

HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY - FEBRUARY 11, 2005

**HOUSE JOURNAL
59TH LEGISLATURE
THIRTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 11, 2005

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair.

Roll Call. All members present, except Representatives Harris and Windy Boy, excused. Quorum present.

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

ANNOUNCEMENTS

Dem. Floor Leader Parker moved that the House be on Order of Business #11, Special Orders of the Day, for the purpose of receiving the State of Education address from State Superintendent of Public Instruction Linda McCullough. Motion carried.

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Clark notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Matthews requested Sergeant-at-Arms Clark to admit the Honorable Senate into the House chamber. Speaker Matthews introduced Senate President Tester and yielded the chair to him.

Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Senate Majority Leader Ellingson moved that the body resolve itself into a joint session for the purpose of receiving the State of Education address from State Superintendent Linda McCullough. Motion carried.

Senate Majority Leader Ellingson moved the President be authorized to appoint a committee of four to notify Superintendent McCullough that the body was in joint session and ready to receive her address. Motion carried.

President Tester appointed Sen. Ryan, Sen. Story, Rep. Raser, and Rep. Arntzen to escort Superintendent McCullough into the chamber.

The committee escorted Superintendent McCullough into the chambers.

Senate President Tester introduced State Superintendent McCullough to the joint session, and the State Superintendent gave the following address:

"Good afternoon. I'm so very pleased to be here with you today.

Thank you, President Tester, Speaker Matthews, Senator Keenan, Representative Wanzenried and Representative Brown for bringing us together to focus on Montana's children and their future.

I'd also like to recognize Governor Schweitzer and my other colleagues and friends in the Executive and Judicial branches of Montana government, as well as the Public Service Commissioners.

And a very special thank you to my husband, Bill, for being here with me and supporting my dedication to Montana's kids for another four years.

I begin my State of Education Address with sincere words of thanks for the thousands of dedicated teachers, administrators, school staff and trustees. You work tirelessly, helping Montana's children learn and prepare for successful lives. Simply put, you change lives.

One of those educators is Bud Williams, my Deputy Superintendent. Every day, Bud brings 30 years of

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experience, expertise and caring to the kids of Montana.

Would all educators, school staff or trustees in the audience, both on the floor and in the gallery, please stand so we may recognize you? From all of us here, and from all Montanans: Thank you!

I'd like to specifically thank the kids who are watching this address live using video streaming technology. One of those schools is Lockwood School in Billings. Please join me in greeting Mrs. Johnson and her students.

This 59th Legislative Session will be forever remembered as the session that 150 citizens defined an education system that will affect every single Montanan, their children and their grandchildren. It is an historic opportunity. An opportunity that constantly returns us to an event 33 years ago.

It was a defining moment in 1972 when the delegates to the Montana Constitutional Convention put aside partisanship, regional differences and personal agendas and focused on Montana's future. Today, when each of us takes the oath of office, we swear to uphold the document they created. Their task was daunting, but their achievement is resounding.

In the area of education, they agreed upon 15 powerful words: "The legislature shall provide a basic system of free quality public elementary and secondary schools."

It is up to you to make the most of the opportunity before you -- to make that constitutional statement a reality and have an impact on future generations.

This session is about "moving education forward in Montana." Lawsuits have been filed, hearings have been held, and the courts have ruled. That is past. Now the solution is back where it belongs, in your hands. Your task, like that of the delegates to the constitutional convention, is to focus on the future - on the quality of the schools your children, and their children, will attend.

Let me talk about what these 15 words in our Constitution means to me: Our country was built on the very dream of "wanting better for our children than we have ourselves." I am living my father's dream. I was the first in my father's family to graduate from high school. My father left school in the eighth grade to go to work and help feed his younger brothers and sisters. He wanted more for his children, and he knew education was the key to making that possible. My parents sacrificed much for us. Their goal was simple: they wanted us to have a better life than they had.

My story is not unique. Parents all across Montana know the meaning of a quality education. It is in the dreams they have for their children.

Now it is your chance to define a quality education that makes parents' dreams a reality for their children. It must be a definition that encompasses both the aspirations of those dreams and the tangible reality that makes those dreams achievable. A quality education must include standards set forth by the Board of Public Education. It must provide assessments to make sure our children are succeeding. It must address the needs of Montana's low-income children, at-risk youth, and special needs students, both challenged and gifted. It must reflect the needs of our American Indian students. It must allow us to recruit and retain high-quality teachers. It must allow us to provide kids with textbooks, library materials, and the technology they need to compete in a changing world. It must provide safe school buildings and buses. And finally, it must be a quality education that will continue to adapt as times change.

Educating Montana's children is a complex process in today's world. The definition you will come up with will undoubtedly be complex as well. But, the ideas are simple. It is about our future, our economy and our kids!

You also have an opportunity and an obligation to make up for 30 years of neglect to recognize another promise made in our Constitution; to recognize the distinct and unique cultural heritage of Montana's American Indians.

While American Indians make up about 6 percent of our total state population, American Indian students make up about 11 percent of our students in public schools. It is the only growing student population.

There is an alarming gap in the achievement levels of Indian and non-Indian students in Montana. Did you know that almost half of Montana's American Indian students do not graduate from high school? These factors affect

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the lives of students, their parents, their communities, and the economy of Montana. All students in Montana must achieve at the very highest level to which they are capable. Anything less is absolutely unacceptable!

Last fall, I hosted an Indian Education Summit that brought together 200 educators and leaders to help me find answers to reducing the achievement gap and to fully implement Indian Education for All Montanans.

All Montana students, and frankly, all of us, deserve the opportunity to understand the rich American Indian culture and history specific to Montana.

Thank you, Governor Schweitzer, for making available in your state budget the opportunity for my office to begin our significant work on Indian Education for All.

We want to do it right and respectfully, which is why the Montana Advisory Council on American Indian Education will be so vital to this effort.

As a teacher I wanted to do the right thing when teaching about Montana's Native people. But I was not always sure how to go about it. It is absolutely critical that all Montana teachers get the assistance they need to fully implement Indian Education for All. I am excited about bringing together educators and other experts to develop resources and hands-on materials to use in our classrooms.

I am thrilled to have this chance to finally make MCA 20-1-501 more than a paper promise!

What stands before us is an historic task to develop a funding system. We must venture into uncharted waters and understandably, there will be some trepidation. It is quite a task. Working together we will develop a funding system that works for all our students.

After more than a decade of inadequate funding, this process will not be completed overnight. It may not even be solved in one Legislative Session.

You must take the time you need to research solutions, design a funding system that provides a quality education, and takes into account taxpayers. These are important issues. Montana's future literally depends on them. My staff and I will work with you as long and as hard as it takes to make sure we get a system that is right for Montana's kids and for Montana's future.

Until a new funding system is developed and implemented, I offer you as a "Bridge to the Future" my three bills for funding options that our schools desperately need now:

1. House Bill 125, carried by Rep. Holly Raser, will be in committee later this afternoon. HB 125 increases the basic and per-student entitlement by \$350 per elementary student and \$200 per high school student. Also included in the calculation is the inflation adjustment as adopted by the 2003 Legislature. Thank you, Rep. Raser!

2. House Bill 111, carried by Rep. Gary Branae, creates a new funding mechanism that responds to Montana's decline in school enrollment. HB 111 recognizes that with the decrease of a few students in a school, the school still needs to provide third grade, fourth grade, and so on, and needs to offer music, PE, Library, and still needs to turn on the heat and lights, but now has significantly less funding. HB 111 provides school districts a \$1,000 per-educator entitlement based on the number of professional staff. The local school trustees decide how the funds best serve their students. Thank you, Rep. Branae!

3. House Bill 47 provides full-time funding for kindergarten students. This bill does not require schools to offer full-time kindergarten, nor does it require parents to enroll their child in full-time kindergarten. Children who are enrolled in full-time kindergarten programs demonstrate:

Greater progress in literacy, math and general learning skills,
Significant gains in social and emotional development,
Fewer student grade retentions and special education placements, which saves the state money,
Higher scores on achievement tests,
And, reduced behavioral problems.

HB 47, carried by Rep. Kathleen Galvin-Halcro, gives some of our most vulnerable kids a helping hand. This bill is all about kids and local control and parental choice. My thanks to you, Rep. Galvin-Halcro!

Recruiting and retaining high quality teachers in Montana is one of our most significant challenges. Central to this challenge is our beginning teacher's salaries that rank 50th in the nation - dead last -- and too many of our

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teachers lack health benefits. Unless we can find ways to help schools attract and keep high quality teachers, we will continue to see good teachers leave our state. Without question, quality teachers are at the core of a quality education.

A top priority of my administration is reading. As a longtime teacher and school librarian, I've seen how the demand for high levels of literacy has never been greater than it is today. The doors to school success, higher education and a good job will never open for many students, if we do not put a real focus on reading in our schools. We must ensure that our students' skills keep pace with society's demands of living in an information age that changes rapidly and is showing no signs of slowing down.

We know that if a student isn't reading at the 3rd grade level by the end of third grade, it is very difficult and very expensive to catch up. If they can't read, they can't do social studies or science or read math problems. Lack of reading skills is also a common reason for dropping out of school.

I began tackling this challenge four years ago by building reading partnerships and aggressively going after funding to support reading efforts in our classrooms.

Every summer teachers gather together for my READ Montana! Summit, affectionately known around the state as the "Summit on a Shoestring." We learn new techniques for teaching reading and explore how we want Montana's students to become successful readers.

So far, our office has competed for and received \$33 million in federal reading funds to target children in kindergarten through third grade. We've been able to put some concentrated programs in several schools across the state.

We've kicked off two efforts that partner reading and wellness. Our partnership with the Department of Public Health and Human Services, called the "The Reading Well 'n' Be Well, Read Well," provides a free book to all newly immunized kindergartners. We like to think that it takes the "sting out of immunizations." And "Food for the Mind," a partnership with MSU Team Nutrition and the Montana Reading Council, gives K-3 classrooms a book bag, filled with fun books on nutrition and physical activity, for students to take home and enjoy with their parents.

These efforts are beginning to make a difference in our schools. For example, Longfellow Elementary school in Great Falls, a recipient of our reading grants has seen a 16 point increase in fourth grade reading scores in the last three years. This is very significant progress. We will continue to build upon these successes.

Montanans have always placed a high value on education. Perhaps folks who value education the most are those who weren't in a position to take it for granted. You helped make the value of an education possible for many Montanans. Senate Bill 81, from last session, carried by Senator Cooney, enables me to award an honorary high school diploma to World War II, Korean War and Vietnam War veterans who did not receive a high school diploma because of military service.

One day these individuals were carrying textbooks, and the next day they were carrying weapons to protect our nation and preserve our freedom. After the war, many never returned to school, but began families and careers. They became role models and leaders in their communities.

Following the session in 2003, I hosted a graduation ceremony in the Capitol Rotunda for the first 16 veterans, some of whom had waited 60 years to receive their high school diploma.

There was not a dry eye in the audience as veterans walked proudly to the stage to receive their diploma. Mr. Knoll's personal thank you note told me of the 3,511 miles he and his wife journeyed from Southwest Missouri back to his home state of Montana to attend this graduation. Others traveled shorter distances, like the van carrying four veterans from the Columbia Falls Veterans Home and Mr. Little Dog from Browning whose proud granddaughter joined him to share his education moment. The stories go on and on and on.

Each and every one of the almost 300 honorary high school diplomas I have awarded to a veteran is associated with a personal and touching family story, a story that embodies the importance of public education and our dreams. Thank you for making possible the education dreams of these veterans and their families.

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We have a veteran with us today, who like my father, is committed to their children and grandchildren's dreams and, like my father, did not graduate from high school and served in WWII. I'd like to introduce you to Adam Schweitzer, our Governor's father.

The Governor and I, two members of Montana's executive branch, were blessed to have parents who valued education. As fathers you play a very important role in our lives. You not only have inspired us by your commitment to our country, but your commitment to education left a legacy of learning.

Mr. Schweitzer, it is a great honor and a pleasure to be able to award you a long awaited honorary high school diploma that acknowledges a lifetime of learning and achievement that has enriched the state of Montana and our country. Congratulations to both you and my Dad, two very deserving veterans and fathers.

Montanans' commitment to education is timeless, even though the educational needs of our country have changed since WW II.

Fifty years ago our economy was dependent on 60% of our workforce being unskilled labor, 20% skilled labor and 20% professional workers. Fast forward to 2005 where 20% of our workforce is still professional. But our demand for unskilled labor has dropped to 15% and skilled labor increased threefold. Now 65% of our economy depends on skilled labor.

The focus in our schools has also changed. Think about it. Kindergarten teachers are preparing their five-year-old students for career options that do not even exist today. That's how important education is to our economy!

Let me take a moment and tell you about the importance of a quality education for one student I taught in elementary school. He was born several years after the state had ratified those 15 important words in the state Constitution. He had good teachers (especially his school librarian) and he worked hard.

It doesn't seem like very long ago that I saw his class off when they graduated from 8th grade, but I know he went on and received a great high school education in Missoula. This student went on to serve his country in Iraq. Then he returned to Montana, and went to school at the University of Montana and then last year he did the strangest thing. He ran for the State Legislature. Now he has a desk right here in the third row of this chamber, representing the people of House District 91. Permit me to recognize my student, Representative Kevin Furey. I am extremely proud to be one of Representative Furey's teachers, to know that the lessons I taught him will not only have an impact on his life, but on those he represents.

We are proud of our Montana students and their test scores. Montana kids continue to score near the top in the nation in reading, science, and math. That's great but that's not good enough. Because now our kids are competing internationally. They're competing with students from South Korea and South Vietnam as much as they're competing with students from South Dakota and South Carolina. Kids from other states and countries that invest in education are catching up to us or passing us. Working together we need to make sure this trend doesn't continue. Your work this session is vital to these efforts.

Our kids are our future. They will become tomorrow's business, spiritual, community and school leaders. They will also become Montana's Legislators, Senators, Governors, Supreme Court Justices and State Superintendents.

It is our kids that will hold us to those 15 words in our State Constitution: "The legislature shall provide a basic system of free quality public elementary and secondary schools."

I have great faith in the commitment of the Montana Legislature to roll up your sleeves to move education forward in Montana. Together we will do what's right for Montana's kids.

Thanks to the students and educators all across Montana who tuned in to watch the Legislature today.

On behalf of Montana's 146,519 school children and all who work on behalf of public education in our state, I thank you for your time today and your interest in Montana's public schools.

My door is always open and I look forward to your visit."

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President Tester thanked State Superintendent McCullough and directed the escort committee to escort State Superintendent McCullough from the joint session.

Senate Majority Leader Ellingson moved that the joint session of the 59th Legislature, convened to receive the address from State Superintendent McCullough, be adjourned. Motion carried.

The House reconvened at 1:45 p.m.

Rep. Floor Leader Lange stated the House Republicans will caucus until 2:20 p.m.

The House reconvened at 2:20 p.m.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 2/11/2005
Correctly printed: **HB 379, HB 463, HB 482, HB 488, SB 240.**
Correctly engrossed: **HB 97, HB 186, HB 288, HB 366, HB 460, HB 473, HB 481, HB 483.**

BUSINESS AND LABOR (Keane, Chairman): 2/11/2005
HB 493, do pass. Report adopted.
HB 508, do pass. Report adopted.

LOCAL GOVERNMENT (Noennig, Chairman): 2/11/2005
HB 359, introduced bill, be amended as follows:

1. Title, line 4 through line 5.
Strike: "REMOVING" on line 4 through "NOTIFICATION;" on line 5

2. Title, line 7 through line 9.
Strike: "ALLOWING" on line 7 through "ENFORCEMENT;" on line 9
Strike: "SECTIONS"
Insert: "SECTION"

3. Title, line 10.
Strike: "80-8-107 AND"

4. Page 1, line 14 through page 2, line 15.
Strike: section 1 in its entirety
Renumber: subsequent sections

5. Page 2, line 20.
Strike: "The local ordinance must, at a minimum, contain"
Insert: ", subject to"

6. Page 2, line 29.
Following: "the"

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Insert: "common chemical name of the active ingredients or the product brand"

7. Page 4, line 7.

Following: "~~use,~~"

Insert: "use,"

8. Page 4, line 8.

Following: "~~(2)~~"

Insert: "or enact notification provisions more stringent than those provided for in subsections (1) and (2)"

9. Page 4, line 12 through line 13.

Strike: subsection (5) in its entirety

And, as amended, do pass. Report adopted.

HB 365, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "10 WORKING"

Insert: "14"

2. Title, line 7 through line 12.

Strike: "REQUIRING" on line 7 through "EXCEPTIONS;" on line 12

3. Page 1, line 25.

Following: "recorder."

Insert: "When the survey data shown on the plat or certificate has errors or omissions, the examining land surveyor has 20 days in which to notify the clerk and recorder, who may request that corrections be made."

4. Page 1, line 26.

Strike: "chapter"

Insert: "section"

5. Page 1, line 27.

Following: the second "the"

Insert: "examining land"

6. Page 1, line 28.

Strike: "10 working"

Insert: "14"

Strike: "request for the review"

Insert: "submittal of the record set for review"

7. Page 2, line 1 through line 8.

Strike: subsection (b) in its entirety

Renumber: subsequent subsection

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8. Page 2.

Following: line 10

Insert: "(c) As used in this subsection (2), "record set" means a copy of the certificate of survey or the subdivision plat that must be filed with the county clerk and recorder."

And, as amended, do pass. Report adopted.

HB 431, introduced bill, be amended as follows:

1. Page 3, line 14.

Strike: "1 year"

Insert: "6 months"

2. Page 3, line 25 through line 30.

Following: "if" on line 25

Strike: ":", on line 25 through "standards." on line 30

Insert: "the governing body makes written findings after a public hearing and public comment, based on evidence in the record, that:

(a) the proposed improvements protect public health or the environment, mitigate harm to the public health or environment, and are achievable under current technology;

(b) reference information and peer-reviewed scientific studies that form the basis for the governing body's conclusions; and

(c) include information regarding costs to the regulated community that are directly attributable to the proposed improvements."

And, as amended, do pass. Report adopted.

HB 436, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "INSTEAD OF A GOVERNING BODY"

Insert: ", SUBJECT TO APPROVAL OF THE LOCAL GOVERNING BODY AND ACCEPTANCE BY SCHOOL DISTRICT TRUSTEES,"

2. Page 4, line 7.

Strike: "A"

Insert: "Subject to the approval of the local governing body and acceptance by the school district trustees, a"

Strike: "equal to the amounts"

3. Page 4, line 8.

Strike: "instead of to the governing body"

Following: "1"

Insert: "adequate"

And, as amended, do pass. Report adopted.

JUDICIARY (Rice, Chairman):

2/11/2005

HB 476, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "board" through "4]"

Insert: "clerk of the district court"

2. Page 3, lines 5 and 11.

Page 4, line 16

Page 5, line 7

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Strike: "\$50"
Insert: "\$43"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Jent, Chairman):
HB 177, introduced bill, be amended as follows:

2/11/2005

1. Title, page 1, line 13.

Strike: "ALLOWING"

Insert: "REVISING"

Strike: "AT ANY TIME TO"

Insert: "OF"

2. Title, page 1, line 14.

Strike: "CLARIFYING" through ";"

3. Title, page 1, line 18.

Following: "13-14-113,"

Insert: "13-15-107,"

Strike: "13-16-412, 13-16-414,"

4. Page 1, line 29.

Following: "state"

Insert: "as provided in subsection (2)"

5. Page 2, line 25.

Strike: "or" through "relative"

6. Page 2, line 30 through page 3, line 1.

Strike: subsection (6) in its entirety

Renumber: subsequent subsections

7. Page 7, line 2 through line 4.

Strike: "to" on line 2 through "intent." on line 4

Insert: "if:"

(a) an election is held;

(b) a person's name is written in on the ballot;

(c) the person is qualified for and seeks election to the office for which the person's name was written

in; and

(d) no other candidate has filed a declaration or petition for nomination or a declaration of intent.

8. Page 8, line 6.

Strike: "orally"

Insert: "the challenger filling out and signing an affidavit"

Following: "challenge"

Insert: "and providing any evidence supporting the challenge"

9. Page 8, line 8.

Strike: "An" through the remainder of line 8

10. Page 8, line 9.

Following: "following"

Insert: "A challenge may be made on the"

11. Page 8, lines 17 and 18.

Strike: subsection (3) in its entirety

Insert: "(3) When a challenge has been made under this section:

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(a) prior to the close of registration under 13-2-301, the election administrator shall question the challenger and the challenged elector and may question other persons to determine whether the challenge is sufficient or insufficient to cancel the elector's registration under 13-2-402; or

(b) after the close of registration or on election day, the election administrator or, on election day, the election judge shall allow the challenged elector to cast a provisional paper ballot, which must be handled as provided in 13-15-107.

(4) (a) In response to a challenge, the challenged elector may fill out and sign an affidavit to refute the challenge and swear that the elector is eligible to vote.

(b) If the challenge was not made in the presence of the elector being challenged, the election administrator or election judge shall notify the challenged elector as soon as possible of who made the challenge and the grounds of the challenge and explain what information the elector may provide to respond to the challenge. The election administrator or, on election day, the election judge shall also provide to the challenged elector a copy of the challenger's affidavit and any supporting evidence provided. If the challenge is made more than 5 days before an election, "as soon as possible", as used in this subsection (4)(b), means no later than 5 days after the challenge.

(5) The secretary of state shall adopt rules to implement the provisions of this section and shall provide standardized affidavit forms for challengers and challenged electors."

12. Page 9.

Following: line 14

Insert: "Section 14. Section 13-15-107, MCA, is amended to read:

"13-15-107. Handling and counting provisional and challenged ballots. (1) To verify eligibility to vote, an elector who casts a provisional ballot in person shall provide information to the election administrator as listed below:

(a) present in person at the office of the election administrator by 5 p.m. on the day after the election a photo identification or other identifying document as described in 13-13-114(1)(a);

(b) send by facsimile or electronic mail by 5 p.m. on the day after the election a copy or scanned document that meets the identification requirements of 13-13-114(1)(a); or

(c) mail a copy or nonreturnable original document described in 13-13-114(1)(a) in a self-addressed return envelope provided by the election administrator. If the elector mails a document, the postmark on the envelope must be for the day of the election or the day following the election.

(d) if applicable, the information to respond to a challenge under 13-13-301.

(2) The election administrator shall determine prior to an election whether an absentee voter has provided sufficient identification to allow a ballot to be counted. If the information is insufficient, the election administrator shall follow procedures described in 13-13-241 to allow an absentee elector who failed to provide proper identifying information in the outer return envelope to verify eligibility to vote. An absentee elector whose ballot is determined to be provisional has until 5 p.m. on the day after the election to provide valid identification information either in person, by facsimile, by electronic mail, or by mail postmarked on the day of the election or the day after the election.

(3) A provisional ballot must be counted if the election administrator verifies the elector's eligibility pursuant to rules adopted under 13-13-603. However, a provisional ballot may not be counted if the election administrator cannot verify the elector's eligibility under the rules. If the ballot is provisional because of a challenge and the challenge was made on the grounds that the elector is of unsound mind or serving a felony sentence in a penal institution, the elector's provisional ballot must be counted unless the challenger provides documentation by 5 p.m. the day after the election that a court has established that the elector is of unsound mind or that the elector has been convicted and sentenced and is still serving a felony sentence in a penal institution.

(4) The election administrator shall provide an elector who cast a provisional ballot but whose ballot was not counted with the reasons why the ballot was not counted.

(5) A provisional ballot cast by an elector whose voter information is verified before 5 p.m. on the day after the election must be removed from its provisional envelope, grouped with other ballots in a manner that allows for the secrecy of the ballot to the greatest extent possible, and counted as any other ballot."

Renumber: subsequent sections

13. Page 12, line 1 through page 13, line 2.

Strike: sections 16 and 17 in their entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

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2/11/2005

HB 290, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "PAROLE HEARINGS"

Insert: "BOARD MEETINGS"

2. Page 1, line 17.

Following: "Indian."

Insert: "However, the American Indian member may not be required to hear and act on all American Indian applications before the board. The American Indian member shall act in an advisory capacity regarding American Indian culture and problems and participate in all rulemaking functions of the board."

3. Page 1, line 30 through page 2, line 1.

Following: "has" on page 1, line 30

Insert: "without good cause"

Strike: "parole" on page 1, line 30 through "cause" on page 2, line 1

Insert: "board meetings that the member was scheduled to attend"

And, as amended, do pass. Report adopted.

HB 291, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "ADDING TWO MEMBERS TO"

Insert: "REVISING THE MEMBERSHIP OF"

2. Page 1, line 11.

Strike: "nine"

Insert: "seven"

3. Page 1, line 18.

Strike: "two"

Insert: "one"

4. Page 1, line 19.

Strike: "three members"

Insert: "one member"

Strike: "the two districts"

Insert: "each district"

5. Page 1, line 20.

Strike: ", but" through "districts"

6. Page 1, line 22.

Following: "Indian"

Insert: "from a coal-producing county"

And, as amended, do pass. Report adopted.

HB 426, do pass. Report adopted.

HB 530, do pass. Report adopted.

HJR 6, introduced joint resolution, be amended as follows:

1. Title, page 1, line 5.

Strike: "RELOCATE"

Insert: "LOCATE"

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2. Title, page 1, line 6.

Strike: "OFFICE" through "GLASGOW,"

Insert: "SATELLITE OFFICES IN RURAL"

3. Page 1, line 8.

Strike: "one of the six"

Insert: "many"

4. Page 1, line 9.

Strike: "was"

Insert: "were"

Strike: "Glasgow, Montana, to Billings,"

Insert: "rural areas to larger cities in"

5. Page 1, line 10.

Strike: "Glasgow and Billings"

Insert: "their rural homes and larger cities"

6. Page 1, line 11.

Strike: "the"

Following: "development"

Strike: "office provides"

Insert: "satellite offices provide"

7. Page 1, line 12.

Strike: "the Glasgow area"

Insert: "rural areas"

8. Page 1, line 16.

Strike: "relocate the"

Insert: "locate"

9. Page 1, lines 16 and 17.

Strike: "office " on line 16 through "Montana" on line 17

Insert: "satellite offices in the rural Montana communities where the offices used to be located, including in Glasgow, Plentywood, Malta, Wolf Point, Circle, Sidney, Glendive, Miles City, Havre, Shelby, and Choteau"

And, as amended, be adopted. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

2/11/2005

SB 217, introduced by Larson

FIRST READING AND COMMITMENT OF BILLS

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

HB 645, introduced by Clark, Gutsche, referred to Transportation.

HB 646, introduced by MacLaren, referred to Transportation.

HB 647, introduced by Mendenhall, referred to Federal Relations, Energy, and Telecommunications.

HB 648, introduced by McAlpin, referred to Human Services.

HB 649, introduced by McAlpin, referred to State Administration.

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HB 650, introduced by Roberts, Kitzenberg, referred to Appropriations.
HB 651, introduced by Cohenour, referred to Transportation.
HB 652, introduced by Cohenour, referred to Education.
HB 653, introduced by Becker, referred to State Administration.
HB 654, introduced by Koopman, referred to Federal Relations, Energy, and Telecommunications.
HB 655, introduced by Maedje, referred to State Administration.
HB 656, introduced by Maedje, referred to Judiciary.
HB 657, introduced by Maedje, Heinert, referred to Taxation.
HB 658, introduced by Sinrud, referred to Human Services.
HB 659, introduced by Sinrud, referred to Judiciary.
HB 660, introduced by A. Olson, referred to Education.
HB 661, introduced by Bergren, referred to Business and Labor.
HB 662, introduced by Dowell, referred to Federal Relations, Energy, and Telecommunications.
HB 663, introduced by Caferro, referred to Human Services.
HB 664, introduced by Caferro, referred to Human Services.
HB 665, introduced by Henry, referred to Human Services.
HB 666, introduced by Bergren, Roush, A. Olson, Witt, Sinrud, Black, Musgrove, Brueggeman, referred to Natural Resources.
HB 667, introduced by Wanzenried, Tester, Arntzen, Lind, Brueggeman, McNutt, Matthews, Kitzenberg, A. Olson, Roberts, Cocchiarella, Klock, referred to Taxation.
HB 668, introduced by Noonan, referred to Fish, Wildlife and Parks.
HB 669, introduced by Gutsche, Lange, Stoker, Windham, referred to Human Services.
HB 670, introduced by Branae, referred to Federal Relations, Energy, and Telecommunications.
HB 671, introduced by Musgrove, Brueggeman, Schmidt, Witt, referred to Transportation.
HJR 20, introduced by Stahl, referred to State Administration.
HJR 21, introduced by Sinrud, Buzzas, L. Jones, Jackson, Larson, Waitschies, Roush, Sesso, Peterson, A. Olson, Stahl, Heinert, Milburn, Andersen, Everett, W. Jones, Klock, Taylor, referred to Federal Relations, Energy, and Telecommunications.
HJR 22, introduced by Peterson, Bales, Witt, L. Jones, Butcher, Ross, Lambert, Wiseman, Malcolm, Keane, Rice, Andersen, referred to Agriculture.

**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 Jent in the chair.

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

HB 452 - Representative Parker moved consideration of **HB 452** be placed at the bottom of the second reading board because the sponsor was absent. Without objection, so ordered.

HB 280 - Representative Wagman moved **HB 280** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, 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 98

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Noes: Bixby, Juneau.
Total 2

Voted Absentee: Harris, Windy Boy, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 349 - Representative A. Olson moved **HB 349** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, R. Brown, Butcher, Caferro, 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, 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, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 92

Noes: Bixby, Buzzas, Callahan, Campbell, Jayne, Juneau, Kaufmann, Small-Eastman.
Total 8

Voted Absentee: Harris, Windy Boy, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 417 - Representative Lindeen moved **HB 417** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, 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, Keane, Klock, Lake, Lambert, Lenhart, Lindeen, MacLaren, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Stahl, Villa, Wanzenried, Ward, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 68

Noes: Balyeat, Barrett, Bixby, D. Brown, R. Brown, Caferro, Campbell, Everett, Hawk, Himmelberger, Jayne, Juneau, Kaufmann, Koopman, Lange, Maedje, Malcolm, McAlpin, Mendenhall, Morgan, A. Olson, Sales, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Windham.
Total 32

Voted Absentee: Harris, Windy Boy, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Jent 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, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, Jopek, 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, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Wiseman, Mr. Speaker.
Total 85

Noes: Bixby, Butcher, Everett, Jayne, Juneau, Koopman, Sales, Sinrud, Small-Eastman, Wells.
Total 10

Excused: Harris, Windy Boy.
Total 2

Absent or not voting: L. Jones, W. Jones, Witt.
Total 3

THIRD READING OF BILLS

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

HB 64 passed as follows:

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 87

Noes: Dickenson, Franklin, Henry, Hiner, Jayne, Small-Eastman.
Total 6

Excused: Harris, Windy Boy.
Total 2

Absent or not voting: Arntzen, Campbell, Juneau, Maedje, Mendenhall.
Total 5

HB 370 passed as follows:

Ayes: Andersen, 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, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, 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, Rice,

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Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Koopman.
Total 1

Excused: Harris, Windy Boy.
Total 2

Absent or not voting: Arntzen, Juneau, Maedje, Mendenhall.
Total 4

HB 390 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, 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, Malcolm, McAlpin, McGillvray, McKenney, McNutt, 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, Wiseman, Witt, Mr. Speaker.
Total 95

Noes: None.
Total 0

Excused: Harris, Windy Boy.
Total 2

Absent or not voting: Juneau, Maedje, Mendenhall.
Total 3

HB 401 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, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, 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, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 91

Noes: Everett, Koopman, Sales, Sinrud.
Total 4

Excused: Harris, Windy Boy.
Total 2

Absent or not voting: Henry, Juneau, Mendenhall.
Total 3

HB 427 passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro,

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Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.
Total 84

Noes: Andersen, Balyeat, Barrett, R. Brown, Hawk, Jayne, Koopman, MacLaren, Rice, Ripley, Sales, Sinrud.
Total 12

Excused: Harris, Windy Boy.
Total 2

Absent or not voting: Juneau, Mendenhall.
Total 2

SJR 1 concurred in 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, 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, Malcolm, McAlpin, McGillvray, McKenney, McNutt, 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, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: None.
Total 0

Excused: Harris, Windy Boy.
Total 2

Absent or not voting: Juneau, Mendenhall.
Total 2

MOTIONS

Dem. Floor Leader Parker moved that HB 417 be re-referred from the Committee of the Whole to the Appropriations Committee. Without objection, so ordered.

Rep. Maedje moved that HB 446 be removed from the Judiciary Committee and placed on 2nd Reading. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 46

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, Hawk, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Wiseman, Mr. Speaker.

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Total 50

Excused: Harris, Windy Boy.
Total 2

Absent or not voting: Juneau, Mendenhall.
Total 2

UNFINISHED BUSINESS

Rep. Koopman requested the following sponsors be added to HB 617: Sen. J. Balyeat, Grimes, McGee, and Stapleton.

Rep. McAlpin requested the following sponsor be added to HB 648: Rep. Caferro.

Rep. Parker requested the following sponsor be deleted from HB 585: Rep. Morgan.

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 12, 2005. Motion carried.

House adjourned at 3:13 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House