

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

Helena, Montana
February 17, 2007

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Wells. Pledge of Allegiance to the Flag.

Roll Call: All members present, except Representative Milburn and Representative Ward who were excused. Quorum present.

Speaker Sales introduced two new pages for the day.

Quinn Collins, Helena
Sean Collins, Helena

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 35 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, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, Jopek, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Wiseman.

Total 89

Noes: Jayne, Jore, Peterson, Wells, Windy Boy, Witte, Mr. Speaker.

Total 7

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.

Total 0

Absent or not voting: Gallik, W. Jones, Malcolm, Parker.

Total 4

HB 37 passed as follows:

Ayes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, W. Jones, Jopek, Keane, Kottel, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Morgan, Musgrove, Noonan, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Stoker, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 56

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Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, French, Hawk, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, McGillvray, Mendenhall, Milburn, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Stahl, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 43

Voted Absentee: Milburn, Ward, Noes.

Excused: None.

Total 0

Absent or not voting: Parker.

Total 1

HB 204 passed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 51

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

Total 49

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 312, requiring two-thirds vote of the entire Legislature, passed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 51

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

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Windy Boy, Wiseman.
Total 49

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 350 passed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 51

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 49

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

BILLS (Jones, Chairman): 2/16/2007
Correctly engrossed: **HB 77, HB 157, HB 392, HB 450, HB 497.**
Correctly engrossed: **HJR 16.**
Correctly printed: **HB 594, HB 616.**

JUDICIARY (Rice, Chairman): 2/16/2007
HB 455, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "AND"
2. Title, line 7.
Following: "PAID"
Insert: "; AND AMENDING SECTION 46-18-234, MCA"

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3. Page 1, lines 20 through 27.

Strike: section 2 in its entirety

Renumber: subsequent sections

4. Page 2.

Following: line 6

Insert: "**Insert: "Section 3.** Section 46-18-234, MCA, is amended to read:

"46-18-234. When payment of fine or costs due. (1) Whenever a defendant is sentenced to pay a fine or costs under 46-18-231 or 46-18-232, the court may grant permission for payment to be made within a specified period of time or in specified installments. If ~~no such~~ permission is not included in the sentence, the payment is due immediately.

(2) If a justice's court imposes a fine for a criminal offense, the court may allow the fine to be paid over a period of time as determined by the court. If the court allows payment over time, the court shall provide, in a written order, statement, or agreement with the defendant, the period of time over which the fine or penalty must be paid and that, in addition to any other probationary period provided by statute, the defendant is on probation until the fine is paid. If the defendant fails to pay the fine in the period of time allowed by the court, the court may revoke the defendant's probation. The court retains jurisdiction over the defendant until the defendant complies with the order, statement, or agreement."

Renumber: subsequent sections

5. Page 2, lines 10 and 11.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

6. Page 2, line 12.

Strike: "[Section 3]"

Insert: "[Section 2]"

7. Page 2, line 13.

Strike: "[section 3]"

Insert: "[section 2]"

And, as amended, do pass. Report adopted.

HB 630, do pass. Report adopted.

HB 636, introduced bill, be amended as follows:

1. Page 3, line 5.

Following: "~~(a)~~"

Insert: "(a)"

2. Page 3, line 9.

Insert: "(b) The term does not include the use of generally accepted management techniques that employ performance objectives as part of an overall employee evaluation."

And, as amended, do pass. Report adopted.

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LOCAL GOVERNMENT (Arntzen, Chairman):

2/16/2007

HB 265, do pass. Report adopted.

HB 524, introduced bill, be amended as follows:

1. Page 1, line 14.

Following: "than"

Insert: "300 registered electors or"

Following: "electors"

Insert: ", whichever is less,"

And, as amended, do pass. Report adopted.

HB 596, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/16/2007

SB 8, introduced by Shockley

SB 75, introduced by Hawks

SB 258, introduced by Shockley

SB 318, introduced by J. Peterson

SB 348, introduced by Gallus

SB 422, introduced by Gebhardt

House bill concurred in and returned to the House:

2/16/2007

HB 333, introduced by McChesney

FIRST READING AND COMMITMENT OF BILLS

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

HB 754, introduced by Barrett, McGee, referred to Natural Resources.

HB 755, introduced by Keane, referred to Business and Labor.

HB 756, introduced by L. Jones, referred to Business and Labor.

HB 757, introduced by Rice, referred to Business and Labor.

HB 758, introduced by Kerns, referred to Federal Relations, Energy, and Telecommunications.

HB 759, introduced by Hendrick, Morgan, Lambert, Vincent, Ankney, Olson, referred to Fish, Wildlife and Parks.

HB 760, introduced by Grinde, referred to State Administration.

HB 761, introduced by French, Furey, Hands, Wiseman, Wilson, Erickson, Hamilton, Cohenour, referred to Education.

HB 762, introduced by French, referred to Judiciary.

HB 763, introduced by Ankney, Olson, Vincent, referred to Federal Relations, Energy, and Telecommunications.

HB 764, introduced by Milburn, referred to Business and Labor.

HB 765, introduced by Olson, referred to State Administration.

HB 766, introduced by Sonju, Mendenhall, referred to Business and Labor.

HB 767, introduced by Himmelberger, referred to State Administration.

HB 768, introduced by Gallik, referred to Judiciary.

HB 769, introduced by Lake, Ingraham, Elliott, Wiseman, Wanzenried, Lewis, Hands, referred to Education.

HB 770, introduced by Pomnichowski, Cohenour, referred to Fish, Wildlife and Parks.

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**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 Bergren in the chair.

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

HB 522 - Representative Sinrud moved **HB 522** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 50

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 49

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

HB 523 - Representative Sinrud moved **HB 523** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Becker, 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 52

Noes: Augare, 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 48

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 305 - Representative Thomas moved **HB 305** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Branae, Butcher, Clark, Cordier, Dickenson, Dutton, Ebinger, Erickson, Everett, French, Furey, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Phillips, Pomnichowski, Rice, Ripley, Ross, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Vincent, Ward, Wells, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 71

Noes: Augare, Becker, Bergren, Bixby, Caferro, Callahan, Campbell, Cohenour, Driscoll, Franklin, Gallik, Grinde, Hamilton, Hands, Henry, Jacobson, Jayne, McAlpin, Musgrove, Noonan, Parker, Peterson, Raser, Reinhart, Sands, Sesso, Van Dyk, Villa, Wilmer.

Total 29

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 310 - Representative Dutton moved **HB 310** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Callahan, Campbell, Clark, Cohenour, Cordier, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Grinde, Groesbeck, Hands, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Hiner, Ingraham, 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, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 89

Noes: Becker, Caferro, Dickenson, Gallik, Hamilton, Hollenbaugh, Jacobson, Jayne, Sonju.

Total 9

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.

Total 0

Absent or not voting: Glaser, Henry.

Total 2

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HB 389 - Representative Barrett moved **HB 389** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, 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 97

Noes: Campbell, Grinde, Keane.

Total 3

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 397 - Representative Lange moved consideration of **HB 397** be passed for the day. Motion carried.

HB 462 - Representative Sands moved **HB 462** do pass.

HB 462 - Representative Sands moved **HB 462**, second reading copy, be amended as follows:

1. Page 1, line 21.

Following: "in"

Insert: "13-37-216, 13-37-229 through 13-37-231, and"

Amendment adopted as follows:

Ayes: Augare, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, MacLaren, Malcolm, McAlpin, McChesney, Musgrove, Noonan, O'Hara, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Stoker, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 52

Noes: Ankney, Arntzen, Barrett, Beck, Becker, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Taylor, Thomas, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 48

Voted Absentee: Milburn, Ward, Noes.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 462 - The motion to pass **HB 462** as amended, carried as follows:

Ayes: Augare, Becker, Bergren, Bixby, Branae, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Heinert, Henry, Himmelberger, Hiner, Hollenbaugh, Jacobson, Jopek, Keane, Kerns, Kottel, Lange, Malcolm, McAlpin, McChesney, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 63

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Caferro, Clark, Dutton, Everett, Glaser, Hawk, Hendrick, Hilbert, Ingraham, Jayne, L. Jones, W. Jones, Jore, Kasten, Klock, Koopman, Lake, Lambert, MacLaren, McGillvray, McNutt, Mendenhall, Morgan, Peterson, Rice, Ripley, Ross, Sonju, Wells, Witte.

Total 37

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 40 - Representative Gallik moved **HB 40** do pass. Motion carried as follows:

Ayes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Heinert, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, Jopek, Keane, Kottel, Lake, Lambert, MacLaren, McAlpin, McChesney, Milburn, Morgan, Musgrove, Noonan, Nooney, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 65

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Everett, Glaser, Hawk, Hendrick, Himmelberger, Jayne, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lange, Malcolm, McGillvray, McNutt, Mendenhall, O'Hara, Olson, Peterson, Ripley, Sinrud, Stoker, Taylor, Wells, Witte, Mr. Speaker.

Total 35

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 97 - Representative Barrett moved **HB 97** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, 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 99

Noes: Becker.

Total 1

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 198 - Representative W. Jones moved **HB 198** do pass. Motion carried 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, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Sands, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 83

Noes: Barrett, Everett, Hawk, Hilbert, Himmelberger, Jore, Kasten, Kerns, Koopman, Mendenhall, Ripley, Ross, Sinrud, Stoker, Wells, Witte, Mr. Speaker.

Total 17

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 214 - Representative Windy Boy moved **HB 214** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin,

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French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 96

Noes: Boggio, Jore, Koopman, McGillvray.
Total 4

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 256 - Representative Lake moved **HB 256** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Bergren, Bixby, Blasdel, Boggio, Branae, Campbell, Clark, Cordier, Dickenson, Driscoll, Ebinger, Everett, Franklin, French, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, 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, Witte, Mr. Speaker.
Total 85

Noes: Augare, Becker, Caferro, Callahan, Cohenour, Dutton, Erickson, Furey, Hands, Hiner, McAlpin, Noonan, Peterson, Wiseman.
Total 14

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: Butcher.
Total 1

Representative Hollenbaugh assumed the chair.

HB 283 - Representative Campbell moved **HB 283** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, W. Jones, Jopek, Kasten, Keane, Klock, Kottel, Lake, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips,

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Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman.

Total 82

Noes: Barrett, Beck, Boggio, Everett, Hawk, Himmelberger, Jore, Kerns, Koopman, Lambert, Mendenhall, Morgan, Rice, Ripley, Witte, Mr. Speaker.

Total 16

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.

Total 0

Absent or not voting: L. Jones, Sinrud.

Total 2

HB 427 - Representative Bergren moved **HB 427** do pass. Motion carried as follows:

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

Total 97

Noes: Jore, Koopman.

Total 2

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.

Total 0

Absent or not voting: Sands.

Total 1

Representative Bergren reassumed the chair.

HB 435 - Representative Parker moved **HB 435** do pass.

HB 435 - Representative Gallik moved **HB 435**, second reading copy, be amended as follows:

1. Page 2, lines 3 and 4.

Strike: ", OR" on line 3 through "CRIME,"

Amendment adopted as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Boggio, Branae, Caferro, Callahan, Campbell, Cohenour,

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Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lambert, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.
Total 71

Noes: Barrett, Beck, Blasdel, Butcher, Clark, Everett, Hawk, Himmelberger, Jore, Kasten, Kerns, Koopman, Lake, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Nooney, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stoker, Taylor, Wells, Mr. Speaker.
Total 29

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 435 - The motion to pass **HB 435** as amended, carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, 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 99

Noes: Jayne.
Total 1

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 467 - Representative K. Peterson moved **HB 467** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Bergren, Blasdel, Boggio, Butcher, Clark, Driscoll, Dutton, Everett, Franklin, Gallik, Glaser, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McGillvray, Mendenhall, Morgan, Musgrove, Nooney, O'Hara, Olson, Peterson, Phillips, Raser, Reinhart, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wells, Wiseman, Witte,

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Mr. Speaker.
Total 65

Noes: Augare, Becker, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Ebinger, Erickson, French, Furey, Grinde, Groesbeck, Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, McChesney, McNutt, Milburn, Noonan, Parker, Pomnichowski, Sands, Sesso, Small-Eastman, Ward, Wilmer, Wilson, Windy Boy.
Total 35

Voted Absentee: Milburn, Ward, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 468 - Representative McGillvray moved **HB 468** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Campbell, Clark, Cohenour, Cordier, Dickenson, Dutton, Erickson, Franklin, French, Glaser, Grinde, Hamilton, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Phillips, Pomnichowski, Reinhart, Rice, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 79

Noes: Augare, Butcher, Caferro, Callahan, Driscoll, Everett, Furey, Gallik, Groesbeck, Hands, Hawk, Jacobson, Jayne, Jopek, Keane, Parker, Peterson, Raser, Ripley, Wilson.
Total 20

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: Ebinger.
Total 1

HB 496 - Representative French moved **HB 496** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 99

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Noes: None.
Total 0

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: Sinrud.
Total 1

HB 514 - Representative Noonan moved consideration of **HB 514** be passed for the day. Motion carried.

HB 533 - Representative Ankney moved **HB 533** do pass. Motion carried 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, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Witte, Mr. Speaker.
Total 94

Noes: Callahan, Ingraham, McAlpin, Sesso, Windy Boy, Wiseman.
Total 6

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 633 - Representative Dutton moved **HB 633** do pass. Motion carried as follows:

Ayes: Arntzen, Barrett, Beck, Becker, Bergren, Bixby, Boggio, Branae, Butcher, Caferro, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Wiseman, Witte, Mr. Speaker.
Total 84

Noes: Ankney, Augare, Blasdel, Callahan, Himmelberger, Jayne, Jore, Koopman, Peterson, Sesso, Sonju, Taylor, Windy Boy.
Total 13

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Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: Henry, Lake, Sinrud.
Total 3

HB 554 - Representative Cohenour moved **HB 554** do pass. Motion **failed** as follows:

Ayes: Augare, Becker, Bixby, Branae, Callahan, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Keane, Kottel, Malcolm, McAlpin, Morgan, Musgrove, Noonan, O'Hara, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Villa, Wilmer, Wilson.
Total 49

Noes: Ankney, Arntzen, Barrett, Beck, Bergren, Blasdel, Boggio, Butcher, Caferro, Campbell, Clark, Everett, Glaser, Hawk, Heinert, Himmelberger, Ingraham, Jayne, Jopek, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Nooney, Olson, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Vincent, Ward, Wells, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 51

Voted Absentee: Milburn, Ward, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 466 - Representative Jore moved **HB 466** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Bergren, Bixby, Blasdel, Boggio, Branae, Caferro, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Ingraham, Jacobson, L. Jones, W. Jones, Jore, Kasten, Keane, Klock, Koopman, Kottel, Lake, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Sonju, Stahl, Taylor, Thomas, Van Dyk, Vincent, Ward, Wells, Wilmer, Witte, Mr. Speaker.
Total 81

Noes: Augare, Becker, Callahan, Campbell, Franklin, Hollenbaugh, Jayne, Jopek, Kerns, Lambert, Morgan, Parker, Small-Eastman, Stoker, Villa, Wilson, Windy Boy, Wiseman.
Total 18

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

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Absent or not voting: Butcher.
Total 1

HB 521 - Representative Arntzen moved **HB 521** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, 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 99

Noes: Jayne.
Total 1

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 579 - Representative Olson moved **HB 579** do pass.

HB 579 - Representative Olson moved **HB 579**, second reading copy, be amended as follows:

1. Page 1, line 16 through line 17.

Strike: ", along" on line 16 through "money," on line 17

2. Page 1, line 20 through line 21.

Strike: "and" on line 20 through the first "treasurer" on line 21

3. Page 1, line 21.

Following: "in"

Strike: "the"

Insert: "a written"

Strike: "of"

Insert: "from"

Amendment adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Campbell, Clark, Cohenour, Cordier, Dickenson, 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,

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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, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 97

Noes: None.
Total 0

Voted Absentee: Milburn, Ward, Ayes.

Excused: None.
Total 0

Absent or not voting: Callahan, Driscoll, Wilmer.
Total 3

HB 579 - The motion to pass **HB 579** as amended, carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Milburn, Ward, Ayes.

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

Ayes: Arntzen, Augare, Barrett, Beck, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Campbell, Clark, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, 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, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Van Dyk, Villa, Vincent, Wells, Wilson, Windy Boy, Wiseman, Witte, Mr.

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Speaker.
Total 88

Noes: Becker, Callahan, Cohenour, Franklin, Sonju.
Total 5

Excused: Milburn, Ward.
Total 2

Absent or not voting: Ankney, Parker, Sesso, Thomas, Wilmer.
Total 5

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (McNutt, Chairman):
HB 205, introduced bill, be amended as follows:

2/17/2007

1. Title, line 5.

Strike: "REQUIREMENTS"

Following: "THAT"

Insert: "A CONTROLLED GROUND WATER AREA PETITION"

Strike: "MET"

Insert: "CORRECT AND COMPLETE"

2. Title, line 6.

Strike: "ACCEPT A PETITION"

Insert: "PROCEED"

Following: "PETITION;"

Strike: "PROVIDING FOR A BOND;"

3. Title, line 8.

Following: "RULES;"

Insert: "PROVIDING FOR CONTESTED CASE PROCEEDINGS;"

4. Page 1, line 14 through line 15.

Following: "costs" on line 14

Strike: remainder of line 14 through "bonding" on line 15

5. Page 1, line 18.

Strike: "70%"

Insert: "51%"

Strike: "users"

Insert: "permitholders, certificate holders, and claimants"

6. Page 1, line 24.

Following: "ground water area"

Insert: "resulting in adverse effects to a prior appropriator's appropriation right"

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7. Page 1, line 29.

Strike: "cause"

Insert: "induce or alter"

8. Page 2, line 4.

Following: "(b)"

Insert: "(i)"

Strike: "accept or consider"

Insert: "proceed with"

Following: "unless"

Strike: ":",

9. Page 2, line 5.

Strike: "(i)"

10. Page 2, line 7.

Following: "analysis"

Strike: "on"

Insert: "and scientific data showing that"

Following: "(2)(a)"

Insert: "is occurring"

11. Page 2, line 8 through line 10.

Strike: subsection (ii) in its entirety

Insert: "(ii) The department shall, within 60 days, notify the petitioner in writing regarding whether or not the petition is correct and complete. If a petition is not correct and complete, the department must identify any deficiencies or scientific data necessary to make the petition correct and complete.

(iii) A petition that is not made correct and complete within 60 days from the date of receipt of notification by the department of any defect is terminated as a matter of law."

12. Page 2, line 17.

Strike: "(6)"

Insert: "(7)"

13. Page 2, line 21.

Following: "(3)"

Strike: "When a proposal is made"

Insert: "Within 90 days from the date of notice that the department has determined that a petition is correct and complete"

Following: "been met,"

Insert: "affected parties may object to the proposed controlled ground water area."

14. Page 2, line 21 through line 25.

Strike: "the department" on line 21 through "(6)," on line 25

15. Page 2, line 25.

Following: "(6),"

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Insert: "Within 30 days of determination that an application is correct and complete,"

Following: "notice of the"

Strike: "hearing"

Insert: "opportunity to object"

16. Page 2, line 29.

Following: "the"

Strike: "purpose of the hearing"

Insert: "opportunity to object"

17. Page 2, line 30 through page 3, line 1.

Following: "the time"

Strike: " and place" on page 2, line 30 through "heard" on page 3, line 1

Insert: "limit that applies to filing objections to the proposed controlled ground water area" on page 3, line 1

18. Page 3, line 2.

Strike: "(5)"

Insert: "(4)"

Following: "notice of"

Strike: "hearing"

Insert: "the opportunity to object"

Strike: "month"

Insert: "week"

Strike: "3"

Insert: "2"

19. Page 3, line 3.

Strike: "90"

Insert: "60"

Following: "before the"

Insert: "final"

Strike: "of the hearing"

Insert: "for objections"

20. Page 3, line 5.

Strike: "copy"

Insert: "summary"

21. Page 3, line 6.

Strike: "30"

Insert: "60"

Strike: "hearing"

Insert: "termination of the time allowed for objections"

22. Page 3, line 19.

Strike: "petition"

Insert: "notice"

23. Page 3, line 20.

Following: "owner"

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Insert: "of record"

24. Page 3, line 24.

Strike: "hearing"

Insert: "opportunity to object"

25. Page 3.

Following: line 24

Insert: "(5) If the department does not receive an objection within the 90-day objection period, the department shall, within 60 days of the termination of the objection period, deny the petition for a controlled ground water area or grant the controlled ground water area petition. The denial or granting of the controlled ground water area is the final agency action for petitions that did not receive an objection.

(6) If an objection is received, the department shall assign the controlled ground water area petition to a department legal unit hearings officer for a contested case proceeding as provided in Title 2, chapter 4, part 6. The contested case proceeding is available to the applicant and to any objector."

Renumber: subsequent subsections

26. Page 3, line 26.

Strike: "department" through "salary,"

27. Page 3, line 30 through Page 4, line 5.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

28. Page 4, line 6.

Following: "(2)"

Strike: "After the conclusion of the hearing"

Insert: "Pursuant to the contested case provisions of Title 2, chapter 4, part 6"

Strike: "department"

Insert: "hearings officer"

29. Page 4, line 7.

Strike: "department" in both places

Insert: "hearings officer" in both places

30. Page 5, line 10.

Strike: "department"

Insert: "hearings officer"

31. Page 5, line 11.

Strike: "department"

Insert: "hearings officer"

32. Page 5, line 15 through line 18.

Strike: "The department" on line 15 through "extension." on line 18

33. Page 5, line 19.

Strike: "and any extensions of the time period"

34. Page 5, line 22.

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Following: "be presented"

Strike: "at"

Insert: "to the hearings officer for "

35. Page 5, line 23.

Strike: "appearing at the first hearing"

Insert: "to the contested case"

36. Page 5, line 28 through line 29.

Strike: "by the department" on line 28 through "law and" on line 29

Insert: "pursuant to Title 2, chapter 4, part 6. The hearings officer shall"

37. Page 6, line 1.

Strike: "or extension of the period"

38. Page 6, line 2.

Strike: "or extension"

39. Page 6, line 5.

Strike: "department"

Insert: "hearings officer"

40. Page 6, line 6.

Strike: "hearing"

Insert: "the opportunity to object"

41. Page 6, line 7.

Strike: "department"

Insert: "hearings officer"

42. Page 6, line 16 through line 18.

Strike: subsection (8) in its entirety

Renumber: subsequent sections

43. Page 6, line 21.

Strike: "85-2-506(6)"

Insert: "85-2-506(7)"

And, as amended, do pass. Report adopted.

HB 271, introduced bill, be amended as follows:

1. Page 1, line 24.

Strike: "an"

Insert: "a natural resource"

2. Page 1, line 24 through line 25.

Strike: "(e)"

Insert: "(d)"

Strike: "regulated by" on line 24 through "quality" on line 25

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And, as amended, do pass. Report adopted.

HB 304, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AGENCY OVERSIGHT"

Insert: "RESEARCH AND STUDY"

Following: "ISSUES"

Strike: "FOR CERTAIN AGENCIES"

2. Title, line 7.

Following: "COMMITTEE;"

Insert: " PROVIDING AN APPROPRIATION;"

Strike: "SECTIONS"

Insert: "SECTION"

3. Title, line 7 through line 8.

Strike: "75-1-324" on line 7 through "85-2-436," on line 8

4. Page 2, line 7 through line 10.

Strike: "has administrative" on line 7 through "85-2-105." on line 11

Insert: "is subject to the provisions of 5-5-211 and the committee members appointed must be selected from the following standing committees:

(a) senate natural resources and energy;

(b) house natural resources;

(c) senate local government; and

(d) house local government.

(2) The water policy interim committee shall conduct a detailed analysis and study of issues related to water quantity, water quality, and water use in Montana. The study must include the following issues at a minimum:

(a) surface water and ground water in closed basins and mitigation, augmentation, or aquifer recharge, including:

(i) review and summary of current Montana law related to mitigation, augmentation, or aquifer recharge;

(ii) analysis of other states' laws and rules related to mitigation, augmentation, or aquifer recharge and the other states' experiences with applying and using mitigation, augmentation, and aquifer recharge;

(iii) comparison of mitigation, augmentation, and aquifer recharge options and alternatives for applying the concepts in Montana water law;

(iv) analysis and determination of water quality testing requirements to ensure that the use of mitigation, augmentation, or aquifer recharge does not adversely affect ground water quality;

(v) analysis of data developed to determine the type and amount of research, data, and analysis necessary to develop a scientifically defensible hydrogeologic assessment to be used in making informed decisions with regard to mitigation, augmentation, or aquifer recharge activity in Montana;

(vi) appropriate monitoring requirements to determine the effectiveness of mitigation, augmentation, or aquifer recharge plans; and

(vii) other issues related to mitigation, augmentation, or aquifer recharge in Montana to facilitate continued economic development and growth while providing reasonable protections to senior appropriators and water quality of surface and ground water resources;

(b) methods for the management of water, particularly in closed basins, to ensure compliance with closed basin law, including:

(i) artificial recharge of ground water, including but not limited to alternatives such as aquifer storage and recovery;

(ii) identifying research necessary, if any, to determine alternatives and options for conducting water

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management through artificial recharge of ground water; and

(iii) conducting a water quality analysis associated with storage or introduction of surface water to ground water resources;

(c) determining an appropriate, accurate, and time- efficient process for coordinating water quality requirements with the water appropriations process by:

(i) determining how the department of environmental quality and the department of natural resources and conservation are issuing permits that affect ground water or surface water quality and whether or not the water appropriation process and the water quality process are coordinated;

(ii) ensuring that a detailed process is outlined that provides potential applicants with a clear process that must be followed to ensure that prior appropriators and water quality in both surface water and ground water are protected while allowing development in Montana; and

(iii) identifying the extent to which cumulative impacts are analyzed from a water quantity and a water quality perspective and whether or not the two findings are assessed jointly and determining the appropriate level of coordination;

(d) wells that are exempt from the permitting process pursuant to 85-2-306, including:

(i) a detailed reporting of the number of exempt wells currently in Montana and an estimate of the number of exempt wells expected to be developed by 2020;

(ii) a determination and summary of the types of beneficial uses to which water from exempt wells is applied;

(iii) a determination of the hydrogeologic analysis necessary to determine consumptive use on a per-acre or fraction of an acre basis and on a per-use basis;

(iv) an analysis of the amount of water reasonably necessary for the various beneficial uses and a comparison of this reasonable use standard with current statutory limits, including volume, flow rate, and other criteria that the committee determines are necessary to provide for accurate and adequate measurement of water use through exempt wells;

(v) options and alternatives for enforcing statutory limitations regarding exempt well usage; and

(vi) a determination of the necessity and reasons for providing a process that is exempt from the permitting process;

(e) an analysis of water marketing and water reallocation options available in Montana, including:

(i) leasing water rights, water banking, water trading, and water sales;

(ii) the lease-to-sale ratio of water rights in Montana;

(iii) the number of market purchases that have been completed in Montana;

(iv) the purposes for which water trades or sales have taken place;

(v) the feasibility of creating and operating a water bank in Montana; and

(vi) the administrative procedures and costs that would be necessary to establish and operate a water bank in Montana.

(3) The committee shall gather appropriate information that the committee determines is necessary to make sound and well-reasoned policy decisions to guide the management and use of Montana's ground water resource into the future, including but not limited to:

(a) identifying gaps in data necessary to determine appropriate locations to conduct artificial recharge of ground water; and

(b) presenting long-term goals and policy proposals for water management related to ground water resources.

(4) The committee shall prepare a report to submit to the 61st legislature that provides clear policy direction and necessary legislation to guide Montana's water policy and that ensures fair and reasonable use of Montana's water resource as demands on water increase while supplies remain the same or decrease."

5. Page 2, line 13 through page 9, line 25.

Strike: section 3 through section 9 in their entirety

Renumber: subsequent sections

6. Page 9.

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Following: line 25

Insert: "NEW SECTION. Section 3. Appropriation. (1) There is appropriated \$50,000 from the general fund for the biennium beginning July 1, 2007, to the water policy interim committee for the purpose of completing a water quantity and water quality policy analysis.

(2) There is appropriated \$50,000 from the general fund for the biennium beginning July 1, 2007, to the Montana bureau of mines and geology for the purpose of collecting and compiling existing ground water and aquifer testing data."

Renumber: subsequent sections

7. Page 9, line 30.

Strike: "on passage and approval"

Insert: "July 1, 2007"

8. Page 10, line 2.

Strike: "[Section 7]"

Insert: "[This act]"

Strike: "2020"

Insert: "2009"

And, as amended, do pass. Report adopted.

HB 276, do pass. Report adopted.

HB 401, do pass. Report adopted.

HJR 34, be adopted. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Olson, Chairman): 2/17/2007

HB 27, introduced bill, be amended as follows:

1. Page 5, line 3.

Following: "phase"

Insert: "I and phase"

2. Page 5, line 5.

Following: "phase"

Insert: "I and phase"

3. Page 5, line 8.

Following: "phase"

Insert: "I and phase"

4. Page 5, line 11.

Following: "provide phase"

Insert: "I and phase"

Following: "a phase"

Insert: "I and phase"

And, as amended, do pass. Report adopted.

MOTIONS

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Majority Leader Lange moved that **HB 753** be moved from the Committee on Federal Relations, Energy and Telecommunications to the Committee on Natural Resources. There being no objections, so ordered.

Majority Leader Lange moved that **HB 97**, be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **HB 283** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **HB 533** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **HB 466** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **HB 60** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **HB 462** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

UNFINISHED BUSINESS

HB 564, introduced by McGillvray, the following sponsors were added:
Reps. MacLaren and Nooney.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 12:30 p.m., Monday, February 19, 2007. Motion carried.

House adjourned at 10:45 a.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House