

HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY - FEBRUARY 7, 2005

HOUSE JOURNAL
59TH LEGISLATURE
THIRTIETH LEGISLATIVE DAY

Helena, Montana
February 7, 2005

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives Harris, Jent, and L. Jones, excused. Quorum present.

Speaker Matthews introduced the following pages: Emily Bowers, Livingston; Kathleen Knisely, Libby; Connor McGillvray, Billings; Paul Nelson, Deer Lodge; Anne Sherwood, Helena; Darby Smith, Boulder; and Sam Williams, Missoula.

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 2/7/2005
Correctly printed: **HB 367, HB 390.**
Correctly engrossed: **HB 57, HB 243, HB 307, HB 337.**

HUMAN SERVICES (Becker, Chairman): 2/7/2005
HB 64, introduced bill, be amended as follows:

1. Title, line 6.

Following: "PROVIDING"

Insert: "AN EFFECTIVE DATE AND"

2. Page 1, line 14.

Strike: "ordinarily"

Insert: "routinely"

Following: "treats"

Insert: "or has routinely treated within the previous 5 years"

3. Page 1, line 15.

Following: "or is"

Insert: "or was within the previous 5 years"

4. Page 1, line 22.

Following: line 21

Strike: "in the same or a similar community"

5. Page 1, line 28 through line 30.

Following: "unless" on line 28

Strike: ", " on line 28 through "(1)(b)," on line 30

6. Page 2, line 1.

Following: "similar."

Insert: "This subsection (3) does not apply if the subject matter of the malpractice claim against the health care provider is unrelated to the relevant specialty or subspecialty."

7. Page 2, line 2.

Following: section 1

Insert: "NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2005."

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Renumber: subsequent section

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Peterson, Chairman):
HB 22, introduced bill, be amended as follows:

2/7/2005

1. Title, page 1, line 8.

Following: "CONSERVATION;"

Strike: "REQUIRING"

Insert: "ALLOWING"

Following: "REEXAMINATION"

Insert: ", PRIOR TO THE ISSUANCE OF A FINAL DECREE,"

Strike: "IRRIGATION"

2. Title, page 1, line 17.

Following: "ESTABLISHING"

Strike: "A STATUTORY APPROPRIATION"

Insert: "THE AMOUNT OF REVENUE ALLOCATED EACH YEAR FROM THE ACCOUNT"

3. Title, page 1, line 21.

Following: "PROVIDING THE"

Strike: "BASIS"

Insert: "PROCESS"

Following: "FOR"

Strike: "REQUIRING"

Following: "EXAMINATION OF"

Strike: "IRRIGATION"

4. Title, page 1, line 22.

Following: "BASINS"

Insert: "PRIOR TO THE ISSUANCE OF A FINAL DECREE"

Strike: "17-7-502,"

5. Page 1, line 27 through page 2, line 9.

Strike: subsections (1) through (4) in their entirety

Renumber: subsequent subsections

6. Page 2, line 13.

Strike: "all irrigation"

7. Page 2, line 14.

Following: "rules"

Insert: "when the water court has received a petition and issued an order pursuant to [section 9] or the water court has issued an order on its own initiative"

8. Page 2, line 15.

Strike: "accurate"

Insert: "enforceable"

9. Page 2, line 17.

Following: "basins"

Insert: "for which the water court has received a petition and issued an order pursuant to [section 9] or the water court has issued an order on its own initiative"

10. Page 2, line 28.

Strike: "18,800 irrigation"

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Insert: "98,000"

Strike: "must"

Insert: "may"

11. Page 2, line 29.

Following: "rules"

Insert: "if the water court receives a petition and issues an order as provided in [section 9] or the water court issues an order on its own initiative"

12. Page 3, line 11.

Strike: the second "Total Number of"

13. Page 3, line 12.

Strike: "Claims Reexamined"

14. Page 3, line 13.

Strike: "10,000"

Insert: "8,000"

Strike: "0"

15. Page 3, line 14.

Strike: "30,650"

Insert: "19,000"

Strike: "0"

16. Page 3, line 15.

Strike: "51,300"

Insert: "31,000"

Strike: "0"

17. Page 3, line 16.

Strike: "57,000"

Insert: "44,000"

Strike: "7,140"

18. Page 3, line 17.

Following: "June 30, 2015"

Insert: "57,000"

Strike: "18,800"

19. Page 3, line 25.

Following: "provisional permit,"

Insert: "or"

20. Page 3, line 26.

Following: "department"

Strike: ", "

Strike: "water reservation"

Insert: "that portion of a water reservation that has been put to beneficial use. This definition applies only to the use of the term for the purposes of assessing the fee and [sections 1 through 10]"

21. Page 5, line 11.

Following: "used for"

Insert: "irrigation purposes or for"

22. Page 5, line 24.

Following: "withdrawn"

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Strike: ", "
Insert: "or"
Following: "terminated"
Strike: ", or otherwise abandoned"

23. Page 6, line 4.
Following: "beneficial use"
Insert: "after notifying each entity enumerated on the water right"

24. Page 6, line 8 through line 9.
Strike: "statutorily" on line 8 through "17-7-502," on line 9
Insert: "allocated"

25. Page 6, line 11.
Following: "program."
Insert: "These funds may not be used for the purpose of updating or maintaining a computer database."

26. Page 6, line 12 through line 13.
Strike: "statutorily" on line 12 through "17-7-502," on line 13
Insert: "allocated"

27. Page 6.
Following: line 15
Insert: "(c) The allocations in subsections (2)(a) and (2)(b) are subject to appropriation by the legislature."

28. Page 7, line 4.
Strike: "statutorily appropriated"
Insert: "allocated"

29. Page 7, line 6.
Following: "Examination of"
Strike: "irrigation"

30. Page 7, lines 6 through 12.
Following: "(1)"
Strike: "The" on line 6 through "basin." on line 12

Insert: "At any time prior to the issuance of a final decree, in basins that were evaluated using the verification process rather than the examination process, the owners of water rights in the basin or a specified area in the basin may petition the water court to examine claims in the basin or an area in the basin pursuant to the supreme court rules.

(2) The owners of at least 15% of the number of water rights affected by the proposed reexamination shall sign the petition.

(3) At a minimum, the petition must provide:

(a) the specific water right purpose or water right purposes to be examined; and

(b) the elements to be examined.

(4) (a) The water judge shall evaluate each petition and determine if reexamination is necessary to provide greater accuracy to the adjudication.

(b) The water judge may request public comment on the petition.

(5) If the water judge determines reexamination should be conducted, the water judge shall issue an order that provides:

(a) what water right purpose or water right purposes must be examined by the department;

(b) the elements to be examined;

(c) final disposition of the reexamination information developed by the department; and

(d) the timeframe in which the reexamination must be completed.

(6) The water court may issue an order requiring reexamination on its own initiative. The order must provide the information contained in subsection (5).

(7) Upon receipt of the reexamination information from the department, the water court shall notify the

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users in the basin or the specified area in the basin identified in the petition of the final results of the reexamination and shall notify them regarding further steps or actions being taken as a result of the reexamination.

(8) Any actions taken as a result of the reexamination must be conducted in accordance with this part."

31. Page 8, line 9 through page 9, line 9.

Strike: section 12 in its entirety

Renumber: subsequent sections

32. Page 10, line 5.

Strike: "all irrigation"

Following: "examined"

Insert: "as ordered by the water court"

33. Page 10, line 14.

Following: "examined"

Insert: "for which the water court has received a petition and has determined that examination is necessary as provided in [section 9] or the water court has issued an order for reexamination on its own initiative"

34. Page 11, line 26.

Strike: "only"

35. Page 11, line 27.

Strike: "irrigation"

Insert: "types of"

Following: "basin"

Insert: "that were identified in the petition as provided in [section 9] or the types of claims identified in an order that the water court issued on its own initiative"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/7/2005

SB 55, introduced by Tash

SB 119, introduced by Schmidt

SB 137, introduced by Lewis

SB 153, introduced by Cobb

SB 156, introduced by Cooney

FIRST READING AND COMMITMENT OF BILLS

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

HB 575, introduced by Keane, referred to Fish, Wildlife and Parks.

HB 576, introduced by Keane, referred to Taxation.

HB 577, introduced by McAlpin, referred to Judiciary.

HB 578, introduced by Small-Eastman, referred to Education.

HB 579, introduced by Small-Eastman, referred to Natural Resources.

HB 580, introduced by Jopek, referred to Local Government.

HB 581, introduced by Gutsche, Harris, referred to Natural Resources.

HB 582, introduced by Gutsche, referred to Natural Resources.

HB 583, introduced by Facey, referred to Transportation.

HR 584, introduced by Harris, Hendrick, Gillan, Jent, Lenhart, Hawks, Dickenson, Hamilton, Maedje, Warden, Henry, Gutsche, Groesbeck, Matthews, Villa, Eaton, Wiseman, Parker, Furey, Bixby, Small-Eastman, Windham, Williams, Noonan, Jacobson, Sonju, Wanzenried, Musgrove, Facey, Dowell, Becker, McAlpin, Campbell, Grinde,

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Branae, Toole, Franklin, Cooney, Windy Boy, Tester, Stahl, Laslovich, Lindeen, Golie, Wilson, Gallik, Keane, Bergren, Driscoll, Jopek, referred to Taxation.

HR 585, introduced by Parker, Morgan, Stoker, Ward, Campbell, Windham, referred to Judiciary.

HR 586, introduced by Grinde, Parker, Lange, Gillan, Mangan, A. Olson, referred to State Administration.

HR 587, introduced by Bergren, Wagman, referred to State Administration.

HR 588, introduced by Matthews, referred to Human Services.

HB 589, introduced by Stahl, Gebhardt, Villa, Butcher, Bergren, Everett, Wanzenried, Kitzenberg, Keenan, Lenhart, Harris, Lange, Jacobson, Lewis, Cocchiarella, Malcolm, Stoker, Klock, Barrett, Bixby, Facey, Callahan, Black, Cooney, Witt, Musgrove, Smith, Gillan, Roush, Lake, Windy Boy, Ward, Driscoll, Jent, Warden, Larson, Kaufmann, Andersen, Matthews, Ripley, Parker, Heinert, Hansen, Juneau, Himmelberger, Tester, Noonan, Gallik, L. Jones, W. Jones, Toole, Milburn, referred to Business and Labor.

HJR 17, introduced by McAlpin, referred to Education.

HJR 18, introduced by Himmelberger, Hendrick, MacLaren, Lambert, Butcher, Lange, Koopman, Wagman, Witt, R. Brown, Ripley, Ward, B. Olson, Morgan, McGillvray, Barrett, D. Brown, Lake, Heinert, Andersen, Klock, Jackson, referred to Natural Resources.

HJR 19, introduced by Matthews, referred to Human Services.

Rep. Lange announced the House Republicans will caucus.

Rep. Bergren announced the House Democrats will caucus.

Speaker Matthews stated the House will stand in recess until 1:35 p.m.

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

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Galvin-Halcro in the chair.

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

HB 24 - Representative Golie moved **HB 24** do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, 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 93

Noes: Balyeat, Butcher, Gallik, Jayne, Stahl.

Total 5

Voted Absentee: Harris, Jent, Ayes.

Excused: L. Jones.

Total 1

Absent or not voting: Mendenhall.

Total 1

HB 324 - Representative Driscoll moved **HB 324** do pass.

HB 324 - Representative Sonju moved **HB 324**, second reading copy, be amended as follows:

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1. Page 1, line 26.

Strike: "\$1,000"

Insert: "\$500"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, 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, Windham, Witt.

Total 51

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, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 48

Voted Absentee: Harris, Jent, Noes.

Excused: L. Jones.

Total 1

Absent or not voting: None.

Total 0

HB 324 - Representative Lange moved **HB 324**, second reading copy, be further amended as follows:

1. Page 1, line 28 through line 29.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

Amendment adopted as follows:

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

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, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jent, Jopek, Juneau, Kaufmann, Keane, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman.

Total 48

Voted Absentee: L. Jones, Aye; Harris, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 324 - Representative Wagman moved **HB 324**, second reading copy, be further amended as follows:

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2. Page 1, line 26 through line 27.

Strike: "\$1,000" on line 26 through "both" on line 27

Insert: "\$100"

Rep. Parker moved to segregate HB 324-3 into amendment 1 and 2.

Amendment 1 of HB 324-3 **failed** as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, L. Jones, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Morgan, A. 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, 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, Jent, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Milburn, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 52

Voted Absentee: L. Jones, Aye; Harris, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Amendment 2 of HB 324 -3 adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, 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 51

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, 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 49

Voted Absentee: L. Jones, Aye; Harris, Jent, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 324 - Representative Bergren moved for cloture. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lenhart, Lindeen,

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MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 84

Noes: R. Brown, Glaser, Heinert, Koopman, Lange, Maedje, McKenney, Mendenhall, Morgan, Sinrud, Sonju, Wagman, Wells.
Total 13

Excused: Harris, Jent, L. Jones.
Total 3

Absent or not voting: None.
Total 0

HB 324 - Representative Driscoll moved **HB 324**, as amended, 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, Noennig, Noonan, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 52

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, A. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.
Total 48

Voted Absentee: Harris, Jent, Ayes; L. Jones, No.

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 Galvin-Halcro moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Groesbeck, Gutsche, Hamilton, Hendrick, Henry, Hiner, Jacobson, Jopek, Juneau, Kaufmann, Keane, Lambert, Lenhart, Lindeen, MacLaren, McAlpin, McNutt, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Ripley, Ross, Sesso, Small-Eastman, Stoker, Villa, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 60

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Everett, Glaser, Heinert, Himmelberger, Jackson, Jayne, W. Jones, Klock, Lake, Lange, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Peterson, Rice, Sales, Sinrud, Sonju, Stahl, Taylor, Wagman, Wells, Witt.
Total 33

Voted Absentee: Galvin-Halcro, Aye.

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Excused: Harris, Jent, L. Jones.
Total 3

Absent or not voting: Grinde, Hawk, Koopman, Roberts.
Total 4

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 46 passed as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, W. Jones, Keane, Klock, Koopman, Lake, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 80

Noes: Balyeat, Barrett, Bixby, Butcher, Caferro, Heinert, Jayne, Jopek, Juneau, Kaufmann, Lambert, Mendenhall, Rice, Ripley, Sales, Stahl, Witt.
Total 17

Excused: Harris, Jent, L. Jones.
Total 3

Absent or not voting: None.
Total 0

HB 92 failed as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Hamilton, Henry, Hiner, Jacobson, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, McAlpin, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Raser, Sesso, Small-Eastman, Villa, Waitschies, Wilson, Windham, Windy Boy, Mr. Speaker.
Total 47

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Everett, Franklin, Glaser, Gutsche, Hawk, Heinert, Hendrick, Himmelberger, Jackson, Jayne, W. Jones, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Wanzenried, Ward, Warden, Wells, Wiseman, Witt.
Total 50

Excused: Harris, Jent, L. Jones.
Total 3

Absent or not voting: None.
Total 0

HB 98 passed as follows:

Ayes: Andersen, Arntzen, Becker, Branae, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Grinde, Gutsche, Hamilton, Hawk,

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Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, W. Jones, Klock, Koopman, Lake, Lange, Lenhart, MacLaren, McAlpin, McGillvray, Milburn, Morgan, Noennig, A. Olson, B. Olson, Parker, Raser, Roberts, Ross, Sales, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.
Total 67

Noes: Balyeat, Barrett, Bergren, Bixby, D. Brown, Caferro, Campbell, Dowell, Golie, Groesbeck, Hiner, Jayne, Jopek, Juneau, Kaufmann, Keane, Lambert, Lindeen, Maedje, Malcolm, McKenney, McNutt, Mendenhall, Musgrove, Noonan, Peterson, Rice, Ripley, Sesso, Stahl.
Total 30

Excused: Harris, Jent, L. Jones.
Total 3

Absent or not voting: None.
Total 0

HB 104 passed as follows:

Ayes: Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 82

Noes: Andersen, Balyeat, Butcher, Everett, Hawk, Himmelberger, Koopman, Mendenhall, Rice, Sales, Sinrud, Stahl, Taylor, Wells, Witt.
Total 15

Excused: Harris, Jent, L. Jones.
Total 3

Absent or not voting: None.
Total 0

HB 182 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, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, 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, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 88

Noes: Gallik, Koopman, Rice, Sales, Sinrud, Stahl, Taylor, Wells, Witt.
Total 9

Excused: Harris, Jent, L. Jones.
Total 3

Absent or not voting: None.

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Total 0

HB 192 passed as follows:

Ayes: Andersen, Balyeat, Barrett, Bixby, Branae, D. Brown, Caferro, Cohenour, Eaton, Facey, Gallik, Galvin-Halcro, Glaser, Grinde, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, W. Jones, Kaufmann, Klock, Lake, Lambert, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Morgan, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sonju, Stoker, Wagman, Waitschies, Wanzenried, Ward, Mr. Speaker.

Total 51

Noes: Arntzen, Becker, Bergren, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Dickenson, Dowell, Driscoll, Everett, Franklin, Furey, Golie, Groesbeck, Gutsche, Hiner, Jayne, Jopek, Juneau, Keane, Koopman, Lange, Lenhart, Maedje, Mendenhall, Milburn, Musgrove, Noonan, Rice, Sales, Sesso, Sinrud, Small-Eastman, Stahl, Taylor, Villa, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt.

Total 46

Excused: Harris, Jent, L. Jones.

Total 3

Absent or not voting: None.

Total 0

HB 197 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, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 89

Noes: Everett, Koopman, Malcolm, Mendenhall, Rice, Sales, Wagman, Witt.

Total 8

Excused: Harris, Jent, L. Jones.

Total 3

Absent or not voting: None.

Total 0

HB 213 passed as follows:

Ayes: Barrett, Becker, Bergren, Branae, D. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Milburn, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stoker, Villa, Wagman, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 79

Noes: Andersen, Arntzen, Balyeat, R. Brown, Everett, Himmelberger, Klock, Koopman, Malcolm, Mendenhall, Morgan, Sales, Sinrud, Stahl, Taylor, Warden, Wells.

Total 17

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Excused: Harris, Jent, L. Jones.
Total 3

Absent or not voting: Bixby.
Total 1

HB 234 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, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, 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: None.
Total 0

Excused: Harris, Jent, L. Jones.
Total 3

Absent or not voting: None.
Total 0

HB 253 failed as follows:

Ayes: Becker, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Cohenour, Dickenson, Eaton, Facey, Furey, Gallik, Grinde, Gutsche, Hamilton, Hiner, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Lenhart, McAlpin, Musgrove, Noennig, Noonan, Sesso, Small-Eastman, Villa, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 34

Noes: Andersen, Arntzen, Balyeat, Barrett, Bergren, D. Brown, R. Brown, Butcher, Clark, Dowell, Driscoll, Everett, Franklin, Galvin-Halcro, Glaser, Golie, Groesbeck, Hawk, Heinert, Hendrick, Henry, Himmelberger, Jackson, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lindeen, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Witt.
Total 63

Excused: Harris, Jent, L. Jones.
Total 3

Absent or not voting: None.
Total 0

HB 297 passed as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, 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,

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Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Balyeat.

Total 1

Excused: Harris, Jent, L. Jones.

Total 3

Absent or not voting: None.

Total 0

HB 400 passed as follows:

Ayes: Arntzen, 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, Gutsche, Hamilton, Henry, Hiner, Jackson, Jacobson, Jayne, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, McAlpin, McNutt, Musgrove, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Villa, Waitschies, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 69

Noes: Andersen, Balyeat, Barrett, D. Brown, Butcher, Everett, Hawk, Heinert, Hendrick, Himmelberger, Koopman, MacLaren, Maedje, Malcolm, McGillvray, McKenney, Mendenhall, Milburn, Morgan, Noennig, Rice, Ripley, Sales, Sinrud, Taylor, Wagman, Warden, Wells.

Total 28

Excused: Harris, Jent, L. Jones.

Total 3

Absent or not voting: None.

Total 0

MOTIONS

Dem. Floor Leader Parker moved to reconsider actions taken on HB 79. Without objection, so ordered. HB 79 remains in 3rd Reading process.

Rep. Campbell moved to change her vote on HB 297 3rd Reading to an aye vote. Without objection, so ordered.

Rep. Golie moved to reconsider previous action on HB 208 and move to 3rd Reading on February 8, 2005.

Rep. Parker and Rep. Lange did not agree on the use of proxies. Speaker Matthews stated the House would stand at ease to resolve this issue.

Dem. Floor Leader Parker announced that for today only, proxies would be allowed for those not present.

Motion to reconsider previous action on HB 208 passed 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,

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McNutt, Musgrove, Noonan, Parker, Raser, Sesso, Small-Eastman, Villa, Wanzenried, Ward, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.
Total 52

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, 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 48

Voted Absentee: Harris, Jent, Ayes; L. Jones, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 208 remains in 3rd Reading process.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:00 p.m., Tuesday, February 8, 2005. Motion carried.

House adjourned at 3:02 p.m.

MARILYN MILLER
Chief Clerk of the House

GARY MATTHEWS
Speaker of the House