

**HOUSE JOURNAL
60TH LEGISLATURE
FORTIETH LEGISLATIVE DAY**

Helena, Montana
February 22, 2007

House Chambers
State Capitol

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

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

REPORTS OF STANDING COMMITTEES

BILLS (Jones, Chairman): 2/21/2007
Correctly printed: **HB 97, HB 113, HB 259, HB 372, HB 378, HB 415, HB 624, HB 641, HB 662, HB 663, HB 671, HB 690, HB 710, HB 712, HB 724, HB 727, HB 755, HJR 25, HJR 38.**
Correctly engrossed: **HB 529, HB 217, HB 400, HB 537, HB 570, HB 340, HB 549, HB 683, HB 98, HB 283, HB 364, HB 462, HB 533, HB 547, HB 618, HB 634, HB 587, HB 668.**

NATURAL RESOURCES (McNutt, Chairman): 2/22/2007
HB 383, introduced bill, be amended as follows:

1. Page 1, line 12 through line 13.
Strike: "Water" on line 12 through "exceeded" on line 13
Insert: "Other water quality standards do not apply"

2. Page 1, line 19.
Strike: "is of good enough"
Insert: "meets a narrative standard of sufficient"

And, as amended, do pass. Report adopted.

HB 460, introduced bill, be amended as follows:

1. Title, line 6 through line 7.
Strike: "AND" on line 6 through "EXTRAORDINARY" on line 7

2. Page 3, line 23.
Strike: "effluent limitations"
Insert: "water quality standards"

3. Page 7, line 2.
Strike: "untreated mined or processed"

4. Page 7, line 3.
Strike: "waste"
Strike: "would be acid-forming"
Insert: "related to the mining operation have a reasonable probability of causing violations of water quality standards upon contact with surface water or ground water"

5. Page 7, line 4.
Strike: "that minimizes impacts to surface water or ground water"

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Insert: "or the management of those materials in a manner that complies with the requirements of Title 75, chapter 5."

6. Page 10, line 11.

Strike: "and extraordinary"

7. Page 10, line 13.

Following: "exists"

Insert: "or that there is a reasonable probability that a violation of water quality standards will occur"

8. Page 10, line 15.

Following: "bond"

Strike: ", not to exceed a period of 2 years,"

9. Page 10.

Following: line 28

Insert: "(c) An approved interim amended reclamation plan and interim bond must remain in effect until the earlier of:

(i) the date that a revised reclamation plan is approved pursuant to 82-4-337 and a permanent bond for the revised reclamation plan is submitted and accepted pursuant to this section; or

(ii) 2 years following the date of submission of a complete application pursuant to 82-4-337 to modify the reclamation plan provision or remedy the conditions that created the need to amend the reclamation plan unless the department approves or denies the complete application within 2 years of submission. The applicant may agree to an extension of this deadline.

(d) Except as provided in subsection (8), the process provided for in this subsection (7) is not subject to the provisions of Title 75, chapter 1.

(8) (a) In determining whether to require amendment of a reclamation plan under subsection (7)(a), the department shall prepare or require the permittee to prepare a written analysis of changes in the reclamation plan that may eliminate or mitigate to an acceptable level the environmental condition. The analysis must include an assessment of the effectiveness of the changes and any potential negative environmental impacts of the changes. The department shall prepare an environmental impact statement pursuant to Title 75, chapter 1, only if the department determines that the changes would not mitigate the condition to an acceptable level or may have potentially significant negative environmental impacts.

(b) If the department determines that preparation of an environmental impact statement is necessary, the permittee shall pay the department's costs pursuant to 75-1-205."

Renumber: subsequent subsections

10. Page 11, line 11.

Strike: "(9)"

Insert: "(10)"

11. Page 11, line 14.

Strike: "(9)(a)"

Insert: "(10)(a)"

12. Page 11, line 15.

Strike: "(9)(a)"

Insert: "(10)(a)"

13. Page 11, line 17.

Strike: "(9)"

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Insert: "(10)"

14. Page 11, line 20.

Strike: "(9)(a)"

Insert: "(10)(a)"

And, as amended, do pass. Report adopted.

HB 555, do pass. Report adopted.

HB 717, do pass. Report adopted.

HJR 24, introduced joint resolution, be amended as follows:

1. Page 1, line 8 through line 20.

Strike: "WHEREAS" on line 8 through "; and" on line 20

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

Strike: "WHEREAS" on page 1, line 30 through "; and" on page 2, line 2

And, as amended, be adopted. Report adopted.

HJR 31, introduced joint resolution, be amended as follows:

1. Page 1.

Strike: line 15 in its entirety

2. Page 1, line 21.

Strike: "elimination"

Insert: "reduction"

3. Page 1, line 22.

Strike: "elimination"

Insert: "reduction"

And, as amended, be adopted. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Olson, Chairman):

2/22/2007

HB 611, introduced bill, be amended as follows:

1. Page 2, lines 7 through 9.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

2. Page 2.

Following: line 14

Insert: "(3) "End user connection" means a customer's connection to a service provider's network."

Renumber: subsequent subsections

3. Page 2, line 25.

Following: "service."

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Insert: "The term includes providers of telecommunications service including but not limited to providers of internet protocol-enabled voice communications service."

4. Page 2, line 28.

Following: "switched"

Insert: "telephone network"

Following: "protocol-enabled"

Insert: "voice"

Strike: "networks"

Insert: "service"

5. Page 5, line 19.

Strike: "access line"

Insert: "end user connection"

6. Page 5, line 26.

Following: "(3)"

Insert: "(a)"

7. Page 5, line 30.

Following: "service"

Strike: " _"

Insert: "or a prepaid wireless telephone service provider shall remit an amount equal to the fees established in subsection (1) after collecting the amount using one of the following options:

(i) on a monthly basis, the prepaid service provider shall collect an amount equal to the fees established in subsection (1) from each active prepaid subscriber whose account balance is equal to or greater than the fees established in subsection (1); or

(ii) the prepaid service provider shall divide the total intrastate monthly revenue by the average revenue for each prepaid subscriber of the wireless industry to determine the number of prepaid subscribers. The fees established in subsection (1) are then applied to the number of prepaid subscribers.

(b) Each service provider shall file a return provided by the department reporting the amount of fees collected on access line services during the quarter."

8. Page 7, line 10 through line 15.

Strike: section 10 in its entirety

Renumber: subsequent sections

9. Page 7, line 19.

Strike: "[section 10]"

Insert: "53-19-311"

10. Page 7, line 20.

Strike: "[section 10]"

Insert: "53-19-311"

11. Page 7, line 23.

Strike: "[section 10]"

Insert: "53-19-311"

12. Page 7, line 27.

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Strike: "[section 10]"
Insert: "53-19-311"

13. Page 8, line 11.
Strike: "[section 14]"
Insert: "15-1-216"

14. Page 8, line 24 through line 29.
Strike: section 13 in its entirety
Renumber: subsequent sections

15. Page 10, line 1.
Strike: "15"
Insert: "13"

16. Page 10, line 3.
Strike: "15"
Insert: "13"

And, as amended, do pass. Report adopted.

HB 715, introduced bill, be amended as follows:

1. Page 1, line 16.
Strike: "Earnings"
Insert: "Except as provided in 90-3-1003(5)(b), earnings"

2. Page 2, line 7.
Following: "(5)"
Insert: "(a)"

3. Page 2.
Following: line 8
Insert: "(b) If the board is not in receipt of a qualified application for a project to enhance coal research and development, subsection (5)(a) does not apply."

And, as amended, do pass. Report adopted.

HB 739, introduced bill, be amended as follows:

1. Title, line 5 through line 8.
Strike: "AUTHORIZING" on line 5 through "DATE" on line 8
Insert: "DEFINING TERMS; PROHIBITING CERTAIN ACTIONS OF A MUNICIPAL ELECTRIC UTILITY; ESTABLISHING APPLICATION FILING REQUIREMENTS; REQUIRING THE PUBLIC SERVICE COMMISSION TO REVIEW MUNICIPAL ELECTRIC UTILITY APPLICATIONS AND ISSUE ORDERS; REQUIRING A PUBLIC VOTE; ALLOWING THE COMMISSION TO HIRE INDEPENDENT CONSULTANTS TO ASSIST IN APPLICATION REVIEWS; AUTHORIZING THE COMMISSION TO ADOPT RULES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

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2. Page 1.

Following: line 10

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Definitions. Unless the context requires otherwise, as used in [sections 1 through 6], the following definitions apply:

(1) "Jurisdiction" means the physical boundaries of a local government entity forming the municipal electric utility or the service territory of a municipal electric utility, whichever is larger.

(2) "Local government entity" has the meaning provided for in 2-7-501(7)(a).

(3) "Municipal electric utility" means any local government entity or an entity created by a local government for the purpose of generating, transmitting, or distributing electricity to retail customers."

Insert: "NEW SECTION. Section 2. Prohibition. Except as provided in [sections 1 through 6], a municipal electric utility may not:

(1) acquire facilities that generate, transmit, or distribute electricity to customers; or

(2) expand the municipal electric utility's jurisdiction."

Insert: "NEW SECTION. Section 3. Filing requirements. (1) Prior to a municipal electric utility issuing more than \$5 million of general obligation or revenue bonds or spending more than a total of \$5 million of public funds for the initial acquisition of electric generation, transmission, or distribution facilities or for the expansion of its jurisdiction, the municipal electric utility shall file an application with the commission.

(2) The application must include the following information:

(a) the municipal electric utility possesses the legal authority necessary to provide electricity to the customers located within its jurisdiction;

(b) the municipal electric utility is governed by an elected governing body;

(c) the municipal electric utility is subject to rate and service conditions by the governing body;

(d) the municipal electric utility has made provisions for an adequate and reliable supply of electricity for customers within its jurisdiction at prices and on terms and conditions that are more favorable than those provided by the existing public utility for that service;

(e) the municipal electric utility will assume a proportionate share of all potential costs being incurred by the existing public utility that serves the proposed jurisdiction of the municipal electric utility, including but not limited to the costs for:

(i) the acquisition of electricity from qualifying facilities as identified in Title 69, chapter 3, part 6; and

(ii) compliance with the renewable resource standards contained in Title 69, chapter 8, part 10; and

(f) any other information that is requested by the commission by rule."

Insert: "NEW SECTION. Section 4. Commission review. (1) The commission shall review the application submitted pursuant to [section 3] for completeness within 45 days and notify the applicant of any deficiencies.

(2) (a) Except as provided in subsection (2)(b), the commission shall issue an order within 270 days of receiving a complete application.

(b) The commission may extend the time period in subsection (2)(a) for an additional 90 days if it determines that extraordinary circumstances necessitate the extension.

(3) The application must be reviewed pursuant to the contested case provisions of the Montana Administrative Procedure Act.

(4) The commission order must include the following findings:

(a) the proposed action by the municipal electric utility to initiate the acquisition of electric generation, transmission, or distribution facilities or to expand its jurisdiction will provide customers with safe and reliable service at just and reasonable rates;

(b) the proposed rates of the municipal electric utility will be less than rates of the existing public utility providing service to the municipal electric utility's proposed service jurisdiction;

(c) the proposed action of the municipal electric utility will have no adverse effect on the existing public utility or its customers; and

(d) the proposed action by the municipal electric utility is in the public interest.

(5) If the commission finds that the application of a municipal electric utility to initiate the acquisition of electric generation, transmission, or distribution facilities or to expand its jurisdiction will have adverse effects upon

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the existing public utility or the public utility's customers or that the application or expansion of the municipal electric utility's jurisdiction is not in the public interest, the municipal electric utility may not proceed with acquisition of electric generation, transmission, or distribution facilities or the expansion of its jurisdiction."

"NEW SECTION. Section 5. Public vote. (1) Within 120 days after the commission has issued an order approving the municipal electric utility's application as provided in [section 4], the municipal electric utility shall submit its proposal for the acquisition of electric generation, transmission, or distribution facilities or to expand its jurisdiction for approval by a majority of the voters in all areas where the municipal electric utility serves customers or proposes to serve customers.

(2) If, pursuant to subsection (1), the voters do not approve the municipal electric utility's proposal, the municipal electric utility may not proceed with acquisition of electric generation, transmission, or distribution facilities or the expansion of its jurisdiction."

Insert: "NEW SECTION. Section 6. Commission application review fees -- rulemaking. (1) The commission may engage independent consultants or advisory services to evaluate a municipal electric utility's application. The commission shall charge a fee to the municipal electric utility to pay for the costs of the consultants or advisory services.

(2) The commission may adopt rules to implement the provisions of [sections 1 through 6]."

Insert: "NEW SECTION. Section 7. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 69, chapter 3, and the provisions of Title 69, chapter 3, apply to [sections 1 through 6]."

Insert: "NEW SECTION. Section 8. Effective date. [This act] is effective on passage and approval."

Insert: "NEW SECTION. Section 9. Retroactive applicability. [Section 3(1)] applies retroactively, within the meaning of 1-2-109, to January 1, 2004, for the purposes of calculating the expenditure of public funds for the municipal electric utility's acquisition of electric generation, transmission, or distribution facilities or for the expansion of its jurisdiction."

And, as amended, do pass. Report adopted.

HB 763, do pass. Report adopted.

HJR 40, be adopted. Report adopted.

HUMAN SERVICES (Stoker, Chairman):

2/22/2007

HB 687, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "7"

Insert: "4"

Strike: "SECTION"

Insert: "SECTIONS 33-22-303,"

Following: "33-22-512,"

Insert: "33-30-1014, AND 33-31-301,"

2. Page 1, line 8.

Insert: "Section 1. Section 33-22-303, MCA, is amended to read:

"33-22-303. Coverage for well-child care. (1) Each medical expense policy of disability insurance or certificate issued under the policy that is delivered, issued for delivery, renewed, extended, or modified in this state by a disability insurer and that provides coverage for a family member of the insured or subscriber must provide coverage for well-child care for children from the moment of birth through ~~2~~ 4 years of age. Benefits provided under this coverage are exempt from any deductible provision that may be in force in the policy or certificate issued under the policy.

(2) Coverage for well-child care under subsection (1) must include:

(a) a history, physical examination, developmental assessment, anticipatory guidance, and laboratory tests, according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services

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program provided for in 53-6-101; and

(b) routine immunizations according to the schedule for immunizations recommended by the immunization practices advisory committee of the U.S. department of health and human services.

(3) Minimum benefits may be limited to one visit payable to one provider for all of the services provided at each visit cited in this section.

(4) This section does not apply to disability income, specified disease, accident-only, medicare supplement, or hospital indemnity policies.

(5) For purposes of this section:

(a) "well-child care" means the services described in subsection (2) and delivered by a physician or a health care professional supervised by a physician; and

(b) "developmental assessment" and "anticipatory guidance" mean the services described in the Guidelines for Health Supervision II, published by the American academy of pediatrics.

(6) When a policy of disability insurance or a certificate issued under the policy provides coverage or benefits to a resident of this state, it is considered to be delivered in this state within the meaning of this section, whether the insurer that issued or delivered the policy or certificate is located inside or outside of this state."

Renumber: subsequent section

3. Page 1, line 13.

Strike: "7"

Insert: "4"

4. Page 2, line 4.

Insert: "**Section 3.** Section 33-30-1014, MCA, is amended to read:

"33-30-1014. Coverage for well-child care. (1) Each disability insurance plan or group disability insurance plan that is delivered, issued for delivery, renewed, extended, or modified in this state by a health service corporation and that provides coverage for a family member of the insured or subscriber must provide coverage for well-child care for children from the moment of birth through ≥ 4 years of age. Benefits provided under this coverage are exempt from any deductible provision that may be in force in the plan.

(2) Coverage for well-child care under subsection (1) must include:

(a) a history, physical examination, developmental assessment, anticipatory guidance, and laboratory tests, according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and

(b) routine immunizations according to the schedule for immunizations recommended by the immunization practices advisory committee of the U.S. department of health and human services.

(3) Minimum benefits may be limited to one visit payable to one provider for all of the services provided at each visit cited in this section.

(4) This section does not apply to disability income, specified disease, medicare supplement, or hospital indemnity policies.

(5) For purposes of this section:

(a) "well-child care" means the services described in subsection (2) and delivered at the intervals required in that subsection by a physician or a health care professional supervised by a physician; and

(b) "developmental assessment" and "anticipatory guidance" mean the services described in the Guidelines for Health Supervision II, published by the American academy of pediatrics.

(6) When a disability insurance plan or group disability insurance plan issued by a health service corporation provides coverage or benefits to a resident of this state, it is considered to be delivered in this state within the meaning of this section, whether the health service corporation that issued or delivered the policy or certificate is located inside or outside of this state."

Insert: "**Section 4.** Section 33-31-301, MCA, is amended to read:

"33-31-301. (Temporary) Evidence of coverage -- schedule of charges for health care services. (1) Each enrollee residing in this state is entitled to an evidence of coverage. The health maintenance organization shall issue

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the evidence of coverage, except that if the enrollee obtains coverage through an insurance policy issued by an insurer or a contract issued by a health service corporation, whether by option or otherwise, the insurer or the health service corporation shall issue the evidence of coverage.

(2) A health maintenance organization may not issue or deliver an enrollment form, an evidence of coverage, or an amendment to an approved enrollment form or evidence of coverage to a person in this state before a copy of the enrollment form, the evidence of coverage, or the amendment to the approved enrollment form or evidence of coverage is filed with and approved by the commissioner in accordance with 33-1-501.

(3) An evidence of coverage issued or delivered to a person residing in this state may not contain a provision or statement that is untrue, misleading, or deceptive as defined in 33-31-312(1). The evidence of coverage must contain:

(a) a clear and concise statement, if a contract, or a reasonably complete summary, if a certificate, of:
(i) the health care services and the insurance or other benefits, if any, to which the enrollee is entitled;
(ii) any limitations on the services, kinds of services, or benefits to be provided, including any deductible or copayment feature;

(iii) the location at which and the manner in which information is available as to how services may be obtained;

(iv) the total amount of payment for health care services and the indemnity or service benefits, if any, that the enrollee is obligated to pay with respect to individual contracts; and

(v) a clear and understandable description of the health maintenance organization's method for resolving enrollee complaints;

(b) definitions of geographical service area, emergency care, urgent care, out-of-area services, dependent, and primary provider if these terms or terms of similar meaning are used in the evidence of coverage and have an effect on the benefits covered by the plan. The definition of geographical service area need not be stated in the text of the evidence of coverage if the definition is adequately described in an attachment that is given to each enrollee along with the evidence of coverage.

(c) clear disclosure of each provision that limits benefits or access to service in the exclusions, limitations, and exceptions sections of the evidence of coverage. The exclusions, limitations, and exceptions that must be disclosed include but are not limited to:

- (i) emergency and urgent care;
- (ii) restrictions on the selection of primary or referral providers;
- (iii) restrictions on changing providers during the contract period;
- (iv) out-of-pocket costs, including copayments and deductibles;
- (v) charges for missed appointments or other administrative sanctions;
- (vi) restrictions on access to care if copayments or other charges are not paid; and
- (vii) any restrictions on coverage for dependents who do not reside in the service area.

(d) clear disclosure of any benefits for home health care, skilled nursing care, kidney disease treatment, diabetes, maternity benefits for dependent children, alcoholism and other drug abuse, and nervous and mental disorders;

(e) except as provided in 33-22-262, a provision requiring immediate accident and sickness coverage, from and after the moment of birth, to each newborn infant of an enrollee or the enrollee's dependents;

(f) a provision providing coverage as required in 33-22-133;

(g) except as provided in 33-22-262, a provision requiring medical treatment and referral services to appropriate ancillary services for mental illness and for the abuse of or addiction to alcohol or drugs in accordance with the limits and coverage provided in Title 33, chapter 22, part 7; however:

(i) after the primary care physician refers an enrollee for treatment of and appropriate ancillary services for mental illness, alcoholism, or drug addiction, the health maintenance organization may not limit the enrollee to a health maintenance organization provider for the treatment of and appropriate ancillary services for mental illness, alcoholism, or drug addiction;

(ii) if an enrollee chooses a provider other than the health maintenance organization provider for treatment and referral services, the enrollee's designated provider shall limit treatment and services to the scope of the referral in order to receive payment from the health maintenance organization;

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(iii) the amount paid by the health maintenance organization to the enrollee's designated provider may not exceed the amount paid by the health maintenance organization to one of its providers for equivalent treatment or services;

(iv) the provisions of this subsection (3)(g) do not apply to services for mental illness provided under the Montana medicaid program as established in Title 53, chapter 6;

(h) a provision requiring coverage for well-child care for children from the moment of birth through at least 4 years of age that is exempt from any deductibles and that includes:

(i) a history, a physical examination, developmental assessment and anticipatory guidance, as those terms are defined in 33-22-303, and laboratory tests, according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and

(ii) routine immunizations according to the schedule recommended by the immunization practices advisory committee of the U.S. department of health and human services;

~~(h)~~(i) a provision as follows:

"Conformity With State Statutes: Any provision of this evidence of coverage that on its effective date is in conflict with the statutes of the state in which the insured resides on that date is amended to conform to the minimum requirements of those statutes."

~~(h)~~(j) a provision that the health maintenance organization shall issue, without evidence of insurability, to the enrollee, dependents, or family members continuing coverage on the enrollee, dependents, or family members:

(i) if the evidence of coverage or any portion of it on an enrollee, dependents, or family members covered under the evidence of coverage ceases because of termination of employment or termination of membership in the class or classes eligible for coverage under the policy or because the employer discontinues the business or the coverage;

(ii) if the enrollee had been enrolled in the health maintenance organization for a period of 3 months preceding the termination of group coverage; and

(iii) if the enrollee applied for continuing coverage within 31 days after the termination of group coverage. The conversion contract may not exclude, as a preexisting condition, any condition covered by the group contract from which the enrollee converts.

~~(h)~~(k) a provision that clearly describes the amount of money an enrollee shall pay to the health maintenance organization to be covered for basic health care services.

(4) A health maintenance organization may amend an enrollment form or an evidence of coverage in a separate document if the separate document is filed with and approved by the commissioner in accordance with 33-1-501 and issued to the enrollee.

(5) (a) Except as provided in 33-22-262, a health maintenance organization shall provide the same coverage for newborn infants, required by subsection (3)(e), as it provides for enrollees, except that for newborn infants, there may be no waiting or elimination periods. A health maintenance organization may not assess a deductible or reduce benefits applicable to the coverage for newborn infants unless the deductible or reduction in benefits is consistent with the deductible or reduction in benefits applicable to all covered persons.

(b) Except as provided in 33-22-262, a health maintenance organization may not issue or amend an evidence of coverage in this state if it contains any disclaimer, waiver, or other limitation of coverage relative to the accident and sickness coverage or insurability of newborn infants of an enrollee or dependents from and after the moment of birth.

(c) If a health maintenance organization requires payment of a specific fee to provide coverage of a newborn infant beyond 31 days of the date of birth of the infant, the evidence of coverage may contain a provision that requires notification to the health maintenance organization, within 31 days after the date of birth, of the birth of an infant and payment of the required fee.

(6) The provisions of 33-1-501 govern the filing and approval of health maintenance organization forms.

(7) The commissioner may require a health maintenance organization to submit any relevant information considered necessary in determining whether to approve or disapprove a filing made pursuant to this section. (Terminates June 30, 2009--sec. 14, Ch. 325, L. 2003.)

33-31-301. (Effective July 1, 2009) Evidence of coverage -- schedule of charges for health care services.

(1) Each enrollee residing in this state is entitled to an evidence of coverage. The health maintenance organization shall

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issue the evidence of coverage, except that if the enrollee obtains coverage through an insurance policy issued by an insurer or a contract issued by a health service corporation, whether by option or otherwise, the insurer or the health service corporation shall issue the evidence of coverage.

(2) A health maintenance organization may not issue or deliver an enrollment form, an evidence of coverage, or an amendment to an approved enrollment form or evidence of coverage to a person in this state before a copy of the enrollment form, the evidence of coverage, or the amendment to the approved enrollment form or evidence of coverage is filed with and approved by the commissioner in accordance with 33-1-501.

(3) An evidence of coverage issued or delivered to a person resident in this state may not contain a provision or statement that is untrue, misleading, or deceptive as defined in 33-31-312(1). The evidence of coverage must contain:

(a) a clear and concise statement, if a contract, or a reasonably complete summary, if a certificate, of:
(i) the health care services and the insurance or other benefits, if any, to which the enrollee is entitled;
(ii) any limitations on the services, kinds of services, or benefits to be provided, including any deductible or copayment feature;

(iii) the location at which and the manner in which information is available as to how services may be obtained;

(iv) the total amount of payment for health care services and the indemnity or service benefits, if any, that the enrollee is obligated to pay with respect to individual contracts; and

(v) a clear and understandable description of the health maintenance organization's method for resolving enrollee complaints;

(b) definitions of geographical service area, emergency care, urgent care, out-of-area services, dependent, and primary provider if these terms or terms of similar meaning are used in the evidence of coverage and have an effect on the benefits covered by the plan. The definition of geographical service area need not be stated in the text of the evidence of coverage if the definition is adequately described in an attachment that is given to each enrollee along with the evidence of coverage.

(c) clear disclosure of each provision that limits benefits or access to service in the exclusions, limitations, and exceptions sections of the evidence of coverage. The exclusions, limitations, and exceptions that must be disclosed include but are not limited to:

(i) emergency and urgent care;

(ii) restrictions on the selection of primary or referral providers;

(iii) restrictions on changing providers during the contract period;

(iv) out-of-pocket costs, including copayments and deductibles;

(v) charges for missed appointments or other administrative sanctions;

(vi) restrictions on access to care if copayments or other charges are not paid; and

(vii) any restrictions on coverage for dependents who do not reside in the service area.

(d) clear disclosure of any benefits for home health care, skilled nursing care, kidney disease treatment, diabetes, maternity benefits for dependent children, alcoholism and other drug abuse, and nervous and mental disorders;

(e) a provision requiring immediate accident and sickness coverage, from and after the moment of birth, to each newborn infant of an enrollee or the enrollee's dependents;

(f) a provision providing coverage as required in 33-22-133;

(g) a provision requiring medical treatment and referral services to appropriate ancillary services for mental illness and for the abuse of or addiction to alcohol or drugs in accordance with the limits and coverage provided in Title 33, chapter 22, part 7; however:

(i) after the primary care physician refers an enrollee for treatment of and appropriate ancillary services for mental illness, alcoholism, or drug addiction, the health maintenance organization may not limit the enrollee to a health maintenance organization provider for the treatment of and appropriate ancillary services for mental illness, alcoholism, or drug addiction;

(ii) if an enrollee chooses a provider other than the health maintenance organization provider for treatment and referral services, the enrollee's designated provider shall limit treatment and services to the scope of the referral in order to receive payment from the health maintenance organization;

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(iii) the amount paid by the health maintenance organization to the enrollee's designated provider may not exceed the amount paid by the health maintenance organization to one of its providers for equivalent treatment or services;

(iv) the provisions of this subsection (3)(g) do not apply to services for mental illness provided under the Montana medicaid program as established in Title 53, chapter 6;

(h) a provision requiring coverage for well-child care for children from the moment of birth through at least 4 years of age, including:

(i) a history, a physical examination, developmental assessment and anticipatory guidance, as those terms are defined in 33-22-303, and laboratory tests, according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and

(ii) routine immunizations according to the schedule recommended by the immunization practices advisory committee of the U.S. department of health and human services;

~~(h)~~(i) a provision as follows:

"Conformity With State Statutes: Any provision of this evidence of coverage that on its effective date is in conflict with the statutes of the state in which the insured resides on that date is amended to conform to the minimum requirements of those statutes."

~~(h)~~(j) a provision that the health maintenance organization shall issue, without evidence of insurability, to the enrollee, dependents, or family members continuing coverage on the enrollee, dependents, or family members:

(i) if the evidence of coverage or any portion of it on an enrollee, dependents, or family members covered under the evidence of coverage ceases because of termination of employment or termination of membership in the class or classes eligible for coverage under the policy or because the employer discontinues the business or the coverage;

(ii) if the enrollee had been enrolled in the health maintenance organization for a period of 3 months preceding the termination of group coverage; and

(iii) if the enrollee applied for continuing coverage within 31 days after the termination of group coverage. The conversion contract may not exclude, as a preexisting condition, any condition covered by the group contract from which the enrollee converts.

~~(h)~~(k) a provision that clearly describes the amount of money an enrollee shall pay to the health maintenance organization to be covered for basic health care services.

(4) A health maintenance organization may amend an enrollment form or an evidence of coverage in a separate document if the separate document is filed with and approved by the commissioner in accordance with 33-1-501 and issued to the enrollee.

(5) (a) A health maintenance organization shall provide the same coverage for newborn infants, required by subsection (3)(e), as it provides for enrollees, except that for newborn infants, there may be no waiting or elimination periods. A health maintenance organization may not assess a deductible or reduce benefits applicable to the coverage for newborn infants unless the deductible or reduction in benefits is consistent with the deductible or reduction in benefits applicable to all covered persons.

(b) A health maintenance organization may not issue or amend an evidence of coverage in this state if it contains any disclaimer, waiver, or other limitation of coverage relative to the accident and sickness coverage or insurability of newborn infants of an enrollee or dependents from and after the moment of birth.

(c) If a health maintenance organization requires payment of a specific fee to provide coverage of a newborn infant beyond 31 days of the date of birth of the infant, the evidence of coverage may contain a provision that requires notification to the health maintenance organization, within 31 days after the date of birth, of the birth of an infant and payment of the required fee.

(6) The provisions of 33-1-501 govern the filing and approval of health maintenance organization forms.

(7) The commissioner may require a health maintenance organization to submit any relevant information considered necessary in determining whether to approve or disapprove a filing made pursuant to this section."

And, as amended, do pass. Report adopted.

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MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/21/2007
SB 19, introduced by Shockley
SB 22, introduced by Weinberg
SB 103, introduced by Lind
SB 218, introduced by Lind
SB 254, introduced by Wanzenried
SB 264, introduced by Kaufmann
SB 317, introduced by Lewis
SB 321, introduced by Brueggeman
SB 347, introduced by Shockley
SB 387, introduced by Squires
SB 397, introduced by Gillan
SB 418, introduced by Weinberg
SB 442, introduced by Kaufmann
SB 443, introduced by Squires
SB 453, introduced by Essmann
SJR 19, introduced by Gillan

SB 31, introduced by Esp, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/21/2007

Yeas - 50
Nays - 0

SB 142, introduced by Lind, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted to the House with the following vote:

2/21/2007

Yeas - 50
Nays - 0

FIRST READING AND COMMITMENT OF BILLS

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

HB 799, introduced by K. Peterson, referred to Taxation.
HB 800, introduced by Cohenour, referred to Business and Labor.
HB 801, introduced by MacLaren, referred to Taxation.
HB 802, introduced by Arntzen, referred to Appropriations.
HB 803, introduced by Himmelberger, referred to State Administration.
HB 804, introduced by Taylor, Sinrud, Stapleton, Laible, Barkus, McGee, McGillvray, MacLaren, Barrett, referred to Appropriations.
HB 805, introduced by Ripley, Sinrud, Tash, Barkus, McGee, McGillvray, Barrett, MacLaren, referred to Appropriations.
HB 806, introduced by Beck, Sinrud, McGee, McGillvray, MacLaren, Barkus, Barrett, referred to Appropriations.
HB 807, introduced by Wells, Sinrud, Stapleton, Barkus, McGee, McGillvray, MacLaren, Barrett, referred to Appropriations.
HB 808, introduced by Clark, Sinrud, Barkus, McGillvray, McGee, MacLaren, Barrett, referred to Appropriations.
HB 809, introduced by Glaser, Sinrud, Barkus, McGee, McGillvray, MacLaren, referred to Appropriations.

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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 Augare in the chair.

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

HB 724 - Representative Furey moved **HB 724** 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, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Henry, Hilbert, Himmelberger, 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, Sonju, Stahl, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 87

Noes: Everett, Hawk, Hendrick, Jore, Kasten, Kerns, Koopman, Sinrud, Stoker, Taylor, Wells, Witte, Mr. Speaker.
Total 13

Voted Absentee: Ward, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 664 - Representative Keane moved **HB 664** do pass. Motion carried as follows:

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

Total 100

Noes: None.

Total 0

Voted Absentee: Ward, Aye.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 681 - Representative Driscoll moved **HB 681** 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, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 94

Noes: Boggio, Kasten, Malcolm, Mendenhall, Ripley.

Total 5

Voted Absentee: Ward, Aye.

Excused: None.

Total 0

Absent or not voting: Milburn.

Total 1

HJR 25 - Representative Rice moved **HJR 25** 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, Everett, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noonan, Nooney, O'Hara, 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, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 93

Noes: Erickson, Hands, Musgrove, Taylor, Wilson.

Total 5

Voted Absentee: Ward, Aye.

Excused: None.

Total 0

Absent or not voting: Franklin, Gallik.

Total 2

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HB 525 - Representative Koopman moved **HB 525** do pass.

HB 525 - Representative Keane moved for cloture.

HB 525 - The motion to pass **HB 525 failed** as follows:

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

Total 43

Noes: Arntzen, 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, Ingraham, Jacobson, Jayne, Jopek, Keane, Klock, Kottel, Lake, Malcolm, McAlpin, McChesney, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 57

Voted Absentee: Ward, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 590 - Representative Everett moved **HB 590** do pass.

HB 590 - Representative Keane moved for cloture.

HB 590 - The motion to pass **HB 590** 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, 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 50

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, MacLaren, 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: Ward, Aye.

Excused: None.

Total 0

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Absent or not voting: Gallik.
Total 1

HB 609 - Representative Hamilton moved **HB 609** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, 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, 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, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.
Total 94

Noes: Boggio, Butcher, Kasten, Rice, Sinrud, Mr. Speaker.
Total 6

Voted Absentee: Ward, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 624 - Representative Clark moved **HB 624** do pass. Motion carried as follows:

Ayes: Ankney, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Ebinger, Everett, French, 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, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 51

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

Voted Absentee: Ward, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 641 - Representative Musgrove moved **HB 641** do pass. Motion carried as follows:

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Ayes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Campbell, Driscoll, Dutton, Ebinger, Erickson, Franklin, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Heinert, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, Jopek, Jore, Keane, Kerns, Klock, Koopman, Kottel, Lambert, Lange, Malcolm, McAlpin, McChesney, McNutt, Mendenhall, Morgan, Musgrove, Noonan, Olson, Phillips, Raser, Reinhart, Rice, Ripley, Sands, Sesso, Small-Eastman, Sonju, Stahl, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Windy Boy, Wiseman, Witte.
Total 62

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Callahan, Clark, Cohenour, Cordier, Dickenson, Everett, French, Glaser, Hawk, Hendrick, Hilbert, Himmelberger, Ingraham, W. Jones, Kasten, Lake, MacLaren, McGillvray, Milburn, Nooney, O'Hara, Parker, Peterson, Pomnichowski, Ross, Sinrud, Stoker, Taylor, Ward, Wilson, Mr. Speaker.
Total 38

Voted Absentee: Ward, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 657 - Representative Ebinger moved **HB 657** 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, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, 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, 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 93

Noes: Hendrick, Jore, Koopman, McGillvray, Rice, Ward.
Total 6

Voted Absentee: Ward, No.

Excused: None.
Total 0

Absent or not voting: Ebinger.
Total 1

HB 712 - Representative Jore moved **HB 712** do pass. Motion **failed** 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, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Reinhart, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 50

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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, McNutt, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Ross, 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 713 - Representative Lange moved consideration of **HB 713** be passed for the day. Motion carried.

HB 741 - Representative L. Jones moved **HB 741** do pass.

HB 741 - Representative L. Jones moved **HB 741**, second reading copy, be amended as follows:

1. Page 1, line 25.

Strike: "An insurer shall compensate any health care provider, separate and apart from"

Insert: "Notwithstanding"

2. Page 1, line 26.

Following: "services," on line 26

Insert: "an insurer shall compensate a health care provider"

3. Page 1, line 27.

Strike: "any other"

Insert: "the"

Strike: "listed in subsection (1)"

4. Page 1, line 28.

Strike: "Services are equivalent if the services are described"

Insert: "Rates for services are determined"

Amendment adopted 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, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, 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, Mendenhall, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, 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 91

Noes: Becker, Franklin, Gallik, Hands, Henry, Jopek, Morgan, Pomnichowski, Sands.

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Total 9

Voted Absentee: Ward, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 741 - The motion to pass **HB 741** 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, 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, 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 95

Noes: French, Jore, Koopman, Mendenhall, Milburn.

Total 5

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

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

Total 87

Noes: Gallik, Groesbeck, Hendrick, Jore, Koopman, Rice, Wells, Witte.

Total 8

Excused: Ward.

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Total 1

Absent or not voting: Kasten, Musgrove, Olson, Van Dyk.

Total 4

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 175 passed as follows:

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

Total 86

Noes: Boggio, Butcher, Clark, Everett, Jore, Kasten, Kerns, Koopman, Lange, Mendenhall, Peterson, Ripley, Witte.

Total 13

Excused: Ward.

Total 1

Absent or not voting: None.

Total 0

HB 176 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, Taylor, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 98

Noes: Stoker.

Total 1

Excused: Ward.

Total 1

Absent or not voting: None.

Total 0

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HB 332 passed 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, Himmelberger, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kerns, Klock, Kottel, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Van Dyk, Villa, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 82

Noes: Barrett, Boggio, Everett, Hendrick, Hilbert, Ingraham, Jore, Kasten, Koopman, Lake, Lange, Mendenhall, Rice, Stahl, Vincent, Witte.

Total 16

Excused: Ward.

Total 1

Absent or not voting: Thomas.

Total 1

HB 491 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, L. Jones, W. Jones, Jopek, 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: Jayne, Jore.

Total 2

Excused: Ward.

Total 1

Absent or not voting: None.

Total 0

HB 514 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Driscoll, Dutton, 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, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa,

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Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 96

Noes: None.
Total 0

Excused: Ward.
Total 1

Absent or not voting: Dickenson, Ebinger, Sonju.
Total 3

HB 597 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Clark, Cordier, Dutton, Ebinger, Everett, Franklin, Furey, Glaser, Grinde, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Parker, Peterson, Ripley, Ross, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Vincent, Wells, Wilson, Windy Boy, Witte, Mr. Speaker.
Total 68

Noes: Bixby, Campbell, Cohenour, Dickenson, Driscoll, Erickson, French, Gallik, Groesbeck, Hamilton, Hands, Henry, Jacobson, Jayne, Jopek, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Phillips, Pomnichowski, Raser, Reinhart, Rice, Sands, Sesso, Villa, Wilmer, Wiseman.
Total 31

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HB 619 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

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Absent or not voting: None.
Total 0

HB 636 passed as follows:

Ayes: Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, Jopek, Jore, Keane, Klock, Kottel, Lambert, Lange, MacLaren, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 80

Noes: Ankney, Boggio, Butcher, Dutton, Hawk, Hilbert, Himmelberger, W. Jones, Kasten, Kerns, Koopman, Lake, Malcolm, McGillvray, O'Hara, Ripley, Ross, Stoker, Taylor.
Total 19

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HB 689 passed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Bergren, Blasdel, Boggio, Butcher, Campbell, Clark, Dutton, Everett, Franklin, 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, Noonan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Vincent, Wells, Windy Boy, Witte, Mr. Speaker.
Total 59

Noes: Augare, Becker, Bixby, Branae, Caferro, Callahan, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Kottel, McAlpin, Musgrove, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Thomas, Van Dyk, Wilmer, Wilson, Wiseman.
Total 40

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HJR 26 adopted as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, W. Jones, Jopek, Keane, Klock, Kottel, Lake, Lambert, MacLaren, McAlpin, McChesney, McNutt, Morgan, Musgrove, Noonan,

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Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman.
Total 70

Noes: Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Everett, Glaser, Heinert, Hilbert, L. Jones, Jore, Kasten, Kerns, Koopman, Lange, Malcolm, McGillvray, Mendenhall, Milburn, Peterson, Rice, Ripley, Sinrud, Sonju, Taylor, Wells, Witte, Mr. Speaker.
Total 29

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HJR 36 adopted 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, 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, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 94

Noes: Hawk, Mendenhall, Sonju, Taylor, Witte.
Total 5

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sinrud, Chairman): 2/22/2007

HB 116, introduced bill, be amended as follows:

1. Page 3.
Following: line 18
Insert: "(ii) 1.97% to the natural resources projects state special revenue account established in [section 28];"
Renumber: subsequent subsections
2. Page 3, line 19.
Strike: "2.95% "
Insert: "1.96% "
3. Page 3, line 21.
Strike: "2.95% "

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Insert: "1.96% "

4. Page 3.

Following: line 25

Insert: "(i) 2.43% to the natural resources projects state special revenue account established in [section 28];"

ReNUMBER: subsequent subsections

5. Page 3, line 26.

Strike: "4.18% "

Insert: "2.30% "

6. Page 3, line 28.

Strike: "2.95% "

Insert: "2.40% "

7. Page 8, line 4.

Following: "grants;"

Insert: "and"

8. Page 8, line 8.

Strike: "\$300,000"

Insert: "\$440,000"

9. Page 8, line 9.

Following: "85-2-905"

Strike: "; and"

Insert: "."

10. Page 8, line 10 through line 13.

Strike: subsection (iii) in its entirety

11. Page 10, line 4.

Strike: "\$300,000"

Insert: "\$440,000"

12. Page 36, line 8.

Following: "15-38-106;"

Strike: "and"

13. Page 36.

Following: line 8

Insert: "(c) the oil and natural gas production tax as provided in 15-36-331; and"

ReNUMBER: subsequent subsection

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

2/22/2007

HB 442, introduced bill, be amended as follows:

1. Page 1, line 15.

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Following: "(a)"

Insert: "subject to subsection (3),"

2. Page 1.

Following: line 22

Insert: "(3) (a) Of the total number of bills to be selected for review under subsection (2)(a), five bills must be selected from each of the following ranges of potential fiscal impact:

(i) \$0 to \$249,999;

(ii) \$250,000 to \$499,999;

(iii) \$500,000 to \$999,999;

(iv) \$1,000,000 to \$4,999,999; and

(v) \$5,000,000 and greater.

(b) The fiscal notes for the bills included in the review may involve either expenditures or revenue, or both.

(c) Fiscal notes included in the study must be fiscal notes that predict expenditures or revenue as a result of the bill being passed and approved. A fiscal note on a bill that provides for an appropriation, statutory appropriation, or transfer may not be included in the study.

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 620, do pass. Report adopted.

HB 667, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "GRANTS;"

Insert: "PROVIDING AN APPROPRIATION;"

2. Title, page 1, line 9.

Strike: "22-3-1003"

Insert: "22-3-107"

3. Page 1, line 22.

Strike: "the principal of"

4. Page 1, line 25.

Following: "(5)"

Insert: "(a)"

Strike: "The Montana heritage preservation and development commission"

Insert: "The board of trustees of the Montana historical society"

5. Page 1.

Following: line 28

Insert: "(b) Up to 10% of the funds provided for in subsection (4) may be spent by the board of trustees of the Montana historical society to administer this section."

6. Page 1, line 29.

Following: "(5)"

Insert: "(a)"

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7. Page 1, line 30.

Following: "be"

Insert: "at least"

8. Page 2, line 2 through page 4, line 16.

Strike: section 3 in its entirety

Insert: "**Section 3.** Section 22-3-107, MCA, is amended to read:

"22-3-107. Authority of board. The powers and duties of the trustees are as follows:

- (1) to elect annually from among their number a president, a vice president, and a secretary;
- (2) to adopt bylaws for their own government and to make rules, not inconsistent with law, for the proper administration of the society in the interests of preserving the rich heritage of this state and its people;
- (3) to appoint a director, fix the director's salary, and prescribe the director's duties and responsibilities;
- (4) to create classes of memberships in the society as they consider desirable, to determine the qualifications for any class of membership, and to set the fees to be paid for memberships;
- (5) to sell or exchange publications and other museum or art objects and use the money arising from sales for the operation of the society and for the acquisition of historical materials and objects of art;
- (6) to sell or exchange surplus or duplicate books, surplus museum or art objects, or artifacts not pertinent to the region encompassed by the Montana historical society mission and to use the money arising from the sales exclusively for acquisitions of library, art, and museum artifacts;
- (7) to see that the collections and properties of the society are maintained in good order and repair;
- (8) to report to the governor and, as provided in 5-11-210, the legislature biennially. The report must include a statement of all important transactions and acquisitions, with suggestions and recommendations for the better realization of the purposes of the society and the improvement of its collections and services.
- (9) to accept, receive, and administer in the name of the society any gifts, donations, properties, securities, bequests, and legacies that may be made to the society. Money received by donation, gift, bequest, or legacy, unless otherwise provided by the donor, must be deposited in the state treasury and used for the general operation of the society.
- (10) to collect, assemble, preserve, and display, when appropriate, all obtainable books, pamphlets, maps, charts, manuscripts, journals, diaries, papers, business records, paintings, drawings, engravings, photographs, statuary, models, relics, and all other materials illustrative of the history of Montana in particular and generally of the Pacific Northwest, Northern Rocky Mountain, and Northern Great Plains regions and of the United States of America when pertinent;
- (11) to procure from pioneers, early settlers, and others narratives of the events relative to the early settlement of Montana, the Indian occupancy, Indian and other wars, overland travel and immigration to the territories of the west, and all other related documents of Montana's history, development, and society;
- (12) to gather contemporary information, specimens, and all other materials that exhibit faithfully the distinctive historical and contemporary characteristics of the area, with particular attention to Indian, military, and pioneer artifacts and implements;
- (13) to collect and preserve such natural history objects as fossils, plants, minerals, and animals;
- (14) to collect and preserve books, maps, manuscripts, and other materials as will tend to facilitate historical, scientific, and antiquarian research;
- (15) to promote the study of Montana history by lectures and publications;
- (16) to publish a roadside history of Montana, with maps, photographs, and text that will enable tourists, citizens, and students to understand the history of the countryside seen from the state's main roads;
- (17) to generally foster and encourage the fine arts and cultural activities in Montana;
- (18) to receive for and on behalf of the state, by donation or otherwise, art objects of any kind and description and to exhibit and circulate the objects in Montana and elsewhere;
- (19) to administer the provisions of [section 2] relating to the Lewis and Clark heritage tourism trust fund;
- ~~(19)~~(20) to microfilm papers or documents in danger of disappearance or injury; and
- ~~(20)~~(21) to coordinate the administration of the historic records network established in 22-3-211."

Insert: "NEW SECTION. Section 4. Appropriation. There is appropriated \$2 million from the Lewis and Clark

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heritage tourism trust fund established in [section 2] to the board of trustees of the Montana historical society."

Renumber: subsequent sections

9. Page 4, line 19.

Strike: "part 10" in two places

Insert: "part 1" in two places

And, as amended, do pass. Report adopted.

HB 692, introduced bill, be amended as follows:

1. Page 1, line 22.

Strike: "draft"

Insert: "for drafting agency"

Strike: " "

2. Page 1, line 23.

Following: "senate"

Strike: " "

And, as amended, do pass. Report adopted.

HB 703, do pass. Report adopted.

HB 706, do pass. Report adopted.

HB 785, do pass. Report adopted.

HJR 42, be adopted. Report adopted.

HB 294, introduced bill, be amended as follows:

1. Title, line 6.

Following: "CRITERIA "

Insert: "PROVIDING AN APPROPRIATION;"

2. Page 1, line 15.

Following: line 14

Insert: "(1) "Board" means the board of veterans' affairs created in 2-15-1205."

Renumber: subsequent subsections

3. Page 1, line 17.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

4. Page 1, line 23.

Following: "(6)"

Insert: "(a)"

5. Page 1, lines 24 and 25.

Following: "forces" on line 24

Strike: "in Iraq or Afghanistan or overseas in a related theater of conflict"

Following: "who" on line 24

Strike: "is not"

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Insert: "was"

Following: "for" on line 24

Strike: remainder of line 24 through "redeployment" on line 25

Insert: "special pay for imminent danger"

Following: "redeployment." on line 25

Insert: "The term includes an individual who is a member of the ready reserve."

6. Page 1, line 26.

Following: line 25

Insert: "(b) The term does not include an individual who is still on active status in the reserve component of the armed forces."

7. Page 1, line 27.

Strike: "department"

Insert: "board"

8. Page 1, line 28 through page 2, line 5.

Following: "implement" on page 1, line 28

Strike: remainder of line 28 through "years" on page 2, line 5

Insert: "[sections 1 through 4]"

9. Page 2, lines 6 through 28.

Strike: subsections (2) through (6) in their entirety

Insert: "(2) A veteran who is eligible under [section 4] may apply to the board for a soldier appreciation scholarship at the end of a semester of school at a community college, a tribal college, or a unit of the Montana university system.

(3) Subject to available funding, if the veteran meets the eligibility requirements in [section 4], the board shall pay to the veteran a scholarship amount that is equal to the tuition and fees paid by the veteran for the previous semester. Scholarships must be awarded, as funding allows, in the order in which applications are received."

Renumber: subsequent subsection

10. Page 2, line 29.

Strike: "department"

Insert: "board"

11. Page 3, line 4.

Strike: "agency"

12. Page 3, line 7.

Following: "veteran"

Insert: ":

(a) shall present proof of having been"

13. Page 3, line 8.

Strike: ":"

Insert: "during the semester preceding the veteran's application;"

14. Page 3, line 9.

Strike: "(a)"

Insert: "(b)"

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Renumber: subsequent subsection

15. Page 3, lines 11 through 17.

Strike: subsections (2) and (3) in their entirety

Renumber: subsequent subsection

16. Page 3, line 19.

Following: line 18

Insert: "(a) has already received a scholarship for 60 semester credits;"

Renumber: subsequent subsections

17. Page 3, line 24.

Insert: "NEW SECTION. Section 5. Appropriation. There is appropriated from the state general fund to the board of veterans' affairs \$940,333 for the biennium ending June 30, 2009, for the purposes of [sections 1 through 4]."

Renumber: subsequent sections

18. Page 3, line 26.

Strike: "Title 20, chapter 26," in both places

Insert: "Title 10, chapter 2," in both places

And, as amended, do pass. Report adopted.

HB 686, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Following: "THAT" on line 5

Strike: remainder of line 5 through "OFFICIALS" on line 6

Insert: "THE GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, ATTORNEY GENERAL, SUPERINTENDENT OF PUBLIC INSTRUCTION, AUDITOR, MEMBERS OF THE LEGISLATURE, PUBLIC SERVICE COMMISSIONERS, SUPREME COURT JUSTICES, AND DISTRICT COURT JUDGES"

2. Page 1, line 12.

Following: "elections."

Insert: "(1)"

Strike: "In"

Insert: "Except as provided in subsection (2), in"

3. Page 1, line 13.

Strike: "majority"

Insert: "largest number"

4. Page 1, line 14.

Following: line 13

Insert: "(2) In elections for governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, auditor, member of the legislature, public service commissioner, supreme court justice, and district court judge, the person receiving the majority of votes shall be declared elected."

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5. Page 1, line 21.
Following: "elected"
Insert: "state"

6. Page 1, line 22.
Following: "elected"
Insert: "state"

And, as amended, do pass. Report adopted.

TAXATION (Lake, Chairman):

2/22/2007

HB 545, introduced bill, be amended as follows:

1. Title, line 7.
Strike: the second "AUDIT" through "AND"

2. Title, line 8.
Strike: "4"
Insert: "3"

3. Title, line 9.
Following: "DATE"
Insert: ", "
Strike: "AND"

4. Title, line 10.
Following: "DATE"
Insert: ", AND TERMINATION DATES"

5. Page 1, line 16.
Following: "conducted on"
Insert: "permanent"
Following: "buildings"
Insert: "of at least 5,000 square feet"

6. Page 1, line 18.
Strike: "(a)"
Strike: "20% "
Insert: "5% "

7. Page 1, line 21 through line 27.
Strike: subsection (b) in its entirety

8. Page 1, line 28 through line 29.
Strike: "except" on line 28 through "(2)(b)" on line 29

9. Page 2, line 5.
Following: "[section 1]"
Insert: ", as that section read on December 31, 2008"

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10. Page 2, line 6.

Strike: "20% "

Insert: "5% "

11. Page 2, line 9.

Strike: "4"

Insert: "3"

12. Page 2, line 10.

Strike: "20% "

Insert: "5% "

13. Page 2, line 13.

Strike: "(2)(a)"

Insert: "(2)"

Following: "]"

Insert: ", as that section read on December 31, 2008"

14. Page 2, line 22.

Following: "15-32-109,"

Insert: "["

15. Page 2, line 23.

Following: "1."

Insert: "]"

16. Page 3.

Following: line 3

Insert: "NEW SECTION. Section 7. Termination. (1) [Section 1] and the bracketed language in [section 3] terminate December 31, 2008.

(2) [Sections 2 and 3] terminate December 31, 2012."

And, as amended, do pass. Report adopted.

HB 637, do pass. Report adopted.

HB 678, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Following: "SCHOOLS" on line 5

Strike: remainder of line 5 through "LEVY" on line 6

2. Title, line 12.

Strike: "20-9-360,"

3. Page 1, line 21 through line 22.

Following: "(b)" on line 21

Strike: "(i) Subject to subsection (1)(b)(ii), the "

Insert: "The"

Following: "credit" on line 21

Insert: "for a taxpayer's residential property"

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Following: "by" on line 21
Strike: remainder of line 21 through "0.038 and" on line 22
Strike: "that" on line 22
Insert: "the"
Following: "amount"
Insert: "determined under subsection (1)(c)"

4. Page 1, line 23.
Strike: "(\$400-(taxable value x 0.038))"

5. Page 1, line 24 through line 26.
Strike: subsection (1)(b)(ii) in its entirety

6. Page 1, line 28.
Strike: "(1)(b)(ii)"
Insert: "(1)(b)"

7. Page 25, line 7 through line 12.
Strike: section 12 in its entirety
Renumber: subsequent sections

8. Page 31, line 12.
Strike: "[Sections 1 and 12 and this section]"
Insert: "[Section 1 and this section]"

9. Page 31, lines 18 and 19.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

10. Page 31, line 20.
Strike: "11 and 13 through"

And, as amended, do pass. Report adopted.

HB 701, do pass. Report adopted.
HB 719, introduced bill, be amended as follows:

1. Page 1, line 10.
Strike: "(a)"

2. Page 1, line 14 through line 16.
Strike: subsection (b) in its entirety

And, as amended, do pass. Report adopted.

MOTIONS

HB 289 - Representative Augare moved **HB 289** be taken from the Committee on Taxation, be printed and placed on second reading. Motion requiring a three-fifths vote, **failed** as follows:

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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, Wells, Witte, Mr. Speaker.

Total 50

Excused: Ward.

Total 1

Absent or not voting: None.

Total 0

HB 74 - Representative Campbell moved **HB 74** be taken from the Committee on Taxation, be printed 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, 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, Wells, Witte, Mr. Speaker.

Total 50

Excused: Ward.

Total 1

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 12:30 p.m., Friday, February 23, 2007. Motion carried. House adjourned at 3:45 p.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House