

HOUSE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 12, 2005

HOUSE JOURNAL
59TH LEGISLATURE
EIGHTH LEGISLATIVE DAY

Helena, Montana
January 12, 2005

House Chambers
State Capitol

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

Roll Call. All members present, except for Representative Wilson and Wanzenried, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 1/13/2005
Correctly printed: **HB 29, HB 108, HB 154.**
Correctly printed: **HB 29, HB 108, HB 154.**

AGRICULTURE (Butcher, Chairman): 1/12/2005
HB 37, introduced bill, be amended as follows:

1. Title, line 4.
Following: "THE"
Insert: "STATE"

2. Title, line 5.
Following: first "ACCOUNT"
Insert: AND IN COUNTY PREDATORY ANIMAL CONTROL FUNDS
Following: "THE"
Insert: "RESPECTIVE"
Following: second "ACCOUNT"
Insert: "OR FUNDS"
Strike: "SECTION"
Insert: "SECTIONS"

3. Title, line 6.
Following: "15-24-925,"
Insert: "81-7-303, AND 81-7-603,"

4. Page 1, following line 20.
Insert: "**Section 2.** Section 81-7-303, MCA, is amended to read:
"**81-7-303. County commissioners permitted to require per capita license fee on sheep.** (1) To defray the expense of protection, the board of county commissioners of a county may require all owners or persons in possession of a sheep 1 year of age or older in the county on the regular assessment date of each year as provided in 15-24-903 to pay a per capita license fee in an amount to be determined by the board. All owners or persons in possession of a sheep 1 year of age or older coming into the county after the regular assessment date and subject to the per capita levy under the provisions of Title 15, chapter 24, part 9, are subject to payment of the license fee.
(2) Upon the order of the board of county commissioners, the license fees may be imposed by entering the name of the licensee upon the assessment record of the county by the department of revenue. The license fees are payable to and must be collected by the county treasurer. When levied, the fees are a lien upon the property, both real and personal, of the licensee. If the person against whom the license fee is levied does not own real estate against which the license fee is or may become a lien, then the license fee is payable immediately upon its levy and the treasurer shall collect the fee in the manner provided by law for the collection of personal property taxes that are not a lien upon real estate.
(3) When collected, the fees must be placed in the predatory animal control fund and the fund may be expended on order of the board of county commissioners of the county for predatory animal control only. Interest earned on money in the fund must be deposited in the fund." "

HOUSE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 12, 2005

Insert: "Section 3. Section 81-7-603, MCA, is amended to read:

"81-7-603. County commissioners permitted to levy per capita license fee on cattle. (1) To defray the expense of protection, the board of county commissioners may require all owners or persons in possession of any cattle 9 months ~~old~~ of age or older in the county on the regular assessment date of each year as provided in 15-24-903 to pay a per capita license fee in an amount to be determined by the board. All owners or persons in possession of cattle 9 months ~~old~~ of age or older coming into the county after the regular assessment date and subject to the per capita levy under the provisions of Title 15, chapter 24, part 9, are subject to payment of the license fee.

(2) Upon the order of the board of county commissioners, the license fee may be imposed by entering the name of the licensee upon the assessment record of the county by the department of revenue. The license fee is payable to the county treasurer. When levied, the fee is a lien upon the property, both real and personal, of the licensee. If the person against whom the license fee is levied does not own real estate against which the license fee is or may become a lien, then the license fee is payable immediately upon its levy and the treasurer shall collect the fee in the manner provided by law for the collection of personal property taxes that are not a lien upon real estate.

(3) The fees must be placed in a predatory animal control fund separate from the fund provided for in 81-7-303. The money in the predatory animal control fund may be expended by the board of county commissioners only for the predatory animal control program. Interest earned on money in the fund must be deposited in the fund."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Jent, Chairman):

1/12/2005

HB 27, introduced bill, do pass and be placed on the consent calendar. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

1/15/2005

SB 132, introduced by Cooney

FIRST READING AND COMMITMENT OF BILLS

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

HB 277, introduced by Maedje, Curtiss, Heinert, referred to Fish, Wildlife and Parks.

HB 278, introduced by Eaton, Bergren, Hamilton, Caferro, Furey, Gallus, Golie, Henry, Jopek, referred to Taxation.

HB 279, introduced by Wagman, referred to State Administration.

HB 280, introduced by Wagman, referred to Judiciary.

HB 281, introduced by Wagman, referred to Business and Labor.

HB 282, introduced by Jopek, referred to State Administration.

HB 283, introduced by Jopek, Weinberg, referred to Taxation.

**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 Facey in the chair.

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

HB 1 - Representative Witt moved **HB 1** do pass. 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, Everett, Facey, Franklin, Furey,

HOUSE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 12, 2005

Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, 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, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Balyeat, Clark, Koopman, Sinrud.
Total 4

Voted Absentee: Wanzenried, Aye.

Excused: Wilson.
Total 1

Absent or not voting: Jent.
Total 1

HB 29 - Representative Golie moved **HB 29** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, 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, 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, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: None.
Total 0

Voted Absentee: Wanzenried, Aye.

Excused: Wilson.
Total 1

Absent or not voting: Bergren, Jent.
Total 2

HB 108 - Representative Furey moved **HB 108** 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, 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, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 98

Noes: None.
Total 0

HOUSE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 12, 2005

Voted Absentee: Wanzenried, Aye.

Excused: Wilson.
Total 1

Absent or not voting: Jent.
Total 1

HB 154 - Representative Jacobson moved **HB 154** 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, 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, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Jopek.
Total 1

Voted Absentee: Wanzenried, Aye.

Excused: Wilson.
Total 1

Absent or not voting: Jent.
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 39 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, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: None.
Total 0

Excused: Wanzenried, Wilson.
Total 2

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

HOUSE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 12, 2005

MOTIONS

Rep. Parker moved that HB 266 be re-referred from the Transportation Committee to the Agriculture Committee.
Motion carried.

Rep. Parker moved that HB 197 be re-referred from the Health and Human Services Committee to the Judiciary Committee. Motion carried.

Rep. Parker moved that HB 208 be re-referred from Natural Resources Committee to Fish, Wildlife, and Parks Committee. Motion carried.

SPECIAL ORDERS OF THE DAY

Rep. Lindeen requested that the following sponsors be added to HB 249: Rep. Gallik, Hamilton, Jent, Windy Boy, Sen. Cocchiarella, Gallus, Gillan, Hansen, Larson, Mangan, Roush, Ryan, Schmidt, Smith, Tester, Tropila, Weinberg, Wheat, Williams.

HOUSE JOURNAL
EIGHTH LEGISLATIVE DAY - JANUARY 12, 2005

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Thursday, January 13, 2005. Motion carried.

House adjourned at 1:28 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House