

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

Helena, Montana
January 30, 2007

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

COMMUNICATIONS AND PETITIONS

This letter is to inform you that I have named Mr. John Brenden as a public member to the Environmental Quality Council.

This letter is to inform you that I have named Representative Dave Kasten and Representative Bill McChesney to the Legislative Finance Committee.

REPORTS OF STANDING COMMITTEES

BILLS (L. Jones, Chairman): 1/29/2007
Correctly printed: **HJR 5**.
Correctly engrossed: **HB 39, HB 225**.

JUDICIARY (Rice, Chairman): 1/29/2007
HB 174, do pass. Report adopted.

HB 210, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Strike: "PRESIDING OFFICER"

Insert: "CHAIRPERSON"

2. Page 1, line 19.

Strike: "Related"

Insert: "A minimum of 5 years of related"

3. Page 1, lines 19 and 20.

Strike: "presiding officer"

Insert: "chairperson"

4. Page 1, line 20.

Following: "Montana"

Insert: ", if practicable"

5. Page 1, line 27.

Following: "~~term~~:"

Insert: "The governor shall appoint one member and two auxiliary members in January of the first year of the governor's term, one member and one auxiliary member in January of the second year of the governor's term, and one member and one auxiliary member in January of the third year of the governor's term."

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

6. Page 1, line 27.

Strike: "presiding officer"

Insert: "chairperson"

7. Page 1, line 28.

Strike: "presiding officer" in two places

Insert: "chairperson" in two places

8. Page 1, line 29.

Strike: "presiding officer"

Insert: "chairperson"

9. Page 2, line 15.

Strike: "presiding officer"

Insert: "chairperson"

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Stoker, Chairman):

1/30/2007

HB 255, do pass, placed on consent calendar. Report adopted.

HB 120, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "WITH A"

Insert: "2-YEAR OR"

2. Page 1, line 27 through page 1, line 28.

Strike: "With the" on page 1, line 27 through "the" on page 1, line 28

Insert: "The"

3. Page 1, line 28.

Following: "day-care centers"

Insert: "that are licensed on an annual basis and may make annual unannounced visits to day-care centers that have been granted 2-year or 3-year licenses under 52-2-721"

And, as amended, do pass. Report adopted.

EDUCATION (Jore, Chairman):

1/30/2007

HB 211, do pass. Report adopted.

HB 260, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

Following: "REAPPOINTED" on line 6

Insert: "IN THE SAME MANNER AS AN INITIAL APPOINTMENT"

Following: ";" on line 6

Strike: remainder of line 6 through "REGENTS;" on line 7

2. Page 1, line 29.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

Following: "terms"

Insert: "subject to subsection (3)(b)"

3. Page 1, line 30.

Strike: "subsection"

Insert: "subsections"

Following: "~~(1)(b)~~"

Insert: "and (1)(b)"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

1/29/2007

SB 53, introduced by Cocchiarella

SB 115, introduced by Jent

SB 124, introduced by Harrington

SB 157, introduced by Ryan

SB 200, introduced by Lewis

FIRST READING AND COMMITMENT OF BILLS

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

HB 509, introduced by Erickson, Windy Boy, Becker, Wanzenried, referred to Natural Resources.

HB 510, introduced by Stahl, referred to Local Government.

HB 511, introduced by Windy Boy, Clark, Cobb, Thomas, Hendrick, Hansen, Campbell, Larson, Williams, McAlpin, Jopek, Kasten, Villa, Wiseman, Kottel, Butcher, Squires, Musgrove, Parker, Bergren, Kitzenberg, Moss, Jacobson, Juneau, Noonan, Jayne, Stahl, Becker, Smith, Pease, J. Peterson, Augare, Cooney, Ankney, Steinbeisser, Franklin, Elliott, French, Shockley, Schmidt, McNutt, Ryan, Olson, Small-Eastman, Cocchiarella, Black, J. Tropila, Harrington, Wilmer, Jackson, O'Neil, Furey, McChesney, L. Jones, Hamilton, Laslovich, referred to Appropriations.

HB 512, introduced by L. Jones, referred to Appropriations.

HB 513, introduced by Wells, Koopman, McGillvray, MacLaren, Lange, Boggio, Jore, referred to Business and Labor.

HB 514, introduced by Caferro, Henry, Raser, Campbell, Juneau, Williams, Hands, Sands, referred to Business and Labor.

HB 515, introduced by Glaser, Lewis, Black, Jacobson, Villa, Raser, Shockley, referred to Education.

**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 Milburn in the chair.

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

HB 194 - Representative Lange moved **HB 194** do pass. Motion **failed** as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert,

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 50

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Jore, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 50

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 286 - Representative Augare moved **HB 286** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Boggio, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Henry, Hilbert, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lambert, Lange, MacLaren, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Sonju, Stahl, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.
Total 74

Noes: Barrett, Beck, Blasdel, Butcher, Everett, Hawk, Hendrick, Himmelberger, Ingraham, Jore, Kasten, Kerns, Koopman, Lake, Malcolm, McGillvray, O'Hara, Rice, Ripley, Ross, Sinrud, Stoker, Taylor, Wells, Witte, Mr. Speaker.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 319 - Representative Glaser moved **HB 319** do pass. Motion carried as follows:

Ayes: Ankney, 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, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, 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.
Total 93

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

Noes: Everett, Jayne, Jore, Koopman, Mr. Speaker.
Total 5

Excused: None.
Total 0

Absent or not voting: Arntzen, Sinrud.
Total 2

HB 333 - Representative McChesney moved **HB 333** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cordier, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Heinert, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Jacobson, L. Jones, Jopek, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.
Total 81

Noes: Cohenour, Dickenson, Gallik, Hands, Hawk, Himmelberger, Ingraham, Jayne, W. Jones, Jore, Kasten, MacLaren, McGillvray, Mendenhall, O'Hara, Peterson, Stoker, Mr. Speaker.
Total 18

Excused: None.
Total 0

Absent or not voting: Sinrud.
Total 1

HB 61 - Representative Erickson moved **HB 61** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Hamilton, Hands, Heinert, Henry, Hollenbaugh, Jacobson, W. Jones, Jopek, Kottel, Lambert, McAlpin, McChesney, McNutt, Milburn, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Small-Eastman, Thomas, Van Dyk, Vincent, Wilmer, Wilson, Windy Boy, Wiseman.
Total 54

Noes: Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Cordier, Dutton, Everett, Glaser, Groesbeck, Hawk, Hendrick, Hilbert, Himmelberger, Hiner, Ingraham, Jayne, L. Jones, Jore, Kasten, Keane, Kerns, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Morgan, Nooney, Peterson, Rice, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Ward, Wells, Witte, Mr. Speaker.
Total 46

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

HB 75 - Representative McChesney moved **HB 75** 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, 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, 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 95

Noes: Gallik, Jore, Kasten, Koopman.

Total 4

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

HB 162 - Representative Hiner moved **HB 162** 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, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 88

Noes: Everett, Hendrick, Ingraham, Jore, Koopman, Lake, Mendenhall, Rice, Sinrud, Wells, Witte, Mr. Speaker.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 193 - Representative Nooney moved **HB 193** 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,

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 240 - Representative Nooney moved **HB 240** do pass. Motion carried as follows:

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

Total 86

Noes: Clark, Everett, Ingraham, Jore, Kasten, Keane, Kerns, Koopman, Mendenhall, Ripley, Witte, Mr. Speaker.

Total 12

Excused: None.

Total 0

Absent or not voting: Furey, Hiner.

Total 2

HB 269 - Representative Rice moved **HB 269** 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

Excused: None.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

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 Milburn 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, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, 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, McGillvray, McNutt, Mendenhall, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 90

Noes: Gallik, Hendrick, Jore, Koopman, Wells.

Total 5

Excused: None.

Total 0

Absent or not voting: Everett, Franklin, Milburn, Ripley, Ward.

Total 5

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, as amended by the Senate, passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bergren, Bixby, Boggio, Branae, Callahan, Campbell, Clark, Cohenour, Cordier, Driscoll, Dutton, Erickson, Franklin, French, Gallik, Glaser, Grinde, Hamilton, Hands, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, L. Jones, W. Jones, Jopek, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Reinhart, Ripley, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy.

Total 71

Noes: Becker, Blasdel, Butcher, Caferro, Dickenson, Ebinger, Everett, Furey, Groesbeck, Hawk, Heinert, Hendrick, Ingraham, Jacobson, Jayne, Jore, Kasten, Koopman, Malcolm, Mendenhall, Raser, Rice, Ross, Sonju, Ward, Wells, Wiseman, Witte, Mr. Speaker.

Total 29

Excused: None.

Total 0

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

Absent or not voting: None.
Total 0

HB 64 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, 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, 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.
Total 96

Noes: Jore, Koopman, Witte, Mr. Speaker.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 65 passed as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Keane, Kerns, Klock, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.
Total 83

Noes: Barrett, Butcher, Clark, Hendrick, Jayne, Jore, Kasten, Koopman, Lake, McGillvray, Peterson, Rice, Sinrud, Taylor, Wells, Witte, Mr. Speaker.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 72 passed as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert,

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman.

Total 86

Noes: Barrett, Dickenson, Everett, Ingraham, Jayne, Jore, Koopman, Rice, Sinrud, Sonju, Ward, Wells, Witte, Mr. Speaker.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 145 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, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Kasten, Keane, Kerns, Klock, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 89

Noes: Everett, Franklin, Gallik, Heinert, Jayne, Jopek, Jore, Koopman, Lake, Musgrove, Stoker.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 190 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Caferro, Callahan, Campbell, Clark, Cordier, Driscoll, Ebinger, Franklin, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Henry, Hilbert, Hiner, Hollenbaugh, Jacobson, L. Jones, Jopek, Keane, Kerns, Klock, Kottel, Lambert, McAlpin, McChesney, McNutt, Milburn, Morgan, Noonan, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 68

Noes: Beck, Butcher, Cohenour, Dickenson, Dutton, Erickson, Everett, Gallik, Hawk, Hendrick, Himmelberger, Ingraham, Jayne, W. Jones, Jore, Kasten, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Nooney, O'Hara, Peterson, Sinrud, Stoker, Wells, Witte, Mr. Speaker.

Total 31

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

Excused: None.
Total 0

Absent or not voting: Musgrove.
Total 1

HJ 1 passed as follows:

Ayes: Ankney, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, 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 60

Noes: Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jore, Kasten, Kerns, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McGillvray, Mendenhall, Morgan, Nooney, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stoker, Taylor, Wells, Witte, Mr. Speaker.
Total 39

Excused: None.
Total 0

Absent or not voting: Clark.
Total 1

SJR 1 concurred in 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

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

REPORTS OF STANDING COMMITTEES

JUDICIARY (Rice, Chairman):
HB 324, do pass. Report adopted.

1/30/2007

HB 247, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

Strike: "A MISDEMEANOR" on line 4 through "OFFENSES" on line 5

Insert: "CERTAIN CONVICTIONS"

2. Title, line 6.

Following: "MADE;"

Insert: "EXEMPTING CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS;
EXEMPTING PERSONS WITH COMMERCIAL DRIVER'S LICENSES;"

3. Page 1, line 19.

Strike: "Except as provided for in 61-8-725(4)(b)" on line 19

Insert: "Except for a person holding any of the commercial driver's licenses described in 61-5-112"

4. Page 1, line 20.

Following: "chapter" on line 20

Insert: ", other than convictions for driving under the influence of alcohol or drugs under part 4,"

And, as amended, do pass. Report adopted.

HB 251, introduced bill, be amended as follows:

1. Page 1, line 28 through page 2, line 1.

Following: "record" on line 28

Strike: remainder of line 28 through "date" on page 2, line 1

2. Page 3, line 2.

Following: the second "judge"

Insert: "or a city judge of record"

3. Page 3, line 4 through line 5.

Strike: subsection (4) in its entirety

And, as amended, do pass. Report adopted.

HB 312, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "of the highest order"

And, as amended, do pass. Report adopted.

HB 321, introduced bill, be amended as follows:

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

1. Page 1, line 11.

Strike: "and incompetent persons"

2. Page 1, line 12.

Strike: "or incompetent person"

3. Page 1, line 13.

Strike: "or incompetent person"

4. Page 1, line 15.

Strike: "or incompetent person"

5. Page 1, line 29.

Strike: "5 days"

Insert: "48 hours"

6. Page 1, line 30.

Strike: "5 days"

Insert: "48 hours"

7. Page 2, line 22.

Strike: "and incompetent persons"

And, as amended, do pass. Report adopted.

HB 329, introduced bill, be amended as follows:

1. Page 1, line 27.

Following: "."

Insert: "An offender convicted of a first offense under this section shall also be fined an amount equivalent to the cost to the jurisdiction of confining the offender, as determined by that jurisdiction, in a maximum amount of \$60 for each day of confinement, for the minimum number of days for which the offender may be confined under this section."

2. Page 1, line 30.

Following: "."

Insert: "An offender convicted of a second offense under this section shall also be fined an amount equivalent to the cost to the jurisdiction of confining the offender, as determined by that jurisdiction, in a maximum amount of \$60 for each day of confinement, for the minimum number of days for which the offender may be confined under this section."

And, as amended, do pass. Report adopted.

TRANSPORTATION (Sonju, Chairman):

1/30/2007

HB 26, introduced bill, be amended as follows:

1. Title, line 7.

Following: "INCREASING"

Insert: "AND STAGGERING"

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

2. Title, line 9.

Following: "MONTANA;"

Insert: "PROVIDING AN APPROPRIATION;"

3. Page 1, line 21.

Strike: "eight"

Insert: "seven"

Following: "serve"

Insert: "staggered"

4. Page 1, lines 25 and 26.

Strike: subsection (1)(e)(iii) in its entirety

Renumber: subsequent subsections

5. Page 2, line 29.

Following: "(3)"

Insert: "(a)"

6. Page 2.

Following: line 30

Insert: "(b) The council shall report to the 2009 legislature on its activities and its progress in performing the duties required in subsection (2)."

7. Page 3.

Following: line 7

Insert: "NEW SECTION. Section 2. Appropriation. There is appropriated from the general fund to the department of transportation the following amounts to support the rail service competition council and its work:

Fiscal Year 2008 \$75,000

Fiscal Year 2009 75,000"

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 274, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 3.

Following: line 12

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective January 1, 2008."

And, as amended, do pass. Report adopted.

HB 303, introduced bill, be amended as follows:

1. Title, line 4.

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

Strike: "REQUIRING"

Insert: "ALLOWING"

2. Page 1, line 9.

Following: "postconsumer"

Insert: "processed"

3. Page 1, line 10.

Strike: "shall"

Insert: "may"

4. Page 1, line 10.

Strike: "crushed"

Following: "glass"

Insert: "processed into glass cullet"

Following: "federal"

Strike: ", "

Insert: "and"

Following: "state"

Strike: ", and local"

5. Page 1, line 12.

Strike: "backfill"

Insert: "roadway fill material"

6. Page 1, line 13.

Strike: "roadfill"

Insert: "roadway aggregates"

7. Page 1, line 14.

Strike: "fill around culverts; and"

Insert: "bedding material;"

8. Page 1, line 15.

Strike: "a" through "'glascrete'"

Insert: "foundation material; and
(e) filter material"

9. Page 1, line 16.

Strike: "shall"

Insert: "may"

Strike: "postconsumer recycled glass"

Insert: "glass cullet"

10. Page 1, lines 18 and 19.

Strike: "purchasing" through "deadlines"

Insert: "road construction projects use glass cullet when it is locally available and economically feasible to incorporate into the project"

HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY - JANUARY 30, 2007

11. Page 1, lines 20 and 21.

Strike: "viability" through "in"

Insert: "acceptable use of glass cullet for a project"

And, as amended, do pass. Report adopted.

HR 3, introduced joint resolution, be amended as follows:

1. Page 1, line 20.

Strike: "any"

Insert: "all"

2. Page 1, line 20 through line 22.

Strike: "highway" on line 20 through "projects" on line 22

Insert: "highways in Montana are constructed and maintained in a manner that promotes safe and efficient travel conditions"

3. Page 1.

Following: line 22

Insert: "BE IT FURTHER RESOLVED, that the federal government authorize and appropriate adequate funding to ensure all construction projects are awarded and completed on a timely basis."

And, as amended, be adopted. Report adopted.

MOTIONS

Majority Leader Lange moved **HB 63, HB 95, HB 125, HB 131** be taken from the Committee on Appropriations and be rereferred to the Committee on State Administration. There being no objection, so ordered.

Majority Leader Lange moved **HB 61, HB 240** be rereferred to the Committee on Appropriations. There being no objection, so ordered.

UNFINISHED BUSINESS

Representative Gallik withdrew his January 29, 2007 motion to amend **HJR 1**.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 1:00 p.m., Wednesday, January 31, 2007. Motion carried.

House adjourned at 3:02 p.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House