

**HOUSE JOURNAL
60TH LEGISLATURE
FORTY-FIRST LEGISLATIVE DAY**

Helena, Montana
February 23, 2007

House Chambers
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Jore. 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 555, HB 620, HB 637, HB 701, HB 703, HB 706, HB 717, HB 763, HB 785, HB 345, HB 531, HB 723, HB 440, HB 770, HJR 35.**
Correctly engrossed: **HB 116, HB 294, HB 383, HB 442, HB 460, HB 545, HB 611, HB 667, HB 678, HB 686, HB 687, HB 692, HB 715, HB 719, HB 739, HB 741, HJR 24, HJR 31, HB 695, HB 742, HB 284, HB 412, HB 629, HB 729, HB 748, HB 766, HB 466, HB 608, HB 791.**

TAXATION (Lake, Chairman): 2/21/2007
HB 748, introduced bill, be amended as follows:

1. Page 2, line 7 through line 11.
Strike: subsection (3) in its entirety

And, as amended, do pass. Report adopted.

HB 166, introduced bill, be amended as follows: 2/23/2007

1. Title, line 7.
Strike: ", BIOLUBRICANTS,"
Strike: "CO-PRODUCTS"
Insert: "BIOLUBRICANT"

2. Page 1, line 18.
Strike: "purchased"
Insert: "that is used"

3. Page 1, line 19 through line 20.
Strike: "biolubricants" on line 19 through "biolubricants" on line 20
Insert: "or biolubricant"

4. Page 2, line 21.
Strike: "operations"
Insert: "production of biodiesel or biolubricant for a period of 12 continuous months"

5. Page 2.
Following: line 30
Insert: "(9) For the purposes of this section, "biolubricant" means a commercial or industrial product, other than food or feed, that is composed in whole or in substantial part of biological products, renewable domestic agricultural materials, including plant, animal, or marine materials, or forestry materials and that is used in

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place of a petroleum-based lubricant."

6. Page 3, line 3.

Following: "Biodiesel"

Insert: "or biolubricant"

7. Page 3, line 5.

Following: "constructing"

Strike: "and"

Insert: "or"

Following: "facility"

Insert: ", or both,"

8. Page 3, line 6.

Following: "biodiesel"

Insert: "or biolubricant"

9. Page 3, line 10.

Following: "biodiesel"

Insert: "or biolubricant"

10. Page 3, line 11.

Following: "biodiesel"

Insert: "or biolubricant"

11. Page 3, line 22.

Following: "biodiesel"

Insert: "or biolubricant"

12. Page 3, line 27.

Following: "biodiesel"

Insert: "or biolubricant"

13. Page 4, line 5.

Following: "biodiesel"

Insert: "or biolubricant"

14. Page 4, line 6.

Strike: "operations"

Insert: "production of biodiesel or biolubricant for a period of 12 continuous months"

15. Page 4, line 13.

Following: "biodiesel"

Insert: "or biolubricant"

16. Page 4, line 16.

Following: "section,"

Insert: "the following definitions apply:

(a)"

Strike: ""biodiesel""

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Insert: ""Biodiesel""

17. Page 4.

Following: line 16

Insert: "(b) "Biolubricant" has the meaning provided in 15-32-701(9)."

18. Page 5, line 11.

Strike: "ingredients"

Following: "~~diesel~~"

Insert: "feedstocks"

19. Page 5, line 29.

Strike: "operations"

Insert: "blending of biodiesel with petroleum diesel for sale for a period of 12 continuous months"

And, as amended, do pass. Report adopted.

HB 216, introduced bill, be amended as follows:

1. Title, line 5.

Following: "EXPENDITURES;"

Insert: "CLARIFYING THAT CERTAIN ALTERNATIVE ENERGY SYSTEMS MUST MEET CERTAIN SAFETY AND RELIABILITY REQUIREMENTS TO QUALIFY FOR THE CREDIT;"

2. Page 1, line 13.

Following: "(1)"

Insert: "(a)"

Strike: "A"

Insert: "Subject to subsection (1)(b), a"

3. Page 1.

Following: line 17

Insert: "(b) If the taxpayer's energy system is a net metering system, the system must comply with the provisions of 69-8-604 to qualify for the credit under subsection (1)(a) of this section."

And, as amended, do pass. Report adopted.

HB 236, introduced bill, be amended as follows:

1. Title, line 7 through line 8.

Strike: "PROVIDING" on line 7 through "ADJUSTMENTS;" on line 8

2. Page 4, line 14 through line 18.

Strike: subsection (7) in its entirety

And, as amended, do pass. Report adopted.

HB 644, introduced bill, be amended as follows:

1. Page 1, line 16.

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Following: "~~1970~~,"

Insert: "ending before January 1, 2007,"

2. Page 1, line 18.

Strike: "five"

Following: "taxable"

Insert: "seven"

3. Page 2, line 14.

Following: "for"

Insert: "its"

And, as amended, do pass. Report adopted.

HB 778, introduced bill, be amended as follows:

1. Page 4, line 15.

Following: "(8)" on line 15

Strike: remainder of line 15 in its entirety

2. Page 4, line 16.

Following: line 15

Insert: "Any"

Following: "interest"

Insert: "in production"

3. Page 4, line 21.

Strike: "2006"

Insert: "1995"

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Mendenhall, Chairman):

2/22/2007

HB 412, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "DISTRIBUTIONS TO"

Insert: "TRANSACTIONS WITH"

Following: "MEMBERS"

Strike: "WHO ARE PUBLIC BENEFIT CORPORATIONS"

Insert: ", DIRECTORS, OR OFFICERS"

2. Title, line 6.

Following: "PURPOSES"

Insert: "UPON CERTAIN CONDITIONS"

Strike: "35-2-1402,"

Insert: "35-2-1401,"

3. Page 1, line 10 through line 18.

Strike: section 1 in its entirety

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Insert: "Section 1. Section 35-2-1401, MCA, is amended to read:

"35-2-1401. Prohibited distributions -- permitted transactions. (1) Except as authorized by 35-2-1402, a corporation may not make any distributions.

(2) A public benefit corporation may, subject to the requirements of Title 15, chapter 31, and this chapter, as applicable:

(a) pay reasonable compensation or reimburse reasonable expenses to members, directors, or officers for services rendered; and

(b) confer benefits upon or make contributions to members in conformity with its charitable purposes if after the transaction is completed:

(i) the corporation would be able to pay its debts as they become due in the usual course of its activities; and

(ii) the corporation's total assets would at least equal the sum of its total liabilities."

And, as amended, do pass. Report adopted.

HB 766, introduced bill, be amended as follows:

1. Page 1, line 23.

Strike: "1"

Insert: "2"

2. Page 1, line 24.

Strike: "1"

Insert: "2"

And, as amended, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Milburn, Chairman):

2/22/2007

HB 284, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "DIRECTING"

Insert: "AUTHORIZING"

2. Title, line 5 through line 6.

Strike: "BY" on line 5 through "PARKS" on line 6

3. Title, line 6.

Following: "DEPARTMENT"

Insert: "OF FISH, WILDLIFE, AND PARKS"

4. Title, line 8.

Following: "PARK AND"

Insert: "RENOVATION AND USE OF"

Following: "THE"

Strike: "RENOVATED"

Following: "BUILDING;"

Strike: "PROVIDING AN APPROPRIATION;"

5. Page 1, line 14.

Following: "(1)"

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Insert: "(a)"

Following: "parks"

Strike: "shall"

Insert: "may enter into a 10-year agreement with the Little Shell Chippewa tribe that would authorize the tribe to"

6. Page 1, line 15.

Following: "park"

Insert: "and use the building for offices, interpretive areas, and related cultural and recreational activities.

(b) If the provisions of the agreement have been adhered to during the first 10-year period, the department and the tribe may renew the agreement for a longer term or agree to transfer the building and acreage to the tribe.

(c) The agreement must provide that written approval by the department is required for major improvements costing more than \$5,000 and for architectural plans proposed by the tribe for the building and site. The department may not unreasonably withhold approval for the tribe's proposals.

(d) The agreement must contain a provision that the site remain open to the public for general recreation and related activities during the term of the agreement.

(e) The agreement must contain a provision that gambling, casinos, or similar gaming enterprises are prohibited in the building or on the site.

(f) An appropriate default provision must be included in the agreement."

7. Page 1, line 17.

Following: "granted."

Insert: "All renovation of and upgrades to the building must comply with current and applicable building codes, permitting, requirements of the federal Americans With Disabilities Act of 1990, and other requirements related to a public building."

8. Page 1, line 18.

Following: "The"

Strike: "department may enter an"

Following: "tribe"

Insert: "may include a provision"

9. Page 1, line 22 through line 24.

Strike: section 2 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 440, do pass. Report adopted.

HB 770, do pass. Report adopted.

HJR 35, be adopted. Report adopted.

HB 759, introduced bill, be amended as follows:

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1. Page 1, line 20.

Strike: "11"

Insert: "seven"

2. Page 1, line 21.

Strike: "eight"

Insert: "four"

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And, as amended, do pass. Report adopted.

JUDICIARY (Rice, Chairman):

2/22/2007

HB 629, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "recommend"

Insert: "suggest, and the parties to request by motion,"

2. Page 1.

Following: line 14

Insert: "NEW SECTION. Section 1. Definitions. As used in [sections 1 through 7], the following definitions apply:

(1) "Mediation" has the meaning provided in 26-1-813(1).

(2) "Party" means any one of the following, and "parties" means all of the following:

(a) the defendant;

(b) a victim of the crime; or

(c) the county attorney or other prosecuting attorney."

Renumber: subsequent sections

3. Page 1, line 17.

Following: "suggestion"

Insert: ", or upon motion of a party, "

Following: "of"

Insert: "all"

4. Page 1, lines 17 and 18.

Strike: "or upon motion of both parties,"

5. Page 2, line 5.

Strike: line 5

6. Page 3.

Following: line 4

Insert: "(3) After a successful mediation, the results of the mediation and any agreement reached by the parties to the mediation are subject to the approval of the court."

7. Page 3, line 22.

Strike: "the second "prosecution"

Insert: "public defender"

8. Page 3, line 25.

Strike: "6"

Insert: "7"

9. Page 3, line 26.

Strike: "6"

Insert: "7"

And, as amended, do pass. Report adopted.

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HB 695, introduced bill, be amended as follows:

1. Page 2, line 5.
Strike: "or disabled"
2. Page 2, line 6.
Strike: "or disabled"
3. Page 2, line 7.
Strike: "or disabled"

And, as amended, do pass. Report adopted.

HB 723, do pass. Report adopted.

HB 742, introduced bill, be amended as follows:

1. Page 3, line 17.
Strike: "and"
2. Page 3, line 18.
Following: ";"
Insert: "and"
(vi) whether the statement is testimonial or nontestimonial in character; and"
3. Page 3, lines 19 through 22.
Strike: subsection (d) in its entirety
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Arntzen, Chairman):

2/23/2007

HB 729, introduced bill, be amended as follows:

1. Page 1, line 16.
Strike: "and"
2. Page 1, line 18.
Strike: "."
Insert: ";"
3. Page 1.
Following: line 18
Insert: "(d) has between September 1 and December 31 of each year published a sworn United States postal service periodicals-class statement of ownership and circulation or a statement of ownership and circulation verified by a recognized, independent circulation auditing agency covering a period of at least 1 year ending no earlier than June 30 preceding the publication deadline; and
(e) has submitted to the county clerk and recorder, subsequent to filing the sworn statement required under subsection (1)(d), a filing containing the newspaper's name, address of its known office of issue, and telephone number and a statement that it has complied with the requirements of this section. The clerk and recorder shall make the list of newspapers that have filed available for public inspection."

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And, as amended, do pass. Report adopted.

APPROPRIATIONS (Sinrud, Chairman):

2/23/2007

HB 345, do pass. Report adopted.

HB 466, introduced bill, be amended as follows:

1. Page 2, line 3 through line 5.

Strike: "A" on line 3 through "45-2-302(3)(b)(ii)" on line 5

Insert: "A passenger in a vehicle described in subsection (1)(a) who knowingly or purposely fails to make a timely report as provided in 45-2-302(3)(b)(ii) is accountable for the conduct of the operator of the motor vehicle, as provided in 45-2-302(2)"

2. Page 2, line 17 through line 19.

Strike: "A" on line 17 through "45-2-302(3)(b)(ii)" on line 19

Insert: "A passenger in a vehicle described in subsection (1)(a) who knowingly or purposely fails to make a timely report as provided in 45-2-302(3)(b)(ii) is accountable for the conduct of the operator of the motor vehicle, as provided in 45-2-302(2)"

And, as amended, do pass. Report adopted.

HB 531, do pass. Report adopted.

HB 608, introduced bill, be amended as follows:

1. Page 2, line 6.

Strike: "\$1 million"

Insert: "\$500,000"

And, as amended, do pass. Report adopted.

HB 791, introduced bill, be amended as follows:

1. Title, line 9.

Following: "TRANSFERS"

Insert: "AND THE SPENDING FROM CERTAIN APPROPRIATIONS"

2. Title, line 10.

Following: "APPROPRIATIONS"

Insert: "AND THE SPENDING OF CERTAIN APPROPRIATIONS"

3. Page 1, line 21.

Following: "appropriations"

Insert: "and the spending associated with certain one-time-only state general fund appropriations exceeding \$1 million"

4. Page 1, line 24.

Following: "2009,"

Insert: "before considering the impacts of Senate Bill No. 137"

5. Page 1, line 25.

Following: "million"

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Strike: "or when"

Insert: ", if supplemental appropriations, including appropriations for wildfire costs, are anticipated to exceed \$75 million, if revenue decreases by 20% or more, or if"

6. Page 2, line 2.

Following: "appropriations"

Insert: "and the spending associated with certain one-time-only general fund appropriations"

7. Page 2, line 4.

Following: "appropriations"

Insert: "and the spending associated with certain one-time-only general fund appropriations"

Following: "impact of"

Strike: "transfer"

8. Page 2, line 5.

Following: "Transfer"

Insert: "and certain appropriation spending"

9. Page 2, line 11.

Following: "transfer"

Insert: "and spending"

10. Page 2, line 12.

Following: "transfers"

Insert: "and spending from certain appropriations"

11. Page 2, line 14.

Following: "governor"

Strike: remainder of line 14

Insert: "shall give priority to the following transfers and spending from certain appropriations as follows:"

12. Page 2, line 20.

Following: "transfers"

Insert: "and the spending from certain appropriations"

13. Page 2, line 25.

Following: "5"

Strike: "and"

Insert: ", "

14. Page 2, line 26.

Following: "14"

Strike: ". "

Insert: ", House Bill No. 93, House Bill No. 130, House Bill No. 296, House Bill No. 473, and House Bill No. 539. The spending associated with certain one-time-only state general fund appropriations exceeding \$1 million referred to in this section are those contained in [LC 2197], [LC 2198], [LC 2237], [LC 2238], [LC 2239], and [LC 2241]. "

And, as amended, do pass. Report adopted.

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STATE ADMINISTRATION (Himmelberger, Chairman):
HB 679, introduced bill, be amended as follows:

2/21/2007

1. Page 6, line 4.

Following: "employee"

Insert: ", except an employee of the university system"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/22/2007

SB 55, introduced by Ryan

SB 63, introduced by Cobb

SB 68, introduced by Wanzenried

SB 79, introduced by Laible

SB 112, introduced by Lewis

SB 114, introduced by Larson

SB 127, introduced by Wanzenried

SB 155, introduced by Williams

SB 243, introduced by Balyeat

SB 246, introduced by Gallus

FIRST READING AND COMMITMENT OF BILLS

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

HB 810, introduced by Wells, referred to Appropriations.

HB 811, introduced by Wells, referred to Appropriations.

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 590 passed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Bixby, 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, Noonan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Wells, Witte, Mr. Speaker.

Total 52

Noes: Augare, Becker, Bergren, 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, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 47

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Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HB 609 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, Jore, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 94

Noes: Boggio, Kasten, Koopman, Peterson, Rice.
Total 5

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HB 624, requiring a two-thirds vote of each House, **failed** as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Cordier, Dutton, Ebinger, Everett, French, Glaser, Grinde, 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 54

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Erickson, Franklin, Furey, Gallik, 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 45

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HB 641 passed as follows:

Ayes: Ankney, Augare, Becker, Bergren, Bixby, Branae, Caferro, Campbell, Clark, Driscoll, Ebinger, Erickson,

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Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, 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, Ross, Sands, Sesso, Small-Eastman, Stahl, Van Dyk, Villa, Vincent, Wells, Wilmer, Windy Boy, Wiseman, Witte.

Total 64

Noes: Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Callahan, Cohenour, Cordier, Dickenson, Dutton, Everett, French, Hawk, Hilbert, Himmelberger, Ingraham, W. Jones, Kasten, Lake, MacLaren, McGillvray, Milburn, Nooney, O'Hara, Parker, Peterson, Pomnichowski, Sinrud, Sonju, Stoker, Taylor, Thomas, Wilson, Mr. Speaker.

Total 35

Excused: Ward.

Total 1

Absent or not voting: None.

Total 0

HB 657 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, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 96

Noes: Jore, Koopman, McGillvray.

Total 3

Excused: Ward.

Total 1

Absent or not voting: None.

Total 0

HB 664 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

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Noes: None.
Total 0

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HB 681 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, 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, 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, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 93

Noes: Boggio, Clark, Koopman, Mendenhall, Ripley, Vincent.
Total 6

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

HB 724 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, 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, Wilmer, Wilson, Windy Boy, Wiseman.
Total 87

Noes: Everett, Hawk, Himmelberger, Jore, Kerns, Koopman, Sinrud, Stoker, Taylor, Wells, Witte, Mr. Speaker.
Total 12

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

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HJR 25 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, 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, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Witte, Mr. Speaker.

Total 94

Noes: Erickson, Musgrove, Taylor, Van Dyk, Wiseman.

Total 5

Excused: Ward.

Total 1

Absent or not voting: None.

Total 0

Democratic Caucus Leader Villa announced the Democrats would caucus. Majority Leader Lange announced Republicans would stand at ease. House reconvened at 1:05 p.m. Representative Wilson, Representative Callahan and Representative Parker were excused at this time.

MOTIONS

Majority Leader Lange moved **HB 610** be moved from the Committee on Natural Resources and be rereferred to the Committee on Federal Relations, Energy and Telecommunications. There being no objections, so ordered.

Majority Leader Lange moved **HB 631** be moved from the Committee on Natural Resources and be rereferred to the Committee on Federal Relations, Energy and Telecommunications. There being no objections, so ordered.

**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 Kerns in the chair.

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

HB 713 - Representative McGillvray moved **HB 713** do pass.

HB 713 - Representative McGillvray moved **HB 713**, second reading copy, be amended as follows:

1. Title, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "42-2-409"

Insert: "AND 42-7-105"

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2. Page 3, line 9.

Following: line 8

Insert: "Section 3. Section 42-7-105, MCA, is amended to read:

"**42-7-105. Prohibited activities -- violations -- penalties.** (1) A person, other than the department or a licensed child-placing agency, may not:

(a) advertise in any public medium that the person:

(i) knows of a child who is available for adoption; or

(ii) is willing to accept a child for adoption or knows of prospective adoptive parents for a child; or

(b) engage in placement activities as defined in 52-8-101.

(2) An individual other than an extended family member or stepparent of a child may not obtain legal or physical custody of a child for purposes of adoption unless the individual has a favorable preplacement evaluation or a court-ordered waiver of the evaluation.

(3) A person who, as a condition for placement, relinquishment, or consent to the adoption of a child, knowingly offers, gives, agrees to give, solicits, accepts, or agrees to accept from another person, either directly or indirectly, anything other than the fees allowed under 42-7-101 commits the offense of paying or charging excessive adoption process fees.

(4) It is illegal to require repayment or reimbursement of anything provided to a birth parent under 42-7-101. All payments by the adoptive parent made on behalf of a birth parent pursuant to this section are considered a gift to the birth parent.

(5) Nothing in this section prohibits a licensed child-placing agency from maintaining a separate program for the assistance of a biological parent who is in need of postadoptive counseling and support as provided in [section 1]. Services must be provided based on need and may not be contingent on a placement being made privately, by the department, or by a licensed child-placing agency. A postadoptive counseling and support program may not be used to induce a biological parent to place a child for adoption.

~~(5)~~(6) A person convicted of the offense of paying or charging excessive adoption process fees, attempting to recover expenses incurred from an adoption process, or otherwise violating this title may be fined an amount not to exceed \$10,000 in an action brought by the appropriate city or county attorney. The court may also enjoin from further violations any person who violates this title."

Renumber: subsequent section

Amendment adopted as follows:

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

Total 95

Noes: Callahan, Gallik, Wilson, Wiseman.

Total 4

Voted Absentee: Ward, Aye; Callahan, Wilson, Noes.

Excused: None.

Total 0

Absent or not voting: Musgrove.

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Total 1

HB 713 - The motion to pass **HB 713**, as amended, carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Campbell, Cohenour, Cordier, Dickenson, Dutton, Ebinger, Erickson, Everett, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. 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, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Windy Boy, Witte, Mr. Speaker.

Total 86

Noes: Bergren, Callahan, Clark, Driscoll, Franklin, Gallik, Hands, W. Jones, Jore, Parker, Peterson, Wilmer, Wilson, Wiseman.

Total 14

Voted Absentee: Ward, Aye; Callahan, Parker, Wilson, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

HB 492 - Representative Himmelberger moved **HB 492**, second reading copy, be amended as follows:

1. Title, line 4.

Following: "FOR"

Insert: "CERTAIN"

2. Page 1, line 29.

Strike: "employees who customarily receive tips or gratuities in their employment"

Insert: "food and beverage servers who wait on tables in full-service restaurants"

Amendment adopted 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, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 52

Noes: Augare, 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, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy

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Boy, Wiseman.
Total 48

Voted Absentee: Ward, Aye; Callahan, Parker, Wilson, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 492 - The motion to pass **HB 492**, as amended, carried 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, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 52

Noes: Augare, 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, McAlpin, McChesney, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 47

Voted Absentee: Ward, Aye; Callahan, Parker, Wilson, Noes.

Excused: None.
Total 0

Absent or not voting: Musgrove.
Total 1

HB 712 - Representative Jore moved **HB 712** 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; Callahan, Parker, Wilson, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 372 - Representative Ingraham moved **HB 372** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Boggio, Branae, Butcher, Callahan, 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, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilson, Windy Boy, Witte, Mr. Speaker.
Total 87

Noes: Beck, Blasdel, Campbell, French, Jore, Kasten, Koopman, Morgan, Wells, Wilmer, Wiseman.
Total 11

Voted Absentee: Callahan, Parker, Ward, Wilson, Ayes.

Excused: None.
Total 0

Absent or not voting: Caferro, Sonju.
Total 2

HB 354 - Representative Caferro moved **HB 354** 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, 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, Mendenhall, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.
Total 88

Noes: Everett, Himmelberger, Jore, Kasten, Kerns, Koopman, Morgan, Ripley, Sinrud, Wells, Witte, Mr. Speaker.
Total 12

Voted Absentee: Callahan, Parker, Ward, Wilson, Ayes.

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

HB 113 - Representative McChesney moved **HB 113** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lambert, Lange, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy.
Total 73

Noes: Becker, Bergren, Blasdel, Boggio, Butcher, Erickson, Everett, Hawk, Hendrick, Himmelberger, Jore, Kasten, Kerns, Koopman, Lake, MacLaren, McGillvray, Peterson, Sinrud, Sonju, Stoker, Taylor, Ward, Wiseman, Witte, Mr. Speaker.
Total 26

Voted Absentee: Callahan, Parker, Wilson, Ayes; Ward, No.

Excused: None.
Total 0

Absent or not voting: Mendenhall.
Total 1

HB 559 - Representative Heinert moved **HB 559** do pass.

HB 559 - Representative Heinert moved **HB 559**, second reading copy, be amended as follows:

1. Page 6, line 2.
Following: "by the"
Insert: "ratio of the"
Following: "year"
Insert: "to the inflation factor for tax year 2007"

2. Page 6, line 6.
Following: "by the"
Insert: "ratio of the"
Following: "year"
Insert: "to the inflation factor for tax year 2007"

3. Page 6, line 9 through line 10.
Strike: subsection (c) in its entirety

Amendment 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, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane,

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Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, 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, Witte, Mr. Speaker.
Total 99

Noes: Wiseman.
Total 1

Voted Absentee: Callahan, Parker, Ward, Wilson, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 559 - The motion to pass **HB 559**, as amended, carried 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, 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, Witte, Mr. Speaker.
Total 98

Noes: Dickenson, Wiseman.
Total 2

Voted Absentee: Callahan, Parker, Ward, Wilson, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 570 - Representative Cohenour moved **HB 570** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, 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, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 97

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Noes: Becker.
Total 1

Voted Absentee: Callahan, Parker, Ward, Wilson, Ayes.

Excused: None.
Total 0

Absent or not voting: Himmelberger, Stahl.
Total 2

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

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Peterson, Pomnichowski, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Villa, Vincent, Ward, Wells, Wilmer, Windy Boy, Witte, Mr. Speaker.
Total 87

Noes: Becker, Callahan, Gallik, Hiner, Jayne, Jopek, McAlpin, Parker, Phillips, Raser, Van Dyk, Wilson, Wiseman.
Total 13

Voted Absentee: Ward, Aye; Callahan, Parker, Wilson, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 205 - Representative Everett moved **HB 205** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Cordier, 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, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 51

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, 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, Ross, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 49

Voted Absentee: Ward, Aye; Callahan, Parker, Wilson, Noes.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 259 - Representative Reinhart moved **HB 259** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, 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, Keane, 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, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 94

Noes: Blasdel, Boggio, Hawk, Kasten, Kerns.
Total 5

Voted Absentee: Callahan, Parker, Ward, Wilson, Ayes.

Excused: None.
Total 0

Absent or not voting: Stahl.
Total 1

HB 270 - Representative Lange moved **HB 270** do pass. Motion carried as follows:

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

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Erickson, Franklin, Furey, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jayne, Jore, Keane, Koopman, Kottel, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 45

Voted Absentee: Ward, Aye; Callahan, Parker, Wilson, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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HB 340 - Representative Wells moved **HB 340** do pass. Motion **failed** as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Ingraham, Jayne, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 48

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

Voted Absentee: Ward, Aye; Callahan, Parker, Wilson, Noes.

Excused: None.
Total 0

Absent or not voting: Hilbert, Lake.
Total 2

HB 423 - Representative K. Peterson moved **HB 423** do pass. Motion carried as follows:

Ayes: Arntzen, Becker, Bixby, Branae, Butcher, Callahan, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hilbert, Himmelberger, Hiner, W. Jones, Kerns, Kottel, Lake, Lange, MacLaren, McGillvray, McNutt, Milburn, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Small-Eastman, Stoker, Taylor, Thomas, Villa, Ward, Wilmer, Wilson.
Total 56

Noes: Ankney, Augare, Barrett, Beck, Bergren, Blasdel, Boggio, Caferro, Campbell, Gallik, Groesbeck, Heinert, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, Jopek, Jore, Kasten, Keane, Klock, Koopman, Lambert, Malcolm, McAlpin, McChesney, Mendenhall, Morgan, Musgrove, Noonan, Rice, Ripley, Sesso, Sinrud, Sonju, Stahl, Van Dyk, Vincent, Wells, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 44

Voted Absentee: Callahan, Parker, Ward, Wilson, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 537 - Representative Ripley moved **HB 537** do pass.

HB 537 - Representative Villa moved **HB 537**, second reading copy, be amended as follows:

1. Page 2, line 23.

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Strike: "\$50"

Insert: "\$60"

2. Page 2, line 24.

Strike: "\$76"

Insert: "\$84"

Amendment adopted as follows:

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

Total 80

Noes: Beck, Blasdel, Boggio, Cohenour, Dutton, Everett, French, Heinert, Hilbert, Jore, Kasten, Keane, Koopman, McChesney, Mendenhall, Ross, Sinrud, Sonju, Wells.

Total 19

Voted Absentee: Callahan, Parker, Ward, Wilson, Ayes.

Excused: None.

Total 0

Absent or not voting: Milburn.

Total 1

HB 537 - The motion to pass **HB 537**, as amended, carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Campbell, Clark, Cohenour, Cordier, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, 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, Witte, Mr. Speaker.

Total 87

Noes: Callahan, Dickenson, Heinert, Jore, Keane, Kerns, Koopman, McChesney, Mendenhall, Parker, Wilson, Windy Boy, Wiseman.

Total 13

Voted Absentee: Ward, Aye; Callahan, Parker, Wilson, Noes.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 217 - Representative Lange moved **HB 217** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Beck, Blasdel, Butcher, Caferro, Campbell, Clark, Cohenour, Cordier, Dickenson, Dutton, Ebinger, Everett, French, Furey, Glaser, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hollenbaugh, Ingraham, Jayne, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Raser, Rice, Ross, Sands, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 60

Noes: Augare, Barrett, Becker, Bergren, Bixby, Boggio, Branae, Callahan, Driscoll, Erickson, Franklin, Gallik, Grinde, Groesbeck, Hamilton, Hands, Hiner, Jacobson, L. Jones, Jopek, Keane, McAlpin, McChesney, Mendenhall, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Reinhart, Ripley, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 40

Voted Absentee: Ward, Aye; Callahan, Parker, Wilson, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 564 - Representative McGillvray moved **HB 564** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Pomnichowski, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, 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, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 46

Voted Absentee: Ward, Aye; Callahan, Parker, Wilson, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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Ayes: Ankney, Arntzen, Barrett, Beck, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Campbell, Clark, Cordier, Driscoll, Dutton, Ebinger, Everett, Franklin, French, Gallik, Glaser, Grinde, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Kasten, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Vincent, Wilmer.
Total 75

Noes: Augare, Becker, Cohenour, Dickenson, Erickson, Furey, Groesbeck, Jayne, Jore, Keane, Koopman, Rice, Van Dyk, Villa, Wells, Windy Boy, Wiseman.
Total 17

Excused: Callahan, Parker, Ward, Wilson.
Total 4

Absent or not voting: Hilbert, Kerns, Witte, Mr. Speaker.
Total 4

Majority Leader Lange moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Speaker Sales in the chair.

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

HB 440 - Representative Barrett moved **HB 440** do pass.

HB 440 - Representative Barrett moved **HB 440**, second reading copy, be amended as follows:

1. Page 1, line 27.

Strike: "The department shall revise"

Insert: "As part of the department's routine evaluation of"

2. Page 1, line 27 through line 28.

Following: "plan" on line 27

Strike: remainder of line 27 through "must" on line 28

Insert: ", the department shall"

3. Page 2, line 1 through line 6.

Strike: section (b) in its entirety

Renumber: subsequent subsections

Amendment adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, 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, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Nooney, O'Hara, Olson, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross,

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Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Vincent, Ward, Wells, Wilmer, Windy Boy, Witte, Mr. Speaker.

Total 91

Noes: Callahan, Parker, Villa, Wilson, Wiseman.

Total 5

Voted Absentee: Ward, Aye; Callahan, Parker, Wilson, Noes.

Excused: None.

Total 0

Absent or not voting: Campbell, Lange, Noonan, Sands.

Total 4

HB 440 - The motion to pass **HB 440**, as amended, carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Blasdel, Boggio, Branae, Butcher, Caferro, Campbell, Clark, Cohenour, Cordier, Dickenson, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, 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, Nooney, O'Hara, Olson, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Vincent, Ward, Wells, Wilmer, Windy Boy, Witte, Mr. Speaker.

Total 89

Noes: Bixby, Callahan, Driscoll, Grinde, Jayne, Noonan, Parker, Villa, Wilson, Wiseman.

Total 10

Voted Absentee: Ward, Aye; Callahan, Parker, Wilson, Noes.

Excused: None.

Total 0

Absent or not voting: Small-Eastman.

Total 1

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

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bergren, Bixby, Blasdel, Boggio, Butcher, Caferro, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, 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, Nooney, O'Hara, Olson, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Vincent, Wells, Wilmer, Windy Boy, Witte, Mr. Speaker.

Total 87

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Noes: Becker, Jayne, Noonan, Wiseman.
Total 4

Excused: Callahan, Parker, Ward, Wilson.
Total 4

Absent or not voting: Branae, Himmelberger, Small-Eastman, Thomas, Van Dyk.
Total 5

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Mendenhall, Chairman):
HB 738, introduced bill, be amended as follows:

2/23/2007

1. Title, line 7 through line 8.

Strike: "WEIGHTED" on line 7 through "INSURERS" on line 8

Insert: "AVERAGE OF THE CONVERSION FACTORS USED BY THE TOP FIVE INSURERS OR THIRD-PARTY ADMINISTRATORS"

2. Page 2, line 1.

Following: the second "within"

Strike: "2"

Insert: "5"

3. Page 2, line 4.

Strike: "2"

Insert: "5"

4. Page 2, following line 5.

Insert: "(c) The time period for closure of a claim provided for in subsection (3)(a) or (3)(b) is tolled while there is a dispute regarding whether benefits are due under the claim if a party to the dispute has requested mediation pursuant to department rules. The tolling of the time period continues until the 2-year limitation period of 39-71-2905 expires or there is a final judicial decision regarding the dispute, whichever is later. However, the tolling of the time period ceases if the parties otherwise resolve the dispute."

5. Page 2, line 13.

Following: "court."

Insert: "A claimant must be given 60 days' notice prior to the termination of a claim or benefits under this chapter."

6. Page 4, line 25.

Following: "insurer"

Strike: "is"

Insert: "and an injured worker are"

7. Page 4, line 15.

Strike: "weighted average of the reimbursement rate used by domestic insurers"

Insert: "average of the conversion factors used by the top five insurers or third-party administrators"

8. Page 4, line 16.

Following: "services."

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Insert: "The top five insurers or third-party administrators shall provide their standard conversion rates to the department. The department may use the conversion rates only for the purpose of determining average conversion rates under this subsection (2), and the department shall maintain the confidentiality of the conversion rates."

9. Page 7, line 4.

Following: "Applicability."

Insert: "(1)"

Following: "39-71-704(1)(f)"

Insert: "and (3)"

10. Page 7, following line 5.

Insert: "(2) Section 39-71-704(2) applies to medical services furnished on or after July 1, 2007."

And, as amended, do pass. Report adopted.

HB 756, do pass. Report adopted.

HB 764, introduced bill, be amended as follows:

1. Title, line 7 through line 8.

Strike: "ON" on line 7 through "INSTALLATION" on line 8

Insert: "LOCATED"

2. Title, line 12.

Strike: "ON A MILITARY INSTALLATION"

Insert: "TO ACTIVE DUTY MEMBERS OF THE ARMED FORCES"

3. Page 2, line 7 through line 8.

Strike: "while" on line 7 through "state" on line 8

4. Page 2, line 12.

Strike: "on a military installation"

Insert: "to active duty members of the armed forces"

5. Page 2, line 16.

Strike: "on a military installation"

Insert: "located"

6. Page 2, line 19.

Strike: "on a military installation"

Insert: "to active duty members of the armed forces"

7. Page 2, line 22.

Strike: "on a military installation"

Insert: "to active duty members of the armed forces"

8. Page 2, line 27.

Strike: "while on a military installation"

And, as amended, do pass. Report adopted.

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HB 790, introduced bill, be amended as follows:

1. Page 2, line 15.

Following: "II,"

Insert: "and Rate Class 2, Schedule I,"

2. Page 3, line 4.

Strike: "created"

3. Page 5, line 27.

Strike: "1.17"

Insert: "1.12"

Strike: "1.37"

Insert: "1.32"

Strike: "1.57"

Insert: "1.52"

Strike: "1.77"

Insert: "1.72"

4. Page 6, line 17.

Strike: "5.12"

Insert: "4.92"

5. Page 6, line 18.

Strike: "5.12"

Insert: "4.92"

Strike: "5.32"

Insert: "5.12"

6. Page 6, line 24.

Strike: "(.0175)"

Insert: "(.0170)"

And, as amended, do pass. Report adopted.

JUDICIARY (Rice, Chairman):

2/23/2007

HB 643, do pass. Report adopted.

HB 768, introduced bill, be amended as follows:

1. Page 1, line 18.

Strike: "(a)"

2. Page 1, line 21.

Following: "."

Insert: "The insurance must provide coverage for the length of time provided for in 27-2-205."

3. Page 1, lines 22 and 23.

Strike: subsection (b) in its entirety

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And, as amended, do pass. Report adopted.

HB 781, introduced bill, be amended as follows:

1. Title, line 4.

Following: "REQUIRING"

Insert: "EACH LAW ENFORCEMENT AGENCY TO ADOPT A POLICY ON RACE-BASED TRAFFIC STOPS,
INCLUDING"

2. Title, line 5.

Strike: "PROVIDING FOR REPORTS BASED UPON THE DATA;"

3. Page 1, line 10 through page 3, line 5.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 3.

Following: line 13

Insert: "(3) Each law enforcement agency shall adopt a policy on race-based traffic stops that:

(a) prohibits the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;

(b) provides for periodic reviews by the law enforcement agency and collection of data that determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the law enforcement agency;

(c) if the review under subsection (3)(b) reveals a pattern, requires an investigation to determine whether any peace officers of the law enforcement agency routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law."

Renumber: subsequent subsections

5. Page 3, line 17.

Strike: "[section 1]"

Insert: "subsection (3) of this section"

6. Page 3.

Following: line 29

Insert: "(6) Each law enforcement agency may provide for appropriate counseling and training of any peace officer found to have engaged in race-based traffic stops within 90 days of the review. The course or courses of instruction and the guidelines must stress understanding and respect for racial and cultural differences and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment."

Renumber: subsequent subsections

7. Page 4, line 3.

Strike: "[section 1] and"

8. Page 4, lines 12 and 13.

Strike: section 3 in its entirety

Renumber: subsequent section

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And, as amended, do pass. Report adopted.

HJR 43, be adopted. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):
HB 740, introduced bill, be amended as follows:

2/23/2007

1. Title, page 1, line 5.

Strike: "AMENDING SECTION 10-2-501, MCA"

Insert: "PROVIDING AN EFFECTIVE DATE"

2. Page 1.

Following: line 7

Strike: everything after the enacting clause

"NEW SECTION. **Section 1. State military headstone allowance.** (1) Subject to the provisions of this section, the state shall reimburse the actual cost, not to exceed \$300, of a headstone or marker for an eligible Montana national guard veteran, as defined in subsection (2).

(2) An eligible Montana national guard veteran is a person, who at the time of the person's death:

(a) is a resident of the state;

(b) is entitled to receive a military retirement allowance for service that includes service in the Montana national guard; and

(c) does not meet the eligibility criteria for a federal government headstone or marker pursuant to 38 U.S.C. 2306.

(3) The board shall administer the provisions of this section."

Insert: "NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 10, chapter 2, part 5, and the provisions of Title 10, chapter 2, part 5, apply to [section 1]."

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2007."

And, as amended, do pass. Report adopted.

HB 765, do pass. Report adopted.

HB 771, introduced bill, be amended as follows:

1. Page 6, line 6.

Strike: "and an annual report"

2. Page 6, line 22.

Strike: "financial"

Insert: "actuarial"

And, as amended, do pass. Report adopted.

HB 783, do pass. Report adopted.

HB 789, do pass. Report adopted.

HB 803, do pass. Report adopted.

HJR 41, be adopted. Report adopted.

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MOTIONS

Majority Leader Lange moved that **HB 354** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

UNFINISHED BUSINESS

HB 756, introduced by L. Jones, the following sponsors were added:

Reps. Arntzen, Augare, Boggio, Dutton, Furey, Heinert, Keane, Klock, Milburn, Reinhart, Stahl, Thomas, Van Dyk, Windy Boy.

HB 764, introduced by Milburn, the following sponsors were added:

Reps. Arntzen, Boggio, Dutton, Heinert, L. Jones, Klock, Mendenhall, Milburn, Stahl.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 8:00 a.m., Saturday, February 24, 2007. Motion carried.

House adjourned at 4:10 p.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House