

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

Helena, Montana  
March 28, 2007

House Chambers  
State Capitol

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

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

**REPORTS OF STANDING COMMITTEES**

**BILLS** (L. Jones, Chairman): 3/27/2007

Correctly printed: **HB 418, HB 488, HB 680, HB 700, HB 823, HB 826, SB 312.**

Delivered to the Governor for approval at 9:30 a.m., March 28, 2007: **HB 92, HB 105, HB 177, HB 207, HB 400, HB 521.**

Signed by the President at 4:30 p.m., March 27, 2007: **HB 22, HB 503, HB 555, HB 703.**

Correctly printed: **HB 797, HJR 49.**

3/28/2007

Correctly engrossed: **HB 8, HB 63, HB 529, HB 539, HB 330, HB 822, SB 92, SB 153, SB 165, SB 270, HJR 51, SB 71, SB 161.**

Correctly enrolled: **HB 37, HB 532, HB 756, HB 789.**

Examined by the sponsor and found to be correct: **HB 37, HB 91, HB 532, HB 756, HB 789.**

Delivered to the Governor for approval at 2:30 p.m., March 28, 2007: **HB 22, HB 503, HB 555, HB 703.**

Signed by the Chief Clerk of the House at 10:00 a.m., March 28, 2007: **HB 64, HB 98, HB 118, HB 120, HB 124, HB 157, HB 260, HB 341, HB 397, HB 469, HB 497, HB 570, HB 717, HB 724, HB 770, HB 795, HB 129, HB 284, HB 409, HB 412, HB 510, HB 579, HB 596, HB 664.**

Signed by the Speaker at 2:15 p.m., March 28, 2007: **HB 64, HB 98, HB 118, HB 120, HB 124, HB 157, HB 260, HB 341, HB 397, HB 469, HB 497, HB 570, HB 717, HB 724, HB 770.**

Signed by the Speaker at 2:30 p.m., March 28, 2007: **HB 129, HB 284, HB 409, HB 412, HB 510, HB 579, HB 596, HB 664.**

Correctly printed: **HB 828, SB 47, SB 114, SB 169, SB 177, SB 193, SB 224, SB 243, SB 246, SB 279, SB 282, SB 285, SB 299, SB 367, SB 403, SB 440, SB 453, SB 459, SB 480, SB 502, SB 517, SB 532, SB 538, SJR 2, SJR 6, SJR 7, SJR 24.**

**APPROPRIATIONS** (Sinrud, Chairman): 3/28/2007

**HB 63**, introduced bill, be amended as follows:

1. Page 13, line 17 through line 26.

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

**Renumber:** subsequent subsection

2. Page 15, line 9.

**Strike:** "\$100"

**Insert:** "\$50"

And, as amended, do pass. Report adopted.

**HB 330**, introduced bill, be amended as follows:

1. Title, line 12 through 13.

**Strike:** "REQUIRING" on line 12 through "ASSISTANCE;" on line 13"

2. Page 2, line 15.

**Strike:** "21"

**Insert:** "19"

3. Page 2, line 19.

**Strike:** "21"

**Insert:** "19"

4. Page 2, line 23.

**Strike:** "21"

**Insert:** "19"

5. Page 7, line 2.

**Strike:** "21"

**Insert:** "19"

6. Page 7, line 8.

**Strike:** "21"

**Insert:** "19"

7. Page 7, line 18.

**Strike:** "21"

**Insert:** "19"

8. Page 7, line 19.

**Strike:** "21"

**Insert:** "19"

9. Page 8, line 12.

**Strike:** "21"

**Insert:** "19"

10. Page 8, line 17.

**Strike:** "21"

**Insert:** "19"

11. Page 8, line 24.

**Strike:** "21"

**Insert:** "19"

12. Page 9, line 4.

**Strike:** "21"

**Insert:** "19"

13. Page 9, line 6.

**Strike:** "21"

**Insert:** "19"

14. Page 9, line 12.

**Strike:** "21"

**Insert:** "19"

15. Page 9, line 16.

**Strike:** "21"

**Insert:** "19"

16. Page 9, line 25.

**Strike:** "21"

**Insert:** "19"

17. Page 9, line 27.

**Strike:** "21"

**Insert:** "19"

18. Page 9, line 30 through page 10, line 20.

**Strike:** section 19 through section 20 in their entirety

**Renumber:** subsequent sections

19. Page 10, line 22.

**Strike:** "21"

**Insert:** "19"

20. Page 10, line 24.

**Strike:** "21"

**Insert:** "19"

21. Page 10, line 25.

**Strike:** "21"

**Insert:** "19"

22. Page 10, line 27.

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

**Insert:** "\$10"

23. Page 10, line 28 through page 11, line 1.

**Strike:** "TO CONDUCT" on page 10, line 28 through "ASSISTANCE" on page 11, line 1

**Insert:** "for administrative costs"

24. Page 11, line 3.

**Strike:** "21"

**Insert:** "19"

25. Page 11, line 5.

**Strike:** "21"

**Insert:** "19"

26. Page 11, line 9 through line 10.

**Strike:** "SECTIONS" on line 9 through "ARE" on line 10

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

27. Page 11, line 11.

**Strike:** "[SECTIONS 19, 20, AND 22] ARE"

**Insert:** "[Section 20] is"

And, as amended, do pass. Report adopted.

**HB 529**, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

**Strike:** "TAXING" on line 6 through "JURISDICTIONS" on line 7

**Insert:** "GOVERNMENTS AND TAX INCREMENT FINANCING DISTRICTS UNDER THE ENTITLEMENT SHARE PAYMENT AND TO SCHOOL DISTRICTS UNDER THE SCHOOL DISTRICT BLOCK GRANTS"

2. Title, line 8 through line 9.

**Strike:** "PROVIDING" on line 8 through "2009;" on line 9

3. Title, line 10.

**Following:** "7-1-2111,"

**Insert:** "15-1-121,"

**Strike:** "AND"

**Following:** "20-9-406,"

**Insert:** "AND 20-9-630,"

4. Page 1, line 18.

**Strike:** "taxing jurisdiction"

**Insert:** "local government, as defined in 15-1-121(4), each school district, and each tax increment financing district"

5. Page 1, line 19.

**Strike:** "3"

**Insert:** "4"

6. Page 1, line 21.

**Strike:** "3"

**Insert:** "4"

**Strike:** "TAXING JURISDICTION"

**Insert:** "local government, school district, and tax increment financing district"

7. Page 1, line 22 through page 2, line 15.

**Strike:** subsection (2) through subsection (6) in their entirety

**Insert:** "(2) (a) The department shall distribute the reimbursement to local governments with the entitlement distributions to local governments under 15-1-121(6), and the office of public instruction shall distribute the reimbursement to school districts with block grants pursuant to 20-9-630(2).

(b) For fiscal year 2008, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each local government and for each school district. By June 15, 2008, the department shall distribute the amount determined under this subsection (2)(b) for local governments as provided in 15-1-121(5)(a). By June 15, 2008, the office of public instruction shall distribute the amount determined under this subsection (2)(b) as a block grant under 20-9-630.

(3) (a) The amount determined under subsection (1) for each tax increment financing district must be added to the entitlement share amount for the tax increment financing district as provided in 15-1-121(7)(b) if the tax increment finance district is still in existence. If a tax increment financing district that is entitled to a reimbursement under this section is not listed under 15-1-121(7), the reimbursement must be made to that tax increment financing

district at the same time as other districts.

(b) For fiscal year 2008, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property for each tax increment financing district. By June 15, 2008, the department shall distribute the amount determined under this subsection (3)(b) to each tax increment financing district as provided in 15-1-121(7)(b) and to any other tax increment financing district that is entitled to a reimbursement under this section."

8. Page 3, following line 19.

**Insert: "Section 3.** Section 15-1-121, MCA, is amended to read:

**"15-1-121. Entitlement share payment -- appropriation.** (1) As described in 15-1-120(3), each local government is entitled to an annual amount that is the replacement for revenue received by local governments for diminishment of property tax base and various earmarked fees and other revenue that, pursuant to Chapter 574, Laws of 2001, amended by section 4, Chapter 13, Special Laws of August 2002, and later enactments, was consolidated to provide aggregation of certain reimbursements, fees, tax collections, and other revenue in the state treasury with each local government's share. The reimbursement under this section is provided by direct payment from the state treasury rather than the ad hoc system that offset certain state payments with local government collections due the state and reimbursements made by percentage splits, with a local government remitting a portion of collections to the state, retaining a portion, and in some cases sending a portion to other local governments. The amount calculated pursuant to this subsection, as adjusted pursuant to subsection (3)(a)(i), is each local government's base entitlement share. The department shall estimate the total amount of revenue that each local government received from the following sources for the fiscal year ending June 30, 2001:

- ~~\_\_\_\_\_ (a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;~~
- ~~\_\_\_\_\_ (b) vehicle, boat, and aircraft taxes and fees pursuant to:~~
  - ~~\_\_\_\_\_ (i) Title 23, chapter 2, part 5;~~
  - ~~\_\_\_\_\_ (ii) Title 23, chapter 2, part 6;~~
  - ~~\_\_\_\_\_ (iii) Title 23, chapter 2, part 8;~~
  - ~~\_\_\_\_\_ (iv) 61-3-317;~~
  - ~~\_\_\_\_\_ (v) 61-3-321;~~
  - ~~\_\_\_\_\_ (vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001;~~
  - ~~\_\_\_\_\_ (vii) Title 61, chapter 3, part 7;~~
  - ~~\_\_\_\_\_ (viii) 5% of the fees collected under 61-10-122;~~
  - ~~\_\_\_\_\_ (ix) 61-10-130;~~
  - ~~\_\_\_\_\_ (x) 61-10-148, and~~
  - ~~\_\_\_\_\_ (xi) 67-3-205;~~
- ~~\_\_\_\_\_ (c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);~~
- ~~\_\_\_\_\_ (d) district court fees pursuant to:~~
  - ~~\_\_\_\_\_ (i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);~~
  - ~~\_\_\_\_\_ (ii) 25-1-202;~~
  - ~~\_\_\_\_\_ (iii) 25-1-1103;~~
  - ~~\_\_\_\_\_ (iv) 25-9-506, and~~
  - ~~\_\_\_\_\_ (v) 27-9-103;~~
- ~~\_\_\_\_\_ (e) certificate of title fees for manufactured homes pursuant to 15-1-116;~~
- ~~\_\_\_\_\_ (f) financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part 7;~~
- ~~\_\_\_\_\_ (g) all beer, liquor, and wine taxes pursuant to:~~
  - ~~\_\_\_\_\_ (i) 16-1-404;~~
  - ~~\_\_\_\_\_ (ii) 16-1-406, and~~
  - ~~\_\_\_\_\_ (iii) 16-1-411;~~
- ~~\_\_\_\_\_ (h) late filing fees pursuant to 61-3-220;~~
- ~~\_\_\_\_\_ (i) title and registration fees pursuant to 61-3-203;~~
- ~~\_\_\_\_\_ (j) veterans' cemetery license plate fees pursuant to 61-3-459;~~

~~(k) county personalized license plate fees pursuant to 61-3-406;~~  
~~(l) special mobile equipment fees pursuant to 61-3-431;~~  
~~(m) single movement permit fees pursuant to 61-4-310;~~  
~~(n) state aeronautics fees pursuant to 67-3-101, and~~  
~~(o) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77, chapter 1, part 5.~~

~~(2) (a) From the amounts estimated in subsection (1) for each county government, the department shall deduct fiscal year 2001 county government expenditures for district courts, less reimbursements for district court expenses, and fiscal year 2001 county government expenditures for public welfare programs to be assumed by the state in fiscal year 2002.~~

~~(b)(2) The total amount estimated pursuant to subsections (1) and (2)(a) received in fiscal year 2007 as an entitlement share payment under this section is the base component for the fiscal year 2008 distribution, and in each subsequent year the prior year entitlement share payment, including any reimbursement payments received pursuant to subsection (6), is each local government's base year component. The sum of all local governments' base year components is the base fiscal year entitlement share pool. For the purpose of calculating the sum of all local governments' base year components, the base year component for a local government may not be less than zero.~~

(3) (a) The base year entitlement share pool must be increased annually by a growth rate as provided for in this subsection (3). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year. By October 1 of each even-numbered year, the department shall calculate the growth rate of the entitlement share pool for each year of the next biennium in the following manner:

(i) Before applying the growth rate for fiscal year 2007 to determine the fiscal year 2007 entitlement share payments, the department shall subtract from the fiscal year 2006 entitlement share payments the following amounts:

Beaverhead	\$6,972
Big Horn	\$52,551
Blaine	\$13,625
Broadwater	\$2,564
Carbon	\$11,537
Carter	\$407
Cascade	\$157,151
Chouteau	\$3,536
Custer	\$7,011
Daniels	\$143
Dawson	\$3,893
Fallon	\$1,803
Fergus	\$9,324
Flathead	\$33,655
Gallatin	\$222,029
Garfield	\$91
Glacier	\$3,035
Golden Valley	\$2,282
Granite	\$4,554
Hill	\$31,740
Jefferson	\$5,700
Judith Basin	\$1,487
Lake	\$38,314
Lewis and Clark	\$247,886
Liberty	\$152
Lincoln	\$3,759
Madison	\$8,805
McCone	\$1,651
Meagher	\$2,722
Mineral	\$2,361

Missoula	\$172,600
Musselshell	\$23,275
Park	\$6,582
Petroleum	\$36
Phillips	\$653
Pondera	\$10,270
Powder River	\$848
Powell	\$5,146
Prairie	\$717
Ravalli	\$93,090
Richland	\$3,833
Roosevelt	\$9,526
Rosebud	\$19,971
Sanders	\$30,712
Sheridan	\$271
Stillwater	\$12,117
Sweet Grass	\$2,463
Teton	\$5,560
Toole	\$7,113
Treasure	\$54
Valley	\$6,899
Wheatland	\$918
Wibaux	\$72
Yellowstone	\$266,644
Anaconda-Deer Lodge	\$20,707
Butte-Silver Bow	\$53,057
Alberton	\$675
Bainville	\$258
Baker	\$2,828
Bearcreek	\$143
Belgrade	\$11,704
Belt	\$1,056
Big Sandy	\$1,130
Big Timber	\$2,910
Billings	\$163,499
Boulder	\$2,340
Bozeman	\$52,805
Bridger	\$1,303
Broadus	\$766
Broadview	\$258
Brockton	\$414
Browning	\$1,830
Cascade	\$1,374
Chester	\$1,430
Chinook	\$2,275
Choteau	\$3,050
Circle	\$1,018
Clyde Park	\$572
Colstrip	\$4,090
Columbia Falls	\$6,805
Columbus	\$3,245
Conrad	\$4,562

Culbertson — \$1,216  
 Cut Bank — \$5,316  
 Darby — \$1,348  
 Deer Lodge — \$5,708  
 Denton — \$503  
 Dillon — \$6,928  
 Dodson — \$194  
 Drummond — \$561  
 Dutton — \$661  
 East Helena — \$2,888  
 Ekalaka — \$689  
 Ennis — \$1,518  
 Eureka — \$1,733  
 Fairfield — \$1,120  
 Fairview — \$1,152  
 Flaxville — \$143  
 Forsyth — \$3,286  
 Fort Benton — \$2,579  
 Fort Peck — \$393  
 Froid — \$328  
 Fromberg — \$855  
 Geraldine — \$457  
 Glasgow — \$5,361  
 Glendive — \$8,099  
 Grass Range — \$254  
 Great Falls — \$96,422  
 Hamilton — \$7,148  
 Hardin — \$5,920  
 Harlem — \$1,422  
 Harlowton — \$1,678  
 Havre — \$16,223  
 Helena — \$45,877  
 Hingham — \$263  
 Hobson — \$397  
 Hot Springs — \$912  
 Hysam — \$482  
 Ismay — \$43  
 Joliet — \$1,006  
 Jordan — \$606  
 Judith Gap — \$263  
 Kalispell — \$28,144  
 Kevin — \$304  
 Laurel — \$10,804  
 Lavina — \$361  
 Lewistown — \$10,170  
 Libby — \$4,475  
 Lima — \$397  
 Livingston — \$12,145  
 Lodge Grass — \$889  
 Malta — \$3,389  
 Manhattan — \$2,485  
 Medicine Lake — \$410



Melstone	<del>\$234</del>
Miles City	<del>\$14,152</del>
Missoula	<del>\$104,264</del>
Moore	<del>\$319</del>
Nashua	<del>\$536</del>
Neihart	<del>\$149</del>
Opheim	<del>\$180</del>
Outlook	<del>\$125</del>
Philipsburg	<del>\$1,612</del>
Pinesdale	<del>\$1,413</del>
Plains	<del>\$2,007</del>
Plentywood	<del>\$3,185</del>
Plevna	<del>\$225</del>
Poison	<del>\$7,722</del>
Poplar	<del>\$1,544</del>
Red Lodge	<del>\$3,903</del>
Rexford	<del>\$263</del>
Richey	<del>\$309</del>
Ronan	<del>\$3,262</del>
Roundup	<del>\$3,280</del>
Rycgate	<del>\$465</del>
Saco	<del>\$354</del>
Scobey	<del>\$1,798</del>
Shelby	<del>\$5,677</del>
Sheridan	<del>\$1,150</del>
Sidney	<del>\$7,747</del>
Stanford	<del>\$737</del>
Stevensville	<del>\$3,063</del>
St. Ignatius	<del>\$1,367</del>
Sunburst	<del>\$709</del>
Superior	<del>\$1,521</del>
Terry	<del>\$1,011</del>
Thompson Falls	<del>\$2,272</del>
Three Forks	<del>\$3,130</del>
Townsend	<del>\$3,286</del>
Troy	<del>\$1,654</del>
Twin Bridges	<del>\$695</del>
Valier	<del>\$817</del>
Virginia City	<del>\$223</del>
Walkerville	<del>\$1,183</del>
West Yellowstone	<del>\$2,083</del>
Westby	<del>\$263</del>
White Sulphur Springs	<del>\$1,734</del>
Whitefish	<del>\$9,932</del>
Whitehall	<del>\$1,889</del>
Wibaux	<del>\$893</del>
Winifred	<del>\$259</del>
Winnett	<del>\$314</del>
Wolf Point	<del>\$4,497</del>

(ii)(i) The department shall calculate the average annual growth rate of the Montana gross state product, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection ~~(3)(a)(ii)(A)~~ (3)(a)(i)(A).

~~(iii)~~(ii) The department shall calculate the average annual growth rate of Montana personal income, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection ~~(3)(a)(iii)(A)~~ (3)(a)(ii)(A).

(b) ~~(i)~~ The entitlement share pool growth rate for ~~the first each year of the biennium~~ must be the following percentage of the average of the growth rates calculated in subsections ~~(3)(a)(ii)(B)~~ (3)(a)(i)(B) and ~~(3)(a)(iii)(B)~~ (3)(a)(ii)(B):

~~(A)~~(i) for counties, 54%;

~~(B)~~(ii) for consolidated local governments, 62%; and

~~(C)~~(iii) for incorporated cities and towns, 70%.

~~(ii)~~ The entitlement share pool growth rate for the second year of the biennium must be the following percentage of the average of the growth rates calculated in subsections ~~(3)(a)(ii)(A)~~ and ~~(3)(a)(iii)(A)~~:

~~(A)~~ for counties, 54%;

~~(B)~~ for consolidated local governments, 62%; and

~~(C)~~ for incorporated cities and towns, 70%.

(4) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection ~~(6)~~ (7). ~~For purposes of calculating the base year component for a county or consolidated local government, the department shall include the revenue listed in subsection (1) for all special districts within the county or consolidated local government. The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources listed in subsection (1) for which reimbursement is provided in this section.~~

(5) (a) The entitlement share pools calculated in this section, the amounts determined under [section 1(2)(b)] for local governments, and the ~~block grants funding~~ provided for in subsection ~~(6)~~ (7), including the amounts determined under [section 1(3)(b)], are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments. ~~Each local government is entitled to a pro rata share of each year's entitlement share pool based on the local government's base component in relation to the base year entitlement share pool~~ the Except for the distribution made under [section 1(2)(b)], the distributions must be made on a quarterly basis.

(b) (i) The growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. ~~For the purposes of subsection (5)(b)(ii)(A), a county with a negative base year component has a base year component of zero.~~ The growth factor in the entitlement share must be calculated separately for:

(A) counties;

(B) consolidated local governments; and

(C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the ~~base prior~~ fiscal year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the ~~base prior~~ fiscal year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage that each consolidated local government's population bears to the state's total population residing within consolidated local governments as

determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the ~~base~~ prior fiscal year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool ~~not represented by~~ before the growth amount or adjustments are made under subsection (6) are applied is to be distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

(6) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the department shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to the entitlement share distribution under this section. The total entitlement share distributions in a fiscal year, including distributions made pursuant to this subsection, equal the local fiscal year entitlement share pool. The ratio of each local government's distribution from the entitlement share pool must be recomputed to determine each local government's ratio to be used in the subsequent year's distribution determination under subsections (5)(b)(ii)(A), (5)(b)(iii)(A), and (5)(b)(iv)(A).

~~(6)(7)~~ (a) If a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any block grant funding. If a tax increment financing district referred to in subsection ~~(6)(b)~~ (7)(b) terminates, then the block grant funding for the district provided for in subsection ~~(6)(b)~~ (7)(b) terminates.

(b) ~~One-half~~ Except for the reimbursement made under [section 1(3)(b)], one-half of the payments provided for in this subsection ~~(6)(b)~~ (7)(b) must be made by November 30 and the other half by May 31 of each year. Subject to subsection ~~(6)(a)~~ (7)(a), the entitlement share for tax increment financing districts is as follows:

Cascade	Great Falls - downtown	\$468,966
Deer Lodge	TIF District 1	3,148
Deer Lodge	TIF District 2	3,126
Flathead	Kalispell - District 1	<del>758,359</del>
Flathead	Kalispell - District 2	5,153
Flathead	Kalispell - District 3	41,368
Flathead	Whitefish District	164,660
Gallatin Bozeman - downtown		34,620
<del>Lewis and Clark</del>	<del>Helena - 2</del>	<del>731,614</del>
Missoula	Missoula - <del>1-1B &amp;</del> 1-1C	<del>1,100,507</del> <u>250,279</u>
Missoula	Missoula - 4-1C	33,343
Silver Bow	Butte - uptown	283,801
Yellowstone	Billings	436,815

~~(7)(8)~~ (8) The estimated ~~base~~ fiscal year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from tax increment financing districts, from countywide transportation block grants, or from countywide retirement block grants.

(8) (a) If revenue that is included in the sources listed in subsections (1)(b) through (1)(o) is significantly reduced, except through legislative action, the department shall deduct the amount of revenue loss from the entitlement share pool beginning in the succeeding fiscal year and the department shall work with local governments to propose legislation to adjust the entitlement share pool to reflect an allocation of the loss of revenue.

~~(b) For the purposes of subsection (8)(a), a significant reduction is a loss that causes the amount of revenue received in the current year to be less than 95% of the amount of revenue received in the base year.~~

(9) A three-fifths vote of each house is required to reduce the amount of the entitlement share calculated pursuant to subsections (1) through (3).

(10) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share.

When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

(11) A local government may appeal the department's estimation of the base year component, the entitlement share pool growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211.

(12) A payment required pursuant to this section may not be offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1."

**Renumber:** subsequent sections

9. Page 7, line 20.

**Strike:** "(i)"

10. Page 7, line 27 through line 28.

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

11. Page 9, line 6.

**Following:** "entity"

**Insert:** ":

(a)"

12. Page 9, line 7.

**Following:** "reimbursements"

**Insert:** ";

(b) shall decrease the number of mills to account for a new reimbursement under the provisions of 15-1-121(6) that is added to the entitlement share payment to offset a reduction in property tax revenue. The decrease in mills applies in the first fiscal year in which the new reimbursement is received"

13. Page 10, line 7.

**Strike:** "[section 1];"

14. Page 10, line 11.

**Following:** "20-9-622;"

**Insert:** "20-9-630;"

15. Page 12, following line 25.

**Insert:** "**Section 10.** Section 20-9-630, MCA, is amended to read:

**"20-9-630. School district block grants.** (1) (a) The office of public instruction shall provide a block grant to each school district based on:

(i) the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999; and

(ii) any reimbursement to be made to a school district pursuant to subsection (2).

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

~~(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.~~

~~(2) If the fiscal year 2003 appropriation provided in section 248(1), Chapter 574, Laws of 2001, is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the~~

prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003.

(2) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the office of public instruction shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to block grant distributions under this section. The total of reimbursement distributions made pursuant to this subsection in a fiscal year must be added to all other distributions to the school district in the fiscal year to determine the distribution for the subsequent fiscal year. The block grant percentage increases in subsections (4)(a) and (4)(c) do not apply to reimbursements made under this subsection for the fiscal year of the first reimbursement, but do apply to the block grant amounts in subsequent fiscal years that incorporate reimbursement added in previous fiscal years. For the purpose of this subsection, the "fiscal year of the first reimbursement" does not include the fiscal year in which the reimbursement under [section 1(2)(b)] is made.

(3) ~~Each~~ Except for the reimbursement made under [section 1(2)(b)], each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(4) (a) The block grant for the district general fund is equal to the average amount received in fiscal years 2002 and 2003 by the district general fund from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.

(b) The block grant for the district transportation fund is equal to one-half of the average amount received in fiscal years 2002 and 2003 by the district transportation fund from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.

(c) (i) The combined fund block grant is equal to the average amount received in fiscal years 2002 and 2003 by the district tuition, bus depreciation reserve, building reserve, nonoperating, and adult education funds from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.

(ii) The school district may deposit the combined fund block grant into any budgeted fund of the district.

(5) The funding for block grants provided for in this section, including the reimbursement under [section 1(2)(b)], is statutorily appropriated, as provided in 17-7-502, from the general fund to the office of public instruction for distribution to school districts."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 539**, introduced bill, be amended as follows:

1. Title, line 4.

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

**Insert:** "\$100,000"

2. Page 1, line 20.

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

**Insert:** "\$100,000"

And, as amended, do pass. Report adopted.

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

3/28/2007

**SB 92**, be amended as follows:

1. Page 5, line 25.

**Following:** "Licensees"

**Strike:** ", including individual mortgage brokers working as employees,"

2. Page 6, following line 22.

**Insert:** "(3) If the employment of a designated manager is terminated, the mortgage broker shall return the designated manager's license to the department within 5 business days of the termination."

3. Page 8, line 14.

**Strike:** "subsections (3) and (4)"

**Insert:** "subsection (3)"

4. Page 9, line 15 through line 19.

**Strike:** subsection (4) in its entirety

5. Page 11, line 14.

**Following:** "hearing."

**Insert:** "The order may apply only to the alleged act or practice constituting a violation of this chapter."

6. Page 12, line 3.

**Strike:** "refusing"

**Insert:** "refusal"

**Following:** "been"

**Strike:** "suspended or"

7. Page 12, line 4 through line 5.

**Following:** "reinstatement of a"

**Strike:** "suspended" on line 4 through the first "or" on line 5

8. Page 12, line 5.

**Following:** "date of"

**Strike:** "suspension or"

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

**SB 114**, be concurred in. Report adopted.

**SB 153**, be amended as follows:

1. Title, line 18 through line 19.

**Strike:** "PROHIBITING" on line 18 through "REMUNERATION;" on line 19

2. Title, line 28.

**Strike:** "37-28-201,"

3. Page 2, line 27.

**Following:** "fee"

**Insert:** "and meets any competency requirements established by rule by the department"

4. Page 16, line 21 through page 17, line 4.

**Strike:** section 21 in its entirety

**Renumber:** subsequent sections

5. Page 24, line 28.

**Following:** "(6)"

**Insert:** "(a)"

6. Page 24, line 29.

**Strike:** " \_ "

**Insert:** "except that:

(i) any broker licensed prior to October 1, 2007, is entitled to a supervising broker endorsement provided that the broker indicates on the broker's license renewal form for the 2008 calendar year the broker's intention to obtain the endorsement;

(ii) a broker who obtains a supervising broker endorsement pursuant to subsection (6)(a)(i) is subject to the endorsement renewal requirements adopted by the board by rule in order to supervise one or more licensed salespersons;

(iii) continuing education requirements for a supervising broker endorsement may not be in addition to the continuing education requirements for a licensed broker with respect to the total number of hours or credits required.

(b) The board may not assess a licensing fee for obtaining or renewing a supervising broker endorsement."

7. Page 55, line 19.

**Strike:** "24"

**Insert:** "23"

8. Page 55, line 20.

**Strike:** "24"

**Insert:** "23"

9. Page 55, line 21.

**Strike:** "25"

**Insert:** "24"

10. Page 55, line 22.

**Strike:** "25"

**Insert:** "24"

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

**SB 165**, be amended as follows:

1. Page 5, line 1.

**Following:** "violation"

**Insert:** "and not to exceed \$5,000 for each administrative action"

2. Page 5, line 11.

**Strike:** "department refusing"

**Insert:** "department's refusal"

3. Page 5, line 15.

**Strike:** "fines collected"

**Insert:** "penalties collected pursuant to this section"

4. Page 11, line 23.

**Following:** "hearing."

**Insert:** "The order may apply only to the alleged act or practice constituting a violation of this chapter."

5. Page 12, line 10.

**Following:** "Lewis and Clark County"

**Insert:** "if the person is not a resident of this state or does not maintain a place of business in this state"

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

**SB 440**, be concurred in. Report adopted.

**SB 453**, be concurred in. Report adopted.

**SB 480**, be concurred in. Report adopted.

3/27/2007

**EDUCATION** (Jore, Chairman):

3/28/2007

**SB 152**, be amended as follows:

1. Title, line 6.

**Strike:** "FORGIVENESS"

**Insert:** "ASSISTANCE"

2. Title, line 11 through line 13.

**Strike:** "REVISING" on line 11 through "DISTRICT;" on line 13

**Insert:** "AUTHORIZING OPTIONAL EARLY CHILDHOOD DEVELOPMENT PROGRAMS TO REPLACE KINDERGARTEN;"

3. Title, line 14.

**Strike:** "A"

**Insert:** "AN OPTIONAL"

**Strike:** "KINDERGARTEN"

**Insert:** "EARLY CHILDHOOD DEVELOPMENT"

4. Title, line 15.

**Following:** "DISTRICT;"

**Insert:** "CHANGING THE TERM "KINDERGARTEN" TO "EARLY CHILDHOOD DEVELOPMENT";"

5. Title, line 18.

**Following:** "SCHOOLS;"

**Insert:** "INCREASING THE BASIC ENTITLEMENT PAYMENT AND MAKING THE PAYMENTS BASED UPON A CALCULATED BASIC ENTITLEMENT UNIT; PROVIDING A PER-CLASSROOM PAYMENT;"

**Strike:** "QUALITY"

**Following:** "PAYMENT;"

**Insert:** "ADDING LICENSED PSYCHOLOGISTS AND LICENSED SOCIAL WORKERS TO THE LIST OF LICENSED PROFESSIONALS WHO ARE INCLUDED IN THE CALCULATION OF THE EDUCATOR PAYMENT; PROVIDING AN EDUCATOR PAYMENT TO CERTIFIED TEACHERS EMPLOYED BY THE MONTANA YOUTH CHALLENGE PROGRAM;"

6. Title, line 19.

**Strike:** "GOVERNOR'S"

7. Title, line 20.

**Following:** "SECTIONS"

**Insert:** "2-15-1524,"

**Following:** "20-3-205,"

**Insert:** "20-5-320, 20-5-402,"

**Strike:** "20-6-104,"

**Insert:** "20-6-501, 20-6-508, 20-7-102,"

**Following:** "20-7-117,"



**Insert:** "20-7-133,"

8. Title, line 21.

**Following:** "20-9-327,"

**Insert:** "20-9-344, 20-9-805, 20-26-601,"

**Strike:** "AND"

**Following:** "20-26-603,"

**Insert:** "AND 20-32-101,"

9. Title, line 22.

**Following:** "MCA;"

**Insert:** "PROVIDING FOR CONTINGENT VOIDNESS;"

**Following:** "PROVIDING"

**Strike:** "EFFECTIVE DATES AND"

**Insert:** "AN EFFECTIVE DATE,"

10. Title, line 23.

**Following:** "DATE"

**Insert:** ", AND A TERMINATION DATE"

11. Page 1, line 27.

**Strike:** "forgiveness"

**Insert:** "assistance"

12. Page 1, line 28.

**Strike:** "forgiveness"

**Insert:** "assistance"

13. Page 2, line 24.

**Strike:** "areas"

**Insert:** "schools"

14. Page 2, line 25 through line 27.

**Following:** "identify"

**Strike:** ":" on line 25 through "(b)" on line 27

**Following:** "specific"

**Strike:** "certification or endorsement areas"

**Insert:** "schools"

**Following:** line 27

**Insert:** "(2) The board of public education shall publish a report annually listing the schools identified as impacted by critical quality educator shortages, the reasons for specific schools being identified, and information regarding any success in retention."

**Renumber:** subsequent subsection

15. Page 2, line 28 and line 29.

**Following:** "working" on line 28

**Strike:** remainder of line 28 through "area" on line 29

**Insert:** "at schools identified in subsection (1)"

**Strike:** "all or" on line 29

16. Page 3, line 5 and line 6.

**Strike:** "a geographic region" on line 5

**Insert:** "an identified school"

**Strike:** "[section 3(1)(a)]" on line 5 through "[section 3(1)(b)]" on line 6

**Insert:** "[section 3(1)]"

17. Page 3, line 16.

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

**Insert:** "\$1,500"

18. Page 3, line 22.

**Insert:** "(4) If a quality educator ceases to remain in a teaching position in any of the schools identified in [section 3] within 4 years following a year in which the loan repayment assistance was granted, the quality educator shall repay to the board of regents the amount of the loan repayment assistance for that year."

19. Page 3, line 24.

**Strike:** "teachers"

**Insert:** "quality educators"

20. Page 3, line 25.

**Strike:** "geographic regions"

**Insert:** "specific schools"

21. Page 3, line 30.

**Insert:** "Section 7. Section 2-15-1524, MCA, is amended to read:

**"2-15-1524. Governor's postsecondary Postsecondary scholarship advisory council -- terms.** (1) There is a three-member ~~governor's~~ postsecondary scholarship advisory council appointed by the governor.

(2) Members shall serve staggered 3-year terms and must include:

(a) at least one member with experience in financial aid at a postsecondary institution; and

(b) at least one member with experience in secondary or postsecondary education.

(3) A presiding officer must be selected by the council from among its membership at the first meeting of the council.

(4) The council shall:

(a) advise the board on issues related to the ~~governor's~~ postsecondary scholarship program and other student assistance programs; and

(b) report to the governor annually or at any time upon request by the governor.

(5) The council is attached to the commissioner of higher education for administrative purposes only, as provided in 2-15-121, and members are entitled to compensation as provided in 2-15-122(5)."

**Renumber:** subsequent sections

**New Amendment:**

Page 4, line 7

**Strike:** "8"

**Insert:** "9"

22. Page 4, line 23.

**Strike:** "kindergarten" in both places

**Insert:** "early childhood development" in both places

23. Page 5, line 2 through page 6, line 18.

**Strike:** section 10 in its entirety

**Renumber:** subsequent sections

24. Page 8, line 28 through page 9, line 5.

**Strike:** section 12 in its entirety

**Insert:** "Section 12. Section 20-5-320, MCA, is amended to read:

**"20-5-320. Attendance with discretionary approval.** (1) A child may be enrolled in and attend a school in a Montana school district that is outside of the child's district of residence or a public school in a district of another state or province that is adjacent to the county of the child's residence, subject to discretionary approval by the trustees of the resident district and the district of choice. If the trustees grant discretionary approval of the child's attendance in a school of the district, the parent or guardian may be charged tuition and may be charged for transportation.

(2) (a) Whenever a parent or guardian of a child wishes to have the child attend a school under the provisions of this section, the parent or guardian shall apply to the trustees of the district where the child wishes to attend. The application must be made on an out-of-district attendance agreement form supplied by the district and developed by the superintendent of public instruction.

(b) The attendance agreement must set forth the financial obligations, if any, for tuition and for costs incurred for transporting the child under Title 20, chapter 10.

(c) (i) The trustees of the district of choice may waive the tuition for all students whose tuition is required to be paid by one type of entity and may charge tuition for all students whose tuition is required to be paid by another type of entity. However, any waiver of tuition must be applied equally to all students whose tuition is paid by the same type of entity.

(ii) As used in this subsection (2)(c), "entity" means a parent or guardian or the trustees of the district of residence.

(3) An out-of-district attendance agreement approved under this section requires that the parent or guardian initiate the request for an out-of-district attendance agreement and that the trustees of both the district of residence and the district of choice approve the agreement.

(4) If the trustees of the district of choice waive tuition, approval of the resident district trustees is not required.

(5) The trustees of a school district may approve or disapprove the out-of-district attendance agreement consistent with this part and the policy adopted by the local board of trustees for out-of-district attendance agreements.

(6) The approval of an out-of-district attendance agreement by the applicable approval agents or as the result of an appeal must authorize the child named in the agreement to enroll in and attend the school named in the agreement for the designated school year.

(7) The trustees of the district where the child wishes to attend have the discretion to approve any attendance agreement.

(8) This section does not preclude the trustees of a district from approving an attendance agreement for educational program offerings not provided by the resident district, such as the ~~kindergarten~~ early childhood development or grades 7 and 8 programs, if the trustees of both districts agree to the terms and conditions for attendance and any tuition and transportation requirement. For purposes of this subsection, the trustees of the resident district shall initiate the out-of-district agreement.

(9) (a) A provision of this title may not be construed to deny a parent or guardian the right to send a child, at personal expense, to any school of a district other than the resident district when the trustees of the district of choice have approved an out-of-district attendance agreement and the parent or guardian has agreed to pay the tuition as prescribed by 20-5-323. However, under this subsection (9), the tuition rate must be reduced by the amount that the parent or guardian of the child paid in district property taxes during the immediately preceding school fiscal year for the benefit and support of the district in which the child will attend school.

(b) For the purposes of this section, "parent or guardian" includes an individual shareholder of a domestic corporation as defined in 35-1-113 whose shares are 95% held by related family members to the sixth degree of consanguinity or by marriage to the sixth degree of affinity.

(c) The tax amount to be credited to reduce any tuition charge to a parent or guardian under subsection (9)(a) is determined in the following manner:

(i) determine the percentage of the total shares of the corporation held by the shareholder parent or parents or guardian;

(ii) determine the portion of property taxes paid in the preceding school fiscal year by the corporation, parent, or guardian for the benefit and support of the district in which the child will attend school.

(d) The percentage of total shares as determined in subsection (9)(c)(i) is the percentage of taxes paid as determined in subsection (9)(c)(ii) that is to be credited to reduce the tuition charge.

(10) As used in 20-5-320 through 20-5-324, the term "guardian" means the guardian of a minor as provided in Title 72, chapter 5, part 2."

**Insert:** "Section 13. Section 20-5-402, MCA, is amended to read:

**"20-5-402. Definitions.** As used in this part, the following definitions apply:

- (1) "Department" means the department of public health and human services provided for in 2-15-2201.
- (2) "Governing authority" means the board of trustees of a school district or the administrator of a private school, preschool, or postsecondary school.
- (3) "Immunization" means induction of a state of resistance to a disease through administration of an immunizing agent.
- (4) "Local health department" means a city, city-county, county, or district health department.
- (5) "Local health officer" means a city, city-county, county, or district health officer.
- (6) "Postsecondary school" means a community college, a unit of the Montana university system, or a private university or college.
- (7) "Preschool" means a place or facility that provides, on a regular basis and as its primary purpose, educational instruction designed for children 5 years of age or younger and that:
  - (a) serves no child under 5 years of age for more than 3 hours a day; and
  - (b) serves no child 5 years of age for more than 6 hours a day.
- (8) "School" means a place or institution for the teaching of individuals, the curriculum of which is composed of the work of:
  - (a) any combination of ~~kindergarten~~ an early childhood development program through grade 12;
  - (b) a postsecondary school; or
  - (c) a preschool."

**Renumber:** subsequent sections

25. Page 9, line 6.

**Following:** line 5

**Insert:** "Section 14. Section 20-6-501, MCA, is amended to read:

**"20-6-501. Definition of various schools.** As used in this title, unless the context clearly indicates otherwise, the term "school" means an institution for the teaching of children that is established and maintained under the laws of the state of Montana at public expense. The trustees of a district shall designate the grade assignments for the schools of the district, but for the purposes of this title each school is known as:

- (1) an elementary school when it comprises the work of any combination of ~~kindergarten~~ early childhood development programs, ~~other~~ preschool programs, or the first eight grades or their equivalents. A middle school is a school comprising the work of grades 4 through 8 or any combination of grades 4 through 8 that has been accredited as a middle school under the provisions of 20-7-102. When an accredited junior high school is operated by the district, grades 7 and 8 or their equivalents may not be considered as elementary grades.
- (2) a high school when it comprises the work of one or more grades of schoolwork or their equivalents intermediate between the elementary schools and the institutions of higher education of the state of Montana. Types of high schools are designated as follows:
  - (a) a junior high school is a school comprising the work of grades 7 through 9 or their equivalents that has been accredited as a junior high school under the provisions of 20-7-102;
  - (b) a senior high school is a school that comprises the work of grades 10 through 12 or their equivalents and that is operated in conjunction with a junior high school;
  - (c) a 4-year high school is a school comprising the work of grades 9 through 12 or their equivalents."

**Insert:** "Section 15. Section 20-6-508, MCA, is amended to read:

**"20-6-508. ~~Kindergarten~~ Early childhood development through grade twelve system.** Unless otherwise required by law, the trustees of an elementary district in which a high school is located and the trustees of the high school district operating such high school may organize the schools of their districts to form ~~a kindergarten~~ an early childhood development through grade 12 school system, provided that the high school and elementary trustees ~~shall~~ may not assume responsibility for the administration of grades ~~which~~ that are not properly within their jurisdiction."

**Insert:** "Section 16. Section 20-7-102, MCA, is amended to read:

**"20-7-102. Accreditation of schools.** (1) The conditions under which each elementary school, each middle school, each junior high school, 7th and 8th grades funded at high school rates, and each high school operates must be reviewed by the superintendent of public instruction to determine compliance with the standards of accreditation. The accreditation status of each school must then be established by the board of public education upon the recommendation of the superintendent of public instruction. Notification of the accreditation status for the applicable school year or years must be given to each district by the superintendent of public instruction.

(2) A school may be accredited for a period consisting of 1, 2, 3, 4, or 5 school years, except that multiyear accreditation may be granted only to schools that are in compliance with 20-4-101.

(3) A nonpublic school may, through its governing body, request that the board of public education accredit the school. Nonpublic schools may be accredited in the same manner as provided in subsection (1).

(4) As used in this section, "7th and 8th grades funded at high school rates" means an elementary school district or K-12 district elementary program whose 7th and 8th grades are funded as provided in ~~20-9-306(14)(c)(ii)~~ 20-9-306(16)(c)(ii)."

**Renumber:** subsequent sections

26. Page 9, line 8.

**Strike:** "Kindergarten and"

**Insert:** "Early childhood development --"

27. Page 9, line 9.

**Strike:** "shall"

**Insert:** "may"

**Strike:** "a kindergarten"

**Insert:** "an early childhood development"

28. Page 9, line 12.

**Strike:** "The kindergarten"

**Insert:** "An optional early childhood development"

**Strike:** ", which the trustees may designate as either a half-time or full-time program, must"

**Insert:** "may"

29. Page 9, line 15 and line 16.

**Following:** "calculation" on line 15

**Strike:** remainder of line 15 through "kindergarten" on line 16

**Insert:** ". An optional early childhood development"

30. Page 9, line 17.

**Following:** " \_"

**Insert:** "The trustees may offer a half-time program or a full-time program with a half-time option. If the trustees of an elementary district offer a full-time program, they must also offer the option of a half-time program. A half-time program must be offered as a separate class."

31. Page 9, line 19.

**Strike:** "must"

**Insert:** "may"

32. Page 9, line 21.

**Following:** "aid."

**Insert:** "(3) The trustees of an elementary district who do not designate a full-time early development program shall establish a program to focus on the educational needs of enrolled children including those who will be 5 years

old on or before September 10 of the school year through grade 3. The trustees of an elementary district establishing an early childhood development program shall ensure that all ANB funding received for 5-year-old children is used in the early childhood development program and is not diverted to other programs. The office of public instruction may develop reporting and tracking procedures to ensure that the requirements of this subsection are complied with."

33. Page 9, line 22.

**Following:** line 21

**Insert:** "Section 18. Section 20-7-133, MCA, is amended to read:

"20-7-133. **Pledge of allegiance required -- exemption for students and teachers.** (1) Except as provided in subsection (4), the pledge of allegiance to the flag of the United States of America must be recited in all public schools of the state.

(2) The recitation required in subsection (1) must be conducted at the beginning of the first class:

(a) of each school day in ~~kindergarten~~ an early childhood development program through grade 6; and

(b) of each school week in grades 7 through 12.

(3) The recitation must be conducted:

(a) by each individual classroom teacher or the teacher's surrogate; or

(b) over the school intercom system by a faculty member or person designated by the principal.

(4) A school district shall inform all students and teachers of their right to not participate in recitation of the pledge. Any student or teacher who, for any reason, objects to participating in the pledge exercise must be excused from participation. A student or teacher who declines to participate in the pledge may engage in any alternative form of conduct so long as that conduct does not materially or substantially disrupt the work or discipline of the school.

(5) If a student or teacher declines to participate in the recitation of the pledge pursuant to this section, a school district may not for evaluation purposes include any reference to the student's or teacher's not participating."

**Renumber:** subsequent sections

34. Page 10, line 3.

**Strike:** "quality"

35. Page 10, line 5.

**Following:** line 4

**Insert:** "(e) the per-classroom payment;"

**Renumber:** subsequent subsections

36. Page 10, line 8.

**Strike:** "quality"

37. Page 10, line 9.

**Following:** "student payment,"

**Insert:** "100% of the per-classroom payment,"

38. Page 10, line 19.

**Strike:** "district"

**Insert:** "basic entitlement unit"

39. Page 10, line 20.

**Strike:** "\$236,552"

**Insert:** "\$270,000"

40. Page 10, line 21.

**Strike:** "\$243,649"

**Insert:** "\$278,100"

41. Page 10, line 22.

**Following:** "school"

**Strike:** "district"

**Insert:** "basic entitlement unit"

**Following:** "district elementary"

**Strike:** "program"

**Insert:** "basic entitlement unit"

42. Page 10, line 24.

**Strike:** "\$21,290"

**Insert:** "\$45,000"

43. Page 10, line 25.

**Strike:** "\$21,929"

**Insert:** "\$46,350"

44. Page 10, line 26.

**Following:** "school"

**Strike:** "district"

**Insert:** "basic entitlement unit"

**Following:** "district elementary"

**Strike:** "program"

**Insert:** "basic entitlement unit"

45. Page 10, line 29.

**Strike:** "the kindergarten"

**Insert:** "an optional early childhood development program"

46. Page 10, line 30.

**Strike:** "program"

**Insert:** "basic entitlement unit"

47. Page 11, line 1.

**Strike:** "\$21,290"

**Insert:** "\$45,000"

48. Page 11, line 2.

**Strike:** "\$21,929"

**Insert:** "\$46,350"

49. Page 11, line 3.

**Following:** "(ii)"

**Insert:** "(A)"

50. Page 11, line 4.

**Strike:** "\$55,500"

**Insert:** "\$85,000"

**Following:** "high school"

**Strike:** "program"

**Insert:** "basic entitlement unit"

**Following:** "middle school"

**Strike:** "program"

**Insert:** "basic entitlement unit for fiscal year 2008; and

(B) \$87,550 for an approved and accredited junior high school basic entitlement unit or middle school basic entitlement unit for each succeeding fiscal year"

51. Page 11, line 5.

**Following:** line 4

**Insert:** "(7)(a) "Basic entitlement unit" means, subject to subsection (7)(b):

(i) 800 ANB for a high school district;

(ii) 250 ANB for an elementary district; and

(iii) 450 ANB for a junior high school or middle school.

(b) Each school district must receive a payment for at least 1 basic entitlement unit. A district with ANB greater than the applicable number described in subsection (7)(a) must receive an additional unit calculated by dividing the actual ANB by the appropriate number in subsection (7)(a) and rounding that number to the nearest tenth."

**Renumber:** subsequent subsections

52. Page 11, line 10.

**Strike:** "quality"

53. Page 11, line 11.

**Following:** "student payment,"

**Insert:** "the total per-classroom payment,"

54. Page 11, line 23.

**Following:** line 22

**Insert:** "(14) "Total educator payment" means the payment resulting from multiplying the number of full-time equivalent educators as provided in 20-9-327 times:

(a) \$2,100 for fiscal year 2008; and

(b) \$2,163 for each succeeding fiscal year."

**Renumber:** subsequent subsections

55. Page 11, lines 28 through 30.

**Strike:** "the first" on line 28

**Insert:** "each"

**Following:** "~~is~~" on line 28

**Strike:** remainder of line 28 through "ANB" on line 30

56. Page 12, line 3 through 5.

**Strike:** "the first" on line 3

**Insert:** "each"

**Following:** "~~is~~" on line 3

**Strike:** remainder of line 3 through "ANB" on line 5

57. Page 12, line 9 through line 11.

**Strike:** "the first" on line 9

**Insert:** "each"

**Strike:** "kindergarten"

**Insert:** "an early childhood development program"

**Following:** "~~is~~" on line 9

**Strike:** remainder of line 9 through "ANB" on line 11



58. Page 12, line 13 through line 15.

**Strike:** "the first" on line 13

**Insert:** "each"

**Following:** "is" on line 13

**Strike:** remainder of line 13 through "ANB" on line 15

59. Page 12, line 16 and 17.

**Strike:** line 16 through line 17 in their entirety

**Insert:** "(17) "Total per-classroom payment" means the payment calculated as provided in [section 25]."

**Renumber:** subsequent subsection

60. Page 13, line 15.

**Strike:** "a full-time kindergarten"

**Insert:** "an optional full-time early childhood development"

61. Page 13, line 17.

**Strike:** "KINDERGARTEN"

**Insert:** "early childhood development program"

62. Page 15, line 9.

**Strike:** "a full-time kindergarten"

**Insert:** "an optional full-time early childhood development"

63. Page 15, line 11.

**Strike:** "KINDERGARTEN"

**Insert:** "early childhood development program"

64. Page 16, line 24.

**Strike:** "kindergarten"

**Insert:** "an early childhood development program"

65. Page 16, line 28.

**Strike:** "a full-time kindergarten"

**Insert:** "an optional full-time early childhood development"

66. Page 16, line 29.

**Strike:** "kindergarten"

**Insert:** "the early childhood development program"

67. Page 16, line 30.

**Following:** "offering"

**Insert:** "a"

**Strike:** "kindergarten"

**Insert:** "early childhood development program"

68. Page 17, line 4.

**Strike:** "prekindergarten"

**Insert:** "preschool"

69. Page 20, line 30.

**Strike:** "kindergarten"

**Insert:** "an early childhood development program"

70. Page 21, line 4.

**Strike:** "a full-time kindergarten"

**Insert:** "an optional full-time early childhood development"

71. Page 21, line 5.

**Strike:** "kindergarten"

**Insert:** "early childhood development program"

72. Page 21, line 6.

**Following:** "offering"

**Insert:** "a"

**Strike:** "kindergarten"

**Insert:** "early childhood development program"

73. Page 21, line 10.

**Strike:** "prekindergarten"

**Insert:** "preschool"

74. Page 24, line 29.

**Strike:** "a kindergarten"

**Insert:** "an early childhood development"

75. Page 25, line 3.

**Strike:** "a"

**Insert:** "an optional"

**Strike:** "kindergarten"

**Insert:** "early childhood development"

76. Page 25, line 7.

**Strike:** "a full-time kindergarten"

**Insert:** "an optional full-time early childhood development"

77. Page 25, line 13.

**Strike:** "kindergarten"

**Insert:** "early childhood development"

**Strike:** "a"

**Insert:** "an optional"

78. Page 25, line 14.

**Strike:** "kindergarten"

**Insert:** "early childhood development"

79. Page 28, line 11.

**Strike:** "Quality educator"

**Insert:** "Educator"

**Strike:** "a quality"

**Insert:** "an"

80. Page 28, line 14.

**Following:** ";"

**Strike:** "and"

81. Page 28, line 15.

**Following:** "41-5-103"

**Insert:** "; and

(v) the Montana youth challenge program"

82. Page 28, line 18.

**Strike:** "quality"

83. Page 28, line 20.

**Strike:** "quality"

84. Page 28, line 22.

**Strike:** "quality"

85. Page 28, line 24.

**Following:** line 23

**Insert:** "(d) The educator payment for the Montana youth challenge program must be distributed to that program by the department of military affairs."

86. Page 28, line 24.

**Strike:** "quality"

87. Page 28, line 30.

**Following:** "37-15-301,"

**Insert:** "37-17-301, 37-22-301,"

88. Page 29, line 3.

**Insert:** "NEW SECTION. **Section 25. Per-classroom payment.** (1) The state shall provide a per-classroom payment to public school districts as defined in 20-6-101 and 20-6-701. The per-classroom payment is \$2,100 for fiscal year 2008 and \$2,163 for each succeeding fiscal year.

(2) The number of classrooms for each school district is calculated based on the maximum number of students that may be in each classroom according to the accreditation standards and is adjusted as provided in subsection (4). The student-teacher ratio for a classroom is based upon the size category for an elementary school district or a high school district as described in subsection (3).

(3) (a) The size of an elementary school district or a K-12 elementary program is the larger of the current year ANB or the average 3-year ANB calculated as provided in 20-9-311. The size categories are as follows:

(i) "E6" means an elementary school district or a K-12 elementary program with less than 41 ANB;

(ii) "E5" means an elementary school district or a K-12 elementary program with at least 41 ANB, but not more than 150 ANB;

(iii) "E4" means an elementary school district or a K-12 elementary program with at least 151 ANB, but not more than 400 ANB;

(iv) "E3" means an elementary school district or a K-12 elementary program with at least 401 ANB, but not more than 850 ANB;

(v) "E2" means an elementary school district or a K-12 elementary program with at least 851 ANB, but not more than 2,500 ANB;

(vi) "E1" means an elementary school district or a K-12 elementary program with more than 2,500 ANB.

(b) The size of a high school district or a K-12 high school program is the larger of the current year ANB or the average 3-year ANB calculated as provided in 20-9-311. The size categories are as follows:

(i) "H5" means a high school district or a K-12 high school program with less than 75 ANB;

(ii) "H4" means a high school district or a K-12 high school program with at least 75 ANB, but not more than 200 ANB;

(iii) "H3" means a high school district or a K-12 high school program with at least 201 ANB, but not more than 400 ANB;

(iv) "H2" means a high school district or a K-12 high school program with at least 401 ANB, but not more than 1,250 ANB;

(v) "H1" means a high school district or a K-12 high school program with more than 1,250 ANB.

(4) (a) Subject to subsection (4)(b), the student-teacher ratios used to determine the number of classrooms for the per-classroom payment are based on the size categories in subsection (3) and are as follows:

(i) E6, 8.6 students per teacher;

(ii) E5, 13.5 students per teacher;

(iii) E4, 15.4 students per teacher;

(iv) E3, 16.6 students per teacher;

(v) E2, 17.9 students per teacher;

(vi) E1, 19 students per teacher;

(vii) H5, 8.5 students per teacher;

(viii) H4, 14.4 students per teacher;

(ix) H3, 16.6 students per teacher;

(x) H2, 17.7 students per teacher; and

(xi) H1, 19 students per teacher.

(b) Each elementary district must have a minimum of one classroom and each high school district must have a minimum of five classrooms."

**Insert: "Section 26.** Section 20-9-344, MCA, is amended to read:

**"20-9-344. Duties of board of public education for distribution of BASE aid.** (1) The board of public education shall administer and distribute the BASE aid and state advances for county equalization in the manner and with the powers and duties provided by law. The board of public education:

(a) shall adopt policies for regulating the distribution of BASE aid and state advances for county equalization in accordance with the provisions of law;

(b) may require reports from the county superintendents, county treasurers, and trustees that it considers necessary; and

(c) shall order the superintendent of public instruction to distribute the BASE aid on the basis of each district's annual entitlement to the aid as established by the superintendent of public instruction. In ordering the distribution of BASE aid, the board of public education may not increase or decrease the BASE aid distribution to any district on account of any difference that may occur during the school fiscal year between budgeted and actual receipts from any other source of school revenue.

(2) The board of public education may order the superintendent of public instruction to withhold distribution of BASE aid from a district when the district fails to:

(a) submit reports or budgets as required by law or rules adopted by the board of public education; or

(b) maintain accredited status.

(3) Prior to any proposed order by the board of public education to withhold distribution of BASE aid or county equalization money, the district is entitled to a contested case hearing before the board of public education, as provided under the Montana Administrative Procedure Act.

(4) If a district or county receives more BASE aid than it is entitled to, the county treasurer shall return the overpayment to the state upon the request of the superintendent of public instruction in the manner prescribed by the superintendent of public instruction.

(5) Except as provided in 20-9-347(2), the BASE aid payment must be distributed according to the following schedule:

(a) from August to October of the school fiscal year, to each district 10% of:

(i) direct state aid;

(ii) the total ~~quality~~ educator payment;

(iii) the total at-risk student payment;

(iv) the total per-classroom payment;

- (iv)(v) the total Indian education for all payment; and  
 (v)(vi) the total American Indian achievement gap payment;
- (b) from December to April of the school fiscal year, to each district 10% of:
- (i) direct state aid;
- (ii) the total ~~quality~~ educator payment;
- (iii) the total at-risk student payment;
- (iv) the total per-classroom payment;
- (iv)(v) the total Indian education for all payment; and  
 (v)(vi) the total American Indian achievement gap payment;
- (c) in November of the school fiscal year, one-half of the guaranteed tax base aid payment to each district or county that has submitted a final budget to the superintendent of public instruction in accordance with the provisions of 20-9-134;
- (d) in May of the school fiscal year, the remainder of the guaranteed tax base aid payment to each district or county; and
- (e) in June of the school fiscal year, the remaining payment to each district of direct state aid, the total ~~quality~~ educator payment, the total at-risk student payment, the total per-classroom payment, the total Indian education for all payment, and the total American Indian achievement gap payment.
- (6) The distribution provided for in subsection (5) must occur by the last working day of each month."

**Renumber:** subsequent sections

**Insert:** "Section 27. Section 20-9-805, MCA, is amended to read:

**"20-9-805. Rate of reduction in annual apportionment entitlement.** (1) Except as provided in 20-9-806(2), for each hour short of the minimum number of aggregate hours required by law that a school district fails to conduct by reason of one or more unforeseen emergencies, the superintendent of public instruction shall reduce the equalization apportionment and entitlement of the district for that school year by a proportionate amount.

(2) ~~Kindergarten~~ Early childhood development, grade 1 through 3, and grade 4 through 12 programs must be considered separately for the purpose of computing compliance with minimum aggregate hour requirements and any loss of apportionment."

**Insert:** "Section 28. Section 20-26-601, MCA, is amended to read:

**"20-26-601. Short title.** This part may be cited as the "~~Governor's~~ Postsecondary Scholarship Program"."

**Renumber:** subsequent sections

89. Page 29, line 5.

**Strike:** "Governor's postsecondary"

**Insert:** "Postsecondary"

90. Page 29, line 6.

**Strike:** "governor's"

91. Page 29, line 21.

**Strike:** "governor's"

92. Page 29, line 23 through line 24.

**Strike:** line 23 through line 24 in their entirety

**Insert:** "educational programs."

93. Page 29, line 26.

**Strike:** "attempt to promote"

**Insert:** "encourage"

94. Page 29, line 27.

**Strike:** "governor's"

95. Page 29, line 29.

**Strike:** "governor's"

96. Page 30, line 3.

**Strike:** "institutions"

**Insert:** "educational programs"

97. Page 30, line 15.

**Strike:** "governor's"

98. Page 30, line 22.

**Strike:** "institution"

**Insert:** "educational program"

99. Page 30, line 24.

**Strike:** "or"

100. Page 30, line 25.

**Following:** "Montana"

**Insert:** "; or"

(d) a formal program located in the state of Montana that provides training to high school graduates or their equivalent for trade, occupational, or career training that provides technical skills and knowledge"

101. Page 30, line 27.

**Strike:** "institution"

**Insert:** "educational program"

102. Page 31, line 1.

**Strike:** "governor's"

103. Page 31, line 9.

**Strike:** "institutions"

**Insert:** "educational programs"

104. Page 31, line 15.

**Strike:** "governor's"

105. Page 31, line 24.

**Strike:** "institution"

**Insert:** "educational program"

106. Page 31, line 26.

**Strike:** "institution"

**Insert:** "educational program"

107. Page 32, line 1.

**Strike:** "institution"

**Insert:** "educational program"

108. Page 32, line 3.

**Strike:** "[section 24(3)]"

**Insert:** "[section 33(3)]"

**Strike:** "institution"

**Insert:** "educational program"

109. Page 32, line 28.

**Strike:** "institutions"

**Insert:** "educational programs"

110. Page 32, line 30.

**Strike:** "institution"

**Insert:** "educational program"

111. Page 33, line 2.

**Strike:** "institution's"

**Insert:** "educational program's"

112. Page 33, line 5.

**Strike:** "governor's"

113. Page 33, line 9.

**Insert:** "**Section 34.** Section 20-32-101, MCA, is amended to read:

**"20-32-101. Purpose -- definition.** (1) The purpose of this part is to establish a Montana educational telecommunications network.

(2) For the purposes of this part, "network" means the Montana educational telecommunications network (METNET).

(3) The aims of the network are to provide:

(a) instructional and educational coursework and materials through telecommunications delivery to students in kindergarten early childhood development programs through 12th grade in the Montana public school system;

(b) instructional and educational coursework and materials through telecommunications delivery to students enrolled in units of the Montana university system and the community colleges;

(c) instructional and professional development or other appropriate inservice training for teachers in the schools of the state; and

(d) telecommunications capabilities to agencies, subdivisions of state government, and public libraries in order to improve their ability to perform their responsibilities and duties."

**Renumber:** subsequent sections

114. Page 33, line 16.

**Strike:** "[Section 8] is"

**Insert:** "[Sections 9 and 25] are"

115. Page 33, line 17.

**Strike:** "[section 8]"

**Insert:** "[sections 9 and 25]"

116. Page 33, line 18 through line 19.

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

**Renumber:** subsequent subsection

117. Page 33, line 20.

**Strike:** "22 through 24"

**Insert:** "31 through 33"

118. Page 33, line 21.  
**Strike:** "22 through 24"  
**Insert:** "31 through 33"

119. Page 33, line 22.

**Insert:** "COORDINATION SECTION. **Section 37. Coordination instruction.** If House Bill No. 732 and [this act] are passed and approved, then [section 5] of [this act] must read as follows:

NEW SECTION. **Section 5. Loan repayment assistance documentation.** (1) A quality educator shall submit an application for loan repayment assistance to the board of regents in accordance with policies and procedures adopted by the board of regents. The application must include official verification or proof of the applicant's total unpaid accumulated educational loan debt and other documentation required by the board of regents that is necessary for verification of the applicant's eligibility.

(2) A quality educator is eligible for loan repayment assistance for up to a maximum of 4 years. The total annual loan repayment assistance for an eligible quality educator may not exceed \$1,500. The board of regents may require an eligible quality educator to provide documentation that the quality educator has exhausted repayment assistance from other, federal, state, or local loan forgiveness, discharge, or repayment incentive programs.

(3) The board of regents may remit payment of the loan on behalf of the quality educator in accordance with the requirements of [sections 1 through 6] and policies and procedures adopted by the board of regents.

(4) A quality educator may participate in the quality educator housing incentive loan program provided for in [sections 1 through 5 of House Bill No. 732] or in the quality educator loan forgiveness program provided for in [sections 1 through 6], but may not participate in both."

**Insert:** "NEW SECTION. **Section 38. Contingent voidness.** (1) If House Bill No. 678 is not passed and approved, then [this act] is void.

(2) If House Bill No. 809 is not passed and approved, then [sections 8 and 9 of this act], amending 17-6-340 and establishing a special revenue account, respectively, are void.

(3) If House Bill No. 732 and [this act] are not both passed and approved, then House Bill No. 732 and [this act] are both void."

**Renumber:** subsequent sections

120. Page 33, line 23 through line 25.

**Strike:** section 27 in its entirety

**Insert:** "NEW SECTION. **Section 39. Effective date.** [This act] is effective July 1, 2007."

121. Page 33, line 29.

**Following:** line 28

**Insert:** "NEW SECTION. **Section 41. Termination.** [Sections 1 through 6] terminate June 30, 2010."

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

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 3/28/2007  
**HJR 49**, be adopted. Report adopted.

**FISH, WILDLIFE AND PARKS** (Milburn, Chairman): 3/27/2007  
**SB 243**, be concurred in. Report adopted.

**JUDICIARY** (Rice, Chairman): 3/27/2007  
**SB 169**, be concurred in. Report adopted.  
**SB 177**, be concurred in. Report adopted.  
**SB 193**, be concurred in. Report adopted.  
**SB 224**, be concurred in. Report adopted.  
**SB 246**, be concurred in. Report adopted.



SB 282, be concurred in. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman):

3/27/2007

SB 71, be amended as follows:

1. Page 3.

**Following:** line 19

**Insert:** "COORDINATION SECTION. Section 2. Coordination instruction. If Senate Bill No. 47 is passed and approved and if it includes a section that amends 2-4-302, then [section 1 of this act], amending 2-4-302, is void and 2-4-302 is amended to read as follows:

"**2-4-302. Notice, hearing, and submission of views.** (1)(a) Prior to the adoption, amendment, or repeal of any rule, the agency shall give written notice of its ~~intended~~ proposed action. The proposal notice must include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, the reasonable necessity for the ~~intended~~ proposed action, and the time when, place where, and manner in which interested persons may present their views on the ~~intended~~ proposed action. The reasonable necessity must be written in plain, easily understood language.

(b) The agency shall state in the proposal notice the date on which and the manner in which notification was given to the primary sponsor as required in subsection (2)(d). If the notification to the primary sponsor was given by mail, the date stated in the proposal notice must be the date on which the notification was mailed by the agency. If the proposal notice fails to state the date on which and the manner in which the primary sponsor was notified, the filing of the proposal notice under subsection (2)(a) is ineffective for the purposes of this part and for the purposes of the law that the agency cites in the proposal notice as the authority for the proposed action.

(c) If the agency proposes to adopt, increase, or decrease a monetary amount that a person shall pay or will receive, such as a fee, cost, or benefit, the notice must include an estimate, if known, of:

~~(a)~~(i) the cumulative amount for all persons of the proposed increase, decrease, or new amount; and

~~(b)~~(ii) the number of persons affected.

(2) (a) The proposal notice must be filed with the secretary of state for publication in the register, as provided in 2-4-312, and mailed within. Within 3 days of publication, to the sponsor of the legislative bill that enacted the section that is cited as implemented in the notice if the notice is the initial proposal to implement the section a copy of the published proposal notice must be sent to interested persons who have made timely requests to the agency to be informed of its rulemaking proceedings, and to the office of any professional, trade, or industrial society or organization or member of those entities who has filed a request with the appropriate administrative rule review committee when the request has been forwarded to the agency as provided in subsection (2)(b). Each agency shall create and maintain a list of interested persons and the subject or subjects in which each person on the list is interested. A person who submits a written comment or attends a hearing in regard to proposed agency action under this part must be informed of the list by the agency. An agency complies with this subsection if it includes in the proposal notice an advisement explaining how persons may be placed on the list of interested persons and if it complies with subsection (7).

(b) The appropriate administrative rule review committee shall forward a list of all organizations or persons who have submitted a request to be informed of agency actions to the agencies that the committee oversees that publish rulemaking notices in the register. The list must be amended by the agency upon request of any person requesting to be added to or deleted from the list.

(c) The proposal notice required by subsections subsection (1) and (2)(a) must be published and mailed at least 30 days in advance of the agency's intended proposed action. In addition to publishing and mailing the notice under subsection (2)(a), the The agency shall post the proposal notice on a state electronic access system or other electronic communications system available to the public.

(d) ~~The~~ (i) When an agency shall also, at the time that its personnel begin begins to work on the substantive content and the wording of the initial rule a proposal to implement one or more statutes that enacted the section notice for a rule that initially implements legislation, the agency shall notify the legislator who was the primary sponsor of the legislation. If the legislation affected more than one program, notice must be given to the sponsor pursuant to this subsection (2)(d) each time that a rule is being proposed to initially implement the legislation for a program.

(ii) Within 3 days after a proposal notice covered under subsection (2)(d)(i) has been published as required

in subsection (2)(a), a copy of the published notice must be sent to the primary sponsor notified under subsection (2)(d)(i).

(3) If a statute provides for a method of publication different from that provided in subsection (2), the affected agency shall comply with the statute in addition to the requirements contained in this section. However, the notice period may not be less than 30 days or more than 6 months.

(4) Prior to the adoption, amendment, or repeal of any rule, the agency shall afford interested persons at least 20 days' notice of a hearing and at least 28 days from the day of the original notice to submit data, views, or arguments, orally or in writing. If an amended or supplemental notice is filed, additional time may be allowed for oral or written submissions. In the case of substantive rules, the notice of proposed rulemaking must state that opportunity for oral hearing must be granted if requested by either 10% or 25, whichever is less, of the persons who will be directly affected by the proposed rule, by a governmental subdivision or agency, by the appropriate administrative rule review committee, or by an association having not less than 25 members who will be directly affected. If the proposed rulemaking involves matters of significant interest to the public, the agency shall schedule an oral hearing.

(5) An agency may continue a hearing date for cause. In the discretion of the agency, contested case procedures need not be followed in hearings held pursuant to this section. If a hearing is otherwise required by statute, nothing in this section alters that requirement.

(6) If an agency fails to publish a notice of adoption within the time required by 2-4-305(7) and the agency again proposes the same rule for adoption, amendment, or repeal, the proposal must be considered a new proposal for purposes of compliance with this chapter.

(7) At the commencement of a hearing on the intended action, the person designated by the agency to preside at the hearing shall:

(a) read aloud the "Notice of Function of Administrative Rule Review Committee" appearing in the register; and

(b) inform the persons at the hearing of the provisions of subsection (2)(a) and provide them an opportunity to place their names on the list.

(8) For purposes of notifying primary sponsors under subsections (2)(a) and (2)(d) who are no longer members of the legislature, a former legislator who wishes to receive notice may keep the former legislator's name, address, and telephone number on file with the secretary of state. An agency proposing rules shall consult the register when providing sponsor notice. ""

**Renumber:** subsequent sections

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

**SB 279**, be concurred in. Report adopted.

**SB 285**, be concurred in. Report adopted.

**SB 299**, be concurred in. Report adopted.

**SB 502**, be concurred in. Report adopted.

**SB 517**, be concurred in. Report adopted.

**SB 47**, be concurred in. Report adopted.

3/28/2007

**SB 270**, be amended as follows:

1. Page 1.

**Following:** line 19

**Insert:** "COORDINATION SECTION. Section 2. Coordination instruction. If both House Bill No. 520 and [this act] are passed and approved and both amend 13-10-503, then the sections amending 13-10-503 are void and 13-10-503 must read as follows:

**"13-10-503. Filing deadlines.** (1) A petition for nomination and the affidavits of circulation required by 13-27-302, accompanied by the required filing fee, must be filed with the same officer with whom other nominations for the office sought are filed. Petitions must be submitted, at least 1 week before the deadline for filing, to the election administrator in the county where the signer resides for verification and certification by the procedures provided in 13-27-303 through 13-27-306. ~~In the event~~ If there are insufficient signatures on the petition, additional signatures may be submitted before the deadline for filing. If sufficient signatures are verified and certified pursuant

to 13-10-502, the county election administrator shall file the petition for nomination with the same officer with whom other nominations for the office sought are filed.

(2) Except as provided in 13-10-504, each petition for nomination, accompanied by the required filing fee, must be filed ~~before the scheduled primary election or the filing deadline for the special or general election if a primary election is not scheduled~~ by the deadline established in 13-10-201(6)." "

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

**SB 367**, be concurred in. Report adopted.

**SB 459**, be concurred in. Report adopted.

**SB 532**, be concurred in. Report adopted.

**SB 538**, be concurred in. Report adopted.

**TAXATION** (Lake, Chairman):

3/28/2007

**HB 8**, introduced bill, be amended as follows:

1. Title, line 12.

**Following:** "LOANS;"

**Insert:** "STATUTORILY ESTABLISHING AN APPLICATION FEE FOR A GRANT OR LOAN; AMENDING SECTION 85-1-608, MCA;"

2. Page 5, line 28.

**"Section 9.** Section 85-1-608, MCA, is amended to read:

**"85-1-608. Applications for grants and loans to private persons.** (1) A private person may apply for a grant or loan to finance a water-related project to be constructed, developed, and operated in Montana.

(2) An application for a loan or grant must be in the form prescribed by rule and contain or be accompanied by any information necessary to adequately describe the proposed project and necessary for evaluation of the proposed project under the criteria set out in 85-1-609 and 85-1-610. An application must be accompanied by a fee of \$275. The fee must be deposited in the renewable resource grant and loan program state special revenue account established in 85-1-604."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

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

1. Page 5, line 16.

**Strike:** "Ten"

**Insert:** "Five"

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

**HB 822**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "INDIVIDUAL"

**Insert:** "OR A BUSINESS"

**Strike:** "INDIVIDUAL'S"

**Insert:** "TAXPAYER'S"

2. Title, line 6.

**Strike:** "AN IMMEDIATE"

**Insert:** "A DELAYED"

**Following:** the first "DATE"

**Insert:** ", "

**Strike:** "AND A RETROACTIVE"

**Insert:** "AN"

**Following:** the second "DATE"

**Insert:** ", AND A TERMINATION DATE"

3. Page 1, line 16.

**Strike:** "2006"

**Insert:** "2007"

4. Page 1.

**Following:** line 22

**Insert:** "(c) If the credit allowed under this section is claimed, the amount of the deduction allowed or allowable under this chapter for the amount that qualifies for the credit must be reduced by the dollar amount of the credit allowed."

5. Page 1, line 24.

**Strike:** "The"

**Insert:** "Subject to the limitation of subsection (3)(b) and this subsection, the"

6. Page 1, line 25.

**Strike:** "on" through "purchased"

**Insert:** "according to the following schedule:

(a) for a biodiesel blend that contains at least 2% biodiesel but less than 5% , the credit is equal to 0.02 times the total cost of the diesel fuel purchased;

(b) for a biodiesel blend that contains at least 5% biodiesel but less than 10% , the credit is equal to 0.05 times the total cost of the diesel fuel purchased;

(c) for a biodiesel blend that contains at least 10% biodiesel but less than 20% , the credit is equal to 0.1 times the total cost of the diesel fuel purchased;

(d) for a biodiesel blend that contains at least 20% biodiesel but less than 100% , the credit is equal to 0.2 times the total cost of the diesel fuel purchased;

(e) for biodiesel that meets the requirements of 15-70-301(2), the credit is equal to the total cost of the diesel fuel purchased"

7. Page 1.

**Following:** line 27

**Insert:** "NEW SECTION. Section 2. Biodiesel tax credit. (1)(a) Subject to the provisions of [section 1] and this section, a corporation, small business corporation, as defined in 15-30-1101, a partnership, or a limited liability company, as defined in 35-8-102, carrying on a trade or business is allowed the credit provided for in [section 1] against the taxes due under 15-31-101.

(b) The credit may be claimed only by a corporation, a small business corporation, a partnership, or a limited liability company that employs fewer than 16 employees.

(2) If the credit allowed under this section is claimed, the amount of the deduction allowed or allowable under this chapter for the amount that qualifies for the credit must be reduced by the dollar amount of the credit allowed.

(3) The credit must be attributed to shareholders, partners, or members of a limited liability company in the same proportion used to report the corporation's, partnership's, or limited liability company's income or loss for

Montana income tax purposes."  
**Renumber:** subsequent sections

8. Page 1, line 29.  
**Following:** "instruction."  
**Insert:** "(1)"

9. Page 1.  
**Following:** line 30  
**Insert:** "(2) [Section 2] is intended to be codified as an integral part of Title 15, chapter 31, part 1, and the provisions of Title 15, chapter 31, part 1, apply to [section 2]."

10. Page 2, line 2.  
**Strike:** "on" through "approval"  
**Insert:** "January 1, 2008"

11. Page 2, line 4.  
**Strike:** "Retroactive applicability"  
**Insert:** "Applicability"

12. Page 2, line 4 through line 5.  
**Strike:** "retroactively" on line 4 through "1-2-109," on line 5  
**Strike:** "2006" on line 5  
**Insert:** "2007"

13. Page 2.  
**Following:** line 5  
**Insert:** "NEW SECTION. **Section 6. Termination.** [This act] terminates December 31, 2013."

And, as amended, do pass. Report adopted.

**SB 403**, be concurred in. Report adopted.

#### MESSAGES FROM THE SENATE

**Senate bills** passed and transmitted to the House for concurrence: 3/27/2007  
**SB 174**, introduced by Elliott  
**SB 470**, introduced by Elliott  
**SB 553**, introduced by Black

**House bills** concurred in and returned to the House: 3/27/2007  
**HB 37**, introduced by Reinhart  
**HB 532**, introduced by Jacobson  
**HB 756**, introduced by L. Jones  
**HB 789**, introduced by Campbell

**House amendments to Senate bill** concurred in: 3/28/2007  
**SB 116**, introduced by Brueggeman

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments: 3/28/2007  
**HB 369**, introduced by Pomnichowski

**MESSAGES FROM THE GOVERNOR**

March 28, 2007

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

Dear Representative Sales:

Please be informed that on Thursday, March 22nd I signed the following House bills and delivered those bills to the Secretary of State:

**House Bill 18** sponsored by Representative W. Jones,  
**House Bill 38** sponsored by Representative McChesney  
**House Bill 46** sponsored by Representative Gallik  
**House Bill 48** sponsored by Representative Jacobson  
**House Bill 76** sponsored by Representative McNutt  
**House Bill 82** sponsored by Representative Parker  
**House Bill 106** sponsored by Representative Cordier  
**House Bill 137** sponsored by Representative Villa  
**House Bill 156** sponsored by Representative Franklin  
**House Bill 158** sponsored by Representative L. Jones  
**House Bill 162** sponsored by Representative Hiner  
**House Bill 226** sponsored by Representative Cohenour  
**House Bill 255** sponsored by Representative Clark  
**House Bill 274** sponsored by Representative Mendenhall  
**House Bill 290** sponsored by Representative Bergren  
**House Bill 402** sponsored by Representative Noonan

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

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

Dear Representative Sales:

Please be informed that on Tuesday, March 27th, I signed the following bills and delivered them to the Secretary of State:

**House Bill 20** sponsored by Representative McNutt  
**House Bill 43** sponsored by Representative McChesney  
**House Bill 62** sponsored by Representative Jacobson  
**House Bill 65** sponsored by Representative Villa  
**House Bill 84** sponsored by Representative McAlpin  
**House Bill 90** sponsored by Representative MacLaren  
**House Bill 94** sponsored by Representative Van Dyk  
**House Bill 111** sponsored by Representative Furey  
**House Bill 143** sponsored by Representative Reinhart  
**House Bill 167** sponsored by Representative Hands  
**House Bill 264** sponsored by Representative Heinert  
**House Bill 334** sponsored by Representative McChesney

Sincerely,

BRIAN SCHWEITZER  
Governor

### FIRST READING AND COMMITMENT OF BILLS

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

**HB 845**, introduced by Musgrove, referred to Transportation.

**HB 846**, introduced by Sinrud, referred to Appropriations.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 52**, introduced by Dickenson, Phillips, Campbell, Erickson, Jopek, Jacobson, Ingraham, Sands, Cordier, Van Dyk, W. Jones, referred to Human Services.

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

**SB 174**, introduced by Elliott (by request of the Department of Revenue), referred to Taxation.

**SB 470**, introduced by Elliott, referred to Taxation.

**SB 553**, introduced by Black, Lind, L. Jones, Bales, Essmann, Hansen, referred to Taxation.

### 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 12** 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, 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, 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, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.

Total 92

Noes: Boggio, Butcher, Jore, Kerns, Koopman, Mendenhall, Sonju, Mr. Speaker.

Total 8

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 95** 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, 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, 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 87

Noes: Everett, Franklin, Hawk, Jore, Kerns, Koopman, Mendenhall, Morgan, Sinrud, Sonju, Wells, Witte, Mr. Speaker.

Total 13

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 125** passed as follows:

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

Total 62

Noes: Augare, Bergren, Caferro, Callahan, Cordier, Everett, Franklin, Furey, Groesbeck, Hollenbaugh, Jayne, Jopek, Jore, Keane, Koopman, Lange, McAlpin, McChesney, McGillvray, Mendenhall, Morgan, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Sands, Sesso, Sonju, Van Dyk, Villa, Wells, Wilmer, Wilson, Wiseman, Witte, Mr. Speaker.

Total 38

Voted Absentee: Clark, Aye.

Excused: None.



Total 0

Absent or not voting: None.

Total 0

**HB 298** passed 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, 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, 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, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman.

Total 92

Noes: Dutton, Jore, Kerns, Koopman, Sinrud, Sonju, Witte, Mr. Speaker.

Total 8

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 829** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, 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, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 94

Noes: Beck, Everett, Jore, Koopman, Morgan, Sonju.

Total 6

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 77** concurred in as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, 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 97

Noes: Boggio, Mendenhall, Wells.  
Total 3

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 145** concurred in 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, 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, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 91

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

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 164** 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, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips,

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

Total 100

Noes: None.

Total 0

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 170** concurred in 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, 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, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.

Total 89

Noes: Boggio, Everett, Hawk, Jore, Kasten, Malcolm, Mendenhall, Ripley, Sinrud, Wells, Mr. Speaker.

Total 11

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Total 96

Noes: Hendrick, Jayne, Ward.

Total 3

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

**SB 214** 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, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.

Total 94

Noes: Jore, Koopman, Peterson, Sinrud, Mr. Speaker.

Total 5

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Malcolm.

Total 1

**SB 245** concurred in 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, Keane, Kerns, Klock, Kottel, Lambert, 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, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 83

Noes: Blasdel, Everett, Hawk, Jore, Kasten, Koopman, Lake, Lange, McGillvray, Mendenhall, Sinrud, Sonju, Taylor, Vincent, Wells, Witte, Mr. Speaker.

Total 17

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 289** 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, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 339** 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, 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, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 98

Noes: Peterson, Sonju.

Total 2

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 466** 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, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 467** concurred in 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, 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, Wiseman, Witte, Mr. Speaker.  
Total 95

Noes: Bixby, Franklin, Gallik, Jacobson, Windy Boy.  
Total 5

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 536** concurred in as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Campbell, Clark, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Everett, French, Furey, Glaser, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, 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, Rice, Ripley, Ross, Sesso,

Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Villa, Vincent, Ward, Wells, Wilson, Windy Boy, Witte, Mr. Speaker.

Total 77

Noes: Caferro, Callahan, Cohenour, Erickson, Franklin, Gallik, Grinde, Groesbeck, Hamilton, Hands, Jacobson, Jopek, McAlpin, Musgrove, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Van Dyk, Wilmer, Wiseman.

Total 23

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 537** concurred in as follows:

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

Total 64

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

Total 35

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

**SB 544** 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, 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, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 95

Noes: Jore, Koopman, Mendenhall, Wilson.

Total 4

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Van Dyk.

Total 1

**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 Bergren in the chair.

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

**HB 3** - Representative Franklin moved **HB 3** do pass.

**HB 3** - Representative Sinrud moved **HB 3**, second reading copy, be amended as follows:

1. Page 1, line 20.

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

**Insert:** "\$18,197,300"

Amendment adopted as follows:

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

Total 54

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

Total 45

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Thomas.

Total 1

**HB 3** - The motion to pass **HB 3**, as amended, carried as follows:



Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, 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, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.  
Total 84

Noes: Barrett, Blasdel, Dutton, Everett, Hawk, Hilbert, Jore, Koopman, Lake, McGillvray, Mendenhall, Rice, Sonju, Wells, Mr. Speaker.  
Total 15

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: Nooney.  
Total 1

**HB 155** - Representative Noonan moved **HB 155** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 96

Noes: Kerns, Morgan, Peterson.  
Total 3

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: Sinrud.  
Total 1

**HB 512** - Representative L. Jones moved **HB 512** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, 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.  
Total 98

Noes: Jore, Mr. Speaker.  
Total 2

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 830** - Representative Kasten moved **HB 830** do pass.

**HB 830** - Representative Wiseman moved **HB 830**, second reading copy, be amended as follows:

1. Page 1, line 16.

**Strike:** "17"

**Insert:** "18"

2. Page 1, line 20.

**Strike:** "17"

**Insert:** "18"

3. Page 3, line 13.

**Strike:** "2,500,000" in both places

**Insert:** "20,150,000[LRBP] 4,000,000[Other] 24,150,000[Total]"

4. Page 3.

**Following:** line 14

**Insert:** "Other funds consist of capitol land grant funds."

5. Page 3, line 15.

**Strike:** line 15 in its entirety

6. Page 7, line 15.

**Strike:** "\$46.838"

**Insert:** "\$64.488"

7. Page 8, line 9.

**Strike:** "14"

**Insert:** "15"

8. Page 12.

**Following:** line 1

**Insert:** "NEW SECTION. Section 9. Capitol land grant revenue. The appropriation of \$4 million in capitol land grant revenue to the department of administration for the enterprise system services centers is the last priority for the use of these funds during the 2009 biennium and is dependent upon the availability of revenue. If necessary, the department of administration, architecture and engineering division, shall reduce the project in scope or phase as

capitol land grant revenue becomes available."

**Renumber:** subsequent sections

9. Page 14, line 17.

**Strike:** "13(1)"

**Insert:** "14(1)"

10. Page 15, line 1.

**Strike:** "14"

**Insert:** "15"

11. Page 15, line 2.

**Strike:** "14"

**Insert:** "15"

12. Page 23, line 19.

**Strike:** "16 AND 17"

**Insert:** "17 and 18"

13. Page 23, line 20.

**Strike:** "16 AND 17"

**Insert:** "17 and 18"

Amendment adopted as follows:

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

Total 53

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

Total 47

Voted Absentee: Clark, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 830** - Representative Wiseman moved **HB 830**, second reading copy, be amended as follows:

1. Page 8, line 2.

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

**Insert:** "\$26,141,165"

2. Page 13, line 13.

**Strike:** line 13 in its entirety

**Insert:** "7,823,130[LRITP] 7,823,130[Total]"

3. Page 13, line 15.

**Strike:** line 15 in its entirety

**Insert:** "4,000,000[LRITP] 4,000,000[Total]"

4. Page 14, lines 6 and 7.

**Strike:** line 6 and line 7 in their entirety

5. Page 14, line 8.

**Strike:** "\$1.5"

**Insert:** "\$2"

6. Page 14, line 9.

**Strike:** "\$1.5"

**Insert:** "\$2"

Amendment adopted 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, MacLaren, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 51

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, 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 49

Voted Absentee: Clark, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 830** - Representative Cordier moved **HB 830**, second reading copy, be amended.

Amendment **failed** adopted 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, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 50

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, 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 50

Voted Absentee: Clark, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 830** - The motion to pass **HB 830**, as amended, carried as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kerns, Klock, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.  
Total 80

Noes: Barrett, Blasdel, Boggio, Butcher, Clark, Everett, Hawk, Himmelberger, Ingraham, Jore, Kasten, Koopman, Lake, McGillvray, Mendenhall, Ripley, Sonju, Wells, Mr. Speaker.  
Total 19

Voted Absentee: Clark, No.

Excused: None.  
Total 0

Absent or not voting: Dutton.  
Total 1

**HB 831** - Representative McNutt moved **HB 831** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, 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, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 72

Noes: Barrett, Blasdel, Boggio, Dutton, Everett, Hawk, Himmelberger, Jore, Kasten, Kerns, Koopman, Lake, Lambert, Lange, McGillvray, Mendenhall, Morgan, Peterson, Rice, Ripley, Ross, Stoker, Taylor, Ward, Wells, Witte.  
Total 26

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Beck, Mr. Speaker.

Total 2

**HB 835** - Representative Stahl moved **HB 835** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Blasdel, Butcher, Campbell, Clark, Cordier, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Glaser, Groesbeck, Hamilton, Hawk, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Jacobson, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Morgan, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Reinhart, Rice, Ripley, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Thomas, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 69

Noes: Barrett, Beck, Bixby, Boggio, Branae, Caferro, Callahan, Cohenour, Dickenson, Gallik, Grinde, Hands, Heinert, Hollenbaugh, Ingraham, Jayne, Jore, Kasten, Kerns, Koopman, Lake, McGillvray, Musgrove, Pomnichowski, Raser, Ross, Van Dyk, Wells, Witte.

Total 29

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Lange, Stoker.

Total 2

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

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

Total 88

Noes: Franklin, Gallik, Heinert, Ingraham, Jore, Sinrud.

Total 6

Excused: Clark.

Total 1

Absent or not voting: Bergren, Kasten, Phillips, Sesso, Wilmer.

Total 5

## ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that House stand at recess until 5:00 p.m. House recessed at 3:20 p.m.

House reconvened at 5:00 p.m. Speaker in the chair. Quorum present except for Representative Clark who was excused.

## 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 Bergren in the chair.

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

**HB 406** - Representative Morgan moved **HB 406** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, 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, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, W. Jones, Jopek, Keane, Klock, Kottel, Lake, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.

Total 82

Noes: Barrett, Everett, Hawk, Himmelberger, Jore, Kasten, Kerns, Koopman, McGillvray, Mendenhall, Rice, Ripley, Wells, Mr. Speaker.

Total 14

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Dutton, L. Jones, Lange, Stahl.

Total 4

**HB 418** - Representative Koopman moved **HB 418** do pass. Motion carried as follows:

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

Speaker.  
Total 87

Noes: Barrett, Caferro, Erickson, Everett, Franklin, Gallik, Hawk, Jayne, W. Jones, Jore, McGillvray, Mendenhall, Musgrove.  
Total 13

Voted Absentee: Clark, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 574** - Representative Hiner moved **HB 574** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Bergren, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, Kasten, Keane, Kottel, Lambert, Lange, MacLaren, McAlpin, McChesney, McNutt, Morgan, Musgrove, Noonan, Nooney, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 64

Noes: Barrett, Becker, Bixby, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jayne, Jore, Kerns, Klock, Koopman, Lake, Malcolm, McGillvray, Mendenhall, Milburn, O'Hara, Peterson, Ross, Sinrud, Sonju, Stoker, Taylor, Vincent, Wells, Mr. Speaker.  
Total 35

Voted Absentee: Clark, No.

Excused: None.  
Total 0

Absent or not voting: Witte.  
Total 1

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

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, Boggio, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, Kasten, Keane, Klock, Kottel, Lambert, Lange, MacLaren, McAlpin, McChesney, McNutt, Milburn, Morgan, Noonan, Nooney, Olson, Parker, Peterson, Phillips, Raser, Reinhart, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 77

Noes: Barrett, Blasdel, Butcher, Everett, Hawk, Heinert, Hendrick, Ingraham, Jayne, Jore, Kerns, Koopman, Lake, Malcolm, McGillvray, Mendenhall, Musgrove, O'Hara, Pomnichowski, Rice, Ripley, Ross, Ward.  
Total 23



Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 841** - Representative Ankney moved **HB 841** do pass.

**HB 841** - Representative Ankney moved **HB 841**, second reading copy, be amended as follows:

1. Title, line 5.

**Strike:** "REGULAR SCHOOL ELECTION AND THE"

2. Title, line 6.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "AND 20-20-105"

3. Page 1, line 21 through line 30.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

Amendment adopted as follows:

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

Total 93

Noes: Cordier, Franklin, Glaser, Jayne, McGillvray.

Total 5

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Nooney, Stahl.

Total 2

**HB 841** - The motion to pass **HB 841**, as amended, carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Bixby, Blasdel, Boggio, Branae, Butcher, Campbell, Clark, Dickenson, Driscoll, Dutton, Ebinger, Everett, Furey, Gallik, Glaser, Grinde, Hamilton, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Klock, Koopman,

Lake, Lange, MacLaren, Malcolm, McChesney, McNutt, Mendenhall, Milburn, Morgan, Noonan, Nooney, O'Hara, Olson, Peterson, Phillips, Rice, Ripley, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Vincent, Ward, Wells, Windy Boy, Witte, Mr. Speaker.

Total 70

Noes: Augare, Becker, Bergren, Caferro, Callahan, Cohenour, Cordier, Erickson, Franklin, French, Groesbeck, Hands, Ingraham, Jacobson, Jayne, Kerns, Kottel, Lambert, McAlpin, McGillvray, Musgrove, Parker, Pomnichowski, Raser, Reinhart, Sands, Villa, Wilmer, Wilson, Wiseman.

Total 30

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 49** - Representative Hamilton moved **HB 49** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, 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, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lake, Lambert, Lange, MacLaren, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 80

Noes: Barrett, Blasdel, Boggio, Butcher, Everett, Hawk, Jayne, Jore, Kasten, Kerns, Koopman, Malcolm, McGillvray, Mendenhall, Peterson, Rice, Taylor, Wells, Witte, Mr. Speaker.

Total 20

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 304** - Representative Furey moved **HB 304** do pass. Motion carried as follows:

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

Total 80

Noes: Boggio, Butcher, Everett, Glaser, Himmelberger, Jayne, Jore, Kasten, Kerns, Koopman, Lake, Lange, Malcolm, McGillvray, Mendenhall, Peterson, Stoker, Wells, Witte.

Total 19

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Taylor.

Total 1

**HB 488** - Representative Jopek moved **HB 488** do pass. Motion carried as follows:

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

Total 59

Noes: Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Dutton, Everett, Glaser, Hawk, Heinert, Hilbert, Himmelberger, L. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, O'Hara, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 41

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 680** - Representative Cohenour moved **HB 680** do pass. Motion carried as follows:

Ayes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, 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, McNutt, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 52

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, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 48

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 732** - Representative Small-Eastman moved **HB 732** do pass. Motion carried as follows:

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

Total 68

Noes: Barrett, Blasdel, Boggio, Butcher, Dutton, Everett, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Jore, Kasten, Kerns, Klock, Koopman, MacLaren, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Nooney, Peterson, Ripley, Sinrud, Sonju, Stahl, Taylor, Wells, Witte, Mr. Speaker.

Total 32

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 823** - Representative Small-Eastman moved **HB 823** do pass.

**HB 823** - Representative Small-Eastman moved **HB 823**, second reading copy, be amended as follows:

1. Title, line 8.

**Following:** "PROVIDING"

**Insert:** "AN IMMEDIATE EFFECTIVE DATE AND"

2. Page 4.

**Following:** line 1

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

**Renumber:** subsequent section

Amendment adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, 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, Jore, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 85

Noes: Beck, Boggio, Clark, Everett, Hawk, Kasten, Mendenhall, Rice, Ripley, Sinrud, Taylor, Wells, Witte, Mr. Speaker.

Total 14

Voted Absentee: Clark, No.

Excused: None.

Total 0

Absent or not voting: McChesney.

Total 1

**HB 823** - The motion to pass **HB 823**, as amended, carried as follows:

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

Total 80

Noes: Beck, Dutton, Everett, Glaser, Hawk, Hendrick, Himmelberger, Ingraham, Jore, Kasten, Lake, McGillvray, Mendenhall, Rice, Ripley, Sinrud, Sonju, Wells, Mr. Speaker.

Total 19

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Campbell.

Total 1

**HB 826** - Representative McChesney moved **HB 826** do pass.

**HB 826** - Representative McChesney moved **HB 826**, second reading copy, be amended as follows:

1. Page 2, line 3.

**Strike:** "six"

**Insert:** "14"

2. Page 2, line 8.

**Following:** "(v)"

**Strike:** "the" through "division"

**Insert:** "one member"

**Following:** "revenue"

**Insert:** "appointed by the department of revenue"

**Following:** ";

**Strike:** "and"

3. Page 2, line 9.

**Following:** "board"

**Insert:** ";

(vii) four residential property taxpayers, one each from, generally, the northeast, southeast, southwest, and northwest quadrants of the state, to be appointed by the Montana association of county treasurers;

(viii) one member to be appointed by the Montana school boards association to represent schools;

(ix) one member to be appointed by the Montana education association-Montana federation of teachers to represent schools;

(x) one member to be appointed by the Montana league of cities and towns; and

(xi) one member who represents a centrally assessed class of taxpayers to be appointed by the Montana taxpayers association"

**HB 826** - Representative Olson moved to segregate item #2 from the amendment and to vote **do not pass** on the segregated amendment. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Becker, Bergren, Blasdel, Boggio, Butcher, Caferro, Callahan, Campbell, Cordier, Driscoll, Dutton, Ebinger, Everett, Franklin, Gallik, Glaser, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jore, Kasten, Keane, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noonan, Nooney, O'Hara, Olson, Peterson, Phillips, Raser, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 73

Noes: Augare, Bixby, Branae, Clark, Cohenour, Dickenson, Erickson, French, Furey, Grinde, Groesbeck, Hamilton, Hands, Jayne, Jopek, Kottel, McAlpin, Musgrove, Parker, Pomnichowski, Reinhart, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson.

Total 27

Voted Absentee: Clark, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 826** - The motion to pass items #1 and #3 **failed** as follows:

Ayes: Ankney, Becker, Bergren, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Franklin, French, Furey, Gallik, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, W. Jones, Jopek, Keane, Klock, Kottel, McChesney, McNutt, Musgrove, Noonan, Olson, Phillips, Pomnichowski, Raser, Sands, Sesso, Small-Eastman, Taylor, Thomas, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 46

Noes: Arntzen, Augare, Barrett, Beck, Bixby, Blasdel, Boggio, Branae, Butcher, Clark, Dutton, Erickson, Everett, Glaser, Grinde, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, Jore, Kasten, Kerns, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McGillvray, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Parker, Peterson, Reinhart, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Van Dyk, Vincent,

Ward, Wells.  
Total 52

Voted Absentee: Clark, No.

Excused: None.  
Total 0

Absent or not voting: Witte, Mr. Speaker.  
Total 2

**HB 826** - The motion to pass **HB 826** carried as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Blasdel, Butcher, Callahan, Campbell, Cordier, Ebinger, Everett, Franklin, Gallik, Hawk, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, W. Jones, Keane, Kerns, Klock, Kottel, Lake, McChesney, McNutt, Mendenhall, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Pomnichowski, Raser, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Vincent, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 52

Noes: Barrett, Beck, Bixby, Boggio, Branae, Caferro, Clark, Cohenour, Dickenson, Driscoll, Dutton, Erickson, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Himmelberger, Jayne, L. Jones, Jopek, Jore, Kasten, Koopman, Lambert, Lange, MacLaren, Malcolm, McAlpin, McGillvray, Morgan, Parker, Peterson, Phillips, Reinhart, Sinrud, Stahl, Thomas, Van Dyk, Villa, Ward, Wells, Witte, Mr. Speaker.  
Total 48

Voted Absentee: 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 Bergren moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Arntzen, Augare, Barrett, Beck, Becker, Blasdel, Boggio, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Dutton, Ebinger, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, W. Jones, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 82

Noes: Bixby, Driscoll, Erickson, Jore, McAlpin, McGillvray, Mendenhall, Rice, Sonju.  
Total 9

Excused: Clark.

Total 1

Absent or not voting: Ankney, Bergren, Butcher, L. Jones, Jopek, Sinrud, Thomas, Ward.

Total 8

## MOTIONS

Majority Leader Lange moved that **HB 831** be re-referred to the Committee on Appropriations. Motion **failed** as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, Jore, Kasten, Kerns, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Peterson, Rice, Ripley, Sinrud, Sonju, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 43

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

Total 54

Excused: Clark.

Total 1

Absent or not voting: Groesbeck, Olson.

Total 2

Representative Campbell moved to reconsider actions taken on **HB 519**, and that it be printed and placed on third reading on Legislative Day 67. Motion passed as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, Kasten, Keane, Klock, Koopman, Kottel, Lambert, Malcolm, McAlpin, McChesney, McNutt, Musgrove, Noonan, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 62

Noes: Barrett, Beck, Blasdel, Boggio, Butcher, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Ingraham, Jayne, Jore, Kerns, Lake, Lange, McGillvray, Mendenhall, Milburn, Morgan, O'Hara, Rice, Ripley, Ross, Sinrud, Sonju, Stoker, Taylor, Vincent, Wells, Witte, Mr. Speaker.

Total 34

Excused: Clark.

Total 1

Absent or not voting: Groesbeck, MacLaren, Nooney.

Total 3

Representative Windy Boy moved to suspend the rules and have his name added as a sponsor to **HB 8**. There being



no objections, so ordered.

#### REPORTS OF STANDING COMMITTEES

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 3/28/2007  
**HB 828**, do pass. Report adopted.

**JUDICIARY** (Rice, Chairman): 3/28/2007  
**SJR 2**, be concurred in. Report adopted.  
**SJR 6**, be concurred in. Report adopted.  
**SJR 7**, be concurred in. Report adopted.  
**SJR 24**, be concurred in. Report adopted.

**TRANSPORTATION** (Sonju, Chairman): 3/28/2007  
**SB 36**, be concurred in. Report adopted.  
**SB 305**, be concurred in. Report adopted.  
**SJR 22**, be concurred in. Report adopted.

#### SPECIAL ORDERS OF THE DAY

**HB 843**, sponsored by L. Jones, the following sponsors were added:  
Senators Black, Cobb, Juneau, Laslovich, Peterson.

**HJR 48**, sponsored by MacLaren, the following sponsor was added: Representative Campbell

#### ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 12:30p.m., Thursday, March 29, 2007. Motion carried.

House adjourned at 7:10 p.m.

MARILYN MILLER  
Chief Clerk of the House

SCOTT SALES  
Speaker of the House