

HOUSE JOURNAL  
ELEVENTH LEGISLATIVE DAY - JANUARY 15, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
ELEVENTH LEGISLATIVE DAY

Helena, Montana  
January 15, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Bixby. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Buzzas, Jopek, Keane, Kauffman, Juneau, Caffero, Rice, Mendenhall, Franklin, Harris, excused. Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 1/15/2005  
Correctly printed: **HB 17, HB 54, HB 81, HB 82, HB 86, HB 128, HB 131, HB 139, HB 193, HB 195.**  
Correctly engrossed: **HB 16, HB 20, HB 50, HB 68, HB 107.**

**JUDICIARY** (Rice, Chairman): 1/15/2005  
**HB 33**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.  
**Following:** "REQUESTED BY" on line 4  
**Strike:** "A" on line 4 through "DEFENDANT CITED" on line 5  
**Insert:** "EITHER PARTY TO A TRIAL"

2. Page 1, line 16.  
**Strike:** "the defendant"  
**Insert:** "either party"

And, as amended, do pass. Report adopted.

**HB 90**, do pass. Report adopted.  
**HB 190**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 1/15/2005

**SB 1**, introduced by Schmidt  
**SB 9**, introduced by Cromley  
**SB 20**, introduced by Roush  
**SB 32**, introduced by Cromley  
**SB 47**, introduced by Laible  
**SB 64**, introduced by Brueggeman  
**SB 74**, introduced by Story  
**SB 75**, introduced by Harrington  
**SB 77**, introduced by Hansen  
**SB 79**, introduced by Tropila  
**SB 102**, introduced by Cromley

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 312**, introduced by Golie, Furey, Galvin-Halcro, Tropila, Jopek, Raser, Lindeen, Henry, Windham, Clark,

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Noonan, Harris, Franklin, Sesso, Parker, Driscoll, Hiner, Eaton, Gutsche, Toole, Wanzenried, Musgrove, Callahan, Jacobson, Dickenson, Bergren, Becker, Jent, Hawk, Groesbeck, Jayne, Lind, Larson, Kaufmann, referred to Fish, Wildlife and Parks.

**HB 313**, introduced by Sesso, Golie, Bergren, Wanzenried, McAlpin, Hiner, Noonan, Jopek, Parker, Driscoll, Groesbeck, Keane, Villa, referred to Judiciary.

**HB 314**, introduced by Butcher, referred to Select Committee on Education Funding.

**HB 315**, introduced by Facey, referred to Business and Labor.

**HB 316**, introduced by Callahan, referred to Business and Labor.

**HB 317**, introduced by Hamilton, Wiseman, Hendrick, B. Olson, Ward, Windy Boy, Gallik, Facey, referred to Education.

**HB 318**, introduced by McKenney, referred to Business and Labor.

**HB 319**, introduced by MacLaren, referred to Taxation.

**HB 320**, introduced by Facey, referred to Taxation.

**HB 321**, introduced by Facey, referred to Local Government.

**HB 322**, introduced by Koopman, Campbell, Roberts, Hamilton, Raser, Wells, Warden, Curtiss, Wiseman, Clark, Noonan, Maedje, Lange, McGillvray, Ripley, Ward, Everett, Hendrick, Groesbeck, referred to Business and Labor.

**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 Gutsche in the chair.

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

**HB 115** - Representative McNutt moved **HB 115** 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, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Jayne, Koopman, Malcolm, McGillvray, Sales, Sinrud, Sonju, Wells.

Total 8

Voted Absentee: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice, Ayes.

Excused: None.

Total 0

Absent or not voting: Jacobson.

Total 1

**HB 38** - Representative McNutt moved **HB 38** 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,

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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, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Ward.  
Total 1

Voted Absentee: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 101** - Representative Villa moved **HB 101** 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, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 99

Noes: Wells.  
Total 1

Voted Absentee: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 180** - Representative Lake moved **HB 180** 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: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice, Ayes.

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

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, 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, 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 90

Noes: None.  
Total 0

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.  
Total 10

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 67** passed as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, Milburn, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 69

Noes: Andersen, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Groesbeck, W. Jones, Koopman, McGillvray, McKenney, McNutt, Morgan, Noonan, Sesso, Sinrud, Sonju, Stahl, Warden, Wells.  
Total 21

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.  
Total 10

Absent or not voting: None.  
Total 0

**HB 84** passed as follows:

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

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Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, 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, 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 90

Noes: None.  
Total 0

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.  
Total 10

Absent or not voting: None.  
Total 0

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**HB 87** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 88

Noes: Maedje, Stahl.  
Total 2

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.  
Total 10

Absent or not voting: None.  
Total 0

**HB 168** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, 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, 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 90

Noes: None.  
Total 0

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.  
Total 10

Absent or not voting: None.  
Total 0

**HB 207** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, 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, 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 90

Noes: None.  
Total 0

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.

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Total 10

Absent or not voting: None.

Total 0

**HB 223** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, 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 85

Noes: R. Brown, Butcher, Maedje, Noennig.

Total 4

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.

Total 10

Absent or not voting: Balyeat.

Total 1

**HB 27** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, 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, 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 90

Noes: None.

Total 0

Excused: Buzzas, Caferro, Franklin, Harris, Jopek, Juneau, Kaufmann, Keane, Mendenhall, Rice.

Total 10

Absent or not voting: None.

Total 0

**MOTIONS**

Rep. Parker moved HB 31 be re-referred from State Administration Committee to Human Services Committee. Motion carried.

Rep. Parker moved HB 13 be re-referred from State Administration Committee to House Appropriations Committee. Motion carried.

Rep. Parker moved HB 301 be re-referred from Taxation Committee to Transportation Committee.

**SPECIAL ORDER OF THE DAY**

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Consent Calendar: HB 17, HB 81, HB 50, HB 82, HB 86, HB 139, HB 195. There being no questions these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Monday, January 17, 2005. Motion carried.

House adjourned at 8:35 a.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House