

HOUSE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY - FEBRUARY 4, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
TWENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
February 4, 2005

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Peterson. Pledge of Allegiance to the Flag.

Entertainment was provided by the Hawthorne Elementary School from Bozeman, Montana.

Roll Call. All members present, except Representatives Galvin-Halcro, John Balyeat, Driscoll, and Bixby, excused. Quorum present.

Speaker Matthews and the House thanked the pages for the week.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, and twentieth legislative days, find the same to be correct.

Barrett, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 2/4/2005  
Correctly printed: **HB 134**.  
Correctly engrossed: **HB 186, HB 269, HB 385, HB 393**.

**BUSINESS AND LABOR** (Keane, Chairman): 2/4/2005  
**HB 156**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Strike:** "or"

**Insert:** ", "

**Following:** "(4),"

**Insert:** "or (5),"

2. Page 1, line 20.

**Strike:** "(3) or (4),"

**Insert:** "(3), (4), or (5), if a health insurance issuer does not limit the time in which a health care provider or other person is required to submit a claim for payment,"

3. Page 2, line 8.

**Strike:** "are tolled"

**Insert:** "do not commence running until the time specified in subsection (4)(b)"

4. Page 2, line 12.

**Strike:** "resumes"

**Insert:** "commences running"

5. Page 2, line 13.

**Insert:** "(5) The time limitations on the health insurance issuer in subsections (1) and (2) do not commence running until the health insurance issuer has actual knowledge of an invalid claim, claim overpayment, or other incorrect payment if the health insurance issuer has paid a claim incorrectly because of an error, misstatement, misrepresentation, omission, or concealment, other than insurance fraud, by the health care provider or other person. Regardless of the date upon which the health insurance issuer obtains actual knowledge of an invalid claim, claim overpayment, or other incorrect payment, this subsection does not permit the health insurance issuer to request reimbursement or to offset another claim payment for

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reimbursement of the claim more than 24 months after payment of the claim."

6. Page 2, line 21.

**Strike:** "Parts"

**Insert:** "(1) Subject to subsection (2), parts"

7. Page 2, line 23.

**Strike:** "section 1], section 2],"

8. Page 2, line 24.

**Strike:** "(1)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

9. Page 2, line 29.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsection

10. Page 3, following line 4.

**Insert:** "(2) [Sections 1 and 2] apply to group or blanket policies."

And, as amended, do pass. Report adopted.

**HB 203**, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

**Strike:** "DELETING" on line 6 through "MEMBERS;" on line 7

**Insert:** "REQUIRING ONE MEMBER OF THE BOARD OF NURSING TO BE AN ADVANCED PRACTICE REGISTERED NURSE AND REQUIRING ONE MEMBER TO BE FROM A RURAL HEALTH CARE FACILITY;"

2. Title, line 18.

**Following:** "PERMITS;"

**Insert:** "CLARIFYING LICENSURE REQUIREMENTS FOR LICENSED ADDICTION COUNSELORS;"

3. Title, line 23.

**Strike:** "2-15-1750,"

**Strike:** "2-15-1763,"

4. Title, line 26.

**Strike:** "37-10-307,"

5. Title, line 27.

**Strike:** "37-47-351,"

**Insert:** "37-35-202,"

6. Title, line 28.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "AND 37-7-104"

7. Page 2, line 14.

**Following:** "States:"

**Insert:** "Each member must be a citizen of the United States."

8. Page 2, line 27.

**Following:** "nursing"

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**Insert:** ", at least one must be an advanced practice registered nurse, at least one must be engaged in nursing practice in a rural health care facility,"

9. Page 3, line 12.

**Following:** "States"

**Insert:** "and must be citizens of the United States"

10. Page 3, line 18 through page 4, line 6.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

11. Page 5, line 14 through page 6, line 5.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

12. Page 7, line 7.

**Following:** "therapist,"

**Insert:** "physical therapist,"

13. Page 24, line 18 through line 27.

**Strike:** section 37 in its entirety

**Renumber:** subsequent sections

14. Page 33, following line 16.

**Strike:** section 44 in its entirety

**Insert:** "Section 41. Section 37-35-202, MCA, is amended to read:

"**37-35-202. Licensure requirements -- examination -- fees.** (1) To be eligible for licensure as a licensed addiction counselor, the applicant shall submit an application fee in an amount established by the department by rule and a written application on a form provided by the department that demonstrates that the applicant has completed the eligibility requirements and competency standards as defined by department rule.

(2) A person may apply for licensure as a licensed addiction counselor if the person has:

(a) received a baccalaureate or advanced degree in alcohol and drug studies, psychology, sociology, social work, or counseling or a ~~related field~~ comparable degree from an accredited college or university; or

(b) received an associate of arts degree in alcohol and drug studies, addiction, or substance abuse from an accredited institution.

(3) Prior to becoming eligible to begin the examination process, each person shall complete supervised work experience in an addiction treatment program as defined by the department, in an internship approved by the department, or in a similar program recognized under the laws of another state.

(4) Each applicant shall successfully complete a competency examination, in writing only, process as defined by rules adopted by the department.

(5) A person holding a license to practice as a licensed addiction counselor in this state may use the title "licensed addiction counselor".

(6) For the purposes of this section, "comparable degree" means a degree that includes 270 semester hours or the equivalent number of quarter credit hours of accredited college course work, of which 6 credit hours must be in human behavior, sociology, psychology, or a similar emphasis, 3 credit hours must be in psychopathology or course work exploring patterns and courses of abnormal or deviant behavior, and 9 credit hours must be in counseling. For the 9 credit hours in counseling, 6 credit hours must be in group counseling and 3 credit hours must be in the theory of counseling. The credit hours specified in this subsection may be obtained in an associate or master's degree program if the applicant does not have a qualifying baccalaureate degree."

**Renumber:** subsequent sections

15. Page 35, following line 10.

**Insert:** "(b) is a citizen of the United States;"

**Renumber:** subsequent subsections

16. Page 37, line 17.

**Strike:** "Sections"

**Insert:** "Section"

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**Strike:** "and 37-7-104"

And, as amended, do pass. Report adopted.

**HB 249**, introduced bill, be amended as follows:

1. Page 5, line 15.

**Following:** "means a"

**Insert:** "tribal government,"

2. Page 5, line 30.

**Following:** "available."

**Insert:** "(1)"

3. Page 6, following line 3.

**Insert:** "(2) A grant or loan may not be used for a project that would result in the transfer or relocation of jobs from one part of the state to another part of the state."

4. Page 6, line 13.

**Following:** "programs."

**Insert:** "To the extent feasible, the department shall employ an approach pertaining to the use of funds so that the needs of rural areas are balanced with the needs of the state's urban centers."

5. Page 6, line 30 through page 7, line 1.

**Strike:** ", and" on page 6, line 30 through "jobs" on page 7, line 1

6. Page 7, line 3 through line 8.

**Strike:** "lesser" on line 3 through "reservation" on line 8

**Insert:** "current average weekly wage of the county in which the employees are to be principally employed"

And, as amended, do pass. Report adopted.

**HB 281**, do pass. Report adopted.

**HB 344**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "REMOVING"

**Insert:** "REVISING"

2. Page 1, line 12.

**Following:** "exclusion"

**Insert:** "-- family member exception"

3. Page 1, line 13.

**Strike:** "An"

**Insert:** "(a) Except as provided in subsection (1)(b), an"

4. Page 1, following line 20.

**Insert:** "(b) Notwithstanding the mandatory motor vehicle liability protection provided for in subsection (1)(a), nothing in this part may be construed to prohibit an insurer from identifying a specific family member as an "excluded family member" on the declarations page of a motor vehicle liability insurance policy in order to exclude that specified family member from indemnity or defense under the bodily injury coverage of the policy."

And, as amended, do pass. Report adopted.

**HB 401**, introduced bill, be amended as follows:

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1. Page 3, line 15.

**Strike:** "board"

**Insert:** "department"

And, as amended, do pass. Report adopted.

**HB 409**, introduced bill, be amended as follows:

1. Page 2, line 5.

**Strike:** "blood,"

2. Page 2, line 18.

**Following:** "40"

**Insert:** ", and the testing methodology must be cleared by the United States food and drug administration"

3. Page 3, line 25.

**Following:** "~~urine~~"

**Insert:** "urine"

4. Page 3, line 26.

**Following:** "40"

**Insert:** ", and the collection, transport, and confirmation testing of nonurine samples must be as stringent as the requirements of 49 CFR, part 40, in requiring split specimens as defined by the United States department of health and human services, requiring transport to a testing facility under the chain of custody, and confirmation of all screened positive results using mass-spectrometry technology"

And, as amended, do pass. Report adopted.

**HB 425**, do pass. Report adopted.

**HB 441**, do pass. Report adopted.

**HB 457**, introduced bill, be amended as follows:

1. Title, line 10.

**Following:** "TECHNOLOGISTS;"

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4, following line 11.

**Insert:** "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Becker, Chairman):

2/4/2005

**HB 24**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "FAULT,"

2. Title, line 9.

**Following:** "INADMISSIBLE"

**Strike:** "AS EVIDENCE OF AN ADMISSION OF LIABILITY"

**Insert:** "FOR ANY PURPOSE"

3. Title, line 10.

**Following:** "PROVIDING"

**Insert:** "AN EFFECTIVE DATE AND"

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4. Page 1, line 16.

**Following:** "apology,"  
**Strike:** "fault,"

5. Page 1, line 18.

**Strike:** "as evidence of an admission of liability"  
**Insert:** "for any purpose"

6. Page 1, line 21.

**Following:** "regret"  
**Strike:** "or asks for a pardon for a fault or offense"

7. Page 2, line 1.

**Following:** section 2

**Insert:** "NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Insert:** "NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2005."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 25**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "PROVIDING"  
**Insert:** "AN EFFECTIVE DATE AND"

2. Page 1, line 21.

**Following:** section 2

**Insert:** "NEW SECTION. **Section 3. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Insert:** "NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2005."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 26**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "PROVIDER"  
**Insert:** "UNDER CERTAIN CONDITIONS"

2. Title, line 9.

**Following:** "PROVIDING"  
**Insert:** "AN EFFECTIVE DATE AND"

3. Page 1, line 18.

**Strike:** "For"  
**Insert:** "Except as provided in subsection (3), for"

4. Page 1, line 21.

**Insert:** "(3) Subsection (2) is not applicable unless the health care provider has, by policy or practice, ensured that those persons providing independent professional services have insurance of a type and in the amount required by the rules and regulations of the medical staff, by the medical staff bylaws, or by other similar health care facility rules or regulations."

5. Page 1, line 21.

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**Following:** section 1

**Insert:** "NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2005."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/4/2005

**HB 245**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "MINOR"

**Insert:** "CHILD UNDER 16 YEARS OF AGE"

2. Page 1, line 19.

**Strike:** "the age of majority"

**Insert:** "16 years of age"

3. Page 1, line 21.

**Strike:** "to make"

**Insert:** "by making"

4. Page 1, line 21 through line 23.

**Following:** "nature" on line 21

**Strike:** " " on line 21 through "ear" on line 23

**Insert:** ". Body pierces does not include a medical procedure, including but not limited to acupuncture, performed by a health care provider, as defined in 50-4-504, who provides physical health care and is qualified to perform body piercing in the ordinary course of the health care provider's profession"

And, as amended, do pass. Report adopted.

**HB 285**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "FICTITIOUS"

**Insert:** "SUBSTITUTE"

2. Title, page 1, line 10.

**Strike:** "SECRETARY OF STATE"

**Insert:** "DEPARTMENT OF JUSTICE"

3. Title, page 1, line 11.

**Following:** "PROGRAM;"

**Insert:** "AND"

**Strike:** "SECRETARY OF STATE"

**Insert:** "DEPARTMENT OF JUSTICE"

4. Title, page 1, line 12.

**Strike:** "; AND AMENDING SECTION 2-15-401, MCA"

5. Page 1, line 21.

**Strike:** "secretary of state"

**Insert:** "department"

6. Page 1, line 22.

**Strike:** "fictitious"

**Insert:** "substitute"

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**Strike:** ", known only to the secretary of state,"

7. Page 1, line 24.

**Strike:** "secretary of state"

**Insert:** "department"

8. Page 1, line 29.

**Strike:** "6"

**Insert:** "7"

9. Page 2, line 2.

**Following:** line 1

**Insert:** "(2) "Department" means the department of justice."

**ReNUMBER:** subsequent subsections

10. Page 2, line 3.

**Strike:** "secretary of state"

**Insert:** "department"

11. Page 2, line 11.

**Strike:** "Fictitious"

**Insert:** "Substitute"

12. Page 2, line 11 through line 12.

**Strike:** "secretary" on line 11 through "state" on line 12

**Insert:** "department"

**Following:** "victim" on line 12

**Insert:** "who is a resident of this state"

**Strike:** "secretary of state" on line 12

**Insert:** "department"

**Strike:** "fictitious" on line 12

**Insert:** "substitute"

13. Page 2, lines 13, 18, 21, 25, 26, and 28.

**Strike:** "secretary of state"

**Insert:** "department"

14. Page 2, line 14.

**Strike:** "fictitious"

**Insert:** "substitute"

15. Page 2, line 15.

**Following:** "(a)"

**Insert:** "proof that the victim is a resident of this state and"

16. Page 3, line 4.

**Following:** "order,"

**Strike:** "or"

17. Page 3, line 5.

**Following:** "jurisdiction"

**Insert:** ", or a sworn statement of the victim"

18. Page 3, lines 8 (in two places), 10, 15, 18, 19, 22, 24, 25, 29, and 30.

**Strike:** "secretary of state"

**Insert:** "department"

19. Page 3, line 14.



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**Strike:** "fictitious"  
**Insert:** "substitute"

20. Page 3, lines 16, 20, 21, 22, 25, 26, and 29.

**Strike:** "fictitious"  
**Insert:** "substitute"

21. Page 3, line 28.

**Strike:** "fictitious"  
**Insert:** "substitute"

22. Page 4, lines 1, 2, 4, 6, 8, 10, 10 and 11, and 13.

**Strike:** "secretary of state"  
**Insert:** "department"

23. Page 4, lines 1 (in two places), 4, and 10.

**Strike:** "fictitious"  
**Insert:** "substitute"

24. Page 4, line 14.

**Strike:** "6"  
**Insert:** "7"

25. Page 4, line 21 through page 5, line 23.

**Strike:** section 7 in its entirety

**Insert:** "NEW SECTION. **Section 7. Implementation by state and local government agencies.** The department shall issue the participant a substitute address card containing the participant's name, substitute address, and other information that the department determines appropriate. Any state or local government agency that needs or requires the participant's address shall accept and use the address on the card. The agency may make and file a photocopy of the card."

**Renumber:** subsequent section

26. Page 5, line 25.

**Strike:** "6"  
**Insert:** "7"

27. Page 5, line 27.

**Strike:** "6"  
**Insert:** "7"

And, as amended, do pass. Report adopted.

**HB 349**, introduced bill, be amended as follows:

1. Page 1, line 21.

**Strike:** "in jail"

2. Page 1, line 24.

**Strike:** "an"  
**Insert:** "a good faith"

3. Page 1, line 24 through line 25.

**Strike:** "arising" on line 24 through "chapter" on line 25  
**Insert:** "under this section"

4. Page 2, line 8.

**Strike:** "an"

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**Insert:** "a good faith"

5. Page 2, line 8 through line 9.

**Strike:** "arising" on line 8 through "chapter" on line 9

**Insert:** "under this section"

And, as amended, do pass. Report adopted.

**HB 356**, introduced bill, be amended as follows:

1. Page 1, line 30.

**Strike:** "notarized" in two places

**Insert:** "acknowledged" in two places

2. Page 2, line 1.

**Following:** "information."

**Insert:** "Upon request of the applicant, the applicant must be given a copy of the released information."

3. Page 2, line 9 through line 10.

**Strike:** "employer" on line 9 through "45-2-101" on line 10

**Insert:** "information was false and the employer either knew that the information was false or disclosed the information with reckless disregard for whether or not the information was false"

And, as amended, do pass. Report adopted.

**HB 356**, introduced bill, be amended as follows:

1. Page 1, line 30.

**Strike:** "notarized" in two places

**Insert:** "acknowledged" in two places

2. Page 2, line 1.

**Following:** "information."

**Insert:** "Upon request of the applicant, the applicant must be given a copy of the released information."

3. Page 2, line 9 through line 10.

**Strike:** "employer" on line 9 through "45-2-101" on line 10

**Insert:** "information was false and the employer either knew that the information was false or disclosed the information with reckless disregard for whether or not the information was false"

And, as amended, do pass. Report adopted.

**HB 363**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Strike:** "i"

2. Page 1, line 15.

**Strike:** "(a)"

**Following:** "officer"

**Insert:** ", "

**Strike:** the first "or"

**Insert:** "a"

**Following:** "facility"

**Insert:** ", or a health care provider, as defined in 50-4-504, including a health care provider performing emergency services, while the health care provider is acting in the course and scope of the health care provider's profession and occupation"

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3. Page 1, line 16.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

4. Page 1, line 17.

**Following:** "prison"

**Insert:** ", "

**Strike:** "or"

5. Page 1, line 18.

**Following:** "facility"

**Insert:** ", or a health care facility"

6. Page 1, line 21.

**Following:** "correctional facility,"

**Insert:** "health care facility,"

7. Page 1, line 21 through line 24.

**Strike:** "; or" on line 21 through "occupation" on line 24

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Noennig, Chairman):

2/4/2005

**HB 73**, do pass. Report adopted.

**HB 105**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "PROVIDING FOR"

**Insert:** "ALLOWING"

2. Title, line 5.

**Following:** "DUTY"

**Insert:** "; AND PROVIDING FOR ASSIGNMENT TO LIGHT DUTY OR ANOTHER DEPARTMENT OR AGENCY"

3. Page 1, line 12.

**Strike:** "must"

**Insert:** "may"

4. Page 1, line 18.

**Following:** line 17

**Insert:** "NEW SECTION. Section 2. Assignment to light duty or other agency. (1) Whenever, in the opinion of the county and supported by a health care provider's opinion, the deputy sheriff is able to perform specified types of light duty, payment of the officer's partial salary amount under [section 1] must be discontinued if the deputy sheriff refuses to perform light duty when it is available and offered to the deputy sheriff. Light duty must be consistent with the type of duties assigned to a deputy sheriff.

(2) With the deputy sheriff's consent, the deputy sheriff may be transferred to another department or agency within the county."

**Renumber:** subsequent section

5. Page 1, line 19.

**Strike:** "Section"

**Insert:** "Sections"

**Following:** "1"

**Insert:** "and 2"

**Strike:** "is"

**Insert:** "are"

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6. Page 1, line 20.

**Strike:** "section"

**Insert:** "sections"

**Following:** "1"

**Insert:** "and 2"

And, as amended, do pass. Report adopted.

**HB 230**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "APPROVAL;"

**Strike:** remainder of line 6 through "WHEN" on line 7

**Insert:** "PROVIDING FOR CERTIFICATION THAT"

2. Title, line 8.

**Strike:** "ARE AVAILABLE OR"

3. Page 2, line 1.

**Following:** "within"

**Strike:** remainder of line 1

**Insert:** "the"

4. Page 2, line 2.

**Following:** "time"

**Strike:** remainder of line 2 through "body"

**Insert:** "provided in 76-3-507"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/5/2005

**SB 151**, introduced by Weinberg

**SB 162**, introduced by Mangan

**SB 197**, introduced by Gebhardt

**SB 236**, introduced by Lind

**SB 244**, introduced by Squires

**SB 248**, introduced by Joe Balyeat

**SB 254**, introduced by Gebhardt

**SB 240**, introduced by Cooney, 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:

2/4/2005

Yeas - 44

Nays - 6

**FIRST READING AND COMMITMENT OF BILLS**

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

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**HB 543**, introduced by Morgan, Maedje, referred to Transportation.  
**HB 544**, introduced by Wiseman, referred to Fish, Wildlife and Parks.  
**HB 545**, introduced by Maedje, referred to Natural Resources.  
**HB 546**, introduced by Maedje, referred to Natural Resources.  
**HB 547**, introduced by Lenhart, Gallik, Musgrove, referred to Agriculture.  
**HB 548**, introduced by Gallik, Wanzenried, Jopek, referred to Appropriations.  
**HB 549**, introduced by Gallik, referred to Business and Labor.  
**HB 550**, introduced by Windy Boy, Wanzenried, Small-Eastman, referred to Appropriations.  
**HB 551**, introduced by Branae, Driscoll, Eaton, Moss, Lindeen, Becker, Gillan, Grinde, referred to Taxation.  
**HB 552**, introduced by Caferro, Henry, A. Olson, referred to Human Services.  
**HB 553**, introduced by Barrett, referred to Fish, Wildlife and Parks.  
**HB 554**, introduced by L. Jones, Ripley, Lambert, Barrett, Black, Everett, Heinert, Ross, Witt, Maedje, Hendrick, Stahl, referred to Taxation.  
**HB 555**, introduced by Caferro, Henry, B. Olson, Roberts, referred to Human Services.  
**HB 556**, introduced by Noonan, referred to Human Services.

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

**SB 240**, introduced by Cooney, referred to Appropriations.

**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 Golie in the chair.

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

**HB 447** - Representative Gallik moved **HB 447** do pass.

**HB 447** - Representative Gallik moved **HB 447**, second reading copy, be amended as follows:

1. Page 6, line 10.

**Strike:** "59,131"

**Insert:** "59,474"

2. Page 7, line 1.

**Strike:** "26,619"

**Insert:** "31,762"

3. Page 7, line 3.

**Strike:** "28,874"

**Insert:** "26,874"

4. Page 7, line 14.

**Strike:** "93,791"

**Insert:** "93,793"

5. Page 7, line 20.

**Strike:** "16,839"

**Insert:** "16,389"

6. Page 7, line 30.

**Strike:** "30,912"

**Insert:** "30,910"

7. Page 9, line 27.

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**Strike:** "25,598"  
**Insert:** "23,565"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, 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, 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: Butcher, Everett, Hawk, Sales.  
Total 4

Voted Absentee: Bixby, Driscoll, Galvin-Halcro, Ayes.

Excused: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

**HB 447** - Representative D. Brown moved **HB 447**, second reading copy, be amended. Amendment **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 49

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 51

Voted Absentee: Balyeat, Aye; Driscoll, Galvin-Halcro, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 447** - Representative D. Brown moved **HB 447**, second reading copy, be further amended. Amendment failed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Peterson, Rice,

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Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 48

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

Total 52

Voted Absentee: Balyeat, Aye; Driscoll, Galvin-Halcro, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 447** - Representative Gallik moved **HB 447**, as amended, do pass. Motion carried as follows:

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

Total 82

Noes: D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, Koopman, Lake, Malcolm, Rice, Roberts, Sales, Sinrud, Sonju, Stahl, Waitschies, Wells, Witt.

Total 18

Voted Absentee: Balyeat, Driscoll, Galvin-Halcro, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 35** - Representative Jent moved **HB 35** do pass. Motion carried as follows:

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

Total 84

Noes: R. Brown, Butcher, Everett, Jayne, Juneau, Koopman, McGillvray, McKenney, Mendenhall, Morgan, Rice, Sales, Sinrud, Stahl, Wells, Witt.

Total 16

Voted Absentee: Balyeat, Driscoll, Galvin-Halcro, Wilson, Ayes.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, 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, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Windy Boy, Wiseman, Mr. Speaker.  
Total 77

Noes: Barrett, Butcher, Everett, Heinert, Koopman, Maedje, Mendenhall, Morgan, Rice, Sales, Sinrud, Sonju, Stahl, Wagman, Wells, Witt.  
Total 16

Excused: Balyeat, Driscoll, Galvin-Halcro.  
Total 3

Absent or not voting: Glaser, Golie, Wilson, Windham.  
Total 4

**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 227** passed as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, 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, Mr. Speaker.  
Total 93

Noes: None.  
Total 0

Excused: Balyeat, Bixby, Driscoll, Galvin-Halcro.  
Total 4

Absent or not voting: Andersen, Jopek, Witt.  
Total 3

**HB 262** passed as follows:



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Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, 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, 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, Mr. Speaker.

Total 93

Noes: Jayne.

Total 1

Excused: Balyeat, Bixby, Driscoll, Galvin-Halcro.

Total 4

Absent or not voting: Himmelberger, Witt.

Total 2

**HB 377** passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 81

Noes: R. Brown, Everett, Hawk, Heinert, Jayne, Koopman, McNutt, Milburn, Rice, Sales, Sinrud, Waitschies, Wanzenried, Wells.

Total 14

Excused: Balyeat, Bixby, Driscoll, Galvin-Halcro.

Total 4

Absent or not voting: Witt.

Total 1

**MOTIONS**

Dem. Floor Leader Parker moved that HB 35 be re-referred to the Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 529 be re-referred from the Taxation Committee to the Human Services Committee. Without objection, so ordered.

Dem. Leader Wanzenried moved to suspend the rules and place HB 447 on 3rd Reading on Saturday, February 5, 2005. Motion carried.

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 77

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Noes: Andersen, Butcher, Everett, Hawk, Koopman, Lake, Mendenhall, Morgan, Rice, Ripley, Roberts, Sales, Sinrud, Stahl, Taylor, Wells, Witt.  
Total 17

Excused: Balyeat, Driscoll, Galvin-Halcro.  
Total 3

Absent or not voting: Caferro, Harris, Malcolm.  
Total 3

**SPECIAL ORDERS OF THE DAY**

Consent Calendar: HB 220, HB 371, HB 411. There being no questions, these bills will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, February 5, 2005. Motion carried.

House adjourned at 2:58 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House