

**HOUSE JOURNAL
60TH LEGISLATURE
THIRTY-THIRD LEGISLATIVE DAY**

Helena, Montana
February 14, 2007

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

Speaker Sales introduced Ken Overcast, author and singer of "Montana Lullaby," and his wife Dawn. Mr. Overcast then sang "Montana Lullaby" to the Chamber.

REPORTS OF STANDING COMMITTEES

BILLS (L. Jones, Chairman): 2/13/2007
Correctly printed: **HB 547**.
Correctly engrossed: **HB 25, HB 417, HB 520, HB 13, HB 569, HJR 17**.

AGRICULTURE (Butcher, Chairman): 2/14/2007
HB 503, do pass. Report adopted.

HB 569, introduced bill, be amended as follows:

1. Page 1, line 30.

Strike: "for processing"

Insert: "that are going to be processed to a point that they no longer represent a pest risk"

2. Page 5, line 30.

Strike: "by"

Insert: "for"

And, as amended, do pass. Report adopted.

HJR 17, introduced joint resolution, be amended as follows:

1. Page 1, line 30 through page 2, line 1.

Strike: ", thereby" on page 1, line 30 through "costs" on page 2, line 1

And, as amended, be adopted. Report adopted.

BUSINESS AND LABOR (Mendenhall, Chairman): 2/14/2007
HB 492, do pass. Report adopted.
HB 565, do pass. Report adopted.
HJR 28, be adopted. Report adopted.

FISH, WILDLIFE AND PARKS (Milburn, Chairman): 2/14/2007
HB 389, introduced bill, be amended as follows:

1. Title, line 6.

Following: "DEVELOPMENT"

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Insert: "OR IMPLEMENTATION"

2. Title, line 7.

Strike: "ENSURE"

Insert: "REQUEST"

3. Title, line 9.

Strike: "EXCEPT IN CASES OF EMERGENCY OR DISASTER"

4. Page 2, line 20.

Following: "In"

Strike: "developing"

Insert: "implementing"

5. Page 2, line 20 through line 21.

Following: "shall" on line 20

Strike: remainder of line 20 through "elk," on line 21

Insert: ", as necessary to achieve harvest and population objectives, request that land management agencies open"

6. Page 2, line 21.

Following: "roads"

Strike: "remain open"

7. Page 2, line 22.

Strike: "unless ingress and egress are controlled pursuant to 10-3-104"

8. Page 3, line 22.

Following: "developing"

Insert: "or implementing"

9. Page 3, line 24.

Following: "written"

Insert: "or documented verbal"

And, as amended, do pass. Report adopted.

HB 439, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "FISH"

2. Page 1, line 10.

Following: "private"

Strike: "fish"

3. Page 1, line 12.

Following: "87-4-603"

Insert: "(1) through (5)"

4. Page 1, line 18.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Following: "submission of"
Strike: "a form"
Insert: "an application"
Following: "(2)"
Insert: "and an onsite inspection if requested by the department pursuant to subsection (3)"

5. Page 1, line 19.
Following: the first "private"
Strike: "fish"

6. Page 1, line 20.
Following: "department-generated"
Strike: "form"
Insert: "application"
Following: "including"
Strike: "but not limited to"

7. Page 1, line 21.
Following: "location,"
Strike: "and"
Following: "water"
Strike: "."
Insert: ", and appropriate water rights.

(3) If requested, the pond owner shall provide access for an onsite inspection by the department prior to a decision by the department as to whether a licensing exemption will be granted."
Renumber: subsequent subsection

8. Page 1, line 22.
Following: "whether the"
Strike: "fish"
Insert: "private"

9. Page 1, line 23.
Following: "days"
Insert: "of receipt of a complete application"
Following: "private"
Strike: "fish"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):
HB 97, introduced bill, be amended as follows:

2/14/2007

1. Title, page 1, line 7.
Strike: "5-5-211,"

2. Page 1, line 15.
Strike: "4"
Insert: "3"

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

3. Page 3, line 20.

Page 4, line 8.

Strike: "4"

Insert: "3"

4. Page 4, line 13 through page 5, line 10.

Strike: section 3 in its entirety

Renumber: subsequent sections

5. Page 5, line 24.

Strike: ", as it determines necessary"

6. Page 5, line 26.

Strike: "it"

Insert: "the appropriate rule review committee"

Strike: "its functions and"

7. Page 6, line 22.

Strike: "4"

Insert: "3"

8. Page 7, line 15 through line 18.

Strike: section 6 in its entirety

Renumber: subsequent sections

9. Page 7, line 20.

Strike: "(1)"

Strike: "4"

Insert: "3"

10. Page 7, line 21.

Strike: "4"

Insert: "3"

11. Page 7, line 22 through line 23.

Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

HB 487, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: " ; "

Insert: "AMENDING RELATED FEES ;"

Strike: "SECTION"

Insert: "SECTIONS"

Insert: "AND 2-7-514"

2. Page 2, line 13.

Insert: "**Section 2.** Section 2-7-514, MCA, is amended to read:

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

"2-7-514. Filing of audit report and financial report. (1) Completed audit reports must be filed with the department. Completed financial reports must be filed with the department as provided in 2-7-503(1). The state superintendent of public instruction shall file with the department a list of school districts subject to audit under 2-7-503(3). The list must be filed with the department within 6 months after the close of the fiscal year.

(2) At the time that the financial report is filed or, in the case of a school district, when the audit report is filed with the department, the local government entity shall pay to the department a filing fee. The department shall charge a filing fee to any local government entity required to have an audit under 2-7-503, which fee must be based upon the costs incurred by the department in the administration of this part, except as provided in [section 3]. Notwithstanding the provisions of 20-9-343, the filing fees for school districts required by this section must be paid by the office of public instruction. The department shall adopt the fee schedule by rule based upon the local government entities' revenue amounts.

(3) Copies of the completed audit and financial reports must be made available by the department and the local government entity for public inspection during regular office hours."

Insert: "NEW SECTION. Section 3. Exception to fees based on implementation costs. A fee charged pursuant to 2-7-514 may not be increased as a result of [section 1]."

And, as amended, do pass. Report adopted.

JUDICIARY (Rice, Chairman):

2/14/2007

HB 468, introduced bill, be amended as follows:

1. Page 1, line 14.

Following: "proceeding"

Insert: ", except that the proceedings and records of the program , as they pertain to a physician, are subject to discovery or introduction into evidence in a disciplinary proceeding before the board against the physician"

And, as amended, do pass. Report adopted.

HB 60, introduced bill, be amended as follows:

1. Page 2.

Following: line 28

Insert: "(7) The program may also, to the extent that funds are appropriated for the operation of the program, develop and implement an alternative dispute resolution component to the program."

And, as amended, do pass. Report adopted.

HB 397, do pass. Report adopted.

HB 423, introduced bill, be amended as follows:

1. Page 3, line 12.

Following: "complete"

Insert: ", during the period for which the person's license is suspended,"

2. Page 3, line 16.

Following: "equipped"

Insert: ", during the period for which the person's license is suspended,"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

HB 435, introduced bill, be amended as follows:

1. Title, line 6.

Following: "OFFENSES;"

Insert: "PROHIBITING CERTAIN PERSONS FROM SELLING CONFIDENTIAL CRIMINAL JUSTICE INFORMATION AND PROVIDING A PENALTY;"

2. Title, line 8.

Following: "AN"

Insert: "IMMEDIATE EFFECTIVE DATE AND AN"

3. Page 1, line 28.

Following: "crime"

Insert: ", or with an individual having unique knowledge of the crime or preparation for the crime,"

4. Page 1, line 30.

Following: "item"

Insert: "owned or obtained by an individual convicted of a qualifying crime or obtained,"

Following: "produced"

Insert: ", "

5. Page 2.

Following: line 25

Insert: "NEW SECTION. Section 3. Sale of confidential criminal justice information prohibited -- penalty.

(1) An individual convicted of a qualifying crime, or an individual having unique knowledge of the crime or preparation for the crime, may not sell or exchange confidential criminal justice information, as defined in 44-5-103.

(2) The office shall require that any funds obtained in violation of subsection (1) be deposited into the escrow fund, provided for in 53-9-104, for the benefit of a victim of a qualifying crime, to be held as provided in 53-9-104."

Insert: "NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 53, chapter 9, part 1, and the provisions of Title 53, chapter 9, part 1, apply to [section 3].""

Renumber: subsequent sections

6. Page 2.

Following: line 29

Insert: "NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 452, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "AWARD"

Insert: "ACKNOWLEDGMENT"

2. Title, line 5.

Strike: "CREDITS"

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Insert: "CREDIT"
Following: "THAT"
Insert: "MAY"

3. Title, line 6.

Following: "REDUCE"
Insert: "SUPERVISED"
Following: "PAROLE;"
Insert: "AND"
Strike: "SECTIONS 46-23-216 AND"
Insert: "SECTION"

4. Title, lines 6 and 7.

Strike: "; AND PROVIDING AN APPLICABILITY DATE"

5. Page 1, lines 11 and 12.

Strike: "award an achievement credit of a specified number of days to"
Insert: "acknowledge achievements by"

6. Page 1, lines 13 through 17.

Strike: "The" on line 13 through "parole." on line 17

7. Page 1, lines 18 and 19.

Strike: "award" on line 18 through "below" on line 19
Insert: "acknowledge achievements, such as"

8. Page 1, line 20.

Strike: "for"
Strike: ", 180 days"

9. Page 1, line 21.

Strike: "for"
Strike: ", 365 days"

10. Page 1, line 22.

Strike: "for"
Strike: ", 365 days"

11. Page 1, line 23.

Strike: "for"
Strike: ", 365 days"

12. Page 1, line 24.

Strike: "for each month of"
Strike: "15 days"
Insert: "for 6 or more months"
Strike: "and"

13. Page 1, line 25 through line 26.

Strike: "for each" on line 25 through "days." on line 26

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Insert: "attendance at a faith-based, social service, or rehabilitation activity for 6 or more months; or
(g) any other achievement designated by a department rule."

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

Strike: subsections (3) through (5) in their entirety

15. Page 2, line 3 through line 12.

Strike: section 2 in its entirety

Renumber: subsequent sections

16. Page 3.

Following: line 1

Insert: "(b) Any of the achievements listed in [section 1(2)] must be considered a significant achievement by a parolee and must be weighted heavily by the board in deciding whether to grant a conditional discharge from supervision to a parolee.

(c) If the board discharges a parolee from supervision because of consideration given to an achievement pursuant to this section, the department is relieved of the obligation of supervising the parolee.

(d) For good cause, the department may return a parolee who was conditionally discharged because of consideration given to an achievement pursuant to this section to the status of a regular parolee."

Renumber: subsequent subsections

17. Page 3, line 10 through line 14.

Strike: subsection (d) in its entirety

18. Page 3, line 20 through line 21.

Strike: section 5 in its entirety

And, as amended, do pass. Report adopted.

HB 456, do pass. Report adopted.

HB 462, introduced bill, be amended as follows:

1. Page 1, line 11.

Following: "reports."

Insert: "(1) A constituent services account is an account established by a person holding a public office in which funds are deposited and used for expenses in representing constituents or for travel or expenses related to the individual's elected position. A public official may establish an account by filing an appropriate form with the commissioner."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 467, introduced bill, be amended as follows:

1. Page 3, line 10.

Strike: "exclusion" through "panel"

Insert: "exceptions"

Strike: "(1)"

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

2. Page 3, line 12.

Strike: "(a)"

Insert: "(1)"

3. Page 3, lines 14 through 18.

Strike: line 14 through "9" on line 18

Insert: "(2) a claim brought by an inmate of a correctional facility against a health care provider arising from a service provided by the health care provider in a governmental infirmary located at the facility"

And, as amended, do pass. Report adopted.

HB 256, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Following: "LAWS;"

Insert: "AND"

Strike: "; AND" through "DATE"

2. Page 8, line 26.

Strike: "a master" through "subleases"

Insert: "other agreements regarding the operation of the entire real estate"

3. Page 9, line 11.

Following: "(20)"

Insert: "(a)"

4. Page 9.

Following: line 13

Insert: "(b) The term does not include the sale of an undivided fractionalized long-term estate in real property that is intentionally structured as a security pursuant to Title 30, chapter 10, and that is in compliance with regulations of and filings required by the securities exchange commission under 17 CFR 230.506."

5. Page 10, line 1.

Strike: "to 35"

Insert: "or more"

6. Page 10, line 2.

Following: the second "agreement"

Insert: ":

(i)"

7. Page 10, line 4.

Following: "termination"

Insert: "; and

(ii) complies with any other requirement imposed by rule by the board of realty regulation under 37-51-203 regarding the disclosure and use of a management agreement, including the use of a master lease agreement"

8. Page 12, line 2.

Strike: section 4 in its entirety

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

And, as amended, do pass. Report adopted.

TAXATION (Lake, Chairman):

2/14/2007

HB 533, introduced bill, be amended as follows:

1. Title, line 6.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 3.

Following: line 19

Insert: "NEW SECTION. Section 3. Applicability. [This act] applies to severance tax collections from coal produced after June 30, 2007."

And, as amended, do pass. Report adopted.

HB 559, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

Strike: "FOR" on line 6 through "TAXPAYERS" on line 8

Insert: "BASED ON FILING STATUS"

2. Page 2, line 20.

Following: "singly"

Insert: ", "

Strike: "or"

3. Page 2, line 21.

Following: "household"

Insert: ", or married filing separately"

4. Page 2, line 22.

Strike: "each"

Strike: "taxpayer"

Insert: "taxpayers"

Strike: "or"

5. Page 2, line 23.

Strike: "separately"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/13/2007

SB 121, introduced by Elliott

SB 132, introduced by Gallus

SB 323, introduced by Laslovich

SB 335, introduced by Tash

SB 350, introduced by Perry

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

SB 384, introduced by Wanzenried

House bill concurred in and returned to the House:

2/13/2007

HB 23, introduced by Hiner

FIRST READING AND COMMITMENT OF BILLS

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

HB 702, introduced by Jore, referred to Education.

HB 703, introduced by Ripley, referred to State Administration.

HB 704, introduced by Keane, referred to Business and Labor.

HB 705, introduced by Lambert, referred to Agriculture.

HB 706, introduced by Caferro, referred to State Administration.

HB 707, introduced by Hamilton, referred to Business and Labor.

HB 708, introduced by Vincent, Heinert, Klock, Witte, Blasdel, Hendrick, Stahl, MacLaren, Olson, Lake, Butcher, Malcolm, Taylor, Ankney, Ripley, Ross, Everett, Nooney, Sales, Lambert, Kerns, Barrett, McGillvray, referred to Natural Resources.

HB 709, introduced by Vincent, Ankney, Klock, Hendrick, Hendrick, Barrett, Sales, Arntzen, Olson, Stahl, Lake, Butcher, Malcolm, Taylor, Ripley, W. Jones, Witte, Blasdel, Everett, Heinert, Nooney, Ross, Lambert, Kerns, McGillvray, referred to Federal Relations, Energy, and Telecommunications.

HB 710, introduced by Pomnichowski, Parker, Reinhart, Noonan, Hilbert, Ross, Himmelberger, Phillips, McAlpin, Ebinger, referred to Judiciary.

HB 711, introduced by Jore, referred to Natural Resources.

HB 712, introduced by Jore, referred to Judiciary.

HB 713, introduced by McGillvray, referred to Human Services.

HB 714, introduced by K. Peterson, Jent, referred to Judiciary.

HB 715, introduced by Olson, referred to Federal Relations, Energy, and Telecommunications.

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

HJR 37, introduced by Windy Boy, Campbell, Small-Eastman, Augare, referred to Human Services.

Democratic Caucus Leader Villa announced the Democrats would caucus. Majority Leader Lange announced the Republicans would stand at ease. House reconvened at 1:35 p.m.

Representative Noonan questioned Majority Leader Lange about the status of **HB 2**. Representative Lange outlined briefly the process to be followed for the budget issues.

**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 Morgan in the chair.

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

HB 25 - Representative Olson moved **HB 25** do pass.

HB 25 - Representative Gallik moved **HB 25**, second reading copy, be amended.
Amendment **failed** as follows:

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Ayes: Augare, Bergren, Bixby, Caferro, Callahan, Cohenour, Dickenson, Erickson, Franklin, Furey, Gallik, Grinde, Hamilton, Hands, Henry, Jacobson, Kottel, McAlpin, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Stahl, Thomas, Van Dyk, Wilmer, Wilson, Wiseman.

Total 31

Noes: Ankney, Arntzen, Barrett, Beck, Becker, Blasdel, Boggio, Branae, Butcher, Campbell, Clark, Cordier, Driscoll, Dutton, Ebinger, Everett, French, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Vincent, Ward, Wells, Windy Boy, Witte, Mr. Speaker.

Total 69

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 25 - Representative Gallik moved **HB 25**, second reading copy, be amended.

Amendment **failed** as follows:

Ayes: Augare, Becker, Bergren, Bixby, Caferro, Callahan, Cohenour, Dickenson, Erickson, Franklin, Furey, Gallik, Grinde, Hamilton, Hands, Henry, Himmelberger, Jacobson, Kottel, McGillvray, Mendenhall, Milburn, Musgrove, O'Hara, Parker, Phillips, Pomnichowski, Raser, Reinhart, Stahl, Thomas, Van Dyk, Wilmer, Wilson, Wiseman.

Total 35

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Branae, Butcher, Campbell, Clark, Cordier, Driscoll, Dutton, Ebinger, Everett, French, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Hilbert, Hiner, Hollenbaugh, Ingraham, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Morgan, Noonan, Nooney, Olson, Peterson, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Vincent, Ward, Wells, Windy Boy, Witte, Mr. Speaker.

Total 65

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 25 - Representative Ripley moved for cloture.

HB 25 - The motion to pass **HB 25** carried as follows:

Ayes: Augare, Barrett, Becker, Bergren, Branae, Butcher, Campbell, Clark, Cordier, Driscoll, Dutton, Ebinger, Everett, French, Glaser, Grinde, Groesbeck, Hawk, Heinert, Hendrick, Henry, Hilbert, Hiner, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Morgan, Noonan, Nooney, Olson, Peterson, Phillips, Pomnichowski,

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Raser, Reinhart, Rice, Ripley, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman.

Total 69

Noes: Ankney, Arntzen, Beck, Bixby, Blasdel, Boggio, Caferro, Callahan, Cohenour, Dickenson, Erickson, Franklin, Furey, Gallik, Hamilton, Hands, Himmelberger, Hollenbaugh, Kasten, McGillvray, Mendenhall, Milburn, Musgrove, O'Hara, Parker, Ross, Sonju, Taylor, Thomas, Witte, Mr. Speaker.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 39 - Representative McNutt moved **HB 39** do pass.

HB 39 - Representative Jayne moved **HB 39**, second reading copy, be amended.

Amendment **failed** as follows:

Ayes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cordier, Dickenson, Ebinger, Franklin, French, Glaser, Grinde, Groesbeck, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Koopman, Kottel, Malcolm, McAlpin, Mendenhall, Noonan, Raser, Reinhart, Sands, Sesso, Small-Eastman, Taylor, Thomas, Villa, Ward, Wilmer, Windy Boy, Wiseman.

Total 44

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Cohenour, Driscoll, Dutton, Erickson, Everett, Furey, Gallik, Hamilton, Hands, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Kasten, Keane, Kerns, Klock, Lake, Lambert, Lange, MacLaren, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Van Dyk, Vincent, Wells, Wilson, Witte, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 39 - Representative Sinrud moved for cloture.

HB 39 - The motion to pass **HB 39** carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Erickson, Everett, 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, 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, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer,

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Wilson, Windy Boy, Wiseman.
Total 89

Noes: Blasdel, Dutton, Ingraham, Jayne, Jore, Koopman, Rice, Stoker, Witte, Mr. Speaker.
Total 10

Excused: None.
Total 0

Absent or not voting: Ebinger.
Total 1

Majority Leader Lange moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Morgan 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, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Nooney, O'Hara, Olson, Parker, Peterson, Pomnichowski, Reinhart, Ripley, Ross, Sands, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Van Dyk, Villa, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.
Total 80

Noes: Gallik, Hawk, Ingraham, Jayne, Jopek, Mendenhall, Musgrove, Phillips, Rice, Ward.
Total 10

Excused: None.
Total 0

Absent or not voting: Callahan, L. Jones, W. Jones, Noonan, Raser, Sesso, Stahl, Thomas, Vincent, Mr. Speaker.
Total 10

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 112 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, Jore, 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, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 97

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Noes: Jopek, Koopman.
Total 2

Excused: None.
Total 0

Absent or not voting: Small-Eastman.
Total 1

HB 235 passed as follows:

Ayes: Arntzen, Augare, Becker, Bixby, Boggio, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kottel, Lambert, Lange, McAlpin, McChesney, McGillvray, Morgan, Noonan, Nooney, O'Hara, Olson, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Ward, Wilmer, Windy Boy, Wiseman.
Total 64

Noes: Ankney, Barrett, Beck, Bergren, Blasdel, Butcher, Everett, Gallik, Hawk, Ingraham, Jore, Kasten, Kerns, Klock, Koopman, Lake, MacLaren, Malcolm, McNutt, Mendenhall, Milburn, Musgrove, Parker, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Wells, Wilson, Witte, Mr. Speaker.
Total 36

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 299 passed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Bixby, Blasdel, Boggio, Butcher, Campbell, Clark, Cordier, Driscoll, Dutton, Ebinger, Everett, French, Glaser, Hamilton, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Hiner, Ingraham, L. Jones, W. Jones, Jopek, Jore, Kasten, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Pomnichowski, Raser, Rice, Ripley, Ross, Sands, Sinrud, Sonju, Stahl, Stoker, Taylor, Thomas, Vincent, Ward, Wells, Wilmer, Wilson, Witte, Mr. Speaker.
Total 66

Noes: Augare, Becker, Bergren, Branae, Caferro, Callahan, Cohenour, Dickenson, Erickson, Franklin, Furey, Gallik, Grinde, Groesbeck, Hands, Henry, Hollenbaugh, Jacobson, Jayne, Keane, McAlpin, McChesney, Musgrove, Noonan, Parker, Peterson, Phillips, Reinhart, Sesso, Small-Eastman, Van Dyk, Villa, Windy Boy, Wiseman.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

HB 337 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, Jacobson, Jayne, 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, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman.

Total 91

Noes: Ingraham, Jore, Kasten, Koopman, McGillvray, Peterson, Rice, Witte, Mr. Speaker.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 351 passed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Driscoll, 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, Villa, Vincent, Ward, Wells, Mr. Speaker.

Total 52

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, 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, Wilmer, Wilson, Windy Boy, Wiseman, Witte.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 371 passed as follows:

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

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Total 80

Noes: Augare, Becker, Branae, Caferro, Callahan, Franklin, Hamilton, Hiner, Jayne, Jopek, Jore, Kasten, Koopman, McGillvray, Mendenhall, Morgan, Raser, Ripley, Wells, Mr. Speaker.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 414 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

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 490 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

Excused: None.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Total 0

Absent or not voting: None.

Total 0

HB 510 passed as follows:

Ayes: Ankney, Arntzen, Augare, 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, Hendrick, Henry, 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, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman.

Total 84

Noes: Barrett, Heinert, Hilbert, Himmelberger, Jore, Kasten, Koopman, McGillvray, Mendenhall, Rice, Ripley, Sinrud, Sonju, Van Dyk, Witte, Mr. Speaker.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Rice, Chairman):

2/14/2007

HB 305, do pass. Report adopted.

HB 310, introduced bill, be amended as follows:

1. Title, line 6.

Following: "the first ";"

Insert: "PROVIDING FOR THE RIGHTS OF CREDITORS AND OTHERS;"

2. Page 1, line 13.

Following: "transfers the "

Insert: "deceased owner's"

3. Page 1, line 14.

Strike: "designated"

Following: "beneficiary"

Insert: "designated by name in the beneficiary deed"

4. Page 2, line 1.

Strike: "prevails"

Insert: "prevail"

5. Page 2.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Following: line 11

Insert: "(7) If an individual who is a recipient of medicaid pursuant to 53-6-131 conveys an interest in real property by means of a beneficiary deed, the department of public health and human services may assert a claim pursuant to 53-6-167 against the property that is the subject of a beneficiary deed to the extent of medical assistance granted by the department."

6. Page 3.

Following: line 3

Insert: " _____ "
(Dated)

7. Page 3.

Following: line 22

Insert: "NEW SECTION. **Section 2. Rights of creditors and others.** (1) If other assets of the estate are insufficient, a transfer resulting from a beneficiary deed, as provided for in [section 1], is not effective against the estate and statutory allowances to the surviving spouse and children.

(2) A surviving party who receives title to real property pursuant to a beneficiary deed is liable to account to the personal representative of the decedent for the value of the property to the extent necessary to discharge the claims and allowances described in subsection (1) remaining unpaid after application of the decedent's estate. A proceeding to assert the liability may not be commenced unless the personal representative has received a written demand by the surviving spouse, a creditor, a child, or a person acting for a child of the decedent. The proceeding must be commenced within 1 year after death of the decedent.

(3) A surviving party against whom a proceeding to account is brought may join as a party to the proceeding any other person claiming an interest in the real property.

(4) Sums recovered by the personal representative must be administered as part of the decedent's estate."

Renumber: subsequent sections

8. Page 4, line 11.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

9. Page 4, lines 12 and 13.

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

And, as amended, do pass. Report adopted.

HB 312, introduced bill, be amended as follows:

1. Title, line 6.

Following: "THE"

Insert: "CARE,"

Following: "CUSTODY"

Insert: ", AND CONTROL"

2. Page 1, line 13.

Following: the first "the"

Insert: "fundamental"

Following: the second "the"

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Insert: "care, "
Following: "custody"
Insert: ", and control"

3. Page 1, lines 13 and 14.
Following: "children" on line 13
Strike: remainder of line 13 through "upbringing" on line 14

4. Page 1, line 15.
Strike: "or a political subdivision of the state"

5. Page 1, lines 17 and 18.
Strike: "This section" on line 17 through "possible." on line 18

6. Page 1, line 23.
Following: "the"
Insert: "care, "
Following: "custody"
Insert: ", "

7. Page 1, line 25.
Following: "the"
Insert: "care, "
Following: "custody"
Insert: ", "

And, as amended, do pass. Report adopted.

HB 459, introduced bill, be amended as follows:

1. Page 1, line 13.
Following: " _ "
Insert: "The rules must require that a fetus be transported in a crush-proof container and be labeled with the words
"fragile--human remains inside". "

And, as amended, do pass. Report adopted.

HB 464, introduced bill, be amended as follows:

1. Page 1, lines 17 and 18.
Strike: "and" on line 17 through "distress" on line 18

2. Page 1, line 20.
Strike: "and for less-than-severe emotional distress"

3. Page 2, line 8.
Strike: "punitive damages and"

4. Page 2, lines 9 through 11.
Strike: "mental" on line 9 through "worry" on line 11

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Insert: "punitive damages, as provided in 27-1-221"

5. Page 2, line 12.

Strike: "case as a result of the violation"

Insert: "claim"

And, as amended, do pass. Report adopted.

HB 466, introduced bill, be amended as follows:

1. Title, line 7.

Following: "45-5-106,"

Strike: "AND"

Following: "45-5-205,"

Insert: "AND 61-7-109,"

2. Page 2, line 29.

Insert: "**Section 4.** Section 61-7-109, MCA, is amended to read:

"61-7-109. Written reports of accidents -- additional information -- form of report. (1) The operator of a motor vehicle and, as provided in 45-2-302, 45-5-106, and 45-5-205, a passenger in a motor vehicle that is in any manner involved in an accident within this state in which a person is killed or injured or the operator of a motor vehicle involved in an accident in which damage to the property of a person in excess of \$1,000 is sustained shall, within 10 days after the accident, report the matter in writing to the department unless the accident was investigated and reported by a law enforcement officer as provided in subsection (3).

(2) The department may require the driver of a vehicle or a passenger involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient and may require witnesses of accidents to render reports.

(3) A law enforcement officer who in the regular course of duty investigates a motor vehicle accident in which a person is killed or injured or in which damage to the property of a person exceeds \$1,000, either at the time of and at the scene of the accident or after the accident by interviewing participants or witnesses, shall within 10 days after completing the investigation forward a written report of the accident to the department.

(4) The form of the accident report required under this section must contain information sufficient to enable the department to determine whether the requirements for the deposit of security for safety responsibility are inapplicable by reason of the existence of insurance or other exemptions specified in chapter 6 of this title.

(5) A report required by subsection (1) or (2) may not be used as evidence in any trial, civil or criminal, arising out of an accident."

And, as amended, do pass. Report adopted.

HB 496, do pass. Report adopted.

HB 514, introduced bill, be amended as follows:

1. Title, line 5.

Following: "THE SECOND "IS"

Insert: "RECEIVING COMMUNITY SERVICES OR IS"

2. Title, line 6.

Following: "the second ","

Insert: "A FOSTER HOME, A YOUTH GROUP HOME,"

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

3. Page 1, line 24.

Strike: "or"

4. Page 1.

Following: line 24

Insert: "(vi) receiving community services or is in a foster home or youth group home; or"

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 521, do pass. Report adopted.

HB 554, do pass. Report adopted.

HB 579, do pass. Report adopted.

HB 585, do pass. Report adopted.

HJR 26, introduced joint resolution, be amended as follows:

1. Page 1, line 20.

Strike: "."

Insert: "; and

WHEREAS, the Law and Justice Interim Committee of the Montana Legislature studied the "disproportionate minority contact in the Montana criminal justice system" and found that a significant number of individuals in the corrections system have mental health issues; and

WHEREAS, at least one previous interim study of the Montana Legislature addressed the mental health of individuals in the juvenile justice system but did not study the criminal justice system as a whole; and

WHEREAS, there is a need for a comprehensive interim study that would include a review of all previous studies and laws related to mental health issues in the juvenile justice system for the purposes of development of a plan to implement priorities to deal with those issues."

And, as amended, be adopted. Report adopted.

APPROPRIATIONS (Sinrud, Chairman):

2/14/2007

HB 35, do pass. Report adopted.

HB 37, do pass. Report adopted.

HB 198, introduced bill, be amended as follows:

1. Page 1, line 24 through page 1, line 25.

Following: "shall" on line 24

Strike: "authorize dental" on page 1, line 24 through "for children" on page 1, line 25

Insert: "adopt rules, pursuant to its authority under 53-4-1009, allowing it to cover significant dental needs beyond those covered in the basic plan. Expenditures under this subsection may not exceed \$100,000 in state funds, plus any matched federal funds, each fiscal year"

And, as amended, do pass. Report adopted.

HB 204, introduced bill, be amended as follows:

1. Page 3, line 22.

Strike: "Wharton econometrics"

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Insert: "global insight or its successor as a source of economic data for Montana"

2. Page 3, line 28.

Strike: "the bureau of business and economic research at the university of Montana-Missoula"

Insert: "global insight or its successor as a source of economic data for Montana"

And, as amended, do pass. Report adopted.

HB 214, introduced bill, be amended as follows:

1. Page 2, line 19.

Strike: "(a)"

Following: "shall"

Insert: ": (a)"

2. Page 2, line 20.

Strike: "directly"

3. Page 2, line 22.

Strike: " _"

Insert: "; and"

4. Page 2, line 23.

Following: "(b)"

Strike: "The department shall"

Following: "amount"

Insert: "for each child"

And, as amended, do pass. Report adopted.

HB 350, introduced bill, be amended as follows:

1. Page 1, line 13.

Strike: "August 1"

Insert: "August 12"

2. Page 1, line 25 through line 27.

Strike: line 25 through line 27 in their entirety

Renumber: subsequent subsections

3. Page 2, line 7 through line 10.

Strike: line 7 through line 10 in their entirety

Renumber: subsequent subsections

4. Page 2, line 17.

Following: "committee"

Insert: "and the revenue and transportation interim committee"

5. Page 2, line 17.

Strike: "mailing"

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Insert: "copies"

And, as amended, do pass. Report adopted.

HB 522, do pass. Report adopted.

HB 523, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved the House stand in recess until 5:05 p.m. Motion carried.

House recessed at 3:30 p.m.

The House reconvened at 5:05 p.m.

**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 Morgan in the chair.

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

HB 473 - Representative Ross moved **HB 473** 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, 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, Noonan, Nooney, O'Hara, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Glaser, Musgrove, Olson, Sonju.

Total 4

HB 58 - Representative Keane moved **HB 58** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Musgrove,

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Noonan, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 70

Noes: Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Everett, Glaser, Hendrick, Hilbert, Himmelberger, Ingraham, Jore, Kasten, Kerns, Koopman, Lake, McGillvray, Morgan, Nooney, Rice, Ripley, Sinrud, Sonju, Stoker, Taylor, Vincent, Wells, Witte, Mr. Speaker.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 105 - Representative Windy Boy moved **HB 105** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, 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, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 91

Noes: Boggio, Heinert, Jore, Kerns, Koopman, McGillvray, Mendenhall, Peterson.

Total 8

Excused: None.

Total 0

Absent or not voting: Branae.

Total 1

HB 340 - Representative Lange moved consideration of **HB 340** be passed for the day. Motion carried.

HJR 19 - Representative Lange moved consideration of **HJR 19** be passed for the day. Motion carried.

HB 420 - Representative Koopman moved **HB 420** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bergren, Blasdel, Boggio, Butcher, Campbell, Clark, Cohenour, Dutton, Ebinger, Everett, Franklin, French, Furey, Glaser, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Hiner, Ingraham, Jacobson, L. Jones, W. Jones, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noonan, Nooney, O'Hara, Olson, Peterson, Phillips, Pomnichowski, Raser, Rice, Ripley, Ross, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Vincent, Ward, Wells, Wilmer, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 75

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Noes: Becker, Bixby, Branae, Caferro, Callahan, Dickenson, Driscoll, Erickson, Gallik, Hands, Henry, Hollenbaugh, Jayne, Jopek, Malcolm, McAlpin, Parker, Reinhart, Sands, Small-Eastman, Villa, Wilson.
Total 22

Excused: None.
Total 0

Absent or not voting: Cordier, Grinde, Musgrove.
Total 3

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

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Campbell, Clark, Cohenour, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, French, Furey, Gallik, Glaser, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Ingraham, Jacobson, L. Jones, W. Jones, Jore, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, McAlpin, McChesney, Milburn, Morgan, Noonan, Nooney, O'Hara, Olson, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 83

Noes: Becker, Callahan, Franklin, Jayne, Jopek, McGillvray, Small-Eastman, Villa.
Total 8

Excused: None.
Total 0

Absent or not voting: Cordier, Grinde, Hollenbaugh, Koopman, Malcolm, McNutt, Mendenhall, Musgrove, Parker.
Total 9

MOTIONS

Majority Leader Lange moved that **HB 39** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **HB 473** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **HB 659** be taken from the Committee on Federal Relations, Energy and Telecommunications and rereferred to the Committee on State Administration. There being no objections, so ordered.

Majority Leader Lange moved that **HB 661** be taken from the Committee on Judiciary and be rereferred to the Committee on Transportation. There being no objections, so ordered.

Majority Leader Lange moved that **HB 684** be taken from the Committee on Federal Relations, Energy and Telecommunications and be rereferred to the Committee on Local Government. There being no objections, so ordered.

HOUSE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY - FEBRUARY 14, 2007

Majority Leader Lange moved that **HJR 36** be taken from the Committee on Federal Relations, Energy and Telecommunications and be rereferred to the Committee on Natural Resources. There being no objections, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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

House adjourned at 5:50 p.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House