

HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY - JANUARY 27, 2005

HOUSE JOURNAL
59TH LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana
January 27, 2005

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth legislative days, find the same to be correct.

Barrett, Chair

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Clark notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Matthews requested Sergeant-at-Arms Clark to admit the Honorable Senate into the House chamber. Speaker Matthews introduced Senate President Tester and yielded the chair to him.

Senate Majority Leader Ellingson moved that the body resolve itself into a joint session for the purpose of receiving the address from Montana's Senator, the Honorable Max Baucus. Motion carried.

Senate Majority Leader Ellingson moved the President be authorized to appoint a committee of four to notify the Honorable U.S. Senator Baucus that the body is in joint session and ready to receive his address. Motion carried.

Senator President Tester appointed Senator Cromley, Senator Curtiss, Representative Ripley, and Representative Musgrove to escort the Honorable U.S. Senator Baucus into the House Chamber.

The committee escorted U.S. Senator Baucus into the chambers.

The Invocation was given by Fr. Jerry Lowney, and Senate President Tester led the body in the Pledge of Allegiance.

Senate President Tester introduced U. S. Senator Max Baucus to the joint session. Senator Max Baucus made the following remarks:

"Speaker Matthews. President Tester. Minority Leader Keenan. Democratic Leader Wanzenried. Republican Leader Brown. Members of the 59th Legislative Assembly. And most importantly, our bosses, the people of Montana.

Thanks for inviting me. And thanks for your warm welcome as I come back to the Montana Legislature. It's been a long time since I've had the pleasure of serving with you and I'm deeply humbled to be back.

I can remember vividly coming to the Capitol to serve for the first time in 1973 as a Representative from Missoula. Representative Jopek, I do believe you are sitting at my old desk, sir. But I wouldn't worry – I don't intend to try to get it back!

When I came here, I was wide-eyed. Maybe a little intimidated. Possibly less around the waistline. Definitely fewer gray hairs! But most assuredly excited to help our state. To serve Montanans and do what's right.

That time shaped my views and reinforced my dedication to public service. And having served here only deepens my respect for everything you do. Believe me, I know how hard you work. I remember the long hours on the job and the challenges you face.

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I want to thank all of the state department directors and Montana's statewide elected leaders for being here today: Lt. Governor Bohlinger, State Auditor John Morrison, Superintendent of Public Instruction Linda McCullough, Secretary of State Brad Johnson, Attorney General Mike McGrath, Distinguished Members of the Supreme Court.

Before I continue, I want to take a minute to recognize the 1,182 brave Montana men and women who are serving our country in Iraq and Afghanistan.

I was proud to ride in the inaugural parade last week in Washington with Lance Corporal David Coleman from Butte. David was injured over there, and he really embodies the pride we all feel, the respect we all have for our men and women in uniform. We honor those who have been injured and those who are still over there.

And let us never forget the six men who paid the ultimate price defending freedom across the globe. Please stand with me and recognize the Montanans we've lost over there: Edward Saltz, 27, from Bigfork; Aaron Holleyman, 26, from Glasgow; Owen Witt, 20, from Sand Springs; Dean Pratt, 22, from Stevensville; Raleigh Smith, 21, from Troy; and Kristofor Stonesifer, 28, from Missoula. Thank you..

We honor all of the enlisted men and women. Air National Guard members. Army National Guard members. Army and Naval Reservists. We honor their service. And we renew our commitment to serve as well.

We're doing something a little different here today. This joint session is being broadcast live by our friends at Vision Net. That's the state-of-the-art Montana video conferencing company. For the first time ever, a legislative address is being broadcast to Glasgow and Hardin High Schools, as well as Flathead Valley Community College in Kalispell. Here's a big hello to all of you watching and listening in. And hello to the students from Helena High here today. You know, I was a Helena High Bengal too a few years ago.

Just as we use technology to bring our communities together as one, we as Montana's elected leaders must bring ourselves together to move Montana forward.

We need to work together to get those good-paying jobs. Boost our state's economy. Ensure our kids get a world-class education. And make sure all Montanans have access to quality, affordable health care.

I realize you face immense hurdles this session. You've got a long row to hoe yet. But we've all seen what working together and a little Montana can-do attitude can do. Let's just put the best interests of Montana first and come together to solve the problems facing our state. Do what's right for Montana.

I have my priorities in Washington, too, like: writing another robust highway bill that creates jobs in Montana; protecting Social Security from risky schemes and huge benefit cuts; making Washington fund its education mandates; staving off cuts to Medicaid and boosting agriculture and Main Streets across Montana.

But maybe one of the most pressing issues we face in Washington is also one we face here at home: skyrocketing health costs and growing numbers of uninsured. We have a health care crisis in Montana. We ignore it at our own peril. And that's the main thing I want to speak to today.

Our health care system is broken. It's the most expensive in the world by far. At about \$5,700 per person, we spend almost twice what Switzerland, the second-most expensive system does. And yet, forty-five million Americans lack health insurance. One out of every five Montanans can't afford health coverage. You've all heard the statistics. But people aren't just statistics.

The problems of the uninsured and rising costs require a shared solution. And not just one born in Washington or Helena. We need creative answers born of experience and the reality on the ground.

As the top Democrat on the Finance Committee, which has jurisdiction over many health care programs, you can bet I'm going to do my part. And I'm committed to helping you all do yours.

The rising cost of health care is a problem that transcends party politics. It's a problem that plagues Main Street businesses and working families across our state. And it's not just a problem for the poor, or the disabled, or the disenfranchised. Being able to afford the basic necessity of health care or emergency care when we need it, when

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our kids need it, is critical to moving Montana forward on every level. How can we expect to boost Montana's economy, create jobs and grow business here if we don't address this fundamental need for Montanans?

And being a small-business state, we have one of the lowest rates of employer-sponsored coverage in the country. Small businessmen I talk to tell me they either can't afford to provide their employees coverage, or they're having to scale it back. They want to help their loyal employees, but the bottom line just isn't there.

I'm standing here before you today, as a fellow public servant – urging you to work with me. This is a federal and state problem. So that means we're in this together.

Clearly, there's some good news for the state budget with the new tobacco money under I-149. Montanans provided a new mandate, and a fresh new revenue stream to begin to help tackle this critical problem.

As Montana leaders you could help be a model for other states. You could chart an innovative and new course for others to follow. But, you have to use those dollars wisely first. Montanans spoke loudly and clearly on this initiative. We shouldn't squander this historic opportunity to help our people. And so I urge you to carry out the will of Montanans and use those new dollars to help provide quality, affordable health care to those who need it most in our state.

I tip my hat to the health care community and Auditor John Morrison for proposing a broad new plan to use those dollars. That plan combines cutting tobacco use with boosting the CHIP program, giving small businesses a tax break for providing coverage, and providing prescription drugs to more Montanans.

I also commend Senator Tester and Representative Roberts for working to pass a new prescription drug bill, and Rep. Wanzenried for fighting to help small businesses.

I also ask that you approve Governor Schweitzer's budget proposal to increase state support for CHIP and take advantage of more federal Medicare dollars. And here's to Senators Keenan and Cob for their interest in enhancing Medicaid services.

Realizing this is a problem for all of us to help tackle, I'm pledging to do my part in Washington too. I'll bring something to the table as well. You know, I'm not a fan of the CHIP program. Nope, I'm not a fan. I'm a rabid, fanatic fan of the CHIP program! I was an original author of CHIP in 1997. I lobbied the Legislature, you folks, to put up the state's match in 1999. And I've long worked to boost Montana's share of CHIP funding, most recently a \$1.6 million bonus payment. So you could say that I have a personal interest in seeing CHIP serve even more kids.

I see so much opportunity, so much more we can do. And how can we pass up the federal dollars that come with Montana's match? As you know, every state dollar ends up generating about \$4 for the program, which provides health care to more than 10,000 needy kids. But we can and must do better to curb the rising number of uninsured.

That's why I have five steps for Congress to take.

- 1) Expand Medicaid coverage and the CHIP program.
 - 2) Give employers with fewer than fifty employees a federal tax credit for providing health insurance.
 - 3) Expand high risk pools – that's the insurer of last resort for those with pre-existing conditions or sky-high health care costs
 - 4) Let people buy into Medicare early, at age 55
 - 5) Make Medicaid work better for the states, strengthen it to meet today's challenges, and improve Indian health care.
- Real people With real problems

It's easy sometimes to get bogged down in the policy and the numbers. But we can never forget that there are real people with real problems behind all that data. I've seen firsthand how programs like Medicaid help save lives.

I'll never forget. It was when I walked across the state while running for the Senate in 1996. I was out near Sidney. It was a terrible storm. This lady comes racing past me, then slammed on her brakes. She was in an old pickup. She reversed back to me, rolled down her window. And read me the riot act about health care. She had been injured. I

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can't remember exactly what it was. But she couldn't work. She had two kids and no health insurance. I will never forget the desperation on her face. It's something I'll always remember.

There was also a single mother of two that called my office not too long ago. She was very ill and in desperate need of a heart procedure. But she was having a hard time cutting through the red tape to get on Medicaid. She didn't have much longer to live. We stepped in and got her covered under Medicaid. She got the procedure, which will let her and her kids have a normal life. If it wasn't for Medicaid, I can only imagine what would have happened.

These are just a few of the thousands of examples out there. I only mention these stories because I want to emphasize that these are real people with real problems. They just want to lead normal lives. They just want to be able to afford health care. Find good jobs. Send their kids to college.

In matters like these, we would all be wise to follow the example of our beloved U.S. Senator and my friend and mentor, Mike Mansfield. I know of no other person in public life and public service during our history whose services to our country and Montana have been greater than that of Senator Mansfield. "Our Mike" got things done. How did he do it? By working together."

Senate President Tester thanked U. S. Senator Baucus and directed the escort committee to escort U. S. Senator Baucus from the joint session.

Senate Majority Leader Ellingson moved that the joint session of the 59th Legislature, convened to receive the address from U. S. Senator Baucus, be adjourned. Motion carried.

Joint session adjourned at 1:46 p.m.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 1/27/2005
Correctly printed: **HB 158, HB 211, HB 244, HB 283.**
Delivered to the Governor for approval at 11:30 a.m., January 27, 2005: **HB 1.**

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Olson, Chairman): 1/27/2005
HB 199, introduced bill, be amended as follows:

1. Title, line 9 through line 13.

Strike: "ELIMINATING" on line 9 through "POLICY;" on line 13

Insert: "REQUIRING THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE INSTEAD OF THE ENVIRONMENTAL QUALITY COUNCIL TO MAINTAIN A CONTINUAL PROCESS TO DEVELOP THE COMPONENTS OF A COMPREHENSIVE STATE ENERGY POLICY;"

2. Title, line 14.

Strike: "50-60-203, AND 90-4-1001"

Insert: "90-4-1002, AND 90-4-1003"

Strike: "REPEALING SECTIONS 90-4-1002 AND 90-4-1003, MCA;"

3. Page 1, line 25 through page 3, line 1.

Strike: sections 2 and 3 in their entirety

Insert: "**Section 2.** Section 90-4-1002, MCA, is amended to read:

"90-4-1002. Definitions. As used in 90-4-1003, the following definitions apply:

(1) "~~Council~~" means the environmental quality council established in 5-16-101 "Committee" means the energy and telecommunications interim committee established in 5-5-230.

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(2) "Department" means the department of environmental quality established in 2-15-3501."

Insert: "Section 3. Section 90-4-1003, MCA, is amended to read:

"90-4-1003. Energy policy development process. (1) The department and the ~~council~~ committee, in cooperation with the consumer counsel and the public service commission, shall maintain a continual process to develop the components of a comprehensive state energy policy.

(2) Because of limited state resources and the need to focus intensive effort on specific issues of importance, the development of a comprehensive state energy policy must occur on an incremental basis. As the need arises, the department, in cooperation with the appropriate state agencies and with extensive public involvement, shall identify and recommend to the ~~council~~ committee specific components of a state energy policy for development under the consensus process described in subsection (3).

(3) (a) Upon selection of a specific energy policy component, the ~~council~~ committee shall assign to a working group composed of representatives of the parties with a stake in that specific component the task of developing consensus recommendations for that component of state energy policy.

(b) The working group must include the broadest possible representation of stakeholders in the issues to be included within the specific component of state energy policy.

(c) Whenever possible, the working group shall use a consensus process to develop recommendations for a specific energy policy component to be submitted to the ~~council~~ committee. Recommendations that are not based upon consensus must be so noted by the working group. Upon consideration of the working group's recommendations, the ~~council~~ committee shall forward its recommendations to the legislature and to the appropriate state agencies for adoption.

(d) The department shall:

(i) provide staff support to the working group, including policy analysis, data gathering, research, technical analysis, and administrative support;

(ii) provide administrative coordination among the appropriate state agencies in the energy policy development process;

(iii) prepare reports for and make recommendations to the ~~council~~ committee; and

(iv) consult regularly with the ~~council~~ committee to coordinate each agency's activities.

(4) In carrying out their responsibilities under this section, the department and the ~~council~~ committee may contract with experts, consultants, and facilitators and may seek funding from a variety of private and public sources for technical and other assistance necessary to accomplish their responsibilities."

4. Page 3, line 3.

Strike: section 4 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

TRANSPORTATION (Mendenhall, Chairman):

1/28/2005

HB 170, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 192, introduced bill, be amended as follows:

1. Title, page 1, line 27 through line 29.

Strike: "INCREASING" on line 27 through "ENDORSEMENTS;" on line 29

2. Page 17, line 21 through line 25.

Strike: subsection (6)(b) in its entirety

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 273, do pass. Report adopted.

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MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/27/2005

SB 86, introduced by Smith
SB 115, introduced by Tester
SB 123, introduced by Black
SB 178, introduced by Barkus
SB 183, introduced by Laible
SB 188, introduced by Cocchiarella

FIRST READING AND COMMITMENT OF BILLS

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

HB 454, introduced by Peterson, Witt, McNutt, referred to Local Government.
HB 455, introduced by Clark, Schmidt, Dickenson, Elliott, referred to Natural Resources.
HB 456, introduced by Koopman, Hendrick, Maedje, John Balyeat, Wagman, Mendenhall, Himmelberger, Warden, Facey, Stahl, Roberts, Sinrud, Grimes, referred to Education.
HB 457, introduced by Noennig, referred to Business and Labor.
HB 458, introduced by Maedje, referred to Transportation.
HB 459, introduced by Jent, Lind, referred to Agriculture.
HB 460, introduced by Clark, Windy Boy, Elliott, Shockley, referred to Natural Resources.
HB 461, introduced by Arntzen, Stapleton, referred to Business and Labor.
HB 462, introduced by Buzzas, Franklin, referred to Human Services.
HB 463, introduced by Facey, referred to Business and Labor.
HB 464, introduced by Bergren, Tester, Lenhart, Parker, Dickenson, Ryan, Harris, Lindeen, Lambert, Matthews, Windham, Kitzenberg, Musgrove, Furey, Gutsche, Franklin, Driscoll, Jopek, Jones, Villa, Hiner, Groesbeck, Witt, referred to Agriculture.

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

HJR 12, introduced by Hamilton, Furey, Dickenson, Buzzas, Henry, Bergren, John Balyeat, Branae, McAlpin, Facey, Bergren, B. Olson, Jacobson, Cohenour, referred to Transportation.

**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 Himmelberger in the chair.

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

HR 1 - Representative Parker moved **HR 1** 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

Noes: None.

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Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 44 - Representative Dickenson moved **HB 44** 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

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 80 - Representative Campbell moved **HB 80** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. 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, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: R. Brown, Butcher, Everett, Hawk, Heinert, Lake, Malcolm, McGillvray, Rice, Sales, Sonju, Wagman, Waitschies, Wells.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 116 - Representative Barrett moved **HB 116** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, 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,

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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 97

Noes: Bixby, Cohenour, Eaton.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 127 - Representative Mendenhall moved **HB 127** 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

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 153 - Representative Noennig moved **HB 153** 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, 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, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: Mendenhall, Sales, Sinrud.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 184 - Representative McAlpin moved **HB 184** 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, 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, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Koopman, Sinrud.
Total 2

Excused: None.
Total 0

Absent or not voting: Harris.
Total 1

HB 270 - Representative Lindeen moved **HB 270** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 76

Noes: Barrett, R. Brown, Butcher, Caferro, Everett, Hawk, Heinert, Hendrick, Himmelberger, Kaufmann, Koopman, Lambert, McGillvray, Morgan, Rice, Roberts, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Wells, Witt.
Total 24

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 Himmelberger 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, 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, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, 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, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Butcher, Koopman, Sales, Wells.
Total 4

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Excused: None.
Total 0

Absent or not voting: Himmelberger, Keane, MacLaren.
Total 3

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 70 passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, D. Brown, Buzzas, Callahan, Dickenson, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, L. Jones, W. Jones, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Wanzenried, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 71

Noes: Balyeat, Branae, R. Brown, Caferro, Campbell, Clark, Cohenour, Dowell, Eaton, Golie, Groesbeck, Jayne, Jent, Jopek, Kaufmann, Lange, McAlpin, Morgan, Rice, Ripley, Roberts, Sinrud, Villa, Waitschies, Ward, Windham, Wiseman.
Total 27

Excused: None.
Total 0

Absent or not voting: Butcher, Gutsche.
Total 2

HB 187 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, 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, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: Ward.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 215 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro,

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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, Koopman, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 87

Noes: Barrett, R. Brown, Everett, Himmelberger, Lake, MacLaren, McNutt, Mendenhall, Rice, Ripley, Sales, Wells, Witt.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 224 passed as follows:

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

Total 91

Noes: Bixby, Caferro, Gallik, Jopek, Juneau, Kaufmann, Wilson, Wiseman.

Total 8

Excused: None.

Total 0

Absent or not voting: Henry.

Total 1

HB 254 passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman.

Total 59

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Warden, Wells, Witt, Mr. Speaker.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 275 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, 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

MOTIONS

Dem. Floor Leader Parker moved that HB 270 be referred to the House Appropriations Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Friday, January 28, 2005. Motion carried.

House adjourned at 3:10 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House