

**HOUSE JOURNAL
59TH LEGISLATURE
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
April 21, 2005

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Rep. Ripley. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Matthews and the House thanked the pages.

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventy-eighth and seventy-ninth legislative days, find the same to be correct.

Barrett, Chair

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman):

4/21/2005

Delivered to the Governor for reconsideration at 7:45 a.m., April 21, 2005: **HB 7**.

Correctly enrolled: **HB 2, HB 28, HB 45, HB 60, HB 146, HB 218, HB 249, HB 272, HB 367, HB 482, HB 529, HB 535, HB 606, HB 700, HB 713, HB 740, HB 758, HB 761, HJR 33, HJR 36**.

Signed by the Chief Clerk of the House at 11:45 a.m., April 20, 2005: **HB 348, HB 423, HB 438, HB 540, HB 678, HB 756, HB 776**.

Signed by the Speaker at 12:30 p.m., April 21, 2005: **HB 348, HB 423, HB 438, HB 540, HB 678, HB 756, HB 776**.

Signed by the President at 2:00 p.m., April 21, 2005: **HB 348, HB 423, HB 438, HB 540, HB 678, HB 756, HB 776**.

Delivered to the Governor for approval at 2:25 p.m., April 21, 2005: **HB 348, HB 423, HB 438, HB 540, HB 678, HB 756, HB 776**.

Signed by the Chief Clerk of the House at 9:30 a.m., April 22, 2005: **HB 60, HB 146, HB 218, HB 272, HB 367, HB 529, HB 606**.

Signed by the Speaker at 11:30 a.m., April 21, 2005: **HB 60, HB 146, HB 218, HB 272, HB 367, HB 529, HB 606**.

Signed by the President at 10:00 a.m., April 22, 2005: **HB 60, HB 146, HB 218, HB 272, HB 367, HB 529, HB 606**.

Delivered to the Governor for approval at 10:15 a.m., April 22, 2005: **HB 60, HB 146, HB 218, HB 272, HB 367, HB 529, HB 606**.

MESSAGES FROM THE SENATE

Governor's amendments to House bills concurred in and returned to the House:

4/21/2005

HB 11, introduced by McNutt

HB 728, introduced by Lange

HB 769, introduced by Golie

Governor's amendments to House bill not concurred in and returned to the House:

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HB 7, introduced by Callahan

Conference Committee Report No.1 adopted on 3rd Reading: 4/21/2005

SB 120, introduced by Keenan

SB 260, introduced by Perry

Free Conference Committee Report No.1 adopted on 3rd Reading: 4/21/2005

HB 592, introduced by Waitschies

**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 Matthews in the chair.

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

HB 2 - Free Conference Committee Report No. 1 - Representative Witt moved the Free Conference Committee report to **HB 2** be **not** adopted. Motion **failed** as follows:

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

Total 48

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

Total 52

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 Matthews moved the Committee of the Whole report be adopted. Report adopted 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, Golie, Grinde, Groesbeck, Gutsche, Hamilton,

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Harris, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, Jopek, Juneau, Kaufmann, Keane, Lange, Lenhart, Lindeen, MacLaren, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 66

Noes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, W. Jones, Klock, Koopman, Lake, Lambert, Maedje, Malcolm, Mendenhall, Morgan, A. Olson, B. Olson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wells.

Total 32

Excused: None.

Total 0

Absent or not voting: Glaser, Sales.

Total 2

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 2, Conference Committee Report No. 1, adopted 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, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 51

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

Total 48

Excused: None.

Total 0

Absent or not voting: Witt.

Total 1

Speaker Matthews asked the following legislators to come to the well of the House to be recognized as termed-out representatives: Representative Wanzenried, Representative Roy Brown, Representative Buzzas, Representative Clark, Representative Galvin-Halcro, Representative McKenney, Representative Dowell, Representative Gutsche, Representative Golie, Representative Andersen, Representative Noennig.

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Speaker Matthews stated the House will stand at ease until 9:45 a.m.

House reconvened at 9:50 a.m.

MOTIONS

Dem. Floor Leader Parker moved that the Speaker be authorized to appoint a committee of four to notify the Supreme Court that the 59th Legislative Session of the House of Representatives is ready to adjourn Sine Die. Motion carried.

The Speaker appointed Representative Facey, Representative Jackson, Representative Clark, and Representative A. Olson.

Dem. Floor Leader Parker moved that the Speaker be authorized to appoint a committee of four to notify the Governor that the 59th Legislative Session of the House of Representatives is ready to adjourn Sine Die. Motion carried.

The Speaker appointed Representative Lindeen, Representative Golie, Representative Andersen, and Representative Noennig.

Dem. Floor Leader Parker moved that the Speaker be authorized to appoint a committee of four to notify the Senate that the 59th Legislative Session of the House of Representatives is ready to adjourn Sine Die. Motion carried.

The Speaker appointed Representative Gutsche, Representative Dowell, Representative Waitschies, and Representative McKenney.

ANNOUNCEMENTS

Sergeant-at-Arms Clark notified the Speaker that a Committee from the Senate awaits at the House Chamber. Speaker Matthews asked Sergeant-at-Arms Clark to admit them. Sergeant-at-Arms Clark admitted Senator Grimes and Senator Roush. Senator Grimes stated the 59th Legislative Session of the Senate is ready to adjourn Sine Die.

Sergeant-at-Arms Clark escorted the Senators from the House.

Speaker Matthews stated the House will stand at ease until the appointed Committees return.

The House reconvened.

Sergeant-at-Arms Clark escorted the Committee who informed the Supreme Court that the House had finished its business and was ready to adjourn Sine Die.

Representative Paul Clark reported that the Supreme Court had been informed that the House had finished its business and was ready to adjourn Sine Die.

Sergeant-at-Arms Clark escorted the Committee who informed the Governor that the House had finished its business and was ready to adjourn Sine Die.

Representative Lindeen reported that Governor Schweitzer was out of the office. The Committee notified Lt. Governor Bohlinger that the House had finished its business and was ready to adjourn Sine Die.

Sergeant-at-Arms Clark escorted the Committee who informed the Senate that the House had finished its business and

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was ready to adjourn Sine Die.

Representative Gutsche reported that they had notified the Senate that the House had finished its business and was ready to adjourn Sine Die.

Speaker Matthews thanked everyone.

Dem. Floor Leader Parker moved the House adjourn Sine Die. Motion carried.

House adjourned at 10:15 a.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House