

HOUSE JOURNAL  
THIRTY-FIRST LEGISLATIVE DAY - FEBRUARY 8, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
THIRTY-FIRST LEGISLATIVE DAY

Helena, Montana  
February 8, 2005

House Chambers  
State Capitol

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

Roll Call. All members present, except Representatives Malcolm, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 2/8/2005  
Correctly engrossed: **HB 22, HB 64, HB 324.**

**HUMAN SERVICES** (Becker, Chairman): 2/8/2005  
**HB 60**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "METHAMPHETAMINE;"

**Insert:** "PROVIDING FOR RULEMAKING AUTHORITY TO CHANGE THE STANDARD OR TO ADOPT SIMILAR STANDARDS FOR PRECURSORS TO METHAMPHETAMINE TO PROTECT HUMAN HEALTH;"

**Strike:** "PUBLIC HEALTH AND HUMAN SERVICES"

**Insert:** "ENVIRONMENTAL QUALITY"

2. Page 1, line 25.

**Strike:** "public" through "2-15-2201"

**Insert:** "environmental quality provided for in 2-15-3501"

3. Page 2, line 6.

**Following:** "standards"

**Insert:** "-- rulemaking authority"

4. Page 2, line 8.

**Following:** "material"

**Insert:** "unless a different standard is adopted by the department by rule to protect human health. The department may adopt standards by rule for precursors to methamphetamine that are consistent with the standard for methamphetamine"

5. Page 3, line 1.

**Following:** "property"

**Insert:** "-- immunity"

**Following:** "."

**Insert:** "(1)"

6. Page 3, line 6.

**Insert:** "(2) An owner or an owner's agent who provides the notification or who has submitted documentation to the department that the inhabitable property has been remediated to the standards established in [section 3] by a contractor who is certified in accordance with [section 4] is not liable in any action based on the presence of methamphetamine in an inhabitable property."

7. Page 3, line 12.

**Strike:** "upon request"

**Insert:** "through a website"

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8. Page 3, line 19.

**Insert:** "(4) Notwithstanding any other provision of law, once an inhabitable property has been removed from the list required in subsection (2), a property owner, landlord, or real estate agent is not required to report or otherwise disclose the past contamination."

And, as amended, do pass. Report adopted.

**HB 452**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "ENSURE"

**Insert:** "REQUEST A WAIVER OF FEDERAL MEDICAID LAW SO"

2. Title, line 10.

**Strike:** "FULL REIMBURSEMENT"

**Insert:** "FEDERAL FINANCIAL PARTICIPATION"

3. Page 1, line 20.

**Following:** "1."

**Strike:** "Department" through "protect"

**Insert:** "Protection of"

4. Page 1, line 21.

**Strike:** "full reimbursement"

**Insert:** "federal financial participation"

5. Page 1, line 22.

**Following:** "program"

**Strike:** "-- field" through "services"

**Insert:** "and medicaid"

6. Page 1, line 22 through line 26.

**Following:** "(1)"

**Strike:** remainder of line 22 through "law." on line 26

**Insert:** "The department shall seek exemptions under federal medicaid law or regulations to protect Indian health services and tribal facilities from changes in eligibility categories, covered services, and reimbursement levels under the medicaid program that could potentially result in a direct shift of costs from the 100% federal medicaid matching available under medicaid to either Indian health services or tribally sponsored health care services."

7. Page 1, line 27.

**Strike:** ", at the request of a tribe"

**Insert:** "work with tribes"

8. Page 1, line 28.

**Strike:** "with the support of a tribe in Montana,"

**Insert:** "to"

9. Page 2, line 3 and line 4.

**Following:** "program"

**Strike:** remainder of line 3 through "cost-sharing" on line 4

**Insert:** "to leverage 100% federal financial participation for health care services to Indian children"

10. Page 2, line 6.

**Following:** "services"

**Strike:** "for"

**Insert:** "provided by and referred from an"

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**Strike:** "service-eligible Indians"  
**Insert:** "service"

11. Page 2, line 7.  
**Following:** "100%"  
**Insert:** "federal financial participation match under"  
**Strike:** "reimbursement rate"

12. Page 2, line 11.  
**Strike:** "Field reviews"  
**Insert:** "Reviews"

13. Page 3, line 5.  
**Strike:** "chapter 2, part 2" in both places  
**Insert:** "chapter 6, part 1" in both places

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Peterson, Chairman):  
**HB 361**, introduced bill, be amended as follows:

2/8/2005

1. Page 2, line 11.  
**Following:** "mine."  
**Insert:** "For the purposes of this subsection, an existing private road may be classified as affected land only with the landowner's consent."

2. Page 11, line 13.  
**Following:** "completed"  
**Insert:** "some or"

3. Page 11, line 14.  
**Following:** "any"  
**Strike:** "a portion of the"  
**Insert:** "any"  
**Following:** "requirements."  
**Insert:** "If an operator includes this notification and a request for full or partial bond release in an annual report required under [section 1] that is filed by any deadline established by the board for filing annual reports, the department shall grant or deny the request within 8 months of the deadline for filing the annual report. Any denial must cite the specific obligation under this part not met by the operator."

And, as amended, do pass. Report adopted.

**HJR 10**, be adopted. Report adopted.

**TAXATION** (Waitschies, Chairman):  
**HB 439**, introduced bill, be amended as follows:

2/8/2005

1. Title, page 1, line 5.  
**Strike:** "DEDUCTION OR"

2. Page 1, line 25.  
**Strike:** "deduction or"

And, as amended, do pass. Report adopted.

**TRANSPORTATION** (Mendenhall, Chairman):  
**HB 451**, introduced bill, be amended as follows:

2/8/2005

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1. Title, line 5 through line 6.

**Following:** "CONSTRUCTION"

**Strike:** ", RECONSTRUCTION" on line 5 through "IMPROVEMENTS" on line 6

**Insert:** "AND CONSTRUCTION ENGINEERING PHASES OF PROJECTS ON THE URBAN HIGHWAY SYSTEM"

2. Title, line 9.

**Strike:** "AN IMMEDIATE"

**Insert:** "A DELAYED"

3. Page 1, line 27.

**Strike:** "town,"

4. Page 1, lines 28 and 29.

**Strike:** ", reconstruction" on line 28 through "improvements" on line 29

**Insert:** "and construction engineering phases of projects on the urban highway system"

5. Page 2, line 12.

**Strike:** "must be payable solely"

**Insert:** "are payable"

6. Page 2, line 13.

**Strike:** "from the federal highway administration"

7. Page 2, line 14.

**Following:** "improvements"

**Insert:** "or for improvements conducted as provided in 15-70-101(2)"

8. Page 2, lines 17 and 18.

**Strike:** "from the federal highway administration"

9. Page 2, line 30.

**Strike:** "town,"

10. Page 3, line 4.

**Strike:** "town,"

11. Page 3, lines 23 and 24.

**Strike:** "town," in both places

12. Page 3, line 29.

**Strike:** "17, chapter 5," in both places

**Insert:** "7, chapter 7," in both places

13. Page 4, line 1.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2006"

And, as amended, do pass. Report adopted.

**HB 475**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "ALLOWING A COUNTY GOVERNING BODY TO IMPOSE"

**Insert:** "REQUIRING A COUNTY TREASURER TO COLLECT"

2. Title, line 6.

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**Following:** "FUND;"  
**Strike:** "AND"  
**Following:** "MCA"  
**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2, lines 19 through 22.

**Strike:** subsection (3)(a) in its entirety

**Insert:** "(3)(a) The county treasurer shall collect a surcharge of 10% of the appropriate fee required in subsection (1) in addition to the fee required in subsection (1) and all other taxes and fees required for motor homes under this chapter."

4. Page 2.

**Following:** line 23

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

And, as amended, do pass. Report adopted.

**HB 475**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "ALLOWING A COUNTY GOVERNING BODY TO IMPOSE"

**Insert:** "REQUIRING A COUNTY TREASURER TO COLLECT"

2. Title, line 6.

**Following:** "FUND;"

**Strike:** "AND"

**Following:** "MCA"

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

3. Page 2, lines 19 through 22.

**Strike:** subsection (3)(a) in its entirety

**Insert:** "(3)(a) The county treasurer shall collect a surcharge of 10% of the appropriate fee required in subsection (1) in addition to the fee required in subsection (1) and all other taxes and fees required for motor homes under this chapter."

4. Page 2.

**Following:** line 23

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

And, as amended, do pass. Report adopted.

**HB 478**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "LICENSE"

**Insert:** ", "

**Strike:** "OR"

**Insert:** "COMMERCIAL DRIVER'S LICENSE,"

**Following:** "PERMIT"

**Insert:** ", OR STATE IDENTIFICATION CARD"

2. Title, line 8.

**Strike:** "TRANSPORTATION"

**Insert:** "JUSTICE"

3. Page 2, line 17.

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**Following:** "individual"

**Insert:** "who is under 26 years of age but at least 15 years of age who is"

4. Page 2, line 19.

**Following:** "permit"

**Insert:** ", "

**Strike:** "or"

**Strike:** "except a"

**Following:** "commercial driver's license"

**Insert:** ", or state identification card. If under 18 years of age but at least 15 years of age, an individual must be provided an opportunity to be registered by the selective service system upon attaining 18 years of age."

And, as amended, do pass. Report adopted.

**HJR 12**, introduced joint resolution, be amended as follows:

1. Page 1.

**Following:** line 21

**Insert:** "WHEREAS, commercial motor vehicles contribute to the state's economy and the operation of commercial motor vehicles should be considered when roundabouts are designed; and"

2. Page 1, line 22.

**Following:** "constructing"

**Insert:** "properly designed"

And, as amended, be adopted. Report adopted.

**MESSAGES FROM THE SENATE**

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

2/8/2005

**SB 206**, introduced by Lewis

**SB 231**, introduced by Laslovich

**SB 235**, introduced by Mangan

**SB 260**, introduced by Perry

**SB 277**, introduced by Steinbeisser

**SB 314**, introduced by Larson

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 590**, introduced by Buzzas, referred to State Administration.

**HB 591**, introduced by Jopek, Dowell, Weinberg, referred to Business and Labor.

**HB 592**, introduced by Waitschies, referred to Taxation.

**HB 593**, introduced by Koopman, R. Brown, Lange, Wells, Sinrud, Mendenhall, McGillvray, Warden, Wagman, Stahl, Butcher, referred to State Administration.

**HB 594**, introduced by Koopman, Mendenhall, Ripley, Butcher, Sinrud, Lange, Stahl, Warden, Wagman, Barrett, McGillvray, Ward, R. Brown, Wells, referred to Local Government.

**HB 595**, introduced by Juneau, referred to State Administration.

**HB 596**, introduced by Koopman, referred to Judiciary.

**HB 597**, introduced by A. Olson, referred to Fish, Wildlife and Parks.

**HB 598**, introduced by Gallik, Matthews, Lenhart, referred to Judiciary.

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**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 MacLaren in the chair.

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

**HB 105** - Representative Parker moved **HB 105** do pass.

**HB 105** - Representative Parker moved **HB 105**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "ALLOWING"

**Insert:** "PROVIDING FOR"

2. Page 1, line 13.

**Strike:** "MAY"

**Insert:** "must"

Amendment adopted 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, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lange, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noonan, A. Olson, Parker, Raser, Roberts, Ross, Sesso, Small-Eastman, Stoker, Villa, Wagman, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 67

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, L. Jones, Koopman, Lambert, MacLaren, Maedje, Malcolm, McGillvray, Mendenhall, Morgan, Noennig, B. Olson, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Taylor, Waitschies, Warden, Wells, Witt.

Total 33

Voted Absentee: Malcolm, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 105** - Representative Parker moved **HB 105**, 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, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lange, Lenhart, Lindeen, McAlpin, McKenney, Milburn, Musgrove, Noonan, A. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Wagman, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 63

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, Jayne, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McGillvray, McNutt, Mendenhall, Morgan, Noennig, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Waitschies, Wells, Witt.

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Total 37

Voted Absentee: Malcolm, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 295** - Representative Galvin-Halcro moved **HB 295** do pass.

**HB 295** - Representative Morgan moved **HB 295**, second reading copy, be amended as follows:

1. Page 1, line 22.  
**Strike:** "\$5"  
**Insert:** "\$2.25"

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, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt.  
Total 96

Noes: Juneau.  
Total 1

Excused: Malcolm.  
Total 1

Absent or not voting: Wilson, Mr. Speaker.  
Total 2

**HB 295** - Representative Galvin-Halcro moved **HB 295**, as amended, do pass. Motion carried as follows:

Ayes: 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, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lenhart, Lindeen, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 68

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, McGillvray, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Taylor, Wagman, Waitschies, Ward, Wells, Witt.  
Total 32

Voted Absentee: Malcolm, No.

Excused: None.



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Total 0

Absent or not voting: None.

Total 0

**HB 298** - Representative Clark moved **HB 298** do pass. Motion carried as follows:

Ayes: 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, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, McNutt, Mendenhall, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 55

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

Total 44

Voted Absentee: Malcolm, No.

Excused: None.

Total 0

Absent or not voting: Becker.

Total 1

**HB 26** - Representative Golie moved **HB 26** do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Becker, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, 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, Mendenhall, Milburn, Morgan, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, 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 91

Noes: Andersen, Balyeat, Gallik, Groesbeck, Jayne, Noennig, Rice, Ripley.

Total 8

Voted Absentee: Malcolm, Aye.

Excused: None.

Total 0

Absent or not voting: Bergren.

Total 1

**HB 457** - Representative Noennig moved **HB 457** 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, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Himmelberger, 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,

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Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 89

Noes: R. Brown, Butcher, Everett, Franklin, Golie, Henry, Hiner, Jackson, Sales, Sinrud, Warden.  
Total 11

Voted Absentee: Furey, Malcolm, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 301** - Representative Galvin-Halcro moved **HB 301** 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, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 94

Noes: Everett, Heinert, Koopman, Sinrud, Stahl, Ward.  
Total 6

Voted Absentee: Furey, Malcolm, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 347** - Representative Gutsche moved **HB 347** 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, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Stoker, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 64

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Hendrick, Himmelberger, Jackson, L. Jones, Koopman, Lake, Lambert, Lange, Maedje, Malcolm, McKenney, Mendenhall, Milburn, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 36

Voted Absentee: Furey, Aye; Malcolm, No.

Excused: None.  
Total 0

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Absent or not voting: None.  
Total 0

**HB 396** - Representative Becker moved **HB 396** do pass.

**HB 396** - Representative Becker moved **HB 396**, second reading copy, be amended as follows:

1. Page 3, line 9.  
**Strike:** "MAY NOT"  
**Insert:** "shall"

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, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, 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

Voted Absentee: Furey, Aye.

Excused: Malcolm.  
Total 1

Absent or not voting: None.  
Total 0

**HB 396** - Representative Becker moved **HB 396**, 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, 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 99

Noes: Jayne.  
Total 1

Voted Absentee: Furey, Malcolm, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 409** - Representative Golie moved **HB 409** 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, 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, Witt, Mr. Speaker.

Total 98

Noes: Koopman, Wiseman.

Total 2

Voted Absentee: Furey, Malcolm, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 348** - Representative Buzzas moved **HB 348** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, 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, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Taylor, Villa, Waitschies, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 78

Noes: Barrett, R. Brown, Butcher, Hawk, Himmelberger, Jayne, Koopman, Lambert, Lange, Malcolm, Rice, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Ward, Warden, Witt.

Total 21

Voted Absentee: Furey, Aye; Malcolm, No.

Excused: None.

Total 0

Absent or not voting: Wanzenried.

Total 1

**HB 203** - Representative Roberts moved **HB 203** do pass.

**HB 203** - Representative Matthews moved **HB 203**, second reading copy, be amended as follows:

1. Page 19, line 4.

**Following:** "supervision of"

**Insert:** "a dentist licensed in Montana or"

Amendment adopted as follows:

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Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, 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, 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 95

Noes: None.  
Total 0

Excused: Furey, Malcolm.  
Total 2

Absent or not voting: Butcher, Grinde, Lange.  
Total 3

**HB 203** - Representative Franklin moved **HB 203**, second reading copy, be amended as follows:

1. Page 7, line 7.  
**Following:** "physician"  
**Insert:** "under the conditions and limitations defined by law"

Amendment adopted 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, 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, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 91

Noes: R. Brown, Butcher, Koopman, Sales, Stahl, Witt.  
Total 6

Excused: Furey, Malcolm.  
Total 2

Absent or not voting: Wanzenried.  
Total 1

**HB 203** - Representative Roberts moved **HB 203**, second reading copy, be amended as follows:

1. Page 34, line 19 through line 20.  
**Following:** "a degree"  
**Strike:** "that" on line 19 through "credit hours of" on line 20  
**Insert:** "with"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher,

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Total 96

Noes: Stahl.

Total 1

Excused: Furey, Malcolm.

Total 2

Absent or not voting: L. Jones.

Total 1

**HB 203** - Representative Roberts moved **HB 203**, as amended, 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, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 86

Noes: R. Brown, Butcher, Everett, Gallik, Hawk, Himmelberger, Koopman, Rice, Sales, Sinrud, Sonju, Stahl, Ward, Wells.

Total 14

Voted Absentee: Furey, Malcolm, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 134** - Representative Golie moved **HB 134** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, 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, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. 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 93

Noes: Caferro, Everett, Jayne, Juneau, McGillvray, B. Olson, Stahl.

Total 7

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Voted Absentee: Furey, Malcolm, 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 MacLaren moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, 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, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 85

Noes: Jayne, Koopman, B. Olson, Sales, Sinrud, Stahl, Wagman, Waitschies, Wells.  
Total 9

Excused: Furey, Malcolm.  
Total 2

Absent or not voting: Butcher, Campbell, Himmelberger, MacLaren.  
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 24** passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, 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, 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, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.  
Total 93

Noes: Butcher, Jayne, Stahl.  
Total 3

Excused: Furey, Malcolm.  
Total 2

Absent or not voting: Sales, Windy Boy.

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Total 2

**HB 79** passed as follows:

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

Total 65

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

Total 33

Excused: Furey, Malcolm.

Total 2

Absent or not voting: None.

Total 0

**HB 208** passed as follows:

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

Total 60

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

Total 38

Excused: Furey, Malcolm.

Total 2

Absent or not voting: None.

Total 0

**MOTIONS**

Dem. Floor Leader Parker moved that HJR 19 be re-referred to the Business and Labor Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 588 be re-referred to the Business and Labor Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved that HB 134 be re-referred to the Appropriations Committee. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.



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Dem. Floor Leader Parker moved that the House adjourn until 12:30 p.m., Wednesday, February 9, 2005.  
Motion carried.

House adjourned at 3:05 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House