

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

HOUSE JOURNAL
59TH LEGISLATURE
TWENTY-FOURTH LEGISLATIVE DAY

Helena, Montana
January 31, 2005

House Chambers
State Capitol

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

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

Speaker Matthews introduced the following pages: Katie Armstrong, Billings; Sarah Crain, Butte; Rachel Gundlach, Fairfield; Blake Mendenhall, Clancy; Melissa Mendenhall, Clancy; Dillon Steinmetz, Livingston; Abbey Tate, Bozeman; and Allyssa Woodwick, Havre.

Dem. Leader Wanzenried requested the House stand in recess until 1:30 p.m. The House Democrats and the House Republicans announced caucuses.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 1/31/2005
Correctly printed: **HB 170, HB 239.**
Correctly engrossed: **HB 14, HB 46, HB 102, HB 242.**

HUMAN SERVICES (Becker, Chairman): 1/31/2005
HB 183, introduced bill, be amended as follows:

1. Page 3, line 3.
Strike: "53-2-301"
Insert: "52-2-301"

And, as amended, do pass. Report adopted.

HB 206, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Strike: "BE PAID FOR BY THE PETITIONERS"
Insert: "ARE"

2. Page 6, line 21.
Following: "drilling"
Insert: ", unless the well is regulated pursuant to Title 82, chapter 11"

3. Page 7, line 6 through line 7.
Strike: "The" on line 6 through "study." on line 7

And, as amended, do pass. Report adopted.

HB 327, introduced bill, be amended as follows:

1. Title, line 4.
Following: "ACT"

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

Insert: "REVISING SILICOSIS BENEFITS;"

2. Title, line 6.

Following: "BENEFITS;"

Insert: "AMENDING SECTIONS 39-73-101, 39-73-103, 39-73-104, 39-73-107, AND 39-73-109, MCA;"

3. Page 1, line 9.

Following: the enacting clause

Insert: "Section 1. Section 39-73-101, MCA, is amended to read:

"39-73-101. **Definitions.** (1) "Examining board" ~~shall mean~~ means a well-qualified physician or physicians, as designated by the department of labor and industry.

(2) The term "gainful occupation", ~~as used herein, shall~~ may not be construed to mean occasional or intermittent light employment where the ability to do manual labor is not essential but ~~shall mean~~ means any person having an income from any other source exceeding ~~\$150~~ \$300 per month.

(3) "Payments" means money payments to persons having silicosis ~~as herein defined.~~

(4) "Silicosis" means a fibrotic condition of the lungs due to the inhalation of silica dust."

Insert: "Section 2. Section 39-73-103, MCA, is amended to read:

"39-73-103. **Conformity with acts of federal government.** If the government of the United States makes grants to states in aid of and allowing payments to persons having silicosis, the department of labor and industry is authorized to administer the grants-in-aid and payments in addition to grants made by this chapter. The total payments to any individual under this chapter may not exceed ~~\$250~~ \$300 a month, exclusive of any grants made by congress."

Insert: "Section 3. Section 39-73-104, MCA, is amended to read:

"39-73-104. **Eligibility requirements for benefits.** Payment ~~shall~~ must be made under this chapter to any person who:

(1) has silicosis, as defined in 39-73-101, ~~which that~~ results in ~~his~~ the person's total disability so as to render it impossible for ~~him~~ the person to follow continuously any substantially gainful occupation;

(2) has resided in and been an inhabitant of the state of Montana for 10 years or more immediately preceding the date of the application;

(3) is not receiving, with respect to any month for which ~~he~~ the person would receive a payment under this chapter, compensation under ~~The~~ the Occupational Disease Act of Montana, as provided by chapter 72 of this title, ~~which will equal to the sum of \$200~~ \$300."

Insert: "Section 4. Section 39-73-107, MCA, is amended to read:

"39-73-107. **Amount of payments.** Subject to the provisions of this chapter and the deductions provided in this chapter, any person who has silicosis and who has, subject to the regulations and standards of the department of labor and industry, been determined by the department to be entitled payment under this chapter for silicosis must be granted a payment by the department of ~~\$250~~ \$300 a month, subject to any additional appropriations. If the person is receiving payments under the Occupational Disease Act of Montana, as provided by chapter 72 of this title, that are less in the aggregate than ~~\$200~~ \$300, then the person is entitled to a payment under this chapter of the difference between the amount received under the Occupational Disease Act of Montana, as provided by chapter 72 of this title, and ~~\$250~~ \$300 a month. The legislature shall authorize additional appropriations that may be necessary to make the increased monthly payments provided in this section."

Insert: "Section 5. Section 39-73-109, MCA, is amended to read:

"39-73-109. **Payment of benefits to surviving spouse.** (1) Upon the death of a person receiving payments for silicosis under 39-73-104 or 39-73-108, the surviving spouse, as long as the spouse remains unmarried, is entitled to receive the payments granted the deceased spouse.

(2) A person who otherwise is qualified to receive payments under subsection (1) but whose spouse died prior to March 14, 1974, is eligible to begin receiving ~~\$150~~ \$300 a month. ~~However, a person is not eligible for these payments if the spouse's taxable income is \$6,800 or more a year."~~

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Peterson, Chairman):

1/31/2005

HB 57, introduced bill, be amended as follows:

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

1. Page 16, line 19.
Following: "individual"
Strike: "or"
Insert: ", "

Clerical error - Amendment #1 deleted (should have been removed when other amendments were segregated in Natural Resources Standing Committee meeting of 1/31/2005).

2. Page 16, line 24.
Following: "sole"
Strike: "judicial"

3. Page 16, line 26.
Following: "Claims"
Insert: "must be submitted on a form approved by the department and"

4. Page 16, line 27.
Following: "obtained."
Insert: "Receipts for service must be included with the claim."

5. Page 16, line 29.
Strike: "state" through "action"
Insert: "private response"

6. Page 16, line 30.
Strike: "Prior" through "part,"
Insert: "At the time the department conducts the good faith investigation required under 75-10-745,"

7. Page 17, line 2 through line 3.
Following: "in" on line 2
Strike: remainder of line 2 through "recovery" on line 3
Insert: "an"

8. Page 17, line 11.
Insert: "(3) The potentially liable person may question whether the claimant has selected a reasonable alternative and may provide information to the department documenting its conclusions as to why a selected alternative is not reasonable. The department may use this information to adjust the claim."
Renumber: subsequent subsections

9. Page 17, lines 17 and 18.
Strike: ", must" on line 17 through "percentages" on line 18
Insert: "for each claim, must be paid in the same proportion as the proportion of the total amount sought in the complaint or order bears to the amount recovered"

10. Page 17, line 19.
Following: "interest."
Insert: "Interest accrues at the rate prescribed in 25-9-205 upon approval of the claim by the department."

11. Page 17, line 25.
Insert: "(9) The department is not liable for reimbursing a liable or potentially liable person under 75-10-715 for a claim that is later determined to have been fraudulent or noncertifiable and is not responsible for seeking reimbursement of the claim from the claimant. The person who paid the claim may seek reimbursement from the claimant."

12. Page 20, line 11
Strike: "6(7)"

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

Insert: "6(8)"

13. Page 20, line 12.

Strike: "and" through "costs"

14. Page 20, lines 13 and 14.

Strike: "and" on line 13 through "costs" on line 14

Following: "department" on line 14

Insert: "and may require the payment of private response costs, including interest"

15. Page 20, line 22

Strike: "6(7)"

Insert: "6(8)"

16. Page 22, lines 14 and 15.

Strike: "i" on line 14 through "(i)" on line 15

17. Page 22, line 15 through line 16.

Strike: "or" on line 15 through "costs;" on line 16

18. Page 22, line 19.

Strike: "and" through "costs"

19. Page 23, line 3.

Following: "expenses."

Insert: "However, if all the state's remedial action costs, interest, and penalties, if any, are paid by the liable person and the only outstanding costs are private response costs, the department is not required to bring an action to recover the private response costs."

And, as amended, do pass. Report adopted.

HB 206, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Strike: "BE PAID FOR BY THE PETITIONERS"

Insert: "ARE"

2. Page 6, line 21.

Following: "drilling"

Insert: ", unless the well is regulated pursuant to Title 82, chapter 11"

3. Page 7, line 6 through line 7.

Strike: "The" on line 6 through "study." on line 7

And, as amended, do pass. Report adopted.

HB 236, introduced bill, be amended as follows:

1. Page 2, line 24.

Following: "report to"

Strike: "the" through "periodically"

Insert: ":

(i) the department on a periodic basis;

(ii) the environmental quality council annually; and

(iii) the natural resources and commerce appropriations subcommittee each legislative session"

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

And, as amended, do pass. Report adopted.

TAXATION (Waitschies, Chairman):
HB 171, introduced bill, be amended as follows:

1/31/2005

1. Page 1, line 17.
Following: "50"
Insert: "App."

And, as amended, do pass. Report adopted.

HB 227, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "ALLOWING"
Insert: "REVISING THE"

2. Title, page 1, line 5 through line 7.
Strike: "NATIONAL" on line 5 through "TO" on line 6
Insert: "MILITARY WHO IS ON"
Strike: "IN" on line 6 through "CONGRESS" on line 7
Insert: "OR HOSPITALIZED FOR DUTY-RELATED INJURIES OR ILLNESS, INCLUDING MEMBERS OF
THE NATIONAL GUARD AND ARMED FORCES RESERVES"
Following: "CONGRESS;"
Insert: "CLARIFYING THE NOTIFICATION REQUIREMENT TO THE COUNTY TREASURER;"

Strike: "SECTION" on line 7
Insert: "SECTIONS 10-1-606,"
Following: "15-16-102," on line 7
Insert: "AND 15-24-202,"

3. Page 1, line 11 through page 1, line 26.
Strike: section 1 in its entirety
Insert: "Section 1. Section 10-1-606, MCA, is amended to read:

"10-1-606. Suspension of property taxes for persons in military service. (1) All taxes, whether on real or personal property, due on property owned by any citizen a resident of the state of Montana in the active military or naval service of the United States shall, as defined by section 511 of the Servicemembers Civil Relief Act, 50 App. U.S.C. 511, as amended, must be held in abeyance suspended; no proceedings ~~Proceedings may not be taken~~ for the collection thereof; of the taxes and no penalties or interests shall be added thereto until the expiration of the period of 1 year from and after the cessation of hostilities or discharge from military or naval service interest may not accrue until 1 year after the taxpayer is released from active duty. If the taxpayer was wounded, injured, or suffered a disease while serving in a combat zone or participating in a contingency operation, as described in 26 U.S.C. 7508, that is serious enough to require hospitalization, proceedings may not be taken and penalties or interest may not accrue until 1 year after the taxpayer's release from the hospitalization.

(2) To obtain the benefits of this section, ~~it shall be necessary for some person, on behalf of such person in the military or naval service, to~~ the qualified taxpayer or a co-owner of the property or agent of the taxpayer shall file with the treasurer of the proper county an affidavit ~~to the effect stating~~ that the person against whom ~~such the~~ taxes are ~~charged imposed~~ is in such active military or naval service; ~~which~~ The affidavit must be filed ~~at on~~ or before the time ~~when such that~~ taxes would become delinquent; ~~and upon the filing thereof the~~ The county treasurer shall ~~make a notation upon his records to the effect record~~ that the collection of ~~such the~~ taxes is suspended ~~on account because~~ of the military or naval service of ~~such the~~ taxpayer. ~~But nothing in this This section shall may not be so construed as to prevent such the~~ county treasurer from receiving payment of any ~~such~~ taxes whenever offered. ""

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

4. Page 1, line 30.

Following: the first "of"

Insert: "10-1-606 or"

5. Page 2, line 19 through line 21.

Strike: subsection (c) in its entirety

6. Page 3, line 6 through line 7.

Strike: section 3 in its entirety

Insert: "Section 3. Section 15-24-202, MCA, is amended to read:

"15-24-202. Payment of tax -- interest and penalty -- display of tax-paid sticker. (1) (a) The owner of a mobile home, manufactured home, or housetrailer ~~which~~ that is not taxed as an improvement, as improvements are defined in 15-1-101, shall pay the personal property tax in two payments, except as provided in 10-1-606 or 15-24-206.

(b) The first payment is due on or before May 31 or within 30 days from the date of the notice of taxes due, whichever is later.

(c) The second payment is due no later than November 30 of the year in which the property is assessed.

(d) If not paid on or before the date due, the tax is considered delinquent and subject to the penalty and interest provisions in 15-16-102 applicable to other delinquent property taxes. The penalty must be assessed and interest begins to accrue on the first day of delinquency.

(2) Upon request, the treasurer shall notify a lienholder if taxes on a mobile home, manufactured home, or housetrailer have not been paid.

(3) Taxes assessed against a mobile home or manufactured home after the second payment date must be prorated to reflect the remaining portion of the tax year. The prorated taxes must be added to the following year's tax roll and, except as provided in 15-24-206, are due with and must be collected with the first payment due in that year.

(4) The department of revenue shall issue tax-paid stickers to the county treasurers. Except as provided in 15-24-206 and 15-24-209, if a mobile home, manufactured home, or housetrailer is to be moved and all taxes, interest, and penalties on the mobile home or housetrailer are paid in full, the treasurer shall issue a tax-paid sticker to the owner of the mobile home, manufactured home, or housetrailer. Prior to and while in the process of moving the mobile home, manufactured home, or housetrailer, the owner shall display the tax-paid sticker, which must be visible from the exterior of the mobile home, manufactured home, or housetrailer. A mobile home or manufactured home movement declaration of destination provided for in 15-24-206 may not be issued unless:

(a) the taxes have been paid in full to the county treasurer; or

(b) the exceptions in 15-24-206(3) or 15-24-209 apply.

(5) On the movement of a mobile home, manufactured home, or housetrailer in violation of this part, the county treasurer for the county where the mobile home, manufactured home, or housetrailer first comes to rest shall issue a written notice to the owner, showing the amount of delinquent taxes, special assessments, penalties, and interest due. In addition to the penalties provided in 15-16-102, 20% or \$50, whichever is greater, must be added to the delinquent taxes as penalty for violation of this part. On receipt of the delinquent taxes, special assessments, penalties, and interest, the county treasurer shall forward all delinquent taxes, special assessments, penalties, and interest collected under 15-16-102 to the county treasurer for the county of origin. The county of destination shall retain the penalty. "

And, as amended, do pass. Report adopted.

HB 320, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "ASSESS"

Insert: ", UPON APPROVAL OF THE ELECTORS,"

2. Title, page 1, line 5.

Following: "FACILITIES;"

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

Insert: "PROVIDING THAT THE FEE MAY NOT BE ASSESSED ON A HOUSEHOLD IN A PLANNED UNIT DEVELOPMENT;"

3. Title, page 1, line 7 through line 8.

Strike: "REQUIRING" on line 7 through "TAXPAYERS;" on line 8

4. Page 1, line 15.

Strike: "(a)"

5. Page 1, line 20 through line 23.

Strike: subsections (b) and (c) in their entirety

6. Page 1, line 24.

Following: "(a)"

Insert: "(i) Subject to subsections (2)(a)(ii) and (2)(d), the board of county commissioners may assess a fee on each household within the county for the purposes enumerated in subsection (1). As used in this section, "household" means a single residence or a multiunit residence, regardless of the number of units. A household does not include a single residence or a multiunit residence in a planned unit development as defined in 76-3-103.

(ii)"

7. Page 1, line 25.

Strike: "or the household fee"

Following: "(1)"

Insert: "or the household fee provided in subsection (2)(a)(i)"

8. Page 2.

Following: line 1

Insert: "(d) The board of county commissioners may not levy a tax and assess a household fee at the same time."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/31/2005

SB 8, introduced by Roush

SB 45, introduced by Harrington

SB 149, introduced by Laslovich

FIRST READING AND COMMITMENT OF BILLS

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

HB 497, introduced by Wells, Koopman, referred to Business and Labor.

HB 498, introduced by Small-Eastman, referred to Local Government.

HB 499, introduced by Small-Eastman, referred to Appropriations.

HB 500, introduced by Gutsche, Shockley, Bixby, Wheat, referred to State Administration.

HB 501, introduced by Bixby, Wheat, Malcolm, referred to Natural Resources.

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

HB 502, introduced by Wiseman, Lenhart, Warden, Branae, Harris, A. Olson, Furey, Klock, Groesbeck, referred to Business and Labor.

HB 503, introduced by Wanzenried, Raser, Henry, referred to Local Government.

HB 504, introduced by Keane, referred to Transportation.

HB 505, introduced by Matthews, referred to Appropriations.

HB 506, introduced by Lindeen, referred to Taxation.

The following Senate bill was introduced, read first time, and referred to committee:

SB 60, introduced by Esp, referred to Human Services.

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

Dem. Leader Wanzenried moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McKenney in the chair.

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

HB 71 - Representative Lake moved **HB 71** 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: Parker, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 100 - Representative Maedje moved **HB 100** do pass. Motion carried as follows:

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

Total 83

Noes: Buzzas, Cohenour, Eaton, Franklin, Galvin-Halcro, Grinde, Groesbeck, Henry, Hiner, Kaufmann, Lindeen, McAlpin, Noonan, Raser, Sesso, Villa.

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

Total 16

Voted Absentee: Parker, Aye.

Excused: None.

Total 0

Absent or not voting: Jent.

Total 1

HB 218 - Representative B. Olson moved **HB 218** do pass.

HB 218 - Representative Jopek moved **HB 218**, second reading copy, be amended as follows:

1. Title, line 8 through line 9.

Strike: "REDUCING" on line 8 through "DISTRICT;" on line 9

2. Title, line 11.

Strike: "7-22-2441,"

3. Page 3, line 7 through line 13.

Strike: section 4 in its entirety

Renumber: subsequent sections

Amendment adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Koopman, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Ross, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 66

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, L. Jones, Klock, Lake, Lambert, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, A. Olson, Peterson, Rice, Ripley, Roberts, Sales, Sonju, Taylor, Wagman, Ward, Wells, Witt.

Total 33

Voted Absentee: Jent, Parker, Ayes.

Excused: None.

Total 0

Absent or not voting: Campbell.

Total 1

HB 218 - Representative B. Olson moved **HB 218**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan,

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

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 89

Noes: Becker, R. Brown, Clark, Galvin-Halcro, Gutsche, Kaufmann, Koopman, Mendenhall, Morgan, Sinrud, Wagman.
Total 11

Voted Absentee: Jent, Parker, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 120 - Representative Facey moved **HB 120** do pass. Motion **failed** as follows:

Ayes: Becker, Bergren, 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, Jent, Jopek, Kaufmann, Keane, Lenhart, McAlpin, McNutt, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.
Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, Bixby, D. Brown, R. Brown, Butcher, Callahan, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Juneau, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.
Total 53

Voted Absentee: Jent, Parker, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Dem. Leader Wanzenried moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman McKenney moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Campbell, Clark, Driscoll, Eaton, Everett, Franklin, Furey, Galvin-Halcro, Glaser, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 80

Noes: Becker, Butcher, Caferro, Callahan, Cohenour, Dickenson, Dowell, Facey, Gallik, Golie, Gutsche, Kaufmann, Lenhart, Lindeen, Musgrove, Wanzenried, Wilson, Windham.
Total 18

Excused: Jent, Parker.

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

Total 2

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 199 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, B. Olson, 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 98

Noes: None.

Total 0

Excused: Jent, Parker.

Total 2

Absent or not voting: None.

Total 0

HB 266 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, B. Olson, 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 98

Noes: None.

Total 0

Excused: Jent, Parker.

Total 2

Absent or not voting: None.

Total 0

HB 273 passed as follows:

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

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, 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 98

Noes: None.
Total 0

Excused: Jent, Parker.
Total 2

Absent or not voting: None.
Total 0

HB 274 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, Hiner, Jackson, Jacobson, 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, 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 95

Noes: Himmelberger, Jayne, Koopman.
Total 3

Excused: Jent, Parker.
Total 2

Absent or not voting: None.
Total 0

HB 317 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, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 90

Noes: Butcher, Maedje, Sinrud, Stahl, Stoker, Wagman, Witt.
Total 7

Excused: Jent, Parker.
Total 2

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

Absent or not voting: Ripley.
Total 1

HB 354 passed 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, 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, 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 96

Noes: Jayne.
Total 1

Excused: Jent, Parker.
Total 2

Absent or not voting: Bergren.
Total 1

HJR 4 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, 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, 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 98

Noes: None.
Total 0

Excused: Jent, Parker.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

Dem. Leader Wanzenried moved that HB 484 be re-referred from the Business and Labor Committee to the Agriculture Committee. Motion carried.

Rep. Maedje moved that his vote on HB 302 be changed from aye to nay. Motion carried.

UNFINISHED BUSINESS

Rep. Buzzas requested that HB 170 be taken from the Consent calendar and be placed on 2nd Reading.

HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 31, 2005

SPECIAL ORDERS OF THE DAY

Consent calendar: HB 397. There being no questions, this bill will proceed to 3rd Reading.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Leader Wanzenried moved that the House adjourn until 1:00 p.m., Tuesday, February 1, 2005. Motion carried.

House adjourned at 2:03 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House