

**HOUSE JOURNAL
60TH LEGISLATURE
EIGHTH LEGISLATIVE DAY**

Helena, Montana
January 12, 2007

House Chambers
State Capitol

House convened at 1:00 p.m. Madam Speaker Pro Tem Debby Barrett in the Chair. Invocation by Representative Koopman. Pledge of Allegiance to the Flag.

Roll Call. All members present except for Speaker Sales, Representative Raser and Representative O'Hara who were excused. Quorum present.

Majority Leader Lange announced that Republicans would caucus. Democratic Caucus Leader Villa announced that Democrats would caucus. The House reconvened at 1:25 p.m.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Himmelberger, Chairman):
HB 52, introduced bill, be amended as follows:

1/11/2007

1. Title, page 1, line 7.

Following: "FEES"

Insert: "IN CERTAIN CONTESTED ELECTIONS"

2. Title, page 1, line 7.

Following: ""AMENDING"

Strike: "SECTION"

Insert: "SECTIONS 13-36-204 AND"

3. Title, page 1, line 7 through line 8.

Strike: "REPEALING" on line 7 through "MCA;" on line 8

4. Page 1.

Following: line 10

Insert: "**Section 1.** Section 13-36-204, MCA, is amended to read:

"13-36-204. Bond required -- exception. Before (1) Except as provided in subsection (2), in any proceeding on the petition, the petitioner shall give bond to the state in ~~such~~ the sum ~~as~~ that the court may order, not exceeding \$2,000, with not less than two sureties, who shall justify in the manner required of sureties on bail bonds, conditioned to pay all costs, disbursements, and attorney's fees that may be awarded against ~~him~~ the petitioner if ~~he shall~~ the petitioner does not prevail.

(2) A bond is not required in a proceeding to contest an election pursuant to 13-36-101(3)."

Renumber: subsequent sections

5. Page 1, line 13.

Strike: "In"

Insert: "(1) Except as provided in subsection (2), in"

6. Page 1, line 13 through line 14.

Strike: "each" on line 13 through "fees." on line 14

Following: "~~bond.~~"

Insert: "each party may recover the party's costs, disbursements, and reasonable attorney fees, which must be awarded in the court's discretion. If judgement is against the petitioner, the award must also be rendered

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against the sureties on the bond required in 13-36-204.

(2) In any proceeding to contest an election pursuant to 13-36-101(3), each party is responsible for the party's costs, disbursements, and reasonable attorney fees."

7. Page 1, line 18.

Strike: section 2 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman): 1/11/2007

HB 80, do pass. Report adopted.

HB 96, do pass. Report adopted.

HB 140, do pass. Report adopted.

BUSINESS AND LABOR (Mendenhall, Chairman): 1/12/2007

HB 99, do pass. Report adopted.

HB 111, do pass. Report adopted.

TRANSPORTATION (Sonju, Chairman): 1/11/2007

HJR 3, be adopted. Report adopted.

BILLS (L. Jones, Chairman): 1/12/2007

Correctly printed: **HB 80**, **HB 96**, **HB 99**, **HB 111**, **HB 140**.

Correctly engrossed: **HB 52**.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/11/2007

SB 39, introduced by Brown

SB 40, introduced by Cocchiarella

FIRST READING AND COMMITMENT OF BILLS

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

HB 309, introduced by Bergren, Cordier, Thomas, Bixby, Ebinger, Reinhart, Grinde, Jopek, Pomnichowski, Driscoll, Branae, Wilmer, Hands, Dickenson, referred to Transportation.

HB 310, introduced by Dutton, Rice, Lake, Ross, K. Peterson, Keane, Driscoll, Branae, Stoker, referred to Judiciary.

HB 311, introduced by Erickson, referred to Judiciary.

HB 312, introduced by Lange, McGillvray, Sales, referred to Judiciary.

HB 313, introduced by W. Jones, Hendrick, Himmelberger, Ross, Olson, Blasdel, L. Jones, Wells, Noonan, Lange, Ankney, Vincent, MacLaren, Malcolm, Small-Eastman, Ingraham, Augare, Nooney, Ward, Barrett, referred to Taxation.

HB 314, introduced by L. Jones, referred to Local Government.

HB 315, introduced by Koopman, referred to Taxation.

HB 316, introduced by Sinrud, referred to State Administration.

HB 317, introduced by Sinrud, referred to State Administration.

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HB 318, introduced by Himmelberger, referred to Transportation.

HB 319, introduced by Glaser, referred to Business and Labor.

HB 320, introduced by Ross, referred to Natural Resources.

HB 321, introduced by McGillvray, Lange, MacLaren, Kerns, Koopman, Rice, Shockley, Everett, Stoker, K. Peterson, Ward, referred to Judiciary.

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

HJR 13, introduced by Ankney, Lange, Himmelberger, Keane, referred to Federal Relations, Energy, and Telecommunications.

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

Majority Leader Lange moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McNutt in the chair.

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

HB 1 - Representative Sinrud moved **HB 1** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 99

Noes: Sinrud.
Total 1

Voted Absentee: O'Hara, Raser, Mr. Speaker, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 23 - Representative Hiner moved **HB 23** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips,

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Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: O'Hara, Raser, Mr. Speaker, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 41 - Representative Augare moved **HB 41** do pass. Motion carried as follows:

Ayes: Ankney, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, W. Jones, Jopek, Keane, Kottel, McAlpin, McChesney, McNutt, Milburn, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 62

Noes: Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Everett, Hawk, Heinert, Hilbert, Himmelberger, Ingraham, L. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Morgan, Nooney, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stoker, Taylor, Wells, Witte, Mr. Speaker.

Total 38

Voted Absentee: O'Hara, Raser, Ayes; Mr. Speaker, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 42 - Representative McChesney moved **HB 42** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

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Total 100

Noes: None.
Total 0

Voted Absentee: O'Hara, Raser, Mr. Speaker, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 43 - Representative McChesney moved **HB 43** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: O'Hara, Raser, Mr. Speaker, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 62 - Representative Jacobson moved **HB 62** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 88

Noes: Everett, Jore, Kasten, Koopman, McGillvray, Mendenhall, Rice, Ripley, Sinrud, Sonju, Wells.
Total 11

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Voted Absentee: O'Hara, Raser, Mr. Speaker, Ayes.

Excused: None.

Total 0

Absent or not voting: Malcolm.

Total 1

HB 67 - Representative Heinert moved **HB 67** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 98

Noes: Everett, Peterson.

Total 2

Voted Absentee: O'Hara, Raser, Mr. Speaker, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 70 - Representative Clark moved **HB 70** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: O'Hara, Raser, Mr. Speaker, Ayes.

Excused: None.

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Total 0

Absent or not voting: Jore.

Total 1

HR 1 - Representative Lange moved **HR 1** be adopted. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Witte, Mr. Speaker.

Total 95

Noes: Butcher, Gallik, Mendenhall, Wiseman.

Total 4

Voted Absentee: O'Hara, Raser, Mr. Speaker, Ayes.

Excused: None.

Total 0

Absent or not voting: Reinhart.

Total 1

Majority Leader Lange moved the committee rise and report. Motion carried. Committee arose. House resumed.

Mr. Speaker in the chair. Chairman McNutt moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, Olson, Parker, Peterson, Phillips, Pomnichowski, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Witte.

Total 93

Noes: Butcher, Sonju, Wells, Wiseman.

Total 4

Excused: O'Hara, Raser, Mr. Speaker.

Total 3

Absent or not voting: None.

Total 0

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 1:00 p.m., Monday, January 15, 2007. Motion carried.

House adjourned at 2:15 p.m.

MARILYN MILLER
Chief Clerk of the House

DEBBY BARRETT
Speaker Pro Tem of the House