

HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY - JANUARY 17, 2005

HOUSE JOURNAL
59TH LEGISLATURE
TWELFTH LEGISLATIVE DAY

Helena, Montana
January 17, 2005

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives Keane, Jones, and Villa, excused. Quorum present.

Speaker Matthews introduced the following pages for the House:

Jason Ames, Helena; Aidan Dowling, Billings; Lacey Ehlke, Townsend; Sara Goffena, Roundup; Ashley Haley, Box Elder; Katelyn Miller, Billings; and Jennifer Turk, Joliet.

The School for the Deaf and Blind music students "Expressions of Silence" performed two pieces for the House of Representatives.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 1/17/2005
Correctly printed: **HB 90, HB 190**.
Correctly engrossed: **HB 33**.

HUMAN SERVICES (Becker, Chairman): 1/17/2005
HB 32, introduced bill, do pass and be placed on the consent calendar. Report adopted.
HB 88, introduced bill, do pass and be placed on the consent calendar. Report adopted.
HB 215, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HJR 1, introduced joint resolution, be amended as follows:

1. Page 2, line 19.

Following: line 18

Insert: "(6) That all agencies involved in prevention programs implement and continue collaborative efforts with Indian tribes."

And, as amended, be adopted. Report adopted.

NATURAL RESOURCES (Peterson, Chairman): 1/18/2005
HB 147, introduced bill, be amended as follows:

1. Page 3, line 11.

Following: "riprap."

Insert: "mineral"

Following: "other"

Strike: "products"

Insert: "minerals"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate **bills** passed and transmitted to the House for concurrence: 1/17/2005

SB 70, introduced by Cocchiarella

SB 84, introduced by Squires

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SB 122, introduced by Wheat
SB 139, introduced by Esp
SB 160, introduced by Wheat

FIRST READING AND COMMITMENT OF BILLS

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

HB 323, introduced by Cohenour, referred to Transportation.
HB 324, introduced by Driscoll, Gutsche, Parker, Wanzenried, Eaton, Sesso, Bergren, referred to Judiciary.
HB 325, introduced by Morgan, referred to State Administration.
HB 326, introduced by Peterson, Clark, referred to Judiciary.
HB 327, introduced by Groesbeck, Bergren, Jopek, Driscoll, Jent, Sesso, McAlpin, Musgrove, Henry, Hiner, Noonan, Keane, Galvin-Halcro, Golie, Wilson, Small-Eastman, McNutt, Dowell, Jayne, Harris, Eaton, Dickenson, Hamilton, Facey, Branae, Windy Boy, Bixby, Kauffman, Klock, Villa, Wiseman, Jacobson, referred to Human Services.
HB 328, introduced by Wagman, referred to Business and Labor.
HB 329, introduced by Stahl, referred to State Administration.

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 38 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 92

Noes: Koopman, Ward.
Total 2

Excused: L. Jones, Keane, Villa.
Total 3

Absent or not voting: Bixby, Juneau, Windy Boy.
Total 3

HB 101 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Kaufmann, Klock, Koopman, 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, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 92

Noes: Maedje, Wells.
Total 2

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Excused: L. Jones, Keane, Villa.
Total 3

Absent or not voting: Bixby, Juneau, Windy Boy.
Total 3

HB 115 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, Jent, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, 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, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 92

Noes: Malcolm, McGillvray, Sinrud, Wells.
Total 4

Excused: L. Jones, Keane, Villa.
Total 3

Absent or not voting: Windy Boy.
Total 1

HB 180 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, Jent, W. Jones, Jopek, Juneau, Kaufmann, 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, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: None.
Total 0

Excused: L. Jones, Keane, Villa.
Total 3

Absent or not voting: Windy Boy.
Total 1

HB 55 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 92

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Noes: D. Brown, Koopman, A. Olson, Waitschies.
Total 4

Excused: L. Jones, Keane, Villa.
Total 3

Absent or not voting: Windy Boy.
Total 1

HB 114 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, Jent, W. Jones, Jopek, Juneau, Kaufmann, 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, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: None.
Total 0

Excused: L. Jones, Keane, Villa.
Total 3

Absent or not voting: Windy Boy.
Total 1

HB 150 passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, 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, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 91

Noes: Balyeat, Lake, Maedje, Sinrud, Taylor.
Total 5

Excused: L. Jones, Keane, Villa.
Total 3

Absent or not voting: Windy Boy.
Total 1

**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 Morgan in the chair.

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

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HB 54 - Representative Small-Eastman moved **HB 54** do pass. Motion carried 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, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 86

Noes: Butcher, Everett, Hawk, Heinert, W. Jones, Lange, Maedje, Mendenhall, Roberts, Sales, Sinrud, Stahl, Wagman, Witt.
Total 14

Voted Absentee: L. Jones, Keane, Villa, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 128 - Representative Jent moved **HB 128**, second reading copy, do pass and be amended as follows:

1. Title, page 1, line 7.
Strike: "FACILITY"
Insert: "INSTITUTION"

2. Page 1, line 25.
Strike: "facility"
Insert: "institution as defined in 45-2-101"

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, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, 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, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: None.
Total 0

Excused: L. Jones, Keane, Villa.
Total 3

Absent or not voting: None.
Total 0

HB 128 - Representative Jent moved **HB 128**, as amended, do pass. Motion carried as follows:

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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: L. Jones, Keane, Villa, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 131 - Representative Clark moved **HB 131** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, 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, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, Parker, Raser, Sales, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 73

Noes: Balyeat, Barrett, D. Brown, Butcher, Hawk, W. Jones, Lambert, Lange, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Witt.

Total 27

Voted Absentee: L. Jones, Keane, Villa, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 193 - Representative Waitschies moved **HB 193** 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, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

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Noes: Harris, Jayne.
Total 2

Voted Absentee: L. Jones, Keane, Villa, Ayes.

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 Morgan 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, 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, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 95

Noes: None.
Total 0

Excused: L. Jones, Keane, Villa.
Total 3

Absent or not voting: A. Olson, Waitschies.
Total 2

MOTIONS

Rep. Parker moved that HB 201 be re-referred from Natural Resources Committee to the House Appropriations Committee. Motion carried.

SPECIAL ORDERS OF THE DAY

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

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Tuesday, January 18, 2005. Motion carried.

House adjourned at 2:14 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House