

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

Helena, Montana
April 15, 2005

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

Speaker Matthews and the House thanked the pages for the week.

Rep. Bergren announced the House Democrats will caucus.
Rep. Lange announced the House Republicans will caucus.
Speaker Matthews stated the House will stand at ease until 9:35 a.m.

House reconvened at 9:38 a.m.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 4/15/2005
Correctly printed: **HJR 26, HJR 32, HJR 33, HJR 36, HJR 39, HJR 40, HJR 41, HJR 42, HJR 43, HJR 44, HJR 45.**
Correctly engrossed: **HB 805, HB 806.**
Correctly enrolled: **HB 536, HJR 1, HJR 6, HJR 7, HJR 15, HJR 17, HJR 19.**
Examined by the sponsor and found to be correct: **HB 18, HB 67, HB 159, HB 182, HB 188, HB 331, HB 377, 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 530, HB 536, HB 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB 748, HB 749, HJR 1, HJR 6, HJR 7, HJR 15, HJR 17, HJR 19.**

STATE ADMINISTRATION (Jent, Chairman): 4/15/2005
SJR 14, be concurred in. Report adopted.

TAXATION (Waitschies, Chairman): 4/15/2005
SB 75, be concurred in. Report adopted.
SB 524, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate joint resolutions passed and transmitted to the House for concurrence: 4/15/2005

SJR 38, introduced by Cocchiarella
SJR 40, introduced by Schmidt

House bills concurred in and returned to the House: 4/15/2005

HB 327, introduced by Groesbeck
HB 374, introduced by Harris
HB 414, introduced by D. Brown
HB 512, introduced by Witt

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HB 745, introduced by Matthews

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

4/15/2005

HB 386, introduced by Sinrud

HB 423, introduced by Stahl

HB 484, introduced by L. Jones

HB 531, introduced by Franklin

HB 577, introduced by McAlpin

HB 742, introduced by Buzzas

HB 757, introduced by L. Jones

HB 769, introduced by Golie

HB 790, introduced by Peterson

SB 287 - The Senate dissolved the Conference Committee on **SB 287** and authorized the President to appoint the following **Free** Conference Committee:

4/15/2005

Senator Gillan

Senator Laible

Senator Schmidt

HB 540 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee:

4/15/2005

Senator Gallus

Senator Kitzenberg

Senator Tropila

HB 625 - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee:

4/15/2005

Senator Barkus

Senator Harrington

Senator Toole

HB 2 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee:

4/15/2005

Senator Cobb

Senator Cooney

Senator Tester

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

4/15/2005

SB 423, introduced by Laslovich

SB 507, introduced by Brueggeman

HB 63, introduced by Villa

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FIRST READING AND COMMITMENT OF BILLS

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

SJR 38, introduced by Cocchiarella, Joe Balyeat, Grimes, Laslovich, Lewis, Roush, Squires, Steinbeisser, Tash, Tropila, referred to Business and Labor.

SJR 40, introduced by Schmidt, referred to Judiciary.

**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 Sonju in the chair.

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

HJR 43 - Representative Peterson moved **HJR 43** 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, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Juneau, Musgrove.

Total 2

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

SB 115 - Representative Peterson moved **SB 115** be concurred in.

SB 115 - Representative Keane moved **SB 115**, second reading copy, be amended as follows:

1. Title, line 5.

Following: "FACILITIES";

Insert: "PROVIDING THAT A FACILITY IS NOT ELIGIBLE TO BE CLASSIFIED AS CLASS FOURTEEN PROPERTY UNLESS THE FACILITY PAID THE STANDARD PREVAILING RATE OF WAGES FOR HEAVY CONSTRUCTION DURING THE CONSTRUCTION PHASE;"

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2. Page 1, line 30.

Following: "facilities"

Insert: ":

(a) at which the standard prevailing rate of wages for heavy construction, as provided in 18-2-401(13)(a), was not paid during the construction phase; or

(b)"

Amendment adopted as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 65

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Koopman, Lake, Lambert, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Taylor, Wagman, Wells, Witt.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 115 - Representative Peterson moved **SB 115**, as amended, be concurred in. Motion carried as follows:

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

Total 89

Noes: Barrett, R. Brown, Hawk, Juneau, Koopman, Malcolm, McGillvray, Ripley, Sales, Wagman, Wells.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 442 - Representative Ross moved **SB 442** be concurred in. Motion carried as follows:

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

SB 511 - Representative Wiseman moved **SB 511** be concurred in.

SB 511 - Representative Wiseman moved **SB 511**, second reading copy, be amended as follows:

1. Page 9, line 16.

Following: "(j)"

Insert: "50% of the"

2. Page 9, line 17.

Following: "years."

Insert: "The deduction allowed under this subsection (1)(j) may not exceed \$10 million."

3. Page 12, line 22.

Following: "(i)"

Insert: "50% of the"

4. Page 12, line 24.

Following: "YEARS."

Insert: "The deduction allowed under this subsection (1)(i) may not exceed \$10 million."

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

Total 51

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

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 511 - Representative Wiseman moved **SB 511**, as amended, be concurred in. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Keane, Klock, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 66

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Caferro, Cohenour, Everett, Gallik, Glaser, Hawk, Hendrick, Himmelberger, Jackson, Jayne, W. Jones, Kaufmann, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, Milburn, Rice, Ripley, Sales, Sinrud, Taylor, Wagman, Ward, Wells, Witt.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 48 - Representative Wanzenried moved consideration of **SB 48** be placed below **SB 271** on the second reading board. Motion carried.

SJR 20 - Representative Raser moved **SJR 20** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, 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 89

Noes: Bergren, Caferro, Clark, Dickenson, Gallik, Gutsche, Harris, Jopek, Kaufmann, Parker.

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Total 10

Excused: None.

Total 0

Absent or not voting: B. Olson.

Total 1

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

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

Total 83

Noes: Gallik, Hawk, Hendrick, Kaufmann, Koopman, Peterson, Sales, Sinrud.

Total 8

Excused: None.

Total 0

Absent or not voting: Himmelberger, Klock, Lake, Lambert, B. Olson, Ross, Sonju, Taylor, Ward.

Total 9

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 11:10 a.m.

House reconvened at 11:14 a.m.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Rice, Chairman):

4/15/2005

HB 805, introduced bill, be amended as follows:

1. Page 1, line 29 through page 2, line 1.

Strike: subsection (3) in its entirety

2. Page 2, line 6.

Following: "legislative"

Insert: "representative"

3. Page 2, line 8.

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Following: "legislative"

Insert: "representative"

And, as amended, do pass. Report adopted.

HB 806, introduced bill, be amended as follows:

1. Page 1, line 17 through line 19.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

2. Page 1, line 28.

Following: "legislative"

Insert: "representative"

3. Page 2, line 9.

Following: "legislative"

Insert: "representative"

4. Page 2, line 11.

Following: "legislative"

Insert: "representative"

And, as amended, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 175**
Report No. 1, April 14, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 175** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 175** (reference copy -- salmon) be accepted by the Senate.

For the Senate:

Cromley, Chairman

Esp

Moss

For the House:

Jopek

Maedje

McAlpin

Noennig

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

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

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

SB 75 - Representative Lambert moved **SB 75** be concurred in.

Rep. Waitschies rose to a point of personal privilege regarding Rep. Wiseman's comments.

Rep. Lange asked for a ruling from the Chair. Chairman Sonju stated the House will stand at ease for a few minutes.

House reconvened.

Rep. Wiseman apologized for his statement.

Rep. Lange withdrew his motion.

SB 75 - Motion to concur 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, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ross, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 60

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

Total 39

Excused: None.

Total 0

Absent or not voting: Mendenhall.

Total 1

SB 345 - Representative Facey moved consideration of **SB 345** be placed at the bottom of the second reading board. Motion carried.

SB 524 - Representative Cohenour moved **SB 524** 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,

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

Total 99

Noes: Sales.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 213 - Representative Facey moved **SB 213** be concurred in. Motion carried as follows:

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

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Wells.

Total 1

SB 271 - Representative Lake moved **SB 271** 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, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Milburn, 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 90

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Noes: R. Brown, Everett, Hawk, Himmelberger, Koopman, Lange, McGillvray, Mendenhall, Morgan, Sales.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 48 - Representative Branae moved **SB 48** be concurred in.

SB 48 - Representative Waitschies moved **SB 48**, second reading copy, be amended.

Dem. Leader Wanzenried rose for a ruling of the Chair whether the amendment fit within the scope of the title of the bill.

Chairman Sonju ruled that it did.

Dem. Leader Wanzenried challenged the ruling of the Chair.

Chairman Sonju stated the House will stand at ease.

House resumed.

Rep. Waitschies rose to state the ruling states that the amendment does not fit within the title and he withdrew his amendment motion.

SB 48 - Representative Mendenhall moved for cloture. Motion **failed** on a 2/3 vote as follows:

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

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 47

Excused: None.
Total 0

Absent or not voting: Juneau, B. Olson.
Total 2

SB 48 - Representative Bergren moved for cloture. Motion carried on a voice vote.

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SB 48 - Motion to concur 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, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

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, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 49

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 Sonju 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, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Rice, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, 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, 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

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 99**

HOUSE JOURNAL
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Report No. 1, April 15, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 99** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 99** (reference copy -- salmon) be amended as follows:

1. Page 1, line 29.

Following: "~~OF~~"

Strike: "NOT TO EXCEED"

Insert: "of not less than 2 days or more than"

2. Page 1, line 30.

Following: "both"

Insert: ", and in addition, the court may order the person to perform up to 40 hours of community service"

For the House:

Driscoll
Lange
Parker
Taylor

For the Senate:

Mangan, Chairman
Laslovich
Shockley

House stood at ease for a few minutes.

House reconvened at 12:55 p.m.

Heritage Christian School in Bozeman provided entertainment for the House.

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

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

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

SB 276 - Representative Lambert moved **SB 276** be concurred in. Motion carried as follows:

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

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Total 85

Noes: Bixby, Caferro, Callahan, Dowell, Galvin-Halcro, Gutsche, Harris, Jayne, Jopek, Juneau, Kaufmann, McAlpin, Musgrove, Parker.

Total 14

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

SB 415 - Representative Groesbeck moved **SB 415** be concurred in.

SB 415 - Representative Keane moved for cloture. Motion carried on voice vote.

SB 415 - Motion to concur 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, Klock, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, 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, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. 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

Sgt.-of- Arms Clark escorted the Blood Drop through the House. The Blood Drop will be here for the Blood Drive being held in the Rotunda today.

SB 516 - Representative Peterson moved **SB 516** be concurred in.

SB 516 - Representative McAlpin moved **SB 516**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lindeen, McAlpin, Musgrove, Noonan, Raser, Sesso, Small-Eastman, Villa, Wanzenried,

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Wilson, Windham, Windy Boy, Wiseman.
Total 42

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Galvin-Halcro, Glaser, Golie, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 58

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 516 - Representative Peterson's motion to concur carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Clark, Dickenson, Dowell, Driscoll, Everett, Franklin, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 74

Noes: Bixby, Buzzas, Caferro, Callahan, Campbell, Cohenour, Eaton, Facey, Furey, Gallik, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Koopman, McAlpin, Musgrove, Sinrud, Villa, Wanzenried.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 5 - Senate Amendments - Representative Peterson 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, 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.

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Speaker.
Total 50

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 2 - Senate Amendments - Representative Waitschies moved Senate amendments to **HJR 2** 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, 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 345 - Representative Facey moved **SB 345** 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, Lambert, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Sonju, Villa, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 56

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells, Witt.
Total 44

Excused: None.
Total 0

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

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 75

Noes: Butcher, Everett, Hamilton, Hawk, Heinert, Hendrick, W. Jones, Juneau, Koopman, Lake, MacLaren, Malcolm, McGillvray, Mendenhall, Morgan, Parker, Ross, Sales, Sinrud, Ward, Wells.
Total 21

Excused: None.
Total 0

Absent or not voting: Himmelberger, Small-Eastman, Sonju, Wilson.
Total 4

Rep. Bergren announced the House Democrats will caucus.
Rep. Lange announced the House Republicans will caucus.
Speaker Matthews stated the House will stand at ease until 3:15 p.m.

House reconvened at 3:22 p.m.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 177**
Report No. 1, April 15, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 177** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 177** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 14.

Strike: "PROVIDING THAT QUESTIONABLE VOTES ARE NOT VALID VOTES;"

2. Title, page 1, line 15.

Following: "BALLOTS;"

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Insert: "CLARIFYING PROCEDURES FOR COUNTING VOTES WHENEVER A VOTING SYSTEM ERROR IS SUSPECTED DURING A VOTE COUNT; CLARIFYING COUNT AND RECOUNT PROCEDURES FOR PAPER AND NONPAPER BALLOTS;"

3. Title, page 1, line 18.

Strike: "13-1-101,"

4. Title, page 1, line 20.

Following: "~~13-16-414~~,"

Insert: "13-16-412,"

Following: "13-16-414,"

Insert: "13-17-211,"

5. Page 1, line 24 through page 5, line 18.

Strike: section 1 in its entirety

Insert: "NEW SECTION. Section 1. Handling voting system error during count. (1) During a count of paper or nonpaper ballots in which votes are being automatically tabulated by a voting system, if the election administrator or counting board has reason to believe that the voting system is not operating correctly, the count must be halted and the system must be tested in accordance with rules adopted by the secretary of state pursuant to 13-17-211.

(2) If the test does not show any errors, the count must proceed using the voting system.

(3) If the test shows errors and the errors cannot be corrected or if a majority of the counting board agrees that the system may not be functioning correctly:

(a) votes cast on paper ballots must be counted manually in accordance with 13-15-206(2);

(b) votes cast on a nonpaper ballot must be counted as provided in rules adopted under 13-17-211."

6. Page 8, line 18.

Following: "13-15-206"

Strike: "(4)"

Insert: "(5)"

11, line 17.

Following: "13-15-206"

Strike: "(4)"

Insert: "(5)"

7. Page 15, line 15.

Following: "13-15-206"

Strike: "(4)"

Insert: "(5)"

8. Page 15, line 27.

Following: "count"

Insert: "or recount"

9. Page 15, line 30.

Strike: "(6)"

Insert: "(7)"

10. Page 16, line 1.

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Following: "instructions,"

Insert: "the vote must be considered questionable and"

11. Page 16, line 1 through line 2.

Strike: "VOTE" on line 1 through "COUNTED" on line 2

Insert: "entire ballot must be set aside and votes on the ballot must be handled as provided in subsection (4)"

12. Page 16, line 12.

Strike: "Except as provided in subsection (3)(b)"

Insert: "When a voting system is tabulating a vote cast on a nonpaper ballot"

13. Page 16, line 16.

Strike: "DETERMINED BY THE SYSTEM TO BE AN OVERVOTE OR UNDERVOTE"

Insert: "not recognized and counted by the system"

14. Page 16, line 17.

Strike: "(6)"

Insert: "(7)"

15. Page 16, line 20.

Following: "(4):"

Insert: "When a voting system is tabulating a vote cast on a paper ballot:

(i) if the voting system recognizes and counts the vote, it is a valid vote;

(ii) if the voting system cannot process the ballot because of the ballot's condition or if the voting system registers an overvote or undervote, which must be considered a questionable vote, the entire ballot must be set aside and the votes on the ballot must be counted as provided in subsection (4)."

16. Page 16, line 21.

Following: "(ii)"

Insert: "(c)"

Following: "determines"

Insert: "or counting board"

17. Page 16, line 22.

Strike: "13-16-414"

Insert: "[section 1]"

18. Page 16, line 23.

Strike: "(c)"

Insert: "(d)"

Following: "and"

Insert: "subsection (4) and"

19. Page 17.

Following: line 4

Insert: "(4) (a) (i) Before being counted, each questionable vote on a paper ballot set aside under subsection (2)(a) or (3)(b) must be reviewed by the counting board. The counting board shall evaluate each questionable vote according to rules adopted by the secretary of state."

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(ii) If a majority of the counting board members agree that under the rules the voter's intent can be clearly determined, the vote is valid and must be counted according to the voter's intent.

(iii) If a majority of the counting board members do not agree that the voter's intent can be clearly determined under the rules, the vote is not valid and may not be counted.

(b) If a ballot was set aside under subsection (3)(b) because it could not be processed by the voting system due to the ballot's condition, the counting board shall transfer all valid votes to a new ballot that can be processed by the voting system."

Renumber: subsequent subsections

20. Page 18.

Following: line 29

Insert: "Section 18. Section 13-16-412, MCA, is amended to read:

"13-16-412. Procedure for recounting paper ballots. (†) To conduct a recount of paper ballots:

~~(a)~~(1) the election administrator shall provide to the recount board, unopened, each sealed package or envelope received from the election judges of the precinct or precincts in which a recount is ordered, containing all the paper ballots voted in the precinct or precincts;

~~(b)~~(2) a member of the recount board shall open each sealed package or envelope and remove the ballots, and the board shall count the votes on each ballot manually in the manner provided in 13-15-206(2); and

~~(c)~~(3) the recount must be tallied on previously prepared tally sheets. The tally sheets must show the names of the respective candidates, the office or offices for which a recount is made, and the number of each election precinct.

~~(2) To prepare for a recount of ballots cast using a nonpaper-based voting system, the election administrator and election judges shall proceed as provided in rules adopted pursuant to 13-17-211 and the recount board shall conduct the recount as provided in 13-16-414."~~

Renumber: subsequent sections

21. Page 19, line 2.

Strike: "using voting system"

Insert: "on nonpaper ballot"

Strike: "(a)"

22. Page 19, line 3 through line 4.

Strike: "or if" on line 3 through "properly" on line 4

Insert: "cast on a nonpaper ballot"

Following: the first "the"

Insert: "election administrator or"

23. Page 19, line 6.

Strike: "(b)"

Insert: "(2)"

24. Page 19, line 7.

Following: "(3)"

Insert: "(a)"

25. Page 19, line 8.

Strike: "(c)(i)"

Insert: "(3)(a)"

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26. Page 19, line 11.

Strike: "(ii)"

Insert: "(b)"

Following: "(3)"

Insert: "(a)"

27. Page 19, line 12.

Strike: "(iii)"

Insert: "(c)"

Strike: "as provided in subsection (3)"

Insert: "subject to rules adopted for the system under 13-17-211"

28. Page 19, line 13 through line 18.

Strike: subsections (2) and (3) in their entirety

29. Page 19.

Following: line 18

Insert: "**Section 20.** Section 13-17-211, MCA, is amended to read:

"13-17-211. Uniform procedures for using voting systems. (1) For each voting system approved under 13-17-101, the secretary of state shall adopt rules specifying the procedures to be uniformly applied in elections conducted with the voting system.

(2) The rules must, at a minimum, specify procedures that address the following:

(a) performance certification under 13-17-212;

(b) how electors ensure the proper disposition of a ballot pursuant to 13-13-117(2);

(c) the process to be used to prepare for a vote count under 13-10-311(3) and 13-15-201(2) for nonpaper ballots so that election judges can determine the total number of electors voting in the election compared to the total number of ballots cast;

(d) the procedures to be followed if the comparison under 13-15-206(2)(b) reveals discrepancies;

~~(e) recount procedures under 13-16-412(2);~~

~~(f) voting system tests to correct discrepancies under 13-16-414(1)(a);~~

~~(g) what contingencies must be made for recounts pursuant to 13-16-414(3)(b);~~

~~(e) how to operate and test the system during counts or recounts;~~

~~(h)(f)~~ the security measures necessary to secure the voting system before, during, and after an election, including security following a recount under 13-16-417; and

~~(i)(g)~~ testing and certification of voting systems pursuant to 13-17-212."

Renumber: subsequent sections

30. Page 20.

Following: line 23

Insert: "NEW SECTION. **Section 23. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 13, chapter 15, part 2, and the provisions of Title 13, chapter 15, part 2, apply to [section 1]."

For the House:

D. Brown
Dickenson
Hamilton
A. Olson

For the Senate:

Squires, Chairman
Ellingson
Essmann

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CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 227**
Report No. 1, April 15, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 227** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 227** (reference copy -- salmon) be accepted by the House.

For the House:

Branae
Galvin-Halcro
Lake
Sales

For the Senate:

Harrington, Chairman
Bales
Elliott

FREE CONFERENCE COMMITTEE
on **House Bill 606**
Report No. 1, April 15, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 606** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 606** (reference copy -- salmon) be amended as follows:

1. Title, line 8.

Following: ";"

Strike: "AND"

2. Title, line 9.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, line 28.

Strike: "and covered by the operating permit"

4. Page 3, line 29.

Following: "(15)(a)(ii)"

Insert: "and is subject to the provisions of this subsection (8)"

5. Page 5, line 1.

Following: "BOND WITHIN"

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Strike: "1 YEAR"
Insert: "6 months"

6. Page 5.

Following: line 22

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

For the House:

Gutsche
Jopek
Peterson
Ross

For the Senate:

Wheat, Chairman
Shockley
Toole

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 625**
Report No. 1, April 15, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 625** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 625** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

Strike: "CHANGING"

Insert: "CLARIFYING"

2. Page 2, line 16.

Strike: "8,500"

Insert: "5,500"

3. Page 2, line 29 through page 3, line 1.

Strike: ",OR" on page 2, line 29 through "ACT" on page 3, line 1

4. Page 3, line 2.

Following: "old"

Insert: "An election may not be held based upon a designation that is more than 5 years old."

For the House:

John Balyeat
Grinde
McAlpin
Rice

For the Senate:

Toole, Chairman
Barkus
Harrington

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CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 40**
Report No. 1, April 15, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 40** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 40** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

Following: "THE"

Insert: "RESOLUTION OF INTENTION TO CREATE THE DISTRICT AND THE"

2. Title, line 9.

Following: "7-12-2105,"

Insert: "7-12-2105,"

3. Page 2, line 26.

Insert: "**Section 2.** Section 7-12-2105, MCA, is amended to read:

"7-12-2105. Notice of resolution of intention to create district -- hearing -- exception. (1) Upon having passed the resolution of intention pursuant to 7-12-2103, the board of county commissioners shall publish notice of the passage of the resolution of intention as provided in 7-1-2121.

(2) A copy of the notice must be mailed, as provided in 7-1-2122, to each person, firm, or corporation or the agent of the person, firm, or corporation owning real property within the proposed district listed in the owner's name upon the last-completed assessment roll for state, county, and school district taxes.

(3) (a) The notice must describe the general character of the improvement or improvements proposed to be made or acquired by purchase, state the estimated cost of the improvements, describe generally the method or methods by which the costs of the improvements will be assessed, and designate the time when and the place where the board will hear and pass upon all protests that may be made against the making or maintenance of the improvements or the creation of the district.

(b) If the revolving fund is to be pledged to secure the payment of bonds and warrants, the notice must include a statement that, subject to the limitations in 7-12-2182:

(i) the county general fund may be used to provide loans to the revolving fund; or

(ii) a general tax levy may be imposed on all taxable property in the county to meet the financial requirements of the revolving fund.

(c) The notice must refer to the resolution on file in the office of the county clerk for the description of the boundaries. If the proposal is for the purchase of an existing improvement, the notice must state the exact purchase price of the existing improvement.

(4) The provisions of this section do not apply to a resolution of intention to create a district that is passed upon receipt of a petition as provided in 7-12-2102(2)."

Renumber: subsequent sections

For the Senate:

Hawks, Chairman
Gebhardt
McGee

For the House:

Barrett
Eaton

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Henry
Stahl

FREE CONFERENCE COMMITTEE
on **Senate Bill 107**
Report No. 1, April 15, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 107** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 107** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9 through line 10.

Strike: "REMOVING" on line 9 through "PLAN;" on line 10

2. Page 1, line 22 through line 25.

Following: "chemicals" on line 22

Strike: "when" on line 22 through "department" on line 25

Insert: "and"

Renumber: subsequent subsections

3. Page 2, line 12.

Strike: "MAY"

Insert: "shall"

4. Page 2, line 27.

Strike: "through (3)"

Insert: "and (2)"

For the Senate:

Smith, Chairman
Black
Larson

For the House:

Gutsche
Jopek
Peterson
Waitschies

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 461**
Report No. 1, April 15, 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 the amendments to **Senate Bill 461** (reference copy -- salmon) be rejected and the reference copy be amended as follows:

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1. Title, line 6 through line 8.

Strike: "; REQUIRING" on line 6 through "LIKELY" on line 8

2. Page 2, line 7 through line 9.

Strike: subsection (4) in its entirety

For the Senate:

Roush, Chairman
Steinbeisser
Tash

For the House:

Clark
Golie
Malcolm
Rice

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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 222 concurred in as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Grinde, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 76

Noes: Andersen, Callahan, Galvin-Halcro, Golie, Groesbeck, Hawk, Hendrick, Jayne, MacLaren, Maedje, Malcolm, Mendenhall, Milburn, Morgan, Rice, Sesso, Stoker, Taylor, Villa, Ward, Wells.

Total 21

Excused: None.

Total 0

Absent or not voting: Branae, Koopman, Windy Boy.

Total 3

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HB 35, as amended by the Senate, passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 66

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Jackson, Jayne, L. Jones, W. Jones, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, Mendenhall, Morgan, Peterson, Rice, Roberts, Sales, Sinrud, Stahl, Taylor, Wagman, Ward, Wells, Witt.

Total 33

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

HB 83, 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, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 92

Noes: Everett, Hawk, Rice, Sales, Wagman, Waitschies, Wells.

Total 7

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

HB 102, as amended by the Senate, passed as follows:

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

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Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 86

Noes: Andersen, Balyeat, Everett, Hawk, Jayne, W. Jones, Lake, Malcolm, Mendenhall, Sales, Stahl, Wells, Witt.

Total 13

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

HB 186, as amended by the Senate, passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 75

Noes: Balyeat, D. Brown, R. Brown, Butcher, Everett, Golie, Hawk, Jackson, Jayne, L. Jones, W. Jones, Lake, Maedje, Malcolm, McKenney, Milburn, Morgan, B. Olson, Rice, Ripley, Sales, Sinrud, Ward, Witt.

Total 24

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

HB 235, as amended by the Senate, passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, 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, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 87

Noes: Balyeat, Callahan, Dickenson, Franklin, Galvin-Halcro, Golie, Hawk, Jayne, Juneau, Raser, Ripley, Witt.

Total 12

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Excused: None.
Total 0

Absent or not voting: Koopman.
Total 1

HB 704, as amended by the Senate, passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, 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, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 92

Noes: Balyeat, Everett, Hawk, Malcolm, Sales, Wagman, Witt.
Total 7

Excused: None.
Total 0

Absent or not voting: Koopman.
Total 1

HB 707, as amended by the Senate, passed 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, 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 95

Noes: R. Brown, Glaser, Himmelberger, Jayne.
Total 4

Excused: None.
Total 0

Absent or not voting: Koopman.
Total 1

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HB 782, 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, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Clark, Koopman.

Total 2

HJR 26 adopted as follows:

Ayes: 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, Henry, Hiner, Jacobson, Jopek, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

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

Total 47

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

HJR 32 adopted as follows:

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

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Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 80

Noes: D. Brown, Everett, Hawk, Heinert, Hendrick, Lake, Lambert, Malcolm, McKenney, Mendenhall, Milburn, B. Olson, Rice, Ross, Sales, Sinrud, Sonju, Waitschies, Wells.

Total 19

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

HJR 33 adopted as follows:

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

Total 87

Noes: D. Brown, Caferro, Franklin, Gallik, Gutsche, Hamilton, Harris, Hawk, Kaufmann, Lake, Raser, Waitschies.

Total 12

Excused: None.

Total 0

Absent or not voting: Koopman.

Total 1

HJR 36 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, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: Lake, Sales, Waitschies.

Total 3

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Excused: None.
Total 0

Absent or not voting: Koopman, Ward.
Total 2

HJR 39 adopted as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 68

Noes: Andersen, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Rice, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 40 adopted as follows:

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

Noes: Butcher, Caferro, Dickenson, Everett, Glaser, Hawk, Hendrick, W. Jones, Juneau, Kaufmann, Lake, MacLaren, Malcolm, McGillvray, Musgrove, B. Olson, Ross, Sales, Sonju, Taylor, Wagman, Waitschies, Ward.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 41 adopted as follows:

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

Total 82

Noes: Andersen, Balyeat, Barrett, Butcher, Everett, Hawk, Koopman, Lake, Maedje, Malcolm, Mendenhall, Ripley, Ross, Sales, Sinrud, Sonju, Witt.

Total 17

Excused: None.

Total 0

Absent or not voting: Lenhart.

Total 1

HJR 42 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, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Lake, Lambert, Musgrove, Ross, Sonju, Waitschies.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 81, Conference Committee Report No. 1, 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, 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,

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Total 99

Noes: Koopman.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 278, Conference Committee Report No. 1, adopted as follows:

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

Total 95

Noes: Balyeat, Galvin-Halcro, Hawk, B. Olson, Wagman.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 423, Conference Committee Report No. 1, adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 76

Noes: Balyeat, Barrett, D. Brown, R. Brown, Caferro, Campbell, Everett, Golie, Himmelberger, Jayne, Klock, Koopman, Lambert, McKenney, Mendenhall, Morgan, B. Olson, Rice, Ripley, Sales, Sonju, Wagman, Ward, Witt.

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Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 133 concurred in as follows:

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

Total 72

Noes: Balyeat, Barrett, R. Brown, Butcher, Caferro, Everett, Gutsche, Hawk, Hendrick, Himmelberger, Jayne, W. Jones, Kaufmann, Koopman, Lake, Lambert, Lange, McGillvray, B. Olson, Rice, Ripley, Ross, Sales, Stahl, Wagman, Ward, Warden, Wells.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 319 concurred in as follows:

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

Total 58

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

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SJR 6 concurred in as follows:

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

Total 55

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, 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, Stahl, Taylor, Wagman, Waitschies, Warden, Wells, Witt.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 11 concurred in as follows:

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

Total 57

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Gallik, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Witt.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 28 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, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

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Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Harris, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, 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, Wells, Witt.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 29 concurred in as follows:

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

Total 68

Noes: Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Gutsche, Harris, Hawk, Heinert, Himmelberger, Jackson, Koopman, Lake, Lambert, McGillvray, McKenney, McNutt, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Taylor, Wagman, Waitschies, Windy Boy, Witt.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 293 concurred in 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

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, April 16, 2005. Motion carried.

House adjourned at 3:44 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House