

HOUSE JOURNAL  
FORTIETH LEGISLATIVE DAY - FEBRUARY 18, 2005

HOUSE JOURNAL  
59TH LEGISLATURE  
FORTIETH LEGISLATIVE DAY

Helena, Montana  
February 18, 2005

House Chambers  
State Capitol

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

Roll Call. All members present, except Representative Musgrove, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, and twenty-ninth legislative days, find the same to be correct.

Barrett, Chair

REPORTS OF STANDING COMMITTEES

**BILLS** (Barrett, Chairman): 2/18/2005  
Correctly printed: **HB 557, HB 564, HB 574, HB 623, HB 631, HB 659, HB 687, HB 701, HJR 19, HR 2.**  
Correctly engrossed: **HB 222, HB 245, HB 410, HB 428, HB 429, HB 438, HB 442, HB 517, HB 520, HB 535, HB 559, HB 563, HB 567, HB 606, HB 612, HB 695, HJR 9, HJR 18.**  
Correctly enrolled: **HB 38.**  
Examined by the sponsor and found to be correct: **HB 38.**  
Signed by the Chief Clerk of the House at 1:40 p.m., February 18, 2005: **HB 38.**  
Signed by the Speaker at 1:45 p.m., February 18, 2005: **HB 38.**  
Signed by the President at 2:17 p.m., February 18, 2005: **HB 38.**  
Delivered to the Governor for approval at 2:45 p.m., February 18, 2005: **HB 38.**

**HUMAN SERVICES** (Becker, Chairman): 2/18/2005  
**HB 420**, introduced bill, be amended as follows:

1. Title, line 7.  
**Following:** "DENIAL"  
**Insert:** "AS ALLOWED BY CONFIDENTIALITY LAWS"
2. Page 3, line 4.  
**Following:** "member"  
**Strike:** "and"  
**Insert:** ", the department shall investigate and determine if awarding custody to the family member is in the best interests of the child. The department shall provide the reasons for any denial to the court. If"  
**Following:** "court"  
**Insert:** "accepts the department's custody recommendation, the court"
3. Page 3, line 5.  
**Strike:** "denies the request, the court order must state"  
**Insert:** "must inform any denied family member of"  
**Following:** "denial"  
**Insert:** "to the extent that confidentiality laws allow. The court shall include the reasons for denial in the court order if the family member who is denied temporary legal custody requests it to be included"
4. Page 4, line 8.  
**Following:** "denial"  
**Insert:** "to the extent that confidentiality laws allow"
5. Page 5, line 10.

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**Following:** "permanent"

**Strike:** "and the court denies the request, the court order must state"

**Insert:** ", the department shall investigate and determine if awarding custody to that family member is in the best interests of the child. The department shall provide the reasons for any denial to the court. If the court accepts the department's custody recommendation, the court must inform any denied family member of"

**Following:** "denial"

**Insert:** "to the extent that confidentiality laws allow. The court shall include the reasons for denial in the court order if the family member who is denied custody requests it to be included"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/18/2005

**HB 222**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "CIVIL"

**Insert:** "NONECONOMIC LOSS"

2. Page 1, line 10.

**Strike:** "civil"

**Insert:** "noneconomic loss"

3. Page 1, line 11.

**Following:** "A hospital"

**Insert:** "or critical access hospital, as defined in 50-5-101"

**Following:** "a hospital"

**Strike:** ", a physician, or a dentist"

**Insert:** "or critical access hospital, or a physician or dentist licensed under Title 37"

4. Page 1, line 12.

**Strike:** "\$50,000"

**Insert:** "\$100,000"

**Strike:** "civil"

**Insert:** "noneconomic loss"

5. Page 1, line 13.

**Following:** "faith at"

**Strike:** "the"

**Insert:** "a"

**Following:** "hospital"

**Insert:** "or critical access hospital"

6. Page 1, line 14.

**Following:** "hospital"

**Insert:** "or critical access hospital"

**Strike:** "room"

**Insert:** "department"

7. Page 1, line 21.

**Strike:** "\$50,000"

**Insert:** "\$100,000"

**Strike:** "civil"

**Insert:** "noneconomic loss"

8. Page 1, line 23.

**Strike:** "standardized criteria for triage in the field of trauma care"

**Insert:** "national trauma registry system of the American college of surgeons"

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And, as amended, without recommendation. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 2/18/2005

**SB 199**, introduced by Toole  
**SB 279**, introduced by Moss  
**SB 290**, introduced by Mangan  
**SB 295**, introduced by Gebhardt  
**SB 308**, introduced by O'Neil  
**SB 318**, introduced by Laible  
**SB 320**, introduced by Bales  
**SB 355**, introduced by Shockley  
**SB 365**, introduced by Ellingson  
**SB 368**, introduced by Cocchiarella  
**SB 369**, introduced by Cocchiarella

**Senate joint resolution** passed and transmitted to the House for concurrence: 2/18/2005

**SJR 11**, introduced by Laible

**House bill** concurred in and returned to the House: 2/18/2005

**HB 38**, introduced by McNutt

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 755**, introduced by Windham, referred to Judiciary.  
**HB 756**, introduced by Gutsche, Bergren, Wanzenried, Witt, Lindeen, Noonan, Ward, Lake, Peterson, referred to Taxation.  
**HB 757**, introduced by L. Jones, Black, Tester, Bergren, Peterson, Butcher, Kitzenberg, Witt, Bales, referred to Transportation.

Rep. Bergren announced the House Democrats will caucus.  
Rep. Lange announced the House Republicans will caucus.  
Speaker Matthews stated the House will recess until 1:00 p.m.

**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 Raser in the chair.

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

**HB 291** - Representative Small-Eastman moved **HB 291** do pass. Motion **failed** as follows:

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

Total 50

Voted Absentee: Musgrove, Aye.

Excused: None.

Total 0

Absent or not voting: Dowell.

Total 1

**HB 393** - Representative Mendenhall moved **HB 393** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Cohenour, Everett, Facey, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Mr. Speaker.

Total 56

Noes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, Maedje, Noonan, Parker, Sesso, Villa, Wanzenried, Wilson, Wiseman, Witt.

Total 44

Voted Absentee: Musgrove, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 490** - Representative Stoker moved **HB 490** do pass. Motion **failed** as follows:

Ayes: Barrett, Bergren, Bixby, R. Brown, Butcher, Clark, Dowell, Everett, Franklin, Gallik, Glaser, Golie, Gutsche, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, L. Jones, W. Jones, Juneau, Kaufmann, Koopman, Lake, Lange, MacLaren, Maedje, McAlpin, McGillvray, Morgan, Musgrove, Parker, Rice, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Mr. Speaker.

Total 48

Noes: Andersen, Arntzen, Balyeat, Becker, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Eaton, Facey, Furey, Galvin-Halcro, Grinde, Groesbeck, Hamilton, Harris, Hiner, Jacobson, Jayne, Jent, Jopek, Keane, Klock, Lambert, Lenhart, Lindeen, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Noennig, Noonan, A. Olson, B. Olson, Peterson, Raser, Ripley, Ross, Sesso, Small-Eastman, Taylor, Villa, Windham, Windy Boy, Wiseman, Witt.

Total 52

Voted Absentee: Musgrove, Aye.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**HB 222** - Representative Roberts moved **HB 222** do pass. Motion carried as follows:

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

Total 52

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, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 48

Voted Absentee: Musgrove, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 659** - Representative Sinrud moved **HB 659** do pass.

**HB 659** - Representative Sinrud moved **HB 659**, second reading copy, be amended.

Amendment **not** adopted as follows:

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

Total 49

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

Total 50

Voted Absentee: Musgrove, No.

Excused: None.

Total 0

Absent or not voting: Stoker.

Total 1

**HB 659** - Representative Sinrud moved **HB 659**, do pass. Motion **failed** as follows:

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

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Witt, Mr. Speaker.  
Total 49

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

Voted Absentee: Musgrove, No.

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 Raser moved the Committee of the Whole report be adopted.

Representative Parker made a **substitute motion** that **HB 291** and **HB 490** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion **failed** 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, Jopek, Juneau, Kaufmann, Lindeen, McAlpin, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Wiseman, Mr. Speaker.  
Total 43

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Windy Boy, Witt.  
Total 56

Excused: Musgrove.  
Total 1

Absent or not voting: None.  
Total 0

Chairman Raser's motion that the Committee of the Whole report be adopted passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, D. Brown, R. Brown, Caferro, Clark, Dickenson, Driscoll, Everett, Furey, Glaser, Grinde, Harris, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Peterson, Ripley, Roberts, Ross, Sesso, Sinrud, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 59

Noes: Bixby, Branae, Butcher, Buzzas, Callahan, Campbell, Cohenour, Dowell, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Henry, Hiner, Jacobson, Jayne, W. Jones, Jopek, Juneau, Klock, Koopman, Lindeen, McAlpin, Parker, Raser, Rice, Sales, Small-Eastman, Sonju, Stahl, Villa, Wanzenried, Wells, Wilson.  
Total 39

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Excused: Musgrove.  
Total 1

Absent or not voting: Balyeat.  
Total 1

**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 63** 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, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, 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, 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 94

Noes: Grinde, Jackson, Koopman, Stahl.  
Total 4

Excused: Musgrove.  
Total 1

Absent or not voting: Gallik.  
Total 1

**HB 290 failed** 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, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 49

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.  
Total 50

Excused: Musgrove.  
Total 1

Absent or not voting: None.  
Total 0

**HB 363** passed as follows:

Ayes: Andersen, Arntzen, 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,

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Himmelberger, Hiner, Jackson, Jacobson, 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, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 91

Noes: Balyeat, Barrett, Everett, Jayne, Juneau, Rice, Ripley, Sales.

Total 8

Excused: Musgrove.

Total 1

Absent or not voting: None.

Total 0

**HB 431** passed as follows:

Ayes: Arntzen, Becker, Bergren, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, Juneau, Kaufmann, Keane, Lange, Lenhart, MacLaren, Maedje, Milburn, Morgan, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Sinrud, Small-Eastman, Stoker, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 59

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Furey, Hawk, Heinert, Himmelberger, Jackson, W. Jones, Jopek, Klock, Koopman, Lake, Lambert, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, A. Olson, B. Olson, Rice, Ripley, Ross, Sales, Sonju, Stahl, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 38

Excused: Musgrove.

Total 1

Absent or not voting: Bixby, Lindeen.

Total 2

**HB 439** passed as follows:

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

Total 88

Noes: D. Brown, R. Brown, Glaser, Hawk, Jackson, Maedje, Malcolm, McKenney, Mendenhall, B. Olson, Wells.

Total 11

Excused: Musgrove.

Total 1

Absent or not voting: None.

Total 0

**HB 562** passed as follows:



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Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. 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, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.  
Total 91

Noes: Balyeat, R. Brown, Everett, Jayne, Koopman, MacLaren, Sales.  
Total 7

Excused: Musgrove.  
Total 1

Absent or not voting: Hendrick.  
Total 1

**HJR 6** adopted as follows:

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

Noes: D. Brown, R. Brown, Butcher, Hawk, Jackson, W. Jones, Koopman, Morgan, Sales, Sinrud, Sonju.  
Total 11

Excused: Musgrove.  
Total 1

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE** (Butcher, Chairman):

2/18/2005

**HB 399**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Following:** "HEARINGS"

**Strike:** ", "

**Insert:** "AND"

2. Title, page 1, line 8 through line 9.

**Strike:** ", AND PROOF" on line 8 through "APPLICANT" on line 9

3. Title, page 1, line 9.

**Following:** "; "

**Insert:** "AMENDING SECTIONS 85-3-101, 85-3-201, 85-3-204, 85-3-210, 85-3-211, 85-3-213, 85-3-214, 85-3-301, AND 85-3-302, MCA; "

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4. Title, page 1, line 10.

**Strike:** "85-3-211,"

5. Page 2.

**Following:** line 9

**Insert:** "(3) A person may not engage in activities for weather modification and control until the department receives proof of financial responsibility as provided in 85-3-211."

6. Page 2, line 15.

**Following:** "period"

**Insert:** "and upon proof that a liability insurance policy has been obtained pursuant to 85-3-211"

7. Page 2, line 27.

**Insert:** "Section 6. Section 85-3-211, MCA, is amended to read:

**"85-3-211. Proof of financial responsibility by applicant.** Proof of financial responsibility may must be furnished by an applicant by showing, to the satisfaction of the department, ~~the applicant's ability to respond in damages for liability that might reasonably be attached to or result from the applicant's weather modification and control activities~~ that the applicant has obtained a liability insurance policy of at least \$100,000."

**Renumber:** subsequent sections

8. Page 3, line 27.

**Strike:** "85-3-211,"

And, as amended, do pass. Report adopted.

**HB 406**, introduced bill, be amended as follows:

1. Page 1, line 30.

**Following:** "prohibited"

**Insert:** " -- exemption"

**Following:** "shippers of"

**Insert:** "whole"

2. Page 2, line 1.

**Following:** "package of"

**Insert:** "whole"

3. Page 2, line 4.

**Strike:** "Grains"

**Insert:** "Whole grains"

**Following:** "honey,"

**Insert:** "muscle cuts and ground "

4. Page 2.

**Following:** line 11

**Insert:** "(5) A placard is not required for prepared foods for immediate sale or ready to eat."

5. Page 2, line 13.

**Following:** "vending of"

**Insert:** "whole"

6. Page 2, line 14.

**Following:** "honey,"

**Insert:** "muscle cuts and ground"

7. Page 2, line 21.

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**Following:** "vending of"  
**Insert:** "whole"

8. Page 2, line 22.  
**Following:** "marks from"  
**Insert:** "whole"

And, as amended, do pass. Report adopted.

**HB 440**, introduced bill, be amended as follows:

1. Title, page 1, line 6.  
**Following:** "TANK;"  
**Insert:** "PROVIDING THAT A VIOLATION FOR NOT INSTALLING A TANK LOCK MUST BE CONSIDERED A MINOR OFFENSE FOR A CERTAIN PERIOD OF TIME; PROVIDING FOR AN ANHYDROUS AMMONIA TANK LOCK PROGRAM; PROVIDING AN APPROPRIATION;"

2. Title, page 1, line 7.  
**Strike:** "IMMEDIATE"  
**Following:** "DATE"  
**Insert:** "AND A TERMINATION DATE"

3. Page 1.  
**Following:** line 25  
**Insert:** "(4) (a) Subject to subsection (4)(b), for purposes of 80-10-303, a violation of the requirement for having a lock on an anhydrous ammonia tank must be considered a minor violation.  
(b) If the department is not appropriated enough funds to purchase tank locks for all of the tanks owned by retail vendors in Montana, the department shall disburse the locks in a fair and equitable manner and keep a record of those who received locks and those who did not. Those that did not receive a lock may not be found in violation for the purposes of 80-10-303."  
**Insert:** "NEW SECTION. Section 2. Anhydrous ammonia tank lock program -- purpose. (1) The purpose of the anhydrous ammonia tank lock program is to distribute high quality tank locks to retail vendors of anhydrous ammonia to prevent theft of anhydrous ammonia for the purpose of making methamphetamine.  
(2) The department shall purchase and distribute anhydrous ammonia tank locks to retail vendors of anhydrous ammonia in Montana. The department shall ensure 100% distribution and shall encourage 100% use by June 30, 2007.  
(3) Whenever possible, the Montana state university cooperative extension service is encouraged to promote the use of anhydrous ammonia tank locks by agriculture producers and retail vendors of anhydrous ammonia."  
**Insert:** "NEW SECTION. Section 3. Appropriation. There is appropriated \$80,000 for the biennium ending June 30, 2007, from the general fund to the department of agriculture to fund the purchase and distribution of anhydrous ammonia locks."  
**Insert:** "NEW SECTION. Section 4. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 80, chapter 10, part 5, and the provisions of Title 80, chapter 10, part 5, apply to [section 2]."  
**Renumber:** subsequent section

4. Page 1, line 27.  
**Strike:** "on passage and approval"  
**Insert:** "July 1, 2005"

5. Page 1, line 28.  
**Insert:** "NEW SECTION. Section 6. Termination. [This act] terminates June 30, 2007."

And, as amended, do pass. Report adopted.

**HB 484**, introduced bill, be amended as follows:

1. Page 4, line 17.  
**Following:** ""(8)""

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**Insert:** "(a)"

2. Page 4.

**Following:** line 20

**Insert:** "(b) The term does not mean a person engaged in custom slaughtering as provided in 81-9-218(2)."

And, as amended, do pass. Report adopted.

**HB 674**, introduced bill, be amended as follows:

1. Title, line 5 through line 7.

**Strike:** "ESTABLISHING" on line 5 through "MONTANA;" on line 7

2. Title, line 9.

**Following:** "GASOLINE;"

**Insert:** " PROVIDING A TAX CREDIT INCENTIVE TO REFINERIES FOR CONVERSION OF TERMINAL FACILITIES TO ALLOW FOR BLENDING GASOLINE WITH ETHANOL; AND"

3. Title, line 11 through line 12.

**Strike:** "; AND" on line 11 through "82-15-110, MCA" on line 12

4. Page 1, line 20.

**Following:** "rating."

**Insert:** "(1)"

**Following:** "gasoline"

**Insert:** "and labeled as an ethanol product"

**Strike:** ":"

**Insert:** ", "

5. Page 1, line 21.

**Strike:** "(1)"

**Following:** "than"

**Insert:** ": (a)"

**Following:** "ethanol"

**Strike:** ":"

**Insert:** "for gasoline with an antiknock index number of less than 87; and

(b) 4.5% anhydrous ethanol for gasoline with an antiknock index number of 87 or greater but less than 91."

6. Page 1, line 22.

**Strike:** "the"

**Insert:** "The"

**Following:** "not be"

**Strike:** "included"

**Insert:** "added to gasoline in Montana"

7. Page 1, line 25.

**Strike:** "; and"

**Insert:** "."

8. Page 1, line 26.

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

9. Page 2, line 11.

**Following:** "tank"

**Insert:** "or terminal facility"

**Following:** "conversion."

**Insert:** "(1)"

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10. Page 1.

**Following:** line 14

**Insert:** "(2) A gasoline refiner that builds, updates, or retrofits a terminal to allow blending of ethanol with gasoline is entitled to a one-time tax credit of \$2,500 per terminal for the year in which the facility is built, updated, or retrofitted. The credit may be claimed against the taxes imposed under chapter 31 or this chapter."

11. Page 2, line 16 through page 3, line 17.

**Strike:** section 5 through section 6 in their entirety

**ReNUMBER:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 728**, do pass. Report adopted.

**HJR 7**, introduced joint resolution, be amended as follows:

1. Page 1, line 22.

**Strike:** "only 16,000"

**Insert:** "27,872 "

**Following:** "cattle"

**Insert:** ", out of a national herd of approximately 6 million adult animals, or 0.46% of the national herd,"

2. Page 1, line 23.

**Strike:** "170,000"

**Insert:** "199,166"

**Following:** "United States,"

**Insert:** "out of a national herd of approximately 80 million adult animals, or 0.24% of the national herd,"

3. Page 1, line 29.

**Following:** "into"

**Insert:** "nonruminant"

4. Page 2, line 7.

**Strike:** ", within the 60-day review period,"

5. Page 2, line 7 through line 8.

**Strike:** "extensive" on line 7 through "studies" on line 8

**Insert:** "safeguards"

**Strike:** "completed"

**Insert:** "established"

And, as amended, be adopted. Report adopted.

**HJR 11**, be adopted. Report adopted.

**HJR 22**, introduced joint resolution, be amended as follows:

1. Title, line 7.

**Strike:** "YELLOWSTONE NATIONAL PARK"

**Insert:** "GREATER YELLOWSTONE AREA"

**Following:** "HERDS"

**Insert:** ", AND IN THEIR ENVIRONMENT,"

2. Page 1, line 13.

**Strike:** "(Brucella abortus)"

**Insert:** ", and the causative organism Brucella abortus,"

3. Page 1, line 14.

**Strike:** "80"

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**Insert:** "87"

4. Page 1, line 15.

**Strike:** "in excess of"

**Insert:** "nearly"

**Following:** "bison"

**Insert:** ", well over the population target of 3,000 bison"

5. Page 1, line 16.

**Strike:** "1999-2000"

**Insert:** "2000"

6. Page 1, line 22 through line 23

**Strike:** "from" on line 22 through "Park" on line 23

**Insert:** "in the greater Yellowstone area"

7. Page 1, line 24.

**Following:** "brucellosis and"

**Insert:** "greater Yellowstone area"

8. Page 2, line 1.

**Strike:** "Yellowstone National Park"

**Insert:** "greater Yellowstone area"

**Following:** "herds"

**Insert:** ", and in their environment,"

9. Page 2, line 4.

**Following:** "vaccination"

**Insert:** "program"

10. Page 2, line 5.

**Following:** "bison"

**Strike:** "and elk herds"

**Insert:** "herd"

11. Page 2, line 13.

**Strike:** "Yellowstone National Park"

**Insert:** "greater Yellowstone area"

**Following:** "herds"

**Insert:** ", and in their environment,"

And, as amended, be adopted. Report adopted.

**HJR 29**, be adopted. Report adopted.

**BUSINESS AND LABOR** (Keane, Chairman):

2/24/2005

**HB 228**, introduced bill, be amended as follows:

1. Title, page 1, lines 5 and 6.

**Following:** "FOR" on line 5

**Strike:** remainder of line 5 through "MINUTES" on line 6

**Insert:** "A PAID 10-MINUTE REST PERIOD"

**Following:** "HOURS" on line 6

**Insert:** "AS PRACTICABLE"

2. Page 1, lines 14 and 15.

**Following:** "without" on line 14

**Strike:** the remainder of line 14 through "minutes" on line 15

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**Insert:** "a paid 10-minute rest period in the middle of each 4 hours of work or major fraction of a 4-hour work period, as practicable"

3. Page 1, line 23.

**Strike:** "and"

**Insert:** "working at each location or each place of employment"

4. Page 1, line 28.

**Following:** the first "to"

**Insert:** " :  
(a)"

5. Page 1, line 29.

**Following:** "151"

**Insert:** " ; or  
(b) law enforcement personnel"

And, as amended, do pass. Report adopted.

**HB 502**, do pass. Report adopted.

**HB 537**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Following:** "whether a"

**Insert:** "property and casualty insurance"

2. Page 1, line 30.

**Following:** "property"

**Insert:** "and casualty"

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

**Strike:** "an" on page 1, line 30 through "insurer" on page 2, line 2

**Insert:** " : (A) a payment is made, a reserve is established, or loss adjustment expenses are incurred; and  
(B) a written, formal denial of the claim is issued to the insured or claimant"

4. Page 2.

**Following:** line 5

**Insert:** "(iii) An inquiry may not be considered a claim under 33-18-201."

5. Page 2.

**Following:** line 7

**Insert:** "(c) For the purposes of this subsection (5), the following definitions apply:

(i) "Claim" means a contact with an insurer by an insured or third party for the purpose of seeking payment.

(ii) "Inquiry" means a request for information regarding the terms, conditions, or coverages offered under a property and casualty insurance policy that does not result in a claim."

And, as amended, do pass. Report adopted.

**HB 589**, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

**Strike:** "REVISING" on line 4 through "AREA" AND" on line 5

2. Page 2, line 2.

**Following:** "choosing local"

**Insert:** "one-stop"

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3. Page 2, line 5 through line 6.

**Strike:** "free" on line 5 through "and" on line 6

4. Page 2, line 27.

**Strike:** "the"

**Insert:** "a"

5. Page 2, line 27 through line 28.

**Strike:** "concentrated" on line 27 through the first "investment" on line 28

6. Page 2, line 28.

**Strike:** "and the balance of state workforce investment area"

7. Page 5, line 15.

**Following:** "117"

**Insert:** "(f)"

8. Page 5, line 30.

**Strike:** "132"

**Insert:** "133"

9. Page 6, line 4.

**Following:** "funding"

**Insert:** "sources, excluding reauthorized prior programs,"

10. Page 6, line 5.

**Strike:** "federal government"

**Insert:** "U.S. department of labor"

11. Page 6, line 7.

**Following:** "boards"

**Insert:** "as described in an agreement with the state"

12. Page 6, line 8.

**Following:** "under"

**Insert:** "Title I of"

13. Page 6, line 8 through line 9.

**Strike:** "retained" on line 8 through "retained" on line 9

**Insert:** ", a minimum of 2% of the funds"

14. Page 7, line 18.

**Following:** "operators"

**Insert:** "and must be described in an agreement entered into between the state and each local board"

15. Page 8, line 19.

**Strike:** "In"

**Insert:** "Subject to an agreement between the state and each local board, in"

And, as amended, do pass. Report adopted.

**HB 661**, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Golie, Chairman):

2/18/2005

**HB 668**, do pass. Report adopted.

**HB 702**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**JUDICIARY** (Rice, Chairman):

2/18/2005



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**HB 240**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Following:** "ADDING"

**Insert:** "AGE, ECONOMIC STATUS, CONDITION OF HOMELESSNESS, CONDITION OF PREGNANCY, INVOLVEMENT IN POLITICAL ACTIVITIES,"

2. Title, page 1, line 5.

**Following:** "ORIENTATION"

**Insert:** "REGARDING CONSENTING ADULT HUMANS, BUT NOT INCLUDING SEXUAL FETISHES,"

**Following:** "LAW;"

**Insert:** "PROVIDING AN EXCEPTION FOR CRIMINAL DEFAMATION;"

3. Page 1, line 12.

**Following:** "origin,"

**Insert:** "age, economic status, condition of homelessness, condition of pregnancy,"

**Following:** "orientation"

**Insert:** "regarding consenting adult humans, but not including sexual fetishes"

4. Page 1, line 13.

**Following:** "in"

**Insert:** "political,"

**Following:** "civil rights"

**Insert:** ", "

5. Page 1, line 14.

**Following:** "harassment"

**Insert:** "or criminal defamation"

6. Page 1, line 15.

**Following:** "origin,"

**Insert:** "age, economic status, condition of homelessness, condition of pregnancy,"

**Following:** "orientation"

**Insert:** "regarding consenting adult humans, but not including sexual fetishes"

7. Page 1, line 16.

**Following:** "in"

**Insert:** "political,"

**Following:** "civil rights"

**Insert:** ", "

And, as amended, do pass. Report adopted.

**HB 705**, do pass. Report adopted.

**HB 709**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Strike:** "the application"

**Insert:** "a list"

2. Page 1, line 24.

**Strike:** "each"

**Insert:** "the"

And, as amended, do pass. Report adopted.

**HB 730**, introduced bill, be amended as follows:

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1. Page 2, line 4.

**Strike:** ", by clear and convincing evidence,"

And, as amended, do pass. Report adopted.

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

2/18/2005

**HB 342**, introduced bill, be amended as follows:

1. Title, line 4 and line 5.

**Following:** "ACT"

**Strike:** remainder of line 4 through "AND" on line 5

2. Title, line 6.

**Strike:** "SECTIONS 7-12-4110 AND"

**Insert:** "SECTION"

3. Page 1, line 11 through line 23.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 454**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "NONRESIDENT"

2. Page 1, line 10.

**Strike:** "nonresident"

**Following:** "owners"

**Insert:** "who reside in incorporated cities and towns within a county"

And, as amended, do pass. Report adopted.

**HB 474**, do pass. Report adopted.

**HB 507**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 538**, do pass. Report adopted.

**HB 636**, do pass. Report adopted.

**HB 743**, introduced bill, be amended as follows:

1. Title, line 7 through line 8.

**Strike:** "AN EMPLOYMENT" on line 7 through "EXPENSES" on line 8

**Insert:** "CERTAIN CONTRACTS"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Jent, Chairman):

2/18/2005

**HB 241**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Following:** "the"

**Insert:** "lieutenant"

2. Page 1, line 22.

**Following:** the first "The"

**Insert:** "lieutenant"

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3. Page 1, line 24.

**Following:** the second "The"

**Insert:** "lieutenant"

4. Page 1, line 25.

**Following:** the first "the"

**Insert:** "lieutenant"

5. Page 1, line 27.

**Following:** the second "The"

**Insert:** "lieutenant"

6. Page 1, line 29 through line 30.

**Strike:** subsection (6) in its entirety

**Renumber:** subsequent subsection

7. Page 2, line 2.

**Strike:** "executive director and other"

**Following:** "commission"

**Insert:** "and"

8. Page 2.

**Following:** line 3

**Insert:** "(a) review proposals to improve the efficiencies of executive branch operations and to recommend the prompt implementation of those proposals that do not require legislative approval;"

**Renumber:** subsequent subsections

9. Page 2.

**Following:** line 12

**Insert:** "(10) The governor's office of budget and program planning shall provide the staff resources necessary for the commission to perform its functions."

10. Page 2, line 14 through line 23.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

11. Page 2, line 26.

**Strike:** ", the executive director,"

**Strike:** "other"

**Strike:** "the"

12. Page 2, line 27.

**Strike:** "[sections 1 through 3]"

**Insert:** "[section 1] and this section"

And, as amended, do pass. Report adopted.

**HB 263**, introduced bill, be amended as follows:

1. Page 2, line 13.

**Following:** "agency"

**Insert:** "and the public service commission with respect to the department of public service regulation"

2. Page 2, line 20.

**Following:** "Procedure"

**Insert:** "-- nonapplicability"

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3. Page 2, line 23.

**Following:** "not"

**Insert:** ": (a)"

4. Page 2, line 24.

**Following:** "informally"

**Insert:** "; or (b) apply to an act or action subject to a complaint resolution process provided for in law, contract, administrative rule, or written policy if the complaint resolution process is substantially similar to the process provided for in [sections 1 through 6]"

5. Page 3, line 6.

**Strike:** "90"

**Insert:** "45"

6. Page 3, line 7.

**Strike:** "90"

**Insert:** "45"

And, as amended, do pass. Report adopted.

**HB 590**, do pass. Report adopted.

**HB 601**, do pass. Report adopted.

**HB 640**, do pass. Report adopted.

**HB 653**, do pass. Report adopted.

**HB 712**, do pass. Report adopted.

**MOTIONS**

Dem. Floor Leader Parker moved that HB 393 be re-referred to the House Appropriations Committee. Without objection, so ordered.

Rep. Morgan moved that her vote on the motion that HB 231 be withdrawn from the Judiciary Committee and placed on 2nd Reading on February 17, 2005, be changed from absent to aye. It will not change the outcome. Without objection, so ordered.

Rep. Maedje moved that his vote on the motion that HB 231 be withdrawn from the Judiciary Committee and placed on 2nd Reading on February 17, 2005, be changed from absent to aye. It will not change the outcome. Without objection, so ordered.

Rep. Bergren moved that HB 464 be withdrawn from the Agriculture Committee and placed on 2nd Reading. Speaker Matthews stated this will take a 3/5 vote: Motion **failed** 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, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Lenhart, Lindeen, Maedje, McAlpin, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

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

Total 49

Excused: Musgrove.

Total 1

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Absent or not voting: None.  
Total 0

Rep. Gallik moved that HB 489 be withdrawn from the Agriculture Committee and placed on 2nd Reading. Speaker Matthews stated this will take a 3/5 vote: Motion **failed** 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, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.  
Total 50

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

Excused: Musgrove.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Jayne moved that HB 561 be withdrawn from the Judiciary Committee and placed on 2nd Reading. Speaker Matthews stated this will take a 3/5 vote: Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Keane, Koopman, Lenhart, Lindeen, McAlpin, Noonan, Raser, Ross, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.  
Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, Butcher, Eaton, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt, Mr. Speaker.  
Total 52

Excused: Musgrove.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Maedje moved that HB 599 be withdrawn from the Agriculture Committee and placed on 2nd Reading. Speaker Matthews stated this will take a 3/5 vote: Motion **failed** as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Lenhart, Lindeen,

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Maedje, McAlpin, Noonan, A. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 50

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

Total 49

Excused: Musgrove.

Total 1

Absent or not voting: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

Consent calendar: HB 587. There being no questions, this bill will proceed to 3rd Reading.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 8:00 a.m., Saturday, February 19, 2005. Motion carried.

House adjourned at 3:37 p.m.

MARILYN MILLER  
Chief Clerk of the House

GARY MATTHEWS  
Speaker of the House