

HOUSE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 15, 2005

HOUSE JOURNAL
59TH LEGISLATURE
FIFTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 15, 2005

House Chambers
State Capitol

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

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

Entertainment was provided by a Kalispell home school choir.

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 1:00 p.m.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 3/15/2005
Correctly printed: **HB 759**.
Signed by the Chief Clerk of the House at 1:50 p.m., March 14, 2005: **HB 14, HB 110, HB 112, HB 138, HB 139, HB 215, HB 266, HB 609, HJR 24**.
Signed by the Speaker at 3:00 p.m., March 14, 2005: **HB 14, HB 110, HB 112, HB 138, HB 139, HB 215, HB 266, HB 609, HJR 24**.
Signed by the President at 4:00 p.m., March 14, 2005: **HB 14, HB 110, HB 112, HB 138, HB 139, HB 215, HB 266, HB 609, HJR 24**.
Correctly engrossed: **HB 124**.
Signed by the Chief Clerk of the House at 3:40 p.m., March 14, 2005: **HB 308**.
Signed by the Speaker at 3:50 p.m., March 14, 2005: **HB 308**.
Signed by the President at 4:45 p.m., March 14, 2005: **HB 308**.
Signed by the Chief Clerk of the House at 11:20 a.m., March 14, 2005: **HB 24, HB 25, HB 26, HB 56, HB 64, HB 144, HB 154, HB 160, HB 178, HB 255, HB 312, HB 313, HB 439, HJR 4, HJR 11, HJR 22**.
Signed by the Speaker at 11:40 a.m., March 14, 2005: **HB 24, HB 25, HB 26, HB 56, HB 64, HB 144, HB 154, HB 160, HB 178, HB 255, HB 312, HB 313, HB 439, HJR 4, HJR 11, HJR 22**.
Signed by the President at 3:45 p.m., March 14, 2005: **HB 24, HB 25, HB 26, HB 56, HB 64, HB 144, HB 154, HB 160, HB 178, HB 255, HB 312, HB 313, HB 439, HJR 4, HJR 11, HJR 22**.
Correctly enrolled: **HB 20, HB 79, HB 86, HB 114, HB 131, HB 155, HB 183, HB 184, HB 187, HB 198, HB 207, HB 242, HB 298, HB 347, HB 350, HB 354, HB 397, HB 400, HB 401, HB 508, HB 564, HB 598, HB 612**.
Delivered to the Secretary of State at 8:05 a.m., March 15, 2005: **HJR 4, HJR 11, HJR 22, HJR 24**.
Delivered to the Governor for approval at 8:20 a.m., March 15, 2005: **HB 14, HB 24, HB 25, HB 26, HB 56, HB 64, HB 110, HB 112, HB 138, HB 139, HB 144, HB 154, HB 160, HB 178, HB 215, HB 255, HB 266, HB 308, HB 312, HB 313, HB 439, HB 609**.

APPROPRIATIONS (Buzzas, Chairman): 3/15/2005
HB 236, introduced bill, be amended as follows:

1. Page 2, line 23.
Following: "local"
Insert: "and tribal"

And, as amended, do pass. Report adopted.

HB 327, introduced bill, do pass and be placed on the consent calendar. Report adopted.
HB 385, do pass. Report adopted.

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HB 475, do pass. Report adopted.

HB 513, do pass. Report adopted.

HB 541, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 628, introduced bill, be amended as follows:

1. Title, line 6.

Following: "RESIDENTIAL"

Insert: "OR OUTDOOR"

2. Page 1, line 13.

Following: "residential"

Insert: "or outdoor"

3. Page 1, line 14.

Following: "residential"

Insert: "or outdoor"

4. Page 1, line 18.

Strike: "2"

Insert: "3"

5. Page 1, line 22.

Insert: "NEW SECTION. Section 2. Purpose. The purpose of the board is to examine the benefit of licensing private alternative adolescent residential or outdoor programs as a public service to monitor and maintain a high standard of care and to ensure the safety and well-being of the adolescents and parents using the programs. Necessary licensure processes and safety standards for programs are best developed and monitored by the professionals that are actively engaged in providing private alternative adolescent residential care."

Renumber: subsequent sections

6. Page 1, line 23.

Strike: "[section 3]"

Insert: "[sections 2 through 4]"

7. Page 1, line 24.

Following: "residential"

Insert: "or outdoor"

8. Page 1, line 27.

Following: "residential"

Insert: "or outdoor"

9. Page 2, line 2.

Strike: "youth care facilities as provided in 52-2-602"

Insert: "any program that is required to be licensed or regulated by the state under Title 50, 52, or 53"

10. Page 2, line 17.

Strike: "whether"

Following: "standards"

Insert: "that"

11. Page 2, line 18.

Following: line 17

Insert: "(d) examine the quality of child care available in the various programs, any aspects of existing programs that need improvement, and the positive contributions to or negative interactions with local communities;"

Renumber: subsequent subsections

12. Page 2, line 19.

Strike: "2007 legislature"

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Insert: "economic affairs interim committee"
Following: "findings"
Strike: "and"
Insert: ", "
Following: "recommendations"
Insert: ", and proposed legislation, if any, by September 15, 2006"

13. Page 3, line 13.
Strike: "and 3"
Insert: "through 4"

14. Page 3, line 14.
Strike: "and 3"
Insert: "through 4"

And, as amended, do pass. Report adopted.

HB 672, do pass. Report adopted.
HB 700, do pass. Report adopted.
HB 721, do pass. Report adopted.

BUSINESS AND LABOR (Keane, Chairman): 3/15/2005
SB 103, be concurred in. Report adopted.

EDUCATION (Galvin-Halcro, Chairman): 3/15/2005
SB 359, be concurred in. Report adopted.
SJR 12, be amended as follows:

1. Page 1, line 11.
Strike: "civic"
Insert: "citizenship and patriotic"

2. Page 1, line 13.
Strike: "the communities in which"
Insert: "one of the places where"

3. Page 1, line 24.
Following: "law,"
Strike: "and"
Following: "democracy"
Insert: ", and freedom"

4. Page 1, line 25.
Following: line 24
Insert: "(2) foster an appreciation for America's founders, our free institutions, and the moral and intellectual foundations of our nation;"
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

HUMAN SERVICES (Becker, Chairman): 3/15/2005
SB 29, be concurred in. Report adopted.
SB 121, be concurred in. Report adopted.
SB 127, be amended as follows:

1. Page 7, line 9.
Following: "who are"
Insert: "seriously"

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And, as amended, be concurred in. Report adopted.

SB 153, be concurred in. Report adopted.

JUDICIARY (Rice, Chairman): 3/15/2005
SB 264, be concurred in. Report adopted.
SB 282, be concurred in. Report adopted.
SB 352, be concurred in. Report adopted.

TRANSPORTATION (Mendenhall, Chairman): 3/15/2005
SB 369, be amended as follows:

1. Page 2.

Following: line 18

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then the code commissioner shall change all references to vehicle in subsection (2)(c) of 61-4-129 in [this act] to references to motor vehicle."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence: 3/15/2005

SB 493, introduced by Laslovich

House bills concurred in and returned to the House: 3/15/2005

HB 39, introduced by Gutsche
HB 81, introduced by Ross
HB 82, introduced by Ross
HB 158, introduced by McKenney
HB 224, introduced by Ross
HB 273, introduced by Lambert
HB 437, introduced by Caferro
HB 557, introduced by Butcher

House joint resolutions passed and returned to the House for concurrence: 3/15/2005

HJR 13, introduced by Clark
HJR 29, introduced by Rice

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/15/2005

HB 135, introduced by D. Brown
HB 156, introduced by Henry
HB 208, introduced by Kaufmann
HB 537, introduced by Wanzenried

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments: 3/15/2005

HJR 17, introduced by McAlpin

FIRST READING AND COMMITMENT OF BILLS

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

HB 788, introduced by MacLaren, Tropila, referred to Transportation.

HB 789, introduced by Maedje, Curtiss, Heinert, referred to Fish, Wildlife and Parks.

The following Senate bill was introduced, read first time, and referred to committee:

SB 493, introduced by Laslovich, referred to Judiciary.

MOTIONS

Dem. Floor Leader Parker moved to re-refer HB 569 from 2nd Reading to the Taxation Committee. Motion carried with a voice vote.

Dem. Floor Leader Parker moved the House reconsider its actions on SB 117 and place SB 117 back on 2nd Reading. Without objection, so ordered.

Dem. Floor Leader Parker moved SB 152 on 2nd Reading be passed for the day. Without objection, so ordered.

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 514 passed as follows:

Ayes: Becker, Bergren, Bixby, Branae, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Sonju, Stahl, Stoker, Villa, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 69

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Maedje, Malcolm, McNutt, Mendenhall, Milburn, A. Olson, Peterson, Rice, Ripley, Ross, Sinrud, Taylor, Wagman, Waitschies.

Total 28

Excused: Small-Eastman.

Total 1

Absent or not voting: Gutsche, Sales.

Total 2

SB 16 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, 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, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 94

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Noes: Hawk, Lake, Lambert, Ross.
Total 4

Excused: Small-Eastman.
Total 1

Absent or not voting: L. Jones.
Total 1

SB 170 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, 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, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: Everett, Hawk, Koopman, Malcolm, Ward, Windham.
Total 6

Excused: Small-Eastman.
Total 1

Absent or not voting: None.
Total 0

SB 171 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McKenney, McNutt, Mendenhall, Milburn, 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, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 92

Noes: Everett, Hawk, Malcolm, McGillvray, Morgan, Stahl, Ward.
Total 7

Excused: Small-Eastman.
Total 1

Absent or not voting: None.
Total 0

SB 188 concurred in as follows:

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

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Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 96

Noes: Furey, Waitschies.
Total 2

Excused: Small-Eastman.
Total 1

Absent or not voting: Caferro.
Total 1

SB 189 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, 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, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 97

Noes: Buzzas.
Total 1

Excused: Small-Eastman.
Total 1

Absent or not voting: W. Jones.
Total 1

SB 235 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, 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, 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 98

Noes: None.
Total 0

Excused: Small-Eastman.
Total 1

Absent or not voting: Grinde.
Total 1

SB 278 concurred in as follows:

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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, 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 99

Noes: None.
Total 0

Excused: Small-Eastman.
Total 1

Absent or not voting: None.
Total 0

SB 356 concurred in as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, 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, 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 99

Noes: None.
Total 0

Excused: Small-Eastman.
Total 1

Absent or not voting: None.
Total 0

**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 Sales 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 Bergren moved **HB 406** do pass.

HB 406 - Representative Bergren moved **HB 406**, second reading copy, be amended as follows:

1. Page 2, line 18.

Following: "or lamb who"

Insert: "knowingly or purposely"

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2. Page 2, line 22.

Following: "\$250;"

Insert: "and"

3. Page 2, line 23.

Following: "third"

Insert: "or subsequent"

Following: "\$500"

Strike: "; and"

Insert: "."

4. Page 2, lines 24 and 25.

Strike: subsection (d) in its entirety

5. Page 3, line 1.

Strike: "has the meaning"

Insert: "and "purposely" have the meanings"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, 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, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Small-Eastman, Aye.

Excused: None.

Total 0

Absent or not voting: Butcher, Furey.

Total 2

HB 406 - Representative Peterson moved **HB 406**, second reading copy, be further amended as follows:

1. Page 3, line 27.

Following: "DATES"

Insert: " -- contingent voidness"

2. Page 3, line 27.

Strike: "SUBSECTION"

Insert: "subsections"

Following: "(2)"

Insert: "and (3)"

3. Page 3, line 30.

Insert: "(3) (a) The department of labor and industry shall request an official opinion from the United States department of agriculture, agricultural marketing service, regarding whether the federal country of origin labeling law preempts any portion of [this act].

(b) If the official opinion is that the federal country of origin labeling law preempts any portion of [this

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act], this act is void and the department of labor and industry shall inform the code commissioner. If the official opinion is that the federal country of origin labeling law does not preempt any portion of [this act], [this act] is effective as provided in this section and the department of labor and industry shall notify the code commissioner."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Himmelberger, 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, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
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, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, 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 48

Voted Absentee: Small-Eastman, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 406 - Representative Bergren moved **HB 406**, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jacobson, Jayne, L. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 84

Noes: Butcher, Heinert, Jackson, Jent, W. Jones, Koopman, Lake, Maedje, Malcolm, McKenney, Mendenhall, Morgan, B. Olson, Sinrud, Stoker, Waitschies.
Total 16

Voted Absentee: Small-Eastman, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 187 - Representative Noennig moved **SB 187** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bixby, 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, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert,

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Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, 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 90

Noes: Balyeat, Barrett, Bergren, Everett, Koopman, Malcolm, Mendenhall, Rice, Stahl.
Total 9

Voted Absentee: Small-Eastman, Aye.

Excused: None.
Total 0

Absent or not voting: Branae.
Total 1

HB 124 - Representative Facey moved **HB 124** do pass.

HB 124 - Representative Gallik moved **HB 124**, second reading copy, be amended. Amendment **not** adopted as follows:

Ayes: Bixby, Branae, Buzzas, Caferro, Dowell, Eaton, Furey, Gallik, Galvin-Halcro, Jacobson, Juneau, Kaufmann, Lindeen, Musgrove, Raser, Windy Boy, Wiseman.
Total 17

Noes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Everett, Facey, Franklin, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jayne, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker.
Total 82

Excused: Small-Eastman.
Total 1

Absent or not voting: None.
Total 0

HB 124 - Representative Facey moved **HB 124** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, 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, Klock, Lake, Lambert, Lange, Lenhart, MacLaren, Maedje, McAlpin, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Villa, Waitschies, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman.
Total 74

Noes: D. Brown, R. Brown, Butcher, Buzzas, Callahan, Everett, Franklin, Hawk, Himmelberger, Jackson, Koopman, Lindeen, Malcolm, McGillvray, Mendenhall, Morgan, Roberts, Ross, Sales, Sonju, Stahl, Wagman, Ward, Wells, Witt, Mr. Speaker.

Total 26

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Voted Absentee: Small-Eastman, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 742 - Representative Buzzas moved **HB 742** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Butcher, Buzzas, Caferro, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, Maedje, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Roberts, Sesso, Small-Eastman, Stahl, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 62

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Callahan, Everett, Glaser, Hawk, Himmelberger, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt.
Total 38

Voted Absentee: Small-Eastman, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 759 - Representative Koopman moved **HB 759** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, D. Brown, R. Brown, Butcher, Caferro, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, 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, Wiseman, Witt, Mr. Speaker.
Total 88

Noes: Branae, Buzzas, Callahan, Dickenson, Franklin, Gutsche, Hiner, Wilson, Windham, Windy Boy.
Total 10

Voted Absentee: Small-Eastman, Aye.

Excused: None.
Total 0

Absent or not voting: Furey, Lindeen.
Total 2

HB 277 - Representative Maedje moved **HB 277** do pass.

HB 277 - Representative Maedje moved **HB 277**, second reading copy, be amended. Amendment **not** adopted as follows:

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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, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Noennig, A. Olson, B. Olson, Peterson, Rice, Roberts, Ross, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Witt.
Total 46

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, Malcolm, McAlpin, Milburn, Musgrove, Noonan, Parker, Raser, Ripley, Sales, Sesso, Sinrud, Villa, Wanzenried, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 53

Excused: Small-Eastman.
Total 1

Absent or not voting: None.
Total 0

HB 277 - Representative Maedje moved **HB 277** do pass. Motion **failed** as follows:

Ayes: Arntzen, Barrett, Becker, Branae, D. Brown, Butcher, Everett, Glaser, Golie, Harris, Heinert, Himmelberger, Jackson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, MacLaren, Maedje, McGillvray, McKenney, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Peterson, Rice, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Wagman, Waitschies, Ward, Warden, Wilson, Witt, Mr. Speaker.
Total 46

Noes: Andersen, Balyeat, Bergren, Bixby, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Hendrick, Henry, Hiner, Jacobson, Jayne, Juneau, Kaufmann, Koopman, Lenhart, Lindeen, Malcolm, McAlpin, McNutt, Mendenhall, Milburn, Noonan, Parker, Raser, Ripley, Sales, Sinrud, Stoker, Taylor, Villa, Wanzenried, Wells, Windham, Windy Boy, Wiseman.
Total 54

Voted Absentee: Small-Eastman, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 51 - Representative Bergren moved **SB 51** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Small-Eastman, Aye.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 64 - Representative Milburn moved **SB 64** be concurred in. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, 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, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, 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, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 93

Noes: D. Brown, Everett, Hawk, Koopman, Maedje, Sonju, Stahl.
Total 7

Voted Absentee: Small-Eastman, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 84 - Representative Galvin-Halcro moved **SB 84** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Caferro, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Sonju, Taylor, Villa, Wanzenried, Ward, Warden, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 83

Noes: Andersen, Buzzas, Cohenour, Everett, Gallik, Hawk, Lake, McGillvray, Rice, Sinrud, Stahl, Stoker, Wagman, Waitschies, Wells, Windham.
Total 16

Voted Absentee: Small-Eastman, Aye.

Excused: None.
Total 0

Absent or not voting: Keane.
Total 1

SB 98 - Representative Sesso moved **SB 98** be concurred in. Motion carried as follows:

Ayes: Arntzen, Balyeat, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm,

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Total 74

Noes: Andersen, Barrett, Butcher, Caferro, Everett, Golie, Hawk, Hendrick, Jayne, L. Jones, Kaufmann, Koopman, Maedje, McGillvray, Mendenhall, Milburn, Peterson, Rice, Roberts, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Wells.
Total 26

Voted Absentee: Small-Eastman, Aye.

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

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

Noes: Everett, Gallik, Hawk, Koopman, Maedje, McGillvray, Mendenhall, Sinrud, Stahl, Wagman, Wells.
Total 11

Excused: Small-Eastman.
Total 1

Absent or not voting: D. Brown, Keane, Sales.
Total 3

MOTIONS

Dem. Floor Leader Parker moved to re-refer HB 124 and HB 742 to the House Appropriations Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Consent Calendar: SB 24. There being no questions, this bill will be placed on 3rd Reading.

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 16, 2005. Motion carried.

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House adjourned at 3:00 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House