

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

Helena, Montana  
February 8, 2007

House Chambers  
State Capitol

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

Roll Call. All members present except for Representative Milburn who was excused. Quorum present.

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

L. Jones, Chair

**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 264** 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, 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: Milburn, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 290** 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, 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: Milburn, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 292** 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, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, 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, Witte, Mr. Speaker.

Total 97

Noes: Wiseman.

Total 1

Voted Absentee: Milburn, Aye.

Excused: None.

Total 0

Absent or not voting: W. Jones, McAlpin.

Total 2

**HB 357** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, 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, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, 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.

Total 89

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Noes: Beck, Boggio, Jore, Kasten, Koopman, McGillvray, Mendenhall, Peterson, Sinrud, Witte, Mr. Speaker.  
Total 11

Voted Absentee: Milburn, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 361** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, 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, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilson, Windy Boy, Wiseman, Witte.  
Total 88

Noes: Beck, Boggio, Dutton, Kasten, Morgan, Peterson, Ripley, Sinrud, Sonju, Wells, Wilmer, Mr. Speaker.  
Total 12

Voted Absentee: Milburn, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 363** passed 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, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, Jopek, Keane, Kerns, 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, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 88

Noes: Boggio, Everett, Hawk, Jore, Kasten, Koopman, Mendenhall, Wells, Witte, Mr. Speaker.  
Total 10

Voted Absentee: Milburn, Aye.

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Excused: None.  
Total 0

Absent or not voting: W. Jones, Ripley.  
Total 2

**HB 485** passed as follows:

Ayes: Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, McAlpin, McChesney, Mendenhall, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 67

Noes: Ankney, Boggio, Butcher, Dutton, Everett, Glaser, Hawk, Heinert, Hilbert, Himmelberger, Jayne, Jore, Kasten, Kerns, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Milburn, Morgan, Nooney, Peterson, Rice, Ripley, Sinrud, Stoker, Wells, Witte, Mr. Speaker.  
Total 33

Voted Absentee: Milburn, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BILLS** (L. Jones, Chairman): 2/7/2007  
Delivered to the Governor for approval at 3:40 p.m., February 7, 2007: **HB 21**.  
Correctly engrossed: **HB 11, HB 230, HB 354, HB 380**.

**BUSINESS AND LABOR** (Mendenhall, Chairman): 2/7/2007  
**HB 58**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "WEEKLY BENEFIT"

**Insert:** "IF THE UNEMPLOYMENT INSURANCE CONTRIBUTIONS SCHEDULE IS SCHEDULE I"

2. Page 1, line 22 through line 27.

**Following:** "wage."

**Strike:** "The" on page 1, line 22 through "amount." on page 1, line 27

**Insert:** "(3) The maximum and minimum weekly benefit amounts are computed in the following manner:

(a)(i) If the unemployment insurance contributions schedule provided for in 39-51-1218 is Schedule II or higher, the maximum weekly benefit amount is 66.5% of the average weekly wage and must be applied to all maximum weekly benefit amount claims for benefits filed to establish a benefit year commencing on or after July 1 of the same year.

(ii) The minimum weekly benefit amount must be 19% of the average weekly wage.

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(iii) The minimum weekly benefit amount, if not a multiple of \$1, must be computed to the nearest lower full dollar amount.

(b)(i) If the unemployment insurance contributions schedule provided for in 39-51-1218 is Schedule I, the maximum weekly benefit amount is 67.5% of the average weekly wage and must be applied to all maximum weekly benefit amount claims for benefits filed to establish a benefit year commencing on or after July 1 of the same year.

(ii) The minimum weekly benefit amount must be 20% of the average weekly wage.

(iii) The minimum weekly benefit amount, if not a multiple of \$1, must be computed to the nearest lower full dollar amount."

And, as amended, do pass. Report adopted.

**HB 299**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Following:** "other"

**Strike:** "natural or"

2. Page 1, line 23.

**Strike:** "extreme terrain,"

3. Page 1, line 27.

**Following:** "freestyle terrain,"

**Insert:** "extreme terrain,"

4. Page 1, line 29.

**Following:** "marked"

**Strike:** "improvements and"

5. Page 2, line 1.

**Strike:** "improvements and"

**Following:** "equipment"

**Strike:** "are"

**Insert:** "is"

6. Page 2, line 2.

**Strike:** "and"

7. Page 2, line 3.

**Following:** "ability"

**Strike:** " \_ "

**Insert:** "; (j) skiing in a closed area or skiing outside the ski area boundary as designated on the ski area trail map;  
and

(k) restricted visibility caused by snow, wind, fog, sun, or darkness."

8. Page 2, line 26.

**Following:** "for"

**Strike:** "the purpose of participating in the sport of"

9. Page 2, line 27.

**Following:** "using"

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**Strike:** "a"  
**Insert:** "any"  
**Following:** "area"  
**Insert:** "facility"

10. Page 2, line 29 through line 30.  
**Following:** "skiing." on line 29  
**Strike:** remainder of line 29 through "facility." on line 30

11. Page 3, line 1.  
**Strike:** "Sport of skiing"  
**Insert:** "Skiing"

12. Page 3, line 24.  
**Following:** "areas."  
**Insert:** "(1)"

13. Page 3, line 26.  
**Strike:** "(1)"  
**Insert:** "(a)"  
**Renumber:** subsequent subsections

14. Page 3, line 30.  
**Following:** "displaying"  
**Insert:** "a map of"

15. Page 4, line 1.  
**Following:** the first "trails"  
**Insert:** ", the boundaries of the ski area,"

16. Page 4, line 8.  
**Strike:** "an orange oval"  
**Insert:** "a symbol recognized by the national ski areas association"

17. Page 4, line 9.  
**Insert:** "(2) Nothing in this part may be construed to impose any duty owed by a ski area operator to a trespasser or an unauthorized user of a ski area."

18. Page 5, line 7.  
**Following:** "23-2-733;"  
**Strike:** "and"

19. Page 5, line 8.  
**Following:** "operator"  
**Strike:** "."  
**Insert:** "; and (e) shall read the ski area trail map and must be aware of its contents."

20. Page 5, line 18.  
**Following:** "skiing."  
**Insert:** "Nothing in this part may be construed to limit a skier's right to hold another skier legally accountable for

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damages caused by the other skier."

And, as amended, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 2/8/2007  
**HB 328**, do pass. Report adopted.  
**HJR 13**, be adopted. Report adopted.

**JUDICIARY** (Rice, Chairman): 2/7/2007  
**HB 403**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "II,"

**Insert:** "PROVIDING THAT THE RIGHT TO LIFE DOES NOT AFFECT THE DEATH PENALTY,"

2. Page 1.

**Following:** line 22

**Insert:** "(5) Nothing in this section prohibits or otherwise affects a sentence of death imposed by the state as a penalty for criminal conduct."

And, as amended, do pass. Report adopted.

**HB 437**, introduced bill, be amended as follows:

1. Page 1, line 10 through line 13.

**Following:** "contracts." on line 10

**Strike:** "Each contract" on line 10 through "or agreement" on line 13

**Insert:** "Each written contract that the department of public health and human services enters into for the provision of human services to a third party must contain a clause providing for a dispute resolution process in the event of disagreement between the contractor and the department about the terms of the contract"

And, as amended, do pass. Report adopted.

**HB 449**, do pass. Report adopted.

**NATURAL RESOURCES** (McNutt, Chairman): 2/8/2007  
**HB 291**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Following:** "that"

**Insert:** ", for purposes other than agricultural open burning,"

2. Page 1, line 16.

**Following:** "relating to"

**Insert:** ": (a)"

**Following:** "any"

**Insert:** "agricultural"

**Following:** "equipment"

**Insert:** "that is"

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3. Page 1, line 17.

**Following:** "crops"

**Insert:** "by an agricultural producer"

**Strike:** "that"

**Strike:** "are"

**Insert:** "and that is"

4. Page 1, line 18.

**Following:** "7661"

**Insert:** "; or

(b) a commercial operation relating to the activities or equipment referred to in subsection (1)(a) that remains in a single location for less than 12 months and is not subject to the requirements of 42 U.S.C. 7475, 7503, or 7661"

And, as amended, do pass. Report adopted.

**HB 473**, do pass. Report adopted.

1. Page 7, line 26.

**Following:** "fees"

**Insert:** " -- appeals"

2. Page 7, line 27.

**Following:** "affect"

**Insert:** "the department's ability to address appeals filed pursuant to former 85-2-276 or"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

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

2/7/2007

**SB 108**, introduced by Cocchiarella

**SB 165**, introduced by Brueggeman

**SB 233**, introduced by Elliott

**SB 244**, introduced by Weinberg

**SB 315**, introduced by Cobb

**SB 316**, introduced by Elliott

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 604**, introduced by Jopek, referred to State Administration.

**HB 605**, introduced by Keane, referred to Judiciary.

**HB 606**, introduced by Pomnichowski, Henry, Augare, French, Callahan, MacLaren, Stahl, Hiner, Erickson, Parker, Bixby, Cohenour, Small-Eastman, Reinhart, Jacobson, Hollenbaugh, Thomas, Nooney, Wilmer, Noonan, Grinde, Sesso, Phillips, Ebinger, McAlpin, Raser, Hilbert, Vincent, Branae, referred to Judiciary.

**HB 607**, introduced by McAlpin, Furey, Van Dyk, Villa, Augare, Dickenson, Erickson, Hamilton, Cohenour, Caferro, Henry, Gallik, Windy Boy, Wiseman, referred to Natural Resources.

**HB 608**, introduced by Olson, Lewis, referred to Appropriations.

**HB 609**, introduced by Hamilton, Raser, Cordier, O'Hara, Arntzen, referred to Education.

**HB 610**, introduced by Keane, Gebhardt, Stahl, Olson, referred to Natural Resources.



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**HB 611**, introduced by Jacobson, referred to Federal Relations, Energy, and Telecommunications.

**HB 612**, introduced by Henry, Franklin, Hiner, Furey, Villa, Wilmer, Parker, McAlpin, Pomnichowski, Becker, Noonan, Wilson, Bixby, Branae, Hamilton, Erickson, Sands, Hands, Cohenour, Augare, Reinhart, Raser, referred to Human Services.

**HB 613**, introduced by Bergren, Lambert, referred to Fish, Wildlife and Parks.

**HB 614**, introduced by Butcher, referred to Education.

**HB 615**, introduced by Butcher, Curtiss, referred to Education.

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

**HJR 31**, introduced by Everett, Ripley, Jore, Sales, Beck, Hilbert, Vincent, Sonju, Stahl, referred to Natural Resources.

**HJR 32**, introduced by McAlpin, Furey, Van Dyk, Thomas, Noonan, Cordier, Hiner, Erickson, Dickenson, Pomnichowski, Hamilton, Hands, French, Musgrove, Jacobson, Jore, Bixby, Ebinger, Small-Eastman, Villa, Campbell, Cohenour, Sesso, Sands, Becker, Wilmer, Reinhart, Raser, Parker, Grinde, Hollenbaugh, Branae, Groesbeck, referred to Transportation.

**HJR 33**, introduced by Thomas, referred to Human Services.

**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 Hollenbaugh in the chair.

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

**HB 143** - Representative Reinhart moved **HB 143** do pass. Motion carried as follows:

Ayes: Arntzen, Augare, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, 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, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 82

Noes: Ankney, Barrett, Boggio, Clark, Everett, Hendrick, Jayne, Jore, Kasten, Koopman, McGillvray, Peterson, Rice, Ripley, Ward, Witte.

Total 16

Voted Absentee: Milburn, Aye.

Excused: None.

Total 0

Absent or not voting: Butcher, Sesso.

Total 2

**HB 378** - Representative Windy Boy moved **HB 378** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro,

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Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Hilbert, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, 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, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 81

Noes: Beck, Everett, Franklin, Gallik, Hawk, Henry, Himmelberger, Ingraham, Jore, Kasten, Keane, Koopman, Rice, Ripley, Sands, Sinrud, Wells, Witte, Mr. Speaker.  
Total 19

Voted Absentee: Milburn, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 419** - Representative Koopman moved **HB 419** 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, 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: Milburn, Aye.

Excused: None.  
Total 0

Absent or not voting: Malcolm.  
Total 1

**HB 428** - Representative Gallik moved **HB 428** do pass. Motion carried as follows:

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

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Total 84

Noes: Ankney, Boggio, Butcher, Ebinger, Hendrick, Jayne, L. Jones, Jopek, Jore, Kasten, Koopman, McGillvray, Mendenhall, Thomas, Ward, Wells.  
Total 16

Voted Absentee: Milburn, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 526** - Representative Groesbeck moved **HB 526** 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: Milburn, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 20** - Representative Lange moved consideration of **HJR 20** be passed for the day. Motion carried.

**HB 196** - Representative Lange moved **HB 196** do pass.

**HB 196** - Representative Lange moved **HB 196**, second reading copy, be amended as follows:

1. Title, line 8.

**Following:** "IMPACTS;"

**Insert:** "REQUIRING THE COAL BOARD TO PROVIDE A REPORT TO THE LEGISLATURE;"

2. Title, line 9.

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**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

3. Page 2, line 9.

**Strike:** "\$2 million"

**Insert:** "2.71% "

4. Page 3, line 21.

**Strike:** "\$2 million"

**Insert:** "2.71% "

5. Page 3, line 26.

**Following:** "established"

**Insert:** "-- report"

**Following:** "established."

**Insert:** "(1)"

6. Page 3, line 30.

**Following:** line 29

**Insert:** "(2) The coal board shall report to the legislature, as provided in 5-11-210, on the allocation of funds from the coal development impact account."

7. Page 7, line 18.

**Insert:** "NEW SECTION. **Section 8. Termination.** [Section 1] terminates June 30, 2010."

Amendment adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Blasdel, Boggio, Butcher, Caferro, Clark, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, 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, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Raser, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Witte, Mr. Speaker.

Total 86

Noes: Bixby, Branae, Callahan, Campbell, Cohenour, Franklin, Gallik, Hands, Jore, McAlpin, Pomnichowski, Reinhart, Small-Eastman, Wiseman.

Total 14

Voted Absentee: Milburn, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 196** - Motion to pass **HB 196** carried as follows:

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

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Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Phillips, Rice, Ripley, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Windy Boy, Witte, Mr. Speaker.

Total 54

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

Total 45

Voted Absentee: Milburn, Aye.

Excused: None.

Total 0

Absent or not voting: Everett.

Total 1

**HB 315** - Representative Koopman moved **HB 315** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, 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 51

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, 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 49

Voted Absentee: Milburn, 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 Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Ebinger, Glaser, Grinde, Hawk, Heinert, Hendrick, Hilbert, Ingraham, L. Jones, W. Jones, Jopek, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Morgan, Musgrove, Noonan,

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Nooney, Olson, Peterson, Pomnichowski, Reinhart, Rice, Ross, Sesso, Sinrud, Sonju, Stoker, Taylor, Thomas, Van Dyk, Vincent, Wells, Wilmer, Windy Boy, Witte, Mr. Speaker.

Total 56

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Erickson, Franklin, French, Furey, Gallik, Groesbeck, Hamilton, Hands, Henry, Hiner, Jacobson, Jayne, Keane, Kottel, Parker, Phillips, Raser, Sands, Villa, Wilson, Wiseman.

Total 32

Excused: Milburn.

Total 1

Absent or not voting: Ankney, Arntzen, Driscoll, Everett, Himmelberger, Hollenbaugh, O'Hara, Ripley, Small-Eastman, Stahl, Ward.

Total 11

**MOTIONS**

Representative Lange moved that **HB 551** be moved from the Committee on Appropriations to the Committee on Local Government. There being no objection, so ordered.

Representative Lange moved that **HB 378** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Representative Lange moved that **HB 196** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Representative Lange moved that **HB 315** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Representative Wiseman moved that his vote on **HB 315** be changed. There being no objection, so ordered.

Representative Small-Eastman moved that her vote on **HB 315** be changed. There being no objection, so ordered.

Representative Caferro moved that her vote on **HB 315** be changed. There being no objection, so ordered.

**SPECIAL ORDERS OF THE DAY**

**HB 614**, sponsored by Butcher, the following sponsors were added:

Reps. Arntzen, Beck, Blasdel, Butcher, Dutton, Everett, Furey, Hawk, Hilbert, Himmelberger, L. Jones, W. Jones, Keane, Kerns, Klock, Lambert, MacLaren, McChesney, Mendenhall, Morgan, Musgrove, Nooney, Olson, Peterson, Pomnichowski, Ripley, Sonju, Stahl, Vincent, Wells, Wilson, Windy Boy, Witte.

**HB 615**, sponsored by Butcher, the following sponsors were added:

Reps. Beck, Blasdel, Butcher, Everett, Hilbert, Jore, Kerns, Klock, Lambert, MacLaren, Mendenhall, Nooney, Sonju, Vincent, Wells.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Majority Leader Lange moved that the House adjourn until 1:00 p.m., Friday, February 9, 2007. Motion carried.

House adjourned at 2:28 p.m.

MARILYN MILLER  
Chief Clerk of the House

SCOTT SALES  
Speaker of the House