, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 461** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 461** (reference copy -- salmon) be rejected by the Senate.

For the Senate:

Roush, Chairman  
Steinbeisser  
Tash

For the House:

Clark  
Golie  
Malcolm

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews started the House will stand at ease until 3:30 p.m.

House reconvened at 3:35 p.m.

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

Dem. Leader Wanzenried moved the House resolve itself into a Committee of the Whole for continuation of business on second reading. Motion carried. Representative Jopek in the chair.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

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

**HB 235** - Representative Lange moved consideration of **HB 235** be placed at the top of the second reading board. Motion carried.

**HB 235 - Senate Amendments** - Representative Lange moved Senate amendments to **HB 235** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, 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, Witt, Mr. Speaker.

Total 96

Noes: Jayne, Juneau.

Total 2

Excused: None.

Total 0

Absent or not voting: Becker, Wiseman.

Total 2

**HB 102 - Senate Amendments** - Representative Lenhart moved Senate amendments to **HB 102** 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, 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: Sales, Sinrud.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

**HB 186 - Senate Amendments** - Representative Bergren moved Senate amendments to **HB 186** 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, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noonan, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 61

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Golie, Hawk, Himmelberger, L. Jones, W. Jones, Klock, Koopman, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 39

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 707 - Senate Amendments** - Representative Groesbeck moved Senate amendments to **HB 707** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, 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, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, 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, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: R. Brown, Glaser, Himmelberger, Jayne, McGillvray, Sales, Wagman.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 782 - Senate Amendments** - Representative McNutt moved Senate amendments to **HB 782** 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,

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, 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, 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: None.

Total 0

Excused: None.

Total 0

Absent or not voting: L. Jones, Milburn.

Total 2

**SB 81 - Conference Committee Report No. 1** - Representative Andersen moved the Conference Committee report to **SB 81** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, 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, 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: Facey, Koopman, Ripley, Sales.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 278 - Conference Committee Report No. 1** - Representative Keane moved the Conference Committee report to **SB 278** be adopted. Motion carried as follows:

Ayes: 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, 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, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Andersen, Hawk, Heinert, Lake, Mendenhall, B. Olson, Sales, Taylor, Wagman.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 423 - Conference Committee Report No. 1** - Representative Harris moved the Conference Committee report to **SB 423**, be adopted. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, 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, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Caferro, Jayne, Koopman, Lambert, A. Olson, B. Olson, Rice, Sales, Ward.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Himmelberger.  
Total 1

**SB 293** - Representative Bergren moved consideration of **SB 293** be placed at the bottom of the second reading board. Motion carried.

**HB 704 - Senate Amendments** - Representative Windy Boy moved Senate amendments to **HB 704** 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, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 96



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Noes: Koopman, Sales, Sinrud, Wells.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 37** - Representative Kaufmann moved **HJR 37** be adopted. 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

**HJR 40** - Representative Harris moved **HJR 40** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, Jopek, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 80

Noes: Butcher, Caferro, Everett, Hawk, Jent, W. Jones, Juneau, Kaufmann, Keane, Lake, Malcolm, McGillvray, Musgrove, B. Olson, Ross, Wagman, Waitschies, Ward.  
Total 18

Excused: None.  
Total 0

Absent or not voting: Galvin-Halcro, Jayne.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Total 2

**HJR 41** - Representative Campbell moved **HJR 41** be adopted. Motion carried as follows:

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

Total 93

Noes: Barrett, Everett, Hawk, Lake, Malcolm, Ross, Sales.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 319** - Representative Jent moved **SB 319** be concurred in. 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, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Stahl, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 57

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

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 83 - Senate Amendments** - Representative Campbell moved Senate amendments to **HB 83** be concurred in. Motion carried as follows:

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

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

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, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Everett, Hawk, Heinert, Jackson, Koopman, McGillvray, Mendenhall, Ripley, Sales, Wagman, Wells.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Rep. Bergren assumed the Chair.

**SJR 11** - Representative Jopek moved **SJR 11** be concurred in. Motion carried as follows:

Ayes: Andersen, 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, Heinert, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 65

Noes: Arntzen, Balyeat, D. Brown, R. Brown, Everett, Glaser, Hawk, Hendrick, Himmelberger, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McKenney, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Wagman, Waitschies, Ward, Wells, Witt.  
Total 34

Excused: None.  
Total 0

Absent or not voting: Barrett.  
Total 1

Rep. Jopek assumed the Chair.

**HB 5 - Senate Amendments** - Representative Wells moved Senate amendments to **HB 5** be **not** concurred in. 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,

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

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 293** - Representative Bergren moved **SB 293** be concurred in.

**SB 293** - Representative Bergren moved **SB 293**, second reading copy, be amended as follows:

1. Page 2, line 9.

**Strike:** "55"

**Insert:** "40"

2. Page 2, line 17.

**Strike:** "55"

**Insert:** "40"

3. Page 2, line 27.

**Strike:** "55"

**Insert:** "40"

4. Page 2, line 28.

**Strike:** "30"

**Insert:** "20"

5. Page 3, line 4 through line 6.

**Strike:** "A gasoline" on line 4 through "engines." on line 6

6. Page 22, line 5.

**Strike:** "55-MILLION-GALLON"

**Insert:** "40-million-gallon"

7. Page 22, line 6.

**Strike:** "30"

**Insert:** "20"

8. Page 22, line 11.

**Strike:** "30"

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

**Insert:** "20"

9. Page 22, line 12.

**Strike:** "55"

**Insert:** "40"

Amendment adopted 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, L. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, Musgrove, 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, W. Jones, Klock, 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 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 293** - Representative Bergren moved **SB 293**, second reading copy, be further amended as follows:

1. Page 3, line 7.

**Strike:** "MAY"

**Insert:** "shall"

Amendment adopted as follows:

Ayes: Andersen, 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, Koopman, 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, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Arntzen, Hawk, Lake, Malcolm, Sales.

Total 5

Excused: None.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Total 0

Absent or not voting: None.

Total 0

**SB 293** - Representative Bergren moved **SB 293**, as amended, be concurred in. 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, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, 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, Ward, Warden, Wells, Witt.

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 Jopek moved the Committee of the Whole report be adopted. Report adopted 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, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 54

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

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

**MOTIONS**

Rep. Hendrick moved the House reconsider its action on April 14, 2005, on **SB 499** for the purpose of placing the bill back on 3rd Reading. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dickenson, Driscoll, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Kaufmann, Keane, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 77

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Dowell, Eaton, Everett, Galvin-Halcro, Golie, Hawk, L. Jones, Juneau, Klock, Lindeen, Malcolm, McAlpin, Mendenhall, Musgrove, Small-Eastman, Stoker, Windy Boy.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the Speaker dissolve the Conference Committee and appoint a **Free** 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

Dem. Floor Leader Parker moved the Speaker dissolve the Conference Committee and appoint a **Free** Conference Committee to meet with a like committee to confer on House amendments to **SB 107**. Motion carried.

The Speaker appointed the following members:

Representative Peterson  
Representative Waitschies  
Representative Jopek  
Representative Gutsche

Dem. Floor Leader Parker moved the Speaker appoint a **Free** Conference Committee to meet with a like committee

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

to confer on House amendments to **SB 339**. Motion carried.

The Speaker appointed the following members:

Representative Milburn  
Representative Klock  
Representative Jent  
Representative Noennig

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on House amendments to **SB 445**. Motion carried.

The Speaker appointed the following members:

Representative Anderson  
Representative Ward  
Representative Galvin-Halcro  
Representative Villa

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Governor's amendments to **HB 46**. Motion carried.

The Speaker appointed the following members:

Representative Everett  
Representative Koopman  
Representative Parker  
Representative Wilson

Dem. Floor Leader Parker moved the Speaker appoint a Conference Committee to meet with a like committee to confer on House amendments to **SB 287**. Motion carried.

The Speaker appointed the following members:

Representative Witt  
Representative Olson  
Representative Parker  
Representative Wilson

Dem. Floor Leader Parker moved the Speaker appoint a **Free** Conference Committee to meet with a like committee to confer on House amendments to **SB 114**. Motion carried.

The Speaker appointed the following members:

Representative McKenney  
Representative Sonju.  
  
Representative Parker  
Representative Harris



HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Dem. Floor Leader Parker moved the House suspend the rules to hear **SB 274** and **SB 499** on 3rd Reading today. Without objection, so ordered.

**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:

**SB 274** concurred in as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, 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, Milburn, Morgan, Musgrove, 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: Balyeat, Koopman, Mendenhall, Noennig, Sales.

Total 5

Excused: None.

Total 0

Absent or not voting: Gallik.

Total 1

**SB 499** concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Facey, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.

Total 73

Noes: Becker, Bergren, Buzzas, Callahan, Driscoll, Eaton, Everett, Franklin, Galvin-Halcro, Golie, Hawk, Henry, L. Jones, Koopman, Lambert, Lindeen, Malcolm, McAlpin, Mendenhall, Musgrove, Sales, Sinrud, Small-Eastman, Stoker, Windy Boy, Wiseman.

Total 26

Excused: None.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

Total 0

Absent or not voting: Taylor.

Total 1

**REPORTS OF STANDING COMMITTEES**

**TAXATION** (Waitschies, Chairman):  
**SB 213**, be amended as follows:

4/14/2005

1. Title, page 1, line 6 through line 7.  
**Strike:** "ALLOWING" on line 6 through "MATERIAL;" on line 7  
**Strike:** "SECTION 15-32-604, MCA."
2. Page 1, line 14 through line 22.  
**Strike:** section 1 in its entirety  
**Renumber:** subsequent sections
3. Page 1, line 25.  
**Strike:** "2010"  
**Insert:** "2011"
4. Page 1, line 29.  
**Strike:** "2010"  
**Insert:** "2011"
5. Page 2, line 2.  
**Strike:** "2010"  
**Insert:** "2011"
6. Page 2, line 10.  
**Strike:** "2010"  
**Insert:** "2011"
7. Page 2, line 17.  
**Strike:** "2010"  
**Insert:** "2011"
8. Page 2, line 21.  
**Strike:** "2010"  
**Insert:** "2011"
9. Page 2, line 26.  
**Strike:** "2010"

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

**Insert:** "2011"

10. Page 3, line 4.

**Strike:** "2010"

**Insert:** "2011"

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

**SB 271**, be concurred in. Report adopted.

**SB 276**, be concurred in. Report adopted.

**SB 345**, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "AUTHORIZING" on line 5 through "HEARING;" on line 6

2. Title, page 1, line 11.

**Strike:** "COUNTY"

**Following:** "LIEN;"

**Strike:** "AND"

**Strike:** "7-15-4263,"

3. Title, page 1, line 13.

**Following:** "DATE"

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

4. Page 1, line 17 through page 3, line 2.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

5. Page 3, line 27 through line 28.

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

6. Page 4, line 15.

**Strike:** "or its agents"

7. Page 4, line 19.

**Strike:** "OR ITS AGENTS"

8. Page 8, line 24.

**Following:** "BETWEEN"

**Insert:** "the property taxes that would have been imposed on the property based on"

**Following:** "MINIMUM VALUE"

**Insert:** "of the property"

**Following:** "AND"

**Insert:** "the property taxes that are imposed on the property based on"

9. Page 9, line 1.

**Strike:** "6"

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

**Insert:** "5"

10. Page 9, line 19.

**Strike:** "COUNTY TAX"

**Insert:** "Tax"

11. Page 9, line 20.

**Strike:** "5"

**Insert:** "4"

12. Page 9, line 24.

**Strike:** "5"

**Insert:** "4"

13. Page 9, line 26.

**Strike:** "5"

**Insert:** "4"

14. Page 9, line 27.

**Strike:** "6"

**Insert:** "5"

15. Page 9, line 28.

**Strike:** "6"

**Insert:** "5"

16. Page 9.

**Following:** line 30

**Insert:** "NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 2005."

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

**SB 516**, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "REQUIRING" on line 5 through "OFFICE;" on line 6

2. Title, page 1, line 10.

**Strike:** "CERTAIN"

**Following:** "OWN"

**Insert:** "INDUSTRIAL"

3. Title, page 1, line 10 through line 11.

**Strike:** "IN MORE" on line 10 through "COUNTY" on line 11

4. Title, page 1, line 12.

**Following:** "HEARING"

**Insert:** "ON CERTAIN PROPERTY TAX APPEALS"

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

5. Title, page 1, line 18.

**Strike:** "REVISING" through "ADJUDICATION;"

6. Title, page 1, line 19.

**Strike:** "15-2-304"

**Insert:** "15-15-101"

7. Page 1, line 29.

**Strike:** ", except as provided in 15-2-302(1)(b)"

8. Page 2, line 3.

**Following:** "23"

**Insert:** "and, for the purposes of subsection (7), to property classified as industrial property by the department"

9. Page 2, line 12.

**Strike:** "30"

**Insert:** "180"

10. Page 3, line 24.

**Insert:** "(7) The department and the owner of centrally assessed property or industrial property shall enter into mediation regarding any dispute with the department. Mediation of the dispute may not exceed 60 days. If the dispute is not resolved within 60 days, the department shall issue its final decision."

11. Page 8, line 29 through line 30.

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

**Insert:** "(b) property that has been classified as industrial property by the department;"

12. Page 9, line 20.

**Following:** the first "(4)"

**Insert:** "["

**Following:** "(4)(b)"

**Insert:** "]"

13. Page 9.

**Following:** line 21

**Insert:** "["

14. Page 9, line 22.

**Following:** "(4)(b)(ii)"

**Insert:** "]"

15. Page 10, line 1.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(5)(b)"

**Insert:** "and (5)(c)"

16. Page 10.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

**Following:** line 13

**Insert:** "(c) This subsection (5) applies only to appeals filed by owners of centrally assessed property and owners of property described in subsection (1)(b)."

17. Page 10, line 19 through page 11, line 12.

**Strike:** section 5 in its entirety

**Insert:** "**Section 5.** Section 15-15-101, MCA, is amended to read:

**"15-15-101. County tax appeal board -- meetings and compensation.** (1) The board of county commissioners of each county shall appoint a three-member county tax appeal board, with the members to serve staggered terms of 3 years each. The members of each county tax appeal board must be residents of the county in which they serve. The members receive compensation of \$45 a day and travel expenses, as provided for in 2-18-501 through 2-18-503, only when the county tax appeal board meets to hear taxpayers' appeals from property tax assessments or when they are attending meetings called by the state tax appeal board. Travel expenses and compensation must be paid from the appropriation to the state tax appeal board. Office space and equipment for the county tax appeal boards must be furnished by the county. All other incidental expenses must be paid from the appropriation of the state tax appeal board.

(2) The county tax appeal board shall hold an organizational meeting each year on the date of its first scheduled hearing, immediately before conducting the business for which the hearing was otherwise scheduled. It shall continue in session from July 1 of the current tax year until December 31 of the current tax year to hear protests concerning assessments made by the department until the business of hearing protests is disposed of and, as provided in 15-2-201, may meet after December 31.

(3) In connection with an appeal, the county tax appeal board may change any assessment or fix the assessment at some other level. Upon notification by the county tax appeal board, the county clerk and recorder shall publish a notice to taxpayers, giving the time the county tax appeal board will be in session to hear scheduled protests concerning assessments and the latest date the county tax appeal board may take applications for the hearings. The notice must be published in a newspaper if any is printed in the county or, if none, then in the manner that the county tax appeal board directs. The notice must be published by May 15 of the current tax year.

(4) Challenges to a department rule governing the assessment of property or to an assessment procedure apply only to the taxpayer bringing the challenge and may not apply to all similarly situated taxpayers unless an action is brought in the district court as provided in 15-1-406.

(5) This chapter does not apply to centrally assessed property or to property that has been classified as industrial property by the department.

**Insert:** "**COORDINATION SECTION. Section 6. Coordination instruction.** If House Bill No. 158 is passed and approved, the bracketed language in 15-2-302(4)(a) of [this act] is void."

**Renumber:** subsequent sections

18. Page 11, line 16 through line 17.

**Strike:** "and" on line 16 through "occurring" on line 17

**Insert:** "filed"

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

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 9:00 a.m., Friday, April 15, 2005. Motion carried.

HOUSE JOURNAL  
EIGHTIETH LEGISLATIVE DAY - APRIL 14, 2005

House adjourned at 6:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House