

HOUSE JOURNAL
NINTH LEGISLATIVE DAY - JANUARY 13, 2005

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59TH LEGISLATURE
NINTH LEGISLATIVE DAY

Helena, Montana
January 13, 2005

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Joan Andersen. Pledge of Allegiance to the Flag.

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

COMMUNICATIONS AND PETITIONS

Chief Clerk Marilyn Miller read letters from Speaker Matthews informing her of his appointment of Rep. Penny Morgan, and reappointment of Rep. Larry Jent to the Capitol Complex Advisory Council; appointment of Rep. Jon Sinrud and Rep. Gary Branae to the Legislative Finance Committee; and appointment of Rep. Jack Ross to the Environmental Quality Council.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 1/13/2005
Correctly printed: **HB 27**.
Correctly engrossed: **HB 37**.

BUSINESS AND LABOR (Keane, Chairman): 1/13/2005
HB 168, do pass. Report adopted.
HB 180, introduced bill, be amended as follows:

1. Title, line 11.
Strike: "AND"

2. Title, line 12.
Following: "30-13-212,"
Strike: "35-1-1207,"
Insert: "32-1-112,"

3. Title, line 13.
Following: "MCA"
Insert: "; AND REPEALING SECTION 35-1-1207, MCA"

4. Page 1, line 29.
Strike: "amended or"

5. Page 3, line 26 through page 4, line 7.
Strike: section 5 in its entirety
Renumber: subsequent sections

6. Page 4, following line 7.
Insert: "**Section 5.** Section 32-1-112, MCA, is amended to read:
"**32-1-112. Applicability of corporation law.** (1) Except as provided in subsection (2), the provisions of Title 35, chapter 1, apply to banks unless a section in this title or a rule or order issued under this chapter is

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inconsistent with Title 35, chapter 1.

(2) The provisions of 35-1-114, 35-1-115(4) through (10), 35-1-308(1), 35-1-623(2), 35-1-936, 35-1-1106, 35-1-1107, ~~35-1-1207~~, and Title 35, chapter 1, part 10, do not apply to banks."

Renumber: subsequent sections

7. Page 11, following line 8.

Insert: "NEW SECTION. **Section 18. Repealer.** Section 35-1-1207, MCA, is repealed."

And, as amended, do pass. Report adopted.

HB 207, do pass. Report adopted.

HB 223, do pass. Report adopted.

NATURAL RESOURCES (Peterson, Chairman):

1/13/2005

HB 201, do pass. Report adopted.

STATE ADMINISTRATION (Jent, Chairman):

1/13/2005

HB 114, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 150, introduced bill, do pass and be placed on the consent calendar. Report adopted.

STATE ADMINISTRATION (Jent, Chairman):

1/13/2005

HB 18, introduced bill, be amended as follows:

1. Title, line 6.

Following: ";

Insert: "ADDING A MEMBER FROM THE GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT;"

2. Page 1, line 17.

Strike: "10"

Insert: "11"

3. Page 1.

Following: line 20

Insert: "(c) one member from the governor's office of economic development;"

Renumber: subsequent subsection

4. Page 2, line 3.

Strike: "2007"

Insert: "2009"

5. Page 2, line 21.

Strike: "2007"

Insert: "2009"

6. Page 2, line 25.

Strike: "2007"

Insert: "2009"

And, as amended, do pass. Report adopted.

TAXATION (Waitschies, Chairman):

1/13/2005

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HB 38, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AGRICULTURAL ACREAGE"

Insert: "LAND"

2. Title, line 7.

Following: "2004;"

Insert: "REQUIRING THAT AN APPLICATION FOR EXEMPTION CONTAIN A LEGAL DESCRIPTION OF THE PROPERTY;"

3. Page 5, line 30.

Strike: "for agricultural purposes"

4. Page 6, line 1.

Following: "2004."

Insert: "An application for exemption under this section must contain a legal description of the property for which the exemption is requested."

And, as amended, do pass. Report adopted.

HB 84, do pass. Report adopted.

HB 115, introduced bill, be amended as follows:

1. Title, line 11.

Strike: "REIMBURSED"

Insert: "REPAID"

2. Title, lines 12 through 14.

Strike: "REIMBURSEMENT" on line 12

Insert: "REPAYMENT"

Strike: "DELETING" on line 12 through "PICTURES;" on line 14

3. Title, line 15.

Strike: "61-3-301 " through "61-3-529,"

4. Title, line 16.

Strike: "REPEALING" through "MCA;"

5. Page 5, line 30.

Following: "buildings,"

Insert: "which must be identified in the application but may"

Strike: "to"

6. Page 6, line 3.

Strike: "and"

7. Page 6, line 4.

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Following: "acres"

Insert: ", which must be legally described in the application for the exemption"

8. Page 6, line 10.

Following: "used"

Insert: "exclusively"

9. Page 10, line 25.

Strike: "must"

Insert: "shall"

10. Page 10, line 27.

Strike: "as" through "property"

Strike: second "reimbursement"

Following: "amount"

Insert: "due"

11. Page 10, line 29.

Following: "distributed."

Insert: "At the time the exemption is granted, the department shall file a notice with the clerk and recorder in the county in which the property is located. The notice shall indicate that an exemption pursuant to this section has been granted. The notice shall describe the penalty for default under this section and shall specify that a default under this section will create a lien on the property by operation of law. The notice must be on a form prescribed by the department."

12. Page 15, line 20 through page 20, line 8.

Strike: section 7 through section 10 in their entirety

Renumber: subsequent sections

13. Page 20, line 16.

Following: ","

Insert: ","

Strike: "or"

14. Page 20, line 17.

Following: "61-3-520"

Insert: ", or 15-6-215, except as provided in 61-3-520"

15. Page 21, line 13 through line 14.

Strike: section 13 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

TRANSPORTATION (Mendenhall, Chairman):

HB 55, introduced bill, do pass and be placed on the consent calendar. Report adopted.

HB 87, do pass. Report adopted.

HB 101, introduced bill, be amended as follows:

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1. Page 2, line 6.

Strike: "\$2,500"

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Insert: "\$3,000"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/13/2005

SB 14, introduced by Cooney
SB 17, introduced by Cooney
SB 36, introduced by Esp
SB 37, introduced by Schmidt
SB 51, introduced by Hansen
SB 62, introduced by Perry
SB 107, introduced by Smith
SB 136, introduced by Steinbeisser

FIRST READING AND COMMITMENT OF BILLS

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

HB 284, introduced by Hawk, referred to Judiciary.
HB 285, introduced by Taylor, Cocchiarella, Tropila, Arntzen, Keenan, Morgan, Raser, Eaton, Windham, referred to Judiciary.
HB 286, introduced by Stahl, Curtiss, referred to Fish, Wildlife and Parks.
HB 287, introduced by Warden, Curtiss, referred to Judiciary.
HB 288, introduced by Noennig, R. Brown, Himmelberger, Parker, Glaser, Lange, referred to State Administration.
HB 289, introduced by Glaser, referred to Human Services.
HB 290, introduced by Small-Eastman, Bixby, referred to State Administration.

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

HJR 5, introduced by Small-Eastman, Bixby, referred to Agriculture.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McKenney in the chair.

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

HB 37 - Representative Lambert moved **HB 37** do pass. 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

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Voted Absentee: Barrett, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 138 - Representative Roberts moved **HB 138** do pass. 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: Barrett, Aye.

Excused: None.
Total 0

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 1 passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, 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, 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, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 94

Noes: Balyeat, Campbell, Clark, Koopman, Sinrud.
Total 5

Excused: Barrett.
Total 1

Absent or not voting: None.
Total 0

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HB 29 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, 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 99

Noes: None.
Total 0

Excused: Barrett.
Total 1

Absent or not voting: None.
Total 0

HB 108 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, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, 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 97

Noes: Hamilton, Heinert.
Total 2

Excused: Barrett.
Total 1

Absent or not voting: None.
Total 0

HB 154 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, 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, 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: Jopek.

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Total 1

Excused: Barrett.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Rep. Parker moved that HB 271 be re-referred from Labor and Industry Committee to House Appropriations Committee. Motion carried.

SPECIAL ORDERS OF THE DAY

Rep. Dickenson requested the following sponsors be added to HB 48: Rep. Bergren, Clark, Driscoll, Lindeen, McAlpin, and Small-Eastman .

Rep. Juneau requested the following sponsors be added to HB 237: Rep. Becker, Golie, Gutsche, Jayne, and Lenhart.

Consent calendar: HB 21, HB 53, HB 85, HB 118, and HB 194. There being no questions these bills will proceed to 3rd Reading.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Friday, January 14, 2005. Motion carried.

House adjourned at 1:25 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House