

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

**HOUSE JOURNAL**  
**59TH LEGISLATURE**  
**TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 5, 2005

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Noonan. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Entertainment was provided by the Trinitas Choir from the College of Great Falls

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Barrett, Chairman): 2/5/2005  
Correctly printed: **HB 73, HB 281, HB 425, HB 441.**  
Correctly engrossed: **HB 24, HB 25, HB 26, HB 105, HB 156, HB 203, HB 230, HB 245, HB 249, HB 285, HB 344, HB 349, HB 356, HB 363, HB 401, HB 409, HB 447, HB 457.**

**FISH, WILDLIFE AND PARKS** (Golie, Chairman): 2/5/2005  
**HB 337**, introduced bill, be amended as follows:

1. Title, line 6.  
**Following:** "OF MONTANA"  
**Insert:** "OR ITS AFFILIATES"  
**Following:** "STATE UNIVERSITY"  
**Insert:** "OR ITS AFFILIATES"

2. Page 1, line 16.  
**Following:** "of Montana"  
**Insert:** "or its affiliates"  
**Following:** "state university"  
**Insert:** "or its affiliates"

And, as amended, do pass. Report adopted.

**HB 390**, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman): 2/5/2005  
**HB 243**, introduced bill, be amended as follows:

1. Title, page 1, line 8.  
**Strike:** "CONVICTION"  
**Insert:** "A PLEA OR VERDICT OF GUILTY"

2. Title, page 1, line 9.  
**Strike:** "IMMEDIATE"

3. Page 2, line 9.  
**Strike:** "on passage and approval"

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

**Insert:** "July 1, 2005"

And, as amended, do pass. Report adopted.

**HB 307**, introduced bill, be amended as follows:

1. Page 1, line 17.

**Strike:** "known to be"

**Insert:** "that the person knows are"

2. Page 1, line 19.

**Following:** "proceeds"

**Insert:** "that the person knows are"

3. Page 1, line 23 through line 24.

**Strike:** "imprisoned" on line 23 through "years" on line 24

**Insert:** "fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both. If the money laundering is part of a common scheme or if the value of the proceeds or item of value exceeds \$1,000, the person shall be fined not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 20 years, or both"

4. Page 1, line 27.

**Following:** "money,"

**Insert:** "including digital currency, and"

5. Page 2, line 4.

**Insert:** "(4) For purposes of this section, "digital currency" means money represented by digital information that is stored, spent, and transferred electronically by a person as part of a financial transaction."

And, as amended, do pass. Report adopted.

**HB 367**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/5/2005

**SB 170**, introduced by Mangan

**SB 196**, introduced by Wheat

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 557**, introduced by Butcher, referred to Business and Labor.

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

**HB 558**, introduced by Himmelberger, referred to State Administration.  
**HB 559**, introduced by Lake, referred to Business and Labor.  
**HB 560**, introduced by Clark, referred to Fish, Wildlife and Parks.  
**HB 561**, introduced by Jayne, Windy Boy, Facey, Groesbeck, Toole, Campbell, Gillan, Raser, Kaufmann, Gallus, Weinberg, Windham, Small-Eastman, Caferro, Jopek, Roush, Wanzenried, Williams, Gutsche, Ellingson, Dowell, referred to Judiciary.  
**HB 562**, introduced by Franklin, referred to Judiciary.  
**HB 563**, introduced by Dowell, Elliott, Clark, Wanzenried, Jent, Wheat, Jacobson, Roberts, Raser, Juneau, Wilson, Jopek, Tester, Groesbeck, Campbell, referred to Business and Labor.  
**HB 564**, introduced by Witt, referred to Fish, Wildlife and Parks.  
**HB 565**, introduced by Cohenour, Campbell, Franklin, Hamilton, Jacobson, Clark, Groesbeck, Parker, Henry, Wiseman, Golie, McAlpin, Becker, Eaton, Wilson, Branae, Small-Eastman, Villa, Harris, Gallik, Stahl, referred to Business and Labor.  
**HB 566**, introduced by Cohenour, referred to Transportation.  
**HB 567**, introduced by Windham, Clark, Wiseman, Becker, Driscoll, Harris, Parker, Noonan, Dowell, Taylor, referred to Business and Labor.  
**HB 568**, introduced by Jackson, referred to Natural Resources.  
**HB 569**, introduced by McNutt, Ripley, Black, Branae, Gillan, referred to Taxation.  
**HB 570**, introduced by Kaufmann, referred to State Administration.  
**HB 571**, introduced by Wagman, Koopman, Hawk, Lange, Himmelberger, Barrett, A. Olson, Butcher, R. Brown, Warden, Klock, L. Jones, Lambert, Ward, Sonju, Morgan, Malcolm, Taylor, Sinrud, Everett, Andersen, McGillvray, Mendenhall, Milburn, referred to Taxation.  
**HB 572**, introduced by Sales, referred to Taxation.  
**HB 573**, introduced by Dowell, Jopek, Wanzenried, Windham, referred to Agriculture.  
**HB 574**, introduced by Branae, referred to Education.

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

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

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

**HB 57** - Representative Harris moved **HB 57** do pass.

**HB 57** - Representative Maedje moved **HB 57**, second reading copy, be amended as follows:

1. Page 10, line 30.

**Following:** "section."

**Insert:** "This subsection does not apply to an order to pay private response costs."

2. Page 21, line 6.

**Strike:** "and private response costs"

3. Page 21, line 7 through line 8.

**Strike:** "and private" on line 7 through "response costs" on line 8

**Following:** "department" on line 8

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

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,

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

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

Total 100

Noes: None.

Total 0

Voted Absentee: Furey, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 57** - Representative Lange moved for cloture. 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, 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, 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, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 95

Noes: R. Brown, Butcher, W. Jones, Maedje, Stahl.

Total 5

Voted Absentee: Furey, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 57** - Representative Harris moved **HB 57**, as amended, do pass. Motion carried as follows:

Ayes: Arntzen, 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, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 58

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 42

Voted Absentee: Furey, Aye.

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 46** - Representative Parker moved **HB 46** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, D. Brown, R. Brown, Buzzas, 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, Keane, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 82

Noes: Balyeat, Barrett, Bixby, Butcher, Caferro, Jayne, Juneau, Kaufmann, Klock, Lambert, Maedje, Mendenhall, Rice, Ripley, Sales, Stahl, Taylor, Witt.  
Total 18

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 253** - Representative Harris moved **HB 253** do pass. Motion carried as follows:

Ayes: 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, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Sonju, Villa, Wanzenried, Ward, Windham, Wiseman, Mr. Speaker.  
Total 53

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Wilson, Windy Boy, Witt.  
Total 46

Voted Absentee: Furey, Aye.

Excused: None.  
Total 0

Absent or not voting: Small-Eastman.  
Total 1

**HB 92** - Representative B. Olson moved **HB 92** do pass. Motion carried as follows:

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, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Waitschies, Wanzenried, Wilson, Windy Boy, Mr. Speaker.

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

Total 50

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

Total 49

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: Balyeat.

Total 1

**HB 98** - Representative Lange moved **HB 98** do pass.

**HB 98** - Representative Maedje moved **HB 98**, second reading copy, be amended.

Amendment **not** adopted as follows:

Ayes: Arntzen, Balyeat, Barrett, Bergren, Bixby, Butcher, Caferro, Campbell, Driscoll, Everett, Furey, Gallik, Glaser, Golie, Groesbeck, Hamilton, Heinert, Jayne, L. Jones, Jopek, Juneau, Keane, Klock, Koopman, Lambert, Lindeen, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Noonan, A. Olson, Rice, Ripley, Small-Eastman, Stahl, Taylor, Windy Boy, Witt, Mr. Speaker.

Total 41

Noes: Andersen, Becker, Branae, D. Brown, R. Brown, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Galvin-Halcro, Grinde, Gutsche, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Kaufmann, Lake, Lange, Lenhart, MacLaren, McAlpin, McGillvray, Milburn, Morgan, Musgrove, Noennig, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman.

Total 59

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 98** - Representative Lange moved **HB 98**, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Branae, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Klock, Koopman, Lake, Lange, Lenhart, MacLaren, McAlpin, McGillvray, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman.

Total 67

Noes: Balyeat, Barrett, Bergren, Bixby, D. Brown, Caferro, Campbell, Driscoll, Golie, Groesbeck, Hiner, Jayne, Jopek, Juneau, Kaufmann, Keane, Lambert, Lindeen, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Musgrove, Noonan, Peterson, Rice, Ripley, Sesso, Stahl, Windy Boy, Witt, Mr. Speaker.

Total 33

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved consideration of **HB 99** be passed for the day. Motion carried.

**HB 104** - Representative Lenhart moved **HB 104** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, 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, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: Butcher, Everett, Hawk, Koopman, Maedje, Mendenhall, Rice, Sales, Sinrud, Taylor, Wells.  
Total 11

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 182** - Representative Roberts moved **HB 182** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, 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, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 89

Noes: R. Brown, Everett, Gallik, Koopman, Rice, Sales, Stahl, Taylor, Wells, Witt.  
Total 10

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: Maedje.  
Total 1

**HB 213** - Representative Gallik moved **HB 213** do pass. Motion carried as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan,

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

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, 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, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 90

Noes: Andersen, R. Brown, Everett, Koopman, Malcolm, Mendenhall, Sales, Sinrud, Taylor, Wells.  
Total 10

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 234** - Representative Lange moved **HB 234** 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, 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: W. Jones.  
Total 1

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 336** - Representative Lange moved **HB 336** 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, 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, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 93

Noes: Everett, Koopman, MacLaren, Rice, Sales, Wells, Witt.  
Total 7



HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 400** - Representative Keane moved **HB 400** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, 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, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 69

Noes: Balyeat, Barrett, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, W. Jones, Koopman, Lake, MacLaren, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Taylor, Wagman, Warden, Wells, Witt.  
Total 31

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 79** - Representative Golie moved **HB 79** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 63

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Maedje, McGillvray, McNutt, Mendenhall, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Wells, Witt.  
Total 37

Voted Absentee: Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 192** - Representative Waitschies moved **HB 192** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, Buzzas, Cohenour, Driscoll, Eaton, Facey, Furey, Gallik, Glaser, Grinde, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Jackson, Jacobson, Jent,

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

W. Jones, Jopek, Kaufmann, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Ross, Sonju, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Mr. Speaker.  
Total 60

Noes: Becker, Bixby, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Everett, Franklin, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hendrick, Hiner, Jayne, L. Jones, Juneau, Keane, Koopman, Lange, Maedje, Musgrove, Noonan, Peterson, Rice, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Villa, Warden, Wells, Windy Boy, Wiseman, Witt.  
Total 40

Voted Absentee: Furey, Aye; Bixby, Small-Eastman, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 197** - Representative Jayne moved **HB 197** 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, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, 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 90

Noes: Everett, Furey, Jent, Koopman, Malcolm, Mendenhall, Rice.  
Total 7

Voted Absentee: Bixby, Small-Eastman, Ayes; Furey, No.

Excused: None.  
Total 0

Absent or not voting: L. Jones, McAlpin, Noennig.  
Total 3

**HB 208** - Representative Kaufmann moved **HB 208** do pass. Motion carried as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, Malcolm, McAlpin, McKenney, McNutt, Musgrove, Noonan, Parker, Raser, Roberts, Sales, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 64

Noes: Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sinrud, Stahl, Taylor, Wagman, Waitschies, Witt.  
Total 36

Voted Absentee: Bixby, Furey, Small-Eastman, Ayes.

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Parker moved consideration of **HB 280** be passed for the day. Motion carried.

**HB 297** - Representative Wiseman moved **HB 297** 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, 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: Maedje.  
Total 1

Voted Absentee: Bixby, Furey, Small-Eastman, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 86

Noes: Butcher, Jayne, Keane, Maedje, Sales, Sinrud, Wells.  
Total 7

Excused: Bixby, Furey, Small-Eastman.  
Total 3

Absent or not voting: Himmelberger, L. Jones, McAlpin, Rice.  
Total 4

**THIRD READING OF BILLS**

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 447** passed 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, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 84

Noes: D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, Lake, Malcolm, Rice, Sales, Sinrud, Stahl, Taylor, Waitschies, Wells, Witt.  
Total 16

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 220** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 371** 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, 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, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 97

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

Noes: Gutsche, Jayne, Morgan.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 411** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Dem. Floor Leader Parker moved that HB 57 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 79 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 192 be re-referred to the House Appropriations Committee. Rep. Waitschies opposed the motion.

Motion failed as follows:

Ayes: Arntzen, Balyeat, Barrett, R. Brown, Butcher, Buzzas, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Jacobson, Jayne, L. Jones, Juneau, Kaufmann, Keane, Koopman, Lange, Maedje, McNutt, Musgrove, Noonan, Peterson, Rice, Ripley, Sales, Sesso, Sonju, Stahl, Taylor, Villa, Wagman, Wiseman, Witt.  
Total 36

Noes: Andersen, Becker, Bergren, Branae, D. Brown, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jent, W. Jones, Jopek, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sinrud, Stoker, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Mr. Speaker.  
Total 61

Excused: Bixby, Furey, Small-Eastman.

HOUSE JOURNAL  
TWENTY-NINTH LEGISLATIVE DAY - FEBRUARY 5, 2005

Total 3

Absent or not voting: None.  
Total 0

Dem. Floor Leader Parker moved that HB 336 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 471 be re-referred to the Select Committee on Education. Without objection, so ordered.

Rep. House Leader Brown moved that HB 208 be re-referred to the Natural Resource Committee. Rep. Kauffman objected.

Motion passed as follows:

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

Total 47

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

Total 46

Excused: Bixby, Furey, Small-Eastman.

Total 3

Absent or not voting: Everett, Harris, McAlpin, Sonju.

Total 4

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Monday, February 7, 2005. Motion carried.

House adjourned at 12:34 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House