

**HOUSE JOURNAL  
60TH LEGISLATURE  
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
March 27, 2007

House Chambers  
State Capitol

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

Roll Call. All members present, except Representative Clark, excused. Quorum present.

**COMMUNICATIONS AND PETITIONS**

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

L. Jones, Chair

**REPORTS OF STANDING COMMITTEES**

**BILLS** (Jones, Chairman):

3/26/2007

Correctly printed: **HB 95, HB 125, HB 835, SB 132, SB 308, SB 466, SB 467, SB 537.**

Correctly engrossed: **HB 12, HB 63, HB 829, SB 206, SB 339, SB 386.**

Correctly enrolled: **HB 91, HB 98, HB 118, HB 120, HB 124, HB 157, HB 260, HB 341, HB 397, HB 409, HB 412, HB 469, HB 497, HB 576, HB 596, HB 717, HB 724, HB 770.**

Signed by the Chief Clerk of the House at 9:50 a.m., March 26, 2007: **HB 92, HB 105, HB 177, HB 207, HB 400, HB 521.**

Signed by the Speaker at 2:00 p.m., March 26, 2007: **HB 92, HB 105, HB 177, HB 207, HB 400, HB 521.**

Signed by the Chief Clerk of the House at 3:08 p.m., March 27, 2007: **HB 22, HB 503, HB 555, HB 703.**

Signed by the Speaker at 1:30 p.m., March 27, 2007: **HB 22, HB 503, HB 555, HB 703.**

Signed by the President at 10:00 a.m., March 27, 2007: **HB 92, HB 105, HB 177, HB 207, HB 400, HB 521.**

Examined by the sponsor and found to be correct: **HB 64, HB 98, HB 124, HB 129, HB 157, HB 260, HB 284, HB 341, HB 397, HB 412, HB 469, HB 497, HB 510, HB 570, HB 579, HB 596, HB 664, HB 770, HB 795, HJR 35, HB 409.**

3/27/2007

Correctly engrossed: **HB 3, HB 49, HB 155, HB 304, HB 406, HB 463, HB 512, HB 574, HB 732, HB 801, HB 841.**

Correctly enrolled: **HB 129, HB 284, HB 510, HB 577, HB 664, HJR 35.**

**APPROPRIATIONS** (Sinrud, Chairman):

3/27/2007

**HB 3**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Strike:** "\$27,000,000"

**Insert:** "\$20,609,261"

2. Page 1.

**Following:** line 19

**Insert:** "Canteen Purchases \$375,000 State Special Revenue"

3. Page 1, line 21.

**Strike:** "\$25,000,000"

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**Insert:** "\$21,500,000"

4. Page 1.

**Following:** line 24

**Insert:** "School Lawsuit \$499,732 General Fund"

5. Page 2, line 2.

**Strike:** "\$3,300,000"

**Insert:** "\$5,363,042"

6. Page 2.

**Strike:** line 3 through line 14 in their entirety

7. Page 2.

**Following:** line 16

**Insert:** "Transportation Aid \$380,000 General Fund"

8. Page 2, line 17.

**Insert:** "Department of Revenue Business Equipment Rate Reduction Reimbursement \$2,802,315 General Fund"

And, as amended, do pass. Report adopted.

**HB 155**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "BY"

**Insert:** "MONTANA RESIDENTS WHO ARE"

2. Title, line 7.

**Following:** "GUARD"

**Insert:** ", "

**Strike:** "AND"

**Following:** "RESERVE"

**Insert:** ", OR ARMED FORCES"

3. Page 1, line 20.

**Strike:** "the" through "have"

**Insert:** "Montana has"

4. Page 1, line 21.

**Following:** "guard"

**Insert:** ", "

**Strike:** "and"

**Following:** "reserve"

**Insert:** ", and armed forces"

5. Page 1, line 22.

**Following:** "guard"

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**Insert:** ", "  
**Strike:** "and"

6. Page 1, line 23.

**Following:** "reserve"

**Insert:** ", and armed forces"

**Following:** "a"

**Strike:** "national guard or reserve"

**Insert:** "service"

7. Page 1, line 25.

**Following:** "guard"

**Insert:** ", "

**Strike:** "and"

**Following:** "reserve"

**Insert:** ", and armed forces"

8. Page 1, line 27.

**Following:** "guard"

**Insert:** ", "

**Strike:** "and"

**Following:** "reserve"

**Insert:** ", and armed forces"

9. Page 1, line 29.

**Following:** "guard"

**Insert:** ", "

**Strike:** "and"

**Following:** "reserve"

**Insert:** ", and armed forces"

10. Page 2, line 5.

**Following:** "guard"

**Insert:** ", "

**Strike:** the first "and"

**Following:** "reserve"

**Insert:** ", and armed forces"

11. Page 2, line 17.

**Following:** "a"

**Insert:** "Montana resident who is a"

**Following:** "reserve"

**Insert:** "or a member of the armed forces, as defined in 10 U.S.C. 101(a)(4)"

12. Page 3, line 5.

**Strike:** "\$16.25"

**Insert:** "\$17.50"

And, as amended, do pass. Report adopted.

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**HB 512**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "GENERAL FUND"

2. Title, line 8.

**Following:** "FUNDS;"

**Insert:** "APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR EMERGENCY GRANTS; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR PRELIMINARY ENGINEERING GRANTS; APPROPRIATING MONEY FROM THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM STATE SPECIAL REVENUE ACCOUNT TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR FINANCIAL ASSISTANCE TO REGIONAL WATER AUTHORITIES FOR REGIONAL WATER PROJECTS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE STATE GENERAL FUND TO THE TREASURE STATE ENDOWMENT STATE SPECIAL REVENUE ACCOUNT; TERMINATING A PRIOR TREASURE STATE ENDOWMENT GRANT; AMENDING SECTION 1, CHAPTER 435, LAWS OF 2001;"

**Strike:** "AN"

**Strike:** "DATE"

**Insert:** "DATES"

3. Page 1, line 12 through page 2, line 27.

**Strike:** section 1 in its entirety

**Insert:** "NEW SECTION. Section 1. Appropriation from treasure state endowment state special revenue account. (1) There is appropriated to the department of commerce \$17,333,653 of the interest earnings from the treasure state endowment state special revenue account to finance grants authorized by this section.

(2) The funds appropriated in this section must be used by the department to make grants to the governmental entities listed in subsection (3) for the described purposes and in amounts not to exceed the amounts set out in subsection (3). The appropriations are subject to the conditions set forth in [sections 2 and 3] and described in the treasure state endowment program 2009 biennium report to the 60th legislature. The legislature, pursuant to 90-6-710, authorizes the grants for the projects listed in subsection (3). The department shall commit funds to projects listed in subsection (3), up to the amounts authorized, based on the manner of disbursement set forth in [section 3] until interest earnings deposited into the treasure state endowment state special revenue account during the 2009 biennium are expended.

(3) The following applicants and projects are authorized for grants:

Applicant/Project Grant Amount

1. Lewis and Clark County for the Woodlawn Addition (water)\$596,420
2. Bainville, Town of (wastewater)715,000
3. Madison County (bridge)370,100
4. Sweet Grass County (bridge)151,493
5. Powell County (bridge)263,074
6. Circle, Town of (wastewater)750,000
7. Harlem, City of (water)750,000
8. Jordan, Town of (wastewater)700,000
9. Thompson Falls, City of (water)363,000
10. Twin Bridges, Town of (wastewater)750,000
11. Seeley Lake-Missoula County Water District (water)750,000
12. Fergus County (bridge)238,362
13. Sunny Meadows-Missoula County Water and Sewer District (water)325,000
14. Tri-County Water District (water)313,500
15. Blaine County (bridge)617,017
16. Loma County Water and Sewer District (water)750,000

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17. Ekalaka, Town of (water and wastewater)706,369
18. Stillwater County (bridge)407,500
19. Sheridan, Town of (wastewater)750,000
20. Carter-Chouteau County Water and Sewer District (water)750,000
21. Bigfork County Water and Sewer District (wastewater)750,000
22. Dayton-Lake County Water and Sewer District (wastewater)750,000
23. Judith Basin County (bridge)192,215
24. Pinesdale, Town of (water)750,000
25. Power-Teton County Water and Sewer District (water)604,286
26. Superior, Town of (water)600,000
27. RAE Subdivision County Water and Sewer District No. 313 (water)750,000
28. Jefferson County (bridge)295,800
29. Fort Benton, City of (stormwater)750,000
30. Laurel, City of (wastewater)750,000
31. Yellowstone County (bridge) 97,079
32. Neihart, Town of (water)223,000
33. Three Forks, City of (wastewater)750,000
34. Manhattan, Town of (water)600,000
35. Cut Bank, City of (water)550,000
36. Whitehall, Town of (wastewater)750,000
37. Crow Tribe (wastewater)750,000
38. Big Sandy, Town of (wastewater)750,000
39. Fairfield, Town of (wastewater)750,000
40. Hamilton, City of (wastewater)750,000
41. Gallatin County/Hebgen Lake Estates (wastewater)750,000
42. Shelby, City of (water)750,000
43. Whitefish, City of (wastewater)750,000
44. Panoramic Mountain River Heights (water)191,500
45. Custer County (bridge)63,750
46. Brady, Town of (wastewater)750,000
47. Elk Meadows (water)410,000
48. Polson, City of (water)750,000
49. Darby, Town of (water)750,000
50. Goodan-Keil (water)532,250
51. Butte-Silver Bow (water)750,000
52. Columbia Falls, City of (wastewater)750,000
53. North Valley County (water)750,000
54. Saltese, Town of (wastewater)750,000
55. Red Lodge, City of (water)750,000
56. Black Eagle, Town of (water)365,000

(4) This section constitutes a valid obligation of funds to the grant recipients listed in subsection (3) for purposes of encumbering the treasure state endowment state special revenue account funds during the 2009 biennium pursuant to 17-7-302. However, a grant recipient's entitlement to receive funds is dependent on the grant recipient's compliance with the conditions described in [section 3(1)] and on the availability of funds.

(5) Funding for projects numbered 1 through 56 in subsection (3) will be provided in the order that applications are received only as long as there are sufficient funds available from the amount that was deposited into the treasure state endowment state special revenue account during the biennium ending June 30, 2009. Funding for these projects will be made available in the order that the grant recipients satisfy the conditions described in [section 3(1)]. Once funds deposited into the treasure state endowment state special revenue account during the biennium are totally committed to projects that have satisfied the conditions described in [section 3(1)], the obligation to any remaining projects will cease.

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(6) In the event that any remaining funds deposited into the treasure state endowment state special revenue account during the 2009 biennium are insufficient to fully fund one of the grant recipients listed in subsection (3), the department may make the remaining funds available to the first grant recipient that has satisfied the conditions described in [section 3(1)] and that is able to firmly commit the balance of the amount necessary to fund the project in its entirety."

4. Page 4, line 13.

**Insert:** "NEW SECTION. **Section 4. Appropriations from treasure state endowment state special revenue account for emergency grants.** There is appropriated to the department of commerce \$100,000 for the biennium beginning July 1, 2007, from the interest earnings of the treasure state endowment state special revenue account for the purpose of providing local governments, as defined in 90-6-701, with emergency grants for infrastructure projects, as defined in 90-6-701."

**Insert:** "NEW SECTION. **Section 5. Appropriations from treasure state endowment special revenue account for preliminary engineering grants.** There is appropriated to the department of commerce \$600,000 for the biennium beginning July 1, 2007, from the interest earnings of the treasure state endowment state special revenue account for the purpose of providing local governments, as defined in 90-6-701, with preliminary engineering grants for infrastructure projects, as defined in 90-6-701."

**Insert:** "**Section 6.** Section 1, Chapter 435, Laws of 2001, is amended to read:

**"Section 1. Appropriations from treasure state endowment special revenue account.** (1) There is appropriated to the department of commerce the interest earnings of the treasure state endowment special revenue account to finance grants authorized by this section.

(2) The funds appropriated in this section must be used by the department to make grants to the governmental entities listed in subsection (3) for the described purposes and in amounts not to exceed the amounts set out in subsection (3). The appropriations are subject to the conditions set forth in [sections 1 through 3] and described in the treasure state endowment program 2003 biennium report to the 57th legislature. The legislature, pursuant to 90-6-710, authorizes the grants for the projects listed in subsection (3). The department shall commit funds to projects listed in subsection (3), up to the amounts authorized, based on the manner of disbursement set forth in [section 3] until interest earnings deposited into the treasure state endowment special revenue account during the 2003 biennium are expended.

(3) The following applicants and projects are authorized for grants in the order of their priority:

Applicant/ProjectGrant

1. Lewis and Clark County (bridge)\$500,000
2. Alder Water and Sewer District, Madison County (wastewater)500,000
3. Hot Springs, Town of (water)500,000
4. Whitewater Water and Sewer District, Phillips County (wastewater)500,000
5. Virginia City, Town of (wastewater)500,000
6. Froid, Town of (wastewater)390,600
7. Nashua, Town of (wastewater)500,000
8. Richland County (bridge)296,500
9. Lavina, Town of (wastewater)483,000
10. Gardiner-Park County Water District, Park County (water)398,500
11. Park City/County Water and Sewer District, Stillwater County (wastewater)500,000
12. Stanford, Town of (wastewater)500,000
13. Florence County Water and Sewer District, Ravalli County (wastewater)500,000
14. Ashland County Water and Sewer District, Rosebud County (wastewater)500,000
15. Geraldine, Town of (water)167,460
16. Manhattan, Town of (wastewater)500,000
17. Lambert County Water and Sewer District, Richland County (water)403,000
18. Browning, Town of (water)500,000
19. Kevin, Town of (wastewater)385,000
20. Power-Teton Co. Water and Sewer District, Teton County (water)425,000
21. Blackfeet Tribe (water)500,000

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22. Whitefish, City of (wastewater)500,000
23. Choteau, City of (wastewater)500,000
- ~~24. Lockwood Water and Sewer District, Yellowstone County (wastewater)500,000~~
25. Eureka, Town of (water)369,000
26. Shelby, City of (water)500,000
27. Charlo Sewer District, Lake County (wastewater)500,000
28. Essex Water and Sewer District, Flathead County (water)225,000
29. Yellowstone County (bridge)300,000
30. Hinsdale Water and Sewer District, Valley County (wastewater)329,000
31. Havre, City of (water)500,000
32. Helena, City of (storm drain)500,000
33. Fairfield, Town of (wastewater)500,000
34. Jordan, Town of (water/wastewater)500,000

(4) If sufficient funds are available, this section constitutes a valid obligation of funds to the grant recipients listed in subsection (3) for purposes of encumbering the treasure state endowment special revenue account funds received during the 2003 biennium under 17-7-302. However, a grant recipient's entitlement to receive funds is dependent on the grant recipient's compliance with the conditions described in [section 3(1)] and on the availability of funds.

(5) If funds deposited into the treasure state endowment special revenue account during the biennium ending June 30, 2003, are insufficient to fully fund the projects numbered 1 through 31 in subsection (3) that have satisfied the conditions described in [section 3(1)] by June 30, 2003, these projects will be funded from deposits into the treasure state endowment special revenue account made during the 2005 biennium, before projects authorized by the 58th legislature receive funding from the account. However, any of the projects numbered 1 through 31 listed in subsection (3) that have not completed the conditions described in [section 3(1)] by January 1, 2003, must be reviewed by the next regular session of the legislature to determine if the authorized grant should be withdrawn.

(6) Projects numbered 32 through 34 listed in subsection (3) that have satisfied the conditions described in [section 3(1)] may not receive grant funds unless sufficient funds have been deposited into the treasure state endowment special revenue account to fully fund the projects numbered 1 through 31 in subsection (3). However, if a subsequent legislature withdraws funding for any of the projects numbered 1 through 31 listed in subsection (3), those funds could be made available to projects numbered 32 through 34 listed in subsection (3) that have completed the conditions described in [section 3(1)].

(7) In the event that any remaining funds deposited into the treasure state endowment special revenue account are insufficient to fully fund one of the grant recipients listed in subsection (3), the department may make the remaining funds from the treasure state endowment special revenue account available to the grant recipient on condition that the grant recipient is able to firmly commit the balance of the amount necessary to fund the project in its entirety."

**Insert: "NEW SECTION. Section 7. Appropriation from treasure state endowment regional water system special revenue account.** (1) There is appropriated to the department of natural resources and conservation the interest earnings of the treasure state endowment regional water system state special revenue account to finance the state's share of regional water system projects authorized by this section and as set forth in 90-6-715.

(2) The dry prairie rural water authority and the north central Montana regional water authority are authorized to receive funds.

(3) Up to \$6,686,000 is authorized for the 2009 biennium to provide the state's share for regional water system projects.

(4) A regional water authority's receipt of funds is dependent on the authority's compliance with the conditions described in [section 9(1)].

(5) This section constitutes a valid obligation of funds to the regional water authorities listed in subsection (2) for purposes of encumbering the treasure state endowment regional water system state special revenue account funds received during the 2009 biennium under 17-7-302."

**Insert: "NEW SECTION. Section 8. Approval of funds -- completion of appropriation.** (1) The legislature, pursuant to 90-6-715, authorizes funds for the regional water authorities identified in [section 7(2)].

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(2) The authorization of these funds completes an appropriation from the treasure state endowment regional water system special revenue account provided for in 17-5-703(4)(d)."

**Insert:** "NEW SECTION. Section 9. Conditions -- manner of disbursement of funds. (1) The disbursement of funds under [sections 7 through 9] is subject to completion of the following conditions:

(a) The regional water authority shall execute an agreement with the department of natural resources and conservation.

(b) The regional water authority must have a project management plan that is approved by the department.

(c) The regional water authority shall establish a financial accounting system that the department can reasonably ensure conforms to generally accepted accounting principles.

(d) The regional water authority shall provide the department with a detailed preliminary engineering report.

(2) The department shall disburse funds on a reimbursement basis as the regional water authority incurs eligible project expenses."

**Insert:** "NEW SECTION. Section 10. Fund transfer -- use of transferred funds. (1) The amount of \$2 million is transferred from the state general fund to the treasure state endowment state special revenue account. The funds transferred pursuant to this section must be held in a subaccount to be used for the projects authorized in [section 1] if the appropriations in that section are insufficient to fund all of the enumerated projects. Interest earned on the subaccount must be deposited in the treasure state endowment state special revenue account.

(2) If the funds are needed for the purposes of subsection (1), then the funds are appropriated to the department of commerce for the purpose of funding the authorized projects. Any money remaining in the subaccount at the end of the biennium reverts to the general fund."

**Renumber:** subsequent sections

5. Page 4, line 18.

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

6. Page 4, line 19.

**Insert:** "(2) [Sections 7 through 9 and this section] are effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 830**, introduced bill, be amended as follows:

1. Page 1, line 16.

**Strike:** "18]"

**Insert:** "17]"

2. Page 1, line 20.

**Strike:** "18]"

**Insert:** "17]"

3. Page 3, line 10.

**Strike:** "3,750,000" in both places

**Insert:** "1,500,000" in both places

4. Page 3, line 11.

**Following:** "System"

**Insert:** "Remote"



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**Following:** "Centers"

**Strike:** remainder of line 11

**Insert:** "2,500,000[LRBP] 2,500,000[Total]"

5. Page 3, line 12.

**Strike:** line 12 in its entirety

**Insert:** "The enterprise system remote services centers project must be performed by contracted services pursuant to Title 18, chapter 4."

6. Page 3, line 15.

**Strike:** "2,800,000"

**Insert:** "259,000"

**Strike:** "9,800,000"

**Insert:** "7,259,000"

7. Page 5.

**Following:** line 7

**Insert:** "Supplement Billings College of Technology Expansion 2,217,000[LRBP] 2,217,000[Total]"

8. Page 7, line 7.

**Strike:** "7,750,000" in both places

**Insert:** "7,250,000" in both places

9. Page 7, line 9.

**Strike:** "(4)"

**Insert:** "(3)"

**Following:** "fund"

**Strike:** "\$59.313"

**Insert:** "\$46.838"

10. Page 7, line 10.

**Following:** "and"

**Strike:** "\$59.313"

**Insert:** "\$46.838"

11. Page 7, lines 11 and 12.

**Strike:** subsection (2) in its entirety

**ReNUMBER:** subsequent subsections

12. Page 7, line 13.

**Strike:** "(4)"

**Insert:** "(3)"

13. Page 7, line 16.

**Strike:** "\$33,505,165"

**Insert:** "\$20,318,035"

14. Page 7, line 19.

**Strike:** "through (3)"

**Insert:** "and (2)"

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15. Page 8, line 2.

**Strike:** "15]"

**Insert:** "14]"

16. Page 10, line 12.

**Strike:** line 12 in its entirety

17. Page 11, lines 12 through 15.

**Strike:** section 9 in its entirety

**Renumber:** subsequent sections

18. Page 13, line 5.

**Strike:** "7,823,130" in both places

**Insert:** "3,000,000" in both places

19. Page 13, line 6.

**Strike:** "4,000,000" in both places

**Insert:** "3,000,000" in both places

20. Page 13, line 10.

**Strike:** "7,625,000"

**Insert:** "5,000,000"

**Strike:** "16,225,000"

**Insert:** "13,600,000"

21. Page 13, line 12.

**Following:** "System"

**Strike:** remainder of line 12 in its entirety

**Insert:** "4,500,000[LRITP] 4,500,000[Federal] 9,000,000[Total]"

22. Page 13, line 13.

**Following:** "System"

**Strike:** remainder of line 13 in its entirety

**Insert:** "12,500,000[LRITP] 9,821,000[Federal] 22,321,000[Total]"

23. Page 13.

**Following:** line 15

**Insert:** "The northern tier network expansion appropriation is restricted for rural network expansion. This appropriation may not be used for backbone. The northern tier network expansion project must be performed by contracted services pursuant to Title 18, chapter 4.

The statewide E911 network project must be performed by contracted services pursuant to Title 18, chapter 4. The amount of \$1.5 million of the E911 appropriation must be used for the purchase, installation, and maintenance of the position-determining equipment on the existing statewide E911 network, and \$1.5 million must be distributed to counties. The funds may not be used to pay for early termination fees on existing contracts. Sixteen percent of the amount distributed to counties must be distributed evenly to the 56 counties, and 84% must be distributed to counties with 1% or less of the total population. To be eligible for E911 network funding, a county must have an approved enhanced 9-1-1 plan in accordance with 10-4-125."

24. Page 13, line 19.

**Strike:** "14(1)]"

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**Insert:** "13(1)]"

25. Page 14, line 3.

**Strike:** "15]"

**Insert:** "14]"

26. Page 14, line 4.

**Strike:** "15]"

**Insert:** "14]"

27. Page 22, line 21.

**Strike:** "17 and 18]"

**Insert:** "16 and 17]"

28. Page 23, line 1.

**Strike:** "17 and 18]"

**Insert:** "16 and 17]"

29. Page 23, line 7.

**Following:** "approved"

**Insert:** "with a reduction to the future fisheries resource indemnity trust interest earnings distribution"

30. Page 23, line 8.

**Following:** "is"

**Strike:** remainder of line 8

**Insert:** "reduced by a like amount."

31. Page 23, line 10.

**Strike:** "3(3)"

**Insert:** "3(2)"

And, as amended, do pass. Report adopted.

**HB 406**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "GROUP;"

**Insert:** "REQUIRING A REPORT TO THE LEGISLATURE; TRANSFERRING GENERAL FUND MONEY;"

2. Page 2, line 19.

**Following:** "expenditures"

**Insert:** "-- report to legislature"

3. Page 2, line 24.

**Following:** "accomplish"

**Strike:** "each"

**Insert:** "any"

4. Page 3.

**Following:** line 9

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**Insert:** "(5) (a) The department shall provide regular interim reports on the status of the program and program expenditures to the legislative finance committee and the children, families, health, and human services interim committee.

(b) The department shall report to the legislature, as provided for in 5-11-210, the following information for each year of the biennium:

- (i) the status of the expenditures made pursuant to [sections 1 through 9];
- (ii) the number of people served by the expenditure of funds; and
- (iii) the costs to the state of the services provided pursuant to [sections 1 through 9]."

5. Page 5, line 12.

**Following:** "Appropriation."

**Insert:** "(1)"

**Strike:** "\$2 million"

**Insert:** "\$650,000"

6. Page 5.

**Following:** line 16

**Insert:** "(2) The appropriation in this section is one-time in nature and is not to be included in the base budget for the 2011 biennium budget."

And, as amended, do pass. Report adopted.

**BUSINESS AND LABOR** (Mendenhall, Chairman):

3/27/2007

**SB 312**, be concurred in. Report adopted.

**SB 540**, be amended as follows:

1. Title, line 9.

**Following:** "SECTIONS"

**Insert:** "23-5-112,"

**Following:** "23-5-152"

**Insert:** ", "

2. Page 1, line 14.

**Following:** line 13

**Insert:** "**Section 1.** Section 23-5-112, MCA, is amended to read:

"**23-5-112. Definitions.** Unless the context requires otherwise, the following definitions apply to parts 1 through 8 of this chapter:

(1) "Applicant" means a person who has applied for a license or permit issued by the department pursuant to parts 1 through 8 of this chapter.

(2) "Application" means a written request for a license or permit issued by the department. The department shall adopt rules describing the forms and information required for issuance of a license.

(3) "Authorized equipment" means, with respect to live keno or bingo, equipment that may be inspected by the department and that randomly selects the numbers.

(4) "Bingo" means a gambling activity played for prizes with a card bearing a printed design of 5 columns of 5 squares each, 25 squares in all. The letters B-I-N-G-O must appear above the design, with each letter above one of the columns. More than 75 numbers may not be used. One number must appear in each square, except for the center square, which may be considered a free play. Numbers are randomly drawn using authorized equipment until the game is won by the person or persons who first cover one or more previously designated arrangements of numbers on the bingo card.

(5) "Bingo caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live bingo.

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- (6) "Card game table" or "table" means a live card game table:
- (a) authorized by permit and made available to the public on the premises of a licensed gambling operator;
- or
- (b) operated by a senior citizen center.
- (7) "Card game tournament" means a gambling activity for which a permit has been issued involving participants who pay valuable consideration for the opportunity to compete against each other in a series of live card games conducted over a designated period of time.
- (8) "Dealer" means a person with a dealer's license issued under part 3 of this chapter.
- (9) "Department" means the department of justice.
- (10) "Distributor" means a person who:
- (a) purchases or obtains from a licensed manufacturer, distributor, or route operator equipment of any kind for use in gambling activities; and
  - (b) sells the equipment to a licensed distributor, route operator, or operator.
- (11) (a) "Gambling" or "gambling activity" means risking any money, credit, deposit, check, property, or other thing of value for a gain that is contingent in whole or in part upon lot, chance, or the operation of a gambling device or gambling enterprise.
- (b) The term does not mean conducting or participating in a promotional game of chance and does not include amusement games regulated by Title 23, chapter 6, part 1.
- (12) "Gambling device" means a mechanical, electromechanical, or electronic device, machine, slot machine, instrument, apparatus, contrivance, scheme, or system used or intended for use in any gambling activity.
- (13) "Gambling enterprise" means an activity, scheme, or agreement or an attempted activity, scheme, or agreement to provide gambling or a gambling device to the public.
- (14) (a) "Gift enterprise" means a gambling activity in which persons have qualified to obtain property to be awarded by purchasing or agreeing to purchase goods or services.
- (b) The term does not mean:
    - (i) a cash or merchandise attendance prize or premium that county fair commissioners of agricultural fairs and rodeo associations may give away at public drawings at fairs and rodeos;
    - (ii) a promotional game of chance; or
    - (iii) an amusement game regulated under Title 23, chapter 6.
- (15) "Gross proceeds" means gross revenue received less prizes paid out.
- (16) "Illegal gambling device" means a gambling device not specifically authorized by statute or by the rules of the department. The term includes:
- (a) a ticket or card, by whatever name known, containing concealed numbers or symbols that may match numbers or symbols designated in advance as prize winners, including a pull tab, punchboard, push card, tip board, pickle ticket, break-open, or jar game, except for one used under Title 23, chapter 7, or under part 5 of this chapter or in a promotional game of chance approved by the department; and
  - (b) an apparatus, implement, or device, by whatever name known, specifically designed to be used in conducting an illegal gambling enterprise, including a faro box, faro layout, roulette wheel, roulette table, or craps table, or a slot machine, except as provided in 23-5-153.
- (17) "Illegal gambling enterprise" means a gambling enterprise that violates or is not specifically authorized by a statute or a rule of the department. The term includes:
- (a) a card game, by whatever name known, involving any bank or fund from which a participant may win money or other consideration and that receives money or other consideration lost by the participant and includes the card games of blackjack, twenty-one, jacks or better, baccarat, or chemin de fer;
  - (b) a dice game, by whatever name known, in which a participant wagers on the outcome of the roll of one or more dice, including craps, hazard, or chuck-a-luck, but not including activities authorized by 23-5-160;
  - (c) sports betting, by whatever name known, in which a person places a wager on the outcome of an athletic event, including bookmaking, parlay bets, or sultan sports cards, but not including those activities authorized in Title 23, chapter 4, and parts 2, 5, and 8 of this chapter;
  - (d) credit gambling; and
  - (e) internet gambling.

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(18) (a) "Internet gambling", by whatever name known, includes but is not limited to the conduct of any legal or illegal gambling enterprise through the use of communications technology that allows a person using money, paper checks, electronic checks, electronic transfers of money, credit cards, debit cards, or any other instrumentality to transmit to a computer information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes, or other similar information.

(b) The term does not include the operation of a simulcast facility allowed by Title 23, chapter 4, or the state lottery provided for in Title 23, chapter 7. If all aspects of the gaming are conducted on Indian lands in conformity with federal statutes and with administrative regulations of the national Indian gaming commission, the term does not include class II gaming or class III gaming as defined by 25 U.S.C. 2703.

(19) "Keno" means a game of chance in which prizes are awarded using a card with 8 horizontal rows and 10 columns on which a player may pick up to 10 numbers. A keno caller, using authorized equipment, shall select at random at least 20 numbers out of numbers between 1 and 80, inclusive.

(20) "Keno caller" means a person 18 years of age or older who, using authorized equipment, announces the order of the numbers drawn in live keno.

(21) "License" means a license for an operator, dealer, card room contractor, manufacturer of devices not legal in Montana, sports tab game seller, manufacturer of electronic live bingo or keno equipment, other manufacturer, distributor, or route operator that is issued to a person by the department.

(22) "Licensee" means a person who has received a license from the department.

(23) "Live card game" or "card game" means a card game that is played in public between persons on the premises of a licensed gambling operator or in a senior citizen center.

(24) (a) "Lottery" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have paid or promised to pay valuable consideration for the chance of obtaining the property or a portion of it or for a share or interest in the property upon an agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance.

(b) The term does not mean lotteries authorized under Title 23, chapter 7.

(25) "Manufacturer" means a person who:

(a) assembles from raw materials or subparts a completed piece of equipment or pieces of equipment of any kind to be used as a gambling device and who sells the equipment directly to a licensed distributor, route operator, or operator; or

(b) possesses gambling devices or components of gambling devices for the purpose of testing them.

(26) "Nonprofit organization" means a nonprofit corporation or nonprofit charitable, religious, scholastic, educational, veterans', fraternal, beneficial, civic, senior citizens', or service organization established for purposes other than to conduct a gambling activity.

(27) "Operator" means a person who purchases, receives, or acquires, by lease or otherwise, and operates or controls for use in public a gambling device or gambling enterprise authorized under parts 1 through 8 of this chapter.

(28) "Permit" means approval from the department to make available for public play a gambling device or gambling enterprise approved by the department pursuant to parts 1 through 8 of this chapter.

(29) "Person" or "persons" means both natural and artificial persons and all partnerships, corporations, associations, clubs, fraternal orders, and societies, including religious and charitable organizations.

(30) "Premises" means the physical building or property within or upon which a licensed gambling activity occurs, as stated on an operator's license application and approved by the department.

(31) "Promotional game of chance" means a scheme, by whatever name known, for the disposal or distribution of property among persons who have not paid or are not expected to pay any valuable consideration or who have not purchased or are not expected to purchase any goods or services for a chance to obtain the property, a portion of it, or a share in it. The property is disposed of or distributed by simulating a gambling enterprise authorized by parts 1 through 8 of this chapter or by operating a device or enterprise approved by the department that was manufactured or intended for use for purposes other than gambling.

(32) "Public gambling" means gambling conducted in:

(a) a place, building, or conveyance to which the public has access or may be permitted to have access;

(b) a place of public resort, including but not limited to a facility owned, managed, or operated by a

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partnership, corporation, association, club, fraternal order, or society, including a religious or charitable organization;  
or

(c) a place, building, or conveyance to which the public does not have access if players are publicly solicited or the gambling activity is conducted in a predominantly commercial manner.

(33) "Raffle" means a form of lottery in which each participant pays valuable consideration for a ticket to become eligible to win a prize. Winners must be determined by a random selection process approved by department rule.

(34) "Route operator" means a person who:

(a) purchases from a licensed manufacturer, route operator, or distributor equipment of any kind for use in a gambling activity;

(b) leases the equipment to a licensed operator for use by the public; and

(c) may sell to a licensed operator equipment that had previously been authorized to be operated on a premises.

(35) "Senior citizen center" means a facility operated by a nonprofit or governmental organization that provides services to senior citizens in the form of daytime or evening educational or recreational activities and does not provide living accommodations to senior citizens. Services qualifying under this definition must be recognized in the state plan on aging adopted by the department of public health and human services.

(36) (a) "Slot machine" means a mechanical, electrical, electronic, or other gambling device, contrivance, or machine that, upon insertion of a coin, currency, token, credit card, or similar object or upon payment of any valuable consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the gambling device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payoff is made automatically from the machine or in any other manner.

(b) This definition does not apply to video gambling machines authorized under part 6 of this chapter.

(37) "Video gambling machine" is a gambling device specifically authorized by part 6 of this chapter and the rules of the department."

**Renumber:** subsequent sections

3. Page 2, lines 24 and 25.

**Following:** "operation" on line 24

**Strike:** remainder of line 24 through "DEVICES" on line 25

**Insert:** "licensed retail business establishment for purposes of resale and not for operation"

4. Page 2, line 28.

**Following:** "antique"

**Strike:** "slot machines and other antique"

5. Page 2, lines 29 and 30.

**Following:** "antique" on line 29

**Strike:** remainder of line 29 through "An antique" on line 29

6. Page 3, line 2.

**Following:** "in"

**Insert:** "23-5-152(6) and"

**Following:** "(3)"

**Insert:** "of this section"

**Strike:** "slot machine or antique"

7. Page 3, line 4.

**Strike:** "slot machine or antique"

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8. Page 3, line 6.

**Following:** "a"

**Insert:** "retail business establishment or"

9. Page 3, line 7.

**Strike:** "machine or"

10. Page 3, line 10.

**Strike:** "slot machines and antique" on line 10

11. Page 3, line 11.

**Strike:** "machines"

**Insert:** "devices"

12. Page 3, lines 12 and 13.

**Following:** "antique" on line 12

**Strike:** remainder of line 12 through "antique" on line 13

13. Page 3, line 14.

**Strike:** "an annual"

**Insert:** "a"

**Strike:** "machines or other"

14. Page 3, line 15.

**Strike:** "a year"

**Insert:** ", and the license is valid for 3 years from the date that the license is issued"

15. Page 3, line 17.

**Strike:** "slot machine or"

16. Page 3, line 18.

**Strike:** "machine or"

17. Page 3, line 19.

**Strike:** "a"

**Strike:** "machine or"

**Insert:** "an illegal gambling"

18. Page 3, line 20.

**Strike:** "slot machine or antique"

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

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 3/27/2007  
**SB 448**, be amended as follows:

1. Title, line 12.

**Following:** "ANALYSIS;"

**Insert:** "REQUIRING THAT AN APPLICANT PAY COSTS INCURRED BY THE OFFICE OF CONSUMER COUNSEL IN PREPARING A FISCAL IMPACT ANALYSIS;"



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2. Title, line 12.

**Following:** "75-1-201,"

**Insert:** "75-1-205,"

3. Page 1, line 20.

**Strike:** the second "THE"

4. Page 7, line 1.

**Insert:** "**Section 4.** Section 75-1-205, MCA, is amended to read:

**"75-1-205. Collection and use of fees and costs.** (1) A person who applies to a state agency for a permit, license, or other authorization that the agency determines requires preparation of an environmental impact statement is responsible for paying:

(a) the agency's costs of preparing the environmental impact statement and conducting the environmental impact statement process if the agency makes a written determination, based on material evidence identified in the determination, that there will be a significant environmental impact or a potential for a significant environmental impact; ~~or. If a customer fiscal impact analysis is required under [section 1], the applicant shall also pay the staff and consultant costs incurred by the office of consumer counsel in preparing the analysis.~~

(b) a fee as provided in 75-1-202 if the agency does not make the determination provided for in subsection (1)(a).

(2) Costs payable under subsection (1) include:

(a) the costs of generating, gathering, and compiling data and information that is not available from the applicant to prepare the draft environmental impact statement, any supplemental draft environmental impact statement, and the final environmental impact statement;

(b) the costs of writing, reviewing, editing, printing, and distributing a reasonable number of copies of the draft environmental impact statement;

(c) the costs of attending meetings and hearings on the environmental impact statement, including meetings and hearings held to determine the scope of the environmental impact statement; and

(d) the costs of preparing, printing, and distributing a reasonable number of copies of any supplemental draft environmental impact statement and the final environmental impact statement, including the cost of reviewing and preparing responses to public comment.

(3) Costs payable under subsection (1) include:

(a) payments to contractors hired to work on the environmental impact statement;

(b) salaries and expenses of an agency employee who is designated as the agency's coordinator for preparation of the environmental impact statement for time spent performing the activities described in subsection (2) or for managing those activities; and

(c) travel and per diem expenses for other agency personnel for attendance at meetings and hearings on the environmental impact statement.

(4) (a) Whenever the agency makes the determination in subsection (1)(a), it shall notify the applicant of the cost of conducting the process to determine the scope of the environmental impact statement. The applicant shall pay that cost, and the agency shall then conduct the scoping process. The timeframe in 75-1-208(4)(a)(i) and any statutory timeframe for a decision on the application are tolled until the applicant pays the cost of the scoping process.

(b) If the agency decides to hire a third-party contractor to prepare the environmental impact statement, the agency shall prepare a list of no fewer than four contractors acceptable to the agency and shall provide the applicant with a copy of the list. If fewer than four acceptable contractors are available, the agency shall include all acceptable contractors on the list. The applicant shall provide the agency with a list of at least 50% of the contractors from the agency's list. The agency shall select its contractor from the list provided by the applicant.

(c) Upon completion of the scoping process and subject to subsection (1)(d), the agency and the applicant shall negotiate an agreement for the preparation of the environmental impact statement. The agreement must provide that:

(i) the applicant shall pay the cost of the environmental impact statement as determined by the agency after consultation with the applicant. In determining the cost, the agency shall identify and consult with the applicant

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regarding the data and information that must be gathered and studies that must be conducted.

(ii) the agency shall prepare the environmental impact statement within a reasonable time determined by the agency after consultation with the applicant and set out in the agreement. This timeframe supersedes any timeframe in statute or rule. If the applicant and the agency cannot agree on a timeframe, the agency shall prepare the environmental impact statement within any timeframe provided by statute or rule.

(iii) the applicant shall make periodic advance payments to cover work to be performed;

(iv) the agency may order work on the environmental impact statement to stop if the applicant fails to make advance payment as required by the agreement. The time for preparation of the environmental impact statement is tolled for any period during which a stop-work order is in effect for failure to make advance payment.

(v) (A) if the agency determines that the actual cost of preparing the environmental impact statement will exceed the cost set out in the agreement or that more time is necessary to prepare the environmental impact statement, the agency shall submit proposed modifications to the agreement to the applicant;

(B) if the applicant does not agree to an extension of the time for preparation of the environmental impact statement, the agency may initiate the informal review process under subsection (4)(d). Upon completion of the informal review process, the agreement may be amended only with the consent of the applicant.

(C) if the applicant does not agree with the increased costs proposed by the agency, the applicant may refuse to agree to the modification and may also provide the agency with a written statement providing the reason that payment of the increased cost is not justified or, if applicable, the reason that a portion of the increased cost is not justified. The applicant may also request an informal review as provided in subsection (4)(d). If the applicant provides a written statement pursuant to this subsection (4)(c)(v)(C), the agreement must be amended to require the applicant to pay all undisputed increased cost and 75% of the disputed increased cost and to provide that the agency is responsible for 25% of the disputed increased cost. If the applicant does not provide the statement, the agreement must be amended to require the applicant to pay all increased costs.

(d) If the applicant does not agree with costs determined under subsection (4)(c)(i) or proposed under subsection (4)(c)(v), the applicant may initiate the informal review process pursuant to 75-1-208(3). If the applicant does not agree to a time extension proposed by the agency under subsection (4)(c)(v), the agency may initiate an informal review by an appropriate board under 75-1-208(3). The period of time for completion of the environmental impact statement provided in the agreement is tolled from the date of submission of a request for a review by the appropriate board until the date of completion of the review by the appropriate board. However, the agency shall continue to work on preparation of the environmental impact statement during this period if the applicant has advanced money to pay for this work.

(5) All fees and costs collected under this part must be deposited in the state special revenue fund as provided in 17-2-102. All fees and costs paid pursuant to this part must be used as provided in this part. Upon completion of the necessary work, each agency shall make an accounting to the applicant of the funds expended and refund all unexpended funds without interest."

**Renumber:** subsequent sections

5. Page 8, line 5.

**Following:** "regulation"

**Insert:** "and the consumer counsel"

6. Page 8, line 8.

**Following:** "reports"

**Insert:** "and to the office of consumer counsel"

7. Page 8, line 28.

**Insert:** "COORDINATION SECTION. **Section 8. Coordination instruction.** If both House Bill No. 610 and [this act] are passed and approved, then the amendments to 75-1-201(3) in [this act] are void."

**Renumber:** subsequent sections

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

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**NATURAL RESOURCES** (McNutt, Chairman):  
**HB 831**, introduced bill, be amended as follows:

3/27/2007

1. Title, line 9 through line 11.  
**Strike:** "REQUIRING" on line 9 through "CRITERIA;" on line 11
2. Title, line 12.  
**Following:** "REQUIREMENTS"  
**Insert:** "AND A FEE"
3. Title, line 13 through line 14.  
**Strike:** "RECOGNIZING" on line 13 through "INSTANCES;" on line 14
4. Title, line 15.  
**Following:** "85-2-330,"  
**Insert:** "85-2-335,"  
**Strike:** "85-2-337,"
5. Title, line 16.  
**Strike:** "85-2-402,"  
**Following:** "MCA;"  
**Insert:** "REPEALING SECTION 85-2-337, MCA;"
6. Title, line 17.  
**Strike:** "APPLICABILITY DATES"  
**Insert:** "AN APPLICABILITY DATE"
7. Page 2, line 27.  
**Strike:** "15"  
**Insert:** "14"  
**Strike:** "17"  
**Insert:** "16"
8. Page 2, line 30.  
**Following:** "offset"  
**Insert:** "adverse effects resulting from"
9. Page 3, line 1 through line 2.  
**Strike:** "in a closed" on line 1 through "right" on line 2
10. Page 3, line 18.  
**Strike:** "15"  
**Insert:** "14"  
**Strike:** "17"  
**Insert:** "16"
11. Page 4, line 13 through line 14.  
**Following:** "offset" on line 13  
**Insert:** "adverse effects resulting from"  
**Strike:** "in a closed" on line 13 through "right" on line 14

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12. Page 5, line 22.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

**Insert:** "16"

13. Page 5, line 25.

**Following:** "offset"

**Insert:** "adverse effects resulting from"

14. Page 5, line 26 through line 27.

**Strike:** "in a closed" on line 26 through "right" on line 27

15. Page 6, line 11.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

**Insert:** "16"

16. Page 7, line 5 through line 6.

**Following:** "offset" on line 5

**Insert:** "adverse effects resulting from"

**Strike:** "in a closed" on line 5 through "right" on line 6

17. Page 8, line 7 through line 8.

**Strike:** "for the purpose" on line 7 through "22]" on line 8

**Insert:** "[section 21]"

18. Page 11, line 20.

**Strike:** "15"

**Insert:** "14"

19. Page 11, line 22.

**Following:** "water supply data,"

**Insert:** "modeling information,"

20. Page 12, following line 1.

**Insert:** "(8) For an application for ground water in a basin closed pursuant to 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344 or during the period of closure for any basin that is administratively closed pursuant to 85-2-319, the applicant shall comply with the provisions of [section 14] in addition to the requirements of this section."

21. Page 12, line 22.

**Strike:** "15"

**Insert:** "14"

22. Page 12, line 27.

**Following:** "by"

**Insert:** "or for"

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23. Page 13, following line 11.

**Insert:** "**Section 6.** Section 85-2-335, MCA, is amended to read:

**"85-2-335. Definitions.** Unless the context requires otherwise, in 85-2-335, ~~through 85-2-336, and~~ 85-2-338, the following definitions apply:

(1) "Application" means an application for a beneficial water use permit pursuant to 85-2-302.

(2) "Upper Clark Fork River basin" means the drainage area of the Clark Fork River and its tributaries above Milltown dam."

**Renumber:** subsequent sections

24. Page 13, line 18.

**Strike:** "15"

**Insert:** "14"

25. Page 14, line 11 through line 25.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

26. Page 15, line 19.

**Strike:** "15"

**Insert:** "14"

27. Page 15, line 24.

**Following:** "use by"

**Insert:** "or for"

28. Page 16, line 29.

**Strike:** "15"

**Insert:** "14"

29. Page 17, line 4.

**Following:** "use by"

**Insert:** "or for"

30. Page 18, line 12.

**Strike:** "15"

**Insert:** "14"

31. Page 18, line 13.

**Following:** "use by"

**Insert:** "or for"

32. Page 19, line 2 through page 29, line 28.

**Strike:** section 13 in its entirety

**Renumber:** subsequent sections

33. Page 31, line 26 through line 27.

**Strike:** "or an application for" on line 26 through "(17)" on line 27

34. Page 31, line 28.

**Strike:** "16"

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**Insert:** "15"

35. Page 31, line 29.

**Strike:** "or change in appropriation right"

36. Page 31, line 30.

**Strike:** "17"

**Insert:** "16"

37. Page 32, line 1.

**Strike:** "16"

**Insert:** "15"

38. Page 32, line 2.

**Strike:** "or change in appropriation right"

39. Page 32, line 4.

**Following:** "(3)(a)"

**Insert:** "(i)"

40. Page 32, line 4 through line 5.

**Strike:** "or change" on line 4 through "right" on line 5

41. Page 32, line 5.

**Strike:** "determine if"

**Insert:** "analyze whether"

42. Page 32, line 6.

**Following:** "If"

**Insert:** "the applicant provides substantial credible information showing that"

43. Page 32, line 6 through line 7.

**Strike:** "and the" on line 6 through "determination" on line 7

44. Page 32, line 7.

**Following:** "proceed"

**Insert:** "to process the application"

45. Page 32, line 7 through line 8.

**Strike:** "85-2-307" on line 7 through "85-2-311" on line 8

**Insert:** "[section 17]"

46. Page 32, line 8.

**Following:** "311."

**Insert:** "(ii)"

**Following:** "If"

**Strike:** "there is"

**Insert:** "the applicant fails to provide substantial credible information showing the lack of"

**Following:** "appropriator"

**Insert:** "from net depletions"

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**Following:** "unless"

**Insert:** ", in addition to all other applicable criteria,"

47. Page 32, line 13.

**Following:** "(4)"

**Strike:** "(a)"

48. Page 32, line 14.

**Following:** "(3)(a)"

**Insert:** "(ii)"

**Following:** "(3)(a),"

**Insert:** "the department may proceed to process the application pursuant to [section 17] if, in addition to other applicable criteria,"

**Following:** "the applicant"

**Strike:** "may receive an appropriation right if the applicant"

**Strike:** "17"

**Insert:** "16"

49. Page 32, line 14 through line 15.

**Strike:** the last "the" on line 14 through "causes" on line 15

**Insert:** "proves by a preponderance of the evidence that"

50. Page 32, line 15.

**Following:** "effect"

**Insert:** "caused by the net depletion"

51. Page 32, line 16 through line 20.

**Strike:** subsection (b) in its entirety

52. Page 32, line 21.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

**Insert:** "16"

53. Page 32, line 24.

**Strike:** "or a change in appropriation right"

54. Page 32, line 26.

**Strike:** "is claimed to"

**Insert:** "may"

55. Page 32, line 28 through line 29.

**Strike:** subsection (6) in its entirety

56. Page 33, line 2.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

**Insert:** "16"

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57. Page 33, line 3.

**Following:** "diversion,"

**Strike:** "or"

**Insert:** "and"

58. Page 33, line 5.

**Following:** "timing of any"

**Insert:** "net"

59. Page 33, line 8.

**Strike:** "or change in appropriation right"

60. Page 33, line 11.

**Strike:** subsection (i) in its entirety

**Renumber:** subsequent subsections

61. Page 33, line 19.

**Strike:** "or a change in appropriation right"

**Following:** "include"

**Strike:** "a"

**Following:** "hydrogeologic"

**Insert:** "data or a"

62. Page 33, line 21.

**Strike:** "or the change in appropriation right"

63. Page 34, line 15 through line 16.

**Strike:** "or change" on line 15 through "appropriation" on line 16

64. Page 34, line 22.

**Strike:** ", by a preponderance of the evidence,"

65. Page 34, line 24.

**Strike:** "(a)"

**Following:** "assessment,"

**Insert:** "the"

**Following:** "model"

**Insert:** "if provided"

**Following:** "model,"

**Insert:** "the"

**Following:** "data,"

**Insert:** "the"

66. Page 34, line 27 through page 35, line 1.

**Strike:** subsection (b) in its entirety

67. Page 35, line 2.

**Strike:** "(c)"

68. Page 35, line 9.



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**Strike:** "16"

**Insert:** "15"

69. Page 35, line 11.

**Strike:** "15"

**Insert:** "14"

70. Page 35, line 13 through line 14.

**Strike:** "A mitigation plan" on line 13 through "water." on line 14

71. Page 35, line 24 through line 26.

**Strike:** "An aquifer" on line 24 through "water." on line 26

72. Page 36, line 10.

**Following:** "predicted"

**Insert:** "adverse effects on a prior appropriator caused by the"

73. Page 36, following line 14.

**Insert:** "NEW SECTION. **Section 17. Process for combining decisions on ground water permit applications in closed basins.** (1) An applicant for a permit to appropriate water in a closed basin shall submit to the department a combined application consisting of a hydrogeologic assessment with an analysis of net depletion, a mitigation plan or aquifer recharge plan if required, an application for a beneficial water use permit or permits, and an application for a change in appropriation right or rights if necessary.

(2) The department shall review the application to determine if it is correct and complete under the process and requirements of 85-2-302.

(3) (a) Once an application has been determined to be correct and complete, the department shall issue a statement of the department's opinion and the reasons for its opinion, including a criteria assessment stating whether the department is of the opinion that the application should be approved, denied, or approved in a modified form or upon terms, conditions, or limitations specified by the department. The criteria assessment must be provided to the applicant and made available to the public prior to public notice of the application. The department shall prepare a notice and publish it as provided under 85-2-307.

(b) If no valid objection is filed to the application and the criteria assessment prepared by the department states that the department is of the opinion that the application should be approved, the department shall issue the permit and a hearing may not be held.

(c) If no valid objection is filed to the application and the criteria assessment prepared by the department states that the department is of the opinion that the application should be denied or approved in a modified form or upon terms, conditions, or limitations specified by the department, the department shall proceed to process the application pursuant to 85-2-310(2).

(d) If a valid objection is filed to the application, the department shall proceed to process the application pursuant to 85-2-308 through 85-2-311. If the applicant satisfies the criteria of 85-2-311 and 85-2-402, if necessary, and proves by a preponderance of the evidence that net depletion, if any, will not adversely affect a prior appropriator based on the applicant's mitigation plan or aquifer recharge plan, the department shall issue the permit."

**Renumber:** subsequent sections

74. Page 36, line 17.

**Following:** "plans."

**Insert:** "To ensure that the department and the department of environmental quality are coordinating their respective permitting activities:"

75. Page 36, line 17.

**Strike:** "An"

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**Insert:** "an"  
**Strike:** "or a change in appropriation right"  
**Strike:** "15"  
**Insert:** "14"

76. Page 36, line 19.  
**Strike:** "."  
**Insert:** "; and"

77. Page 36, line 20.  
**Strike:** "The"  
**Insert:** "the"  
**Strike:** "or a change in appropriation right"

78. Page 36, line 21.  
**Strike:** "15"  
**Insert:** "14"

79. Page 36, line 25.  
**Following:** "sewage"  
**Insert:** "from a system requiring a water quality permit"

80. Page 36, line 26.  
**Strike:** "17"  
**Insert:** "16"  
**Following:** "sewage"  
**Insert:** "from a system requiring a water quality permit"

81. Page 36, line 28.  
**Strike:** "17"  
**Insert:** "16"

82. Page 37, line 11.  
**Following:** "part 3,"  
**Insert:** "and 85-2-402,"

83. Page 37, line 12.  
**Strike:** "15"  
**Insert:** "14"

84. Page 37, line 14 through page 38, line 3.  
**Strike:** section 21 in its entirety  
**Renumber:** subsequent sections

85. Page 38, line 8.  
**Strike:** "15"  
**Insert:** "14"  
**Strike:** "17"  
**Insert:** "16"

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86. Page 38, line 18.

**Strike:** "15"

**Insert:** "14"

**Strike:** "and 20 through 22"

**Insert:** ", 19, and 20"

87. Page 38, line 21.

**Strike:** "15"

**Insert:** "14"

**Strike:** "and 20 through 22"

**Insert:** ", 19, and 20"

88. Page 39, line 6.

**Strike:** "16"

**Insert:** "15"

89. Page 39, line 10.

**Strike:** "85-2-337"

**Insert:** "85-2-336"

90. Page 39, line 25.

**Strike:** "16"

**Insert:** "15"

91. Page 39, line 29.

**Strike:** "16"

**Insert:** "15"

92. Page 40, line 13.

**Following:** "participation"

**Insert:** "-- fee"

93. Page 40, line 14 through line 15.

**Strike:** "or a change" on line 14 through "(17)" on line 15

94. Page 40, line 15.

**Strike:** "15"

**Insert:** "14"

**Strike:** "22"

**Insert:** "21"

95. Page 40, line 17.

**Strike:** "24"

**Insert:** "23"

96. Page 41, line 3.

**Strike:** "15"

**Insert:** "14"

97. Page 41, line 10.

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**Strike:** "and"

98. Page 41, line 13.

**Following:** "study"

**Insert:** "; and

(f) to pay a fee of \$15"

99. Page 41, line 15 through line 17.

**Strike:** section 26 in its entirety

**Renumber:** subsequent sections

100. Page 41, line 22.

**Strike:** "16"

**Insert:** "15"

101. Page 41, line 29.

**Insert:** "NEW SECTION. **Section 27. Repealer.** Section 85-2-337, MCA, is repealed."

**Renumber:** subsequent sections

102. Page 41, line 30.

**Strike:** "15"

**Insert:** "14"

**Strike:** "23"

**Insert:** "22"

103. Page 42, line 2.

**Strike:** "15"

**Insert:** "14"

**Strike:** "23"

**Insert:** "22"

104. Page 42, line 12 through line 13.

**Strike:** "-- retroactive applicability" on line 12

**Strike:** "(1)" on line 12 through "apply" on line 13

**Insert:** "[This act] applies"

105. Page 42, line 16 through line 18.

**Strike:** subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**House bills** concurred in and returned to the House:

3/26/2007

**HB 129**, introduced by Gallik

**HB 284**, introduced by Augare

**HB 510**, introduced by Stahl

**HB 579**, introduced by Olson

**HB 664**, introduced by Keane

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**House joint resolution** concurred in and returned to the House: 3/26/2007  
**HJR 35**, introduced by Ebinger

**House bills** concurred in, as amended, and returned to the House: 3/26/2007  
**HB 153**, introduced by Jacobson  
**HB 363**, introduced by Ward

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 843**, introduced by L. Jones, referred to Taxation.  
**HB 844**, introduced by Barrett, referred to Appropriations.

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

**SB 110**, introduced by Laible (by request of the Education and Local Government Interim Committee), referred to Judiciary.  
**SB 184**, introduced by Hawks, referred to Business and Labor.  
**SB 287**, introduced by Weinberg, Arntzen, Jopek, Harrington, O'Hara, Williams, Murphy, Lewis, Becker, Wanzenried, Cobb, Kaufmann, Sonju, Lind, Ankney, referred to Human Services.  
**SB 301**, introduced by Moss, Hawks, referred to Appropriations.  
**SB 321**, introduced by Brueggeman, referred to Business and Labor.  
**SB 428**, introduced by Kaufmann, K. Peterson, referred to Business and Labor.  
**SB 475**, introduced by Larson, Keane, referred to Business and Labor.

**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 6** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Blasdel, Boggio, Branae, Butcher, Campbell, Clark, Cohenour, Cordier, Dickenson, 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, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.  
Total 87

Noes: Bixby, Caferro, Callahan, Driscoll, Gallik, Jore, Koopman, Phillips, Sinrud, Sonju, Mr. Speaker.  
Total 11

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: Musgrove, Small-Eastman.  
Total 2

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**HB 8**, requiring a three-fourths vote of each House, **failed** as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Ebinger, Everett, French, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Kasten, Kerns, Klock, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, 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 53

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

Total 46

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Musgrove.

Total 1

**HB 9** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Boggio, Branae, Butcher, Caferro, Campbell, Clark, Cohenour, Cordier, Dickenson, Dutton, Ebinger, Erickson, Franklin, French, Furey, Glaser, Grinde, Groesbeck, Hands, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kerns, Klock, Kottel, Lake, Lambert, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Noonan, O'Hara, Olson, Parker, Peterson, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Stoker, Taylor, Thomas, Van Dyk, Villa, Ward, Wells, Wilson, Windy Boy, Wiseman.

Total 73

Noes: Bergren, Bixby, Blasdel, Callahan, Driscoll, Everett, Gallik, Hamilton, Hawk, Heinert, Jore, Kasten, Koopman, Lange, MacLaren, McGillvray, Mendenhall, Nooney, Phillips, Sinrud, Sonju, Vincent, Wilmer, Witte, Mr. Speaker.

Total 25

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Musgrove, Stahl.

Total 2

**HB 69** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner,

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Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, 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, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 85

Noes: Blasdel, Everett, Franklin, Hawk, Ingraham, Jayne, Jore, Koopman, Mendenhall, Sinrud, Sonju, Taylor, Wells, Witte, Mr. Speaker.  
Total 15

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 141** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, 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, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 85

Noes: Blasdel, Everett, Hawk, Ingraham, Jayne, Jore, Kasten, Koopman, Mendenhall, Sinrud, Sonju, Taylor, Wells, Witte, Mr. Speaker.  
Total 15

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 160** 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, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

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Total 97

Noes: Jore, Koopman, McGillvray.  
Total 3

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 222** passed 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, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lake, Lambert, Lange, MacLaren, 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, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.  
Total 89

Noes: Becker, Everett, Hawk, Jore, Kasten, Kerns, Koopman, Malcolm, McGillvray, Wells, Mr. Speaker.  
Total 11

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 368** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, 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, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 90

Noes: Boggio, Butcher, Everett, Hawk, Jore, Kasten, Mendenhall, Wells, Witte, Mr. Speaker.  
Total 10



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Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 519 failed** as follows:

Ayes: Ankney, Beck, Bergren, Boggio, Campbell, Clark, Dickenson, Ebinger, Franklin, French, Glaser, Hendrick, Hilbert, Himmelberger, Hiner, L. Jones, W. Jones, Kasten, Klock, Lake, Lambert, Lange, Malcolm, McChesney, McNutt, Milburn, Morgan, Musgrove, Olson, Parker, Peterson, Pomnichowski, Reinhart, Ripley, Sands, Sinrud, Small-Eastman, Sonju, Stahl, Thomas, Ward, Windy Boy, Witte.

Total 43

Noes: Arntzen, Augare, Barrett, Becker, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Cohenour, Cordier, Driscoll, Dutton, Erickson, Everett, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Henry, Hollenbaugh, Ingraham, Jacobson, Jayne, Jopek, Jore, Keane, Kerns, Koopman, Kottel, MacLaren, McAlpin, McGillvray, Mendenhall, Noonan, Nooney, O'Hara, Phillips, Raser, Rice, Ross, Sesso, Stoker, Taylor, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 57

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 677 passed** as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Caferro, Callahan, Campbell, 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, Keane, Klock, Kottel, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 80

Noes: Barrett, Butcher, Clark, Everett, Hawk, Himmelberger, Jore, Kasten, Kerns, Koopman, Lake, Lange, McGillvray, Rice, Ripley, Ross, Stoker, Wells, Witte, Mr. Speaker.

Total 20

Voted Absentee: Clark, No.

Excused: None.

Total 0

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Absent or not voting: None.  
Total 0

**HB 798** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Campbell, Clark, Cohenour, Cordier, Dickenson, Dutton, Ebinger, Erickson, Franklin, French, Furey, 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, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Pomnichowski, 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 87

Noes: Becker, Callahan, Driscoll, Everett, Gallik, Jore, Koopman, McAlpin, McGillvray, Mendenhall, Phillips, Raser, Van Dyk.  
Total 13

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 341** concurred in 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, 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.  
Total 97

Noes: Jore, Koopman, Mr. Speaker.  
Total 3

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 485** concurred in as follows:

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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, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert, 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, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 94

Noes: Glaser, Ingraham, Jore, Koopman, Lange, McGillvray.

Total 6

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Democratic Caucus Leader Villa announced the Democrats would caucus. Majority Leader Lange announced the Republicans would stand at ease. House resumed at 1:30 p.m.

**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 Himmelberger in the chair.

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

**HB 343** - Representative Rice moved **HB 343** do pass.

**HB 343** - Representative Rice moved **HB 343**, second reading copy, be amended as follows:

1. Title, line 5.

**Following:** "PARTICIPATION IN A "

**Insert:** "PENDING"

2. Page 1, line 21.

**Following:** "participation in this"

**Insert:** "pending"

3. Page 1, line 27.

**Following:** "participate in the"

**Insert:** "pending"

Amendment adopted as follows:

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Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Blasdel, Boggio, Branae, Butcher, Campbell, Clark, Cohenour, Cordier, Driscoll, Dutton, Ebinger, Everett, French, Gallik, Glaser, Groesbeck, Hands, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Hiner, Ingraham, Jacobson, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 74

Noes: Bixby, Caferro, Callahan, Dickenson, Erickson, Franklin, Furey, Grinde, Hamilton, Henry, Hollenbaugh, Jayne, Jopek, Keane, McChesney, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Wilmer, Wilson, Windy Boy, Wiseman.

Total 26

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 343** - Representative Keane moved for cloture. Motion carried.

**HB 343** - The motion to pass **HB 343**, as amended, carried as follows:

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

Total 58

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

Total 41

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Malcolm.

Total 1

**SB 77** - Representative Groesbeck moved **SB 77** be concurred in. Motion carried as follows:

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

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

Noes: Boggio, Mendenhall, Wells.  
Total 3

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: Barrett.  
Total 1

**SB 145** - Representative Heinert moved **SB 145** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, 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, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 90

Noes: Boggio, Everett, Hawk, Ingraham, Jayne, Jore, Kasten, Vincent, Witte.  
Total 9

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: Lange.  
Total 1

**SB 164** - Representative Cordier moved **SB 164** 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, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, 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,

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Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: Lange, MacLaren.  
Total 2

**SB 170** - Representative Driscoll moved **SB 170** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, 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, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, 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, Wilmer, Wilson, Windy Boy, Wiseman, Witte.  
Total 92

Noes: Boggio, Everett, Hawk, Jore, Malcolm, Mendenhall, Wells, Mr. Speaker.  
Total 8

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 203** - Representative Sands moved **SB 203** 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, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 97

Noes: Jayne, Ward.  
Total 2

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Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: Klock.  
Total 1

**SB 245** - Representative W. Jones moved **SB 245** 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, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, 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, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 88

Noes: Everett, Hawk, Jore, Kasten, Koopman, McGillvray, Mendenhall, Sinrud, Sonju, Wells, Witte, Mr. Speaker.  
Total 12

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 289** - Representative Becker moved **SB 289** 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, 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

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Absent or not voting: None.  
Total 0

**HB 797** - Representative Lange moved consideration of **HB 797** be placed at the top of the second reading board.  
Motion carried.

**HB 797** - Representative Ankney moved **HB 797** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Boggio, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Nooney, Olson, Parker, Peterson, Phillips, Raser, Reinhart, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 74

Noes: Blasdel, Butcher, Everett, Franklin, Hawk, Heinert, Hendrick, Hilbert, Ingraham, Jayne, Jore, Klock, Koopman, Lake, McGillvray, Mendenhall, Musgrove, O'Hara, Pomnichowski, Rice, Ripley, Ross, Sands, Sonju, Taylor.  
Total 25

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: Noonan.  
Total 1

**HB 829** - Representative Lange moved consideration of **HB 829** be placed at the top of the second reading board.  
Motion carried.

**HB 829** - Representative L. Jones moved **HB 829** 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, 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, 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: Everett, Jore, Koopman.  
Total 3

Voted Absentee: Clark, Aye.



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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 12** - Representative Callahan moved **HB 12** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Keane, 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, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.  
Total 91

Noes: Boggio, Jayne, Jore, Kasten, Kerns, Koopman, Mendenhall.  
Total 7

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: Van Dyk, Mr. Speaker.  
Total 2

**HB 63** - Representative Musgrove moved **HB 63** do pass.

**HB 63** - Representative Musgrove moved **HB 63**, second reading copy, be amended as follows:

1. Title, line 16.

**Following:** "~~CIRCUMSTANCES~~;"

**Insert:** "CLARIFYING THE MAXIMUM AMOUNT OF COMPENSATION A RETIRED MEMBER OF THE TEACHERS' RETIREMENT SYSTEM MAY EARN UNDER CERTAIN CIRCUMSTANCES;"

2. Title, line 17.

**Strike:** "AND"

**Following:** "~~19-20-731~~;"

**Insert:** "AND 19-20-731,"

3. Page 13.

**Following:** line 5

**Insert:** "**Section 10.** Section 19-20-731, MCA, is amended to read:

**"19-20-731. Postretirement employment limitations -- cancellation and recalculation of benefits. (1)(a)**

Except as otherwise provided in this section, a retired member may be employed part-time by a school district, state agency, or unit of the university system in a position eligible to participate in the retirement system and may earn, without an adjustment of retirement benefits, an amount not to exceed the greater of:

(a)(i) one-third of the sum of the member's average final compensation; or

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~~(b)(ii)~~ one-third of the median of the average final compensation for members retired during the preceding fiscal year as determined by the retirement board.

(b) For the purposes of this subsection (1), the maximum compensation that a retired member may earn under subsection (1)(a) without an adjustment of retirement benefits includes all remuneration paid to the retired member, excluding:

- (i) the amount of health insurance premiums paid by the employer on the retired member's behalf;
- (ii) the value of housing provided by the employer to the retired member;
- (iii) the amount of employment-related travel expenses reimbursed to the retired member by the employer;
- (iv) de minimis fringe benefits, as defined in 26 U.S.C. 132(e), paid by the employer to or on behalf of the retired member; and
- (v) payroll taxes paid by the employer on behalf of the retired member.

(2) On July 1 of each year following the member's retirement effective date, the maximum that a retired member may earn under subsection (1)(a) is increased by an amount equal to the consumer price index increase for urban wage earners compiled by the bureau of labor statistics of the United States department of labor or its successor agency in the preceding calendar year.

(3) Except as provided in subsection (5), the retirement benefit of a retired member:

(a) employed in a part-time position or earning more than allowed by subsections (1) and (2) must be temporarily reduced by \$1 for each dollar earned over the maximum allowed. Monthly benefits must be reduced beginning as soon as practical after the excess earnings have been reported to the retirement system by the employer. The retirement benefit must be canceled if the retired member's earnings over the maximum allowed exceed the gross monthly benefit amount.

(b) employed in a full-time position must be canceled beginning in the month in which the retired member returns to full-time employment.

(4) Upon termination and retirement subsequent to a cancellation of benefits pursuant to subsection (3), the retirement benefit of a member:

(a) who was reemployed and earned less than 1 year of creditable service must be reinstated beginning either the first of the month following termination or on July 1 following the date on which the retired member was reemployed, whichever is later. The reinstated retirement benefit is the amount and option that the retired member would have been entitled to receive had the retired member not returned to employment.

(b) who was reemployed and earned at least 1 year of creditable service must be recalculated under 19-20-804 if the member has attained normal retirement age or under 19-20-802 if the member has not attained normal retirement age but is eligible for early retirement. The recalculated benefit is based on the service credit accumulated at the time of the member's previous retirement, plus any service credit accumulated subsequent to reemployment. The recalculated normal form benefit amount must be increased by the amount of any benefit enhancement received pursuant to 19-20-719 that the retired member was receiving when the member's benefits were canceled.

(5) If an early-retired member under 19-20-802 is reemployed with the same employer within 30 days from the member's effective date of retirement or if the early-retired member is guaranteed reemployment with the same employer, the member must be considered to have continued in the status of an active member and not to have separated from service. Any retirement allowance payments received by the member must be repaid to the system, together with interest, at the actuarially assumed rate, and the retirement allowance must be canceled."

**Renumber:** subsequent sections

4. Page 13, line 23.

**Strike:** "10(1)"

**Insert:** "11(1)"

Amendment adopted as follows:

Ayes: Arntzen, Augare, Becker, Bergren, Bixby, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, Jayne, W. Jones, Jopek, Keane, Kottel,

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Lange, MacLaren, Malcolm, McAlpin, McChesney, Mendenhall, Morgan, Musgrove, Noonan, Nooney, O'Hara, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Sinrud, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 65

Noes: Ankney, Barrett, Beck, Blasdel, Boggio, Everett, French, Glaser, Hawk, Heinert, Hendrick, Ingraham, L. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, McGillvray, McNutt, Milburn, Olson, Rice, Ripley, Ross, Small-Eastman, Stahl, Stoker, Ward, Wells, Witte.  
Total 33

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: Sonju, Taylor.  
Total 2

**HB 63** - Representative Small-Eastman moved **HB 63**, second reading copy, be amended as follows:

1. Title, line 16.

**Following:** "~~CIRCUMSTANCES;~~"

**Insert:** "REVISING AND CLARIFYING THE MAXIMUM AMOUNT OF COMPENSATION A RETIRED MEMBER OF THE TEACHERS' RETIREMENT SYSTEM MAY EARN UNDER CERTAIN CIRCUMSTANCES;"

2. Title, line 17.

**Strike:** "AND"

**Following:** "~~19-20-731;~~"

**Insert:** "AND 19-20-731,"

3. Page 13, line 6.

**Insert:** "**Section 10.** Section 19-20-731, MCA, is amended to read:

**"19-20-731. Postretirement employment limitations -- cancellation and recalculation of benefits.** (1) (a) Except as otherwise provided in this section, a retired member may be employed part-time by a school district, state agency, or unit of the university system in a position eligible to participate in the retirement system and may earn, without an adjustment of retirement benefits, an amount not to exceed the greater of:

~~(a)~~(i) one-third of the sum of the member's average final compensation; or

~~(b)~~(ii) one-third of the median of the average final compensation for members retired during the preceding fiscal year as determined by the retirement board.

(b) For the purposes of this subsection (1), the maximum compensation that a retired member employed by a school district that has fewer than 370 ANB may earn under subsection (1)(a) without an adjustment of retirement benefits includes all remuneration paid to the retired member, including but not limited to:

(i) annuities;

(ii) allowances for motor vehicles and housing;

(iii) professional membership dues;

(iv) maintenance;

(v) day care;

(vi) reimbursements for nonwork-related motor vehicle, travel, lodging, or entertaining expenses; or

(vii) any similar payment for any form of maintenance, allowance, or expense.

(2) On July 1 of each year following the member's retirement effective date, the maximum that a retired

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member may earn under subsection (1)(a) is increased by an amount equal to the consumer price index increase for urban wage earners compiled by the bureau of labor statistics of the United States department of labor or its successor agency in the preceding calendar year.

(3) Except as provided in subsection (5), the retirement benefit of a retired member:

(a) employed in a part-time position or earning more than allowed by subsections (1) and (2) must be temporarily reduced by \$1 for each dollar earned over the maximum allowed. Monthly benefits must be reduced beginning as soon as practical after the excess earnings have been reported to the retirement system by the employer. The retirement benefit must be canceled if the retired member's earnings over the maximum allowed exceed the gross monthly benefit amount.

(b) employed in a full-time position must be canceled beginning in the month in which the retired member returns to full-time employment.

(4) Upon termination and retirement subsequent to a cancellation of benefits pursuant to subsection (3), the retirement benefit of a member:

(a) who was reemployed and earned less than 1 year of creditable service must be reinstated beginning either the first of the month following termination or on July 1 following the date on which the retired member was reemployed, whichever is later. The reinstated retirement benefit is the amount and option that the retired member would have been entitled to receive had the retired member not returned to employment.

(b) who was reemployed and earned at least 1 year of creditable service must be recalculated under 19-20-804 if the member has attained normal retirement age or under 19-20-802 if the member has not attained normal retirement age but is eligible for early retirement. The recalculated benefit is based on the service credit accumulated at the time of the member's previous retirement, plus any service credit accumulated subsequent to reemployment. The recalculated normal form benefit amount must be increased by the amount of any benefit enhancement received pursuant to 19-20-719 that the retired member was receiving when the member's benefits were canceled.

(5) If an early-retired member under 19-20-802 is reemployed with the same employer within 30 days from the member's effective date of retirement or if the early-retired member is guaranteed reemployment with the same employer, the member must be considered to have continued in the status of an active member and not to have separated from service. Any retirement allowance payments received by the member must be repaid to the system, together with interest, at the actuarially assumed rate, and the retirement allowance must be canceled."

**Renumber:** subsequent sections

4. Page 13, line 23.

**Strike:** "10(1)"

**Insert:** "11(1)"

Amendment adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Bixby, Boggio, Butcher, Caferro, Campbell, Clark, Ebinger, Erickson, Franklin, French, Furey, Glaser, Hamilton, Hands, Heinert, Hendrick, Henry, Hiner, Ingraham, Jayne, L. Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Reinhart, Rice, Ripley, Ross, Sands, Small-Eastman, Stahl, Stoker, Thomas, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 62

Noes: Beck, Becker, Bergren, Blasdel, Branae, Callahan, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Everett, Gallik, Grinde, Groesbeck, Hawk, Hilbert, Himmelberger, Hollenbaugh, Jacobson, W. Jones, Jore, Keane, Koopman, Lange, Mendenhall, Musgrove, Noonan, Nooney, Raser, Sesso, Sinrud, Sonju, Taylor, Van Dyk, Wells, Witte, Mr. Speaker.  
Total 38

Voted Absentee: Clark, Aye.

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Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 63** - The motion to pass **HB 63**, 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, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, 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, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 91

Noes: Dutton, Everett, Hawk, Jore, Koopman, Sinrud, Wells, Witte, Mr. Speaker.  
Total 9

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, 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, Ripley, Ross, Sands, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 92

Noes: Franklin, Jayne, Jore, Koopman, Mendenhall.  
Total 5

Excused: Clark.  
Total 1

Absent or not voting: Himmelberger, Sesso.  
Total 2

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**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Sinrud, Chairman):

3/27/2007

**HB 49**, introduced bill, be amended as follows:

1. Page 2, line 6.

**Strike:** ", with the concurrence of the vice presiding officer"

2. Page 3, line 3.

**Strike:** "\$30,000"

**Insert:** "\$20,000"

And, as amended, do pass. Report adopted.

**HB 304**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "AMENDING" on line 7 through "MCA;" on line 9

2. Page 1, line 13 through page 2, line 4.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

3. Page 2.

**Following:** line 15

**Insert:** "(c) senate agriculture, livestock, and irrigation;  
(d) house agriculture;"

**Renumber:** subsequent subsections

4. Page 12, line 23.

**Following:** "DATA"

**Insert:** "for use by the committee"

5. Page 12, line 25 through line 26.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 574**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "\$500,000"

**Insert:** "\$50,000"

2. Page 1, line 10.

**Strike:** "\$500,000"

**Insert:** "\$50,000"

And, as amended, do pass. Report adopted.

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**HB 841**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Strike:** "April"

**Insert:** "May"

2. Page 1, line 23.

**Strike:** "April"

**Insert:** "May"

And, as amended, do pass. Report adopted.

**EDUCATION** (Jore, Chairman):

3/27/2007

**HB 700**, do pass. Report adopted.

**HB 732**, introduced bill, be amended as follows:

1. Page 1, line 26.

**Following:** "district"

**Insert:** "that is a rural school district assigned a distant or remote locale code for a rural area by the national center for education statistics"

2. Page 1, line 28.

**Following:** "in"

**Insert:** "a"

**Strike:** "regions"

**Insert:** "region"

3. Page 2, line 1.

**Following:** "K-12"

**Insert:** "as determined in rules adopted by the board of public education"

4. Page 2, line 2 and line 3.

**Following:** "district"

**Strike:** remainder of line 2 through "examinations" on line 3

**Insert:** "eligible for free and reduced-price meals"

5. Page 2, line 4 through line 9.

**Strike:** "(a)" on line 4

**Following:** "means"

**Strike:** remainder of line 4 through "5" on line 9

**Insert:** "a person who qualifies for the quality educator payment provided for in 20-9-327 and who has 2"

6. Page 2, line 11 through line 15.

**Strike:** subsection (b) in its entirety

7. Page 2, line 19.

**Following:** the second "educator"

**Insert:** "in high-priority school districts"

8. Page 2, line 21 through line 23.

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**Strike:** "An" on line 21 through "teacher." on line 23

9. Page 2, line 24 through page 3, line 2.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

10. Page 3, line 23 through line 24.

**Strike:** subsection (a) in its entirety

**Renumber:** subsequent subsections

11. Page 4, line 5.

**Following:** "district"

**Insert:** ", or a quality educator who works in a high-priority school district on July 1, 2007, may exercise the right to the financing options until July 1, 2012"

12. Page 4, line 7.

**Strike:** "conventional mortgage or"

13. Page 4, line 8.

**Strike:** "conventional mortgage or"

14. Page 4, line 16.

**Following:** "department"

**Insert:** "and the superintendent of public instruction"

15. Page 5, line 14.

**Insert:** "COORDINATION SECTION. Section 8. Coordination instruction. If Senate Bill No. 152 and [this act] are both passed and approved, then [section 3 of this act] must read as follows:

"NEW SECTION. Section 3. Eligibility for participation -- failure to comply with commitment. (1) Except as provided in subsection (6), participation in the Montana quality educator housing incentive loan program is available to any quality educator in high-priority school districts.

(2) A loan application must be developed by the office of public instruction in consultation with the department.

(3) The office of public instruction shall forward to the department the application of each applicant who meets the eligibility requirements.

(4) A quality educator who receives a loan under the program is required to purchase a house and reside in a county in which the school district for which the quality educator is providing service, or any portion of the school district, is located.

(5) A quality educator who does not provide 5 years of service after receiving a loan is liable to the department for one-fifth of the amount of the loan for each year that the quality educator does not teach, plus interest accruing at the current Stafford loan rate at the time that the quality educator discontinues service. If a claim for repayment under this subsection is placed in the hands of an attorney for collection, the obligor is liable for an additional amount equal to reasonable attorney fees.

(6) A quality educator may participate in the quality educator housing incentive loan program provided for in [sections 1 through 5] or in the quality educator loan forgiveness program provided for in [sections 1 through 6 of Senate Bill No. 152], but may not participate in both."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**TAXATION** (Lake, Chairman):

3/27/2007



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**HB 488**, do pass. Report adopted.

**HB 680**, do pass. Report adopted.

**HB 801**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "MEDICAL"

**Insert:** "HEALTH"

2. Title, line 6.

**Strike:** "200"

**Insert:** "150"

**Following:** "LEVEL;"

**Insert:** "AMENDING SECTION 15-30-111, MCA;"

3. Page 1, line 11.

**Strike:** "medical"

**Insert:** "health"

**Following:** "(1)"

**Insert:** "(a)"

4. Page 1, line 12.

**Following:** "section,"

**Insert:** "for tax years beginning after December 31, 2006, and before January 1, 2012,"

5. Page 1, line 13.

**Strike:** "insurance" through "213(d),"

**Insert:** "individual health insurance coverage, as defined in 33-22-140,"

6. Page 1, line 14 through line 16.

**Following:** "dependents" on line 14

**Insert:** ". "

**Strike:** "to" on line 14 through "20" on line 16

**Insert:** "(b) The following premium payments do not qualify for the credit under this section:

(i) premium payments for excepted benefits, as defined in 33-22-140;

(ii) premium payments made under subchapter XVIII, parts A through D, 42 U.S.C. 1395c through 1395gg;

(iii) premium payments made under subchapter XIX, 42 U.S.C. 1396a through 1396v; or

(iv) premium payments that are covered or reimbursed in any amount by other sources, including subsidies or another tax credit allowed under this chapter"

7. Page 1, line 18.

**Strike:** "200% "

**Insert:** "150% "

8. Page 1, line 19.

**Strike:** "medical"

**Insert:** "health"

9. Page 1, line 23.

**Following:** "allowed."

**Insert:** "A credit may not be claimed for premiums paid from a health or medical savings account with principal or

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interest that is excluded from adjusted gross income."

10. Page 1, line 24.

**Strike:** "claimant's"

**Insert:** "taxpayer's"

11. Page 1, line 25.

**Strike:** the first "claimant"

**Insert:** "taxpayer"

**Strike:** the second "claimant"

**Insert:** "taxpayer"

12. Page 1.

**Following:** line 26

**Insert:** "(6) The credit is not allowed for part-year residents or nonresidents of the state."

**Renumber:** subsequent subsection

13. Page 1.

**Following:** line 30

**Insert:** "Section 2. Section 15-30-111, MCA, is amended to read:

**"15-30-111. Adjusted gross income.** (1) Adjusted gross income is the taxpayer's federal adjusted gross income as defined in section 62 of the Internal Revenue Code, 26 U.S.C. 62, and in addition includes the following:

(a) (i) interest received on obligations of another state or territory or county, municipality, district, or other political subdivision of another state, except to the extent that the interest is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, 26 U.S.C. 852(b)(5), that are attributable to the interest referred to in subsection (1)(a)(i);

(b) refunds received of federal income tax, to the extent that the deduction of the tax resulted in a reduction of Montana income tax liability;

(c) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(d) depreciation or amortization taken on a title plant as defined in 33-25-105;

(e) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(f) if the state taxable distribution of an estate or trust is greater than the federal taxable distribution of the same estate or trust, the difference between the state taxable distribution and the federal taxable distribution of the same estate or trust for the same tax period; and

(g) except for exempt-interest dividends described in subsection (2)(a)(ii), for tax years commencing after December 31, 2002, the amount of any dividend to the extent that the dividend is not included in federal adjusted gross income.

(2) Notwithstanding the provisions of the Internal Revenue Code, adjusted gross income does not include the following, which are exempt from taxation under this chapter:

(a) (i) all interest income from obligations of the United States government, the state of Montana, or a county, municipality, district, or other political subdivision of the state and any other interest income that is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, 26 U.S.C. 852(b)(5), that are attributable to the interest referred to in subsection (2)(a)(i);

(b) interest income earned by a taxpayer who is 65 years of age or older in a tax year up to and including \$800 for a taxpayer filing a separate return and \$1,600 for each joint return;

(c) (i) except as provided in subsection (2)(c)(ii), the first \$3,600 of all pension and annuity income received as defined in 15-30-101;

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(ii) for pension and annuity income described under subsection (2)(c)(i), as follows:

(A) each taxpayer filing singly, head of household, or married filing separately shall reduce the total amount of the exclusion provided in subsection (2)(c)(i) by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on the taxpayer's return;

(B) in the case of married taxpayers filing jointly, if both taxpayers are receiving pension or annuity income or if only one taxpayer is receiving pension or annuity income, the exclusion claimed as provided in subsection (2)(c)(i) must be reduced by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on their joint return;

(d) all Montana income tax refunds or tax refund credits;

(e) gain required to be recognized by a liquidating corporation under 15-31-113(1)(a)(ii);

(f) all tips or gratuities that are covered by section 3402(k) or service charges that are covered by section 3401 of the Internal Revenue Code of 1954, 26 U.S.C. 3402(k) or 3401, as amended and applicable on January 1, 1983, received by ~~persons~~ a person for rendering services ~~rendered by them~~ to patrons of premises licensed to provide food, beverage, or lodging;

(g) all benefits received under the workers' compensation laws;

(h) all health insurance premiums paid by an employer for an employee if attributed as income to the employee under federal law;

(i) all money received because of a settlement agreement or judgment in a lawsuit brought against a manufacturer or distributor of "agent orange" for damages resulting from exposure to "agent orange";

(j) principal and income in a medical care savings account established in accordance with 15-61-201 or withdrawn from an account for eligible medical expenses, as defined in 15-61-102, of the taxpayer or a dependent of the taxpayer or for the long-term care of the taxpayer or a dependent of the taxpayer;

(k) principal and income in a first-time home buyer savings account established in accordance with 15-63-201 or withdrawn from an account for eligible costs, as provided in 15-63-202(7), for the first-time purchase of a single-family residence;

(l) contributions withdrawn from a family education savings account or earnings withdrawn from a family education savings account for qualified higher education expenses, as defined in 15-62-103, of a designated beneficiary;

(m) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(n) if the federal taxable distribution of an estate or trust is greater than the state taxable distribution of the same estate or trust, the difference between the federal taxable distribution and the state taxable distribution of the same estate or trust for the same tax period;

(o) deposits, not exceeding the amount set forth in 15-30-603, deposited in a Montana farm and ranch risk management account, as provided in 15-30-601 through 15-30-605, in any tax year for which a deduction is not provided for federal income tax purposes;

(p) income of a dependent child that is included in the taxpayer's federal adjusted gross income pursuant to the Internal Revenue Code. The child is required to file a Montana personal income tax return if the child and taxpayer meet the filing requirements in 15-30-142.

(q) principal and income deposited in a health care expense trust account, as defined in 2-18-1303, or withdrawn from the account for payment of qualified health care expenses as defined in 2-18-1303; and

(r) that part of the refundable credit provided in [section 1] or 33-22-2006 that reduces Montana tax below zero.

(3) A shareholder of a DISC that is exempt from the corporation license tax under 15-31-102(1)(l) shall include in the shareholder's adjusted gross income the earnings and profits of the DISC in the same manner as provided by section 995 of the Internal Revenue Code, 26 U.S.C. 995, for all periods for which the DISC election is effective.

(4) A taxpayer who, in determining federal adjusted gross income, has reduced the taxpayer's business deductions by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken. The deduction must be made in the year that the wages and salaries were used to

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compute the credit. In the case of a partnership or small business corporation, the deduction must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) Married taxpayers filing a joint federal return who are required to include part of their social security benefits or part of their tier 1 railroad retirement benefits in federal adjusted gross income may split the federal base used in calculation of federal taxable social security benefits or federal taxable tier 1 railroad retirement benefits when they file separate Montana income tax returns. The federal base must be split equally on the Montana return.

(6) A taxpayer receiving retirement disability benefits who has not attained 65 years of age by the end of the tax year and who has retired as permanently and totally disabled may exclude from adjusted gross income up to \$100 a week received as wages or payments in lieu of wages for a period during which the employee is absent from work due to the disability. If the adjusted gross income before this exclusion exceeds \$15,000, the excess reduces the exclusion by an equal amount. This limitation affects the amount of exclusion, but not the taxpayer's eligibility for the exclusion. If eligible, married individuals shall apply the exclusion separately, but the limitation for income exceeding \$15,000 is determined with respect to the spouses on their combined adjusted gross income. For the purpose of this subsection, "permanently and totally disabled" means unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment lasting or expected to last at least 12 months.

(7) Married taxpayers who file a joint federal return and who make an election on the federal return to defer income ratably for 4 tax years because of a conversion from an IRA other than a Roth IRA to a Roth IRA, pursuant to section 408A(d)(3) of the Internal Revenue Code, 26 U.S.C. 408A(d)(3), may file separate Montana income tax returns to defer the full taxable conversion amount from Montana adjusted gross income for the same time period. The deferred amount must be attributed to the taxpayer making the conversion.

(8) An individual who contributes to one or more accounts established under the Montana family education savings program may reduce adjusted gross income by the lesser of \$3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of \$3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in adjusted gross income under this subsection applies only with respect to contributions to an account of which the account owner, as defined in 15-62-103, is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (1)(e) do not apply with respect to withdrawals of contributions that reduced adjusted gross income.

(9) (a) A taxpayer may exclude the amount of the loan payment received pursuant to subsection (9)(a)(iv), not to exceed \$5,000, from the taxpayer's adjusted gross income if the taxpayer:

- (i) is a health care professional licensed in Montana as provided in Title 37;
- (ii) is serving a significant portion of a designated geographic area, special population, or facility population in a federally designated health professional shortage area, a medically underserved area or population, or a federal nursing shortage county as determined by the secretary of health and human services or by the governor;
- (iii) has had a student loan incurred as a result of health-related education; and
- (iv) has received a loan payment during the tax year made on the taxpayer's behalf by a loan repayment program described in subsection (9)(b) as an incentive to practice in Montana.

(b) For the purposes of subsection (9)(a), a loan repayment program includes a federal, state, or qualified private program. A qualified private loan repayment program includes a licensed health care facility, as defined in 50-5-101, that makes student loan payments on behalf of the person who is employed by the facility as a licensed health care professional. (Subsection (2)(f) terminates on occurrence of contingency--sec. 3, Ch. 634, L. 1983; subsection (2)(o) terminates on occurrence of contingency--sec. 9, Ch. 262, L. 2001.)"

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 823**, do pass. Report adopted.

**HB 826**, do pass. Report adopted.

**HB 463**, introduced bill, be amended as follows:

1. Title, line 13.

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**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE"

2. Page 3, line 5 through line 6.

**Strike:** "property" on line 5 through "liability" on line 6

**Insert:** "taxable value"

3. Page 3, line 15.

**Strike:** "Application"

**Insert:** "Preapplication consultation -- application"

**Strike:** "In"

**Insert:** "Before filing an application under subsection (2) for the abatement described in [section 3], the taxpayer shall notify the governing body of its intent to file an application. After the notification, the local governing body shall conduct a meeting with the representatives of the governing body, the taxpayer, the governor's office of economic development, the department, and the local or regional economic development organization for the purpose of planning for the implications of the taxpayer applying for the abatement.

(2) Subject to subsection (1), in"

**Renumber:** subsequent subsections

4. Page 4, line 3.

**Strike:** "(3)"

**Insert:** "(4)"

5. Page 4, line 4.

**Following:** "abatement"

**Insert:** "within 30 days of receipt of notice"

6. Page 5, line 1.

**Strike:** "construction" through "issued"

**Insert:** "resolution has been approved for the project under subsection (2)(a)"

7. Page 5, line 17.

**Strike:** "abated" through "reduction"

**Insert:** "reduced by the abatement"

8. Page 6, line 3.

**Following:** "section."

**Insert:** "The department shall make a determination under this subsection within 30 days from the date that the governing body approves a resolution under subsection (2)."

9. Page 6, line 4.

**Strike:** "tax benefit"

**Insert:** "abatement in taxable value"

10. Page 6, line 7.

**Strike:** "benefit"

**Insert:** "abatement in taxable value"

11. Page 13.

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**Following:** line 6

**Insert:** "COORDINATION SECTION. **Section 15. Coordination instruction.** If House Bill No. 529 is not passed and approved, then [this act] is void."

**Renumber:** subsequent section

12. Page 13.

**Following:** line 9

**Insert:** "NEW SECTION. **Section 17. Effective date.** [This act] is effective on passage and approval."

**Insert:** "NEW SECTION. **Section 18. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to property tax years beginning after December 31, 2006."

And, as amended, do pass. Report adopted.

**MOTIONS**

Majority Leader Lange moved to reconsider actions taken on **HB 8** and that it be re-referred to the Committee on Taxation. There being no objections, so ordered.

Majority Leader Lange moved that **HB 801** be re-referred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **HB 797** be re-referred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **HB 700** be re-referred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **HB 63** be re-referred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that **SB 161** be re-referred to the Committee on Appropriations. There being no objections, so ordered.

Representative Groesbeck moved that **HB 539** be taken from the table in the Committee on Appropriations, be printed and placed on second reading on the 66th Legislative Day. Motion, requiring a three-fifths vote, **failed** as follows:

Ayes: Ankney, Augare, Becker, Bergren, Bixby, Branae, Callahan, Campbell, Cohenour, Cordier, Dickenson, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kottel, Malcolm, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Seso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 59

Noes: Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Caferro, Driscoll, Everett, Glaser, Hawk, Himmelberger, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Stoker, Taylor, Vincent, Wells, Witte, Mr. Speaker.  
Total 40

Excused: Clark.

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Total 1

Absent or not voting: None.

Total 0

Representative Dickenson moved that **HB 294** be taken from the table in the Committee on Appropriations, be printed and placed on second reading on the 66th Legislative Day. Motion, requiring a three-fifths vote, **failed** as follows:

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

Total 49

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Dutton, 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, Musgrove, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 50

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

Representative Gallik moved that **HB 817** be taken from the table in the Committee on Appropriations, be printed and placed on second reading on the 66th Legislative Day. Motion, requiring a three-fifths vote, **failed** as follows:

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

Total 51

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Dutton, 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, Olson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 47

Excused: Clark.

Total 1

Absent or not voting: McChesney.

Total 1

Representative Sesso moved that **HB 495** be taken from the table in the Committee on Appropriations, be printed and placed on second reading on the 66th Legislative Day. Motion, requiring a three-fifths vote, **failed** as follows:

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Ayes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, 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, Stahl, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 52

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

Total 47

Excused: Clark.

Total 1

Absent or not voting: None.

Total 0

Representative Windy Boy moved that **HB 511** be taken from the table in the Committee on Appropriations, be printed and placed on second reading on the 66th Legislative Day. Motion, requiring a three-fifths vote, **failed** as follows:

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

Total 49

Noes: Ankney, Arntzen, Barrett, Beck, Boggio, Butcher, Dutton, 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, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 48

Excused: Clark.

Total 1

Absent or not voting: Blasdel, Thomas.

Total 2

Representative Villa moved that **HB 331** be taken from the table in the Committee on Appropriations, be printed and placed on second reading on the 66th Legislative Day. Motion, requiring a three-fifths vote, **failed** as follows:

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



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Total 49

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, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.  
Total 50

Excused: Clark.  
Total 1

Absent or not voting: None.  
Total 0

Representative Jopek moved that **HB 201** be taken from the table in the Committee on Appropriations, be printed and placed on second reading on the 66th Legislative Day. Motion, requiring a three-fifths vote, **failed** as follows:

Ayes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, McAlpin, McChesney, McNutt, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, 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, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.  
Total 49

Excused: Clark.  
Total 1

Absent or not voting: None.  
Total 0

Representative Peterson moved that **HB 799** be taken from the table in the Committee on Taxation, be printed and placed on second reading on the 66th Legislative Day. Motion, requiring a three-fifths vote, **failed** as follows:

Ayes: Augare, Bergren, Bixby, Caferro, Callahan, Cohenour, Cordier, Erickson, Franklin, French, Furey, Gallik, Hamilton, Hands, Hendrick, Henry, Hollenbaugh, Jacobson, W. Jones, Jopek, Keane, Kottel, McAlpin, Musgrove, O'Hara, Peterson, Pomnichowski, Raser, Reinhart, Sands, Sesso, Van Dyk, Villa, Windy Boy, Wiseman.  
Total 35

Noes: Ankney, Arntzen, Barrett, Beck, Becker, Blasdel, Boggio, Branae, Butcher, Campbell, Dickenson, Driscoll, Dutton, Ebinger, Everett, Glaser, Grinde, Groesbeck, Hawk, Heinert, Hilbert, Himmelberger, Hiner, Ingraham, Jayne, L. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noonan, Nooney, Olson, Parker, Phillips, Rice, Ripley, Ross, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Vincent, Ward, Wells, Wilmer, Wilson, Witte, Mr. Speaker.  
Total 64

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Excused: Clark.  
Total 1

Absent or not voting: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

**HB 843**, introduced by L. Jones, the following sponsors were added:  
Reps. Augare, Groesbeck, Keane, Kottel, Lake, Olson, Ripley, Ross, Sonju, Thomas.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House stand at recess until 6:15 p.m. Motion carried

House adjourned at 4:15 p.m.

House resumed at 6:15 p.m. Mr. Speaker in the chair. Quorum present except for Representative Clark, excused.

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

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

**HB 95** - Representative Olson moved **HB 95** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, 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, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 90

Noes: Blasdel, Everett, Hawk, Jore, Kerns, Koopman, Mendenhall, Wells, Witte, Mr. Speaker.  
Total 10

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 125** - Representative Kasten moved **HB 125** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Becker, Blasdel, Boggio, Branae, Butcher, Clark, Cohenour, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Gallik, Glaser, Grinde, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Kasten, Kerns, Klock, Lake, Lambert, Lange, MacLaren, Malcolm, McNutt, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Vincent, Wilson, Windy Boy.  
Total 62

Noes: Augare, Bergren, Bixby, Caferro, Callahan, Campbell, Cordier, Everett, Furey, Groesbeck, Hollenbaugh, Jopek, Jore, Keane, Koopman, Kottel, McAlpin, McChesney, McGillvray, Mendenhall, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Sinrud, Sonju, Villa, Ward, Wells, Wilmer, Wiseman, Witte, Mr. Speaker.  
Total 38

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 536** - Representative Windy Boy moved **SB 536** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Everett, Franklin, French, Furey, Glaser, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Rice, Ripley, Ross, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilson, Windy Boy, Witte, Mr. Speaker.  
Total 81

Noes: Caferro, Callahan, Erickson, Gallik, Grinde, Groesbeck, Hamilton, Hands, Jopek, McAlpin, Peterson, Pomnichowski, Raser, Reinhart, Sands, Sesso, Wilmer, Wiseman.  
Total 18

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: Musgrove.  
Total 1

Representative L. Jones was **excused** at this time.

**SB 206** - Representative Thomas moved **SB 206** be concurred in. Motion carried as follows:

Ayes: Ankney, Augare, Becker, Bergren, Bixby, Boggio, Branae, Caferro, Callahan, Campbell, Clark, Cohenour,

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Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, W. Jones, Jopek, Keane, Kottel, Lambert, McAlpin, McChesney, McNutt, Morgan, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 60

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

Total 40

Voted Absentee: Clark, Aye; L. Jones, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 339** - Representative Mendenhall moved **SB 339** 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, 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, 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 97

Noes: Peterson.

Total 1

Voted Absentee: Clark, L. Jones, Ayes.

Excused: None.

Total 0

Absent or not voting: Franklin, Olson.

Total 2

**SB 466** - Representative Mendenhall moved **SB 466** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Clark, Cohenour, Cordier, Driscoll, Dutton, Ebinger, Erickson, Everett, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, 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,

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

Total 95

Noes: Campbell, Dickenson, Franklin.

Total 3

Voted Absentee: Clark, L. Jones, Ayes.

Excused: None.

Total 0

Absent or not voting: Hilbert, Mr. Speaker.

Total 2

**SB 467** - Representative Stahl moved **SB 467** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, 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, 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, Wiseman, Witte, Mr. Speaker.

Total 94

Noes: Bixby, Franklin, Gallik, Van Dyk, Wilson, Windy Boy.

Total 6

Voted Absentee: Clark, L. Jones, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 537** - Representative Stahl moved **SB 537** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Blasdel, Boggio, Butcher, Campbell, Cordier, Driscoll, Dutton, Ebinger, Everett, French, Glaser, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Ingraham, L. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, O'Hara, Olson, Rice, Ripley, Ross, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 62

Noes: Becker, Bergren, Bixby, Branae, Caferro, Callahan, Clark, Cohenour, Dickenson, Erickson, Franklin, Furey, Gallik, Grinde, Hands, Hollenbaugh, Jacobson, Jayne, W. Jones, MacLaren, McAlpin, Musgrove, Noonan, Nooney, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

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Total 38

Voted Absentee: L. Jones, Aye; Clark, No.

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

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

Total 82

Noes: Becker, Bergren, Callahan, Erickson, Franklin, Gallik, McGillvray, Musgrove, Raser, Van Dyk, Villa, Windy Boy, Wiseman.

Total 13

Excused: Clark, L. Jones.

Total 2

Absent or not voting: Hollenbaugh, Phillips, Sesso.

Total 3

**REPORTS OF STANDING COMMITTEES**

**APPROPRIATIONS** (Sinrud, Chairman):

3/27/2007

**HB 418**, do pass. Report adopted.

**HB 797**, do pass. Report adopted.

**TAXATION** (Lake, Chairman):

**SB 161**, be amended as follows:

1. Page 5, line 16.

**Strike:** "Ten"

**Insert:** "Five"

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

**SPECIAL ORDERS OF THE DAY**

**HJR 49**, introduced by Thomas, the following sponsors were added:

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Reps. Boggio, Driscoll, Himmelberger, L. Jones, Klock, Rice, Stahl, Windy Boy.

**MOTIONS**

Majority Leader Lange moved that **SB 206** be re-referred 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., Wednesday, March 28, 2007. Motion carried.

House adjourned at 7:35 p.m.

MARILYN MILLER  
Chief Clerk of the House

SCOTT SALES  
Speaker of the House