

HOUSE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 20, 2005

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

Helena, Montana
January 20, 2005

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Jopek. Pledge of Allegiance to the Flag.

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

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 1/20/2005
Correctly printed: **HB 56, HB 103, HB 109, HB 119, HB 142, HB 178, HB 226, HJR 5, HJR 89, HJR 112, HJR 126, HJR 135, HJR 160, HJR 175.**
Correctly engrossed: **HB 45, HB 77, HB 144, HB 167, HB 174, HB 225.**

BUSINESS AND LABOR (Keane, Chairman): 1/21/2005
HB 188, introduced bill, be amended as follows:

1. Page 21, line 16.
Strike: "a quarterly"
Insert: "an annual"

And, as amended, do pass. Report adopted.

JUDICIARY (Rice, Chairman): 1/21/2005
HB 49, introduced bill, be amended as follows:

1. Title, page 1, line 11.
Strike: "46-23-508,"

2. Page 3, line 1.
Strike: "ensure that the offender registers"
Insert: "verify the offender's registration status"

3. Page 3, line 8 through line 9.
Strike: "or given" on line 8 through "designation" on line 9

4. Page 3, line 11 through line 12.
Strike: "or given" on line 11 through "designation" on line 12

5. Page 5, line 15 through page 6, line 21.
Strike: section 5 in its entirety
Renumber: subsequent section

6. Page 7, line 20 through line 21.
Strike: "or, if" on line 20 through "state" on line 21

7. Page 7, line 24.

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Following: "department"

Insert: "of justice"

And, as amended, do pass. Report adopted.

HB 66, introduced bill, be amended as follows:

1. Page 1, line 14.

Strike: "whether or not a fine is also levied,"

2. Page 1, line 15.

Strike: "against the term of imprisonment"

3. Page 1, line 17.

Following: "~~bail and~~"

Insert: "who does not supply bail and"

4. Page 1, line 18.

Strike: "in addition to a term of imprisonment"

5. Page 1, line 18 through line 19.

Strike: "also, in" on line 18 through "imprisonment," on line 19

Strike: "against the amount of the fine" on line 19

6. Page 1, line 20 through line 22.

Strike: "A person" on line 20 through "The" on line 22

Insert: ", except that the"

And, as amended, do pass. Report adopted.

HB 110, introduced bill, be amended as follows:

1. Page 2, line 3.

Insert: "(4) The attorney general shall adopt rules to implement this section. The rules must include a procedure by which the attorney general is assured that an identity theft passport applicant has an identity theft claim that is legitimate and adequately substantiated."

And, as amended, do pass. Report adopted.

HB 113, introduced bill, be amended as follows:

1. Page 1, line 25.

Strike: "Title 45"

Following: "9,"

Insert: "the Montana Code Annotated"

And, as amended, do pass. Report adopted.

HB 169, introduced bill, be amended as follows:

1. Page 7, line 23.

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Following: "affixed"

Insert: ", "

2. Page 7, line 24.

Strike: "and"

Following: "cigarettes"

Insert: ", and each pack sold, offered for sale, or possessed for sale"

3. Page 8, line 18 through line 23.

Strike: subsection (c) in its entirety

4. Page 8, line 27.

Strike: "recovered under part 4 of this chapter and subsection (1) and"

Insert: ", "

5. Page 8, line 28.

Strike: "subsection (4)"

Insert: "parts 4 and 5 of this chapter"

Following: "department"

Insert: "of justice"

6. Page 8, line 30.

Following: "department"

Insert: "of justice"

And, as amended, do pass. Report adopted.

HB 191, introduced bill, be amended as follows:

1. Page 1, line 15.

Following: "testify"

Insert: "during or after the marriage"

2. Page 1, line 18 through line 19.

Strike: ", except" on line 18 through "marriage" on line 19

And, as amended, do pass. Report adopted.

HB 196, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "REQUIRING"

Insert: "ALLOWING FOR"

2. Page 3, line 27 through line 28.

Strike: lines 27 and 28 in their entirety

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3. Page 4, line 11.

Following: "BY"

Insert: "SIGNING,"

Following: "ACCEPTING"

Insert: ", "

Strike: "I ASSUME"

Insert: "THE AGENT ASSUMES"

4. Page 4, line 12.

Strike: "I UNDERSTAND THAT"

5. Page 4, line 14 through line 15.

Strike: "AS THE" on line 14 through "WILL" on line 15

Insert: "THE AGENT SHALL"

6. Page 4, line 16.

Strike: "I HAVE"

Insert: "THE AGENT HAS"

7. Page 4, line 19.

Strike: "(Name)"

Insert: "(Signature)"

8. Page 4, line 23.

Following: "acknowledged."

Insert: "The agent's signature is not necessary if the agent accepts or acts under the appointment."

And, as amended, do pass. Report adopted.

HB 205, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "IMMEDIATE"

2. Page 1, line 26.

Strike: "on passage and approval"

Insert: "July 1, 2005"

And, as amended, do pass. Report adopted.

HB 250, do pass. Report adopted.

HB 254, introduced bill, be amended as follows:

1. Page 1, line 12.

Following: "drug"

Strike: "or"

Insert: ", "

Strike: "or both the name and dosage"

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Insert: ", the instructions for use, the printed name or other identifying letters or numbers unique to the medical practitioner, and, if required, the federal drug enforcement agency identifying number"

2. Page 1, line 12 through line 13.

Strike: "person" on line 12 through "learning" on line 13

Insert: "registered pharmacist licensed to practice in this state"

3. Page 1.

Following: line 13

Insert: "(2) Any person may file a complaint alleging a violation of subsection (1) with the board that licensed the medical practitioner who issued the prescription. The board may investigate the complaint and take any action and impose any sanction allowed by the statutes relating to the board and rules adopted by the board. Each board licensing a medical practitioner shall adopt rules to implement this section.

(3) The board may refer the complaint to the county attorney of the county in which the prescription was issued, whether or not the board itself has taken any action or imposed any sanction. A county attorney may not file an action alleging a violation of subsection (1) unless a complaint has been referred to the county attorney by the medical practitioner's licensing board."

Renumber: subsequent subsection

4. Page 1, line 16.

Insert: "NEW SECTION. **Section 2. Time for adopting rules.** Rules required by [section 1(2)] must be adopted by July 1, 2006."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Peterson, Chairman):

1/21/2005

HB 78, introduced bill, be amended as follows:

1. Page 2, line 22.

Following: "part:"

Insert: "Prior to issuing or renewing a permit, the department shall determine, on the basis of the inspection report and other relevant information, whether the operation and maintenance of the tank were in compliance with this part and rules adopted pursuant to this part on the date of inspection."

And, as amended, do pass. Report adopted.

HB 185, introduced bill, be amended as follows:

1. Page 2, line 8.

Insert: "(iii) The department may not enter into an agreement or memorandum of understanding with a federal land management agency that would require the department to impose requirements on an operator that are more stringent than state law and rules."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

1/21/2005

SB 68, introduced by Balyeat

FIRST READING AND COMMITMENT OF BILLS

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

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- HB 363**, introduced by Eaton, Dickenson, Hiner, Becker, Caferro, Galvin-Halcro, Golie, referred to Judiciary.
- HB 364**, introduced by Maedje, referred to Business and Labor.
- HB 365**, introduced by Maedje, McGee, referred to Local Government.
- HB 366**, introduced by Koopman, Ward, Brown, Maedje, Balyeat, Furey, Golie, Clark, Campbell, Lange, Mendenhall, Klock, Everett, Warden, Sonju, Eaton, Windham, Jackson, Cohenour, Ripley, Hawk, referred to Judiciary.
- HB 367**, introduced by Parker, referred to Judiciary.
- HB 368**, introduced by Mendenhall, Brown, Ross, Rice, Balyeat, Jones, Lange, Hawk, Klock, Koopman, referred to Judiciary.
- HB 369**, introduced by Gallik, B. Olson, Buzzas, Dowell, Bixby, Lambert, A. Olson, Hawk, Villa, Stahl, referred to Education.
- HB 370**, introduced by Gallik, referred to Natural Resources.
- HB 371**, introduced by Lambert, referred to Local Government.
- HB 372**, introduced by Harris, Hamilton, Villa, Dickenson, Jacobson, Campbell, Cohenour, referred to Business and Labor.
- HB 373**, introduced by Harris, Dickenson, Wiseman, Hamilton, Becker, Villa, Campbell, Cohenour, referred to State Administration.
- HB 374**, introduced by Harris, Hamilton, Becker, Dickenson, Wiseman, Jacobson, Villa, Cohenour, Campbell, referred to Judiciary.
- HB 375**, introduced by Harris, Hamilton, Villa, Wiseman, Dickenson, Jacobson, Campbell, Cohenour, referred to Appropriations.
- HB 376**, introduced by Harris, Hamilton, Becker, Dickenson, Wiseman, Jacobson, Villa, Campbell, Cohenour, referred to State Administration.
- HB 377**, introduced by Keane, Lenhart, Windy Boy, Lange, Dowell, B. Olson, Cohenour, A. Olson, Tropila, Golie, Ripley, Groesbeck, Sonju, Noonan, referred to Transportation.
- HB 378**, introduced by Windy Boy, Pease, Bergren, Hamilton, Campbell, Wanzenried, Small-Eastman, Caferro, Wiseman, Hansen, Toole, Windham, referred to Fish, Wildlife and Parks.
- HB 379**, introduced by Windy Boy, Bergren, Pease, Gutsche, Hansen, Henry, Campbell, Toole, Hamilton, Wanzenried, Lambert, Musgrove, Caferro, Dickenson, Maedje, Small-Eastman, Windham, Franklin, Hiner, referred to Natural Resources.
- HB 380**, introduced by Gallik, referred to Judiciary.
- HB 381**, introduced by Callahan, Roberts, Clark, Cohenour, Gallik, referred to Business and Labor.
- HB 382**, introduced by Callahan, Cohenour, Gallik, referred to Business and Labor.
- HB 383**, introduced by Wanzenried, referred to State Administration.
- HB 384**, introduced by Wells, referred to Local Government.
- HB 385**, introduced by Wells, referred to Transportation.
- HB 386**, introduced by Sinrud, referred to State Administration.
- HB 387**, introduced by Juneau, Caferro, Galvin-Halcro, Dickenson, Hamilton, Groesbeck, McAlpin, Branae, Jacobson, Small-Eastman, Sesso, Jayne, Wanzenried, Jopek, Dowell, Campbell, Eaton, Harris, Hiner, Keane, Henry, Cohenour, Villa, Golie, Bixby, referred to Human Services.
- HB 388**, introduced by A. Olson, Lenhart, B. Olson, Mangan, Golie, Keane, McNutt, Klock, Stahl, referred to Federal Relations, Energy, and Telecommunications.
- HB 389**, introduced by A. Olson, B. Olson, Lenhart, Mangan, Golie, Keane, Stahl, Klock, McNutt, referred to Federal Relations, Energy, and Telecommunications.
- HB 390**, introduced by Villa, referred to Fish, Wildlife and Parks.

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

- HJR 8**, introduced by Harris, referred to State Administration.

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

Representative Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Waitschies in the chair.

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

HB 18 - Representative Juneau moved **HB 18** do pass. 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, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 58

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.
Total 42

Voted Absentee: Henry, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 43 - Representative Musgrove moved **HB 43**, second reading copy, do pass and be amended as follows:

1. Title, line 6.
Strike: "AN"
Insert: "A DELAYED"

2. Page 2, line 10.
Strike: "2005"
Insert: "2006"

Amendment 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, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 98

Noes: None.

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Total 0

Excused: Henry.

Total 1

Absent or not voting: Waitschies.

Total 1

HB 43 - Representative Musgrove moved **HB 43**, as amended, do pass. Motion carried as follows:

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

Total 100

Noes: None.

Total 0

Voted Absentee: Henry, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 212 - Representative Sesso moved **HB 212** do pass. 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, 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, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

Noes: Everett, Koopman, Rice, Sales, Waitschies, Wells.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Parker moved the committee rise, report and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Waitschies 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, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson,

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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, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt.

Total 91

Noes: Butcher, Dowell, Facey, Hawk, Mendenhall, Sales, Sinrud, Windham.

Total 8

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 33 - Representative Gallik moved **HB 33** do pass. Motion failed as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jopek, Juneau, Kaufmann, McAlpin, Musgrove, Noennig, Parker, Raser, Small-Eastman, Wanzenried, Wilson, Windham, Wiseman.

Total 37

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

Total 63

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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

Total 82

Noes: Bixby, Butcher, Buzzas, Caferro, Cohenour, Dickenson, Dowell, Facey, Franklin, Furey, Gallik, Henry, Kaufmann, Musgrove, Sales, Windham.

Total 16

Excused: None.

Total 0

Absent or not voting: Balyeat, Witt.

Total 2

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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 17 passed 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, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 95

Noes: Butcher, MacLaren, Sinrud, Wagman.
Total 4

Excused: None.
Total 0

Absent or not voting: McAlpin.
Total 1

HB 86 passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 81

Noes: Balyeat, Barrett, Butcher, Everett, Hawk, Himmelberger, Klock, Lambert, MacLaren, Maedje, Mendenhall, Milburn, B. Olson, Rice, Ripley, Sinrud, Stahl, Stoker, Wagman.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 147 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, 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, 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, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
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Noes: R. Brown, Himmelberger, Koopman, McGillvray, Sales, Sinrud, Wagman, Wells.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 159 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, 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, 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, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Everett, Koopman, Maedje, Sales, Sinrud, Sonju, Wells.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 1 adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sales, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 70

Noes: Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, A. Olson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Warden, Wells, Witt.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 32 passed 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, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman,

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Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Balyeat, Butcher, Hawk, MacLaren, Rice, Ripley, Sales.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 88 passed as follows:

Ayes: 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, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 81

Noes: Andersen, Balyeat, Barrett, Everett, Hawk, Klock, Koopman, Lake, MacLaren, Maedje, Malcolm, Mendenhall, Rice, Ripley, Roberts, Sales, Taylor, Waitschies, Wells.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Rep. Parker moved that HB 332 be re-referred from Human Services Committee to House Appropriations Committee. Motion carried.

Rep. Parker moved that HB 18 be re-referred from 2nd Reading to House Appropriations. Motion carried.

Rep. Alan Olson moved to reconsider the vote on 2nd Reading of HB 45 on January 19, 2005.

Rep. Gallik moved to table the motion of Rep. Alan Olson.

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.
Total 49

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, Mr. Speaker.
Total 51

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion failed.

Rep. Wanzenried asked for a clarification of the motion from Rep. Alan Olson. Rep. Facey stated this was not a debatable issue. Rep. Lange clarified that it is a debatable issue since it is done in Motions, not in the Committee of the Whole.

Rep. Alan Olson moved to reconsider the actions of the House on HB 45 from yesterday.

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Dowell, 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, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 52

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, 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, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion passed.

Rep. Gallik moved that HB 45 be re-referred to House Appropriations Committee.

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, McAlpin, Milburn, Musgrove, Noonan, Parker, Raser, Sinrud, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 48

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

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Motion failed.

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Rep. Alan Olson moved to place HB 45 on 2nd Reading tomorrow.

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Callahan, 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 51

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, 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 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion passed.

SPECIAL ORDERS OF THE DAY

Consent calendar: HB 198, HJR 3. There being no questions, these bills will proceed to 3rd Reading.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, January 22, 2005. Motion carried.

House adjourned at 2:35 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House