

HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY - FEBRUARY 2, 2005

HOUSE JOURNAL
59TH LEGISLATURE
TWENTY-SIXTH LEGISLATIVE DAY

Helena, Montana
February 2, 2005

House Chambers
State Capitol

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

Roll Call. All members present, except Representative W. Jones, excused. Quorum present.

Speaker Matthews introduced Terry Johnson, Principal Fiscal Analyst of the Legislative Fiscal Division. Mr. Johnson presented an update on the General Fund and on HB 2.

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read a letter Speaker Matthews received from Democratic Leader Wanzenried. Rep. Wanzenried stated that HB 447 received a tie vote during executive action in House Appropriations Committee on February 1, 2005, and that he would like to exercise one of the discretionary bills allowed under the adopted rules of the House (H30-50 Procedures, Subsection 5) on HB 447.

Rep. Wanzenried asked that HB 447 be placed on the agenda for the purposes of 2nd Reading on Friday, February 4, 2005.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 2/2/2005
Correctly printed: **HB 313, HB 400.**
Correctly engrossed: **HB 301, HB 377, HB 381.**

AGRICULTURE (Butcher, Chairman): 2/2/2005
HB 350, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "REQUIRING" through "LESSEES;"
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND"

2. Title, page 1, line 6.
Strike: "77-6-207"

3. Page 1, line 26 through page 2, line 10.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 351, introduced bill, be amended as follows:

1. Page 2, line 16.
Following: "decision"

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Insert: "for judicial review of the decision"

And, as amended, do pass. Report adopted.

APPROPRIATIONS (Buzzas, Chairman):
HB 447, submit without recommendation.

2/3/2005

BUSINESS AND LABOR (Keane, Chairman):
HB 182, introduced bill, be amended as follows:

2/2/2005

1. Title, page 1, line 16.

Strike: "REQUIRING BOARD OF HORSERACING REVIEW OF IMPACTS;"

2. Page 1, line 24.

Following: "37-6-304,"

Insert: "37-7-104,"

3. Page 1, line 26.

Strike: "37-16-404,"

Strike: "37-18-303,"

4. Title, page 2, line 2.

Following: "37-68-305,"

Insert: "37-68-307, 37-68-310,"

5. Title, page 2, line 6.

Following: "37-16-403,"

Insert: "37-16-404,"

6. Title, page 2, line 11.

Following: "37-67-318,"

Strike: "37-68-307, 37-68-310,"

7. Page 4, line 28.

Following: "processing"

Insert: "routine"

Following: "licenses"

Insert: "as defined by a board"

8. Page 6, line 16.

Strike: "may"

Insert: "shall"

9. Page 6, line 17.

Strike: "personnel"

Insert: "executive or executive director positions"

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10. Page 8, line 13.

Strike: "20%"

Insert: "50%"

11. Page 26, following line 3.

Insert: "Section 37. Section 37-7-104, MCA, is amended to read:

"37-7-104. Qualifications of employee hired to assist board. A person hired by the department to enter and inspect an establishment under this chapter; ~~to examine the books of a manufacturer, druggist, storekeeper, wholesaler, pharmacist, or intern; to assist in a prosecution under this chapter; and to assist the board in supervising internships, reciprocity agreements, professional correspondence, and examinations shall must be:~~

(1) a citizen of the United States and a resident of this state; and

(2) a pharmacist registered under this chapter, ~~with at least 5 years of practical experience.~~" "

Renumber: subsequent sections

12. Page 38, line 21 through page 39, line 28.

Strike: section 54 in its entirety

Renumber: subsequent sections

13. Page 42, line 7 through line 24.

Strike: section 58 in its entirety

Renumber: subsequent sections

14. Page 75, line 21.

Strike: "may"

Insert: "shall"

15. Page 75, line 22.

Strike: "and"

Insert: ", "

Following: "contractors;"

Insert: ", "

16. Page 75, line 23.

Following: "of"

Insert: "for the examination of"

17. Page 75, line 28.

Following: "~~contents of~~"

Insert: "contents of"

18. Page 75, line 30.

Following: "year of"

Insert: "legally obtained"

19. Page 76, line 1.

Following: "years of"

Insert: "legally obtained"

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20. Page 76, line 2.

Following: "years of"

Insert: "legally obtained"

21. Page 76, following line 21.

Insert: "The board shall, not less than 30 days prior to a scheduled examination, notify each applicant that the evidence submitted with the applicant's application is sufficient to qualify to take the examination or that the evidence is insufficient and is rejected. If the application is rejected, the board shall set forth the reasons in the notice to the applicant. The place of examinations must be designated by the board, and examinations must be held at least once a year and at other times as, in the opinion of the board, the number of applicants warrants.

(3) The examination must consist of at least 30 questions designed to fairly test the applicant's knowledge and the applicant's technical application in the following subjects:

- (a) the national electric code;
- (b) cost estimating for electrical installments;
- (c) procurement and handling of materials needed for electrical installations and repair;
- (d) reading blueprints for electrical work;
- (e) drafting and layout of electrical circuits; and
- (f) knowledge of practical electrical theory.

(4) The board shall determine by rule the fees to be charged an applicant for each examination or reexamination. The fees must be commensurate with costs."

22. Page 76, line 26.

Following: "or 4 ~~years~~ years of"

Insert: "legally obtained"

23. Page 77, line 3.

Following: "~~circuits.~~"

Insert: "The examination for a journeyman's license must consist of at least 30 questions designed to fairly test the applicant's knowledge and the applicant's technical application in the following subjects:

- (a) the Ohm's law;
- (b) the national electric code; and
- (c) layout and practical installation of electrical circuits."

24. Page 77, line 5.

Following: "~~years~~ years of"

Insert: "legally obtained"

25. Page 77, line 13.

Following: "~~circuits.~~"

Insert: "The examination for a residential electrician's license must consist of at least 30 questions designed to fairly test the applicant's knowledge and the applicant's technical application in the following subjects:

- (a) the Ohm's law;
- (b) the national electric code; and
- (c) layout and practical installation of electrical circuits."

26. Page 77, following line 13.

Insert: "**Section 112.** Section 37-68-307, MCA, is amended to read:

"37-68-307. Examination procedure -- third-party services -- issuance of master, journeyman, or residential electrician's license -- expiration. (†) To ensure impartiality, the examination for either the residential, master's, or journeyman's license must be administered by the department. The department may use a third party to provide examination and grading services. The examination passing grade is 75%.

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~~(2) If it is determined that the applicant has passed the examination, the department shall issue to the applicant a license that authorizes the licensee to engage in the business, trade, or calling of a residential electrician, journeyman electrician, or master electrician.~~

~~(3) Each original license expires on the renewal date established by the department by rule if it is not more than 3 years after the date of issuance."~~

Insert: "Section 113. Section 37-68-310, MCA, is amended to read:

~~"37-68-310. License renewal period -- renewal~~ **Renewal of lapsed licenses.** (1) Licenses of residential electricians, journeyman electricians, or master electricians, unless they have been suspended or revoked by the board or unless the department changes the duration of the renewal period, must be renewed for a period of 3 years by the department on application for renewal made to the department on or before the renewal date set by department rule and on the payment of a renewal fee. If application for renewal is not made on or before the renewal date, an additional fee prescribed by board rule must be paid. It is unlawful for a person who refuses or fails to pay the renewal fee to practice electrical work in this state. A person with a lapsed license may be issued a renewal license without examination if the applicant pays the original renewal fee and any delinquency fee within 1 year of the license expiration date. Subject to subsection (2), a lapsed license that is not renewed within 1 year following its expiration date may not be renewed unless the applicant passes the examination and pays the fee required for an original license.

(2) This section may not be interpreted to conflict with 37-1-138."

Renumber: subsequent sections

27. Page 77, line 29.

Following: "of"

Insert: "legally obtained"

28. Page 78, line 8.

Following: "board"

Insert: "conducted by the department, subject to 37-1-101(4), testing the applicant's knowledge of techniques and methods employed in the field of plumbing and establishing by practical demonstration competence in the special skills required in the field of plumbing"

29. Page 78, line 24.

Following: "board"

Insert: "for master plumbers testing the applicant's knowledge of the field of plumbing and demonstrating skill and ability in the field of plumbing"

30. Page 79, line 9.

Following: "applicant"

Insert: "must be examined as to the applicant's qualifications by the department, subject to 37-1-101(4). The department shall examine each applicant for a license to determine the applicant's skill and qualifications as a master plumber or journeyman plumber.

(2) The applicant"

Renumber: subsequent subsections

31. Page 79, line 16.

Strike: "department"

Insert: "board"

32. Page 79, line 17.

Following: "and"

Insert: "on a case-by-case basis at the board's discretion"

33. Page 79, lines 17 through 18.

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Strike: "department" on line 17 through "rule" on line 18
Insert: "the board"

34. Page 83, line 20.
Following: "37-16-403,"
Insert: "37-16-404,"

35. Page 83, line 25.
Strike: "37-68-307, 37-68-310,"

And, as amended, do pass. Report adopted.

HB 345, introduced bill, be amended as follows:

1. Title, line 8.
Strike: "AND" through "DATE"

2. Page 1, line 26 through line 28.
Strike: section 3 in its entirety

And, as amended, do pass. Report adopted.

HB 427, do pass. Report adopted.

HB 348, introduced bill, be amended as follows:

1. Title, line 4.
Following: "ALCOHOL;"
Insert: "AND"

2. Title, line 5 through line 7.
Strike: "; INCREASING" on line 5 through "MCA " on line 7

3. Page 2, following line 1.
Insert: "(7) The department shall develop and make available the identification tags required by this section."

4. Page 2, line 30 through page 3, line 17.
Strike: strike section 4 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

EDUCATION (Galvin-Halcro, Chairman):
HB 336, introduced bill, be amended as follows:

2/2/2005

1. Title, page 1, lines 6 through 9.
Following: "AGE;" on line 6
Strike: remainder of line 6 through "SERVICES;" on line 9

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2. Title, page 1, line 12.

Following: "DISABLED;"

Insert: "PROVIDING AN APPROPRIATION;"

Strike: ", 20-9-346,"

3. Page 2, line 7 through page 3, line 14.

Strike: section 2 in its entirety

Renumber: subsequent sections

4. Page 4, line 21.

Following: line 20

Insert: "NEW SECTION. Section 4. Appropriation. (1) There is appropriated \$143,560 from the general fund in fiscal years 2006 and 2007 to the department of public health and human services to provide services to individuals who have graduated from high school but have not turned 19 years of age on or before September 10 in the school year or years following graduation and who are qualified to receive developmental disability services from the department of health and human services by:

(a) providing payments to a school district that admits an individual under the provisions of 20-5-101; or

(b) provide direct cash assistance to an individual to purchase community-based services.

(2) All or a portion of the money appropriated to the department of public health and human services may

be used as a state match for federal funds."

Renumber: subsequent sections

5. Page 4, line 22.

Strike: "3"

Insert: "2"

6. Page 4, line 23.

Strike: "3"

Insert: "2"

And, as amended, do pass. Report adopted.

HB 396, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "TORT;"

Insert: "PROVIDING AN EXEMPTION FOR YOUTH CORRECTIONAL FACILITIES;"

2. Page 2.

Following: line 4

Insert: "(c) a written and signed statement from the pupil's parent or guardian authorizing self-administration of medication under conditions specified in the statement from the pupil's physician, physician assistant-certified, or advanced practice registered nurse and acknowledging the liability provisions in subsection (4)."

Renumber: subsequent subsections

3. Page 3, line 1.

Following: page 2, line 30

Insert: "(7) If provided by the parent or guardian and in accordance with documents provided by the pupil's physician, physician assistant-certified, or advanced practice registered nurse, backup medication will be kept at a student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

(8) Youth correctional facilities are exempt from this section and may not adopt policies related to access and use of asthma medications."

And, as amended, do pass. Report adopted.

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FISH, WILDLIFE AND PARKS (Golie, Chairman):
HB 79, introduced bill, be amended as follows:

2/2/2005

1. Title, line 8 through line 9.
Strike: "AMENDING" on line 9 through "MCA;" on line 9
2. Title, line 10.
Following: "PROVIDING"
Insert: "AN IMMEDIATE"
3. Title, line 11.
Strike: "DATES"
Insert: "DATE"
4. Page 1, line 15 through page 2, line 16.
Strike: section 1 in its entirety
Renumber: subsequent sections
5. Page 2, line 21 through line 23.
Strike: section 3 in its entirety
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 208, introduced bill, be amended as follows:

1. Title, line 9.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "87-1-209"
Insert: "AND 87-1-301"
2. Page 2, line 27.
Following: "acquire"
Insert: "from willing sellers"
3. Page 2, line 28.
Following: "conveyance,"
Insert: "and"
Following: "pipelines"
Strike: ", and access"
Following: " "
Insert: "Whenever possible, easements must include a weed management plan."
4. Page 3, line 1.
Following: "(3)."
Insert: "The director shall report any easement grant or acquisition made pursuant to this subsection to the commission at its next regular meeting."
5. Page 3, line 12.
Insert: "**Section 2.** Section 87-1-301, MCA, is amended to read:
"**87-1-301. Powers of commission.** (1) The commission:
(a) shall set the policies for the protection, preservation, management, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department as provided by law;
(b) shall establish the hunting, fishing, and trapping rules of the department;

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(c) shall establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

(d) must have the power within the department to establish wildlife refuges and bird and game preserves;

(e) shall approve all acquisitions or transfers by the department of interests in land or water, except as provided in 87-1-209(4);

(f) shall review and approve the budget of the department prior to its transmittal to the budget office;

(g) shall review and approve construction projects that have an estimated cost of more than \$1,000 but less than \$5,000; and

(h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided in 87-1-322 and maintain elk, deer, and antelope population numbers at or below population estimates as provided in 87-1-323.

(2) The commission may adopt rules regarding the use and type of archery equipment that may be employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in archery equipment change.

(3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons, conditions, programs, or other provisions that the commission considers appropriate to promote or enhance hunting by Montana's youth and persons with disabilities.

(4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

(i) separate deer licenses from nonresident elk combination licenses;

(ii) set the fees for the separated deer combination licenses and the elk combination licenses without the deer tag;

(iii) condition the use of the deer licenses; and

(iv) limit the number of licenses sold.

(b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and appropriate to regulate the harvest by nonresident big game combination license holders:

(i) for the biologically sound management of big game populations of elk, deer, and antelope;

(ii) to control the impacts of those elk, deer, and antelope populations on uses of private property; and

(iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in 87-1-321 through 87-1-325.

(5) The commission may adopt rules establishing license preference systems to distribute hunting licenses and permits:

(a) giving an applicant who has been unsuccessful for a longer period of time priority over an applicant who has been unsuccessful for a shorter period of time; and

(b) giving a qualifying landowner a preference in drawings. As used in this subsection (5)(b), "qualifying landowner" means the owner of land that provides some significant habitat benefit for wildlife, as determined by the commission.

(6) (a) The commission may adopt rules to:

(i) limit the number of nonresident mountain lion hunters in designated hunting districts; and

(ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting districts.

(b) The commission shall consider, but is not limited to consideration of, the following factors:

(i) harvest of lions by resident and nonresident hunters;

(ii) history of quota overruns;

(iii) composition, including age and sex, of the lion harvest;

(iv) historical outfitter use;

(v) conflicts among hunter groups;

(vi) availability of public and private lands; and

(vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 298, do pass. Report adopted.

HB 312, do pass. Report adopted.

HUMAN SERVICES (Becker, Chairman):

2/2/2005

HB 411, introduced bill, do pass and be placed on the consent calendar. Report adopted.

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JUDICIARY (Rice, Chairman):

2/2/2005

HB 98, do pass. Report adopted.

HB 99, introduced bill, be amended as follows:

1. Page 1, line 28.

Following: "imprisonment for"

Insert: "a term not to exceed"

Strike: "of"

Insert: "not to exceed"

And, as amended, do pass. Report adopted.

HB 197, introduced bill, be amended as follows:

1. Page 1, line 27.

Following: line 26

Insert: "(c) A person with a developmental disability may not be charged under subsection (2)(a) or (2)(b)."

And, as amended, do pass. Report adopted.

HB 414, introduced bill, be amended as follows:

1. Page 1, line 19.

Following: "account"

Insert: "in accordance with rules adopted by the department of corrections"

2. Page 3, line 9.

Following: "placements"

Insert: "and for other services intended to reduce or prevent juvenile delinquency subject to restrictions in this chapter and administrative rules adopted by the department"

And, as amended, do pass. Report adopted.

JUDICIARY (Rice, Chairman):

2/2/2005

HB 280, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "COMMUNICATIONS;"

Insert: "REQUIRING THE COURT TO INFORM THE DEFENDANT THAT THE DEFENDANT HAS THE RIGHT TO OBJECT TO THE USE OF AUDIO-VIDEO COMMUNICATIONS;"

2. Page 1, line 18.

Strike: "observed and"

3. Page 1, line 19.

Following: "present"

Insert: "and allowing the party to be seen"

4. Page 1, line 27 through line 28.

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Strike: ", in the" on line 27 through "or by" on line 28

Insert: "be satisfied by"

Following: "communication" on line 28

Insert: "if neither party objects and the court agrees to its use and has informed the defendant that the defendant has the right to object to its use"

5. Page 3, line 7.

Following: "use"

Insert: "and has informed the defendant that the defendant has the right to object to its use"

6. Page 3, line 30.

Following: "use"

Insert: "and has informed the defendant that the defendant has the right to object to its use"

7. Page 4, line 13.

Following: "use"

Insert: "and has informed the defendant that the defendant has the right to object to its use"

8. Page 4, line 22.

Following: "use"

Insert: "and has informed the defendant that the defendant has the right to object to its use"

9. Page 5, line 15.

Following: "use"

Insert: "and has informed the defendant that the defendant has the right to object to its use"

And, as amended, do pass. Report adopted.

HB 324, introduced bill, be amended as follows:

1. Page 1, line 30.

Following: "means an"

Insert: "office of a medical practitioner, as defined in 37-2-101, or any other facility or"

And, as amended, do pass. Report adopted.

HB 326, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "METHAMPHETAMINE;"

Insert: "REQUIRING THE DEPARTMENT OF CORRECTIONS TO CONTRACT FOR THE ESTABLISHMENT AND MAINTENANCE OF RESIDENTIAL METHAMPHETAMINE TREATMENT PROGRAMS AND TO ADOPT RULES FOR THE PROGRAMS;"

Strike: the second "AND"

Insert: ", "

2. Title, page 1, line 6.

Following: "45-9-102, "

Insert: "AND 53-1-203,"

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3. Page 4, line 7 through line 8.

Strike: "If a" on line 7 through "suspended." on line 8

4. Page 4, line 10.

Strike: "of the first 3 years"

5. Page 5, line 3.

Insert: "**Section 3.** Section 53-1-203, MCA, is amended to read:

"53-1-203. Powers and duties of department of corrections. (1) The department of corrections shall:

(a) adopt rules necessary to carry out the purposes of 41-5-123 through 41-5-125, rules necessary for the siting, establishment, and expansion of prerelease centers, rules for the establishment and maintenance of residential methamphetamine treatment programs, and rules for the admission, custody, transfer, and release of persons in department programs except as otherwise provided by law. However, rules adopted by the department may not amend or alter the statutory powers and duties of the state board of pardons and parole. The rules for the siting, establishment, and expansion of prerelease centers must state that the siting is subject to any existing conditions, covenants, restrictions of record, and zoning regulations. The rules must provide that a prerelease center may not be sited at any location without community support. The prerelease siting, establishment, and expansion must be subject to, and the rules must include, a reasonable mechanism for a determination of community support or objection to the siting of a prerelease center in the area determined to be impacted. The prerelease siting, establishment, and expansion rules must provide for a public hearing conducted pursuant to Title 2, chapter 3.

(b) subject to the functions of the department of administration, lease or purchase lands for use by correctional facilities and classify those lands to determine those that may be most profitably used for agricultural purposes, taking into consideration the needs of all correctional facilities for the food products that can be grown or produced on the lands and the relative value of agricultural programs in the treatment or rehabilitation of the persons confined in correctional facilities;

(c) contract with private, nonprofit Montana corporations to establish and maintain:

(i) prerelease centers for purposes of preparing inmates of a Montana prison who are approaching parole eligibility or discharge for release into the community, providing an alternative placement for offenders who have violated parole, and providing a sentencing option for felony offenders pursuant to 46-18-201. The centers shall provide a less restrictive environment than the prison while maintaining adequate security. The centers must be operated in coordination with other department correctional programs. This subsection does not affect the department's authority to operate and maintain prerelease centers.

(ii) residential methamphetamine treatment programs for the purpose of alternative sentencing as provided for in 45-9-102, 46-18-201, 46-18-202, and any other sections relating to alternative sentences for persons convicted of possession of methamphetamine. The department shall issue a request for proposals using a competitive process and shall follow the applicable contract and procurement procedures in Title 18.

(d) utilize the staff and services of other state agencies and units of the Montana university system, within their respective statutory functions, to carry out its functions under this title;

(e) propose programs to the legislature to meet the projected long-range needs of corrections, including programs and facilities for the custody, supervision, treatment, parole, and skill development of persons placed in correctional facilities or programs;

(f) encourage the establishment of programs at the local and state level for the rehabilitation and education of felony offenders;

(g) administer all state and federal funds allocated to the department for youth in need of intervention and delinquent youth, as defined in 41-5-103;

(h) collect and disseminate information relating to youth in need of intervention and delinquent youth;

(i) maintain adequate data on placements that it funds in order to keep the legislature properly informed of the specific information, by category, related to youth in need of intervention and delinquent youth in out-of-home care facilities;

(j) provide funding for and place youth who are adjudicated to be delinquent or in need of intervention and who are committed to the department;

(k) administer youth correctional facilities;

(l) provide supervision, care, and control of youth released from a state youth correctional facility; and

(m) use to maximum efficiency the resources of state government in a coordinated effort to:

(i) provide for delinquent youth committed to the department; and

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(ii) coordinate and apply the principles of modern correctional administration to the facilities and programs administered by the department.

(2) The department and a private, nonprofit Montana corporation may not enter into a contract under subsection (1)(c) for a period that exceeds 10 years. The provisions of 18-4-313 that limit the term of a contract do not apply to a contract authorized by subsection (1)(c). Prior to entering into a contract for a period of 10 years, the department shall submit the proposed contract to the legislative audit committee. The legislative audit division shall review the contract and make recommendations or comments to the legislative audit committee. The committee may make recommendations or comments to the department. The department shall respond to the committee, accepting or rejecting the committee recommendations or comments prior to entering into the contract.

(3) The department of corrections may enter into contracts with nonprofit corporations or associations or private organizations to provide substitute care for youth in need of intervention and delinquent youth in youth correctional facilities."

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Noennig, Chairman):

2/2/2005

HB 220, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 371, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 347, introduced bill, be amended as follows:

1. Page 1, line 16.

Following: "easement"

Insert: ", in the terms of the acquisition agreement, or by the governing body resolution"

2. Page 1, line 19.

Strike: "5"

Insert: "3"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Peterson, Chairman):

2/2/2005

HB 370, introduced bill, be amended as follows:

1. Page 17, line 18.

Following: "material"

Strike: "change"

Insert: "increase"

2. Page 18, line 16.

Following: "material"

Strike: "change"

Insert: "increase"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Jent, Chairman):

2/2/2005

HB 35, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "INCREASES"

Insert: "BY RAISING CERTAIN REGISTRATION FEES"

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2. Title, page 1, line 10.

Strike: "AND"

Insert: ", "

3. Title, page 1, line 11.

Following: "17-7-502,"

Insert: "23-2-512, 23-2-616, 23-2-803, AND 61-3-321,"

Strike: "AND AN APPLICABILITY DATE"

4. Page 5, line 11 through line 12.

Strike: subsection (d) in its entirety

Insert: "(d)(i) Except as provided in subsection (10)(d)(ii), the survey and plan must be completed at least 6 months before the start of each regular legislative session.

(ii) The first survey must be completed by January 1, 2006, for the plan to be implemented for the first full pay period in fiscal year 2007."

5. Page 5, line 28.

Strike: "3"

Insert: "7"

6. Page 6.

Following: line 14

Insert: "**Section 3.** Section 23-2-512, MCA, is amended to read:

"23-2-512. Identifying number. (1) The owner of each motorboat, sailboat, or personal watercraft requiring numbering by this state shall file an application for number in the office of the county treasurer in the county where the motorboat, sailboat, or personal watercraft is owned, on forms prepared and furnished by the department of justice. The application must be signed by the owner of the motorboat, sailboat, or personal watercraft and be accompanied by a fee of ~~\$3.50 in calendar year 2004 and, in each subsequent year, \$15.50~~ \$20.50. Any alteration, change, or false statement contained in the application renders the certificate of number void. Upon receipt of the application in approved form, the county treasurer shall issue to the applicant a certificate of number prepared and furnished by the department of justice, stating the number assigned to the motorboat, sailboat, or personal watercraft and the name and address of the owner.

(2) The applicant, upon the filing of the application, shall pay to the county treasurer the fee in lieu of tax required under 23-2-517 for a motorboat 10 feet in length or longer, a sailboat 12 feet in length or longer, or a personal watercraft before the application for certification or, if applicable, recertification may be accepted by the county treasurer.

(3) If the ownership of a motorboat, sailboat, or personal watercraft changes, a new application form with the certification fee must be filed within a reasonable time with the county treasurer and a new certificate of number assigned in the same manner as provided for in an original assignment of number.

(4) If an agency of the United States government has in force a comprehensive system of identification numbering for motorboats in the United States, the numbering system employed pursuant to this part by the department of justice must be in conformity.

(5) A certificate of number and a registration decal issued under this part are effective unless terminated or discontinued in accordance with the provisions of this part.

(6) If ownership is transferred, the purchaser shall notify the county treasurer within a reasonable time of the acquisition of all or any part of the purchaser's interest, other than the creation of a security interest, in a motorboat, sailboat, or personal watercraft numbered in this state or of the loss, theft, destruction, or abandonment of the motorboat, sailboat, or personal watercraft. The transfer, loss, theft, destruction, or abandonment terminates the certificate of number for the motorboat, sailboat, or personal watercraft. Recovery from theft or transfer of a part interest that does not affect the owner's right to operate the motorboat, sailboat, or personal watercraft does not terminate the certificate of number.

(7) A holder of a certificate of number shall notify the county treasurer within a reasonable time if the holder's address no longer conforms to the address appearing on the certificate and shall furnish the county treasurer

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with the new address. The department of justice may provide by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate to show the new address of the holder.

(8) (a) The number assigned must be painted on or attached to each outboard side of the forward half of the motorboat, sailboat, or personal watercraft or, if there are no sides, at a corresponding location on both outboard sides of the foredeck of the motorboat, sailboat, or personal watercraft. The number assigned must read from left to right in Arabic numerals and block characters of good proportion at least 3 inches tall excluding border or trim of a color that contrasts with the color of the background and be so maintained as to be clearly visible and legible. The number may not be placed on the obscured underside of the flared bow where it cannot be easily seen from another vessel or ashore. Numerals, letters, or devices other than those used in connection with the identifying number issued may not be placed in the proximity of the identifying number. Numerals, letters, or devices that might interfere with the ready identification of the motorboat, sailboat, or personal watercraft by its identifying number may not be carried in a manner that interferes with the motorboat's, sailboat's, or personal watercraft's identification. A number other than the number assigned to a motorboat, sailboat, or personal watercraft or granted reciprocity under this part may not be painted, attached, or otherwise displayed on either side of the forward half of the motorboat, sailboat, or personal watercraft. A registration decal issued under this part must be placed next to the identifying number located on the left side of a motorboat, sailboat, or personal watercraft or, if there are no sides, at the corresponding location on the left outboard side of the foredeck of the motorboat, sailboat, or personal watercraft.

(b) The certificate of number must be pocket size and available to federal, state, or local law enforcement officers at all reasonable times for inspection on the motorboat, sailboat, or personal watercraft whenever the motorboat, sailboat, or personal watercraft is on waters of this state.

(c) Boat liveries are not required to have the certificate of number on board each motorboat, sailboat, or personal watercraft, but a rental agreement must be carried on board livery motorboats, sailboats, or personal watercraft in place of the certificate of number.

(9) Fees, other than the fee in lieu of tax, collected under this section must be transmitted to the department of revenue, as provided in 15-1-504, ~~for deposit. The department of revenue shall deposit \$5 of the fee collected under subsection (1) in the account established in [section 7] and the remainder in the state general fund.~~

(10) An owner of a motorboat, sailboat, or personal watercraft shall within a reasonable time notify the department of justice, giving the motorboat's, sailboat's, or personal watercraft's identifying number and the owner's name if the motorboat, sailboat, or personal watercraft is transferred, lost, destroyed, or abandoned or within 60 days after a change of the state of principal use or if a motorboat becomes documented as a vessel of the United States. "

Insert: "Section 4. Section 23-2-616, MCA, is amended to read:

"23-2-616. Registration and registration decal -- application and issuance -- use of certain fees. (1) Except for a snowmobile registered under 23-2-621, a snowmobile may not be operated on public lands by any person unless it has been registered and a registration decal is displayed in a conspicuous place on the left side of the cowl.

(2) (a) A Montana resident who owns a snowmobile operated on public land shall register the snowmobile at the county treasurer's office in the county where the owner resides.

(b) A county treasurer shall register a snowmobile if:

(i) as of the date that the snowmobile is to be registered, the owner delivers or has delivered an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(ii) the county treasurer has confirmed that the department of justice has an electronic record of title for the snowmobile as provided in 61-3-101.

(c) To register a snowmobile, the county treasurer shall update the electronic record of title maintained by the department of justice, by entering the fees paid and recording any changes to the record.

(3) The owner registering a snowmobile shall pay a registration fee of ~~\$6.50 in calendar year 2004 and, in each subsequent year, \$20.50~~ \$25.50 and, if the snowmobile has previously been registered, show the county treasurer the registration receipt for the most recent year in which the snowmobile was registered. Upon payment of the proper fees, including the fee in lieu of tax, the treasurer shall issue a registration receipt that contains information considered necessary by the department of justice and a listing of fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(4) The county treasurer shall forward the application to the department of justice and shall issue to the applicant a registration decal in the style and design prescribed by the department of justice.

(5) The county treasurer may not register a snowmobile under this section unless the applicant has paid the registration fee and the fee in lieu of property tax on the snowmobile as required by 15-16-202.

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(6) All money collected from payment of registration fees and all interest accruing from use of this money must be forwarded to the department of revenue, as provided in 15-1-504, ~~for deposit. The department of revenue shall deposit \$5 of the fee in the account established in [section 7] and the remainder in the state general fund.~~

(7) The county treasurer shall credit all fees in lieu of tax collected on snowmobiles to the state general fund.

(8) The fee imposed in subsection (3) is a one-time fee except on change of ownership. When ownership of the snowmobile changes, the new owner shall pay the fee in subsection (3)."

Insert: "Section 5. Section 23-2-803, MCA, is amended to read:

"23-2-803. One-time fee in lieu of tax on off-highway vehicles -- exception -- disposition of fees. (1) Except as provided in subsection (2), there is a one-time fee in lieu of tax on off-highway vehicles, other than off-highway vehicles constituting the inventory of a dealership licensed under 23-2-818, to be paid to the county treasurer of the county in which the owner of the off-highway vehicle resides. The one-time fee for an off-highway vehicle is ~~\$20 in calendar year 2004 and, in each subsequent year, \$40~~ **\$45**.

(2) Whenever a transfer of ownership of an off-highway vehicle occurs, the one-time fee required under subsection (1) must be paid by the new owner.

(3) The county treasurer shall transfer all fees in lieu of tax collected on off-highway vehicles pursuant to this section to the department of revenue. The department of revenue shall deposit \$5 of the fee in the account established in [section 7] and the remainder in the state general fund."

Insert: "Section 6. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles -- certain vehicles exempt from registration fees -- disposition of fees. (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, reregistration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:

(a) light vehicles under 2,850 pounds, ~~\$13.75 in calendar year 2004 and, in each subsequent year, \$17;~~

(b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(c) motor vehicles registered pursuant to 61-3-411 that are:

(i) 2,850 pounds and over, \$10; and

(ii) under 2,850 pounds, \$5;

(d) off-highway vehicles registered pursuant to 23-2-817, ~~\$9 in calendar year 2004 and, in each subsequent year, \$19.25.~~ This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle.

(e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton, ~~\$18.75 in calendar year 2004 and, in each subsequent year, \$22;~~

(f) logging trucks less than 1 ton, \$23.75;

(g) motor homes, \$22.25;

(h) motorcycles and quadricycles, \$9.75 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~\$9.75 in calendar year 2004 and, in each subsequent year, \$11.25.~~ This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.

(i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, \$16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.

(k) travel trailers, \$11.75. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(l) recreational vehicles, ~~\$3.50 in calendar year 2004 and, in each subsequent year, \$9.75.~~ If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(2) (a) Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration fee for the remainder of the year is one-half of the regular fee.

(b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.

(3) An additional fee of \$5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, ~~\$5 in calendar year 2004 and, in each subsequent year, \$16~~ must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.

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(4) A fee of \$5 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.

(5) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the state general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

(7) (a) Except as provided in 61-3-562 and subsection (7)(b) of this section, a fee of 50 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The county treasurer shall forward revenue derived from this fee to the state for deposit in the general fund.

(b) The following vehicles are not subject to the fee:

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement;

(ii) off-highway vehicles registered pursuant to 23-2-817; and

(iii) vehicles bearing license plates described in 61-3-458(3)(d).

(8) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

(9) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(10) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(11) (a) Unless a person exercises the option in subsection (11)(b), an additional fee of \$4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part. The fee must be deposited in the state general fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii).

(b) A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual registration, certify that the person does not intend to use state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection (11)(a). If a written election is made, the fee may not be collected.

(12) For each vehicle subject to a registration fee under subsection (1), an additional fee of \$5 must be collected and forwarded to the department of revenue. The department of revenue shall deposit the \$5 in the account established in [section 7]."

Renumber: subsequent sections

7. Page 6, line 16.

Strike: "Motor vehicle insurance policy fee"

Insert: "Special revenue account"

8. Page 6, line 17.

Strike: "-- special revenue account"

9. Page 6, line 17 through line 22.

Strike: "(1)" on line 17 through "(2)" on line 22

10. Page 6, line 22.

Strike: "(a)"

Insert: "(1)"

Renumber: subsequent subsections

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11. Page 6, line 22 through line 23.

Strike: "The" on line 22 through "." on line 23

12. Page 7, line 1.

Following: "savings"

Insert: "-- report to audit committee"

13. Page 7.

Following: line 7

Insert: "(3) Each fiscal year, the department of justice shall provide to the legislative audit committee a detailed report on all positions in the Montana highway patrol. At a minimum, the report must include the following information:

- (a) the number of positions that were filled during the year and the average salary paid at hire;
- (b) the total number of vacancies incurred during the year broken out by position title, the cause of each vacancy, and the length of time the position remained vacant;
- (c) the total number of hours spent on patrol during the year broken out by enforcement activity and position title."

14. Page 7, line 9.

Strike: "3"

Insert: "7"

15. Page 7, line 10.

Strike: the first "33," through "[section 3]"

Insert: "44, chapter 1, part 5, and the provisions of Title 44, chapter 1, part 5, apply to [section 7]"

16. Page 7, lines 11 and 12.

Strike: "4" on both lines

Insert: "8" on both lines

17. Page 7, line 15.

Strike: "on passage and approval"

Insert: "January 1, 2006"

18. Page 7, line 16.

Strike: subsection (2) in its entirety

Insert: "(2) [Sections 1 and 9] and this section are effective on passage and approval."

19. Page 7, line 16.

Strike: "4"

Insert: "8"

20. Page 7, line 18 through line 19.

Strike: section 7 in its entirety

And, as amended, do pass. Report adopted.

HB 104, do pass. Report adopted.

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HB 213, introduced bill, be amended as follows:

1. Title, page 1, line 23.

Strike: "CORRECTING INTERNAL REFERENCES TO"

Insert: "REVISING THE ELECTION OF"

2. Title, page 2, line 6.

Strike: "19-5-502, 19-5-601,"

Strike: "19-5-802"

Insert: "19-5-902"

3. Page 7, line 2.

Strike: "(b)"

4. Page 46, line 28 through page 47, line 4.

Strike: section 39 in its entirety

Renumber: subsequent sections

5. Page 47, line 6 through line 14.

Strike: section 40 in its entirety

Renumber: subsequent sections

6. Page 49, line 8 through line 21.

Strike: section 42 in its entirety

Insert: "Section 40. Section 19-5-902, MCA, is amended to read:

"**19-5-902. Election -- guaranteed annual benefit adjustment.** (1) Subject to subsection (2), on January 1 of each year, the permanent monthly benefit payable during the preceding January to each recipient who is eligible under subsection (3) must be increased by 3%.

(2) (a) If a recipient's benefit payable during the preceding January has been increased by one or more adjustments not provided for in this section and the adjustments amount to less than a 3% annualized increase, then the recipient's benefit must be adjusted by an amount that will provide a total annualized increase of 3% in the benefit paid since the preceding January.

(b) If a recipient's benefit payable during the preceding January has been increased by one or more adjustments not provided for in this section and the increases amount to more than a 3% annualized increase, then the benefit increase provided under this section must be 0%.

(3) A benefit recipient is eligible for and must receive the minimum annual benefit adjustment provided for in this section if:

(a) the benefit's commencement date is at least 12 months prior to January 1 of the year in which the adjustment is to be made; and

(b) the member either:

(i) first became an active member on or after July 1, 1997; or

(ii) filed a voluntary, irrevocable election to be covered under this section. The election:

~~(A) must be filed with the board prior to December 1, 2001 2005; and~~

~~(B) requires an active member to pay an increased or revised contribution rate from January 1, 2002, forward.~~

(4) The board ~~shall~~ may adopt rules to administer the provisions of this section.

(5) The decision of a member who previously elected to participate under 19-5-901 or this section remains valid. The decision of a member who previously elected not to participate under 19-5-901 or this section may be reversed under this section."

Renumber: subsequent sections

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And, as amended, do pass. Report adopted.

HB 234, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "CERTIFICATE"
Insert: "INADVERTENTLY"

2. Title, page 1, line 5.

Following: "COUNTY"
Insert: "CLERK"
Strike: "OR TRANSFERRED"
Following: ";"
Insert: "CLARIFYING THAT IT IS NOT THE CLERK'S DUTY TO FILE A DISCHARGE CERTIFICATE;
PROVIDING DEFINITIONS;"

3. Page 1, line 14.

Following: "."
Insert: "It is not the clerk's duty to file the certificate."

4. Page 1, line 15.

Strike: "Military discharge certificates are"
Insert: "A record of a military discharge certificate is"
Strike: "are"

5. Page 1, line 17.

Strike: "who filed"
Insert: "for whom"
Following: "certificate"
Insert: "was recorded"

6. Page 1, line 24.

Strike: "Upon"
Insert: "If an original discharge certificate was inadvertently filed and the county clerk still retains the certificate
in its original form, upon"

7. Page 1, lines 25 and 26.

Strike: ":" on line 25 through "(a)" on line 26
Strike: "original"
Insert: "filed"

8. Page 1, line 27 through line 30.

Strike: "and" through "records" on line 30

9. Page 1.

Following: line 30
Insert: "(4) For purposes of this section:"
(a) "file" means to store in original form; and
(b) "record" means to make and keep a copy from which a certified original copy can be reproduced.

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And, as amended, do pass. Report adopted.

HB 253, do pass. Report adopted.

HB 297, do pass. Report adopted.

HB 417, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "IMMEDIATE"

Strike: "DATE"

Insert: "DATES"

2. Page 1, line 11.

Strike: "Appropriation"

Insert: "Appropriations"

Strike: "\$1 million"

Insert: "\$500,000"

3. Page 1, line 13.

Strike: "(2)" through "(1), the"

Insert: "The"

4. Page 1, line 14.

Strike: "each of"

Strike: "two"

Strike: "events"

Insert: "event"

5. Page 1, line 14 through line 15.

Following: "Montana" on line 14

Insert: ", "

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

6. Page 1, line 15.

Following: "2005"

Strike: "; and"

Insert: "."

7. Page 1, line 16.

Strike: "(b)"

Insert: "(2) There is appropriated \$500,000 from the general fund to the Lewis and Clark bicentennial commission. The Lewis and Clark bicentennial commission shall allocate \$500,000 to the national signature event awarded to Montana,"

8. Page 1, line 21.

Strike: "each"

Insert: "the"

Following: "event"

Insert: ", explore the big sky,"

9. Page 1, line 23.

Strike: "are"

Insert: "is"

10. Page 1, line 24.

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Following: "subsection"
Insert: "(2) or"

11. Page 1, line 27.
Strike: "date"
Insert: "dates"
Following: "date."
Strike: "[This act]"
Insert: "(1) Except as provided in subsection (2), [this act]"

12. Page 1.
Following: line 27
Insert: "(2) [Section 1(2)] is effective July 1, 2005."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/2/2005

SB 67, introduced by Cromley
SB 78, introduced by Harrington
SB 127, introduced by Keenan
SB 198, introduced by Kitzenberg
SB 208, introduced by Perry
SB 209, introduced by Wheat
SB 221, introduced by Barkus
SB 223, introduced by Barkus
SB 243, introduced by Cocchiarella

Senate joint resolution passed and transmitted to the House for concurrence: 2/2/2005

SJR 4, introduced by Cobb

SB 204, introduced by Shockley, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

Yeas - 46
Nays - 4

2/2/2005

MESSAGES FROM THE GOVERNOR

February 2, 2005

The Honorable Gary Matthews
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Matthews:

Please be informed that I have signed **House Bill 1** sponsored by Representative Witt on February 2, 2005.

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Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

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

- HB 522**, introduced by W. Jones, Kitzenberg, referred to Appropriations.
- HB 523**, introduced by Sinrud, referred to Local Government.
- HB 524**, introduced by Sinrud, referred to State Administration.
- HB 525**, introduced by Juneau, Jayne, Small-Eastman, Campbell, Bixby, referred to Education.
- HB 526**, introduced by Mendenhall, McGee, R. Brown, Tropila, Lange, Grimes, Rice, referred to Judiciary.
- HB 527**, introduced by Mendenhall, Koopman, Bergren, referred to Business and Labor.
- HB 528**, introduced by Koopman, Perry, referred to Business and Labor.
- HB 529**, introduced by Kaufmann, referred to Taxation.
- HB 530**, introduced by Matthews, referred to State Administration.
- HB 531**, introduced by Franklin, Dickenson, Schmidt, Callahan, Mangan, Tropila, Gillan, McKenney, Galvin-Halcro, Golie, Wilson, Wheat, Witt, Cobb, Kitzenberg, Black, Brueggeman, referred to Appropriations.
- HB 532**, introduced by Gallik, referred to Business and Labor.
- HB 533**, introduced by Gallik, referred to Business and Labor.
- HB 534**, introduced by Gallik, referred to Business and Labor.

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

- HJR 15**, introduced by Juneau, Jayne, Bixby, Small-Eastman, Campbell, Wanzenried, referred to Judiciary.
- HJR 16**, introduced by Groesbeck, Hawk, Klock, Mangan, Villa, Jacobson, Sesso, Sonju, Clark, McKenney, Williams, R. Brown, Laslovich, Stahl, Matthews, Wiseman, Witt, Gillan, Keane, Peterson, Harrington, Lind, Lenhart, Kitzenberg, Musgrove, Cooney, Tester, Harrington, Golie, Lindeen, Cocchiarella, Cohenour, McNutt, Facey, Wilson, Gallik, Ryan, Franklin, Glaser, Steinbeisser, Gallus, Jackson, Tropila, Bergren, Noonan, Larson, Brueggeman, referred to Federal Relations, Energy, and Telecommunications.

**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 Taylor in the chair.

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

HB 171 - Representative Cohenour moved **HB 171** 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

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Noes: None.
Total 0

Voted Absentee: W. Jones, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 183 - Representative Franklin moved **HB 183** 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, 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, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Koopman, Maedje, Sales, Sonju, Ward, Wells.
Total 6

Voted Absentee: W. Jones, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 206 - Representative Noonan moved **HB 206** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 82

Noes: Barrett, D. Brown, R. Brown, Everett, Himmelberger, Jayne, Lambert, MacLaren, Malcolm, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Wagman, Wells, Witt.
Total 18

Voted Absentee: W. Jones, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 227 - Representative Galvin-Halcro moved **HB 227** do pass.

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HB 227 - Representative Cohenour moved **HB 227**, second reading copy, be amended as follows:

1. Page 2, line 5.

Following: "suspended"

Insert: "while the resident is serving in a combat zone or contingency operation as described in 26 U.S.C. 7508"

2. Page 2, line 8.

Following: "after"

Insert: "the cessation of hostilities or 1 year after"

3. Page 2, line 10.

Strike: ", as described in 26 U.S.C. 7508,"

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, L. 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, Roberts, Ross, 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: None.

Total 0

Excused: W. Jones.

Total 1

Absent or not voting: Ripley, Sales.

Total 2

HB 227 - Representative Galvin-Halcro moved **HB 227**, as amended, 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, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, 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 98

Noes: None.

Total 0

Voted Absentee: W. Jones, Aye.

Excused: None.

Total 0

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Absent or not voting: Lange, McKenney.
Total 2

HB 236 - Representative Jackson moved **HB 236** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, 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, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 86

Noes: Barrett, Bixby, Juneau, Koopman, McNutt, Mendenhall, Musgrove, Rice, Ripley, Sales, Sinrud, Small-Eastman, Wells, Witt.
Total 14

Voted Absentee: W. Jones, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 313 - Representative Sesso moved **HB 313** 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, 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, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 94

Noes: Jayne, Mendenhall, Sinrud, Stahl, Stoker, Witt.
Total 6

Voted Absentee: W. Jones, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 327 - Representative Groesbeck moved **HB 327** 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, 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, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser,

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Total 93

Noes: Hawk, Koopman, Malcolm, Mendenhall, Rice, Sales, Wells.
Total 7

Voted Absentee: W. Jones, Aye.

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 Taylor 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, 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, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. 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, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Butcher, Sales.
Total 2

Excused: W. Jones.
Total 1

Absent or not voting: Becker, Hendrick, Jayne.
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 14 passed as follows:

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

Noes: Dickenson, Gutsche, Hawk, Jayne, Kaufmann, B. Olson, Rice, Ripley, Stahl, Stoker, Waitschies.

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Total 11

Excused: W. Jones.
Total 1

Absent or not voting: None.
Total 0

HB 218 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, Butcher, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 83

Noes: Becker, R. Brown, Buzzas, Clark, Eaton, Galvin-Halcro, Gutsche, Harris, Jopek, Kaufmann, Koopman, Mendenhall, Morgan, Sinrud, Stahl, Wagman.
Total 16

Excused: W. Jones.
Total 1

Absent or not voting: None.
Total 0

HB 242 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, 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 99

Noes: None.
Total 0

Excused: W. Jones.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Dem. Floor Leader Parker moved that HB 236 and HB 327 be re-referred to House Appropriations. Without objection, so ordered.

Rep. Bernie Olson moved to reconsider action taken on February 1, 2005, on HB 92 and place the bill on second reading. Motion carried as follows:

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Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 55

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Franklin, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Ward, Warden, Wells, Windham, Witt.
Total 43

Excused: W. Jones.
Total 1

Absent or not voting: Morgan.
Total 1

UNFINISHED BUSINESS

Rep. Clark requested the following sponsors be added to HJR 13: Representatives Driscoll, Hamilton, Juneau, Kaufmann, Lange, Matthews, Stahl, and Senators Joe Balyeat, Laslovich, Schmidt, Story, and Weinberg.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 12:15 p.m., Thursday, February 3, 2005.
Motion carried.

House adjourned at 2:54 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House