

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

Helena, Montana
March 20, 2007

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Himmelberger. Pledge of Allegiance to the Flag.

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

**A PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE
OF MONTANA**

Commending Nicole Winter, a 17-year-old Missoula teenager who was treated at Shodair Children's Hospital, and whose optimism and determination helped her triumph over significant mental health challenges to return to a fruitful life with family and community.

WHEREAS, Children's Miracle Network, the international alliance of premier children's hospitals in the U.S. and abroad, spotlights the heroic battles of children like Nicole with illnesses of all kinds; and

WHEREAS, Nicole Winter will represent Montana in the Children's Miracle Network program honoring remarkable children who have met the challenges of severe medical conditions: Champions Across America presented by CO-OP Financial Services; and

WHEREAS, Nicole has been selected for her courage, tenacity, and perseverance as the sole representative of children's mental health needs, and an ambassador for the 17 million children treated each year at Children's Miracle Network children's hospitals.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: that the congratulations of all Montanans be extended to Nicole Winter for her positive attitude in the face of a significant medical condition, and convey to her their sincere best wishes for safe travel and memorable experiences during her year as Montana's Champion.

Mike Cooney

Scott Sales

President of the Senate

Speaker of the House

REPORTS OF STANDING COMMITTEES

BILLS (Jones, Chairman):

3/19/2007

Correctly printed: **HB 95, HB 125, HJR 45, SB 119, SB 124, SB 141, SB 163, SB 168, SB 208, SB 239, SB 322, SB 359, SB 385.**

Correctly engrossed: **HB 131, SB 50.**

Correctly enrolled: **HB 132, HB 140, HB 176, HB 190.**

Examined by the sponsor and found to be correct: **HB 81, HB 87, HB 90, HB 176, HB 332, HB 531, 102, 145, HB 51, HB 449, HB 140, HB 132, HB 190.**

Signed by the Chief Clerk of the House at 1:45 p.m., March 19, 2007: **HB 13, HB 65, HB 111.**

Signed by the Speaker at 2:15 p.m., March 19, 2007: **HB 13, HB 65, HB 111.**

Signed by the President at 3:30 p.m., March 19, 2007: **HB 13, HB 62, HB 65, HB 111.**

Correctly printed: **HB 390, HB 443, HB 444, HB 569, HB 630, SB 60, SB 118, SB 445, SB 536,** 3/20/2007

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SB 286, SJR 21.

Examined by the sponsor and found to be correct: **HB 128, HB 144.**

Delivered to the Governor for approval at 9:45 a.m., March 20, 2007: **HB 13, HB 65, HB 111, HB 62.**

EDUCATION (Jore, Chairman): 3/19/2007

SB 12, be concurred in. Report adopted.

SB 16, be concurred in. Report adopted.

NATURAL RESOURCES (McNutt, Chairman): 3/20/2007

SB 131, be concurred in. Report adopted.

SB 25, be amended as follows:

1. Page 1, line 29 through page 2, line 2.

Strike: "(5)" on page 1, line 29 through "SAFETY." on page 2, line 2

2. Page 3.

Following: line 4

Insert: "(4) "Forest health concerns" means issues that can be addressed through management or harvest of merchantable or nonmerchantable trees and includes:

- (a) forested lands that are overcrowded or stagnant and that are showing declining annual growth;
- (b) wildland/urban interface areas where timber harvest or forest management is necessary to prevent catastrophic or other damage to forested lands, livestock, buildings, or other infrastructure;
- (c) fire fuel buildup and treatment on forested lands;
- (d) forested lands susceptible to imminent or repeated insect or disease attack and timber degradation;
- (e) forested lands that are in a high state of decline or decay or are rapidly deteriorating;
- (f) forested lands with high recreational use and high degradation risk; and
- (g) forested lands under drought stress."

Renumber: subsequent subsections

3. Page 4, line 4 through line 6.

Strike: "(3)" on line 4 through "VOLUME." on line 6

Insert: "(3) (a) If the department is addressing forest health concerns as provided in [section 4], the amount harvested may not be counted against the 10% maximum provided for in subsection (2) and may not be counted toward the department's annual sustained yield level.

(b) The department may not exceed 5% of the annual sustained yield when conducting contract harvesting or management activities that address forest health concerns."

Insert: "NEW SECTION. Section 4. Contract harvesting to address forest health concerns. All contract harvesting sales meant to address specific forest health concerns must be designed to:

- (1) improve the overall health, productivity, and long-term revenue potential for the timber stand;
- (2) be consistent with the state forest land management plan; and
- (3) comply with all applicable state laws, rules, and regulations."

Renumber: subsequent sections

4. Page 4, line 17.

Following: "concerns."

Insert: "The board shall evaluate each proposed contract harvest to determine if, in the board's judgment, contract harvesting will fulfill its duty to prudently obtain the maximum long-term revenue for the trust beneficiaries or to address forest health concerns or other environmental concerns."

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5. Page 5, line 19.

Strike: "5"

Insert: "6"

6. Page 6, line 1.

Strike: "5"

Insert: "6"

7. Page 6, line 6.

Following: "concerns"

Insert: "or to address forest health concerns"

8. Page 6, line 24.

Strike: "5"

Insert: "6"

9. Page 7.

Following: line 11

Insert: "COORDINATION SECTION. Section 10. Coordination instruction. If either House Bill No. 231 or Senate Bill No. 75 and [this act] are passed and approved and if they contain a section that amends 77-1-613, then the sections amending 77-1-613 are void and 77-1-613 must be amended as follows:

~~"77-1-613. **Deduction of portion of income received from Administrative costs associated with sale of timber from state trust lands -- creation of account.** (1) There is an account in the state special revenue fund called the state timber sale account. Money in the account may be appropriated by the legislature for use by the department in the manner set out in this section to enhance the revenue creditable to the trusts. There must be placed in the account an amount from timber sales on state lands each fiscal year equal to the amount appropriated from the account for the corresponding fiscal year. The department may use funds appropriated from the trust land administration account, provided for in 77-1-108, for timber sale preparation, timber sale documentation, and contract harvesting costs as provided in [section 6 of Senate Bill No. 25].~~

~~(2) Timber sale program funds deducted under subsection (1) must be directly applied to timber sale preparation and documentation.~~

~~(3)(2) In order to increase the volume of timber sold at the earliest possible time while continuing to meet the requirements of applicable state and federal laws and in order to avoid unnecessary delays and extra costs that would result from increasing its permanent staff, the department may contract for services that will enable achievement of the purposes of this section and that will achieve the highest net return to the trusts.~~

~~(4)(3) To maximize overall return to the trusts, the timely salvage of timber must be considered. However, salvage timber sales may not adversely affect the implementation of green timber sales programs conducted pursuant to 77-5-201."~~

Insert: "COORDINATION SECTION. Section 11. Coordination instruction. If either House Bill No. 231 or Senate Bill No. 75 and [this act] are passed and approved, then [section 6 of this act] must read as follows:

"NEW SECTION. Section 6. Contract harvesting account -- authorized expenditures -- termination. (1) An account, called the contract harvesting account, must be created as a subaccount of the trust land administration account established in 77-1-108, in which to deposit gross revenue and for the payment of expenditures associated with contract harvesting sales. All proceeds of the sale of forest products from a contract harvesting sale must be deposited into this account and must be retained in the account to be used to pay for all contract harvesting costs, as provided in subsection (2).

(2) Expenditures may be credited against the account for contract harvesting costs. Personnel services costs for state employees may not be credited against the account.

(3) An amount equal to the contract harvesting costs must be retained in the account and must be deducted from the gross proceeds to determine the net proceeds. The net proceeds from the sale of the forest products must be distributed to the appropriate trust.

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(4) An initial account balance must be created by transferring up to \$500,000 of timber harvest revenue into the contract harvesting account from the trust land administration account.

(5) If the contract harvesting program is terminated or discontinued for more than 10 years, any balance remaining in the contract harvesting account in excess of \$500,000 must be distributed to the appropriate trust. The remaining balance up to \$500,000 must be transferred back to the trust land administration account provided for in 77-1-108."

Renumber: subsequent sections

10. Page 7, line 17.

Strike: "5"

Insert: "6"

11. Page 7, line 19.

Strike: "5"

Insert: "6"

And, as amended, be concurred in. Report adopted.

APPROPRIATIONS (Sinrud, Chairman):

3/20/2007

HB 390, do pass. Report adopted.

HB 443, do pass. Report adopted.

HB 444, do pass. Report adopted.

HB 569, do pass. Report adopted.

HB 630, do pass. Report adopted.

SB 118, be concurred in. Report adopted.

HB 808, introduced bill, be amended as follows:

1. Page 14.

Strike: line 5 in its entirety

Insert: "31,714,534 30,443,397" [general fund FY08 and FY09]

"191,815,738 201,103,039" [federal special revenue FY08 and FY09]

2. Page 14, line 17.

Strike: "26,020,218 27,608,616" [general fund FY08 and FY09]

"28,047,261 29,241,493" [federal special revenue FY08 and FY09]

Insert: "27,078,454 28,817,782" [general fund FY08 and FY09]

"28,485,375 29,753,796" [federal special revenue FY08 and FY09]

3. Page 15, line 18.

Strike: "1,545,664 1,553,250" [general fund FY08 and FY09]

"4,491,239 3,978,142" [federal special revenue FY08 and FY09]

Insert: "1,545,677 1,553,263" [general fund FY08 and FY09]

"4,491,263 3,978,167" [federal special revenue FY08 and FY09]

4. Page 16.

Strike: line 1 in its entirety

Insert: "2,458,300 2,579,130" [general fund FY08 and FY09]

"900,285 906,310" [state special revenue FY08 and FY09]

"3,172,429 3,304,050" [federal special revenue FY08 and FY09]

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5. Page 16.

Strike: line 7 in its entirety

Insert: "2,668,220 2,188,801" [general fund FY08 and FY09]

"9,729,175 10,100,341" [state special revenue FY08 and FY09]

"31,353,154 31,383,769" [federal special revenue FY08 and FY09]

6. Page 16.

Strike: line 25 in its entirety

Insert: "2,132,367 2,124,367" [general fund FY08 and FY09]

"64,474 64,985" [state special revenue FY08 and FY09]

"5,138,519 5,117,927" [federal special revenue FY08 and FY09]

7. Page 17.

Strike: line 6 in its entirety

Insert: "7,243,479 7,435,464" [general fund FY08 and FY09]

"714,220 720,279" [state special revenue FY08 and YF09]

"10,664,632 10,859,596" [federal special revenue FY08 and FY09]

8. Page 17.

Strike: line 14 in its entirety

Insert: "48,574,246 49,600,369" [general fund FY08 and FY09]

"2,946,509 3,410,244" [state special revenue FY08 and FY09]

"84,946,708 87,398,170" [federal special revenue FY08 and FY09]

9. Page 18.

Strike: line 3 in its entirety

Insert: "126,178,584 135,948,454" [general fund FY08 and FY09]

"18,252,558 13,060,788" [state special revenue FY08 and FY09]

"331,637,866 348,372,424" [federal special revenue FY08 and FY09]

10. Page 18.

Strike: line 19 in its entirety

Insert: "48,730,385 48,476,373" [general fund FY08 and FY09]

"23,511,030 19,089,416" [state special revenue FY08 and FY09]

"143,412,411 140,130,743" [federal special revenue FY08 and FY09]

11. Page 19.

Strike: line 14 in its entirety

Insert: "51,417,699 56,739,343" [general fund FY08 and FY09]

"4,185,129 9,914,425" [state special revenue FY08 and FY09]

"46,383,613 46,667,894" [federal special revenue FY08 and FY09]

And, as amended, do pass. Report adopted.

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

3/20/2007

SB 60, be concurred in. Report adopted.

SB 369, be amended as follows:

1. Title, line 7.

Strike: "AN IMMEDIATE"

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Insert: "A DELAYED"

2. Page 1, line 25.

Strike: "on passage and approval"

Insert: "June 30, 2009"

And, as amended, be concurred in. Report adopted.

SB 445, be concurred in. Report adopted.

SB 536, be concurred in. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

3/19/2007

SB 102, be amended as follows:

1. Page 2, line 4.

Following: "SUBDIVISIONS"

Insert: "of any other state or the United States"

2. Page 3, line 2.

Following: "SUBDIVISIONS"

Insert: "of any other state or the United States"

3. Page 3, line 23.

Following: "SUBDIVISIONS"

Insert: "of any other state or the United States"

4. Page 4, line 16.

Following: "SUBDIVISIONS"

Insert: "of any other state or the United States"

5. Page 4, line 27.

Following: "or"

Insert: "any other state or the United States"

And, as amended, be concurred in. Report adopted.

SB 175, be amended as follows:

1. Page 2, line 30.

Following: " _ "

Insert: "Nothing in this subsection prohibits an agency from enforcing an established policy or practice of the agency that existed prior to the proposal or adoption of the rule as long as the policy or practice is within the scope of the agency's lawful authority."

And, as amended, be concurred in. Report adopted.

SB 269, be amended as follows:

1. Page 2, line 7.

Strike: "non-Montana"

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And, as amended, be concurred in. Report adopted.

SB 286, be concurred in. Report adopted.

SJR 21, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House amendments to Senate bills concurred in:

3/19/2007

SB 21, introduced by Larson

SB 88, introduced by Hawks

SB 237, introduced by Brueggeman

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

HB 86, introduced by Musgrove

MESSAGES FROM THE GOVERNOR

March 20, 2007

The Honorable Scott Sales
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Sales:

Please be informed that I have signed:

House Bill 44 sponsored by Representative McChesney,

House Bill 72 sponsored by Representative Van Dyk,

House Bill 115 sponsored by Representative Cohenour,

House Bill 122 sponsored by Representative Keane,

House Bill 126 sponsored by Representative Keane,

House Bill 127 sponsored by Representative Keane,

House Bill 219 sponsored by Representative Ebinger,

House Bill 419 sponsored by Representative Koopman,

House Bill 431 sponsored by Representative Blasdel,

on March 20, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

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

HB 829, introduced by L. Jones, Augare, Juneau, Black, referred to Natural Resources.

HB 830, introduced by Kasten, Taylor, Lange, Sinrud, Mendenhall, Ripley, Wells, Glaser, referred to

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Appropriations.

HB 831, introduced by McNutt, Pomnichowski, Cohenour, Van Dyk, Small-Eastman, referred to Natural Resources.

**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 Hamilton in the chair.

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

HB 86 - Senate Amendments - Representative Musgrove moved Senate amendments to **HB 86** be concurred in. 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, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Hamilton.

Total 1

HB 621- Representative McGillvray moved **HB 621** do pass.

HB 621 - Representative Keane moved for cloture. Motion carried.

HB 621 - The motion to pass **HB 621** carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hamilton, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. 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,

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Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, W. Jones, Jopek, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 49

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 45 - Representative Furey moved **SB 45** be concurred in. Motion carried as follows:

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

Total 78

Noes: Beck, Blasdel, Boggio, Butcher, Clark, Everett, Hawk, Hilbert, Jore, Kasten, Koopman, Lake, McGillvray, Mendenhall, Milburn, Peterson, Ripley, Sinrud, Sonju, Wells, Witte, Mr. Speaker.

Total 22

Voted Absentee: Clark, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 108 - Representative Keane moved **SB 108** be concurred in. 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, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 97

Noes: Jore, Kasten, Koopman.

Total 3

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Voted Absentee: Clark, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 116 - Representative Keane moved **SB 116** be concurred in.

SB 116 - Representative Keane moved **SB 116**, second reading copy, be amended as follows:

1. Page 2, line 29.

Following: "[section 2]"

Insert: "and a valid police report, investigative report, or complaint that the consumer has filed with a law enforcement agency"

Amendment adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Gallik, Glaser, Grinde, 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 97

Noes: Campbell, Furey, Groesbeck.
Total 3

Voted Absentee: Clark, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 116 - The motion to concur in **SB 116**, as amended, carried as follows:

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

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Total 98

Noes: Koopman.

Total 1

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Glaser.

Total 1

SB 319 - Representative Mendenhall moved **SB 319** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, 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, 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, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 94

Noes: Becker, Campbell, Erickson, Jore, Peterson, Wells.

Total 6

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 323 - Representative L. Jones moved **SB 323** be concurred in. Motion carried as follows:

Ayes: Ankney, Augare, Barrett, Beck, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, 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, 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 93

Noes: Arntzen, Becker, Clark, Gallik, Hawk, Mendenhall.

Total 6

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Voted Absentee: Clark, No.

Excused: None.
Total 0

Absent or not voting: Himmelberger.
Total 1

SB 339 - Representative Mendenhall moved **SB 339** be concurred in.

SB 339 - Representative Reinhart moved **SB 339**, second reading copy, be amended as follows:

1. Page 1, line 13.

Strike: "(1)"

2. Page 1, line 14.

Strike: "subsection (2)"

Insert: "76-2-310"

3. Page 1, line 17 through line 18.

Strike: subsection (2) in its entirety

4. Page 1, line 29 through page 2, line 4.

Strike: subsection (2) in its entirety

Insert: "(2)(a) If a municipality wishes to annex territory in a county that is different from the county in which the municipality is located, the municipality and the county shall establish a joint city-county planning board with equal representation for the proposed annexation area.

(b) The municipality and the county shall negotiate in good faith to adopt zoning and a growth policy or neighborhood plan portion of a growth policy to govern the proposed annexation area.

(c) If the municipality and the county jointly adopt zoning and a growth policy or neighborhood plan portion of a growth policy for the proposed annexation area, the municipality may annex the proposed annexation area in accordance with the adopted provisions."

Amendment adopted as follows:

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

Total 51

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. 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, Thomas, Vincent, Wells, Witte, Mr. Speaker.

Total 49

Voted Absentee: Clark, No.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

SB 339 - The motion to concur in **SB 339**, as amended, carried as follows:

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

Total 78

Noes: Ankney, Bergren, Butcher, Glaser, Grinde, Heinert, Hendrick, Himmelberger, Ingraham, W. Jones, Jore, Kasten, Koopman, Lake, McGillvray, Musgrove, Parker, Peterson, Sinrud, Sonju, Stahl, Vincent.

Total 22

Voted Absentee: Clark, 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 Hamilton moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Campbell, Cohenour, Cordier, Driscoll, Dutton, Ebinger, Erickson, Everett, French, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Henry, Hilbert, 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, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 88

Noes: Callahan, Dickenson, Franklin, Furey, Hendrick, Himmelberger, Koopman, Rice, Ripley, Sinrud.

Total 10

Excused: Clark.

Total 1

Absent or not voting: Bergren.

Total 1

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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 31 passed as amended by the Senate:

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kottel, Lambert, MacLaren, McAlpin, McChesney, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 67

Noes: Barrett, Blasdel, Boggio, Butcher, Everett, Glaser, Hawk, Heinert, Hilbert, Himmelberger, Ingraham, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lange, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Rice, Ripley, Ross, Sinrud, Sonju, Stoker, Taylor, Wells, Witte, Mr. Speaker.

Total 33

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 149 passed as amended by the Senate:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, 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, 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, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 96

Noes: Clark, Heinert, Mendenhall, Peterson.

Total 4

Voted Absentee: Clark, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 193 passed as amended by the Senate:

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: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 536 passed as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, French, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Heinert, Himmelberger, Hollenbaugh, Ingraham, Jacobson, 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, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 84

Noes: Augare, Everett, Franklin, Furey, Hands, Hawk, Hendrick, Henry, Hilbert, Hiner, Jayne, Jore, Koopman, Mendenhall, Milburn, Ward.

Total 16

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 20 adopted as amended by the Senate:

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

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Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, 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, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 90

Noes: Blasdel, Everett, Hawk, Jore, Koopman, Mendenhall, Morgan, Ripley, Sonju, Taylor.

Total 10

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Lange moved **HB 829** be taken from the Committee on Natural Resource and re-referred to the Committee on Appropriations. There being no objections, so ordered.

Representative Kasten moved to suspend the rules on **HB 11** and it be printed and placed on second reading. The motion, requiring two-thirds vote, **failed** as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Becker, Blasdel, Boggio, Butcher, Dutton, Everett, Gallik, 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, Windy Boy, Witte, Mr. Speaker.

Total 52

Noes: Augare, 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, Wiseman.

Total 47

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

Representative Gallik moved **SB 337** be taken from the Committee on Judiciary and re-referred to the Committee on Federal Relations, Energy and Telecommunications. The motion, requiring 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,

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Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Sonju, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 50

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, 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, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 49

Excused: Clark.
Total 1

Absent or not voting: None.
Total 0

Representative Mendenhall moved **SB 339** be re-referred back to the Committee on Business and Labor. The motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, 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 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: Clark.
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 1:00 p.m., Wednesday, March 21, 2007. Motion carried.

House adjourned at 3:15 p.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House

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