

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

Helena, Montana
April 20, 2005

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Clark who sang the Lord's Prayer. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Rep. Bergren announced the House Democrats will caucus.
Rep. Lange announced the House Republicans will caucus.
Speaker Matthews stated the House will stand at ease until 10:30 a.m.

House reconvened at 10: 33 a.m.

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, and seventy-seventh legislative days, find the same to be correct.

Barrett, Chair

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman):

4/20/2005

Correctly enrolled: **HB 348, HB 423, HB 438, HB 540, HB 678, HB 756, HB 776.**

Signed by the Chief Clerk of the House at 3:15 p.m., April 19, 2005: **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 769, HB 782, HB 790, HB 802.**

Signed by the Speaker at 9:00 a.m., April 20, 2005: **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 769, HB 782, HB 790, HB 802.**

Signed by the President at 9:45 a.m., April 20, 2005: **HB 11.**

Delivered to the Governor at 9:45 a.m., April 20, 2005: **HB 11.**

Signed by the President at 10:45a.m., April 20, 2005: **HB 4, 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 769, HB 782, HB 790, HB 802.**

Delivered to the Governor for approval at 11:00 a.m., April 20, 2005: **HB 4, 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 769, HB 782, HB 790, HB 802.**

Examined by the sponsor and found to be correct: **HB 348, HB 423, HB 540, HB 678, HB 756, HB 776.**

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 260**

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Report No. 1, April 20, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 260** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 260** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5 through line 7.

Strike: "AND MUST" on line 5 through "FINAL" on line 7

Insert: "; PROVIDING A PROCEDURE FOR ISSUING A FINAL WRITTEN DECISION THAT DIFFERS FROM AN ORAL PRONOUNCEMENT OF A"

2. Title, page 1, line 8.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

3. Page 1, line 17.

Strike: "HEARING"

Insert: "is considered to be submitted for a final decision"

4. Page 1, line 18.

Strike: "90"

Insert: "30"

5. Page 1, line 19 through line 24.

Strike: subsection (b) in its entirety

Insert: "(b) If an agency intends to issue a final written decision in a contested case that grants or denies relief and the relief that is granted or denied differs materially from a final agency decision that was orally announced on the record, the agency may not issue the final written decision without first providing notice to the parties and an opportunity to be heard before the agency."

6. Page 2, line 10.

Following: line 9

Insert: "NEW SECTION. Section 3. Applicability. [This act] applies to contested case hearings commenced after [the effective date of this act]."

For the Senate:

Wheat, Chairman
Ellingson
Perry

For the House:

Harris
McGillvray
Parker
Stoker

MESSAGES FROM THE SENATE

Chief Clerk Marilyn Miller read a letter from Senate President to Speaker Matthews stating the recent decision to remove **HB 703** from the Senate agenda and the possibility to rectify the situation without the passage of legislation.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

House joint resolutions concurred in and returned to the House: 4/20/2005

HJR 26, introduced by Harris
HJR 32, introduced by Sesso
HJR 41, introduced by Campbell
HJR 42, introduced by Jent
HJR 43, introduced by Peterson
HJR 44, introduced by A. Olson
HJR 45, introduced by Himmelberger

HB 592 - The Senate acceded to the request of the House and authorized the President to appoint a **Free** Conference Committee to confer on **HB 592**.

4/20/2005

Senator Black
Senator Elliott
Senator Harrington

Governor's amendments to House bills concurred in and returned to the House: 4/20/2005

HB 9, introduced by Witt
HB 172, introduced by Cohenour

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

4/20/2005

SB 120, introduced by Keenan
SB 415, introduced by Tester

Conference Committee Report No.1 adopted on 2nd Reading: 4/20/2005

HB 5, introduced by Wells
HB 584, introduced by Harris

Conference Committee Report No.1 adopted on 3rd Reading: 4/20/2005

HB 46, introduced by Parker
HB 584, introduced by Harris
SB 175, introduced by Cromley
SB 319, introduced by Ellingson
SB 445, introduced by McGee

Free Conference Committee Report No.1 adopted on 2nd Reading: 4/20/2005

SB 319, introduced by Ellingson

Free Conference Committee Report No.1 adopted on 3rd Reading: 4/20/2005

SB 114, introduced by Tester
SB 154, introduced by Cobb
SB 287, introduced by Schmidt
SB 339, introduced by Joe Balyeat

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

SB 489, introduced by Lind

Conference Committee Report No.1 rejected by the Committee of the Whole:

4/20/2005

HB 531, introduced by Franklin

SB 120 - The Senate acceded to the request to appoint a Conference Committee to meet with a like Committee from the House on Governor's amendments to **SB 120**:

4/20/2005

Senator Cooney
Senator Keenan
Senator Tester

MESSAGES FROM THE GOVERNOR

April 20, 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

RE: House Bill 11 - Amendatory Veto

Dear President Tester and Speaker Matthews:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 11, "AN ACT REVISING THE LAWS GOVERNING THE TREASURE STATE ENDOWMENT PROGRAM; REVISING THE USES OF THE TREASURE STATE ENDOWMENT STATE SPECIAL REVENUE ACCOUNT AND THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM SPECIAL REVENUE ACCOUNT; AUTHORIZING EMERGENCY GRANTS AND MATCHING GRANTS FOR PRELIMINARY ENGINEERING STUDIES; ELIMINATING ANNUAL DEBT SERVICE SUBSIDIES ON LOCAL INFRASTRUCTURE PROJECTS, LOANS FROM THE PROCEEDS OF COAL SEVERANCE TAX BONDS AT A SUBSIDIZED INTEREST RATE, AND DEFERRED LOANS FOR PRELIMINARY ENGINEERING STUDY COSTS; REQUIRING REPORTS TO THE GOVERNOR AND THE LEGISLATURE; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR FINANCIAL ASSISTANCE TO LOCAL GOVERNMENT INFRASTRUCTURE PROJECTS THROUGH THE TREASURE STATE ENDOWMENT PROGRAM; APPROPRIATING MONEY FROM THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM STATE SPECIAL REVENUE ACCOUNT TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR FINANCIAL ASSISTANCE TO REGIONAL WATER AUTHORITIES FOR REGIONAL WATER PROJECTS; AUTHORIZING GRANTS FROM THE TREASURE STATE ENDOWMENT STATE SPECIAL REVENUE ACCOUNT; PLACING CONDITIONS UPON GRANTS AND FUNDS; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR EMERGENCY GRANTS; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

PRELIMINARY ENGINEERING GRANTS; TERMINATING A PRIOR TREASURE STATE ENDOWMENT GRANT; AMENDING SECTIONS 90-6-703, 90-6-710, AND 90-6-715, MCA, AND SECTION 1, CHAPTER 435, LAWS OF 2001; AND PROVIDING AN EFFECTIVE DATE”, for the following reasons.

House Bill 11 is a bill that I support, however it has a serious technical error. House Bill 11, section 13 has a coordination instruction. Language in House Bill 11 is crucial to the operation of House Bill 748, general obligation bonds for water resource projects. House Bill 748 has been sent to the Governor for signature. In HB 11, section 13 the coordination language is incorrect. It strikes Section 9 that allows the payment of debt service. Without correction, bonds authorized in HB 748 cannot be paid with regional water funds, and thus will become an obligation of the general fund. My proposed amendment solves this serious technical error. My proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Amendments to House Bill No. 11
Reference Copy
Requested by the Governor
For the House Committee of the Whole
Prepared by Greg Petesch

1. Page 14, line 7.

Strike: "9"

Insert: "10"

April 20, 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

RE: HB 728 - Amendatory Veto

Dear Speaker Matthews and President Tester:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 728, "AN ACT REVISING FUNDING FOR THE STATE VETERANS'

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

CEMETERY PROGRAM; PROVIDING FOR A STATE VETERANS' CEMETERY IN YELLOWSTONE COUNTY; PROVIDING A STATUTORY APPROPRIATION OF SPECIAL REVENUE; AMENDING SECTIONS 10-2-601, 10-2-603, AND 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE," for the following reasons.

House Bill 728 provides for a veteran's cemetery in Yellowstone County. However, the federal VA veteran's grant is not yet secured. More important, the state veteran's cemetery special revenue account that has some limited funds for the operation, maintenance and administration of the funds will be depleted within five years. An early draft of the bill had \$100,000.00 in funding and that has been stricken.

My proposed amendment requires that the bill is contingent on funding. My proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Amendments to House Bill No. 728
Requested by the Governor
Prepared by Legislative Council

1. Title. line 8.
Following: "CEMETERY IN"
Insert: "MISSOULA COUNTY AND IN"
Following: "COUNTY"
Insert: "AS FUNDING ALLOWS"

2. Page 1, line 19.
Following: "and"
Insert: "and"
Following: "City"
Strike: " "
Insert: ". A cemetery may be located"
Following: "Missoula County"
Strike: " "
Following: "Yellowstone County"
Insert: "if funding allows"

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

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Helena, MT 59620

RE: SB 428 - Amendatory Veto

Dear President Tester and Speaker Matthews:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 428, "AN ACT PROVIDING FOR A STATEWIDE 2-1-1 TELEPHONE NUMBER FOR ACCESS AND REFERRAL TO COMMUNITY DISASTER, EMERGENCY, SAFETY, HEALTH, AND HUMAN SERVICES INFORMATION; PROVIDING FOR A MONTANA 2-1-1 COMMUNITY COALITION TO SERVE IN AN ADVISORY CAPACITY; PROVIDING THAT ANY AGENCY THAT SEEKS A NEW PUBLIC INFORMATION TELEPHONE LINE OR HOTLINE SHALL CONSULT WITH THE DEPARTMENT FOR USE OF THE 2-1-1 SYSTEM; PROVIDING FOR SERVICE PROVIDERS AND SCOPE OF SERVICE; PROVIDING FOR A STATE SPECIAL REVENUE ACCOUNT; PROVIDING FOR ELIGIBLE ACTIVITIES; REQUIRING BIENNIAL REPORTS TO THE LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE," for the following reasons.

Senate Bill 428 establishes a 2-1-1 telephone number for public access to information and referral for safety, health, or human services and for information about access to services after a disaster or emergency. The bill directs the appointment of a twenty member coalition. Establishment of the 2-1-1 program will require the use of additional staff and impose additional expenses upon the Department of Public Health and Human Services ("DPHHS"). The fiscal note accompanying the bill explains that the new program would require an appropriation of \$63,000 over the next biennium.

However, section 11 of Senate Bill 428 directs that the new program be conducted with existing employees and within existing funding levels. This provision of Senate Bill 428 turns the bill into an unfunded mandate. Even the bill, in its original form, recognized the need for funding, as it established a special account in the state special revenue fund (section 8 of the bill). DPHHS simply cannot establish this program with existing staff and funding levels.

My proposed amendment eliminates the requirement that the program operate within existing staffing and funding levels and, instead, provides the program shall not operate without an appropriation for that purpose. My proposed amendment is attached to this letter.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Amendments to Senate Bill No. 428
Reference Copy
Requested by the Governor
For the Committee of the Whole
Prepared by the Office of the Governor

2. Page 5, line 26 through line 28.

Strike: section 11 in its entirety

Insert: "NEW SECTION. **Section 11. Contingency on appropriation.** [This act] may not be construed to require implementation or operation without an appropriation for that purpose."

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

**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 McNutt in the chair.

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

HB 2 - Dem. Floor Leader Parker moved consideration of **HB 2** be placed on a later agenda today. Motion carried.

HB 757 - Governor's Amendments - Representative L. Jones moved Governor's amendments to **HB 757** be concurred in. Motion carried as follows:

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

Total 96

Noes: Koopman, McGillvray, Sales.

Total 3

Excused: None.

Total 0

Absent or not voting: Small-Eastman.

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

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

Total 90

Noes: D. Brown, Butcher, Heinert, W. Jones, Koopman, McGillvray, Sales, Sinrud.

Total 8

Excused: None.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Total 0

Absent or not voting: Himmelberger, Ward.

Total 2

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 5, Conference Committee Report No. 1, adopted as follows:

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

Total 76

Noes: Andersen, Barrett, D. Brown, Butcher, Everett, Hawk, Hendrick, W. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Rice, Ross, Sales, Stahl, Stoker, Taylor, Wells.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 584, Conference Committee Report No. 1, adopted 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, Lambert, Lenhart, Lindeen, McAlpin, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Rice, Ross, Sesso, Small-Eastman, Sonju, Villa, Wagman, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 60

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

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

MOTIONS

Dem. Floor Leader Parker Moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Governor's amendments to **SB 120**. Motion carried.

The Speaker appointed the following members:

Representative Kaufmann
Representative Caferro
Representative McNutt
Representative Ripley

Rep. Jopek moved the House reconsider its action on April 19, 2005, on **SJR 33** for the purpose of placing it back on 2nd Reading today. Motion **failed** as followed:

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, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 52

Excused: None.
Total 0

Absent or not voting: Wilson.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House stand at ease until 12:00 p.m. Motion carried.

Speaker Matthews stated the House will stand at ease until 12:00 p.m.

House reconvened at 12:04 p.m.

Rep. Bergren announced the House Democrats will caucus.
Rep. Himmelberger announced the House Republicans will caucus.
Speaker Matthews stated the House will stand at ease until 12:20 p.m.

House reconvened at 12:29 p.m.

ANNOUNCEMENTS

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Committee meetings were announced by the committee chairs.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter from Speaker Matthews stating that he has appointed the following people to the Interim Select Committee on Education pursuant to **SB 525**:

Representative Glaser
Representative Wagman
Representative Raser
Representative Lindeen

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **House Bill 592**
Report No. 1, April 20, 2005

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 592** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 592** (reference copy -- salmon) be amended as follows:

1. Page 2, line 21.

Following: "due."

Insert: "The penalty accrues on the unpaid tax from the original due date of the return regardless of whether the taxpayer has received an extension of time for filing a return."

2. Page 3, line 16.

Strike: "1%"

Insert: "1.2%"

3. Page 3, line 17.

Strike: "15%"

Insert: "12%"

4. Page 3, line 19 through line 20.

Strike: "if" on line 19 through "\$3,000" on line 20

5. Page 3, line 21 through line 22.

Strike: "If" on line 21 through "apply." on line 22

For the House:

Branae
Facey

For the Senate:

Elliott, Chairman
Black
Harrington

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Ross
Waitschies

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 120**
Report No. 1, April 20, 2005

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 120** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 120** (reference copy -- salmon) be amended as follows:

1. Page 3, line 15.

Insert: "NEW SECTION. Section 5. Cessation on collection and expenditure. The collection of the utilization fee under 15-66-102 and 15-66-201 and related expenditures of the revenue authorized in House Bill No. 2 must cease if a court issues a final order that the state expenditure limit contained in 17-8-106 has been exceeded. If expenditures of the revenue authorized in House Bill No. 2 cease, any collected but unexpended utilization fees must be returned to the hospital."

Renumber: subsequent sections

For the Senate:

Cooney, Chairman
Tester

For the House:

Caferro
Kaufmann
McNutt
Ripley

**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 McNutt in the chair.

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

SB 260 - Conference Committee Report No. 1 - Representative Parker moved the Conference Committee report to **SB 260** be adopted. Motion carried as follows:

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

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 7 - Governor's Amendments - Representative Callahan moved Governor's amendments to **HB 7** be **not** concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 11 - Governor's Amendments - Representative Wells moved Governor's amendments to **HB 11** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, 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: Koopman, McGillvray.
Total 2

Excused: None.
Total 0

Absent or not voting: None.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Total 0

HB 728 - Governor's Amendments - Representative Lange moved Governor's amendments to **HB 728** be concurred in. Motion carried as follows:

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

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 415 - Governor's Amendments - Representative Groesbeck moved Governor's amendments to **SB 415** be concurred in. Motion **failed** as follows:

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

Total 45

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

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 428 - Governor's Amendments - Representative Jacobson moved Governor's amendments to **SB 428** be **not** concurred in. Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hiner, Jacobson, Jent, W. Jones,

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.
Total 43

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Clark, Everett, Furey, Gallik, Glaser, Grinde, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jayne, L. Jones, Jopek, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.
Total 57

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

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Campbell, Clark, Dickenson, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 84

Noes: Becker, Callahan, Cohenour, Dowell, Facey, Gutsche, Heinert, Jacobson, W. Jones, Juneau, Koopman, Sales, Sinrud, Small-Eastman, Villa, Wells.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

April 20, 2005

The Honorable Jon Tester
President of the Senate
State Capitol

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

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 769, "AN ACT CREATING THE RAIL SERVICE COMPETITION COUNCIL; ESTABLISHING THE MEMBERSHIP AND DUTIES OF THE COUNCIL; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

The amendments cover two issues:

restoring the Director of the Department of Revenue to the Rail Service Competition Council, and insuring that the private sector members bring experience related to transportation to the Rail Service Competition Council.

The sponsor of the bill, Rep. George Golie, agrees with the amendments.

Restoring the Director of the Department of Revenue to the Rail Service Competition Council

The Director of the Department of Revenue (DOR) was on the Council in the bill as introduced because the issue of taxes came to the fore as an issue of importance in the rail competition study conducted pursuant to SB 315 from the 2003 Session.

Because those taxation issues remain a critical element of rail competitiveness according to the study, I believe that it is imperative that the Director of DOR be on the Council.

The addition of the Director will not add to the costs of Council operations, nor make administration of the effort any more difficult.

Private Sector Members Bringing Transportation Experience to the Rail Service Competition Council

The bill calls for private members who are to represent transportation expertise related to farm commodities, trucking, minerals and wood products. The language I have added is to make sure that the persons need to have "substantial knowledge and experience related to transportation" as it affects each of those areas.

I respectfully request that the legislature agree to these amendments so that we may be able to construct the best possible membership for this important Rail Service Competition Council.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

c Legislative Services Division
Department of Transportation
Department of Agriculture
Department of Revenue
Governor's Office of Economic Opportunity

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Amendments to House Bill No. 769
Reference Copy
Requested by the Governor
For the House Committee of the Whole
Prepared by Greg Petesch

1. Page 1, line 16.

Following: line 15

Insert: "(c) the director of the department of revenue provided for in 2-15-1301;"

Renumber: subsequent subsections

2. Page 1, line 21.

Following: "person"

Strike: "with substantial knowledge and experience as"

Insert: "who is"

3. Page 1, line 22.

Following: "Montana"

Insert: "and who has substantial knowledge and experience related to transportation of farm commodities"

4. Page 1, line 25.

Strike: the first "in"

Insert: "related to transportation for"

5. Page 1, line 27.

Strike: the first "in"

Insert: "related to transportation for"

MOTIONS

Dem. Floor Leader Parker Moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Governor's amendments to **HB 7**. Motion carried.

The Speaker appointed the following members:

Representative Ripley
Representative D. Brown
Representative Callahan
Representative Hiner

Dem. Floor Leader Parker Moved the Speaker appoint a Conference Committee to meet with a like committee to confer on Governor's amendments to **SB 415**. Motion carried.

The Speaker appointed the following members:

Representative A. Olson
Representative Himmelberger
Representative Gallik
Representative Groesbeck

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Dem. Floor Leader Parker moved the House suspend the rules in order to hear **SB 260** that passed on 2nd Reading on 3rd Reading today. Without objection, so ordered.

THIRD READING OF BILLS

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

SB 260, Conference Committee Report No. 1, adopted as follows:

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

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House recess until 3:30 p.m. Motion carried.

Speaker Matthews stated the House will stand in recess until 3:30 p.m.

The House reconvened at 3:33 p.m.

Sgt.-at-Arms Clark announced the Honorable Senate awaits at the House chambers. Speaker Matthews asked Sgt.-at-Arms Clark to admit the Senate. Sen. McGee awarded Rep. Witt, the House basketball coach, the 2nd Place trophy for the House-Senate basketball game.

Rep. Lange announced the House Republicans will caucus.

Rep. Bergren announced the House Democrats will caucus.

Speaker Matthews stated the House will stand at ease until 4:00 p.m.

House reconvened at 4:00 p.m.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter from Governor Schweitzer stating that **SB 525** which had been sent to enrolling, requests that either the Governor or his designee be represented as an ex-officio officer of the Quality Schools Interim Committee. The Governor stated he is designating David Ewer, his Budget Director, to be his designee on the Quality Schools Interim Committee.

**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 McNutt in the chair.

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

HB 769 - Rep. Leader Brown moved consideration of **HB 769** be placed at the bottom of the second reading board. Motion carried.

HB 592 - Free Conference Committee Report No. 1 - Representative Waitschies moved the Free Conference Committee report to **HB 592** be adopted. Motion carried as follows:

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

Total 96

Noes: Galvin-Halcro, Jayne, Jopek.

Total 3

Excused: None.

Total 0

Absent or not voting: Branae.

Total 1

SB 120 - Conference Committee Report No. 1 - Representative McNutt moved the Conference Committee report to **SB 120** 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, 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.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

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: Hendrick.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - Dem. Floor Leader Parker moved consideration of **HB 2** be placed at the bottom of the second reading board. Rep. Leader Brown rose to inquire on the reason. Speaker Matthews explained the Senate needs to receive **HB 769** today. Motion carried.

HB 769 - Governor's Amendments - Representative Golie moved Governor's amendments to **HB 769** be concurred in. Motion carried as follows:

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

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, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells.
Total 48

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

Ayes: 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, Hawk, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Total 66

Noes: Andersen, Arntzen, Balyeat, Barrett, Butcher, Everett, Glaser, Heinert, Hendrick, Himmelberger, L. Jones, W. Jones, Koopman, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Dem. Floor Leader Parker moved the House suspend the rules to allow for the bills that passed on 2nd Reading be heard 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, Gutsche, Hamilton, Harris, Hawk, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 89

Noes: Heinert, Hendrick, Koopman, Lange, Maedje, Mendenhall, Sales, Sinrud, Sonju, 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:

HB 592, 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, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, 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,

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Galvin-Halcro, Jayne, Jopek.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 120, 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, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Harris, Hendrick, Koopman, Sales, Sinrud, Wells.
Total 6

Excused: None.
Total 0

Absent or not voting: L. Jones.
Total 1

**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 McNutt in the chair.

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

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,

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

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 and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Branae, D. Brown, R. Brown, Butcher, Campbell, Clark, Everett, Glaser, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.

Total 61

Noes: Becker, Bergren, Bixby, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Sesso, Villa, Wanzenried, Windham, Windy Boy, Wiseman.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Speaker Matthews stated the House will stand in recess until 6:00 p.m.

The House reconvened at 6:00 p.m.

Rep. Leader Brown moved the House adjourn for the day. Dem. Leader Wanzenried agreed. Motion carried.

ANNOUNCEMENTS

HOUSE JOURNAL
EIGHTY-FIFTH LEGISLATIVE DAY - APRIL 20, 2005

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Thursday, April 21, 2005. Motion carried.

House adjourned at 6:05 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House