

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

Helena, Montana
February 9, 2007

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Malcolm. 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-sixth, twenty-seventh, and twenty-eighth legislative days, find the same to be correct.

L. Jones, Chair

Speaker Sales and the House thanked the pages for the past week.

MOTIONS

Majority Leader Lange moved that the House be on Order of Business #11, Special Orders of the Day, for the purpose of receiving the State of Education Address from State Superintendent of Public Instruction

SPECIAL ORDERS OF THE DAY

Sergeant-at Arms Clark notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber. Speaker Sales requested Sergeant-at-Arms Clark to admit the Honorable Senate into the House chamber. Speaker Sales introduced Senate President Cooney and yielded the chair to him.

Senate Majority Leader Williams moved that the body resolve itself into a joint session for the purpose of receiving the State of Education address from State Superintendent Linda McCullough. Motion carried.

Senate Majority Leader Williams moved Senate President Cooney be authorized to appoint a committee of four to notify Superintendent McCullough that the body was in joint session and ready to receive her address. Motion carried.

Senate President Cooney appointed Senator Kitzenberg, Senator Jackson, Representative Bixby and Representative Boggio to escort Superintendent McCullough into the chamber.

The committee escorted Superintendent McCullough into the chamber.

The Invocation was given by Reverend George Harper. Pledge of Allegiance to the Flag.

Senate President Cooney introduced Superintendent McCullough to the joint session. Superintendent McCullough gave the following speech.

2007 State of Education Address
State Superintendent Linda McCulloch
February 9, 2007

Good afternoon. I'm so very pleased to be here with you today.

Thank you, President Cooney, Speaker Sales, Senator Williams, Senator Stapleton, and Representative Parker for

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bringing us together to focus on Montana's children and their future. Thank you, Rev. Harper for your good words.

I'd also like to recognize my colleagues and friends in the Executive and Judicial branches of Montana Government, Clerk of the Supreme Court, the Public Service Commissioner, the Board of Public Education and the First Lady of Montana, Nancy Schweitzer.

And a very special thank you to my husband Bill for being here with me and supporting my dedication to Montana's kids.

I would like to take a moment to thank some folks who you don't see everyday in our schools, but who spend every single day working to make our schools even better. They are my co-workers, my friends at the Office of Public Instruction. These are the folks who don't receive the first grade hugs, but really deserve them. Please help me say thanks to my deputy, Bud Williams and all the good hard-working folks at the Office of Public Instruction.

I begin my State of Education Address with sincere words of thanks for the thousands of committed teachers, administrators, school staff and trustees. You work tirelessly, helping Montana's children learn and prepare for their futures. Simply put, you change lives.

Would all educators, school staff or trustees in the audience, both on the floor and in the gallery, please stand so we may recognize you? From all of us here, and from all Montanans, thank you!

I'd like to specifically thank the students who are watching this address live, using video streaming technology or local access television. One of those schools is Havre High School. Please join me in greeting Mr. John Ita's U.S. Government Class and Mr. Jim Magera's Local History and American Indian Culture classes.

This is the fourth time I have come to share with you my thoughts on the State of Education in Montana. It will also be my last address to this joint body as State Superintendent.

How time flies. You can't help but be a little reflective on where we've come from as Montanans and about our hopes for the future.

I thought it would be interesting to see how the Superintendent of Public Instruction saw the State of Education a hundred years ago. In 1906 the State of Education came in the form of a 500 page report. What I found was quite startling and more than a little disturbing. The Superintendent of Public Instruction in 1906 was a man. I had always been led to believe that one of the more sensible Montana traditions has always been electing women as State Superintendent. Of course in 1906 women did not, yet, have the right to vote.

Then State Superintendent W.E. Harmon reported, "There are in Montana many good schools where good salaries are paid to well prepared, competent teachers. The school houses are well built and well equipped for the best work. The school grounds are sightly and the school is the pride of the community."

Superintendent Harmon understood that public education demands that we can't stand still. He knew that a growing Montana needed a public school system that could prepare our students for the demands of a constantly changing economy.

Superintendent Harmon saw the connection between the quality of the education we could provide our children depended on the quality of the teacher in the classroom. He noted that "better trained, more experienced and more highly educated teachers" were in high demand. He argued, that in order to keep the best teachers, salaries need to be competitive. Sound familiar?

Within Superintendent Harmon's report was an observation that gets to why public education has been so successful

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in Montana. He put it quite eloquently in just two sentences. "Montana has the right sentiment. It seeks to give every child an opportunity to obtain an education. That is the passion that has driven public education for the past one hundred years in Montana.

It fundamentally recognizes that when we maximize our investment in every child who enters the school house door it will come back to us many times more and in ways we cannot even imagine.

It is why Montana students consistently perform among the top students in the country. Last May, the National Assessment of Educational Progress released the results of the 2006 national science tests. These "NAEP Tests" are known as the national "gold standard" for academic achievement.

Both Montana 4th and 8th grade students scored within just 1 point of the top state science scores in the country.

Our 8th grade science scores were just one point behind top ranked North Dakota, ranking Montana second in the nation. Our 4th grade students were one point behind top ranking New Hampshire.

Our Montana schools do a significantly better job in closing the academic "achievement gap" for our low income students. Nationally there is a 27 point "achievement gap" for science scores between 4th grade high and low income students. In Montana this achievement gap is only 16 points. The same pattern holds true for 8th grade Montana low income students.

These results didn't happen in a vacuum. Montana students do well in science because of the quality of science education provided by Montana's teachers. At both the state and national level, officials across the country are calling for a renewed emphasis on science and math teaching.

I applaud both Governor Schweitzer and First Lady Nancy Schweitzer for their special efforts to make science both fun and interesting for Montana kids. Thank you, Nancy, and please thank the Governor for me.

The First Family knows in order for Montana schools to remain leaders in science education, and for Montana to have a workforce ready to fill the jobs of tomorrow, we can't afford to stand still. We must constantly strive to improve student learning. I am confident that with sufficient resources, Montana students and teachers are up to the challenge.

In my first State of Education speech in 2001, I said Montana was at a "fork in the road." I noted our children have boundless potential and through the dedication of parents, teachers, community members and school trustees our schools are among the best in the nation.

But the quality of our public schools was being severely tested. The combination of stagnant state funding, declining student enrollments, and steadily rising costs were pushing schools to the breaking point.

School boards were struggling just to keep "above water." Tight budgets were forcing painful choices to be made daily, at the same time the demands on our schools were steadily increasing. Schools were asked to do a great deal more, but with fewer resources.

There were no "time outs" for schools. Everyday, kids still came to school expecting the best we could offer.

At the 2003 Legislature schools were still at that "fork in the road" and the state budget situation was grim. If that wasn't enough, it was also the first year that President Bush's No Child Left Behind Act went into effect. Schools were faced with a whole new labyrinth of federal regulations without the needed federal dollars to meet those new demands and expectations.

When the 2005 Legislature convened it was clear a choice had to be made. I am proud to say that the Legislature had

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the courage to choose the challenging but rewarding road toward a better future for our children.

At no other time in Montana history has the Legislature devoted so much time and energy on the fundamental issues and questions surrounding public education.

In the end, the Legislature, for the first time, produced a definition for providing a quality education for our children. It's a definition reflecting our best aspirations for our children and is deeply rooted in Montana "common sense."

Montanans, through their elected Legislature, decided:

A quality education must include high academic standards set forth by the Board of Public Education.

A quality education must provide assessments to make sure our children are succeeding.

It must address the needs of Montana's low-income children, at-risk youth, and special needs students -- both challenged and gifted.

It must reflect the needs of our American Indian students.

It must allow us to recruit and retain high-quality teachers.

It must allow us to provide kids with textbooks, library materials, and the technology they need to be competitive in the global economy.

It must provide safe school buildings and buses.

It must implement Indian Education for All, as defined by the Montana State Constitution.

And finally, it must be a quality education that will continue to adapt as times change.

And, with this new definition, came the down-payment: a substantial increase in state funding to make this dream a reality.

In December 2005, the Legislature met in special session for the sole purpose of addressing school funding. Once again, I am proud to say the Legislature resisted the temptation to go backwards and instead continued to strike out on the road to a better public education for Montana's kids.

Four brand-new components were added to the school funding system. Two of the new components established Montana's commitment to improve the academic performance of students-at-risk and American Indian students.

A third component provides for ongoing funding for schools to implement Indian Education for All, so all Montana students can gain a better appreciation and understanding of the contributions of American Indian cultures, history, and contemporary issues.

And the fourth component recognizes the need to recruit and retain quality educators with a quality educator payment.

And again, along with these changes in the school funding system, came substantial funding increases to begin to address these critical needs.

And so here we are today, 29 days into the 2007 Legislative Session and a good deal further down our road together. We've come a long way, but education, by its very nature, is a continuing journey. A journey that demands we meet our responsibility to educate the next generation so that they and we can have a better life.

It is essential for 145,416 students that we continue to travel down our "road to a quality education." Ninety-three percent of our students attend Montana's public schools. Montana parents rely on our public schools to educate their children – to make sure their children do better than they did, achieve more than they achieved, and learn more than they have. We must keep moving forward down this road. To go backwards would be devastating.

A child only passes through third grade once or tenth grade once. They depend on us to make sure we provide them

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with a quality education that year and every year they attend our schools. Even as far back as 1906 the value of public education was not in question.

You and I know there is still work to be done...important work. Let's take a look at some of that work.

Full-Time Kindergarten

You've had access to a lot of information already on Full-Time Kindergarten. Simply put, the single best way we can improve student achievement in school is Full-Time Kindergarten. I'll continue to twist your arms one-by-one or one committee at a time.

Already the Senate has acted. My deep appreciation goes out to the Senate Democrats and the majority of the Senate Republicans who have now cast votes in support of Full-Time Kindergarten. Montana kids now await the action of the House. I know you won't let them down. Please join me in thanking Senator Williams and Representative Grinde for their leadership.

Quality Educators

My thanks to Representative Branae for sponsoring HB 152 which addresses the need to recruit and retain quality educators by increasing the Quality Educator component. In addition, HB 152 utilizes the inflation adjustment for all school funding components, allowing school districts some mechanism to ensure that inflation is taken into account when planning budgets for the next school year. Please help me say thanks to Representative Branae.

Indian Education for All

The 2005 Legislature, for the first time, put substantial resources into meeting our Constitutional responsibility to recognize "the distinct and unique cultural heritage of American Indians and is committed in our educational goals to the preservation of their cultural integrity."

We are well on our way to helping all Montana schools meet this responsibility. The Office of Public Instruction is making incredible progress in developing curriculum materials and providing educators the necessary training to integrate Indian Education for All into their classrooms.

The Montana Legislature is leading the nation in this effort. Montana is recognized by all states that serve American Indian students as breaking ground in Indian Education for All. The Governor of South Dakota, a Republican, has proposed Indian Education for All legislation in their current session for their students. Their State Superintendent is citing Montana as their example.

We cannot end our efforts just as they are beginning. Our kids – all of our kids – deserve better.

Meth Education

Through a partnership with Attorney General Mike McGrath and the Office of Public Instruction we have developed a Meth Prevention toolkit for schools. I applaud the Attorney General for his leadership in combating this devastating drug that has found its way into all of our Montana communities. Mike – you have my admiration and my thanks!

Teen Suicide Prevention

Teen suicide is a deep and dark wound on our Montana communities. Montana has one of the highest teen suicide rates in the country. More than 10% of our Montana high school students have attempted suicide. In a classroom of 20 students, that's 2 of your students who have attempted suicide. Representative Bill Jones has begun to address the need to focus some help for our schools in this area. Thank you, Representative Jones, for your leadership and courage to tackle this very serious issue – I applaud you!

To close my last State of Education Address, I'd like to leave you with a memory of my elementary school days. It will explain to you why I have given you an apple for each of my four education addresses. First, you must promise

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me you will not touch the apple until I have left the House Chamber.

When I was in elementary school and our teachers had a birthday or won a special award, we really didn't have the money to buy them a present. So we would throw them a "fruit roll." We'd pick a fruit roll captain and we'd all bring a round fruit to school – bananas and pears didn't work and oranges were hard to get, but apples were plentiful. We would hide the apples in our desks when we got to school.

At some time during the day when the teacher was writing on the chalkboard and had his/her back to us, the fruit roll captain would yell "fruit roll" and we would all roll our apples down the aisles toward the teacher. Since the floors in our school were all wooden everyone in the school would hear the apples rolling and would know that some teacher got a fruit roll. All the teachers would run to our classroom and help the teacher pick up the fruit to take home to share with their family. It's one of my fondest memories of elementary school. Over the years I've come to realize how unique this was as I've not heard of many people talk about having fruit rolls in their elementary schools.

Several years into my teaching career I shared this story with a few of my students one fall day when the lunchroom served apples. Several months went by and in May during Teachers' Appreciation week I had fourth graders in my library. I turned around to pick up materials for what was to be a really brilliant lesson on the Dewey Decimal System, and I heard one of the students yell "fruit roll!" Rolling up the aisle came 20 apples. I'm not sure I ever got around to teaching that brilliant lesson on the Dewey Decimal System that day.

That evening I called up my third grade teacher, Mrs. Bradds, who I hadn't seen since I was a kid. She answered the phone and I said, "Mrs. Bradds, it's Linda Harman." That was my maiden name, same name you'll remember as the Montana State Superintendent in 1906. She answered, "Why hello, Linda." Just like I'd seen her yesterday. I told her I was now a teacher. She sounded pleased and I thought hid her shock very well. I then said, "Mrs. Bradds, my students threw me a fruit roll today." Without missing a beat, she said, "Well, of course they did, Linda."

Like it happens every day!

So you see, for me an apple is not just the symbol for teachers. An apple reminds me of our students and the promise a quality education holds for their future. For me an apple is the symbol of public education and all that it has given me during my life.

Each of my 145,416 students must have a quality education to guide them through the rest of their lives. My students are depending on you to keep moving education down the path that will guarantee a quality education for them. Montana cannot build a first-class economy with a second-class school system. Continuing down the road to a quality education is not just about my kids, it's about all of us --- it's about the future of Montana.

Thank you for your time today!

President Cooney thanked Superintendent McCullough for her State of the Education speech.

The committee escorted Superintendent McCullough and guests from the chamber.

Senator Majority Leader Williams moved the joint session be adjourned. Motion carried.

Democratic Caucus Leader Villa announced the Democrats would caucus. Majority Leader Lange announced the Republicans would stand at ease.

REPORTS OF STANDING COMMITTEES

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BILLS (L. Jones, Chairman):

2/8/2007

Correctly printed: **HB 328, HB 449, HB 469.**

Correctly engrossed: **HB 58, HB 291, HB 299, HB 403, HB 437, HB 461, HB 473.**

JUDICIARY (Rice, Chairman):

2/8/2007

HB 217, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "AND IMPLEMENT"

2. Title, line 7.

Strike: "CONTINUED CONTROL BY THE"

Strike: "OF"

Insert: "TO EXPRESS A PREFERENCE IN"

3. Title, line 11.

Strike: "AN IMMEDIATE EFFECTIVE DATE AND"

4. Page 1, line 13 through page 2, line 2.

Strike: the preamble in its entirety

5. Page 2.

Following: the enacting clause

Insert: " NEW SECTION. **Section 1. Legislative intent.** It is the intent of the legislature in enacting [section 2] and this section to provide a method whereby a custodial parent whose child has been removed from the home by the department pursuant to Title 41, chapter 3, may have an opportunity to express a preference, whenever appropriate, for the child's education and ethnic, cultural, and religious training and general upbringing until the child has been returned to the parent or the parent has been declared to be unfit and the parental rights of the parent have been terminated by a court of law."

Renumber: subsequent sections

6. Page 2, line 8.

Following: the second "as"

Insert: "reasonably"

7. Page 2, line 10.

Strike: ", wishes, and desires"

Following: "education,"

Insert: "ethnic, cultural,"

Following: "religious"

Insert: ", "

8. Page 2, line 11.

Strike: "wishes"

Insert: "desires, whenever appropriate,"

Strike: "continue or"

Strike: "implemented"

Insert: "followed, if reasonably possible"

9. Page 2, line 13.

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Strike: "education" through "child"
Insert: "child's life"

10. Page 2, line 14.
Strike: "manner in"
Insert: "extent to"

11. Page 2, line 15.
Following: "information"
Insert: ", if any,"

12. Page 2, line 18.
Strike: "where"
Strike: "child attends"
Insert: "child's"
Following: ", "
Insert: "friends and associates,"

13. Page 2, line 19.
Strike: "peers"
Insert: "friends and associates"

14. Page 2, line 23.
Strike: "with as part of those organizations"

15. Page 2, line 27 through page 3, line 5.
Strike: "to" on line 27 through "plan" on line 5
Insert: "containing a summary of the information collected pursuant to subsection (1), which the department shall incorporate into the child's case plan"

16. Page 3, line 13.
Strike: "[Section 1] is"
Insert: "[Sections 1 and 2] are"

17. Page 3, line 14.
Strike: "section 1"
Insert: "sections 1 and 2"

18. Page 3, line 16.
Strike: section 3 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):
HB 112, introduced bill, be amended as follows:

2/9/2007

1. Page 2, line 2.
Following: "rescue"
Insert: "in coordination with other authorities having jurisdiction"

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2. Page 2, line 18.

Strike: "shall"

Insert: "may"

3. Page 2, line 21.

Following: "by"

Insert: "a certified city, county, or town building code jurisdiction or"

4. Page 2, line 22.

Following: "industry's"

Strike: "building codes bureau"

Insert: "bureau of building and measurement standards"

And, as amended, do pass. Report adopted.

HB 235, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "PROMOTION,"

Insert: "AND"

Strike: ", AND SALES"

2. Title, page 1, line 7.

Following: "PURPOSE;"

Insert: "ALLOWING CLASSIFICATION CRITERIA TO BE USED IN ASSESSING COSTS;"

3. Title, page 1, line 8.

Following: "7-12-1111,"

Insert: "7-12-1121, 7-12-1132,"

4. Page 1, line 20.

Following: "promotion,"

Insert: "and"

Strike: ", and sales"

5. Page 1, line 29 and 30.

Strike: ", including" on line 29 through "7-12-1102" on line 30

Insert: "of providing overnight stays at lodging facilities"

6. Page 2, line 3.

Insert: "**Section 3.** Section 7-12-1121, MCA, is amended to read:

"7-12-1121. Board of trustees -- appointment -- number -- term of office. (1) When the governing body of a local government adopts an ordinance creating a business improvement district, the appointing authority, with the approval of the governing body, shall appoint not less than five or more than seven owners of property, or their assignees, within the district to comprise the board of trustees of the district. The membership of a board of trustees for a business improvement district created for the purpose of 7-12-1102(4) must include the director of a nonprofit convention and visitors bureau, as defined in 15-65-101, if a nonprofit convention and visitors bureau is operating within the governing body's jurisdiction.

(2) The number of members of the board, once established, may be changed within these limits from time to time by subsequent resolutions of the governing body of the local government. A resolution to reduce board

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membership may not require resignation of any member prior to completion of ~~his~~ the member's appointed term.

(3) Three of the members who are first appointed must be designated to serve for terms of 1, 2, and 3 years, respectively, from the date of their appointments, and two must be designated to serve for terms of 4 years from the date of their appointments. For a seven-member commission, there must be two additional appointments for terms of 2 years and 3 years, respectively.

(4) After initial appointment, members must be appointed for a term of office of 4 years, except that a vacancy occurring during a term must be filled for the unexpired term. A member ~~shall hold~~ holds office until ~~his~~ the member's successor has been appointed and qualified."

"Section 4. Section 7-12-1132, MCA, is amended to read:

"7-12-1132. Annual budget and work plan -- approval -- procedure -- tax. (1) At a time determined by the governing body, the board shall submit to the governing body for approval a work plan and budget for the ensuing fiscal year.

(2) A board created for the purpose of 7-12-1102(4) in a municipality or county where a nonprofit convention and visitors bureau, as defined in 15-65-101, is operating shall consult with the nonprofit convention and visitors bureau in developing a work plan and budget for the ensuing fiscal year.

~~(2)~~(3) Following public notice that a work plan and budget have been submitted and that the governing body will levy an assessment to defray the cost of the work plan and budget, the governing body shall hold a public hearing on objections to the work plan and budget. After the hearing, the governing body may modify the work plan and budget as it considers necessary and appropriate.

~~(3)~~(4) After approval of the work plan and budget and to defray the cost ~~thereof~~ of the work plan and budget for the next fiscal year, the governing body shall by resolution levy an assessment upon all of the property in the district using as a basis one of the methods prescribed in 7-12-1133.

~~(4)~~(5) A copy of the resolution ~~shall~~ must be delivered to the treasurer of the local government to be placed on the tax roll and collected in the same manner as other taxes."

Renumber: subsequent section

7. Page 2, line 6.

Following: "options"

Insert: "-- provisions for property classifications"

8. Page 2, line 27.

Strike: "or"

Insert: "(f) if the governing body determines that benefits derived by each lot or parcel are disproportional, the governing body may use classification criteria, such as location within the district, economic impact, or any other measurable criteria, in conjunction with methods of assessing fees outlined in this subsection (2). Each classification must have its own rate. There may not be more than six classifications upon which a charge is imposed."

Renumber: subsequent subsection

9. Page 2, line 29.

Strike: "(2)(e)"

Insert: "(2)(f)"

And, as amended, do pass. Report adopted.

HB 253, do pass. Report adopted.

HB 426, do pass. Report adopted.

HB 433, do pass. Report adopted.

HB 510, introduced bill, be amended as follows:

1. Title, page 1, line 4.

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Following: "COUNCIL"

Insert: "OR A BOARD OF COUNTY COMMISSIONERS"

2. Title, page 1, line 6.

Strike: "SECTION"

Insert: "SECTIONS 7-12-2202 AND"

3. Page 1, line 9.

Insert: "Section 1. Section 7-12-2202, MCA, is amended to read:

"7-12-2202. Apportionment of costs of maintaining lighting system. (1) The cost of the maintenance and operating service to ~~said~~ a lighting rural improvement district may be apportioned among the various tracts of land within ~~said improvement~~ the district:

(a) in proportion to the assessed value of ~~said the~~ lands within ~~said improvement~~ the district, as determined by the board of county commissioners;

(b) by assessing the cost equally against each of the lots or parcels located within the district;

~~(b)(c)~~ at the option of ~~said the~~ board and as determined by ~~said the~~ board, in proportion to the lineal front footage of each tract, any part of which is in the district and abuts the street or roadway along which the lighting system is to be maintained; or

~~(c)(d)~~ in proportion to the area, as determined by ~~said the~~ board, of that portion of each tract included in the district.

(2) (a) Before the first Monday of September of each year, the board shall pass and finally adopt a resolution levying and assessing upon all the property within the district an amount equal to the whole cost of maintaining ~~said the~~ lighting system. The ~~same shall levy and assessment must~~ be proportioned against the ~~several~~ tracts of land in ~~said the~~ district as provided in this part.

(b) ~~Said The~~ resolution levying assessments to defray the cost of maintenance ~~shall must~~ be prepared and certified to in the same manner as ~~near as may be to~~ a resolution levying assessments for making, constructing, and installing ~~the~~ improvements in ~~said special improvement districts~~ the district."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

TAXATION (Lake, Chairman):

2/9/2007

HB 345, do pass. Report adopted.

HB 490, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "return"

Insert: "form"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

2/9/2007

HB 532, do pass. Report adopted.

HB 351, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "OFFICE;"

Insert: "PROVIDING AN EXCEPTION FOR EMPLOYMENT CONTRACTS;"

2. Page 1, line 11.

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Following: "legislators."

Insert: "(1)"

Strike: "section"

Insert: "subsection (1)"

3. Page 1, line 13.

Strike: "(1)"

Insert: "(a)"

4. Page 1, line 15.

Strike: "(2)"

Insert: "(b)"

5. Page 1, line 17.

Strike: "(3)"

Insert: "(c)"

6. Page 1, line 18.

Strike: "(4)"

Insert: "(d)"

7. Page 1.

Following: line 19

Insert: "(2) For the purposes of subsection (1)(c), "accept employment" does not mean accepting a renewal or an extension of a state employment contract."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/8/2007

SB 266, introduced by Shockley

SB 272, introduced by O'Neil

SB 278, introduced by Gillan

SB 322, introduced by Brueggeman

SB 324, introduced by Jackson

SB 370, introduced by Tash

SJR 3, introduced by Weinberg

SJR 4, introduced by Curtiss

FIRST READING AND COMMITMENT OF BILLS

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

HB 616, introduced by McChesney, Gillan, Groesbeck, Thomas, Olson, J. Tropila, referred to Business and Labor.

HB 617, introduced by Sinrud, Parker, Ripley, Taylor, Arntzen, MacLaren, Hilbert, L. Jones, Barrett, Sonju, Nooney, referred to Human Services.

HB 618, introduced by Sinrud, referred to Appropriations.

HB 619, introduced by Sinrud, referred to State Administration.

HB 620, introduced by Dutton, referred to State Administration.

HB 621, introduced by McGillvray, Dutton, Mendenhall, Arntzen, Lange, Himmelberger, Kerns, Sales, MacLaren referred to Human Services.

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HB 622, introduced by McGillvray, Dutton, Mendenhall, Arntzen, Koopman, Lange, Himmelberger, Kerns, Sales, Barrett, MacLaren, referred to Human Services.

HB 623, introduced by Olson, referred to Taxation.

HB 624, introduced by Clark, referred to Judiciary.

HB 625, introduced by Wells, Boggio, Everett, Blasdel, Butcher, Hilbert, Ripley, Heinert, referred to Judiciary.

HB 626, introduced by Kerns, referred to Federal Relations, Energy, and Telecommunications.

HB 627, introduced by Hilbert, Lambert, Taylor, Nooney, Blasdel, Klock, Pomnichowski, Parker, MacLaren, Olson, Stahl, Beck, Butcher, McChesney, Himmelberger, Arntzen, McNutt, Harrington, Everett, Vincent, Lake, Furey, K. Peterson, Cohenour, O'Hara, Kottel, Groesbeck, Kitzenberg, Brown, Rice, Ebinger, Williams, L. Jones, Boggio, Ross, Sonju, Hamilton, Lewis, Steinbeisser, Bales, Black, Branae, Lange, Reinhart, Sinrud, Ingraham, Ripley, Hendrick, McGillvray, referred to Appropriations.

HB 628, introduced by K. Peterson, referred to Natural Resources.

HB 629, introduced by Hamilton, referred to Judiciary.

HB 630, introduced by Gallik, referred to Judiciary.

**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 Gallik in the chair.

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

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

HB 413 - Representative Lange moved consideration of **HB 413** be passed for the day. Motion carried.

HB 11 - Representative Kasten moved **HB 11** do pass.

HB 11 - Representative Bergren moved **HB 11**, second reading copy, be amended.

The amendment **failed** as follows:

Ayes: 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

Noes: 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

Voted Absentee: Milburn, No.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 11 - The motion that **HB 11** do pass **failed** as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Kasten, Kerns, Klock, 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, Windy Boy, Witte, Mr. Speaker.

Total 49

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

Total 51

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 Gallik moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Ankney, Augare, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, Jopek, Jore, Keane, Kottel, Lambert, McAlpin, McChesney, McNutt, Mendenhall, Morgan, Musgrove, Noonan, Nooney, Olson, Parker, Peterson, Phillips, Raser, Reinhart, Ripley, Sands, Sesso, Sinrud, Sonju, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 70

Noes: Arntzen, Barrett, Dutton, Glaser, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, W. Jones, Lake, Lange, MacLaren, Malcolm, McGillvray, O'Hara, Rice, Ross, Stahl, Ward.

Total 20

Excused: Milburn.

Total 1

Absent or not voting: Butcher, Everett, Hawk, Kasten, Kerns, Klock, Koopman, Pomnichowski, Small-Eastman.

Total 9

THIRD READING OF BILLS

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The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 117 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, Heinert, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lambert, Lange, MacLaren, McAlpin, McChesney, McNutt, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 79

Noes: Everett, Hawk, Hendrick, Hilbert, Himmelberger, Jore, Kasten, Kerns, Koopman, Lake, Malcolm, McGillvray, Mendenhall, Rice, Ripley, Ross, Stoker, Wells, Witte, Mr. Speaker.

Total 20

Excused: Milburn.

Total 1

Absent or not voting: None.

Total 0

HB 143 passed as follows:

Ayes: Arntzen, Augare, 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, 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, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.

Total 81

Noes: Ankney, Barrett, Boggio, Everett, Hawk, Hendrick, Jayne, Jore, Kasten, Koopman, McGillvray, Rice, Ripley, Sinrud, Taylor, Ward, Mr. Speaker.

Total 17

Excused: Milburn.

Total 1

Absent or not voting: Small-Eastman.

Total 1

HB 419 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,

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Kerns, Klock, Koopman, 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, 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

Excused: Milburn.

Total 1

Absent or not voting: None.

Total 0

HB 428 passed as follows:

Ayes: Arntzen, Augare, Barrett, 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, L. Jones, W. Jones, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, 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, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 82

Noes: Ankney, Beck, Boggio, Butcher, Ebinger, Hendrick, Jayne, Jopek, Jore, Kasten, Koopman, McGillvray, Mendenhall, Morgan, Ward, Wells.

Total 16

Excused: Milburn.

Total 1

Absent or not voting: Vincent.

Total 1

HB 526 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, 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, 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 98

Noes: Beck.

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Total 1

Excused: Milburn.

Total 1

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 8:00 a.m., Saturday, February 10, 2007. Motion carried.

House adjourned at 3:02 p.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House