

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

Helena, Montana
February 21, 2007

House Chambers
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Vincent. Pledge of Allegiance to the Flag.

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

UNFINISHED BUSINESS

HB 668, introduced by Stahl, the following sponsors were added:

Reps. Arntzen, Augare, Boggio, Dutton, Furey, Heinert, L. Jones, Keane, Klock, Mendenhall, Milburn, Reinhart, Thomas, Van Dyk and Windy Boy.

HB 755, introduced by Keane, the following sponsors were added:

Reps. Arntzen, Augare, Boggio, Dutton, Furey, Heinert, L. Jones, Klock, Mendenhall, Milburn, Reinhart, Stahl, Thomas, Van Dyk and Windy Boy.

COMMUNICATIONS AND PETITIONS

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

L. Jones, Chair

Representative Jacobson introduced Mr. Dan D'Autremount, Member of Legislative Assembly for Cannington, Saskatchewan Party, Canada.

Representative Stahl introduced MLA Len Taylor, Minister of Health, Saskatchewan, Canada.

REPORTS OF STANDING COMMITTEES

BILLS (L. Jones, Chairman):

2/20/2007

Correctly printed: **HB 664, HB 688, HB 689, HJR 22, HJR 36.**

Correctly engrossed: **HB 270, HB 405, HB 478, HB 491, HB 525, HB 597, HB 609, HB 681, HB 713.**

Correctly engrossed: **HB 590, HB 657, HB 665, HB 741.**

2/21/2007

JUDICIARY (Rice, Chairman):

2/21/2007

HB 590, introduced bill, be amended as follows:

1. Page 4, lines 19 through 21.

Strike: "An area" on line 19 through "year." on line 21

And, as amended, do pass. Report adopted.

HB 624, do pass. Report adopted.

HB 641, do pass. Report adopted.

HB 657, introduced bill, be amended as follows:

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1. Page 1, line 14.

Strike: "commencement"

Insert: "service"

Following: the second "of"

Insert: "a complaint in"

2. Page 1, line 29.

Strike: "commencement"

Insert: "service"

Following: "of"

Insert: "a complaint in"

And, as amended, do pass. Report adopted.

HB 712, do pass. Report adopted.

HJR 25, be adopted. Report adopted.

BUSINESS AND LABOR (Mendenhall, Chairman):

2/21/2007

HB 665, introduced bill, be amended as follows:

1. Page 4, line 10 through line 11.

Strike: "athletic" on line 10 through "training" on line 11.

Insert: "on an athlete"

2. Page 4, line 20.

Strike: "."

Insert: "; or"

3. Page 4, following line 20.

Insert: "(f) a massage therapist from providing massage."

And, as amended, do pass. Report adopted.

HB 724, do pass. Report adopted.

HB 741, introduced bill, be amended as follows:

1. Title, line 7.

Following: "CONTRACTS;"

Insert: "AND"

2. Title, line 7 through line 8.

Strike: "; AND" on line 7 through "DATE" on line 8

3. Page 3, line 23.

Strike: section 5 in its entirety

And, as amended, do pass. Report adopted.

HB 755, do pass. Report adopted.

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MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/20/2007

SB 51, introduced by Hawks
SB 100, introduced by Jent
SB 110, introduced by Laible
SB 128, introduced by Laslovich
SB 140, introduced by Weinberg
SB 147, introduced by Shockley
SB 206, introduced by Cobb
SB 276, introduced by Steinbeisser
SB 434, introduced by Cocchiarella
SB 446, introduced by Perry

FIRST READING AND COMMITMENT OF BILLS

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

HB 790, introduced by L. Jones, Keane, referred to Business and Labor.
HB 791, introduced by Kasten, referred to Appropriations.
HB 792, introduced by Himmelberger, Balyeat, referred to State Administration.
HB 793, introduced by Wells, Koopman, Butcher, referred to Taxation.
HB 794, introduced by Parker, Wilmer, Pomnichowski, referred to Appropriations.
HB 795, introduced by Hands, Reinhart, referred to Natural Resources.
HB 796, introduced by Koopman, referred to Education.
HB 797, introduced by Ankney, Groesbeck, referred to State Administration.
HB 798, introduced by Lambert, Small-Eastman, Pease, Kasten, Bales, Stahl, Ankney, Gebhardt, Smith, Kitzenberg, J. Peterson, Olson, McNutt, Perry, Ripley, Cocchiarella, Harrington, Hilbert, Campbell, Villa, Lake, Cohenour, Larson, Reinhart, referred to Appropriations.

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

HJR 43, introduced by Rice, referred to Judiciary.
HJR 44, introduced by Gallik, Cooney, Kaufmann, Lind, Campbell, Parker, Noonan, Ryan, Harrington, Williams, Groesbeck, Ankney, Cobb, Kottel, Dickenson, Henry, Bixby, Caferro, J. Tropila, Gallus, Bergren, Hollenbaugh, Driscoll, W. Jones, Jopek, Wanzenried, Larson, Raser, Wilson, Sands, Weinberg, Kitzenberg, Villa, Hands, Wilmer, McChesney, Hamilton, referred to Human Services.

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 13 passed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Becker, Bergren, Bixby, 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, Hilbert, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Sands, Sesso, Small-Eastman, Stoker, Thomas, Van Dyk, Villa, Vincent, Wilson, Windy Boy, Wiseman, Witte.

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Total 79

Noes: Blasdel, Everett, Hawk, Himmelberger, Ingraham, Kasten, Kerns, Koopman, Lake, Rice, Ross, Sonju, Taylor, Wells, Mr. Speaker.

Total 15

Excused: Ward.

Total 1

Absent or not voting: Augare, Jore, Sinrud, Stahl, Wilmer.

Total 5

HB 265 passed as follows:

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

Total 73

Noes: Barrett, Beck, Blasdel, Clark, Dutton, Everett, Hawk, Heinert, Hendrick, Ingraham, Kasten, Koopman, Malcolm, McGillvray, Mendenhall, Milburn, Rice, Ripley, Sinrud, Taylor, Wells, Witte, Mr. Speaker.

Total 23

Excused: Ward.

Total 1

Absent or not voting: Jore, Stahl, Wilmer.

Total 3

HB 271 passed as follows:

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

Total 54

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

Total 44

Excused: Ward.

Total 1

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Absent or not voting: Jore.
Total 1

HB 276 passed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Becker, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Hiner, Ingraham, L. Jones, W. Jones, Kasten, Keane, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noonan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Vincent, Wells, Witte, Mr. Speaker.
Total 59

Noes: Augare, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Jacobson, Jayne, Jopek, Kottel, McAlpin, Musgrove, Parker, Phillips, Pomnichowski, Raser, Reinhart, Thomas, Van Dyk, Wilmer, Wilson, Windy Boy, Wiseman.
Total 39

Excused: Ward.
Total 1

Absent or not voting: Jore.
Total 1

HB 439 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, 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

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HB 452 passed as follows:

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

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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, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman, Witte.

Total 92

Noes: Boggio, Jore, Kasten, Mendenhall, Wells, Mr. Speaker.

Total 6

Excused: Ward.

Total 1

Absent or not voting: Keane.

Total 1

HB 455 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, 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, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 97

Noes: Dickenson, Jayne.

Total 2

Excused: Ward.

Total 1

Absent or not voting: None.

Total 0

HB 456 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, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 99

Noes: None.

Total 0

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Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HB 464 passed as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Keane, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Wiseman, Witte.
Total 75

Noes: Barrett, Blasdel, Boggio, Butcher, Everett, Hawk, Heinert, Himmelberger, Ingraham, Kasten, Kerns, Klock, Koopman, Lake, McGillvray, Mendenhall, O'Hara, Olson, Rice, Ripley, Ross, Taylor, Windy Boy, Mr. Speaker.
Total 24

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HB 524 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, Grinde, Groesbeck, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kerns, Klock, Kottel, Lake, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 83

Noes: Glaser, Heinert, Hilbert, Himmelberger, Jore, Kasten, Koopman, Lange, McGillvray, Mendenhall, Sinrud, Sonju, Vincent, Wells, Witte, Mr. Speaker.
Total 16

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HB 596 passed as follows:

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

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Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman, Witte.
Total 86

Noes: Boggio, Dutton, Everett, Hendrick, Himmelberger, Jore, Kasten, Kerns, Koopman, Sinrud, Sonju, Wells, Mr. Speaker.
Total 13

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HB 623 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, 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, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: Ward.
Total 1

Absent or not voting: Klock.
Total 1

HJR 16 adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Boggio, Butcher, Callahan, Campbell, Clark, Cordier, Dutton, Everett, French, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, L. Jones, W. Jones, Kasten, Kerns, Klock, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Nooney, O'Hara, Olson, Peterson, Raser, Reinhart, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Windy Boy, Witte, Mr. Speaker.
Total 63

Noes: Bergren, Bixby, Blasdel, Branae, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Erickson, Franklin, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Jacobson, Jayne, Jopek, Jore, Keane, Koopman, McChesney,

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Noonan, Parker, Phillips, Pomnichowski, Sands, Sesso, Small-Eastman, Taylor, Wilson, Wiseman.
Total 35

Excused: Ward.
Total 1

Absent or not voting: Kottel.
Total 1

HJR 34 adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lambert, Lange, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman.
Total 82

Noes: Clark, Everett, Hilbert, Jore, Kasten, Kerns, Koopman, Lake, Malcolm, Rice, Ripley, Sinrud, Sonju, Taylor, Wells, Witte, Mr. Speaker.
Total 17

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Sergeant-at Arms Clark notified Mr. Speaker that the Honorable Senate of the State of Montana awaits outside the Chamber.

Speaker Sales requested Sergeant-at-Arms Clark to admit the Honorable Senate into the House Chamber.

Speaker Sales introduced Senate President Cooney and yielded the chair to him.

Senate Majority Leader Williams moved that the body resolve itself into a joint session for the purpose of receiving the address from Montana's Senator, the Honorable Max Baucus. Motion carried.

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

Senate President Cooney appointed Senator Squires, Senator Barkus, Representative Caferro and Representative McNutt to escort Senator Baucus into the chamber.

The committee escorted Senator Baucus into the chamber.

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The Invocation was given by Father Jerry Lowney, Senate Chaplain. Pledge of Allegiance to the Flag.

Senate President Cooney introduced Senator Baucus to the joint session. Senator Baucus gave the following speech:

**Remarks to the 60th Montana Legislative Assembly
February 21, 2007**

Good afternoon. Mr. Speaker. Mr. President. Members of the House and Senate. Visitors joining us in the gallery. Distinguished guests: Lt. Governor Bohlinger, State Auditor John Morrison, Superintendent Linda McCullough, Secretary of State Brad Johnson, Attorney General Mike McGrath, Members of the Supreme Court.

Working together

Thanks for inviting me to speak today. I appreciate you taking time out of your busy calendar. I know you have a lot of work getting ready for transmittal. As author Sam Ewing once said, "Hard work spotlights the character of people: some turn up their sleeves, some turn up their noses, and some don't turn up at all."

Montana's history has been the story of courageous, gutsy men and women who forged ahead. Men and women with calloused hands, sturdy backs, and fortitude passed down from generation to generation. Whether it's the miners who built the biggest copper mine in the country. Janette Rankin -- the first woman to get elected to the US Congress. Railroaders who built lines across our state. Farmers and ranchers. Or even Evel Knievel, who wanted to make the longest jump in the world.

Our values were chiseled out of the bedrock of Montana. We learned them from our parents, who learned them from their parents. Values of hard work, honesty, common sense, faith, and community. We don't shy away from challenges or hard work. We come from good, Montana stock. And we're proud of it.

Every time I come back to the legislature, I remember hard work. Good, solid hard work. Working breakfasts. Packed committee hearings.

I represented Missoula. I sat next to Doc Norman. I remember the heated debates. Nobody pulled punches. I remember the long nights. The early meetings. The weekends. I remember the debates. I remember trying to fit it all into 90 days. I'm glad to see that Representative Jopek is still making good use of my desk! Thanks, Mike. Let's give Mike a big hand!

I was here in 1973. I don't think Kendall Van Dyk was even born yet! Kendall's doing a great job.

That was also back when my friend Hal Harper was serving in the House --- as a Republican! I remember the people I worked with. People I admired. Giants like Francis Bardanouve and Verner Berterlson. We had our challenges back then just as you do today.

But it was in this Chamber that I learned the value of working together. It was here -- during the 43rd Legislative Assembly -- where I learned that partisanship doesn't serve the noble purpose of legislating.

I learned that digging in your heels and fighting with each other doesn't help make Montanans' lives any better. Remember, nothing of consequence ever happens unless people work together. A partisan victory never lasts...a compromise is more durable.

When I was here, Democrats held a slight majority in both chambers. But we had to work together. Now, 30 years later, I'm still working together to get things done.

When I think about what it means to work together, I look no further than Mike Mansfield. Our Mike. My friend

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and mentor. He was the man who served with presidents and foreign dignitaries. He led the country as the longest serving Senate Majority Leader -- during some tumultuous times, I might add.

But Mike never forgot his roots or the people he represented. He said to me once, "Max, we represent all of Montana – Democrats and Republicans. We represent everybody." He made a point of telling me that. And it stuck with me.

I'm reminded of that conversation by an old northwest Montana newspaper story.

They characterized Mike during his first year in the Senate this way:

"His philosophy (the newspaper wrote) is that he is a Democrat, yes, but first he is a U.S. Senator. He is sometimes liberal, sometimes conservative. But uppermost in his mind is this thought: What is best for the people? Mike Mansfield is an individualis (the newspaper wrote) but he will work with anyone and everyone when he feels the net result will produce something beneficial to the nation and Montana." End quote.

Let's work hard, like Montanans do. But let's also look to Mike's example and work together.

IRAQ

Before I continue I want to take a moment to recognize the contribution Montana has made to the war in Iraq and Afghanistan. We may not all agree on the best course of action in Iraq. But we all agree on one thing: it's time for the government of Iraq to stand on its own. And it's time for our Montana men and women to come home as soon as possible.

Seventeen Montanans have died over there. They were sons. And fathers. And brothers. And husbands. They served their country admirably.

Please stand up. Stand with me and recognize the Montanans who have paid the ultimate sacrifice.

Travis Arndt, age 23, Bozeman
Phillip Baucus, age 28, Wolf Creek
Andrew Bedard, age 19, Missoula
Nicholas William Bloem, age 20, Belgrade
Scott Dykman, age 27, Helena
Aaron Holleyman, age 26, Glasgow
Joshua Hyland, age 31, Missoula
Charles Komppa, age 35, Belgrade
Michael MacKinnon, age 30, Helena
Robbie McNary, age 42, Lewistown
Dean Pratt, age 22, Stevensville
Edward Saltz, age 27, Bigfork
Jeremy Sandvick Monroe, age 20, Chinook
Raleigh Smith, age 21, Troy
Kristofor Stonesifer, age 28, Missoula
Owen Witt, age 20, Sand Springs
Matthew Zeimer, age 18, Glendive

Thank you. We honor all of these brave Montanans.

CHIP

The war in Iraq clearly is one of the most pressing issues facing our country. But the main thing that I want to talk to you about today is on the domestic front. It's health care.

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Everywhere I go – from the café in Miles City to the lumber mill in Western Montana -- I hear the same thing. It's health care. It's the high cost of health care. I could be talking about the Farm Bill on the Hi-Line and health care comes up.

And it's not just in Montana. I hear it all over the country.

I hear stories from people who are barely squeaking by – month to month – because so much of their income goes to health care. And it's not just the single mother working two jobs. It's small business owners. And teachers. Farmers. And the elderly. It's everybody. We clearly have to do something.

We won't fix our nation's health care system overnight. It's just too big of a bite to take at once. But we *can* begin to chip away at the problem piece by piece.

Ultimately, this nation is going to have to have universal health care.

That is health care for everyone. We're the only industrialized nation without universal health care. South Africa has it. We don't. It's not right.

As we begin to tackle this problem there's no better place to start than with our kids.

As parents, we can usually make our kids feel better with some ice cream, a few good movies, and a big hug. Yet, sometimes Disney and Ben & Jerry's aren't enough to help when they're sick. As a parent, I know the heartache and worry that goes along with seeing your child sick and hurting.

I applaud Governor Schweitzer for his strong leadership and vision on health care.

I applaud the legislature -- you all -- and the people of Montana for making tough choices and sacrifices.

We thank Auditor Morrison and my friend Senator Jon Tester for the Insure Montana program. It has helped put more affordable health insurance within reach for hundreds of Montana families, small business owners and their workers. And it's only just getting started.

I also applaud Senator John Cobb and Representative Edith Clark for their vision on health care. That's the kind of working together we need.

But the most important thing that we can do – right away -- is help our kids. That's why we must renew and expand the Children's Health Insurance Program, so that more kids can get coverage.

Why is CHIP so important? Think for a minute about people who can barely afford to heat their homes or feed their kids – let alone pay for health care. That's what CHIP does for them. It makes sure their kids – at least their kids – get coverage.

I'm reminded about a young woman in Helena. Single mom. Her son was diagnosed with epilepsy -- shortly after he lost his private insurance coverage. Other plans wouldn't cover the expensive drugs he needed.

She learned about CHIP. Got him enrolled. Now he's getting the medical care and drugs he needs. I don't know what they would have done without CHIP. I honestly don't know what they would have done.

Folks, it's a real program serving real people who need real help. But despite our best efforts, 37,000 Montana kids don't have any health insurance at all. That means 37,000 Montana families are teetering on the edge. One bike accident. A fall down the stairs. An injury on the basketball court could drive them into bankruptcy. Or

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worse. That's just wrong.

Those are decisions no Montanan should have to face. What's more, these numbers are rising. Over the last 5 years, the number of uninsured Montana kids has spiked 10 percent. And most of that jump came from young kids – 5 years old or younger.

Remember that the first 5 years of a child's life establish a blueprint for that child's future. Missing the yearly doctor's appointment or going without shots can dramatically affect the building blocks to a child's development.

CHIP also makes sense as an investment. Studies show that kids who are healthy growing up do better in life. It's really pretty simple:

1. A child who's healthy can go to school.
2. A child who's healthy in school is more likely to do well.
3. A child who does well in school is more likely to get a job.
4. And people with jobs are less likely to end up in jail or on public assistance.

Those shots, that physical, treating that little boy's epilepsy will pay dividends to society. CHIP is a good health care program, yes, but it's also a solid investment.

A Little History

Here's a little history for you. I was very proud to help write the CHIP program in 1997. I remember working long hours with both Republicans and Democrats. I remember thinking to myself that this is really neat. It's something very special. Important. I can say passing CHIP was one of my proudest accomplishments in Congress – ever. Since then, CHIP has become the most successful children's health program in history. It now provides coverage to more than 6 million American kids.

After the President signed the CHIP bill into law in August 1997, it was time for the states to decide whether or not to join the program.

That's when I came here to Helena personally to lobby for it. I made the pitch. And you did the right thing and passed it. That was 10 years ago. Since then, nearly 40,000 Montana kids have been helped by CHIP.

1. 40,000 kids with names like Beth, Johnny, Paul, Cindy, and Ben.
2. 40,000 kids who got shots and prescriptions and surgeries.
3. 40,000 kids – some of whom might be the next State Senator from Eureka or Representative from Laurel.

It's been a huge success in Montana. Now the CHIP program needs to be renewed before it expires on September 30th of this year.

And, as you may know, I recently became Chairman of the Senate Finance Committee, which is a really big deal for Montana. We have jurisdiction over most health care programs, all taxes and revenue, Social Security, and international trade.

We also have jurisdiction over CHIP.

As Chairman, I get to set the agenda. And I've made renewing and expanding CHIP my top health care priority for this year. It's Number 1. We will pass a CHIP bill THIS year. You can take it to the bank.

Let's Make A Deal

And that's why I'm back here today. Because I want to make a deal with you. And here it is: I'll expand CHIP in Washington, if you expand CHIP in Helena. That's the deal. I'll do my part in Washington. You do your part

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here in Helena.

As for my part, I'll use my chairmanship to get Montana more federal dollars to run the program and cover more kids. I'm asking you to do your part and expand eligibility. I know Montana has been working to expand Medicaid and increase the number of children eligible for CHIP. Thank all of you who've been involved in that effort. It's very important. Unfortunately, we still rank second-to-last in the nation in CHIP eligibility. We're at 150 percent of the poverty level.

We are second in the nation only to North Dakota. That's not like us. We're Montanans.

Finishing 49th in a 50-state marathon is not your way, not my way, not the Montana way. It's contrary to our can-do Montana spirit and the values our parents taught us. Did you know that more than half the states now provide CHIP to children up to 200 percent of the poverty level? Did you know that nearly a third of states cover children at even higher eligibility rates?

Consider this. At 200 percent of the poverty level, a family of three is making about \$34,000 a year. But family health insurance can cost \$12,000 a year or more. That's nearly a third of a family's income -- before taxes. It's foolhardy to expect them to afford *that* much for health care.

Here in the Senate, Senator Weinberg's bill raises Montana's eligibility level. And I know Representative Caferro has been working on CHIP in the House. I commend both of them for their hard work.

I'm also proud to be one of the first people to congratulate the Senate for expanding CHIP. Just moments ago they passed Senator Weinberg's bill on 3rd reading.

Now the House will have the chance to take up CHIP. I urge you to do that. Do it as soon as you can.

So that's my deal. I'll provide dollars in Washington, if you expand CHIP here at home.

Look. I served here, so I know you don't like to be told what to do. That's not what I'm doing. I'm asking you. I'm asking you to make a deal with me.

Call it a 'fair deal.' Call it a 'square deal.' Call it whatever you like. But let's expand CHIP so Montana parents don't have to lay awake at night worrying about their kids.

Let's rise above partisanship. Let's heed the example of Mike Mansfield and do what's right.

I think Governor Schweitzer said it best. He said, quote: "We're not blue, we're not red, we're not purple. We're Montanans."

And remember what the Gospel of Luke tells us: "To whom much has been given, much is expected."

We've been given an awful lot. Now it's time to lead. That's what our employers want. We're just the employees. We're just the hired hands. It's not about who gets the credit or the blame. It's not about the headlines. It's about representing our 900,000 bosses. It's time to reach across the partisan divide, work together, honor our Montana heritage, and carry the mantle of a bright future for our kids.

Do that, and Montana will thank you.

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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 Wells in the chair.

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

HB 491 - Representative Lange moved consideration of **HB 491** be placed at the bottom of the second reading board. Motion carried.

HB 619 - Representative Lange moved consideration of **HB 619** be placed at the bottom of the second reading board. Motion carried.

HB 175 - Representative Bergren moved **HB 175** do pass.

HB 175 - Representative Bergren moved **HB 175**, second reading copy, be amended.

Amendment **failed** as follows:

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

Total 49

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

Total 51

Voted Absentee: Ward, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 175 - The motion to pass **HB 175** carried as follows:

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

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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, Witte, Mr. Speaker.
Total 85

Noes: Boggio, Butcher, Clark, Dickenson, Erickson, Gallik, Himmelberger, Jore, Kasten, Kerns, Koopman, Mendenhall, Morgan, Peterson, Rice.
Total 15

Voted Absentee: Ward, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 492 - Representative Himmelberger moved **HB 492** do pass.

HB 492 - Representative Morgan moved **HB 492**, second reading copy, be amended.

Amendment **failed** as follows:

Ayes: Bergren, Campbell, Hendrick, Hiner, W. Jones, Lambert, Malcolm, McChesney, Morgan, Stahl, Villa, Windy Boy.
Total 12

Noes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Henry, Hilbert, Himmelberger, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lange, MacLaren, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Thomas, Van Dyk, Vincent, Ward, Wells, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 87

Voted Absentee: Ward, No.

Excused: None.
Total 0

Absent or not voting: Witte.
Total 1

HB 492 - The motion to pass **HB 492 failed** as follows:

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

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Speaker.
Total 50

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

Voted Absentee: Ward, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 597 - Representative Stoker moved **HB 597** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Blasdel, Boggio, Branae, Butcher, Caferro, Clark, Cordier, Dutton, Everett, Franklin, Furey, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Parker, Peterson, Rice, Ripley, Ross, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Vincent, Ward, Wells, Wilson, Witte, Mr. Speaker.
Total 66

Noes: Bergren, Bixby, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Erickson, French, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Jacobson, Jayne, Jopek, Keane, Kottel, McAlpin, Musgrove, Noonan, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Villa, Wilmer, Windy Boy, Wiseman.
Total 34

Voted Absentee: Ward, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 176 - Representative Wilmer moved **HB 176** 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,

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Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 99

Noes: Sinrud.
Total 1

Voted Absentee: Ward, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 332 - Representative Thomas moved **HB 332** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kerns, Klock, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 85

Noes: Barrett, Boggio, Everett, Hendrick, Ingraham, Jore, Kasten, Koopman, Lake, Mendenhall, Rice, Ripley, Vincent, Witte.
Total 14

Voted Absentee: Ward, Aye.

Excused: None.
Total 0

Absent or not voting: Olson.
Total 1

HB 531 - Representative Lambert moved **HB 531** do pass. Motion carried as follows:

Ayes: Ankney, Augare, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Keane, Kerns, Klock, Koopman, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman.
Total 84

Noes: Arntzen, Barrett, Boggio, Butcher, Everett, Hawk, Heinert, Himmelberger, Kasten, Lake, McGillvray, Mendenhall, Ripley, Witte, Mr. Speaker.

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Total 15

Voted Absentee: Ward, Aye.

Excused: None.

Total 0

Absent or not voting: Rice.

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

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

Total 86

Noes: Blasdel, Everett, Gallik, Mendenhall, Ripley, Witte.

Total 6

Excused: Ward.

Total 1

Absent or not voting: Furey, Hawk, Himmelberger, Jopek, Rice, Sinrud, Wells.

Total 7

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House stand in recess until 5:00 p.m., Wednesday, February 21, 2007. Motion carried.

House recessed at 3:00 p.m.

House reconvened at 5:03 p.m. Speaker in the chair.

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Butcher, Chairman):

2/21/2007

HB 400, introduced bill, be amended as follows:

1. Title, line 6.

Following: "BOARD;"

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Insert: "PROVIDING THAT THE APPOINTMENT IS SUBJECT TO APPROVAL OF THE CITY-COUNTY PLANNING BOARD;"

2. Page 1, line 26.

Following: "supervisors"

Insert: ", subject to approval of the members provided for in subsections (1)(a) through (1)(d)"

And, as amended, do pass. Report adopted.

HB 537, introduced bill, be amended as follows:

1. Page 2, line 23.

Strike: "\$80"

Insert: "\$50"

2. Page 2, line 24.

Strike: "\$112"

Insert: "\$76"

And, as amended, do pass. Report adopted.

APPROPRIATIONS (Sinrud, Chairman):

2/21/2007

HB 97, do pass. Report adopted.

HB 98, introduced bill, be amended as follows:

1. Title, line 6.

Following: "NEEDS;"

Insert: "AUTHORIZING USE OF STATE FUNDS APPROPRIATED FOR MEDICAID SERVICES;
REQUIRING A REPORT;"

2. Page 2, line 19.

Insert: "NEW SECTION. Section 4. Use of medicaid funds--report. (1) The department may use up to \$500,000 in state funds appropriated for medicaid services in each of state fiscal years 2008 and 2009 for the purposes of [section 1(3)].

(2) The department shall prepare a report to the children, families, health, and human services interim committee and the legislative finance committee no later than September 15, 2008, summarizing use of the children's system of care account in the 2009 biennium."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 113, do pass. Report adopted.

HB 217, introduced bill, be amended as follows:

1. Page 2, line 17.

Following: "removal,"

Insert: "make a good faith effort to"

And, as amended, do pass. Report adopted.

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HB 259, do pass. Report adopted.

HB 283, introduced bill, be amended as follows:

1. Page 1, line 20.

Strike: "\$3,024"

Insert: "limited to a maximum of \$1,600"

And, as amended, do pass. Report adopted.

HB 364, introduced bill, be amended as follows:

1. Title, line 10.

Following: "FUND"

Insert: "AND TO THE WOLF PREDATION MITIGATION AND REIMBURSEMENT ACCOUNT IN THE STATE SPECIAL REVENUE FUND; PROVIDING AN APPROPRIATION"

2. Page 6, line 20.

Strike: line 20

3. Page 6, line 21.

Strike: "(a) all"

Insert: "(2)(a) All"

Following: "6"

Strike: ";"

Insert: "must be deposited in the state special revenue account provided for in subsection (1)."

4. Page 6, line 22.

Strike: "and"

5. Page 6, line 23.

Strike: "money"

Insert: "Money"

6. Page 6, line 25.

Following: "4]"

Insert: "must be deposited in the appropriate account provided for in subsection (1)"

7. Page 6.

Following: line 25

Insert: "(c) All federal funds awarded to the department of fish, wildlife, and parks for compensation for wolf depredations on livestock must be deposited in the federal special revenue account provided for in subsection (1) for the purposes of [section 3]."

8. Page 7, line 18.

Following: "TRANSFER."

Insert: "(1)"

Following: "TRANSFERRED"

Strike: "\$1 MILLION"

Insert: "\$50,000"

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9. Page 7.

Following: line 20

Insert: "(2) There is transferred \$100,000 in fiscal year 2009 from the general fund to the state special revenue account provided for in [section 5(1)] for grants under the loss reduction program created in [section 2] and for payment of claims made under the loss mitigation program created in [section 3]."

10. Page 7, line 21.

Insert: "NEW SECTION. Section 8. Appropriation. There is appropriated from the general fund to the livestock loss reduction and mitigation board established in [section 1]:

(1) \$60,000 in fiscal year 2008 for 1.0 FTE and for operating expenses to establish the board and board activities; and

(2) \$60,000 in fiscal year 2009 for 1.0 FTE and for board expenses."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 378, do pass. Report adopted.

HB 462, introduced bill, be amended as follows:

1. Page 1, line 19.

Following: line 18

Insert: "(3) A successful candidate for the legislature or for a state office who receives a personal benefit, as defined in 13-37-240, during the individual's term of office from a public event or function related to or because of the office shall either deposit any surplus funds related to the public event or function in a constituent services account or make a donation to a nonprofit organization within 45 days after the conclusion of the event or function."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 533, introduced bill, be amended as follows:

1. Page 2, line 4.

Strike: "19%"

Insert: "16%"

2. Page 3, line 14.

Strike: "19%"

Insert: "16%"

And, as amended, do pass. Report adopted.

HB 547, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "INCREASING THE NUMBER OF ROUND TRIPS REIMBURSED DURING SESSION;"

2. Page 2, line 4.

Strike: "six"

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Insert: "three"

And, as amended, do pass. Report adopted.

HB 618, introduced bill, be amended as follows:

1. Page 2, line 6.

Strike: "\$20"

Insert: "\$1"

2. Page 2, line 10.

Strike: "\$20"

Insert: "\$1"

And, as amended, do pass. Report adopted.

HB 634, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "\$325"

Insert: "\$500"

And, as amended, do pass. Report adopted.

HB 727, do pass. Report adopted.

BUSINESS AND LABOR (Mendenhall, Chairman):

2/21/2007

HB 587, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "TO A SINGLE MOTOR VEHICLE"

Insert: "SEPARATELY TO THE VEHICLES COVERED BY THE POLICY"

2. Title, line 7 through line 9.

Strike: "PROVIDING" on line 7 through "POLICYHOLDER;" on line 9

3. Page 1, line 27.

Strike: "to a single vehicle"

Insert: "separately to the vehicles covered by the policy"

4. Page 2, line 6 through line 7.

Strike: subsection 4 in its entirety

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 668, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "TO"

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Insert: "THAT"

2. Page 2, following line 10.

Insert: "(2) A board may contact and request information from the department of justice, which is designated as a criminal justice agency within the meaning of 44-5-103, for the purpose of obtaining criminal history record information regarding the board's licensees and license applicants and regarding possible unlicensed practice."

3. Page 2, line 11.

Strike: "(2)(a) As"

Insert: "(3)(a) A board that requires a criminal background check as"

Following: "license"

Strike: ", a board"

4. Page 2, line 17.

Strike: "justice"

Insert: "history record"

5. Page 2, line 17 through line 18.

Strike: "concerning" on line 17 through "offense" on line 18

6. Page 2, line 23 through line 25.

Strike: subsection (e) in its entirety

7. Page 2, line 26.

Strike: "(3)"

Insert: "(4)"

And, as amended, do pass. Report adopted.

JUDICIARY (Rice, Chairman):

2/21/2007

HJR 38, be adopted. Report adopted.

HB 340, introduced bill, be amended as follows:

1. Page 2, line 6.

Strike: "or"

2. Page 2, line 7.

Following: "firearm"

Insert: "; or"

(d) obstructing a peace officer or public servant in a manner that violates 45-7-302

3. Page 2, line 20.

Strike: "A"

Insert: "Unless a firearm is seized pursuant to 46-5-401, a"

4. Page 3, line 1.

Following: "seized"

Insert: ", unless a court order is obtained to retain the firearm,"

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5. Page 3, line 5.

Following: "guilty"

Insert: "if no other charges directly relating to the firearm are pending"

6. Page 4, line 19.

Strike: "just prior to"

Insert: "if"

7. Page 4, line 25.

Following: "imposed"

Insert: ", who has not been granted a permit pursuant to 45-8-314 to purchase and possess a firearm,"

8. Page 4, lines 25 and 26.

Strike: "just prior to"

Insert: "if"

And, as amended, do pass. Report adopted.

HB 549, introduced bill, be amended as follows:

1. Title, line 6.

Following: " ; "

Insert: "PROVIDING AN APPROPRIATION;"

2. Page 6.

Following: line 29

Insert: "NEW SECTION. Section 4. Appropriation. There is appropriated \$200,000 from the general fund to the department of justice for the biennium ending June 30, 2009, for the implementation of [sections 1 through 3]."

And, as amended, do pass. Report adopted.

HB 683, introduced bill, be amended as follows:

1. Title, line 7.

Following: "ACT"

Insert: " ; "

Strike: "OR"

2. Title, line 8.

Following: "ORDERS"

Insert: " , OR A COURT ORDER "

3. Page 2, line 3.

Following: "10."

Insert: "A full guardian may petition the court for authority to consent to the withholding or withdrawal of life-sustaining treatment or to a do not resuscitate order. The court may grant that authority only upon finding that consent to the withholding or withdrawal of life-sustaining treatment or the do not resuscitate order is consistent with the ward's wishes to the extent that those wishes can be determined."

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And, as amended, do pass. Report adopted.

HB 710, do pass. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):

2/21/2007

HB 372, do pass. Report adopted.

HB 415, do pass. Report adopted.

HB 662, do pass. Report adopted.

HB 690, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

2/21/2007

HB 570, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "PROVIDING FOR A SPECIAL"

Insert: "AUTHORIZING THE USE OF THE FEDERAL"

Following: "BALLOT"

Insert: "FOR ANY ELECTION; CLARIFYING REGULAR ABSENTEE BALLOT AND FEDERAL WRITE-IN ABSENTEE BALLOT PROCEDURES;"

2. Title, page 1, line 6.

Strike: "AND"

Following: "AUTHORITY"

Insert: "; AMENDING SECTIONS 13-21-103, 13-21-201, 13-21-202, 13-21-205, 13-21-206, AND 13-21-210, MCA; AND REPEALING SECTION 13-21-204, MCA"

3. Page 1.

Following: line 8

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 13-21-103, MCA, is amended to read:

"13-21-103. Secretary of state designated as single point of contact -- rulemaking. (1) The office of the secretary of state is the state's single point of contact responsible for providing information regarding voter registration and absentee ballot procedures to be used by a United States elector.

(2) The secretary of state shall, with the assistance of local election administrators, compile, make available to the general public, or forward to appropriate federal authorities any reports or information required to be compiled, made available, or forwarded pursuant to federal law.

(3) The secretary of state may adopt rules to implement the provisions of this chapter."

Insert: "**Section 2.** Section 13-21-201, MCA, is amended to read:

"13-21-201. Registration of United States electors -- simultaneous application for absentee ballot.

(1) A United States elector may register with the election administrator in the elector's county of residence by properly completing, signing, and returning:

(a) the voter registration form;

(b) the federal post card application; or

(c) the federal write-in absentee ballot ~~transmission envelope~~ as provided in 13-21-205.

(2) A registration application under ~~this section~~ subsection (1)(a) or (1)(b) must be received by the election administrator not less than 30 days before the election for the registration to be valid for the election. If the registration application is received less than 30 days before the election, the registration application must be

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processed for the next election.

(3) A registration application using a federal post card application or the federal write-in absentee ballot transmission envelope must be considered a simultaneous application for absentee ballots under 13-21-210."

Insert: "Section 3. Section 13-21-202, MCA, is amended to read:

"13-21-202. Classification of applications for regular absentee ballots -- notification of elector.

(1) Upon receipt by the election administrator of an application by a United States elector for a regular absentee ballot pursuant to 13-13-212 or 13-21-210, the election administrator shall:

(a) classify the application according to the precinct in which the elector resides or, if the information is insufficient to determine precinct of residence, assign an appropriate precinct;

(b) immediately enter all information in the registration records of the office and either file the federal post card application with regular registration forms or file a photocopy attached to a regular registration form on which the information has been entered. This information is sufficient to meet any identification requirements provided by law for an elector.

(c) send to the applicant by the fastest mail service available, which may include facsimile transmission or electronic mail, a notice that the elector has been registered and informing the elector that a regular absentee ballot is enclosed or that the elector will be mailed ~~an~~ a regular absentee ballot for that election or for the next election in which the elector is entitled to vote under subsection (1) or, if the application is rejected, a notice that the application has been rejected and the reasons for the rejection.

(2) The election administrator may use photocopies of the federal post card application to complete all necessary records."

"

Insert: "Section 4. Section 13-21-205, MCA, is amended to read:

"13-21-205. Procedure for voting federal Federal write-in absentee ballot. (1) A United States elector may register, if not already registered, and vote in any election by completing, signing, and returning a federal write-in absentee ballot and meeting the requirements in 13-21-206.

~~(1)~~(2) (a) A United States elector voting a federal write-in absentee ballot for a federal general election may designate a candidate by writing in the name of the candidate or by writing in the name of the political party for which the elector is voting. A written designation of the political party must be counted as a vote for the candidate of that party.

(b) (i) Except as provided in subsection (2)(b)(ii), a United States elector may vote in any election for a public office other than for a federal office by using the addendum provided in the federal write-in absentee ballot and writing in the title of the office and the name of the candidate for whom the elector is voting.

(ii) If the elector is voting in a primary election, the elector shall identify the elector's political party affiliation as provided for in the appropriate section of the ballot. A vote cast by writing in the name of a candidate who is not affiliated with the elector's identified party is void and may not be counted.

(3) A vote may not be voided for reasons of misspellings, abbreviations, or other minor variations of the candidate's name.

~~(2)~~(4) If the elector receives the regular absentee ballot ~~for the federal general election~~ after the elector has voted and mailed a federal write-in absentee ballot, the elector may vote and return the regular absentee ballot.""

Insert: "Section 5. Section 13-21-206, MCA, is amended to read:

"13-21-206. Counting of federal write-in absentee ballots. (1) A federal write-in absentee ballot received by an election administrator may be counted only if:

~~(a) a valid application was made by the elector pursuant to 13-21-210;~~

(a) the elector's voter registration and identification information is sufficient to determine that the elector is eligible to vote in the election;

~~(b)~~ (b) the ballot is not received before regular absentee ballots have been printed pursuant to 13-13-205;

~~(c)~~ (c) the election administrator has not received a regular absentee ballot from the elector by 8 p.m. on election day; and

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~~(c)~~(d) the ballot is sent by 8 p.m. on election day and is received by 3 p.m. on the Monday following the election.

(2) Federal write-in absentee ballots received before the close of the polls on election day may not be counted until the polls have closed."

Insert: "Section 6. Section 13-21-210, MCA, is amended to read:

"13-21-210. Application for absentee ballots. (1) A United States elector may apply for a regular absentee ballot as follows:

(a) by making a written request, which must include the elector's birth date and signature; or

(b) by properly completing, signing, and returning to the election administrator the federal post card application; ~~or~~

~~(c) by properly completing, signing, and returning to the appropriate county election administrator the federal write-in absentee ballot transmission envelope.~~

(2) An application for a federal write-in regular absentee ballot must be received by the appropriate county election administrator not less than 30 days before the date of an election. An application for a regular absentee ballot that is received less than 30 days before the date of an election must be processed for the next election.

(3) An application under this section is valid for all state and local elections in the calendar year in which the application is made and the next two regularly scheduled federal general elections.

(4) The elector's county election administrator shall provide the elector with a regular absentee ballot for the elections described in this subsection as soon as the ballots ~~become available~~ are printed."

Insert: "NEW SECTION. Section 7. Repealer. Section 13-21-204, MCA, is repealed."

Insert: "NEW SECTION. Section 8. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."

And, as amended, do pass. Report adopted.

HB 663, do pass. Report adopted.

HB 671, do pass. Report adopted.

TAXATION (Lake, Chairman):

2/21/2007

HB 529, introduced bill, be amended as follows:

1. Title, line 5.

Following: "PROPERTY;"

Insert: "PROVIDING FOR THE ALLOCATION OF EXEMPT PROPERTY BY LOCATION;"

2. Title, line 6.

Following: "EIGHT"

Insert: "AND CLASS TWELVE"

3. Page 1, line 15.

Following: "2008,"

Insert: "and for the effective tax rate reduction in calendar year 2008 on property under 15-6-145,"

4. Page 1, line 17.

Following: "]"

Insert: "and under 15-6-145"

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5. Page 1, line 18.

Following: "collected"

Insert: "under 15-6-138 and 15-6-145"

Following: "]."

Insert: "The difference is the reimbursable amount for each taxing jurisdiction."

6. Page 1, line 25.

Following: "15-6-138"

Insert: "and, if applicable, in 15-6-145"

7. Page 3, line 12.

Following: "15-6-138"

Insert: "and the amount of personal property reported under 15-6-219"

8. Page 4, line 21 through line 22.

Strike: "not" on line 21 through "entity" on line 22

9. Page 4, line 23.

Following: "taxation"

Insert: "as provided in 15-6-219"

10. Page 4, line 26.

Following: "exemptions"

Insert: "-- allocation of certain exemptions"

Following: "exemptions."

Insert: "(1)"

11. Page 4, line 29.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

12. Page 5, line 1.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsection

13. Page 5, line 9.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

14. Page 5, line 15.

Following: "from"

Insert: "property"

Strike: "directly or indirectly"

Following: "entity"

Insert: "that is identified by a unique taxpayer identification number"

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15. Page 5.

Following: line 21

Insert: "(2) (a) For determining the amount of a taxpayer's class eight property that is subject to taxation, the department shall allocate the market value of class eight business equipment that is exempt from taxation under subsection (1)(f) as provided in this subsection (2).

(b) If the class eight business equipment of the taxpayer is used in a single location, the market value of the exempt property is allocated to that location.

(c) If the class eight business equipment of the taxpayer is used in more than one location, the market value of the exempt property must be allocated to each location in the ratio that the total market value of class eight property at that location bears to the total market value of class eight property of the taxpayer at all locations.

(d) The allocations determined under subsections (2)(b) and (2)(c) must be converted to taxable value using the tax rate under 15-6-138 and must be reported to counties for the purpose of determining county classification under 7-1-2111."

16. Page 6, line 11.

Strike: "A"

Insert: "Except as provided in subsection (3), a"

17. Page 6, line 16.

Strike: "15-6-138(5)"

Insert: "15-6-219(1)(f)"

18. Page 6, line 18.

Strike: "may"

Insert: "must"

19. Page 6, line 18 through page 6, line 19.

Strike: "individual" on line 18 through "officers" on line 19

Insert: "a unique taxpayer identification number for an individual and business entity"

20. Page 6, line 20.

Strike: "through the"

Insert: "of all individuals and business"

Following: "entities."

Insert: "The department shall use the information obtained under this subsection to allocate the market value of exempt business equipment as provided in 15-6-219."

And, as amended, do pass. Report adopted.

**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 Wells in the chair.

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

HB 640 - Representative Grinde moved **HB 640** do pass. Motion **failed** as follows:

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Ayes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Erickson, Franklin, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jopek, Keane, McAlpin, McNutt, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.
Total 45

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Ebinger, Everett, French, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jayne, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Thomas, Vincent, Wells, Witte, Mr. Speaker.
Total 55

Voted Absentee: Ward, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 688 - Representative Olson moved **HB 688** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Kasten, Keane, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman.
Total 89

Noes: Barrett, Callahan, Everett, Jopek, Jore, Kerns, Koopman, McGillvray, Mendenhall, Witte, Mr. Speaker.
Total 11

Voted Absentee: Ward, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 689 - Representative Olson moved **HB 689** do pass. Motion carried as follows:

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

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Total 57

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

Total 42

Voted Absentee: Ward, Aye.

Excused: None.

Total 0

Absent or not voting: Bergren.

Total 1

HJR 36 - Representative Lambert moved **HJR 36** be adopted. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, 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, 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, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 96

Noes: Everett, Hawk, Mendenhall, Taylor.

Total 4

Voted Absentee: Ward, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 478 - Representative Raser moved **HB 478** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Branae, 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, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman.

Total 76

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Noes: Barrett, Beck, Blasdel, Boggio, Butcher, Everett, Hawk, Hilbert, Himmelberger, Jore, Kasten, Kerns, Klock, Koopman, McGillvray, Mendenhall, Milburn, Rice, Ripley, Stoker, Ward, Wells, Witte, Mr. Speaker.
Total 24

Voted Absentee: Ward, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 491 - Representative Sinrud moved **HB 491** 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, 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, 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: Jayne, Jopek, Jore, Rice.

Total 4

Voted Absentee: Ward, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 619 - Representative Sinrud moved **HB 619** do pass. Motion carried as follows:

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

Total 51

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

Total 49

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Voted Absentee: Ward, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Ayes: Ankney, Arntzen, Barrett, Bergren, Blasdel, Boggio, Branae, Butcher, Caferro, Campbell, Clark, Cordier, Driscoll, Dutton, Ebinger, Everett, Franklin, Glaser, Grinde, Hands, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, 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, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Vincent, Wilmer, Wiseman, Witte, Mr. Speaker.
Total 76

Noes: Augare, Becker, Bixby, Callahan, Cohenour, Dickenson, Erickson, French, Furey, Gallik, Groesbeck, Jayne, Jopek, Keane, Sonju, Villa, Wilson, Windy Boy.
Total 18

Excused: Ward.
Total 1

Absent or not voting: Beck, Hamilton, Hilbert, Sesso, Wells.
Total 5

MOTIONS

Majority Leader Lange moved that **HB 531** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **HB 688** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **HB 478** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

HB 561 - Representative Musgrove moved **HB 561** be taken out of the Committee on Appropriations and placed on second reading. Motion, requiring a three-fifths vote, **failed** as follows:

Ayes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, W. Jones, Jopek, Keane, Kottel, Lambert, McAlpin, McChesney, McNutt, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 53

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

Total 44

Excused: Ward.

Total 1

Absent or not voting: Hilbert, Olson.

Total 2

HB 392 - Representative Bergren moved **HB 392** be taken out of the Committee on Appropriations and placed on second reading. Motion, requiring a three-fifths vote, **failed** as follows:

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

Total 53

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

Total 45

Excused: Ward.

Total 1

Absent or not voting: Hilbert.

Total 1

HB 565 - Representative Lange moved to reconsider the action taken on **HB 565** and be placed on third reading. Motion **failed** as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, 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, Wells, Witte, Mr. Speaker.

Total 49

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, 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

Excused: Ward.

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Total 1

Absent or not voting: Hilbert.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 12:30 p.m., Thursday, February 22, 2007. Motion carried.

House adjourned at 6:30 p.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House