

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

Helena, Montana  
January 16, 2007

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Representative Ripley introduced Connor Hodgskii, 4-H member from Choteau who gave the invocation. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

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

Jones, Chair

Democrat Caucus Leader Villa announced that Democrats would caucus. Majority Leader Lange announced that Republicans would stand at ease.

The House reconvened at 1:25.

**REPORTS OF STANDING COMMITTEES**

Signed by the Speaker at 9:00 p.m., January 15, 2007: **HR 1**.

Delivered to the Secretary of State at 10:25 a.m., January 16, 2007: **HR 1**

Correctly enrolled: **HB 19, HB 36**.

Correctly engrossed: **HB 31, HB 35, HB 219**.

**STATE ADMINISTRATION** (Himmelberger, Chairman):

1/15/2007

**HB 207**, do pass. Report adopted.

**NATURAL RESOURCES** (McNutt, Chairman):

1/16/2007

**HB 19**, introduced bill, be amended as follows:

1. Title, line 13.

**Following:** "77-1-613,"

**Insert:** "77-1-905,"

2. Page 7, line 8.

**Insert:** "**Section 8.** Section 77-1-905, MCA, is amended to read:

**"77-1-905. Rental provisions for commercial leasing -- payments and credits -- administration -- lease options.** (1) The first year's annual rental payment for state trust land leased for commercial purposes must be paid by cashier's check, and payment is due upon execution of the lease. The department may require the lessee of state trust land for commercial purposes to pay the department's cost of the request for proposals process, including publication and other reasonable expenses. Failure to pay the first year's rental at the time of lease execution must result in the cancellation of the lease and forfeiture of all money paid. In the event of cancellation or in the event that the successful proposer is offered and does not accept the lease, the board may enter into negotiations with other persons who submitted a proposal for commercial purposes in response to the department request for proposals on that tract.

(2) The board shall specify in any commercial lease an annual rental equal to the full market rental value of the land. The annual rent may not be less than the product of the appraised value of the land multiplied by a rate that is 2 percentage points a year less than the rate of return of the unified investment program administered by the board of investments pursuant to 17-6-201. The rate of return from the unified investment program used in this subsection must be determined no less than 30 days prior to the execution of the competitive bid. A commercial lease

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may include a rental adjustment formula established by the board that periodically adjusts the annual rent provided for in the lease at frequencies specified in the lease. The board may allow a credit against the annual rent due for payments made by the lessee on behalf of the state of Montana for construction of structures and improvements, special improvement district assessments, annexation fees, or other city or county fees attributable to the state's property interest in land leased for commercial purposes. The board may accept as lawful consideration in-kind payments of services or materials equal to the full market value of the rent calculated to be owed on any commercial lease. A lease issued under this part may include an amortization schedule to be used to determine the value to the lessee of improvements when the lease is terminated.

(3) The Except for rent received from lands granted to the state pursuant to the Morrill Act of 1862, 7 U.S.C. 301 through 308, and the Morrill Act of 1890, 7 U.S.C. 321 through 329, the department may use up to 10% of the annual rent received from a commercial lease to contract with realtors, property managers, surveyors, legal counsel, or lease administrators to administer the commercial lease, either singly or in common with other leases, or to provide assistance to the department in the administration of commercial leases.

(4) In anticipation of entering into a commercial lease, the board may issue an option to lease at a rental rate that the board determines to be appropriate. An option to lease may not exceed a term of 2 years. An option to lease may not be construed to grant a right of immediate possession or control over the land but may only preserve the optionholder's exclusive right to obtain a commercial lease on the land in the future.""

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (McNutt, Chairman):  
**HB 36**, introduced bill, be amended as follows:

1/16/2007

1. Title, line 5.

**Strike:** "EXTENDING"

**Insert:** "REPEALING"

2. Title, line 8.

**Strike:** "AMENDING"

**Insert:** "REPEALING"

3. Page 1, line 13 through line 14.

**Strike:** section 1 in its entirety

**Insert:** "NEW SECTION. **Section 1. Repealer.** Section 2, Chapter 418, Laws of 2005, is repealed."

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (McNutt, Chairman):  
**HB 87**, do pass. Report adopted.

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**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/15/2007

**SB 16**, introduced by Hawks

**SB 43**, introduced by M. Tropila

**SB 62**, introduced by Cobb

**SB 184**, introduced by Hawks

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**FIRST READING AND COMMITMENT OF BILLS**

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

- HB 332**, introduced by Thomas, Ryan, Olson, Keane, Perry, Noonan, Ward, referred to Transportation.
- HB 333**, introduced by McChesney, referred to Business and Labor.
- HB 334**, introduced by McChesney, referred to Judiciary.
- HB 335**, introduced by Dickenson, Thomas, Hiner, Franklin, Milburn, Jayne, French, Caferro, Callahan, Kottel, referred to Appropriations.
- HB 336**, introduced by Cohenour, Shockley, Sands, Jacobson, Mendenhall, French, Hamilton, Noonan, Moss, Cooney, Brueggeman, Elliott, Jopek, Musgrove, Sonju, referred to Judiciary.
- HB 337**, introduced by Cohenour, Noonan, Mendenhall, Erickson, Pomnichowski, Ebinger, French, Hamilton, Smith, Bergren, Gebhardt, Sands, J. Tropila, Jopek, Sonju, Keane, Stahl, Perry, Steinbeisser, Black, referred to Taxation.
- HB 338**, introduced by Cohenour, Cocchiarella, Noonan, Erickson, Pomnichowski, Sands, Ebinger, Keane, Hamilton, Smith, Bergren, Gebhardt, J. Tropila, Jopek, Steinbeisser, Black, Mendenhall, Sonju, referred to Appropriations.
- HB 339**, introduced by Small-Eastman, referred to Appropriations.
- HB 340**, introduced by Wells, Jore, Mendenhall, Curtiss, W. Jones, Rice, McGillvray, Everett, Butcher, Ward, MacLaren, Koopman, Jackson, Campbell, Klock, referred to Judiciary.
- HB 341**, introduced by Gallik, referred to Judiciary.
- HB 342**, introduced by Stahl, referred to State Administration.
- HB 343**, introduced by Rice, Boggio, Blasdel, Mendenhall, Hawk, Beck, Everett, Ross, Barrett, Ripley, Clark, Lambert, Morgan, Kerns, Stahl, Sinrud, J. Peterson, Sonju, Wells, McGillvray, referred to Fish, Wildlife and Parks.
- HB 344**, introduced by Wells, Butcher, Jore, Hawk, Blasdel, Himmelberger, Kasten, Koopman, Ripley, Nooney, Barkus, McAlpin, Curtiss, Black, Mendenhall, Everett, Jackson, MacLaren, Pomnichowski, referred to Business and Labor.
- HB 345**, introduced by Lange, referred to Taxation.
- HB 346**, introduced by Kottel, referred to Federal Relations, Energy, and Telecommunications.
- HB 347**, introduced by Boggio, Kitzenberg, Sesso, Olson, Villa, Noonan, referred to Education.
- HB 348**, introduced by Keane, referred to Business and Labor.
- HB 349**, introduced by Keane, referred to Judiciary.
- HB 350**, introduced by Sinrud, referred to Appropriations.
- HB 351**, introduced by Sinrud, referred to State Administration.

**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 Sonju in the chair.

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

**HB 31** - Representative Kottel moved **HB 31** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, 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, Keane, Kerns,

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Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, 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 96

Noes: Boggio, Kasten, Koopman.  
Total 3

Voted Absentee: Ripley, Aye.

Excused: None.  
Total 0

Absent or not voting: Olson.  
Total 1

**HB 32** - Representative Furey moved **HB 32** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Henry, Hilbert, Himmelberger, Hollenbaugh, Jacobson, L. Jones, Jore, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 73

Noes: Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Everett, Hawk, Heinert, Hendrick, Hiner, Ingraham, Jayne, W. Jones, Jopek, Kasten, Malcolm, Mendenhall, Morgan, Peterson, Sinrud, Sonju, Stahl, Taylor, Wells, Witte, Mr. Speaker.  
Total 27

Voted Absentee: Ripley, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 35** - Representative Keane moved **HB 35** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, L. Jones, Keane, Kerns, Klock, Koopman, Kottel, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, 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, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.  
Total 85

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Noes: Barrett, Beck, Glaser, Hawk, Ingraham, Jayne, W. Jones, Jopek, Jore, Kasten, Lake, Lange, Mendenhall, Vincent, Mr. Speaker.

Total 15

Voted Absentee: Ripley, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 52** - Representative Jacobson moved **HB 52** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Becker, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Everett, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jore, Kasten, Keane, Kerns, Klock, Koopman, 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, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 87

Noes: Augare, Bergren, Bixby, Cohenour, Dutton, Franklin, French, Furey, Gallik, Jayne, Jopek, Kottel, Villa.

Total 13

Voted Absentee: Ripley, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 219** - Representative Ebinger moved **HB 219** 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

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Voted Absentee: Ripley, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Majority Leader Lange moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Sonju moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, 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, L. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 91

Noes: Jayne, Mendenhall.  
Total 2

Excused: Ripley.  
Total 1

Absent or not voting: Blasdel, W. Jones, MacLaren, Nooney, Sonju, Stoker.  
Total 6

**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 111** passed 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, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Mendenhall, 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.  
Total 89

Noes: Everett, Jore, Koopman, McGillvray, Rice, Sinrud, Sonju, Wells, Witte, Mr. Speaker.  
Total 10

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Excused: Ripley.  
Total 1

Absent or not voting: None.  
Total 0

**HB 140** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, 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, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Raser, Reinhart, Rice, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilson, Windy Boy, Witte, Mr. Speaker.  
Total 91

Noes: Becker, Bergren, Hiner, Jopek, McGillvray, Pomnichowski, Wilmer, Wiseman.  
Total 8

Excused: Ripley.  
Total 1

Absent or not voting: None.  
Total 0

**HJR 3** adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.  
Total 93

Noes: Boggio, Hawk, Lake, Mendenhall, Rice, Mr. Speaker.  
Total 6

Excused: Ripley.  
Total 1

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Representative Lange moved that **HB 32** be rereferred to the Committee on House Appropriations. There being no

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objections, so ordered.

Representative Lange moved that **HB 35** be rereferred to the Committee on House Appropriations. There being no objections, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 1:00 p.m., Wednesday, January 17, 2007. Motion carried.

House adjourned at 2:10 p.m.

MARILYN MILLER  
Chief Clerk of the House

SCOTT SALES  
Speaker of the House