

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

HOUSE JOURNAL
59TH LEGISLATURE
FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 8, 2005

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, and Ward, excused. Quorum present.

Speaker Matthews introduced Rep. Paul Clark. Rep Clark introduced Todd Daniels from Trout Creek and read the following proclamation:

A PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA
March 8, 2005

WHEREAS, while international ambassadors frequently visit the nation's capitol, on March 17 an 11-year-old ambassador from Montana will be in Washington, D.C. as a representative of 17 million hospitalized children around the nation. Todd Daniels from Trout Creek will join 49 other young ambassadors and Grammy winner LeAnn Rimes during the visit.

WHEREAS, Todd was selected as a representative of hospitalized children around the nation because of significant challenges he overcame with the help of staff at Shodair Children's Hospital. He is the only child representing the state of Montana, and the only one to represent the critical mental health needs of children.

WHEREAS, prior to Todd's experience at Shodair beginning in 2002, he had experienced more than 20 psychiatric hospitalizations since the age of four. His difficulties resulted at least in part from birth trauma; but in spite of his complex diagnosis and medication schedule, Todd now lives with his foster family in Trout Creek and continues to make progress in all areas of his life.

WHEREAS, staff at Shodair -- Montana's only Children's Miracle Network hospital -- praise Todd as someone who deserves the recognition. Words like "He never gave up even when things weren't going his way," and "He was always ready to try again," and "Todd had a piece of everyone's heart," tell the story of this young Montanan.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That the congratulations and best wishes for future happiness are extended to Todd Daniels. We are proud of his efforts to grow into a happy, productive citizen of our state.

REPORTS OF STANDING COMMITTEES

Correctly printed: **HB 673, SB 6, SB 9, SB 30, SB 36, SB 56, SB 67, SB 99, SB 100, SB 132.**

Correctly engrossed: **HB 361, HB 374, HB 484, HB 552, HB 728, SB 166, SB 248.**

Correctly enrolled: **HB 21, HB 27, HB 29, HB 37, HB 66.**

Signed by the Chief Clerk of the House at 3:50 p.m., March 7, 2005: **HB 77, HB 108, HB 118.**

Signed by the Speaker at 3:55 p.m., March 7, 2005: **HB 77, HB 108, HB 118.**

Signed by the President at 8:25 a.m., March 8, 2005: **HB 77, HB 108, HB 118.**

Delivered to the Governor for approval at 9:00 a.m., March 8, 2005: **HB 77, HB 108, HB 118.**

Examined by the sponsor and found to be correct: **HB 21, HB 27, HB 29, HB 37, HB 66.**

BUSINESS AND LABOR (Keane, Chairman):
HB 364, introduced bill, be amended as follows:

3/8/2005

1. Title, line 5.
Following: "OF"

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

Insert: "CERTAIN"

2. Page 1, line 12.

Following: "(1)"

Insert: "(a)"

3. Page 1, following line 13.

Insert: "(b) Pharmaceuticals purchased from Canadian pharmacies under this section must have been manufactured in the United States or, if manufactured in another country, must have been manufactured by a company holding a United States patent for the pharmaceutical manufactured in the other country."

4. Page 2, line 30.

Strike: "and participate in"

5. Page 3, line 1 through line 2.

Strike: "for use" on line 1 through "care" on line 2

And, as amended, do pass. Report adopted.

EDUCATION (Galvin-Halcro, Chairman): 3/8/2005
SB 170, be concurred in. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Olson, Chairman): 3/8/2005
SB 169, be concurred in. Report adopted.
SB 187, be concurred in. Report adopted.

STATE ADMINISTRATION (Jent, Chairman): 3/8/2005
SB 16, be concurred in. Report adopted.
SB 17, be concurred in and placed on the consent calendar. Report adopted.
SB 53, be concurred in and placed on the consent calendar. Report adopted.
SB 54, be concurred in and placed on the consent calendar. Report adopted.
SB 69, be concurred in. Report adopted.

SENATE

House bills concurred in and returned to the House: 3/08/2005

HB 21, introduced by Gallik
HB 27, introduced by Noennig
HB 29, introduced by Golie
HB 37, introduced by Lambert
HB 66, introduced by Jent

Senate bill passed and transmitted to the House for concurrence: 3/8/2005

SB 324, introduced by Tester

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 33, introduced by A. Olson, Gebhardt, Maedje, referred to Natural Resources.

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

SB 324, introduced by Tester, Roberts, referred to Human Services.
SB 375, introduced by Wheat, referred to Business and Labor.
SB 410, introduced by Gallus, referred to Fish, Wildlife and Parks.
SB 461, introduced by Steinbeisser, Bales, Brueggeman, Klock, Lange, Smith, referred to Agriculture.
SB 462, introduced by Bales, referred to State Administration.

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

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 1:15 p.m.

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 34 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, 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, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 90

Noes: None.
Total 0

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.
Total 7

Absent or not voting: Jayne, Windham, Witt.
Total 3

HB 272 passed as follows:

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

Noes: None.
Total 0

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.
Total 7

Absent or not voting: Jayne, Stahl, Windham, Witt.
Total 4

HB 505 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, 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, Warden, Wells, Wilson,

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

Windy Boy, Wiseman, Mr. Speaker.
Total 88

Noes: Dickenson.
Total 1

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.
Total 7

Absent or not voting: Bixby, Jayne, Windham, Witt.
Total 4

HB 550 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, 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, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 90

Noes: None.
Total 0

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.
Total 7

Absent or not voting: Jayne, Windham, Witt.
Total 3

HJR 9 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, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Mr. Speaker.
Total 47

Noes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Clark, Cohenour, Dickenson, Dowell, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windy Boy, Wiseman.
Total 42

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.
Total 7

Absent or not voting: Campbell, Jayne, Windham, Witt.
Total 4

SB 14 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall,

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

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, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 88

Noes: Facey.
Total 1

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.
Total 7

Absent or not voting: Hamilton, Jayne, Windham, Witt.
Total 4

SB 20 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, 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, Warden, Wells, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 90

Noes: None.
Total 0

Excused: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward.
Total 7

Absent or not voting: Jayne, Windham, Witt.
Total 3

**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 Andersen in the chair.

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

HB 406 - Representative Parker moved consideration of **HB 406** be passed for the day. Motion carried.

HB 674 - Representative Waitschies moved **HB 674** do pass.

HB 674 - Representative Waitschies moved **HB 674**, second reading copy, be amended as follows:

1. Title, line 11.

Following: "ETHANOL;"

Strike: "AND"

Insert: "REDUCING THE TAX INCENTIVE FROM 30 CENTS TO 20 CENTS A GALLON; REVISING THE TIME IN WHICH TAX INCENTIVES MAY BE PAID; REDUCING THE AMOUNT OF PAYMENTS THAT MAY BE MADE TO AN ALCOHOL DISTRIBUTOR IN A CALENDAR YEAR FROM \$3 MILLION TO \$2 MILLION; PROVIDING FOR CONTRACTS FOR ETHANOL PRODUCERS ELIGIBLE FOR TAX INCENTIVES; REMOVING THE REQUIREMENT FOR LOSS OF PRIORITY;"

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

2. Title, line 15.

Following: "MCA"

Insert: "; AND AMENDING SECTION 15-70-522, MCA"

3. Page 2, line 13.

Following: "(5)"

Strike: "and (6)"

4. Page 2, line 14.

Following: "regarding"

Strike: "the percentage of"

5. Page 3, line 28.

Insert: "Section 5. Section 15-70-522, MCA, is amended to read:

"15-70-522. Tax incentive for production of alcohol -- written plan required -- reservation of incentives -- rules. (1) (a) If the alcohol was produced in Montana from Montana agricultural products, including Montana wood or wood products, or if the alcohol was produced from non-Montana agricultural products when Montana products are not available, there is a tax incentive payable to alcohol distributors for distilling alcohol that:

(i) is to be blended with gasoline for sale as gasohol in Montana;

(ii) was exported from Montana to be blended with gasoline for sale as gasohol; or

(iii) is to be used in the production of ethyl butyl ether for use in reformulated gasoline.

(b) Payment must be made by the department out of the amount collected under 15-70-204.

(2) Except as provided in subsections (3) and (4), the tax incentive on each gallon of alcohol distilled in accordance with subsection (1) is ~~30~~ 20 cents a gallon for each gallon that is 100% produced from Montana products, with the amount of the tax incentive for each gallon reduced proportionately, based upon the amount of agricultural or wood products not produced in Montana that is used in the production of the alcohol. ~~Beginning July 1, 2010, there is no tax incentive.~~ The tax incentive is available to a facility for the first 6 years from the date that the facility begins production.

(3) Regardless of the alcohol tax incentive provided in subsection (2), the total payments made for the incentive under this part may not exceed \$6 million in any consecutive 12-month period.

(4) ~~(a)~~ An alcohol distributor may not receive tax incentive payments under subsection (2) that exceed \$3 ~~\$2~~ million in any consecutive 12-month period. Subject to subsections (6) and (7), an alcohol distributor may receive tax incentive payments commencing the first quarter after a facility begins production. The distributor shall report its production to the department pursuant to 15-70-205.

(b) The distributor's report must include:

(i) the total number of gallons produced for the month;

(ii) the total amount of products purchased for the production of alcohol;

(iii) the percentage of the total amount of products purchased that are Montana products; and

(iv) other information that the department determines is necessary.

(5) An alcohol distributor may not receive tax incentive payments under subsection (2) unless the distributor has provided a written business plan to the department of transportation at least 24 months before the distributor's anticipated application for collection of the tax incentives ~~and has complied with the schedule provided for in subsection (6).~~ The plan must contain the following information:

(a) the source or sources of financing for the acquisition of the plant, land, and equipment used for the production of alcohol for use in gasohol;

(b) the anticipated source of agricultural products used in the production of alcohol for use in gasohol; and

(c) the anticipated time, quantity, and duration of production of alcohol for use in gasohol.

~~(6) An applicant that has provided the department with a written business plan shall meet the following schedule to be able to receive alcohol tax incentive payments:~~

~~(a) start building construction or remodeling within 24 months of the date on which the department received the business plan;~~

~~(b) complete 50% of construction or remodeling of a production facility within 36 months of the date on which the business plan was received; and~~

~~(c) complete 100% of construction or remodeling of a production facility and be in production of alcohol for use in gasohol for distribution within 48 months of the date on which the business plan was received.~~

~~(7) If the applicant does not adhere to the schedule in subsection (6), the applicant loses its priority for receiving incentive payments.~~

~~(8)~~ (6) (a) A plant shall apply for the incentive payment by submitting an application to the department

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

when the plant has proof of commitment from lenders to finance the plant. Subject to subsection (6)(b), the department of transportation shall respond to the applicant with approval of the application within 45 days of receipt of the application, after confirming the lending commitment. Upon approval of the application, the department shall enter into a contract with the plant that ensures the state's commitment to pay incentive payments to qualifying ethanol plants.

(b) If the department of transportation is not able to confirm a lending commitment, the department shall deny the application.

(7) After the department has verified production, the application provisions of subsection (6) are met, and the plant owner presents proof of financing, the department shall begin payments of the alcohol tax incentives based on actual production according to the terms of subsection subsections (2) and (4).

(9) The department shall reserve, in the order that written plans required under subsection (5) are received by the department, alcohol tax incentives based on the anticipated time, quantity, and duration of production.

(10) A new tax incentive payment may not be made if the total tax incentive established in subsection (3) has been reserved or paid. If an alcohol tax incentive has been reduced or canceled, the amount by which the tax incentive has been reduced or canceled is available for reservation as provided in subsection (9).

(11)(8) The department shall prescribe rules necessary to carry out the provisions of this section. The department shall coordinate and request information and input from the industry as a part of the rulemaking process and shall follow the procedures provided in Title 2, chapter 4."

Renumber: subsequent section

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, 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, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Clark, Galvin-Halcro, Jayne, Kaufmann.
Total 4

Voted Absentee: Becker, Driscoll, Koopman, McAlpin, McGillvray, Small-Eastman, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: Groesbeck, Windham.
Total 2

HB 674 - Representative Waitschies moved **HB 674**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, D. Brown, R. Brown, Butcher, Buzzas, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Keane, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, B. Olson, Peterson, Raser, Rice, Ripley, Roberts, Ross, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 72

Noes: Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Dowell, Galvin-Halcro, Gutsche, Hamilton, Jayne, Jopek, Juneau, Kaufmann, Koopman, Lindeen, Musgrove, Parker, Sales, Sesso, Sinrud, Villa, Wells, Wiseman.
Total 26

Voted Absentee: Becker, Driscoll, McAlpin, McGillvray, Small-Eastman, Ward, Ayes; Koopman, No.

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

Excused: None.
Total 0

Absent or not voting: A. Olson, Windham.
Total 2

HB 338 - Representative Jent moved **HB 338** do pass. Motion carried as follows:

Ayes: Arntzen, 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, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McKenney, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 62

Noes: Andersen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Klock, Koopman, Lake, Lambert, Lange, MacLaren, McGillvray, McNutt, Mendenhall, Morgan, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.
Total 38

Voted Absentee: Becker, Driscoll, Furey, McAlpin, Small-Eastman, Windham, Ayes; Koopman, McGillvray, Ward, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 421 - Representative Golie moved **HB 421** do pass.

HB 421 - Representative Warden moved **HB 421**, second reading copy, be amended as follows:

1. Page 1, line 29.
Following: "(b) a"
Insert: "high school"
Following: "Montana"
Strike: "high"
Insert: "public, private, or home"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Caferro, Callahan, Clark, Dickenson, Driscoll, Eaton, Everett, 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, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windy Boy, Witt, Mr. Speaker.
Total 84

Noes: Branae, Buzzas, Campbell, Cohenour, Dowell, Facey, Jayne, Juneau, Kaufmann, Raser, Stahl, Stoker, Villa, Wiseman.
Total 14

Voted Absentee: Becker, Driscoll, Furey, Koopman, McAlpin, McGillvray, Small-Eastman, Ward, Ayes.

Excused: Wanzenried, Windham.

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

Total 2

Absent or not voting: None.
Total 0

HB 421 - Representative Golie moved **HB 421**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McKenney, McNutt, Mendenhall, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Small-Eastman, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 74

Noes: Bixby, R. Brown, Dowell, Everett, Glaser, Harris, Hawk, Himmelberger, Jayne, L. Jones, Koopman, Maedje, Malcolm, McGillvray, Milburn, Morgan, B. Olson, Rice, Roberts, Sales, Sinrud, Sonju, Stahl, Stoker, Ward, Witt.
Total 26

Voted Absentee: Becker, Driscoll, Furey, McAlpin, Small-Eastman, Wanzenried, Windham, Ayes; Koopman, McGillvray, Ward, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 488 - Representative Gallik moved **HB 488** do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 52

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Everett, Glaser, Hawk, Heinert, Hendrick, Jackson, Jayne, 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 48

Voted Absentee: Becker, Driscoll, Eaton, Furey, McAlpin, Small-Eastman, Wanzenried, Windham, Ayes; Koopman, McGillvray, Ward, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 606 - Representative Gutsche moved **HB 606** do pass. Motion carried as follows:

Ayes: Arntzen, 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, Heinert, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Musgrove,

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 84

Noes: Andersen, Balyeat, Everett, Hawk, Himmelberger, Jackson, Klock, Koopman, McGillvray, Morgan, Rice, Ripley, Stahl, Stoker, Ward, Witt.
Total 16

Voted Absentee: Becker, Driscoll, Eaton, Furey, McAlpin, Small-Eastman, Wanzenried, Windham, Ayes; Koopman, McGillvray, Ward, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 698 - Representative Lange moved **HB 698** do pass. Motion passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 99

Noes: B. Olson.
Total 1

Voted Absentee: Becker, Driscoll, Eaton, Furey, Koopman, McAlpin, McGillvray, Small-Eastman, Wanzenried, Ward, Windham, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 563 - Representative Dowell moved **HB 563** do pass. Motion carried as follows:

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

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, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 49

Voted Absentee: Becker, Driscoll, Eaton, Furey, McAlpin, Small-Eastman, Wanzenried, Windham, Ayes; Koopman, McGillvray, Ward, Noes.

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

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 Andersen moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Franklin, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Roberts, Ross, Sesso, Stoker, Taylor, Villa, Waitschies, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 67

Noes: Everett, Gallik, Glaser, Heinert, W. Jones, Maedje, Mendenhall, Morgan, Rice, Sales, Sinrud, Sonju, Warden, Wells.
Total 14

Excused: Becker, Driscoll, Eaton, Furey, Koopman, McAlpin, McGillvray, Small-Eastman, Wanzenried, Ward, Windham.
Total 11

Absent or not voting: Butcher, Facey, Hawk, Hendrick, Malcolm, Peterson, Stahl, Wagman.
Total 8

MOTIONS

Dem. Floor Leader Parker moved to re-refer the following bills from 2nd Reading today to the House Appropriations Committee: HB 338, HB 674, and HB 698.

Rep. Leader R. Brown objected to HB 674 being re-referred to the House Appropriations Committee.
Rep. Buzzas spoke in favor of HB 674 being re-referred to the House Appropriations Committee.
Dem. Floor Leader Parker spoke to clarify the rules on re-referring bills.

Dem. Floor Leader Parker moved to re-refer HB 674 to the House Appropriations Committee. Motion **failed** as follows:

Ayes: Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Keane, Lenhart, Lindeen, Musgrove, Noonan, Parker, Raser, Sesso, Villa, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 41

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Klock, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Witt.
Total 47

Excused: Becker, Driscoll, Eaton, Furey, Koopman, McAlpin, McGillvray, Small-Eastman, Wanzenried, Ward, Windham.
Total 11

Absent or not voting: Kaufmann.
Total 1

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

Speaker Matthews stated HB 674 will proceed to 3rd Reading.

Dem. Floor Leader Parker moved to re-refer the following bills from 2nd Reading today to the House Appropriations Committee: HB 338 and HB 698. Without objection, so ordered.

Dem. Floor Leader Parker moved to take HB 342 from the Appropriations Committee and place on 3rd Reading. Motion passed as follows:

Ayes: Andersen, Arntzen, Barrett, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Everett, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 83

Noes: Balyeat, Sesso, Villa.
Total 3

Excused: Becker, Driscoll, Eaton, Furey, Koopman, McAlpin, McGillvray, Small-Eastman, Wanzenried, Ward, Windham.
Total 11

Absent or not voting: Facey, Jopek, Kaufmann.
Total 3

Rep. Villa moved to suspend the House Rules for the late drafting and introduction of a Joint Resolution. Speaker Matthews stated this requires a 2/3 vote. Motion passed as follows:

Ayes: Andersen, Arntzen, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Keane, Lange, Lenhart, Lindeen, MacLaren, Maedje, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Rice, Roberts, Ross, Sesso, Taylor, Villa, Warden, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 59

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Hawk, Himmelberger, L. Jones, Klock, Lake, Lambert, Malcolm, McKenney, McNutt, Mendenhall, Morgan, B. Olson, Raser, Ripley, Sales, Sinrud, Sonju, Stahl, Stoker, Wagman, Waitschies, Wells, Witt.
Total 29

Excused: Becker, Driscoll, Eaton, Furey, Koopman, McAlpin, McGillvray, Small-Eastman, Wanzenried, Ward, Windham.
Total 11

Absent or not voting: Kaufmann.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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

House adjourned at 3:10 p.m.

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 8, 2005

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House