

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

HOUSE JOURNAL
59TH LEGISLATURE
FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 3, 2005

House Chambers
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Rep. Parker. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Small-Eastman, excused. Quorum present.

Speaker Matthews announced that the Saskatchewan Provincial government delegation was visiting the House. The delegation was paired up with and introduced by the following legislators: Rep. A. Olson with Minister Len Taylor, Rep. Juneau with Minister Maynard Sonntag, Rep. Campbell with Lyle Stewart, and Rep. Waitschies with Michael Chisholm.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 3/3/2005
Correctly printed: **SB 37**.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Olson, Chairman): 3/3/2005
SB 23, be concurred in. Report adopted.
SB 50, be concurred in. Report adopted.
SB 83, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Golie, Chairman): 3/3/2005
HB 34, do pass. Report adopted.
HB 272, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "GUARANTEEING"
Insert: "PROVIDING 50"

2. Title, line 5.
Strike: "A-3, A-4,"
Following: "B-7"
Strike: ", "

3. Page 1, line 21.
Strike: "A disabled veteran who meets"
Insert: "Disabled veterans who meet"
Following: "be"
Strike: "guaranteed"

4. Page 1, line 22.
Strike: "one deer and one"
Insert: "provided a total of 50 Class B-7 deer A tags, 50 Class B-8 deer B tags, and 50"
Following: "antelope"
Strike: "license"
Insert: "licenses"
Following: "annually"
Insert: ", which may be used"

5. Page 3, line 11 through line 12.
Strike: "is currently" on line 11 through "for" on line 12

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

Insert: "meets the qualifications in subsection (9) as a result of"

6. Page 3, line 12.

Strike: "disability must be issued"

Insert: "injury may apply at a fish, wildlife, and parks office for"

7. Page 3, line 14.

Strike: "for resident and nonresident hunters, as applicable"

Following: " "

Insert: "Fifty licenses of each license type must be made available annually."

And, as amended, do pass. Report adopted.

HB 421, introduced bill, be amended as follows:

1. Page 1, line 16 through line 17.

Following: "license" on line 16

Strike: remainder of line 16 through "license" on line 17

Insert: ", a Class B-1 nonresident upland game bird license, and a Class B-7 nonresident deer A tag"

2. Page 2, line 6.

Insert: "(6) A nonresident child of a resident who has been issued a hunting license pursuant to this section must be accompanied by a licensed resident family member while hunting in the field."

And, as amended, do pass. Report adopted.

TAXATION (Waitschies, Chairman):

3/3/2005

SB 26, be concurred in. Report adopted.

TRANSPORTATION (Mendenhall, Chairman):

3/3/2005

SB 79, be concurred in. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

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

HB 761, introduced by Noonan, Gallus, Matthews, Tester, Wanzenried, referred to State Administration.

HB 762, introduced by John Balyeat, Arntzen, Gebhardt, Curtiss, Wagman, Butcher, Stoker, Joe Balyeat, Keenan, Himmelberger, L. Jones, Lake, R. Brown, Lange, Black, Stapleton, Tash, Bales, McGee, Barkus, Koopman, Taylor, O'Neil, Laible, Ross, Ward, Lewis, Waitschies, Lambert, Warden, Essmann, Barrett, McGillvray, Hendrick, Heinert, Story, Steinbeisser, Brueggeman, Everett, McKenney, Grimes, Sonju, Klock, Perry, Maedje, Mendenhall, Hawk, W. Jones, Shockley, Sales, Sinrud, Wells, McNutt, Jackson, Ripley, referred to Taxation.

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

SB 254, introduced by Gebhardt, A. Olson, referred to Business and Labor.

SB 255, introduced by Gebhardt, A. Olson, Wells, referred to Local Government.

SB 259, introduced by Lewis, referred to Agriculture.

SB 260, introduced by Perry, referred to Judiciary.

SB 261, introduced by Perry, referred to Taxation.

SB 264, introduced by Smith, Campbell, Cohenour, Golie, Hansen, Jayne, Kitzenberg, Klock, Pease, Shockley, Small-Eastman, referred to Judiciary.

SB 265, introduced by Larson, Bergren, Golie, Harrington, Jacobson, Keane, Kitzenberg, Lange, Lindeen, Tropila, Villa, Wilson, referred to Business and Labor.

SB 269, introduced by Wheat, Clark, Ellingson, Golie, Wiseman, referred to Natural Resources.

SB 274, introduced by Barkus, referred to Business and Labor.

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

- SB 277**, introduced by Steinbeisser, Bales, Black, Kitzenberg, McNutt, Smith, referred to Transportation.
SB 278, introduced by Black, Brueggeman, Cocchiarella, Essmann, referred to Business and Labor.
SB 279, introduced by Moss, referred to Judiciary.
SB 282, introduced by Smith, Caferro, Cocchiarella, Cohenour, Ellingson, Gillan, Hansen, Kitzenberg, Mangan, Pease, Roush, Schmidt, Small-Eastman, Tester, Toole, Tropila, Williams, Windy Boy, referred to Judiciary.
SB 285, introduced by Story, Bergren, referred to Transportation.
SB 286, introduced by Ryan, McGillvray, Musgrove, referred to Business and Labor.
SB 288, introduced by Cooney, referred to State Administration.
SB 289, introduced by Laible, referred to Business and Labor.
SB 290, introduced by Mangan, referred to Local Government.
SB 292, introduced by Barkus, Ryan, referred to Taxation.
SB 294, introduced by Hawks, referred to Local Government.
SB 295, introduced by Gebhardt, referred to State Administration.
SB 296, introduced by Black, Bales, Essmann, Hansen, Roush, Tester, Tropila, Witt, referred to Taxation.
SB 298, introduced by Tropila, Bergren, Golie, Kitzenberg, McNutt, Musgrove, Smith, Stahl, Steinbeisser, referred to Fish, Wildlife and Parks.
SB 299, introduced by Toole, referred to State Administration.
SB 301, introduced by Story, referred to Local Government.
SB 302, introduced by Ellingson, referred to State Administration.
SB 304, introduced by Kitzenberg, referred to Transportation.
SB 308, introduced by O'Neil, referred to Human Services.
SB 311, introduced by Grimes, referred to Business and Labor.
SB 312, introduced by Bales, referred to Fish, Wildlife and Parks.
SB 314, introduced by Larson, Gillan, Lindeen, referred to Agriculture.
SB 316, introduced by Lind, Grimes, Wheat, referred to Business and Labor.
SB 317, introduced by Lind, Facey, referred to Business and Labor.
SB 318, introduced by Laible, referred to Transportation.
SB 320, introduced by Bales, Witt, Steinbeisser, Peterson, Barrett, Ripley, Story, referred to Agriculture.
SB 322, introduced by Gillan, Lind, referred to Human Services.
SB 325, introduced by Gebhardt, referred to Business and Labor.
SB 326, introduced by Laslovich, Matthews, Villa, Wells, Keane, referred to Business and Labor.
SB 328, introduced by Squires, referred to Human Services.
SB 329, introduced by Tester, Wanzenried, Cooney, referred to Business and Labor.
SB 335, introduced by Williams, referred to State Administration.
SB 337, introduced by Weinberg, Jopek, Facey, referred to Natural Resources.
SB 339, introduced by Joe Balyeat, Black, Roush, Tash, Tropila, referred to Fish, Wildlife and Parks.
SB 340, introduced by Essmann, Himmelberger, Larson, referred to Taxation.
SB 342, introduced by Laslovich, Brueggeman, referred to State Administration.
SB 344, introduced by Wheat, referred to Judiciary.
SB 347, introduced by Lind, A. Olson, referred to State Administration.
SB 349, introduced by Cocchiarella, referred to Business and Labor.
SB 350, introduced by Cocchiarella, referred to Local Government.
SB 352, introduced by Grimes, referred to Judiciary.
SB 353, introduced by Pease, referred to Agriculture.
SB 354, introduced by Gallus, Maedje, referred to Business and Labor.
SB 355, introduced by Shockley, Cromley, Laslovich, referred to Judiciary.
SB 356, introduced by Essmann, referred to Federal Relations, Energy, and Telecommunications.
SB 357, introduced by Squires, referred to Judiciary.
SB 359, introduced by Story, referred to Education.
SB 363, introduced by Williams, referred to Education.
SB 365, introduced by Ellingson, referred to Federal Relations, Energy, and Telecommunications.
SB 368, introduced by Cocchiarella, referred to Business and Labor.
SB 369, introduced by Cocchiarella, referred to Transportation.
SB 370, introduced by Squires, Lenhart, referred to State Administration.
SB 373, introduced by Essmann, Stapleton, referred to Business and Labor.
SB 377, introduced by Wheat, referred to Natural Resources.
SB 378, introduced by Wheat, referred to Judiciary.
SB 380, introduced by Tester, Ryan, Cooney, Williams, Toole, Gallus, referred to Business and Labor.
SB 381, introduced by Moss, referred to Judiciary.

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

SB 383, introduced by Cocchiarella, referred to Business and Labor.

SB 384, introduced by Gebhardt, referred to State Administration.

SB 388, introduced by Keenan, referred to Business and Labor.

Rep. Bergren announced the House Democrats will caucus.

Rep. Lange announced the House Republicans will caucus.

Speaker Matthews stated the House will stand at ease until 2:00 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 Facey in the chair.

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

HB 721 - Representative Parker moved **HB 721** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Taylor, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 72

Noes: Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Himmelberger, Jackson, Jayne, Klock, Koopman, Lake, Lambert, Maedje, McNutt, Morgan, Rice, Ripley, Sales, Sonju, Stahl, Stoker, Wagman, Waitschies, Ward, Wells, Witt.
Total 27

Voted Absentee: Small-Eastman, Aye.

Excused: None.
Total 0

Absent or not voting: W. Jones.
Total 1

HJR 15 - Representative Juneau moved **HJR 15** be adopted. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Sesso, Small-Eastman, Taylor, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 62

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Heinert, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Warden, Wells, Witt.
Total 38

Voted Absentee: Small-Eastman, Aye.

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 28 - Representative Lange moved **HJR 28** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 91

Noes: Balyeat, Branae, Dowell, Gallik, Jayne, Jopek, Raser, Ripley, Waitschies.
Total 9

Voted Absentee: Small-Eastman, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 30 - Representative Roberts moved **HJR 30** be adopted. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Rice, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman.
Total 90

Noes: Balyeat, Hawk, Himmelberger, Lambert, Peterson, Ripley, Waitschies, Ward, Witt.
Total 9

Voted Absentee: Small-Eastman, Aye.

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.
Total 1

HB 91 - Representative Harris moved **HB 91** do pass.

HB 91 - Representative Harris moved **HB 91**, second reading copy, be amended as follows:

1. Page 1, line 26.
Following: "(3)"
Insert: "(a)"

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

2. Page 1, line 28.

Insert: "(b) A violation of this section by a passenger may not be charged against the passenger's driving record."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, 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 96

Noes: Everett, Jayne.

Total 2

Excused: Small-Eastman.

Total 1

Absent or not voting: Ripley.

Total 1

HB 91 - Representative Harris moved **HB 91**, second reading copy, be further amended as follows:

1. Page 1, line 17 through line 19.

Strike: "OR," on line 17 through the third "SEAT" on line 19

Amendment adopted as follows:

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

Total 82

Noes: Balyeat, Barrett, Bixby, D. Brown, R. Brown, Everett, Hendrick, Himmelberger, Jayne, Koopman, Lambert, McNutt, Mendenhall, Rice, Ripley, Sonju, Wagman, Wells.

Total 18

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 91 - Representative Sonju moved **HB 91**, second reading copy, be further amended as follows:

1. Page 2, line 9.

Strike: "MORE THAN 1/6 OUNCE"

Insert: "any amount"

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, 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, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 84

Noes: Barrett, D. Brown, Everett, Hendrick, Himmelberger, Jayne, Klock, Koopman, Lambert, Maedje, McKenney, McNutt, Mendenhall, Rice, Ripley, Wells.
Total 16

Voted Absentee: Small-Eastman, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 91 - Representative Maedje moved **HB 91**, second reading copy, be further amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, Butcher, Driscoll, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lake, Lambert, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Ward, Wells, Witt.
Total 44

Noes: Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, McAlpin, McGillvray, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Small-Eastman, Stoker, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 56

Voted Absentee: Small-Eastman, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 91 - Representative Maedje moved **HB 91**, second reading copy, be further amended.

Amendment **not** adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, Klock, Koopman, Lambert, Maedje, McKenney, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Taylor, Wagman, Ward, Wells, Witt.
Total 34

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,

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

Harris, Hawk, Henry, Hiner, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Sales, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 66

Voted Absentee: Small-Eastman, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 91 - Representative Ripley moved consideration of **HB 91** be passed for the day. Chairman stated this is not a debatable motion. Motion **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Maedje, Malcolm, McNutt, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Witt.

Total 37

Noes: Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Mendenhall, Noonan, Parker, Raser, Roberts, Ross, Sesso, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 61

Excused: Small-Eastman.

Total 1

Absent or not voting: Musgrove.

Total 1

HB 91 - Representative Maedje moved **HB 91**, second reading copy, be further amended.

Amendment **not** adopted as follows:

Ayes: Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Heinert, Hendrick, Himmelberger, Jayne, Klock, Koopman, Maedje, Mendenhall, Morgan, Rice, Ripley, Stahl, Taylor, Ward, Wells, Witt.

Total 23

Noes: Andersen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 75

Voted Absentee: Small-Eastman, No.

Excused: None.

Total 0

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

Absent or not voting: Musgrove, Noennig.
Total 2

Rep. Cohenour moved the previous question. Rep. Leader Brown stated calling for the previous question in 2nd Reading is not allowed.

HB 91 - Representative Bergren moved for cloture. Motion carried as follows:

Ayes: Andersen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Stoker, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 67

Noes: Arntzen, Balyeat, Barrett, Butcher, Everett, Glaser, Heinert, Hendrick, Himmelberger, Jayne, L. Jones, Klock, Koopman, MacLaren, Maedje, Malcolm, Mendenhall, Milburn, Morgan, Rice, Ripley, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Ward, Wells, Witt.
Total 30

Excused: Golie, Musgrove, Small-Eastman.
Total 3

Absent or not voting: None.
Total 0

HB 91 - Representative Harris moved **HB 91**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Hiner, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 74

Noes: Balyeat, Barrett, D. Brown, Butcher, Everett, Glaser, Heinert, Himmelberger, Jackson, Jayne, Klock, Koopman, Lambert, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Rice, Ripley, Stahl, Wagman, Ward, Wells, Witt.
Total 26

Voted Absentee: Golie, Musgrove, Small-Eastman, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Ayes: Andersen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Hiner, Jackson, Jacobson, Jent, L. Jones,

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 79

Noes: Arntzen, Butcher, Everett, Glaser, Hendrick, Himmelberger, Jayne, Klock, Koopman, Maedje, Malcolm, Mendenhall, Rice, Sales, Sinrud, Wagman, Wells, Witt.

Total 18

Excused: Golie, Musgrove, Small-Eastman.

Total 3

Absent or not voting: None.

Total 0

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 18 passed as follows:

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

Total 74

Noes: D. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Klock, Koopman, Lake, Lange, MacLaren, Maedje, Malcolm, Ross, Sales, Sinrud, Sonju, Stoker, Wagman, Waitschies, Wells, Witt.

Total 24

Excused: Golie, Small-Eastman.

Total 2

Absent or not voting: None.

Total 0

HB 28 passed as follows:

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

Total 71

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Jackson, L. Jones, Koopman, Lake, Maedje, Malcolm, Morgan, A. Olson, Rice, Sales, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.

Total 26

Excused: Golie, Small-Eastman.

Total 2

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

Absent or not voting: Gallik.
Total 1

HB 201 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, 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, Grinde, Groesbeck, Gutsche, Hamilton, Harris, 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, Mendenhall, Milburn, 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: Barrett, Everett, Koopman, Maedje, Morgan.
Total 5

Excused: Golie, Small-Eastman.
Total 2

Absent or not voting: Juneau.
Total 1

HB 350 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, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, 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, 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: Galvin-Halcro, Jayne, Jopek, Juneau, Kaufmann, Musgrove.
Total 6

Excused: Golie, Small-Eastman.
Total 2

Absent or not voting: None.
Total 0

HB 399 passed as follows:

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

Noes: Caferro, Dickenson, Eaton, Grinde, Jopek, Kaufmann, Lambert, Lenhart, B. Olson, Sesso, Windy Boy.
Total 11

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

Excused: Golie, Small-Eastman.
Total 2

Absent or not voting: None.
Total 0

HB 463 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 89

Noes: Barrett, D. Brown, Hawk, Koopman, McGillvray, Morgan, Sinrud, Wagman, Waitschies.
Total 9

Excused: Golie, Small-Eastman.
Total 2

Absent or not voting: None.
Total 0

HB 481 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sonju, Taylor, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 85

Noes: D. Brown, R. Brown, Everett, Koopman, Lake, McGillvray, Morgan, Sales, Sinrud, Stahl, Stoker, Waitschies, Ward.
Total 13

Excused: Golie, Small-Eastman.
Total 2

Absent or not voting: None.
Total 0

HB 517 passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jent, L. Jones, Jopek, Keane, Klock, Koopman, Lambert, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sonju, Stahl, Taylor, Villa, Wanzenried, Warden, Wells, Wilson, Wiseman, Witt, Mr. Speaker.
Total 70

Noes: Balyeat, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Clark, Everett, Hawk, Jackson, Jayne, W. Jones,

HOUSE JOURNAL
FORTY-SEVENTH LEGISLATIVE DAY - MARCH 3, 2005

Juneau, Kaufmann, Lake, Lange, Malcolm, McGillvray, Milburn, Ross, Sinrud, Stoker, Wagman, Waitschies, Ward, Windham, Windy Boy.
Total 27

Excused: Golie, Small-Eastman.
Total 2

Absent or not voting: Sales.
Total 1

HB 693 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Campbell, Clark, Driscoll, Eaton, Everett, Franklin, Furey, Gallik, Glaser, Grinde, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noonan, A. Olson, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Windham, Witt, Mr. Speaker.
Total 70

Noes: Bixby, Branae, Buzzas, Caferro, Callahan, Cohenour, Dickenson, Dowell, Facey, Galvin-Halcro, Groesbeck, Gutsche, Hamilton, Harris, Henry, Jayne, Jopek, Juneau, Kaufmann, McAlpin, Musgrove, Noennig, Parker, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.
Total 28

Excused: Golie, Small-Eastman.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

Dem. Floor Leader Parker moved to re-refer HB 721 to the House Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer HB 664 from the Human Services Committee to the Business and Labor Committee. Without objection, so ordered.

Rep. Maedje stated that he objected to the cloture vote on HB 91 since he had amendments ready to present.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Friday, March 4, 2005. Motion carried.

House adjourned at 3:36 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House