

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

Helena, Montana  
April 19, 2005

House Chambers  
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Roberts. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 4/19/2005  
**SJR 36**, be concurred in. Report adopted.  
**SJR 39**, be concurred in. Report adopted.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Leader Brown announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand in recess until 10:25 a.m.

House reconvened at 10:25 a.m.

**COMMUNICATIONS AND PETITIONS**

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixty-eighth, sixty-ninth, seventieth, and seventy-first legislative days, find the same to be correct.

Barrett, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 4/19/2005  
Signed by the Chief Clerk of the House at 2:00 p.m., April 14, 2005: **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 363, HB 536.**  
Signed by the Speaker at 4:10 p.m., April 14, 2005: **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 363, HB 536.**  
Signed by the President at 12:00 p.m., April 18, 2005: **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 363, HB 536.**  
Delivered to the Governor for approval at 2:00 p.m., April 18, 2005: **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 363, HB 536.**  
Signed by the President at 12:00 p.m., April 18, 2005: **HJR 1, HJR 6, HJR 7, HJR 15, HJR 17, HJR 19.**  
Delivered to the Secretary of State at 2:15 p.m., April 18, 2005: **HJR 1, HJR 6, HJR 7, HJR 15, HJR 17, HJR 19.**  
Signed by the Speaker at 9:30 a.m., April 18, 2005: **HB 18, HB 67, HB 159, HB 182, HB 188, HB 331, HB 351, 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 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB**

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**748, HB 749.**

Signed by the President at 7:30 a.m., April 19, 2005: **HB 18, HB 67, HB 159, HB 182, HB 188, HB 331, HB 351, 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 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB 748, HB 749.**

Signed by the Chief Clerk of the House at 8:00 a.m., April 18, 2005: **HB 63, HB 327, HB 374, HB 414, HB 453, HB 512, HB 652, HB 668, HB 681, HB 687, HB 696, HB 701, HB 721, HB 726, HB 732, HB 737, HB 738, HB 745.**

Signed by the Speaker at 12:00 p.m., April 18, 2005: **HB 63, HB 327, HB 374, HB 414, HB 453, HB 512, HB 652, HB 668, HB 681, HB 687, HB 696, HB 701, HB 721, HB 726, HB 732, HB 737, HB 738, HB 745.**

Signed by the President at 7:30 a.m., April 19, 2005: **HB 63, HB 327, HB 374, HB 414, HB 453, HB 512, HB 652, HB 668, HB 681, HB 687, HB 696, HB 701, HB 721, HB 726, HB 732, HB 737, HB 738, HB 745.**

Delivered to the Governor for approval at 8:45 a.m., April 19, 2005: **HB 63, HB 327, HB 374, HB 414, HB 453, HB 512, HB 652, HB 668, HB 681, HB 687, HB 696, HB 701, HB 721, HB 726, HB 732, HB 737, HB 738, HB 745.**

Signed by the Chief Clerk of the House at 11:45 a.m., April 19, 2005: **HB 757.**

Signed by the Speaker at 11:55 a.m., April 19, 2005: **HB 757.**

Signed by the President at 11:55 a.m., April 19, 2005: **HB 757.**

Delivered to the Governor for approval at 12:20 p.m., April 19, 2005: **HB 757.**

Correctly enrolled: **HB 4, HB 11, HB 35, HB 83, HB 102, HB 186, HB 214, HB 235, HB 266, HB 288, HB 386, HB 435, HB 476, HB 484, HB 541, HB 550, HB 552, HB 577, HB 704, HB 707, HB 720, HB 742, HB 757, HB 769, HB 782, HB 790, HB 802, HJR 34.**

Examined by the sponsor and found to be correct: **HB 4, HB 11, HB 35, HB 83, HB 102, HB 186, HB 214, HB 235, HB 266, HB 288, HB 386, HB 435, HB 476, HB 484, HB 541, HB 550, HB 552, HB 577, HB 704, HB 707, HB 720, HB 742, HB 757, HB 769, HB 782, HB 790, HB 802.**

Signed by the Speaker at 9:30 a.m., April 18, 2005: **HB 18, HB 67, HB 159, HB 182, HB 188, HB 331, HB 351, 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 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB 748, HB 749.**

Signed by the President at 7:30 a.m., April 19, 2005: **HB 18, HB 67, HB 159, HB 182, HB 188, HB 331, HB 351, 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 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB 748, HB 749.**

Delivered to the Governor for approval at 8:45 a.m., April 19, 2005: **HB 18, HB 67, HB 159, HB 182, HB 188, HB 331, HB 351, 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 537, HB 574, HB 590, HB 615, HB 645, HB 747, HB 748, HB 749.**

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE  
on House Bill 2**

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Report No. 1, April 18, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report as follows:

And, **House Bill 2** (reference copy -- salmon) amendments as follows:

1. Page A-1, line 6.

**Following:** "BIENNIAL"

**Insert:** "/OTO"

2. Page A-1, line 16.

**Strike:** "1,866,563" [general fund FY06]

**Insert:** "1,778,408" [general fund FY06]

3. Page A-1.

**Following:** line 16

**Insert:** "a. Legislative Audit of Public Defender Services -- SB 146 (OTO) 88,155" [general fund FY06]

4. Page A-1, line 22.

**Following:** "IS"

**Strike:** "CONTINGENT UPON PASSAGE AND APPROVAL OF A BILL DIRECTING"

**Insert:** "for"

5. Page A-8, line 16.

**Strike:** "2,520,000 6,894,496" [state special fund FY06 and FY07]

**Insert:** "1,671,375 5,899,001" [state special fund FY06 and FY07]

6. Page A-8, line 18.

**Strike:** "1,680,000 4,596,330" [state special fund FY06 and FY07]

**Insert:** "1,200,000 3,976,330" [state special fund FY06 and FY07]

7. Page A-9, line 5.

**Following:** "667."

**Insert:** "If the department of public health and human services is successful in obtaining a medicaid 1115 waiver for a premium incentive or premium assistance program, the state auditor's office shall transfer \$994,000 in state special revenue in fiscal year 2007 to the department of public health and human services to be used to match federal medicaid funds.

Funding for Premium Assistance for Small Employers and Provide Tax Relief in the Form of Tax Credits includes the support of 3 new FTE."

8. Page A-13, line 12.

**Strike:** "15,225,114 15,333,786" [general fund FY06 and FY07]

**Insert:** "15,243,834 15,352,506" [general fund FY06 and FY07]

9. Page A-14.

**Following:** line 8

**Insert:** "If Senate Bill No. 48 is not passed and approved, Property Assessment Division is reduced by \$18,720 in general fund money in fiscal year 2006 and by \$18,720 in general fund money in fiscal year 2007."

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10. Page A-14, line 11.

**Strike:** "1,215,810 1,216,591" [general fund FY06 and FY07]

**Insert:** "1,216,870 1,217,039" [general fund FY06 and FY07]

**Strike:** "498,492 498,832" [state special fund FY06 and FY07]

**Insert:** "2,883 3,498" [state special fund FY06 and FY07]

**Strike:** "64,104 64,154" [federal special fund FY06 and FY07]

**Insert:** "64,156 64,206" [federal special fund FY06 and FY07]

11. Page A-15, line 13.

**Strike:** "7,199,544 7,201,322" [proprietary FY06 and FY07]

**Insert:** "7,199,873 7,201,651" [proprietary FY06 and FY07]

12. Page A-16.

**Following:** line 9

**Insert:** "If House Bill No. 425 is not passed and approved, then Administrative Financial Services Division is increased by \$785 in general fund money and \$496,118 in state special revenue in fiscal year 2006 and by \$1,400 in general fund money and \$495,843 in state special revenue in fiscal year 2007, which reflects the current appropriations for administration and enforcement functions relating to unfair trade practices and consumer protection and telemarketing laws in the consumer protection office in the department. The legislative fiscal division and the office of budget and program planning are authorized to transfer all fiscal year 2004 expenditures and fiscal year 2005 appropriations from the department of administration to the department of justice for the purpose of display in the legislative fiscal division 2007 biennium fiscal report."

13. Page A-16, line 25.

**Strike:** "0" [general fund FY06]

**Insert:** "208,849" [general fund FY06]

14. Page A-17, line 9.

**Strike:** "\$205,030 IN GENERAL FUND MONEY IN FISCAL YEAR 2006 AND BY"

15. Page A-17, line 11.

**Strike:** line 11 in its entirety

16. Page A-18, line 1.

**Strike:** "208,849" [general fund FY06]

**Insert:** "0" [general fund FY06]

17. Page A-18, line 2 through line 3.

**Strike:** line 2 through line 3 in their entirety

18. Page B-1, line 6.

**Strike:** "187,809,559 202,223,153" [federal special fund FY06 and FY07]

**Insert:** "188,962,709 203,376,303" [federal special fund FY06 and FY07]

19. Page B-1.

**Following:** line 25

**Insert:** "i. HCSD -- Implement Provisions of HB 667 14,795 18,750 [state special fund FY06 and FY07]

14,795 18,750 [federal funds FY06 and FY07]

j. HCSD -- Implement Change in Medicaid Asset Test for Children 19,814 [general fund FY06]

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19,814 [federal funds FY06]  
51,399 [state special fund FY07]  
51,399" [federal funds FY07]

20. Page B-3, line 14.

**Strike:** "10,371,118 11,007,750" [state special fund FY06 and FY07]  
**Insert:** "10,388,493 11,025,125" [state special fund FY06 and FY07]

21. Page B-4.

**Following:** line 6

**Insert:** "a. OTD -- Implement Provisions of HB 667 101,000 25,000 [state special fund FY06 and FY07]  
149,000 25,000 [federal funds FY06 and FY07]

b. OTD -- Implement Change in Medicaid Asset Test for Children 13,821 13,821" [general fund and federal funds FY06]

22. Page B-4, line 8.

**Strike:** "79,598,043 79,479,691" [federal special fund FY06 and FY07]  
**Insert:** "79,615,081 79,496,134" [federal special fund FY06 and FY07]

23. Page B-4, line 9.

**Strike:** "1,045,546 1,046,098" [state special fund FY06 and FY07]  
**Insert:** "1,071,546 1,072,098" [state special fund FY06 and FY07]

24. Page B-4, line 21.

**Strike:** "800,000 800,000" [general fund FY06 and FY07]  
**Insert:** "860,168 858,263" [general fund FY06 and FY07]

25. Page B-5, line 12.

**Strike:** "341,512,616" [federal special fund FY07]  
**Insert:** "341,879,892" [federal special fund FY07]

26. Page B-5, line 13.

**Strike:** "10,164,070 11,321,943" [state special fund FY06 and FY07]  
**Insert:** "11,892,070 13,764,183" [state special fund FY06 and FY07]

27. Page B-5, line 22.

**Following:** "Restricted"  
**Strike:** "/Biennial"

28. Page B-5, line 24.

**Strike:** "1,876,316 4,529,679" [state special fund and federal funds FY06]  
**Insert:** "0 0 [state special fund and federal funds FY06]  
5,847,754" [federal funds FY07]

29. Page B-5, line 25.

**Following:** "Health"  
**Strike:** "Rate"  
**Insert:** "Direct-Care Worker Wage"

30. Page B-6, line 1.

**Strike:** "2,414,135" [federal special fund FY06]

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**Insert:** "2,112,368" [federal special fund FY06]

31. Page B-6, line 2.

**Strike:** "750,000" [state special funds FY06]

**Insert:** "875,000" [state special fund FY06]

32. Page B-6.

**Following:** line 21

**Insert:** "n. HRD -- Implement Provisions of HB 667 12,830 21,744 [state special fund FY06 and FY07]

12,830 2,349,937" [federal fund FY06 and FY07]

33. Page B-6, line 23.

**Strike:** "130,892,544 130,056,166" [federal special fund FY06 and FY07]

**Insert:** "130,912,385 130,089,876" [federal special fund FY06 and FY07]

34. Page B-6, line 24.

**Strike:** "13,329,328 14,024,887" [state special fund FY06 and FY07]

**Insert:** "13,370,487 14,095,748" [state special fund FY06 and FY07]

35. Page B-8.

**Strike:** lines 18 through 21 in their entirety

36. Page B-9.

**Following:** line 14

**Insert:** "Human and Community Services Division includes \$749,002 in federal funds in fiscal year 2006 and \$749,002 in federal funds in fiscal year 2007 that are contingent upon passage and approval of House Bill No. 529. If House Bill No. 529 is not passed and approved, funding for Human and Community Services Division is reduced by \$749,002 in federal funds in fiscal year 2006 and \$749,002 in federal funds in fiscal year 2007.

Human and Community Services Division includes \$404,148 in federal funds in fiscal year 2006 and \$404,148 in federal funds in fiscal year 2007 that are contingent upon passage and approval of Senate Bill No. 29. If Senate Bill No. 29 is not passed and approved, funding for Human and Community Services Division is reduced by \$404,148 in federal funds in fiscal year 2006 and \$404,148 in federal funds in fiscal year 2007."

37. Page B-9, line 15 through 17.

**Following:** "expended for"

**Strike:** "the following purposes: (1) abstinence education;"

**Insert:** "abstinence education."

**Renumber:** subsequent subsections

38. Page B-9.

**Following:** line 18

**Insert:** "TANF funds and general fund money supporting TANF maintenance of effort may be expended for the following purposes only if beginning on October 1, 2005, the cash assistance benefit level is at or above 33% of the 2005 federal poverty level index and funding for the work readiness component (WoRC) program is maintained at or above fiscal year 2005 levels:"

39. Page B-10.

**Following:** line 19

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**Insert:** "Funding in HCSD -- Implement Provisions of HB 667, OTD -- Implement Provisions of HB 667, and HRD -- Implement Provisions of HB 667 is contingent upon passage and approval of House Bill No. 667. Funding in HCSD -- Implement Provisions of HB 667 includes funding for 1 FTE for eligibility determination. Funding in HRD -- Implement Provisions of HB 667 includes funding for 1 FTE to administer the medicaid 1115 waiver for a premium incentive or premium assistance program associated with House Bill No. 667.

Funding in HCSD -- Implement Change in Medicaid Asset Test for Children, OTD -- Implement Change in Medicaid Asset Test for Children, and Raise Asset Limit for Medicaid Eligibility for Children is contingent upon passage and approval of House Bill No. 552. Funding in HCSD -- Implement Change in Medicaid Asset Test for Children includes funding for 3 FTE."

40. Page B-11.

**Following:** line 20

**Insert:** "If Senate Bill No. 137 is not passed and approved, funding in the Public Health and Safety Division is decreased by \$17,375 in state special revenue in each year of the biennium."

41. Page B-13, line 23.

**Following:** "includes"

**Strike:** "\$30,936"

**Insert:** "\$15,468"

42. Page B-14.

**Following:** line 16

**Insert:** "Disability Services Division includes \$10,000 in state special revenue and \$17,038 in federal funds in fiscal year 2006 and \$10,000 in state special revenue and \$16,443 in federal funds in fiscal year 2007 that are contingent upon passage and approval of House Bill No. 513. If House Bill No. 513 is not passed and approved, funding in Disability Services Division is reduced by \$10,000 in state special revenue and \$17,038 in federal funds in fiscal year 2006 and by \$10,000 in state special revenue and \$16,443 in federal funds in fiscal year 2007.

Disability Services Division includes \$16,000 in state special revenue in fiscal year 2006 and \$16,000 in state special revenue in fiscal year 2007 that are contingent upon passage and approval of Senate Bill No. 433. If Senate Bill No. 433 is not passed and approved, funding in Disability Services Division is reduced by \$16,000 in state special revenue in fiscal year 2006 and \$16,000 in state special revenue in fiscal year 2007."

43. Page B-14, line 17.

**Strike:** "APPROPRIATION FOR DISABILITY SERVICES DIVISION, HEALTH RESOURCES DIVISION, AND SENIOR AND LONG-TERM CARE DIVISION MAY NOT BE EXPENDED UNTIL RATE"

**Insert:** "Rate"

44. Page B-14, line 19.

**Following:** "SERVICES"

**Strike:** "HAVE BEEN"

**Insert:** "should be"

45. Page B-14, line 20.

**Following:** "INCREASES"

**Strike:** "MUST BE"

**Insert:** "should be"

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46. Page B-15.

**Following:** line 7

**Insert:** "Funding in Montana Developmental Center Bed Tax includes \$60,168 in general fund money in fiscal year 2006 and \$58,263 in general fund money in fiscal year 2007 that is contingent upon passage and approval of Senate Bill No. 82. If Senate Bill No. 82 is not passed and approved, general fund money in Montana Developmental Center Bed Tax is reduced by \$60,168 in fiscal year 2006 and \$58,263 in fiscal year 2007."

47. Page B-15, lines 8 and 9.

**Following:** "INCREASE," on line 8

**Strike:** the remainder of line 8 through "INCREASE" on line 9

48. Page B-15.

**Following:** line 11

**Insert:** "If Senate Bill No. 324 is not passed and approved, funding in the Health Resources Division is decreased by \$1,728,000 in state special revenue in fiscal year 2006 and by \$2,442,240 in state special revenue in fiscal year 2007, which includes funding for 9 FTE and associated operating costs in each year of the biennium."

49. Page B-16.

**Strike:** lines 15 through 17 in their entirety

**Insert:** "If House Bill No. 552 is passed and approved in a form that does not include an appropriation of general fund money or state special revenue for \$1,876,318, then state special revenue in Raise Asset Limit for Medicaid Eligibility for Children is increased by \$1,876,318 in fiscal year 2007 from the health and medicaid initiatives state special revenue fund."

50. Page B-16, line 18.

**Following:** "Health"

**Strike:** "Rate"

**Insert:** "Direct-Care Worker Wage"

51. Page B-16, line 23.

**Following:** "Health"

**Strike:** "Rate"

**Insert:** "Direct-Care Worker Wage"

52. Page B-17, line 1.

**Following:** "HEALTH"

**Strike:** "RATE"

**Insert:** "Direct-Care Worker Wage"

53. Page B-17.

**Following:** line 13

**Insert:** "If House Bill No. 749 is not passed and approved, funding in the Senior and Long-Term Care Division is decreased by \$41,159 in state special revenue in fiscal year 2006 and by \$70,861 in state special revenue in fiscal year 2007 and by \$19,841 in federal special revenue in fiscal year 2006 and by \$33,710 in federal special revenue in fiscal year 2007."

54. Page C-3, line 25.

**Strike:** "3,037,170 3,045,437" [state special fund FY06 and FY07]

**Insert:** "3,052,681 3,060,902" [state special fund FY06 and FY07]



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55. Page C-4.

**Following:** line 16

**Insert:** "At the beginning of fiscal year 2006, \$177,700 from the general license account is transferred to the water adjudication fund as payment of water adjudication fees related to water rights held by the department."

56. Page C-6.

**Following:** "foundation." on line 3

**Insert:** "The department may provide the use of office space and office equipment for the fish, wildlife, and parks foundation staff. The department may fund operations and personal services of its own employees to act as liaisons with the fish, wildlife, and parks foundation for the sole purpose of representing the interest of the department."

57. Page C-7.

**Following:** line 4

**Insert:** d."Water Adjudication Fees -- HB 22 (Restricted) 16,620" [federal special revenue FY06]

58. Page C-8, line 2.

**Strike:** "10,868,600 10,956,843" [state special fund FY06 and FY07]

**Insert:** "10,824,800 10,898,943" [state special fund FY06 and FY07]

59. Page C-8.

**Following:** line 15

**Insert:** "g. CAFO Inventory (Restricted/Biennial/OTO) 25,000 25,000" [state special fund FY06 and FY07]

60. Page C-9, line 1.

**Following:** "APPROVED"

**Insert:** "in a form that does not require a programmatic EIS to be completed"

61. Page C-11, line 16.

**Strike:** "2,593,128 2,594,133" [state special fund FY06 and FY07]

**Insert:** "2,663,603 2,664,515" [state special fund FY06 and FY07]

62. Page C-11.

**Strike:** line 22 through line 23 in their entirety

**Renumber:** subsequent subsections

63. Page C-12.

**Following:** line 24

**Insert:** "j. Clark Fork River Task Force (Biennial) 12,500 12,500" [state special fund FY06 and FY07]

64. Page C-16, line 17.

**Following:** Program

**Insert:** "f. Main Street Program (OTO)"

65. Page D-1.

**Following:** line 23

**Insert:** "2. Office of Consumer Protection (02)

785 496,118 1,400 495,843"

[general fund/state special FY06 and general fund/state special FY07]

**Renumber:** subsequent subsections

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66. Page D-4, line 7.

**Strike:** "2,937,349 2,934,449" [general fund FY06 and FY07]

**Insert:** "2,916,655 2,916,731" [general fund FY06 and FY07]

67. Page D-5.

**Following:** line 7

**Insert:** "If House Bill No. 425 is not passed and approved, then Office of Consumer Protection is decreased by \$785 in general fund money and \$496,118 in state special revenue in fiscal year 2006 and by \$1,400 in general fund money and \$495,843 in state special revenue in fiscal year 2007, which reflects the current appropriations for administration and enforcement functions relating to unfair trade practices and consumer protection and telemarketing laws in the consumer protection office in the department of administration. The legislative fiscal division and the office of budget and program planning are authorized to transfer all fiscal year 2004 expenditures and fiscal year 2005 appropriations from the department of administration to the department of justice for the purpose of display in the legislative fiscal division 2007 biennium fiscal report."

68. Page D-6, line 19 through line 20.

**Strike:** line 19 through line 20 in their entirety

69. Page D-7, line 7.

**Strike:** line 7 in its entirety

70. Page D-7, line 17.

**Strike:** "Restricted/"

71. Page D-7, line 19.

**Strike:** "15,500 15,500" [state special fund FY06 and FY07]

**Insert:** "50,000 50,000" [state special fund FY06 and FY07]

72. Page D-8.

**Following:** "Secure Facilities (03)" on line 7

**Insert:** "(Biennial)"

73. Page D-8, line 9.

**Strike:** "57,177,904 60,326,441" [general fund FY06 and FY07]

**Insert:** "55,677,904 58,473,128" [general fund FY06 and FY07]

74. Page D-8, line 23.

**Strike:** "6,042,344 6,042,344" [general fund FY06 and FY07]

**Insert:** "7,542,344 7,542,344" [general fund FY06 and FY07]

75. Page D-9.

**Following:** line 15

**Insert:** "If the department determines through forecasts that it will experience a shortfall in the general fund appropriation in either fiscal year of the 2007 biennium for secure facilities, the department may transfer up to \$1,500,000 in general fund money that is available and unencumbered in that fiscal year from Juvenile Placement Funds (Restricted) to Secure Facilities (03)."

76. Page D-10, line 11.

**Strike:** "11,908,459 11,914,737" [state special fund FY06 and FY07]

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**Insert:** "11,930,204 11,935,642" [state special fund FY06 and FY07]

77. Page D-11, line 24.

**Strike:** "14,437 14,437" [state special fund FY06 and FY07]

**Insert:** "114,437 114,437" [state special fund FY06 and FY07]

78. Page E-1, line 6.

**Strike:** "1,000,000 1,000,000" [general fund FY06 and FY07]

**Insert:** "1,155,423 1,155,423" [general fund FY06 and FY07]

79. Page E-1, line 7 through line 8.

**Strike:** lines 7 and 8 in their entirety

**Renumber:** subsequent subsections

80. Page E-1, line 20.

**Strike:** "424,522,296 428,480,986" [general fund FY06 and FY07]

**Insert:** "432,454,324 436,372,548" [general fund FY06 and FY07]

81. Page E-2, line 19 through line 20.

**Strike:** lines 19 and 20 in their entirety

**Renumber:** subsequent subsections

82. Page E-2, line 25.

**Strike:** line 25 in its entirety

83. Page E-3.

**Strike:** line 1 in its entirety

**Strike:** line 15 in its entirety

84. Page E-3, following line 15.

**Insert:** "Base Aid will be decreased by \$183,000 in fiscal year 2007 if Senate Bill No. 48 is not passed and approved.  
Base Aid will be decreased in fiscal year 2006 by \$5,008 if House Bill No. 22 is not passed and approved.  
Base Aid will be decreased by \$21,200 in fiscal year 2007 if Senate Bill No. 296 is not passed and approved.  
Base Aid will be increased by \$700 in fiscal year 2006 and by \$263,400 in fiscal year 2007 if Senate Bill No. 276 is not passed and approved."

85. Page E-4, line 19.

**Strike:** "165,978 167,702" [state special fund FY06 and FY07]

**Insert:** "180,978 182,702" [state special fund FY06 and FY07]

**Strike:** "602,734 602,734" [federal special fund FY06 and FY07]

**Insert:** "617,734 617,734" [federal special fund FY06 and FY07]

86. Page E-4, line 20.

**Strike:** "367,125 360,905" [general fund FY06 and FY07]

**Insert:** "382,125 375,905" [general fund FY06 and FY07]

87. Page E-4, line 24.

**Strike:** "40,000" [general fund FY06]

**Insert:** "100,275" [general fund FY06]

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88. Page E-9, line 13.

**Strike:** "4,717,503 4,740,648" [general fund FY06 and FY07]

**Insert:** "4,783,103 4,871,848" [general fund FY06 and FY07]

89. Page E-9 line 19.

**Strike:** "1,621,291 1,617,378" [general fund FY06 and FY07]

**Insert:** "1,693,291 1,692,258" [general fund FY06 and FY07]

90. Page E-10.

**Following:** line 12

**Insert:** "'o. New Extension Agent for Meagher County (Restricted) 35,103 35,103" [general fund FY06 and FY07]

**Renumber:** subsequent subsection

91. Page E-15.

**Following:** line 12

**Insert:** "Extension Service includes \$196,800 in general fund money for an extension cropping specialist and livestock specialist (2 FTE), which must be matched with \$49,200 in nonstate funds identified by the board of regents. Matched funds for these items may include federal funding revenue, private funding revenue, and other nonstate university funds. The funding match may include in-kind revenue only if that revenue is equipment, cost reductions offered for purchased equipment, or space to house equipment. The office of the commissioner of higher education shall certify to the office of budget and program planning that an allowable funding match has been committed from an eligible revenue source, as evidenced by a commitment letter from that funding source.

Bureau of Mines and Geology includes \$146,880 in general fund money for a coal/coalbed methane geologist (1 FTE), which must be matched with \$36,720 in nonstate funds identified by the board of regents. Matched funds for these items may include federal funding revenue, private funding revenue, and other nonstate university funds. The funding match may include in-kind revenue only if that revenue is equipment, cost reductions offered for purchased equipment, or space to house equipment. The office of the commissioner of higher education shall certify to the office of budget and program planning that an allowable funding match has been committed from an eligible revenue source, as evidenced by a commitment letter from that funding source."

92. Page E-15.

**Following:** line 16

**Insert:** "New Extension Agent for Meagher County funding is contingent upon approval of a mill levy vote in Meagher County to approve the county matching funds for the new extension agent."

93. Page R-2, line 9 through line 18.

**Strike:** line 9 through line 18 in their entirety

94. Page R-2.

**Following:** line 18

**Insert:** "Total Allocation of Costs \$182,525 \$182,525" [FY06 and FY07]

95. Page R-2, line 20 through page 3, line 6.

**Strike:** Page R-2, line 20 through page R-3, line 6 in their entirety

96. Page R-3.

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**Following:** line 6

**Insert:** "Total Allocation of Costs \$537,492 \$537,492" [FY06 and FY07]

97. Page R-3.

**Following:** line 17

**Insert:** "If House Bill No. 425 is passed and approved, Legal Services Unit Total Allocation of Costs is reduced by \$49,631 in fiscal year 2006 and by \$49,631 in fiscal year 2007. The department may reallocate the costs of the Legal Services Unit to programs served by the unit as necessary to address impacts because of House Bill No. 425."

98. Page R-3.

**Following:** line 21

**Insert:** "Capitol Grounds Maintenance \$0.3896/sq.ft. \$0.3896/sq.ft." [FY06 and FY07]

99. Page R-4.

**Following:** line 15

**Insert:** "Capitol Grounds Maintenance is contingent upon passage and approval of House Bill No. 109."

100. Page R-6, line 15

**Following:** "Parks"

**Strike:** remainder of line 15

101. Page R-6, line 16.

**Strike:** line 16 in its entirety

**Renumber:** subsequent subsection

102. Page R-6, line 17.

**Strike:** "%" "

**Insert:** "percent"

103. Page R-6.

**Following:** line 17

**Insert:** "If House Bill No. 109 is not passed and approved, the following is added to the department of fish, wildlife, and parks rates in this section:

Capitol Grounds Maintenance \$0.3896/sq.ft. \$0.3896/sq.ft." [FY06 and FY07]

WITH NO RECOMMENDATION

For the House:

Buzzas  
Franklin  
Sinrud  
Wells

BE ADOPTED

For the Senate:

Cooney, Chairman  
Cobb  
Tester

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 46**  
Report No. 1, April 18, 2005

Mr. Speaker and Mr. President:

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We, your Conference Committee met and considered Senate amendments to **House Bill 46** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 46** (reference copy -- salmon) be amended as follows:

1. Page 3, line 11.

**Following:** line 10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) payment of a fine as provided in 46-18-231;

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- (b) payment of costs as provided in 46-18-232 and 46-18-233;
  - (c) payment of costs of court-appointed counsel as provided in 46-8-113;
  - (d) community service;
  - (e) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of society; or
  - (f) any combination of the restrictions or conditions listed in subsections ~~(4)(a)~~ (5)(a) through ~~(4)(e)~~ (5)(e).
- ~~(5)(6)~~ Following initial placement of a defendant in a treatment facility under subsection (2), the department of corrections may, at its discretion, place the offender in another facility or program.
- ~~(6)(7)~~ The provisions of 46-18-203, 46-23-1001 through 46-23-1005, 46-23-1011 through 46-23-1014, and 46-23-1031 apply to persons sentenced under this section."

**Renumber:** subsequent section

For the House:

Everett  
Parker  
Wilson

For the Senate:

Wheat, Chairman  
Laslovich  
McGee

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 175**  
Report No. 2, April 18, 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 **Senate Bill 175** (reference copy -- salmon) be amended as follows:

1. Page 1, line 29 through line 30.

**Following:** "COST" on line 29

**Strike:** remainder of line 29 through the first "PARCEL'S" on line 30

**Insert:** "that the"

**Following:** "ESTIMATED" on line 30

**Strike:** "TRAFFIC FLOWS" through the second "PARCEL'S"

**Insert:** "vehicle trips generated for a lot or parcel of its size in its zoning classification bear to the reasonably estimated vehicle trips generated for all lots in the district based on their size and"

For the Senate:

Cromley, Chairman  
Esp  
Moss

For the House:

Jopek  
Maedje  
McAlpin  
Noennig

MESSAGES FROM THE SENATE

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

4/19/2005

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**SB 526**, introduced by Cobb

**Senate joint resolutions** passed and transmitted to the House for concurrence: 4/19/2005

**SJR 33**, introduced by Weinberg

**SJR 42**, introduced by Ryan

**House bills** concurred in and returned to the House: 4/19/2005

**HB 28**, introduced by Wanzenried

**HB 45**, introduced by A. Olson

**HB 249**, introduced by Lindeen

**HB 482**, introduced by Lindeen

**HB 700**, introduced by Mendenhall

**HB 740**, introduced by Heinert

**HB 758**, introduced by McNutt

**HB 761**, introduced by Noonan

**Senate bills** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/19/2005

**SB 115**, introduced by Tester

**SB 213**, introduced by Story

**SB 222**, introduced by Barkus

**SB 293**, introduced by Black

**SB 345**, introduced by Mangan

**SB 499**, introduced by Keenan

**SB 511**, introduced by Mangan

**Senate joint resolutions** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/19/2005

**SJR 6**, introduced by Wheat

**SJR 11**, introduced by Laible

**SJR 20**, introduced by Curtiss

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments: 4/19/2005

**HB 713**, introduced by Franklin

**House amendments not** concurred in as amended: 4/19/2005

**SB 516**, introduced by Gillan

**Conference Committee Report No.1** adopted on 2nd Reading: 4/19/2005

**HB 218**, introduced by B. Olson

**HB 272**, introduced by Lambert

**Free Conference Committee Report No.1** adopted on 3rd Reading: 4/19/2005

**HB 99**, introduced by Lange

**HB 177**, introduced by A. Olson



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**HB 606**, introduced by Gutsche  
**SB 107**, introduced by Smith

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

4/19/2005

**HB 218**, introduced by B. Olson  
**HB 227**, introduced by Galvin-Halcro  
**HB 348**, introduced by Buzzas  
**HB 540**, introduced by Dickenson  
**SB 40**, introduced by McGee  
**SB 139**, introduced by Esp  
**SB 175**, introduced by Cromley  
**SB 461**, introduced by Steinbeisser

**SB 319** - The Senate failed to concur in House amendments to **SB 319**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 319**:  
4/19/2005

Senator Cobb  
Senator Ellingson  
Senator Wheat

**SB 489** - The Senate failed to concur in House amendments to **SB 489**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 489**:  
4/19/2005

Senator Gebhardt  
Senator Lind  
Senator Wheat

**SB 154** - The Senate dissolved the Conference Committee on Senate amendments to **SB 154**, and authorized the President to appoint the following **Free** Conference Committee, and requests the House appoint a like committee to confer on **SB 154**:

4/19/2005

Senator Cobb  
Senator Williams  
Senator Lind

**Governor's amendments to Senate bills** concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/19/2005

**SB 212**, introduced by Esp  
**SB 401**, introduced by Laslovich

**Conference Committee Report No. 1 not** adopted by the Committee of the Whole:

4/19/2005

**HB 625**, introduced by Rice

**HB 531** - The Senate acceded to the request of the House to appoint a conference committee and authorized the President to appoint the following Conference Committee to confer on **HB 531**:

4/19/2005

Senator Black

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Senator Schmidt  
Senator Tropila

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 526**, introduced by Cobb, referred to Appropriations.

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

**SJR 42**, introduced by Ryan, Joe Balyeat, Brueggeman, Cobb, Cocchiarella, Essmann, Gebhardt, Laible, Larson, Lewis, McGee, O'Neil, Pease, Perry, Roush, Shockley, Squires, Steinbeisser, Story, Tester, Tropila, Wheat, referred to Natural Resources.

**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 Galvin-Halcro in the chair.

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

**HB 713 - Senate Amendments** - Representative Franklin moved Senate amendments to **HB 713** be concurred in. Motion carried as follows:

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

Total 68

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Rice, Roberts, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Warden.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 35** - Representative Arntzen moved **SJR 35** be concurred in. Motion carried as follows:

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

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Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Heinert, Henry, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 69

Noes: Balyeat, Barrett, Buzzas, Everett, Glaser, Gutsche, Harris, Hawk, Hendrick, Himmelberger, Hiner, Jayne, Koopman, Lake, Lambert, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, A. Olson, B. Olson, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Warden, Wells.  
Total 31

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 38** - Representative Roberts moved **SJR 38** be concurred in. Motion carried as follows:

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

Noes: Everett, Hawk, Jayne, Lake, MacLaren, Malcolm, Mendenhall, B. Olson, Ross, Stoker, Taylor, Waitschies, Warden.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Villa.  
Total 1

**SJR 41** - Representative Franklin moved **SJR 41** be concurred in. Motion carried as follows:

Ayes: Andersen, 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, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 70

Noes: Arntzen, Balyeat, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Klock, Koopman, Lake, Lange,

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MacLaren, Malcolm, Mendenhall, B. Olson, Peterson, Rice, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 175 - Conference Committee Report No. 1** - Representative Jopek moved the Conference Committee report to **SB 175** be adopted. Motion carried 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, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt.

Total 72

Noes: Balyeat, Barrett, D. Brown, Everett, Hawk, Himmelberger, Jackson, Klock, Koopman, Lake, MacLaren, Maedje, Malcolm, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sonju, Stoker, Wagman, Waitschies, Ward, Wells.

Total 27

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**SB 287 - Free Conference Committee Report No. 1** - Representative Parker moved the Free Conference Committee report to **SB 287** 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, 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, 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 96

Noes: Barrett, Jayne, Koopman, Waitschies.

Total 4

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**SB 339 - Free Conference Committee Report No. 1** - Representative Milburn moved the Free Conference Committee report to **SB 339** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, 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, 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, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Bixby, Buzzas, Dickenson, Juneau, Small-Eastman.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 445 - Conference Committee Report No. 1** - Representative Andersen moved the Conference Committee report to **SB 445** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Franklin, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.  
Total 55

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jayne, Jopek, Juneau, Kaufmann, Keane, Koopman, Lindeen, McAlpin, Musgrove, Noonan, Raser, Sales, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman.  
Total 45

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 212 - Governor's Amendments** - Representative Maedje moved Governor's amendments to **SB 212** be concurred in. Motion carried as follows:

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

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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, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: Koopman, Morgan, Sales, Stahl, Windy Boy.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 401 - Governor's Amendments** - Representative Gallik moved Governor's amendments to **SB 401** be concurred in. Motion carried as follows:

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

Excused: None.  
Total 0

Absent or not voting: Juneau.  
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 Galvin-Halcro moved the Committee of the Whole report be adopted.

Dem. Floor Leader Parker made a **substitute motion** that **SB 287** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried 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, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, Musgrove, Noennig, Noonan,

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A. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Stoker, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt.

Total 65

Noes: Andersen, Balyeat, Everett, Glaser, Hawk, Heinert, Jackson, Jayne, W. Jones, Klock, Koopman, Lambert, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, B. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Villa, Wagman, Waitschies, Ward, Wells.

Total 33

Excused: None.

Total 0

Absent or not voting: Himmelberger, Mr. Speaker.

Total 2

**MOTIONS**

Dem. Floor Leader Parker moved the Speaker dissolve the Conference Committee on **HB 584** and reappoint a Free Conference Committee.

Rep. Waitschies objected. Rep. Harris, the bill sponsor, had requested a **Free** Conference Committee. Motion to dissolve the Conference Committee and appoint a **Free** Conference Committee **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

Dem. Floor Leader Parker moved the House suspend the rules to allow for hearing the bills that passed on 2nd Reading today on 3rd Reading today. 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, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl,

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Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Heinert, W. Jones, Koopman, Maedje, Mendenhall, Morgan, Sales, Sinrud, Wagman, Wells.

Total 10

Excused: None.

Total 0

Absent or not voting: Gutsche.

Total 1

**THIRD READING OF BILLS**

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

**HB 713, as amended by the Senate**, passed as follows:

Ayes: Arntzen, Balyeat, 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, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 69

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Morgan, Rice, Ripley, Ross, Sales, Stahl, Stoker, Taylor, Wagman, Warden, Wells.

Total 30

Excused: None.

Total 0

Absent or not voting: Sinrud.

Total 1

**SJR 35** concurred in as follows:

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

Total 73

Noes: Barrett, Buzzas, Everett, Gutsche, Harris, Hawk, Hendrick, Hiner, Jayne, Koopman, Lake, Lambert, Lange,



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Malcolm, McGillvray, Mendenhall, Morgan, B. Olson, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Warden, Wells.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 38** concurred in as follows:

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

Total 87

Noes: Everett, Hawk, Jayne, Lake, Lange, MacLaren, Malcolm, Mendenhall, B. Olson, Ross, Stoker, Waitschies, Warden.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 41** concurred in as follows:

Ayes: Andersen, Arntzen, 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, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 70

Noes: Balyeat, D. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, Mendenhall, B. Olson, Peterson, Rice, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**SB 175, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, 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, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 76

Noes: Balyeat, Barrett, Everett, Hawk, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, Mendenhall, Morgan, B. Olson, Rice, Ripley, Ross, Sales, Sonju, Stoker, Wagman, Waitschies, Ward, Wells.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 339, Free Conference Committee Report No. 1**, adopted as follows:

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

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 445, Conference Committee Report No. 1**, adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Everett, Franklin, Gallik, Glaser, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.

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Total 58

Noes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Galvin-Halcro, Golie, Gutsche, Hamilton, Harris, Henry, Hiner, Jayne, Jopek, Juneau, Kaufmann, Keane, Koopman, Malcolm, McAlpin, Musgrove, Noonan, Parker, Raser, Sales, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman.

Total 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 212, as amended by the Governor**, 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, 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, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Bixby, Koopman, Stahl, Windy Boy.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 401, as amended by the Governor**, concurred in as follows:

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

Total 90

Noes: D. Brown, Himmelberger, Malcolm, McGillvray, Mendenhall, Morgan, Sales, Sonju, Wagman, Wells.

Total 10

Excused: None.

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Total 0

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 531**  
Report No. 1, April 19, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 531** (reference copy -- salmon) and recommend this Conference Committee report as follows:

And, recommend that **House Bill 531** (reference copy -- salmon) be amended as follows:

1. Page 2, line 3.  
**Strike:** "\$375,000"  
**Insert:** "\$750,000"

WITH NO RECOMMENDATION  
For the House:

Franklin  
Hawk  
Lenhart  
Sales

BE ADOPTED  
For the Senate:

Schmidt, Chairman  
Ryan

Dem. Floor Leader Parker moved the House stand in recess.

Speaker Matthews stated the House will stand at ease until 1:00 p.m. Without objection, so ordered.

House reconvened at 1:00 p.m.

**REPORTS OF STANDING COMMITTEES**

**NATURAL RESOURCES** (Peterson, Chairman):  
**SJR 33**, be concurred in. Report adopted.  
**SJR 42**, be concurred in. Report adopted.

4/19/2005

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

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on **Senate Bill 114**  
Report No. 1, April 18, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 114** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 114** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5 through line 9.

**Strike:** "CREATING" on line 5 through "AUTHORITY;" on line 9

2. Title, page 1, line 12.

**Strike:** "33-1-1202" through "33-1-1302"

3. Page 1, line 17 through page 3, line 28.

**Strike:** section 1 through section 3 in their entirety

**Renumber:** subsequent sections

4. Page 4, line 14 through line 15.

**Strike:** "AND SHALL" on page 4, line 14 through "OR BOTH," on page 4, line 15

**Insert:** "punishable as provided in 46-18-213"

5. Page 4, line 30 through page 5, line 1.

**Strike:** "AND SHALL" on page 4, line 30 through "OR BOTH" on page 5, line 1

**Insert:** "punishable as provided in 46-18-213"

6. Page 5, line 17 through line 18.

**Strike:** "A FELONY" on line 17 through "OR BOTH" on line 18

**Insert:** "theft under 45-6-301"

For the Senate:

Cocchiarella, Chairman  
Grimes  
Tester

For the House:

Harris  
McKenney  
Parker  
Sonju

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 154**  
Report No. 1, April 19, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 154** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 154** (reference copy -- salmon) be amended as follows:

1. Title, line 9.

**Following:** "ENTITY;"

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**Insert:** "PROVIDING FOR THE RETURN OF EXCESS PREMIUM HELD IN RESERVE; PROVIDING FOR AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND TO DEPOSIT EXCESS PREMIUM AND UNEXPENDED APPROPRIATIONS FOR THE PURPOSES OF THE PROGRAM;"

2. Title, line 10.

**Strike:** "SECTION"

**Insert:** "SECTIONS 17-7-304 AND"

3. Page 1, line 14.

**Insert:** "Section 1. Section 17-7-304, MCA, is amended to read:

**"17-7-304. Disposal of unexpended appropriations.** (1) All money appropriated for any specific purpose except that appropriated for the university system units listed in subsection (2) or state money appropriated for the state children's health insurance program provided for in Title 53, chapter 4, part 10, and except as provided in subsection (4) must, after the expiration of the time for which appropriated, revert to the several funds and accounts from which originally appropriated. However, any unexpended balance in any specific appropriation may be used for the years for which the appropriation was made or may be used to fund the provisions of 2-18-1203 through 2-18-1205 and 19-2-706 in the succeeding year.

(2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for the university of Montana campuses at Missoula, Butte, Dillon, and Helena and the Montana state university campuses at Bozeman, Billings, Havre, and Great Falls, the agricultural experiment station with central offices at Bozeman, the forest and conservation experiment station with central offices at Missoula, the cooperative extension service with central offices at Bozeman, and the bureau of mines and geology with central offices in Butte must, after the expiration of the time for which appropriated, revert to an account held by the board of regents. The board of regents is authorized to maintain a fund balance. There is a statutory appropriation, as provided in 17-7-502, to use the funds held in this account in accordance with a long-term plan for major and deferred maintenance expenditures and equipment or fixed assets purchases prepared by the affected university system units and approved by the board of regents. The affected university system units may, with the approval of the board of regents, modify the long-term plan at any time to address changing needs and priorities. The board of regents shall communicate the plan to each legislature, to the finance committee when requested by the committee, and to the office of budget and program planning.

(3) Subsection (2) does not apply to reversions that are the result of a reduction in spending directed by the governor pursuant to 17-7-140. Any amount that is a result of a reduction in spending directed by the governor must revert to the fund or account from which it was originally appropriated.

(4) After the end of a fiscal year, 30% of the money appropriated to an agency for that year by the general appropriations act for personal services, operating expenses, and equipment, by fund type, and remaining unexpended and unencumbered at the end of the year may be reappropriated to be spent during the following 2 years for any purpose that is consistent with the goals and objectives of the agency. The dollar amount of the 30% amount that may be carried forward and spent must be determined by the office of budget and program planning.""

**Renumber:** subsequent sections

4. Page 2, line 3.

**Following:** "BASIS"

**Insert:** "; or

(d) pay providers on a fee-for-service basis and directly provide administrative services in a self-funded program"

5. Page 2, line 5.

**Following:** "THAN"

**Strike:** "10%"

**Insert:** "12%"

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6. Page 2, line 17 through line 18.

**Strike:** "(B)" on line 17 through "PROGRAM." on line 18

**Insert:** "(4) If the department operates the program by providing administrative services under subsection (2)(a), (2)(b), or (2)(d), the department's administrative expense may not exceed the lesser of 10% or the applicable federal limitation.

(5) (a) An insurance company or other entity that contracts with the department for a fully insured contract as provided in subsection (2)(b) shall calculate the surplus account balance at the end of each contract year and may retain an amount equal to 50% of the risk charge allowed under the contract. The remainder of the surplus balance must be deposited in the state special revenue account provided for in [section 3].

(b) For the purposes of this subsection (5):

(i) "risk charge" means the percentage of the administrative expense allowed in the contract for assuming the risk;

(ii) "surplus account balance" means funds that remain after all claims and all administrative expenses have been paid for a claim period."

7. Page 2, line 19.

**Insert:** "NEW SECTION. Section 3. State special revenue account. (1) There is an account in the state special revenue fund to the credit of the state children's health insurance program administered by the department of public health and human services. Any interest or income derived from the account must be deposited in the account.

(2) Money deposited in this account must be used by the department to cover additional children, to expand eligibility within the limits provided in 53-4-1004, to reduce or maintain premiums, or to establish and maintain a reserve.

(3) The department shall transfer the unexpended balance of an appropriation into the account provided for in subsection (1) at the expiration of the appropriation to be used for the purposes stated in subsection (2)."

**Insert:** "NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 53, chapter 4, part 10, and the provisions of Title 53, chapter 4, part 10, apply to [section 3]."

**Renumber:** subsequent sections

8. Page 2, line 25.

**Strike:** "[Section 1] terminates"

**Insert:** "[Sections 1 through 3] terminate"

For the Senate:

Cobb, Chairman  
Lind  
Williams

For the House:

Kaufmann  
Milburn  
Roberts

**CORRECTED FREE CONFERENCE COMMITTEE**  
on **Senate Bill 287**  
Report No. 2, April 19, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 287** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 287** (reference copy -- salmon) be amended as follows:

1. Page 2, line 16.

**Following:** "THAT IS"

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**Strike:** "AT LEAST" through "UNITS" on line 16

**Insert:** "certified by the department of justice pursuant to subsection (2)"

2. Page 2.

**Following:** line 16

**Insert:** "(2) (a) If there is not a licensed community pharmacy within a county, then a retail establishment may apply to the department of justice for certification as an establishment that is allowed to sell products that contain any detectable quantity of ephedrine or pseudoephedrine, their salts or optical isomers, or salts of optical isomers.

(b) The department of justice shall adopt rules to establish criteria for the certification of retail establishments with the intent to limit the available supply of ephedrine and pseudoephedrine to prevent the manufacture of methamphetamine.

(c) The department of justice may certify a retail establishment based on the criteria adopted by rule."

**Renumber:** subsequent subsections

3. Page 2, line 17.

**Strike:** "(4)"

**Insert:** "(5)"

**Following:** "PHARMACY OR"

**Insert:** "certified"

4. Page 2, line 24.

**Following:** "PHARMACY OR"

**Insert:** "certified"

5. Page 3, line 2.

**Following:** "PHARMACY OR"

**Insert:** "certified"

6. Page 3, line 4.

**Following:** "PHARMACY OR"

**Insert:** "certified"

7. Page 3, line 6.

**Strike:** "(2)"

**Insert:** "(3)"

8. Page 3, line 7.

**Following:** "PHARMACY OR"

**Insert:** "certified"

9. Page 3, line 8.

**Following:** "PHARMACY OR"

**Insert:** "certified"

For the Senate:

Schmidt, Chairman  
Laible

For the House:

A. Olson  
Parker  
Wilson



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Witt

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 489**  
Report No. 1, April 19, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 489** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 489** (reference copy -- salmon) be amended as follows:

1. Page 7, line 18.

**Strike:** "\$1"

**Insert:** "\$1.25"

2. Page 7, line 23.

**Strike:** "\$1"

**Insert:** "\$1.25"

3. Page 7, line 25.

**Strike:** "\$1"

**Insert:** "\$1.25"

4. Page 7, line 29.

**Following:** line 28

**Insert:** "(b) The money spent pursuant to subsection (10)(a) must be credited against the amount owed by the state agency in a judgment or settlement agreement for payment of the remedial action costs at the facility for which the money was spent."

**Renumber:** subsequent subsections

5. Page 8, line 17.

**Strike:** "(10)(F)"

**Insert:** "(10)(g)"

6. Page 8, line 24.

**Strike:** "(10)(D)"

**Insert:** "(10)(e)"

7. Page 9, line 2.

**Strike:** "(10)(C)"

**Insert:** "(10)(d)"

For the Senate:

Lind, Chairman  
Gebhardt  
Wheat

For the House:

Dickenson  
Gutsche  
Ripley  
Sonju

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Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will stand in recess until 1:30 p.m.

House reconvened at 1:36 p.m.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 319**  
Report No. 1, April 19, 2005

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 319** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted as follows:

And, recommend that **Senate Bill 319** (reference copy -- salmon) be amended as follows:

1. Page 22, line 1 through line 3.

**Strike:** section 27 in its entirety

**Insert:** "COORDINATION SECTION. Section 27. Coordination instruction. If House Bill No. 2 is passed and approved and does not include an appropriation of at least \$300,000 to implement the provisions of [this act], then [section 29 of this act] must be amended to read as follows:

"NEW SECTION. Section 29. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, ~~2005~~ 2007.

(2) ~~{Sections 22, 31, 32, 34, and 35 33, 35, AND 36 and this section}~~~~{SECTIONS 22 AND 26 THROUGH 28 AND THIS SECTION}~~ [Sections 17, 18, 22, and 26 through 28 and this section] are effective on passage and approval.""

BE ADOPTED

For the Senate:

Ellingson, Chairman  
Cobb  
Wheat

WITH NO RECOMMENDATION

For the House:

Facey  
Jent  
Sinrud  
Taylor

**MESSAGES FROM THE SENATE**

**House amendments** concurred in:

5/5/2005

**SB 415**, introduced by Tester

**SB 525**, introduced by Tester

**House joint resolutions** concurred in and returned to the House:

4/19/2005

**HJR 33**, introduced by A. Olson

**HJR 36**, introduced by Ripley

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**HB 5** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **HB 5**:

4/19/2005

Senator Brueggeman  
Senator Cooney  
Senator Ellingson

**HB 584** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **HB 584**:

4/19/2005

Senator Esp  
Senator Hawks  
Senator Wheat

**HB 592** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **HB 592**:

4/19/2005

Senator Black  
Senator Elliott  
Senator Harrington

**SB 260** - The Senate failed to concur in Governor's amendments to **SB 260** and authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on Governor's amendments to **SB 260**:

4/19/2005

Senator Ellingson  
Senator Perry  
Senator Wheat

**SB 516** - The Senate failed to concur in House amendments and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **SB 516**:

4/19/2005

Senator Elliott  
Senator Gillan  
Senator Kitzenberg

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

4/19/2005

**HB 2**, introduced by Witt

**Governor's amendments to Senate bills** concurred in and transmitted to the House:

4/19/2005

**SB 167**, introduced by Mangan  
**SB 224**, introduced by Laslovich  
**SB 342**, introduced by Laslovich

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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 Galvin-Halcro in the chair.

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

**SJR 36** - Representative Wiseman moved **SJR 36** be concurred in. Motion carried 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, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, Milburn, Musgrove, Noonan, Parker, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 75

Noes: Andersen, Balyeat, Everett, Hawk, Hendrick, Jackson, Koopman, Lake, Lambert, Malcolm, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sonju, Waitschies, Ward, Wells.

Total 24

Excused: None.

Total 0

Absent or not voting: Noennig.

Total 1

**SJR 39** - Representative A. Olson moved **SJR 39** be concurred in. Motion carried as follows:

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

Total 87

Noes: Balyeat, Clark, Everett, Hawk, Koopman, Lake, Malcolm, Mendenhall, Ripley, Ross, Sales, Sonju, Waitschies.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 46 - Conference Committee Report No. 1** - Representative Parker moved the Conference Committee report to **HB 46** be adopted. Motion carried as follows:

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

Total 94

Noes: Balyeat, Jayne, Juneau, Lambert.

Total 4

Excused: None.

Total 0

Absent or not voting: MacLaren, Witt.

Total 2

**HB 2 - Free Conference Committee Report No. 1** - Representative Witt moved the Free Conference Committee report to **HB 2** be **not** adopted. 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

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 Galvin-Halcro 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, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson,

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Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Mr. Speaker.

Total 81

Noes: Butcher, Hawk, Heinert, Hendrick, Jackson, W. Jones, Koopman, Mendenhall, A. Olson, B. Olson, Peterson, Ross, Sales, Sinrud, Stahl, Waitschies, Wells, Windy Boy, Witt.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 584**  
Report No. 1, April 19, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 584** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 584** (reference copy -- salmon) be amended as follows:

1. Page 6, line 22.

**Strike:** "LESSER OF THE"

**Strike:** "14%"

**Insert:** "12%"

2. Page 8, line 5.

**Strike:** "THE LESSER OF"

**Strike:** "9%"

**Insert:** "8%"

For the House:

Himmelberger  
Waitschies  
Windy Boy  
Wiseman

For the Senate:

Hawks, Chairman  
Esp  
Wheat

**MOTIONS**

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

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confer on Governor's amendments to **SB 260**. Motion carried.

The Speaker appointed the following members:

Representative Stoker  
Representative McGillvray  
Representative Parker  
Representative Harris

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 516**. Motion carried.

The Speaker appointed the following members:

Representative Waitschies  
Representative Lake  
Representative McAlpin  
Representative Campbell

Dem. Floor Leader Parker moved the House suspend the rules to allow for hearing the bills that passed on 2nd Reading today on 3rd Reading today. This requires a 2/3 vote. Motion carried as follows:

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

Total 89

Noes: Balyeat, Heinert, W. Jones, Koopman, Maedje, Mendenhall, Ripley, Sales, Sinrud, Wagman, Wells.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

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

**SJR 36** concurred in as follows:

Ayes: 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,

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Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 69

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Everett, Hawk, Heinert, Jackson, Koopman, Lake, Lambert, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Wells.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 39** concurred in as follows:

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

Total 84

Noes: Balyeat, Clark, Everett, Hawk, Heinert, Koopman, Lake, Malcolm, McNutt, Mendenhall, Ripley, Ross, Sales, Sinrud, Wagman, Waitschies.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 46, 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, 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, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, 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: Balyeat, Jayne, Juneau, Lambert, Maedje, Mendenhall, Sales.



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Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved the House stand at ease until 3:30 p.m. Without objection, so ordered.

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

The House reconvened at 3:34 p.m.

**MESSAGES FROM THE GOVERNOR**

April 19, 2005

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

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

Dear President Tester and Speaker Matthews:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 415, "AN ACT CREATING THE MONTANA RENEWABLE POWER PRODUCTION AND RURAL ECONOMIC DEVELOPMENT ACT; PROVIDING LEGISLATIVE FINDINGS; DEFINING TERMS; PROVIDING A GRADUATED RENEWABLE ENERGY STANDARD; AUTHORIZING ADMINISTRATIVE PENALTIES; PROVIDING A WAIVER PROCESS FOR PUBLIC UTILITIES; ESTABLISHING A PROCUREMENT PROCESS; AUTHORIZING ADVANCE APPROVAL OF CERTAIN PROCUREMENT CONTRACTS BY THE PUBLIC SERVICE COMMISSION; REQUIRING THE SUBMISSION OF PROCUREMENT PLANS; AUTHORIZING THE COMMISSION TO IMPLEMENT AND ENFORCE THE PROVISIONS OF THIS ACT; PROVIDING THE COMMISSION WITH RULEMAKING AUTHORITY; EXEMPTING COOPERATIVE UTILITIES FROM THE GRADUATED RENEWABLE ENERGY STANDARD; REQUIRING CERTAIN COOPERATIVE UTILITIES TO IMPLEMENT AND ENFORCE THEIR OWN RENEWABLE ENERGY STANDARD; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

It is vital that the State of Montana develop renewable energy. Renewable energy provides clear economic benefits to electricity consumers in the way of highly favorable prices, diversification of fuel supply, stabilization of rates, and mitigation of the risk of fuel price increases. In addition, the development of renewable energy across our vast state blessed with an abundance of renewable resources will promote much needed local economic development in rural

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Montana.

In order to bring the advantages of renewable energy to Montana I have supported legislation requiring that utilities be required to obtain a certain percentage of their energy supplies from renewable energy. I have also recognized, however, the importance of flexibility in complying with the applicable standards. Accordingly, I have supported allowing waivers from compliance in appropriate circumstances, such as in the highly unlikely event that the acquisition of renewable resources would jeopardize the reliability of the grid, or if the price of renewable energy is prohibitively expensive.

The passage of SB 415 is an important statement by the legislature of the State of Montana recognizing that renewable energy is a critical part of Montana's energy future, and I commend the Senate and House on its passage. I am concerned, however, that a particular aspect of SB 415 will cause the Act to fail to fully live up to its potential.

Section 7 of SB 415 establishes a confusing technical standard for addressing when renewable energy would not have to be acquired because of its cost. In fact, Section 7 creates two such standards: one for utilities that have restructured and one for utilities that have not restructured. In addition, Section 7 treats renewable energy differently than other types of energy production, and thus inappropriately and unduly discriminates against renewable energy.

I believe that in order to ensure that renewable resource development is promoted and not frustrated by a standard that is unfair and difficult to apply, it is advisable to amend SB 415 by clarifying the cost cap standard. I want to emphasize that the amendments I propose are consistent with the intent of Section 7, which is simply that when renewable energy is too expensive it does not need to be acquired.

The proposed amendments are straightforward. First and foremost, the amendments prevent adverse rate impacts to consumers. Second, in setting a cap for the price of renewable energy the Public Service Commission is required to take into account certain specified factors. These factors, such as ancillary services costs needed to integrate the renewable resource into the electrical system and the availability of tax credits, allow for the identification of the true costs of renewable energy to customers. In addition, the Commission would be required to consider the costs of alternative forms of generation so as to provide a valid basis of comparison with renewable resource costs. Third, the amendments provide additional protections to utilities by requiring that cost caps be developed using contested case proceedings.

I believe it is critical that the Public Service Commission be involved in this process. The Commission has the needed expertise to tackle these complex issues, and its record in seeking to safeguard the interests of ratepayers is long-standing and exemplary.

I respectfully request that the legislature agree to these proposed amendments so that the promise of renewable energy development and the benefits it offers can be realized in Montana.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

c Legislative Services Division

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 415

On page 8, line 28, insert a new section 7 (to replace the current "new section 7"):

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Cost caps. The commission shall establish cost caps for each utility in a contested case proceeding for purchases under [section 4(2), (3)(a), (3)(b), (4)(a) and (4)(b)] to prevent adverse rate impacts to consumers, taking into account ancillary services costs, the commodity costs of renewable energy, the availability of tax credits for renewable energy, the costs of alternatives available to the utility, and the purposes of [sections 1 through 7] as set forth in [section 2].”

On page 7, line 4, after the word “procured,” insert:

at a cost less than or equal to the applicable cost caps developed by the commission pursuant to [section 7].”

April 19, 2005

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

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

Dear Speaker Matthews and President Tester:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 293, “A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ALTERNATIVE FUELS AND PETROLEUM PRODUCTS; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT STANDARDS AND SPECIFICATIONS ENSURING THAT ~~ALL~~ CERTAIN TYPES OF GASOLINE SOLD TO CONSUMERS FOR USE IN MOTOR VEHICLES TO BE OPERATED ON PUBLIC ROADS IS BLENDED WITH ETHANOL AND PROVIDING THAT THE GASOLINE MAY NOT CONTAIN MORE THAN TRACE AMOUNTS LEVELS OF MTBE; METHYL TERTIARY BUTYL ETHER; REDUCING THE TAX INCENTIVE FROM 30 CENTS TO 20 CENTS PER GALLON; REVISING THE TIME IN WHICH TAX CREDITS MAY BE PAID; REDUCING THE AMOUNT OF PAYMENTS THAT MAY BE MADE TO AN ALCOHOL DISTRIBUTOR IN A CALENDAR YEAR FROM \$3 MILLION TO \$2 MILLION; PROVIDING FOR CONTRACTS FOR ETHANOL PRODUCERS ELIGIBLE FOR TAX INCENTIVES; REQUIRING AN ETHANOL PRODUCER TO USE AT LEAST A CERTAIN PERCENTAGE OF MONTANA PRODUCT IN ITS TOTAL PRODUCTION TO QUALIFY FOR THE TAX INCENTIVE; PROVIDING THAT AN ETHANOL FACILITY IS NOT ELIGIBLE FOR THE TAX INCENTIVE UNLESS THE FACILITY PAID A PREVAILING RATE OF WAGES DURING CONSTRUCTION; REVISING REQUIREMENTS FOR BUSINESS PLANS; REMOVING THE REQUIREMENT FOR LOSS OF PRIORITY; REVISING THE CONDITIONS FOR AN IN-STATE INVESTMENT FOR ALCOHOL PRODUCTION TO BE USED FOR FUEL; ALLOWING THE PAYMENT OF DIVIDENDS AND BONUSES UNDER CERTAIN CONDITIONS; CREATING CERTAIN EXCEPTIONS TO THE REQUIREMENT TO USE ETHANOL-BLENDED GASOLINE; REVISING THE CONTINGENCIES ELIMINATING THE PROVISIONS TAXING GASOHOL ~~AND BIODIESEL~~ AT 85 PERCENT OF THE GASOLINE LICENSE TAX AND SPECIAL FUEL TAX RATES; PROVIDING FOR ENFORCEMENT BY THE DEPARTMENT OF LABOR AND INDUSTRY AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY; REQUIRING THE BOARD OF ENVIRONMENTAL REVIEW TO ADOPT RULES ESTABLISHING ALLOWABLE TRACE LEVELS OF METHYL TERTIARY BUTYL ETHER AND ESTABLISHING REPORTING AND SAMPLING REQUIREMENTS; AMENDING SECTIONS 15-70-201, 15-70-204, 15-70-503, 15-70-522, 17-6-317, 82-15-101, 82-15-102, 82-15-103, 82-15-104, 82-15-106, ~~AND~~ 82-15-110, AND 82-15-111, MCA, AND SECTIONS 12 AND 13, CHAPTER 568, LAWS OF 2001; REPEALING SECTION

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~~13, CHAPTER 568, LAWS OF 2001~~ 15-70-245, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND TERMINATION DATES."

This bill is the real deal. I commend Senator Black for his effort to make sure Montana does not lose the race in this key value added agricultural product. Working together I knew we could get ethanol legislation that will make a real difference for Montana's hard working families. The bottom line is this is good economic policy for the state, especially for rural Montana.

Senate Bill 293 sponsored by Senator Black is a bill that I strongly support. The bill is intended to encourage the production of gasohol blended with Montana produced ethanol. These amendments make the bill easier to administer and strengthen the intent of the legislation.

In its current form SB 293 does not address the intent to encourage the use of production of gasohol to the benefit of Montana producers. My proposed amendments delete the additional three month production rate for the trigger; takes the burden off of stations that blend to make mid-grade 87 octane and still allows 91 octane free ethanol and suspends the provisions in subsection (3)(c) for any year the U.S. Secretary of Agriculture declares any county in Montana a disaster area until August of the following year.

The sponsor of the bill approves of the amendments. The proposed amendments are attached to this letter.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

c Legislative Services Division  
Office of Budget and Program Planning  
State Compensation Insurance Fund

Amendments to Senate Bill No. 293  
Reference Copy  
Requested by the Governor  
For the Senate Committee of the Whole  
Prepared by Greg Petesch

1. Title, page 1, line 17.

**Following:** "INCENTIVE;"

**Insert:** "PROVIDING AN EXCEPTION FOR CERTAIN DISASTER DECLARATIONS;"

2. Page 2, lines 10 and 11.

**Following:** "ETHANOL" on line 10

**Strike:** remainder of line 10 through "MONTHS" on line 11

3. Page 2, line 18 through line 19.

**Following:** "ETHANOL" on line 18

**Strike:** remainder of line 18 through "MONTHS" on line 19

4. Page 2, line 29.

**Following:** "BASIS"

**Insert:** "for 3 months"

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5. Page 3, line 7.

**Strike:** "SHALL"

**Insert:** "may"

6. Page 10, line 17

**Following:** "15-70-201,"

**Insert:** "and that is produced in Montana"

7. Page 12, line 11.

**Strike:** "and"

8. Page 12, line 12.

**Following:** "(c)"

**Insert:** "subject to subsection (3)(d),"

9. Page 12, line 18.

**Following:** "production"

**Insert:** "; and (d) the provisions of subsection (3)(c) do not apply in any year in which the United States secretary of agriculture has declared any county in Montana a disaster area and will not apply until August of the following year"

**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 Galvin-Halcro in the chair.

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

**SB 287 - Free Conference Committee Report No. 1** - Representative Parker moved the Free Conference Committee report to **SB 287** be adopted. Motion carried as follows:

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

Total 98

Noes: Balyeat, Jayne.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**SJR 33** - Representative Dickenson moved **SJR 33** be concurred in. Motion **failed** 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, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 50

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

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 42** - Representative Peterson moved **SJR 42** 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

**HB 531 - Conference Committee Report No. 1** - Representative Franklin moved the Conference Committee report to **HB 531** be adopted. Motion carried 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,

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Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 55

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

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 114 - Free Conference Committee Report No. 1** - Representative Harris moved the Free Conference Committee report to **SB 114** 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, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, 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 96

Noes: Jayne, Mendenhall, Ripley, Witt.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 154 - Free Conference Committee Report No. 1** - Representative Milburn moved the Free Conference Committee report to **SB 154** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, 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, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Total 85

Noes: Becker, Caferro, Everett, Hawk, Hendrick, Koopman, Lake, Morgan, A. Olson, B. Olson, Rice, Sales, Sinrud, Sonju, Waitschies.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 7** - Representative Parker moved consideration of **HB 7** be placed at the bottom of the second reading board. Motion carried.

**SB 489 - Free Conference Committee Report No. 1** - Representative Gutsche moved the Free Conference Committee report to **SB 489** 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, Lake, Lambert, Lange, Lenhart, Lindeen, 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: Juneau, Koopman, MacLaren, Maedje, Malcolm, Mendenhall, Wells.

Total 7

Excused: None.

Total 0

Absent or not voting: Sales.

Total 1

**SB 167 - Governor's Amendments** - Representative Jopek moved Governor's amendments to **SB 167** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, 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, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 81

Noes: Balyeat, Barrett, Everett, Hawk, Hendrick, Himmelberger, Jackson, Klock, Koopman, Lambert, Malcolm, Mendenhall, Morgan, Rice, Ripley, Sales, Taylor, Wagman, Wells.



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Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 224 - Governor's Amendments** - Representative Lake moved Governor's amendments to **SB 224** be concurred in. Motion carried as follows:

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

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 342 - Governor's Amendments** - Representative Jacobson moved Governor's amendments to **SB 342** be concurred in. Motion carried as follows:

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

Total 96

Noes: Everett, Hawk, Koopman, Sales.

Total 4

Excused: None.

Total 0

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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 Galvin-Halcro moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Noes: Butcher, Hawk, Heinert, Jackson, W. Jones, Koopman, Mendenhall, B. Olson, Sales, Sinrud, Wagman, Wells.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Balyeat, Hendrick.  
Total 2

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 5**  
Report No. 1, April 19, 2005

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 5** (reference copy -- salmon) and recommend this Conference Committee report as follows:

WITH NO RECOMMENDATION  
For the House:

Buzzas  
Lenhart  
Ripley  
Witt

BE ADOPTED  
For the Senate:

Ellingson, Chairman  
Brueggeman  
Cooney

**MESSAGES FROM THE GOVERNOR**

April 19, 2005

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

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

Dear President Tester and Speaker Matthews:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 757, "AN ACT ESTABLISHING THE MONTANA ESSENTIAL FREIGHT RAIL ACT; CREATING A REVOLVING LOAN ACCOUNT; PROVIDING FUNDING FOR THE MONTANA ESSENTIAL FREIGHT RAIL ACT REVOLVING LOAN ACCOUNT; PROVIDING GUIDELINES FOR APPLICATIONS AND ELIGIBILITY FOR A LOAN FROM THE REVOLVING LOAN ACCOUNT; PROVIDING FOR MANAGEMENT OF THE ACCOUNT; AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR FUNDING THE ACCOUNT; PROVIDING FOR A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502 AND 60-11-120, MCA; AND PROVIDING AN EFFECTIVE DATE."

The amendments cover two issues: changing the entity to issue the revenue bonds on the part of the state from the Board of Examiners to the Board of Investments, and having the issuance of the bonds be done pursuant to Title 17, Chapter 5, Part 15. The sponsor of the bill, Rep. Lew Jones, agrees with the amendments.

Entity to Issue the Revenue Bonds

The amendments place the bond issuance function with the Board of Investments rather than the Board of Examiners.

It is not in the best interest of the State for the Board of Examiners to issue conduit bonds, such as the revenue bonds envisioned by HB 757. In this case the State would issue bonds loan the proceeds to a private entity, and then the private entity would make loan repayments that would pay the bonds back. There would be no State credit, State revenue or taxing power pledged to the repayment.

Historically, the Board of Examiners of the State has been the entity to issue Bonds of the State, that is Bonds that really are payable from a state source, a state tax, the general fund, or revenues that the State itself has control over, bonds that bear the rating of the State, bonds that are attributable to the State's debt analysis, etc.

Because the laws that authorize the Board of Examiners to issue debt set forth the State's pledge of revenues for the various types of State debt, the Board of Examiners is not ever really called upon to have to examine the creditworthiness of a state's bond issue.

In a conduit bond transaction, the issuer really is in a position to structure and determine the credit worthiness of the bond issue. For that reason, the State has over the years, created several different conduit bond issuers, i.e. the Board of Investments, the Montana Health Facilities Authority, the State Board of Housing.

It is in the State's best interest over the long term to maintain the "practice" of the Board of Examiners issuing debt that is truly state debt and have it not get in the business of the conduit debt issuance. This bond program makes more sense under the auspices of the Board of Investments, which is experienced in analyzing the credit-worthiness of these kinds of transactions.

Issuing the Bonds Under Title 17, Chapter 5, Part 15.

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By making the bonds in the bill under Title 17, Chapter 5, Part 15 (Economic Development Bonds) we can eliminate much duplicative language in HB 757 and simplify the entire issue of railroad bonds.

All of the necessary protections and authority are in that part, including the payment of costs of issuance from the proceeds of the bonds, an issue that was heretofore unaddressed by the bill.

I respectfully request that the legislature agree to these amendments so that we may be able to efficiently move forward on the acquisition and improvement of rail spurs in Montana.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc Legislative Services Division  
Department of Transportation  
Board of Investments

Amendments to House Bill No. 757  
Reference Copy  
Requested by the Governor  
For the House Committee of the Whole  
Prepared by Greg Petesch

1. Page 2, line 3.

**Strike:** "EXAMINERS"

**Insert:** "investments"

2. Page 2, line 4.

**Strike:** "18"

**Insert:** "9"

3. Page 5, line 7.

**Strike:** "18"

**Insert:** "9"

4. Page 5, line 9.

**Strike:** "EXAMINERS CREATED UNDER 2-15-1007"

**Insert:** "investments established in 2-15-1808"

5. Page 5, line 11.

**Strike:** "18"

**Insert:** "9"

6. Page 5, line 14 through line 17.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsections

7. Page 6, line 24.

**Following:** "BONDS:"

**Insert:** "The bonds must be issued under Title 17, chapter 5, part 15."

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8. Page 8, line 5 through page 11, line 11.

**Strike:** sections 10 through 18 in their entirety

**Renumber:** subsequent sections

9. Page 11, line 13.

**Strike:** "18"

**Insert:** "9"

10. Page 11, line 15.

**Strike:** "18"

**Insert:** "9"

**MOTIONS**

Dem. Floor Leader Parker moved the House suspend the rules to allow for hearing the bills that passed on 2nd Reading today on 3rd Reading today. This requires a 2/3 vote. 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, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 95

Noes: W. Jones, Koopman, Mendenhall, Sales, Wells.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

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

**SB 287, Free 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, 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, 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,

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Mr. Speaker.  
Total 97

Noes: Jayne, Koopman, Lambert.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 42** 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

**HB 531, Conference Committee Report No. 1**, 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, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 54

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

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**SB 114, Free 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, 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, Mr. Speaker.  
Total 98

Noes: Jayne, Witt.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 154, Free Conference Committee Report No. 1**, adopted 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, 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, Lenhart, Lindeen, MacLaren, 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, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Becker, Everett, Hawk, Koopman, Lake, Lange, Maedje, Sales, Wells.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 489, Free 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, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert,

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Total 95

Noes: Balyeat, Juneau, Koopman, Mendenhall, Morgan.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 167, as amended by the Governor**, concurred in as follows:

Ayes: 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, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 71

Noes: Andersen, Arntzen, Balyeat, Barrett, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, Maedje, Malcolm, McNutt, Morgan, B. Olson, Rice, Ripley, Sales, Sinrud, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 29

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 224, 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, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, 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 96

Noes: Jackson, Mendenhall, Ripley, Waitschies.



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Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 342, 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, 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, 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: Everett, Hawk, Koopman, Sales, Sesso.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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

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

**SB 319 - Free Conference Committee Report No. 1** - Representative Jent moved the Free Conference Committee report to **SB 319** be adopted. Motion **failed** as follows:

Ayes: 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, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

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

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Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 7** - Representative Parker moved consideration of **HB 7** be passed for the day. Motion carried.

**SB 120 - Governor's Amendments** - Representative R. Brown moved Governor's amendments to **SB 120** be **not** concurred in. Motion carried as follows:

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

Total 99

Noes: Windy Boy.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 584 - Conference Committee Report No. 1** - Representative Harris moved the Conference Committee report to **HB 584** be adopted. Motion carried as follows:

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

Total 61

Noes: Andersen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Ripley, Roberts, Sales, Sinrud, Stoker,

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Taylor, Waitschies, Ward, Wells, Witt.  
Total 39

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 5 - Conference Committee Report No. 1** - Representative Wells moved the Conference Committee report to **HB 5** be **not** adopted. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, L. Jones, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Wells, Witt.  
Total 37

Noes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Stahl, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 63

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 Galvin-Halcro moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, 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, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 68

Noes: Arntzen, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, A. Olson, B. Olson, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Wells, Witt.  
Total 32

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**MOTIONS**

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 592**. Motion carried.

The Speaker appointed the following members:

Representative Waitschies  
Representative Ross  
Representative Branae  
Representative Facey

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 10:00 a.m., Wednesday, April 20, 2005. Motion carried.

House adjourned at 4:53 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House