

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

Helena, Montana
March 5, 2007

House Chambers
State Capitol

House convened at 5:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Lake. Pledge of Allegiance to the Flag.

Roll Call. All members present except for Representatives Ward, Wilson, Phillips, Caferro, French, and Van Dyk who were excused. Quorum present.

Speaker Sales introduced the pages for the week:

Pages:	Katie Seidel, Kalispell
	Joe Sandru, Twin Bridges
	Traci Brumwell, Dutton
	Gwendolyn Coon, Helena
	Colby Johnson, Conrad
	Ethan Keeler, Butte
	Cassie Moyer, Townsend

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/27/2007

SB 149, introduced by Tash
SB 160, introduced by Schmidt
SB 202, introduced by Laslovich
SB 219, introduced by Balyeat
SB 309, introduced by Balyeat
SB 337, introduced by Wanzenried
SB 339, introduced by Murphy
SB 407, introduced by Bales
SB 413, introduced by Moss
SB 426, introduced by Jent
SB 432, introduced by Brueggeman
SB 437, introduced by Elliott
SB 439, introduced by Elliott
SB 448, introduced by Wanzenried
SB 449, introduced by Gillan
SB 451, introduced by Harrington
SB 467, introduced by Cocchiarella
SB 481, introduced by Wanzenried
SB 497, introduced by Moss
SB 503, introduced by Perry
SB 504, introduced by Kaufmann
SB 509, introduced by Gallus
SB 527, introduced by Gillan
SB 531, introduced by Weinberg
SB 535, introduced by Cocchiarella
SB 537, introduced by Brown

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SB 538, introduced by Elliott
SB 541, introduced by Brueggeman
SB 544, introduced by Hansen
SB 547, introduced by Perry
SJR 13, introduced by Smith
SJR 16, introduced by Lind
SJR 17, introduced by Elliott
SB 21, introduced by J. Peterson
SJR 25, introduced by J. Peterson
SJR 26, introduced by Laible
SB 404, 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:

2/27/2007

Yeas - 50
Nays - 0

Senate bills passed and transmitted to the House for concurrence:

2/28/2007

SB 242, introduced by Elliott
SB 332, introduced by Juneau
SB 346, introduced by Shockley
SB 378, introduced by Gillan
SB 393, introduced by Gillan
SB 419, introduced by Lind
SB 423, introduced by Kaufmann
SB 428, introduced by Kaufmann
SB 445, introduced by M. Tropila
SB 450, introduced by Juneau
SB 452, introduced by Williams
SB 473, introduced by Black
SB 475, introduced by Larson
SB 480, introduced by Lind
SB 486, introduced by Shockley
SB 487, introduced by Story
SB 498, introduced by Kaufmann
SB 508, introduced by Hawks
SB 514, introduced by Balyeat
SB 517, introduced by Black
SB 518, introduced by Perry
SB 532, introduced by Gallus
SB 533, introduced by M. Tropila
SB 536, introduced by Perry
SB 539, introduced by Wanzenried
SB 540, introduced by Jackson
SB 542, introduced by Ryan

Senate joint resolutions adopted and transmitted to the House for concurrence:

2/28/2007

SJR 20, introduced by Cooney
SB 326, introduced by Schmidt, 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:

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Yeas - 43
Nays - 7

SB 489, introduced by Cocchiarella, 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:

Yeas - 50
Nays - 0

SB 529, introduced by Essmann, 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:

Yeas - 29
Nays - 21

FIRST READING AND COMMITMENT OF BILLS

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

- SB 50**, introduced by Gallus (by request of the Department of Corrections), referred to Judiciary.
- SB 51**, introduced by Hawks (by request of the Education and Local Government Interim Committee), referred to Local Government.
- SB 53**, introduced by Cocchiarella (by request of the Economic Affairs Interim Committee), referred to Business and Labor.
- SB 54**, introduced by Cocchiarella (by request of the Economic Affairs Interim Committee), referred to Business and Labor.
- SB 55**, introduced by Ryan (by request of the Office of Budget and Program Planning), referred to Education.
- SB 56**, introduced by Ryan (by request of the Office of Public Instruction), referred to Education.
- SB 59**, introduced by Hansen (by request of the Department of Livestock), referred to Agriculture.
- SB 60**, introduced by Cobb (by request of the Legislative Finance Committee), referred to Federal Relations, Energy, and Telecommunications.
- SB 62**, introduced by Cobb, referred to Judiciary.
- SB 63**, introduced by Cobb, referred to Judiciary.
- SB 65**, introduced by Cobb (by request of the Legislative Finance Committee), referred to Appropriations.
- SB 66**, introduced by Wanzenried (by request of the Legislative Council), referred to Appropriations.
- SB 67**, introduced by Wanzenried (by request of the Department of Justice), referred to Judiciary.
- SB 68**, introduced by Wanzenried (by request of the Department of Commerce), referred to Appropriations.
- SB 69**, introduced by Wanzenried (by request of the Department of Commerce), referred to Taxation.
- SB 70**, introduced by J. Tropila (by request of the Department of Military Affairs), referred to State Administration.
- SB 71**, introduced by Gebhardt (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
- SB 72**, introduced by Squires (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
- SB 73**, introduced by McGee (by request of the Secretary of State), referred to Judiciary.
- SB 74**, introduced by Jent (by request of the Department of Administration), referred to Judiciary.
- SB 75**, introduced by Hawks (by request of the Department of Natural Resources and Conservation), referred to Appropriations.
- SB 76**, introduced by Gillan (by request of the Legislative Finance Committee and the Revenue and Transportation Interim Committee), referred to Taxation.
- SB 77**, introduced by Clark (by request of the Legislative Finance Committee), referred to Fish, Wildlife and Parks.

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- SB 79**, introduced by McAlpin (by request of the Legislative Finance Committee), referred to Appropriations.
- SB 81**, introduced by Hamilton (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Business and Labor.
- SB 83**, introduced by Schmidt (by request of the Department of Public Health and Human Services), referred to Judiciary.
- SB 84**, introduced by Elliott (by request of the State Auditor), referred to Natural Resources.
- SB 85**, introduced by Schmidt, referred to Judiciary.
- SB 88**, introduced by Hawks (by request of the Department of Commerce), referred to Taxation.
- SB 89**, introduced by Williams, referred to Education.
- SB 90**, introduced by Laslovich (by request of the Department of Public Health and Human Services), referred to State Administration.
- SB 92**, introduced by Steinbeisser (by request of the Department of Administration), referred to Judiciary.
- SB 94**, introduced by Esp (by request of the Department of Public Health and Human Services), referred to Human Services.
- SB 95**, introduced by Smith (by request of the Department of Public Health and Human Services), referred to Human Services.
- SB 97**, introduced by Cocchiarella (by request of the Department of Justice), referred to Business and Labor.
- SB 98**, introduced by Harrington (by request of the Legislative Council), referred to State Administration.
- SB 99**, introduced by Harrington (by request of the Department of Revenue), referred to Taxation.
- SB 100**, introduced by Jent, referred to Fish, Wildlife and Parks.
- SB 101**, introduced by Jent (by request of the Capitol Complex Advisory Council), referred to State Administration.
- SB 102**, introduced by Lind (by request of the Environmental Quality Council), referred to State Administration.
- SB 103**, introduced by Lind (by request of the Environmental Quality Council), referred to Natural Resources.
- SB 104**, introduced by Squires (by request of the Department of Justice), referred to Judiciary.

**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 Barrett in the chair.

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

HB 26 - Representative McGillvray moved **HB 26** 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, Franklin, French, Furey, Glaser, Grinde, Hamilton, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Keane, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 84

Noes: Erickson, Everett, Gallik, Groesbeck, Hands, Jopek, Jore, Kasten, Kerns, McAlpin, Mendenhall, Sinrud, Wells, Witte, Mr. Speaker.

Total 15

Voted Absentee: Caferro, French, Phillips, Ward, Wilson, Ayes.

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Excused: Van Dyk.
Total 1

Absent or not voting: None.
Total 0

HB 27 - Representative Driscoll moved **HB 27** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Boggio, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Small-Eastman, Stahl, Thomas, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.
Total 71

Noes: Beck, Blasdel, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Jayne, Jore, Kasten, Kerns, Koopman, Lake, Lambert, Lange, Mendenhall, Morgan, Nooney, Peterson, Ripley, Sinrud, Sonju, Stoker, Taylor, Wells, Witte, Mr. Speaker.
Total 28

Voted Absentee: Caferro, French, Phillips, Ward, Wilson, Ayes.

Excused: Van Dyk.
Total 1

Absent or not voting: None.
Total 0

HB 790 - Representative L. Jones moved **HB 790** 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, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Caferro, French, Phillips, Ward, Wilson, Ayes.

Excused: Van Dyk.
Total 1

Absent or not voting: None.
Total 0

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Majority Leader Lange moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Barrett 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, 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, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Villa, Vincent, Wells, Wilmer, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 92

Noes: Jore, Sonju.

Total 2

Excused: Caferro, French, Phillips, Van Dyk, Ward, Wilson.

Total 6

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Lange moved that **HB 27** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **HB 790** be rereferred to the Committee on Appropriations. There being no objections, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 1:00 p.m., Tuesday, March 6, 2007. Motion carried.

House adjourned at 5:48 p.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House