

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

Helena, Montana
April 3, 2007

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Jones, Chairman): 4/2/2007
Correctly printed: **SB 127, SB 157, SB 296, SB 302, SB 335, SB 524, SJR 16.**
Correctly engrossed: **SB 121, SB 225, SB 233, SB 242, SB 276, SB 291, SB 491, SB 492, SB 525, SJR 12, SJR 15.**

Correctly enrolled: **HB 363.** 4/2/2007
Correctly engrossed: **SB 384, SB 449 SB 324.** 4/3/2007
Signed by the Chief Clerk of the House at 6:30 p.m., April 2, 2007: **HB 112, HB 265, HB 426, HB 769.**
Signed by the Speaker at 10:45 a.m., April 3, 2007: **HB 112, HB 265, HB 426, HB 769.**
Signed by the President at 11:50 a.m., April 3, 2007: **HB 112, HB 265, HB 426, HB 767.**
Delivered to the Governor for approval at 12:35 p.m., April 3, 2007: **HB 112, HB 265, HB 426, HB 769.**

HUMAN SERVICES (Stoker, Chairman): 4/2/2007
SB 287, be concurred in. Report adopted.

TRANSPORTATION (Sonju, Chairman): 4/2/2007
SB 384, be amended as follows:

1. Page 1, line 27.

Following: "landowner"

Insert: "owning property considered to be part of ways of this state open to the public, as defined in 61-8-101,"

2. Page 1, line 27.

Following: "(1)"

Insert: "by calling one of the law enforcement agencies listed in subsection (1) at the start of the 5-day period"

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

SB 449, be amended as follows:

1. Page 2, line 1.

Following: "agency"

Insert: "that purchases new vehicles"

2. Page 2, line 18.

Following: "vehicle"

Insert: ", other than those vehicles listed in [section 2(2)]"

3. Page 2, line 27.

Strike: "report"

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Insert: "records"

Strike: "(1)"

4. Page 2, line 28 through page 3, line 2.

Strike: "and" on page 2, line 28 through "5-11-210" on page 3, line 2

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

BUSINESS AND LABOR (Mendenhall, Chairman):

4/3/2007

SB 419, be amended as follows:

1. Title, line 5.

Strike: "26"

Insert: "25"

2. Title, line 6.

Strike: "33-22-201,"

3. Page 2, line 3.

Strike: "26"

Insert: "25"

4. Page 5, line 25.

Strike: "26"

Insert: "25"

5. Page 7, line 17.

Strike: "26"

Insert: "25"

6. Page 11, line 5 through line 30.

Strike: section 6 in its entirety

Renumber: subsequent sections

7. Page 13, line 28.

Strike: "26"

Insert: "25"

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

SB 542, be concurred in. Report adopted.

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

4/3/2007

SB 407, be concurred in. Report adopted.

SB 461, be concurred in. Report adopted.

JUDICIARY (Rice, Chairman):

4/3/2007

SB 146, be concurred in. Report adopted.

SB 346, be concurred in. Report adopted.

SB 348, be concurred in. Report adopted.

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SB 350, be concurred in. Report adopted.
SB 382, be concurred in. Report adopted.
SB 411, be concurred in. Report adopted.
SB 523, be concurred in. Report adopted.

NATURAL RESOURCES (McNutt, Chairman): 4/3/2007
SB 147, be concurred in. Report adopted.
SB 324, be amended as follows:

1. Page 1, line 18.

Following: "KNOWN RATE"

Insert: "or changing the pressure by a known quantity"

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

SB 431, be concurred in. Report adopted.

STATE ADMINISTRATION (Himmelberger, Chairman): 4/3/2007
HJR 53, be adopted. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/2/2007
HB 35, introduced by Keane
HB 99, introduced by Olson
HB 348, introduced by Keane
HB 587, introduced by Himmelberger
HB 617, introduced by Sinrud
HB 629, introduced by Hamilton
HB 657, introduced by Ebinger
HB 782, introduced by Caferro

House joint resolutions concurred in and returned to the House: 4/2/2007
HJR 22, introduced by W. Jones
HJR 26, introduced by Callahan
HJR 33, introduced by Thomas

House bills concurred in **as amended** and returned to the House for concurrence in Senate amendments: 4/2/2007
HB 300, introduced by Milburn
HB 310, introduced by Dutton
HB 452, introduced by Kottel
HB 467, introduced by K. Peterson
HB 514, introduced by Caferro

MESSAGES FROM THE GOVERNOR

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April 2, 2007

Representative Scott Sales, Speaker
Montana House of Representatives
Capitol Building
Helena, Montana 59620

Dear Speaker Sales:

Please be informed that on Friday, March 30th, I signed the following bills and delivered them to the Secretary of State:

House Bill 28 sponsored by Representative Hilbert
House Bill 31 sponsored by Representative Kottel
House Bill 51 sponsored by Representative Pomnichowski
House Bill 58 sponsored by Representative Keane
House Bill 67 sponsored by Representative Heinert
House Bill 70 sponsored by Representative Clark
House Bill 75 sponsored by Representative McChesney
House Bill 81 sponsored by Representative Hamilton
House Bill 86 sponsored by Representative Musgrove
House Bill 87 sponsored by Representative Cordier
House Bill 102 sponsored by Representative Jacobson
House Bill 128 sponsored by Representative Becker
House Bill 132 sponsored by Representative Sesso
House Bill 140 sponsored by Representative Ingraham
House Bill 144 sponsored by Representative Becker
House Bill 145 sponsored by Representative Sonju
House Bill 149 sponsored by Representative Jopek
House Bill 176 sponsored by Representative Wilmer
House Bill 190 sponsored by Representative Thomas
House Bill 193 sponsored by Representative Nooney
House Bill 244 sponsored by Representative Wiseman
House Bill 286 sponsored by Representative Augare
House Bill 332 sponsored by Representative Thomas
House Bill 347 sponsored by Representative Boggio
House Bill 378 sponsored by Representative Windy Boy
House Bill 449 sponsored by Representative Pomnichowski
House Bill 531 sponsored by Representative Lambert
House Bill 623 sponsored by Representative Olson
House Bill 662 sponsored by Representative Villa

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE GOVERNOR

April 2, 2007

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Representative Scott Sales, Speaker
Montana House of Representatives
Capitol Building
Helena, Montana 59620

Dear Speaker Sales:

Please be informed that I have signed **House Bill 664** sponsored by Representative Keane on April 2, 2007, and delivered it to the Secretary of State.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

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

HJR 54, introduced by Windy Boy, Campbell, Ryan, Bixby, referred to Education.

HJR 55, introduced by Koopman, referred to Education.

**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 Wiseman in the chair.

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

SB 538 - Representative Wilmer moved **SB 538** be concurred in.

SB 538 - Representative Koopman moved **SB 538**, second reading copy, be amended as follows:

1. Page 1, line 7.

Strike: "rights"

Insert: "powers"

2. Page 1, line 8.

Strike: "provides all citizens with"

Insert: "reserves the remaining powers to the states and the people, and also protects the rights of all citizens to"

3. Page 1, line 12.

Following: "guarantees"

Insert: "a trial by jury and"

Amendment adopted as follows:

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

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Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, 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 96

Noes: Driscoll, Pomnichowski.
Total 2

Excused: None.
Total 0

Absent or not voting: Lange, Stahl.
Total 2

SB 538 - The motion that **SB 538**, as amended, be concurred in carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Bergren, Blasdel, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Jore, Keane, Kerns, Klock, Koopman, Kottel, Lambert, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, O'Hara, Olson, Parker, Peterson, Phillips, Raser, Reinhart, Rice, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Villa, Vincent, Ward, Wilmer, Wilson, Wiseman, Witte.
Total 70

Noes: Augare, Becker, Bixby, Boggio, Butcher, Clark, Driscoll, Dutton, Everett, Glaser, Hawk, Jayne, Kasten, Lake, MacLaren, Malcolm, Nooney, Pomnichowski, Ripley, Ross, Sinrud, Van Dyk, Windy Boy, Mr. Speaker.
Total 24

Excused: None.
Total 0

Absent or not voting: Branae, Lange, Mendenhall, Noonan, Taylor, Wells.
Total 6

SB 100 - Representative Malcolm moved **SB 100** be concurred in.

SB 100 - Representative K. Peterson moved **SB 100**, second reading copy, be amended as follows:

1. Page 1, line 16.

Following: "person"

Strike: "WHO"

Insert: "or entity that"

Following: "REPRESENTS TO"

Insert: "any other person, any entity, or"

Following: "PERSON"

Insert: "or entity"

2. Page 1, line 17.

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Following: "days"

Insert: "for consideration"

3. Page 1, line 18.

Strike: "AND"

Insert: "or"

4. Page 1, line 19.

Following: "of not"

Strike: "less than \$10,000 or"

Amendment adopted as follows:

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

Total 89

Noes: Campbell, Hendrick, Jayne, MacLaren, Nooney, Ward, Windy Boy.

Total 7

Excused: None.

Total 0

Absent or not voting: L. Jones, Koopman, Sinrud, Mr. Speaker.

Total 4

SB 100 - The motion that **SB 100**, as amended, be concurred in carried as follows:

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

Total 94

Noes: Campbell, Jayne, Jore, Koopman, Sinrud, Windy Boy.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

SB 115 - Representative Ripley moved **SB 115** be concurred in. Motion carried as follows:

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

Total 88

Noes: Boggio, Jayne, Kasten, Kerns, Lambert, McGillvray, Morgan, Sinrud, Taylor, Witte, Mr. Speaker.

Total 11

Excused: None.

Total 0

Absent or not voting: Jopek.

Total 1

SB 205 - Representative Ward moved **SB 205** be concurred in. Motion carried as follows:

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

Total 82

Noes: Beck, Boggio, Everett, Gallik, Hawk, Jore, Kasten, Kerns, Lake, McGillvray, Mendenhall, Morgan, Ripley, Sinrud, Sonju, Taylor, Witte, Mr. Speaker.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 27 - Representative Stoker moved **SB 27** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray,

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McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 99

Noes: Sinrud.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 31 - Representative Gallik moved **SB 31** be concurred in. Motion, requiring a two-thirds of each House vote, carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, 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 98

Noes: Peterson, Sinrud.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 89 - Representative Raser moved **SB 89** be concurred in.

SB 89 - Representative Raser moved **SB 89**, second reading copy, be amended as follows:

1. Page 2, line 10.

Following: "children."

Insert: "At a minimum, the policy must identify the means by which an employer will make available a space suitable for breastfeeding and breast pumping for a lactating employee, including the provision of basic necessities of privacy, lighting, and electricity for the pump apparatus. The space does not need to be fully enclosed or permanent, but must be readily available during the term that the employee needs the space."

2. Page 2, line 16 through line 18.

Strike: subsection (3) in its entirety

Amendment adopted as follows:

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Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, Jore, Keane, Klock, Koopman, Kottel, Lake, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.
Total 79

Noes: Barrett, Beck, Boggio, Clark, Everett, Hawk, Heinert, Himmelberger, Ingraham, Kasten, Kerns, Lange, Mendenhall, Rice, Ripley, Sinrud, Sonju, Mr. Speaker.
Total 18

Excused: None.
Total 0

Absent or not voting: Dutton, Jayne, Stahl.
Total 3

SB 89 - The motion that **SB 89** be concurred in as amended, carried as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Koopman, Kottel, Lake, Lambert, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.
Total 78

Noes: Barrett, Beck, Clark, Everett, Hawk, Heinert, Himmelberger, Ingraham, Jore, Kasten, Kerns, Klock, Lange, MacLaren, Malcolm, Mendenhall, Rice, Ripley, Sinrud, Stoker, Wells, Mr. Speaker.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 172 - Representative Olson moved **SB 172** be concurred in. Motion carried as follows:

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

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Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Wilson.

Total 1

SB 181 - Representative Ripley moved **SB 181** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, 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, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.

Total 93

Noes: Boggio, Jore, Koopman, Sinrud, Sonju, Mr. Speaker.

Total 6

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

Representative Villa assumed the chair.

SB 213 - Representative Cohenour moved **SB 213** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Beck, 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, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, Jopek, Keane, Klock, Kottel, Lake, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Parker, 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 77

Noes: Barrett, Blasdel, Boggio, Dutton, Everett, Hawk, Hilbert, Himmelberger, W. Jones, Jore, Kasten, Kerns, Koopman, McGillvray, Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Wells, Mr. Speaker.

Total 22

Excused: None.

Total 0

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Absent or not voting: Lange.
Total 1

SB 222 - Representative Wiseman moved **SB 222** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Kasten, Keane, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wells, Wilson, Windy Boy, Wiseman.
Total 83

Noes: Boggio, Campbell, Everett, Groesbeck, Hawk, Jayne, Jore, Kerns, Koopman, McGillvray, Rice, Ripley, Sinrud, Ward, Wilmer, Witte, Mr. Speaker.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 251 - Representative Arntzen moved **SB 251** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Keane, Kerns, Klock, Koopman, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Sonju, Taylor, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 83

Noes: Barrett, Boggio, Everett, Himmelberger, Kasten, Lake, Rice, Ripley, Ross, Sinrud, Stahl, Stoker, Ward, Wells, Witte, Mr. Speaker.
Total 16

Excused: None.
Total 0

Absent or not voting: Vincent.
Total 1

Representative Wiseman re-assumed the chair.

SB 258 - Representative Dutton moved **SB 258** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Callahan, Campbell, Clark, Cohenour, Cordier, Driscoll, Dutton, Ebinger, Everett, Furey, Glaser, Grinde, Groesbeck, Hands,

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Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jacobson, L. Jones, W. Jones, Jore, Kasten, Keane, Klock, Koopman, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Van Dyk, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 80

Noes: Becker, Caferro, Dickenson, Erickson, Franklin, French, Gallik, Hamilton, Henry, Hiner, Hollenbaugh, Jayne, Jopek, Kerns, Kottel, Lake, Ross, Thomas, Villa.

Total 19

Excused: None.

Total 0

Absent or not voting: Lange.

Total 1

SB 266 - Representative Raser moved **SB 266** be concurred in. Motion carried as follows:

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

Total 80

Noes: Barrett, Everett, Hawk, Hilbert, Himmelberger, Jayne, Jore, Kasten, Koopman, Mendenhall, Peterson, Ripley, Sinrud, Sonju, Stahl, Stoker, Wells, Windy Boy, Witte, Mr. Speaker.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 354 - Representative McAlpin moved **SB 354** be concurred in. Motion carried as follows:

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

Total 69

Noes: Barrett, Blasdel, Boggio, Everett, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Jayne, Jore, Kasten, Kerns, Klock, Koopman, Lake, Malcolm, McGillvray, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Taylor, Ward, Wells, Witte, Mr. Speaker.

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Total 30

Excused: None.

Total 0

Absent or not voting: Dickenson.

Total 1

SB 365 - Representative Lambert moved **SB 365** be concurred in. Motion carried as follows:

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

Total 93

Noes: Jayne, Jore, Koopman, Sinrud, Taylor, Witte, Mr. Speaker.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, 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, Peterson, 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 92

Noes: Cordier, Jore.

Total 2

Excused: None.

Total 0

Absent or not voting: Clark, Hilbert, Himmelberger, Jayne, Parker, Sinrud.

Total 6

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REPORTS OF STANDING COMMITTEES

BILLS (L. Jones, Chairman): 4/3/2007
Correctly printed: **HJR 53, SB 41, SB 146, SB 147, SB 287, SB 342, SB 346, SB 348, SB 350, SB 379, SB 382, SB 407, SB 411, SB 431, SB 461, SB 523, SB 542.**
Correctly engrossed: **SB 419, SB 48, SB 130, SB 192, SB 227, SB 284, SB 316, SB 363, SB 486, HB 746.**
Examined by the sponsor and found to be correct: **HB 363.**
Signed by the Chief Clerk of the House at 1:50 p.m., April 3, 2007: **HB 363.**
Signed by the Speaker at 2:25 p.m., April 3, 2007: **HB 363.**

APPROPRIATIONS (Sinrud, Chairman): 4/3/2007
HB 746, introduced bill, be amended as follows:

1. Title, line 4.
Following: "A"
Insert: "TEMPORARY"
2. Page 1, line 29.
Strike: "A"
Insert: "For tax years beginning after December 31, 2006, and before January 1, 2009, a"
3. Page 2, line 19.
Strike: "A"
Insert: "For tax years beginning after December 31, 2006, and before January 1, 2009, a"
4. Page 3, line 9.
Strike: "A"
Insert: "For tax years beginning after December 31, 2006, and before January 1, 2009, a"
5. Page 3, line 30.
Strike: "A"
Insert: "For tax years beginning after December 31, 2006, and before January 1, 2009, a"
6. Page 4, line 29.
Strike: "2013"
Insert: "2009"

And, as amended, do pass. Report adopted.

JUDICIARY (Rice, Chairman): 4/3/2007
SB 48, be amended as follows:

1. Page 2, lines 12 and 13.
Strike: "that is needed to prevent serious bodily harm or death to the child"

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

SB 130, be amended as follows:

1. Page 7, line 28.

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Following: "firefighter"

Insert: "as described in 7-33-4109"

2. Page 8, line 30.

Following: "33"

Insert: ", except 7-33-4109"

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

SB 192, be amended as follows:

1. Page 1, line 10.

Strike: "A"

Insert: "(1) Except as provided in subsection (2), a"

2. Page 1.

Following: line 14

Insert: "(2) Subsection (1) does not apply to a person who poses as another individual with the express consent of that other individual."

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

SB 227, be amended as follows:

1. Title, line 10 through line 12.

Strike: "PROVIDING" on line 10 through ";" on line 12

2. Title, line 13.

Strike: "25-31-710,"

3. Page 4, line 27 through page 5, line 8.

Strike: section 6 in its entirety

Renumber: subsequent sections

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

SB 363, be amended as follows:

1. Title, line 4.

Strike: "NOT"

2. Title, line 5.

Following: "PROJECTS"

Insert: "ONLY"

3. Title, line 6.

Strike: "NOT"

Strike: "OR"

Insert: "AND MAY NOT BE ACQUIRED BY EMINENT DOMAIN"

Strike: "PRIMARY"

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4. Title, line 9.

Following: "SECTIONS"

Insert: "7-15-4259,"

5. Page 1.

Following: line 12

Insert: "**Section 1.** Section 7-15-4259, MCA, is amended to read:

"7-15-4259. Exercise of power of eminent domain. (1) After the adoption by the local governing body of a resolution declaring that the acquisition of the real property described in the resolution is necessary for an urban renewal project under this part, a municipality may acquire by condemnation, as provided in Title 70, chapter 30, any interest in real property that it considers necessary for urban renewal.

(2) Condemnation for urban renewal of blighted areas, as defined in 7-15-4206(2)(a), (2)(h), (2)(k), or (2)(n), is a public use, and property already devoted to any other public use or acquired by the owner or the owner's predecessor in interest by eminent domain may be condemned for the purposes of this part.

(3) The award of compensation for real property taken for an urban renewal project may not be increased by reason of any increase in the value of the real property caused by the assembly, clearance, or reconstruction or proposed assembly, clearance, or reconstruction in the project area. An allowance may not be made for the improvements begun on real property after notice to the owner of the property of the institution of proceedings to condemn the property. Evidence is admissible bearing upon the unsanitary, unsafe, or substandard condition of the premises or the unlawful use of the premises.""

Renumber: subsequent sections

6. Page 2, line 2.

Strike: the first "not"

Following: "domain"

Insert: "only"

Strike: the second "not"

7. Page 2, line 3.

Following: "7-15-4206"

Insert: "(2)(a), (2)(h), (2)(k), or (2)(n)"

8. Page 2, line 3.

Strike: "ot"

Insert: "and may not be acquired for urban renewal through eminent domain"

9. Page 2, line 3.

Strike: "primary"

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

SB 447, be concurred in. Report adopted.

SB 486, be amended as follows:

1. Title, line 6.

Following: "INJURY"

Insert: "OR DEATH"

2. Page 1, line 14.

Following: "injury"

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Insert: "or death"

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

SB 424, be amended as follows:

1. Page 4, line 8.

Following: "z"

Insert: "or"

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

SB 433, be amended as follows:

1. Title, line 5.

Strike: "AND"

2. Title, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 5.

Following: line 8

Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

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

SB 547, be amended as follows:

1. Title, line 10.

Strike: "REQUIRING"

Insert: "ALLOWING"

2. Title, line 11.

Following: "41-5-1513,"

Insert: "45-1-205, 45-5-502,"

Following: "45-5-503,"

Insert: "45-5-507, 45-5-512,"

3. Page 2, line 5.

Following: "(3)"

Insert: "or (4)"

4. Page 6, line 26.

Strike: "may"

Insert: "shall"

5. Page 6, line 27.

Strike: "before a youth is discharged"

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6. Page 7.

Following: line 3

Insert: "Section 4. Section 45-1-205, MCA, is amended to read:

"45-1-205. General time limitations. (1) (a) A prosecution for deliberate, mitigated, or negligent homicide may be commenced at any time.

(b) A prosecution for a felony offense under 45-5-502, 45-5-503, or 45-5-507(4) or (5) may be commenced within 10 years after it is committed, except that it may be commenced within 10 years after the victim reaches 18 years of age if the victim was less than 18 years of age at the time that the offense occurred. A prosecution for a misdemeanor offense under those provisions may be commenced within 1 year after the offense is committed, except that it may be commenced within 5 years after the victim reaches 18 years of age if the victim was less than 18 years of age at the time that the offense occurred.

(c) A prosecution under 45-5-504, 45-5-505, 45-5-507(1), (2), (3), or ~~(5)~~ (6), 45-5-625, or 45-5-627 may be commenced within 5 years after the victim reaches 18 years of age if the victim was less than 18 years of age at the time that the offense occurred.

(2) Except as provided in subsection (7)(b) or as otherwise provided by law, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a felony must be commenced within 5 years after it is committed.

(b) A prosecution for a misdemeanor must be commenced within 1 year after it is committed.

(3) The periods prescribed in subsection (2) are extended in a prosecution for theft involving a breach of fiduciary obligation to an aggrieved person as follows:

(a) if the aggrieved person is a minor or incompetent, during the minority or incompetency or within 1 year after the termination of the minority or incompetency;

(b) in any other instance, within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not personally a party to the offense or, in the absence of discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(4) The period prescribed in subsection (2) must be extended in a prosecution for unlawful use of a computer, and prosecution must be brought within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not personally a party to the offense or, in the absence of discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(5) The period prescribed in subsection (2) is extended in a prosecution for misdemeanor fish and wildlife violations under Title 87, and prosecution must be brought within 3 years after an offense is committed.

(6) The period prescribed in subsection (2)(b) is extended in a prosecution for misdemeanor violations of the laws regulating the activities of outfitters and guides under Title 37, chapter 47, and prosecution must be brought within 3 years after an offense is committed.

(7) (a) An offense is committed either when every element occurs or, when the offense is based upon a continuing course of conduct, at the time when the course of conduct is terminated. Time starts to run on the day after the offense is committed.

(b) A prosecution for theft under 45-6-301 may be commenced at any time during the 5 years following the date of the theft, whether or not the offender is in possession of or otherwise exerting unauthorized control over the property at the time the prosecution is commenced. After the 5-year period ends, a prosecution may be commenced at any time if the offender is still in possession of or otherwise exerting unauthorized control over the property, except that the prosecution must be commenced within 1 year after the investigating officer discovers that the offender still possesses or is otherwise exerting unauthorized control over the property.

(8) A prosecution is commenced either when an indictment is found or an information or complaint is filed."

Insert: "Section 5. Section 45-5-502, MCA, is amended to read:

"45-5-502. Sexual assault. (1) A person who knowingly subjects another person to any sexual contact without consent commits the offense of sexual assault.

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(2) ~~★~~ Except as provided in subsections (3) and (4), a person convicted of sexual assault shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(3) If the victim is less than 16 years old and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing sexual assault, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years, unless the judge makes a written finding that there is good cause to impose a term of less than 4 years and imposes a term of less than 4 years, or more than 100 years and may be fined not more than \$50,000.

(4) (a) If the victim was 12 years of age or younger and the offender was 18 years of age or older at the time of the offense and the trier of fact finds beyond a reasonable doubt that the offender is a sexual predator of children, the offender:

(i) shall, upon a second or subsequent offense punishable pursuant to this subsection (4)(a), be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (4)(a)(i) except as provided in 46-18-222, and during the first 25 years of imprisonment, the offender is not eligible for parole.

(ii) may be fined an amount not to exceed \$50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(c) For purposes of this subsection (4), "sexual predator of children" means a person who:

(i) committed the offense for which the person is being sentenced under subsection (4)(a) against a stranger;

(ii) established or furthered a relationship with the victim for the primary purpose of victimization;

(iii) committed any forcible felony, as defined in 45-2-101, in the course of committing sexual intercourse without consent for which the person is being sentenced under subsection (4)(a) of this section;

(iv) compelled the victim to submit by force, as defined in 45-5-501(2), against the victim or another person;

or

(v) is known by the victim but does not meet the criteria in subsections (4)(c)(i) through (4)(c)(iv).

~~(4)(5)~~ An act "in the course of committing sexual assault" includes an attempt to commit the offense or flight after the attempt or commission.

~~(5)(6)~~ Consent is ineffective under this section if:

(a) the victim is incarcerated in an adult or juvenile correctional, detention, or treatment facility and the perpetrator is an employee, contractor, or volunteer of the facility and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search; or

(b) the victim is less than 14 years old and the offender is 3 or more years older than the victim."

Renumber: subsequent sections

7. Page 8, line 22.

Strike: "or"

8. Page 8, line 24.

Following: "person"

Insert: "; or"

(v) is known by the victim but does not meet the criteria provided in subsections (4)(c)(i) through (4)(c)(iv)"

9. Page 8.

Following: line 30

Insert: "**Section 7.** Section 45-5-507, MCA, is amended to read:

"45-5-507. Incest. (1) A person commits the offense of incest if the person knowingly marries, cohabits with, has sexual intercourse with, or has sexual contact, as defined in 45-2-101, with an ancestor, a descendant, a brother or sister of the whole or half blood, or any stepson or stepdaughter. The relationships referred to in this

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subsection include blood relationships without regard to legitimacy, relationships of parent and child by adoption, and relationships involving a stepson or stepdaughter.

(2) Consent is a defense under this section to incest with or upon a stepson or stepdaughter, but consent is ineffective if the victim is less than 18 years old.

(3) ~~★~~ Except as provided in subsections (4) and (5), a person convicted of incest shall be punished by life imprisonment or by imprisonment in the state prison for a term not to exceed 100 years or be fined an amount not to exceed \$50,000.

(4) If the victim is under 16 years of age and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing incest, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than \$50,000.

(5) (a) If the victim was 12 years of age or younger and the offender was 18 years of age or older at the time of the offense and the trier of fact finds beyond a reasonable doubt that the offender is a sexual predator of children, the offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (5)(a)(i) except as provided in 46-18-222, and during the first 25 years of imprisonment, the offender is not eligible for parole.

(ii) may be fined an amount not to exceed \$50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(c) For purposes of this subsection (5), "sexual predator of children" means a person who:

(i) committed the offense for which the person is being sentenced under subsection (5)(a) against a stranger;

(ii) established or furthered a relationship with the victim for the primary purpose of victimization;

(iii) committed any forcible felony, as defined in 45-2-101, in the course of committing sexual intercourse without consent for which the person is being sentenced under subsection (5)(a) of this section;

(iv) compelled the victim to submit by force, as defined in 45-5-501(2), against the victim or another person;

or

(v) is known by the victim but does not meet the criteria provided in subsections (5)(c)(i) through (5)(c)(iv).

~~(5)(6)~~ In addition to any sentence imposed under subsection (3), (4), or ~~(4)~~ (5), after determining the financial resources and future ability of the offender to pay restitution as required by 46-18-242, the court shall require the offender, if able, to pay the victim's reasonable costs of counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244."

Insert: "Section 8. Section 45-5-512, MCA, is amended to read:

"45-5-512. Chemical treatment of sex offenders. (1) A person convicted of a first offense under 45-5-502(3) or (4), 45-5-503(3), or 45-5-507(4) or (5) may, in addition to the sentence imposed under those sections, be sentenced to undergo medically safe medroxyprogesterone acetate treatment or its chemical equivalent or other medically safe drug treatment that reduces sexual fantasies, sex drive, or both, administered by the department of corrections or its agent pursuant to subsection (4) of this section.

(2) A person convicted of a second or subsequent offense under 45-5-502(3) or (4), 45-5-503, or 45-5-507 may, in addition to the sentence imposed under those sections, be sentenced to undergo medically safe medroxyprogesterone acetate treatment or its chemical equivalent or other medically safe drug treatment that reduces sexual fantasies, sex drive, or both, administered by the department of corrections or its agent pursuant to subsection (4) of this section.

(3) A person convicted of a first or subsequent offense under 45-5-502, 45-5-503, or 45-5-507 who is not sentenced to undergo medically safe medroxyprogesterone acetate treatment or its chemical equivalent or other medically safe drug treatment that reduces sexual fantasies, sex drive, or both, may voluntarily undergo such treatment, which must be administered by the department of corrections or its agent and paid for by the department

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of corrections.

(4) Treatment under subsection (1) or (2) must begin 1 week before release from confinement and must continue until the department of corrections determines that the treatment is no longer necessary. Failure to continue treatment as ordered by the department of corrections constitutes a criminal contempt of court for failure to comply with the sentence, for which the sentencing court shall impose a term of incarceration without possibility of parole of not less than 10 years or more than 100 years.

(5) Prior to chemical treatment under this section, the person must be fully medically informed of its effects.

(6) A state employee who is a professional medical person may not be compelled against the employee's wishes to administer chemical treatment under this section."

Renumber: subsequent sections

10. Page 10, line 22.

Strike: "or"

11. Page 10, line 24.

Following: "person"

Insert: "; or

(v) is known by the victim but does not meet the criteria provided in subsections (4)(c)(i) through (4)(c)(iv)"

12. Page 11, line 21.

Strike: "53-1-203(4)"

Insert: "53-1-203(5)"

13. Page 12, line 18.

Following: "in"

Insert: "45-5-502(4),"

Following: "45-5-503(4)"

Insert: ", 45-5-507(5),"

14. Page 15, line 9.

Following: "to"

Insert: "45-5-502(4),"

Following: "45-5-503(4)"

Insert: ", 45-5-507(5),"

15. Page 16, line 4.

Following: "to"

Insert: "45-5-502(4),"

Following: "45-5-503(4)"

Insert: ", 45-5-507(5),"

16. Page 17, line 25.

Following: "to"

Insert: "45-5-502(4),"

Following: "45-5-503(4)"

Insert: ", 45-5-507(5),"

17. Page 18, line 12.

Following: "assault"

Insert: ", and 45-5-502(4), sexual assault when the victim is 12 years of age or younger and the offender is 18 years

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of age or older at the time of the offense and the trier of fact finds beyond a reasonable doubt that the offender is a sexual predator of children"

18. Page 18, line 13.

Strike: ", and"

Insert: "; (ix) 45-5-507(5), incest when the victim is 12 years of age or younger and the offender is 18 years of age or older at the time of the offense and the trier of fact finds beyond a reasonable doubt that the offender is a sexual predator of children;

(x)"

Renumber: subsequent subsections

19. Page 19, line 26.

Following: "45-5-502(3)"

Insert: "(if the victim is less than 16 years of age and the offender is 3 or more years older than the victim), 45-5-502(4)(if the victim is 12 years of age or younger and the offender is 18 years of age or older at the time of the offense and the trier of fact finds beyond a reasonable doubt that the offender is a sexual predator of children)"

20. Page 19, line 28.

Following: "victim"

Insert: "or if the victim is 12 years of age or younger and the offender is 18 years of age or older at the time of the offense and the trier of fact finds beyond a reasonable doubt that the offender is a sexual predator of children"

21. Page 27, line 30.

Following: "to"

Insert: "45-5-502(4),"

Following: "45-5-503(4)"

Insert: ", 45-5-507(5),"

22. Page 28, line 19.

Following: "to"

Insert: "45-5-502(4),"

23. Page 28, line 20.

Following: "45-5-503(4)"

Insert: ", 45-5-507(5),"

24. Page 29, lines 13 and 14.

Strike: "rules" on line 13 through "program," on line 14

25. Page 30, line 9.

Strike: subsection (iii) in its entirety

26. Page 30.

Following: line 30

Insert: "(2) The department may contract with private, nonprofit or for-profit Montana corporations to establish and maintain a residential sexual offender treatment program. If the department intends to contract for that purpose, the department shall adopt rules for the establishment and maintenance of that program."

Renumber: subsequent subsections

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27. Page 31, line 1.
Following: "nonprofit"
Insert: "or for-profit"

28. Page 31, line 2.
Following: "(1)(c)"
Insert: "or (2)"

29. Page 31, line 3.
Following: "(1)(c)"
Insert: "or (2)"

30. Page 32, line 1.
Following: "to"
Insert: "45-5-502(4)," "
Following: "45-5-503(4)" "
Insert: ", 45-5-507(5)," "

31. Page 32, line 28.
Strike: "20"
Insert: "24"

32. Page 32, line 29.
Strike: "20"
Insert: "24"

33. Page 33, line 7.
Strike: "12"
Insert: "16"
Strike: "17"
Insert: "21"

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

TAXATION (Lake, Chairman):
SB 284, be amended as follows:

4/3/2007

1. Title, line 5.
Following: "PURPOSES;" "
Insert: "PROVIDING A STATUTORY APPROPRIATION;" "

2. Title, line 6.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "15-68-820"
Insert: "AND 17-7-502"

3. Page 1, line 29.
Strike: "1.848%" "
Insert: "0.66% "

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4. Page 2, line 9.

Strike: "2.534%"

Insert: "0.905% "

5. Page 2, line 11.

Strike: "2%"

Insert: "0.72% "

6. Page 2, line 13.

Strike: "0.252%"

Insert: "0.09% "

7. Page 2, line 14.

Strike: "2.275%"

Insert: "0.15% "

8. Page 2, line 16.

Strike: "39.634%"

Insert: "14.155% "

9. Page 2, line 18.

Strike: "2.464%"

Insert: "0.88% "

10. Page 2, line 20.

Strike: "3.801%"

Insert: "1.357% "

11. Page 2, line 22.

Strike: "\$500,000"

Insert: "\$125,000"

12. Page 2, line 27.

Strike: "\$500,000"

Insert: "\$125,000"

13. Page 2, line 30.

Strike: "16.471%"

Insert: "5.88% "

14. Page 3, line 4.

Strike: "16.471%"

Insert: "5.88% "

15. Page 3, line 19.

Following: line 18

Insert: "(4) The allocations in subsections (1)(a) through (1)(j), (2), and (3) are statutorily appropriated, as provided in 17-7-502, for the indicated purposes."

16. Page 3, line 19.

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Insert: "Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-407; 5-13-403; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-38-202; 15-65-121; 15-68-820; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108 terminates June 30, 2010; pursuant to sec. 7, Ch. 314, L. 2005, the inclusion of 23-4-105, 23-4-202, 23-4-204, 23-4-302, and 23-4-304 becomes effective July 1, 2007; and pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January 1, 2010.)"

Renumber: subsequent sections

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

SB 316, be amended as follows:

1. Title, line 7.

Following: "BY"

Insert: "THE FEDERAL GOVERNMENT,"

Following: "STATE"

Insert: ", "

2. Page 3, line 4.

Following: "by"

Insert: "the federal government,"

3. Page 3, line 22.

Strike: "an eminent domain"

Insert: "a public use"

Following: "by"

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Insert: "the federal government,"

Following: "state"

Insert: ", a county, or a municipality"

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

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 27 passed as follows:

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

Total 77

Noes: Blasdel, Everett, Hawk, Heinert, Jayne, Jore, Kasten, Kerns, Koopman, Lake, Lambert, Lange, Malcolm, Mendenhall, Morgan, Ripley, Sinrud, Sonju, Taylor, Wells, Witte, Mr. Speaker.

Total 22

Excused: None.

Total 0

Absent or not voting: Clark.

Total 1

HB 39 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, 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 98

Noes: Gallik.

Total 1

Excused: None.

Total 0

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Absent or not voting: Clark.
Total 1

HB 148 passed as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Keane, Kottel, Lambert, MacLaren, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Small-Eastman, Sonju, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 63

Noes: Barrett, Blasdel, Boggio, Butcher, Everett, French, Hawk, Heinert, Hendrick, Himmelberger, Jayne, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lange, Malcolm, McGillvray, Mendenhall, Nooney, O'Hara, Rice, Ripley, Ross, Sesso, Sinrud, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 36

Excused: None.
Total 0

Absent or not voting: Clark.
Total 1

HB 801 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bergren, Boggio, Butcher, Campbell, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Everett, French, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Hiner, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Reinhart, Rice, Ripley, Sands, Sinrud, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Vincent, Ward, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 72

Noes: Becker, Bixby, Blasdel, Branae, Caferro, Callahan, Cohenour, Erickson, Franklin, Furey, Henry, Hollenbaugh, Jore, Koopman, Malcolm, McGillvray, Morgan, Musgrove, Noonan, Raser, Ross, Sesso, Sonju, Taylor, Villa, Wells, Wilmer.
Total 27

Excused: None.
Total 0

Absent or not voting: Clark.
Total 1

HB 828 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, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Klock, Kottel, Lake, Lambert, MacLaren,

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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, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 86

Noes: Everett, Gallik, Hawk, Ingraham, Jore, Kerns, Koopman, Lange, Mendenhall, Taylor, Wells, Witte, Mr. Speaker.

Total 13

Excused: None.

Total 0

Absent or not voting: Franklin.

Total 1

HB 840 passed as follows:

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

Total 81

Noes: Barrett, Campbell, Clark, Cordier, Everett, Hawk, Heinert, Jayne, Jore, Kasten, Kerns, Koopman, Rice, Ripley, Sinrud, Stahl, Vincent, Mr. Speaker.

Total 18

Excused: None.

Total 0

Absent or not voting: Witte.

Total 1

HB 179 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, 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, 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 94

Noes: Everett, Jore, Koopman, McGillvray, Windy Boy.

Total 5

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Excused: None.
Total 0

Absent or not voting: Malcolm.
Total 1

HB 637 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, Hawk, Heinert, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, 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 90

Noes: Everett, Franklin, Himmelberger, Jore, Koopman, McGillvray, Mendenhall, Morgan, Musgrove, Mr. Speaker.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 843 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, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Witte, Mr. Speaker.
Total 94

Noes: Dutton, Jore, Kerns, Koopman, Pomnichowski, Wiseman.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 200 concurred in 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, Everett, Franklin,

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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, McNutt, Milburn, Musgrove, Noonan, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 89

Noes: Beck, Jore, Kerns, Koopman, McGillvray, Mendenhall, Morgan, Nooney, Sinrud, Sonju, Taylor.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 51 concurred in as follows:

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

Total 56

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

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved the House stand in recess until 5:00 p.m. House recessed at 3:05 p.m.

The house resumed at 5:00. Mr. Speaker in the chair. All members present except for Representative Clark, excused.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

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

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

Vote taken to determine that quorum is present.

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Cordier, Dickenson, Ebinger, Franklin, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, Jopek, Kasten, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Sonju, Wilmer, Windy Boy, Wiseman.

Total 62

Noes: Blasdel, Cohenour, Erickson, Everett, Hawk, Heinert, Himmelberger, Jayne, Keane, Kerns, McGillvray, Mendenhall, Ripley, Sinrud, Stahl, Stoker, Taylor, Villa, Wells, Witte, Mr. Speaker.

Total 21

Excused: Clark.

Total 1

Absent or not voting: Driscoll, Dutton, Gallik, Hendrick, Hilbert, W. Jones, Jore, Klock, Milburn, Pomnichowski, Rice, Thomas, Van Dyk, Vincent, Ward, Wilson.

Total 16

Second vote taken to determine actual members present.

Ayes: Ankney, Arntzen, Augare, Bergren, Bixby, Butcher, Caferro, Callahan, Campbell, Dickenson, Ebinger, Franklin, French, Furey, Grinde, Hamilton, Hands, Henry, Hiner, Ingraham, Jacobson, Jopek, Kasten, Keane, Kerns, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Raser, Rice, Ross, Small-Eastman, Sonju, Wells, Wilmer, Wiseman.

Total 50

Noes: Beck, Blasdel, Cohenour, Erickson, Everett, Glaser, Hawk, Heinert, Himmelberger, Jayne, L. Jones, Mendenhall, Reinhart, Ripley, Sinrud, Stahl, Stoker, Taylor, Villa, Witte, Mr. Speaker.

Total 21

Excused: Clark.

Total 1

Absent or not voting: Barrett, Becker, Boggio, Branae, Cordier, Driscoll, Dutton, Gallik, Groesbeck, Hendrick, Hilbert, Hollenbaugh, W. Jones, Jore, Klock, Koopman, Milburn, Peterson, Phillips, Pomnichowski, Sands, Sesso, Thomas, Van Dyk, Vincent, Ward, Wilson, Windy Boy.

Total 28

SB 370 - Representative Ross moved **SB 370** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro,

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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, Small-Eastman, Sonju, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 96

Noes: Sinrud.

Total 1

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Jore, Stahl, Ward.

Total 3

SB 374 - Representative Lange moved consideration of **SB 374** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 414 - Representative Furey moved **SB 414** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, 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, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman, Witte.

Total 94

Noes: None.

Total 0

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Branae, Jore, Sinrud, Ward, Wells, Mr. Speaker.

Total 6

SB 422 - Chairman Wiseman moved consideration of **SB 422** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 442 - Representative Olson moved **SB 442** be concurred in. Motion carried as follows:

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Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, 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, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 94

Noes: Mendenhall, Ripley, Taylor.
Total 3

Voted Absentee: Clark, Aye.

Excused: None.
Total 0

Absent or not voting: Blasdel, Jore, Sinrud.
Total 3

SB 443 - Representative Olson moved **SB 443** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, 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, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 98

Noes: Sinrud.
Total 1

Voted Absentee: Clark, Aye.

Excused: None.
Total 0

Absent or not voting: Jore.
Total 1

SB 444 - Representative Henry moved **SB 444** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt,

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Total 98

Noes: None.
Total 0

Voted Absentee: Clark, Aye.

Excused: None.
Total 0

Absent or not voting: Jore, Ward.
Total 2

SB 478 - Representative W. Jones moved **SB 478** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Branae, Butcher, 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, Lambert, Lange, MacLaren, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.
Total 72

Noes: Beck, Blasdel, Boggio, Dutton, Everett, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Kasten, Kerns, Klock, Koopman, Lake, Malcolm, McGillvray, Mendenhall, Rice, Ripley, Ross, Sonju, Taylor, Wells, Witte.
Total 25

Voted Absentee: Clark, Aye.

Excused: None.
Total 0

Absent or not voting: Jore, Sinrud, Mr. Speaker.
Total 3

SB 489 - Representative McNutt moved **SB 489** be concurred in. Motion, requiring a two-thirds vote, carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Blasdel, Branae, Butcher, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Everett, French, Furey, Glaser, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Keane, Kerns, Klock, Koopman, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Van Dyk, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Witte, Mr. Speaker.
Total 81

Noes: Bixby, Boggio, Caferro, Dutton, Franklin, Gallik, Grinde, Hollenbaugh, Jopek, Kasten, Lake, Mendenhall,

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Rice, Sinrud, Taylor, Villa, Wiseman.
Total 17

Voted Absentee: Clark, Aye.

Excused: None.
Total 0

Absent or not voting: Jore, Phillips.
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 Wiseman moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Ingraham, Jacobson, Jayne, W. Jones, Jopek, Kasten, Keane, Kerns, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Van Dyk, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 84

Noes: Bixby, Cordier, Gallik, Hollenbaugh, Sinrud, Villa.
Total 6

Excused: Clark.
Total 1

Absent or not voting: Hilbert, L. Jones, Jore, Klock, Koopman, Milburn, Phillips, Thomas, Ward.
Total 9

MOTIONS

Majority Leader Lange moved to suspend the rules and have **HB 746** be placed on second reading this day.

Ayes: Ankney, Arntzen, Augare, Bergren, Bixby, Blasdel, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Hamilton, Hands, Heinert, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kerns, Kottel, Lake, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Small-Eastman, Stahl, Stoker, Thomas, Villa, Wilmer, Windy Boy, Wiseman, Witte.
Total 68

Noes: Beck, Boggio, Butcher, Everett, Hawk, Hilbert, Himmelberger, Kasten, Koopman, Lambert, Mendenhall, Morgan, Ripley, Sinrud, Sonju, Taylor, Wells, Mr. Speaker.
Total 18

Excused: Clark.
Total 1

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Absent or not voting: Barrett, Becker, Groesbeck, Hendrick, Jore, Klock, Milburn, Phillips, Sesso, Van Dyk, Vincent, Ward, Wilson.

Total 13

**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 Wiseman in the chair.

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

SB 497 - Representative Sands moved **SB 497** be concurred in. Motion carried as follows:

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

Total 78

Noes: Beck, Boggio, Butcher, Clark, Everett, Glaser, Hawk, Himmelberger, Kasten, Kerns, Lake, MacLaren, Mendenhall, Peterson, Ripley, Ross, Sinrud, Wells, Windy Boy, Witte, Mr. Speaker.

Total 21

Voted Absentee: Clark, No.

Excused: None.

Total 0

Absent or not voting: Jore.

Total 1

SB 505 - Representative Reinhart moved **SB 505** be concurred in. Motion carried as follows:

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

Total 76

Noes: Boggio, Butcher, Clark, Dutton, Everett, Hawk, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Malcolm, Mendenhall, Morgan, Peterson, Rice, Ripley, Ross, Wells, Witte.

Total 21

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Voted Absentee: Clark, No.

Excused: None.
Total 0

Absent or not voting: Jore, Sinrud, Mr. Speaker.
Total 3

SB 518 - Representative Sands moved **SB 518** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, 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, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 96

Noes: Everett, Mendenhall, Sinrud.
Total 3

Voted Absentee: Clark, Aye.

Excused: None.
Total 0

Absent or not voting: Jore.
Total 1

SB 527 - Representative Ingraham moved **SB 527** be concurred in. Motion carried as follows:

Ayes: Arntzen, 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, 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, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.
Total 88

Noes: Ankney, Augare, Himmelberger, Koopman, Mendenhall, Rice, Sinrud, Sonju, Vincent, Wells, Mr. Speaker.
Total 11

Voted Absentee: Clark, Aye.

Excused: None.
Total 0

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Absent or not voting: Jore.
Total 1

SJR 4 - Representative Everett moved **SJR 4** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, 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, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Vincent, Ward, Wells, Wilmer, Wilson, Wiseman, Witte, Mr. Speaker.
Total 93

Noes: McGillvray, Mendenhall, Musgrove, Sinrud, Villa, Windy Boy.
Total 6

Voted Absentee: Clark, Aye.

Excused: None.
Total 0

Absent or not voting: Jore.
Total 1

HB 665 - Representative Arntzen moved **HB 665** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Bergren, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, French, Glaser, Grinde, Hamilton, Hands, Heinert, Hendrick, Henry, Hollenbaugh, Ingraham, L. Jones, W. Jones, Jopek, Kerns, Klock, Kottel, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Stahl, Thomas, Van Dyk, Vincent, Ward, Wilmer, Wilson, Wiseman, Witte.
Total 58

Noes: Beck, Becker, Bixby, Blasdel, Boggio, Butcher, Caferro, Callahan, Dutton, Everett, Franklin, Furey, Gallik, Groesbeck, Hawk, Hilbert, Himmelberger, Hiner, Jacobson, Jayne, Kasten, Keane, Koopman, Lake, Lange, Musgrove, Noonan, Rice, Ripley, Ross, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wells, Windy Boy, Mr. Speaker.
Total 40

Voted Absentee: Clark, Aye.

Excused: None.
Total 0

Absent or not voting: Branae, Jore.
Total 2

SB 374 - Representative Koopman moved **SB 374** be concurred in. Motion carried as follows:

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

Total 99

Noes: None.

Total 0

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Jore.

Total 1

SB 422 - Representative Vincent moved **SB 422** be concurred in. Motion carried as follows:

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

Total 92

Noes: Franklin, Gallik, Jayne, Jopek, Sinrud, Windy Boy.

Total 6

Voted Absentee: Clark, Aye.

Excused: None.

Total 0

Absent or not voting: Jore, McGillvray.

Total 2

HB 746 - Representative Erickson moved **HB 746** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, 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, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Keane, Kottel, Lake, Lambert, Lange, MacLaren, McAlpin, McChesney,

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Total 79

Noes: Beck, Boggio, Everett, Hawk, Heinert, Hendrick, Jayne, Kasten, Kerns, Koopman, Malcolm, Mendenhall, Morgan, Ripley, Sinrud, Taylor, Wells, Windy Boy, Mr. Speaker.
Total 19

Voted Absentee: Clark, Aye.

Excused: None.
Total 0

Absent or not voting: Jore, Klock.
Total 2

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

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Butcher, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Morgan, Musgrove, Noonan, Nooney, Olson, Parker, Peterson, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Thomas, Van Dyk, Villa, Wells, Wilmer, Witte, Mr. Speaker.
Total 80

Noes: Heinert, Jayne, Koopman, Phillips, Wilson, Windy Boy.
Total 6

Excused: Clark.
Total 1

Absent or not voting: Branae, Hendrick, Hilbert, Himmelberger, Jore, Milburn, O'Hara, Ripley, Sinrud, Stahl, Vincent, Ward, Wiseman.
Total 13

MOTIONS

Representative Lange moved to suspend the rules on **HB 746** and that it be placed on third reading this day. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Jore, 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, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Thomas,

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Van Dyk, Vincent, Ward, Wells, Wilmer, Wilson, Wiseman, Witte.
Total 82

Noes: Everett, Hawk, Heinert, Himmelberger, Jayne, Kasten, Mendenhall, Ripley, Sinrud, Taylor, Windy Boy.
Total 11

Excused: Clark.
Total 1

Absent or not voting: Barrett, Becker, Cordier, Hilbert, Villa, Mr. Speaker.
Total 6

Majority Leader Lange moved to suspend the rules on **HB 665** and that it be placed on third reading this day. Motion, requiring a two-thirds vote, **failed** as follows:

Ayes: Ankney, Arntzen, Augare, Bergren, Blasdel, Branae, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Dutton, Ebinger, Erickson, French, Gallik, Glaser, Grinde, Hamilton, Heinert, Henry, Hollenbaugh, Ingraham, L. Jones, W. Jones, Jopek, Kerns, Klock, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Small-Eastman, Stahl, Taylor, Thomas, Van Dyk, Vincent, Ward, Wilmer, Wilson, Wiseman, Witte.
Total 61

Noes: Beck, Bixby, Boggio, Caferro, Callahan, Everett, Franklin, Furey, Groesbeck, Hands, Hawk, Hendrick, Himmelberger, Hiner, Jacobson, Jayne, Jore, Kasten, Keane, Koopman, Lake, McChesney, Musgrove, Rice, Ripley, Ross, Sesso, Sinrud, Sonju, Stoker, Villa, Wells, Windy Boy, Mr. Speaker.
Total 34

Excused: Clark.
Total 1

Absent or not voting: Barrett, Becker, Cordier, Hilbert.
Total 4

Majority Leader Lange moved **SB 115** be re-referred to the Committee on Appropriations. There being no objection, so ordered.

Majority Leader Lange moved **SB 205** be re-referred to the Committee on Appropriations. There being no objection, so ordered.

Majority Leader Lange moved **SB 354** be re-referred to the Committee on Appropriations. Representative McAlpin objected. Motion **failed** as follows:

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

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,

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Hollenbaugh, Ingraham, Jacobson, 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

Excused: Clark.
Total 1

Absent or not voting: Boggio.
Total 1

Majority Leader Lange moved **SB 478** be re-referred to the Committee on Appropriations. Representative W. Jones objected. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Butcher, Dutton, Erickson, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jayne, L. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 49

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, 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 48

Excused: Clark.
Total 1

Absent or not voting: Boggio, Stahl.
Total 2

Majority Leader Lange moved **SB 497** be re-referred to the Committee on Appropriations. Representative Sands objected. Motion **failed** as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Butcher, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, McGillvray, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 47

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, Malcolm, McAlpin, McChesney, McNutt, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 51

Excused: Clark.
Total 1

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Absent or not voting: Boggio.
Total 1

Majority Leader Lange moved **SB 505** be re-referred to the Committee on Appropriations. Representative Bergren objected. Motion **failed** as follows:

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

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, 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

Excused: Clark.
Total 1

Absent or not voting: Boggio.
Total 1

Majority Leader Lange moved **SB 518** be re-referred to the Committee on Appropriations. Representative Bergren objected. Motion **failed** as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Butcher, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte.
Total 47

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, 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

Excused: Clark.
Total 1

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

Representative Peterson moved that **SB 426** be taken from Business and Labor Committee, be printed and placed on second reading on Legislative Day 72. Vote, requiring a three-fifths vote, **failed** as follows:

Ayes: Augare, Becker, Bergren, Caferro, Callahan, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Erickson,

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Franklin, French, Furey, Gallik, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, W. Jones, Jopek, Keane, Kottel, McAlpin, Musgrove, Noonan, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Stahl, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.

Total 46

Noes: Ankney, Arntzen, Barrett, Beck, Bixby, Blasdel, Branae, Butcher, Cordier, Dutton, Everett, Glaser, Grinde, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Rice, Ripley, Ross, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 52

Excused: Clark.

Total 1

Absent or not voting: Boggio.

Total 1

Representative Jopek moved to reconsider actions taken on **SB 478** and that it be placed on third reading on Legislative Day 72. Motion carried 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, Butcher, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 48

Excused: Clark.

Total 1

Absent or not voting: Boggio.

Total 1

Representative Fury moved that **SB 432** be taken from the table in the Committee on Transportation, be printed and placed on second reading on Legislative Day 72. Motion **failed** as follows:

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

Total 47

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

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MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 51

Excused: Clark.
Total 1

Absent or not voting: Boggio.
Total 1

Representative Bergren moved to suspend the rules and have **HB 665** placed on third reading. Motion, requiring two-thirds vote, carried as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Hamilton, Hands, Heinert, Hendrick, Henry, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Kerns, Klock, Kottel, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Stahl, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Wiseman, Witte.
Total 72

Noes: Barrett, Beck, Bixby, Everett, Hawk, Hilbert, Himmelberger, Hiner, Jayne, Jore, Kasten, Keane, Koopman, Lake, Lange, Nooney, Rice, Ripley, Ross, Sinrud, Sonju, Stoker, Wells, Windy Boy, Mr. Speaker.
Total 25

Excused: Clark.
Total 1

Absent or not voting: Boggio, Groesbeck.
Total 2

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 746 passed as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Blasdel, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kerns, Klock, Kottel, Lake, Lange, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Wiseman, Witte.
Total 75

Noes: Barrett, Beck, Butcher, Everett, Hawk, Heinert, Hilbert, Himmelberger, Jore, Kasten, Koopman, Lambert, Malcolm, Mendenhall, Morgan, Peterson, Rice, Ripley, Sinrud, Taylor, Wells, Windy Boy, Mr. Speaker.
Total 23

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Excused: Clark.
Total 1

Absent or not voting: Boggio.
Total 1

HB 665 passed as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Driscoll, Dutton, Ebinger, Erickson, French, Furey, Gallik, Glaser, Grinde, Hamilton, Hands, Heinert, Hendrick, Henry, Hollenbaugh, Ingraham, L. Jones, W. Jones, Jopek, Kerns, Klock, Kottel, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pommichowski, Raser, Reinhart, Sands, Sesso, Stahl, Thomas, Van Dyk, Vincent, Ward, Wilmer, Wilson, Wiseman.
Total 64

Noes: Barrett, Beck, Bixby, Blasdel, Butcher, Dickenson, Everett, Franklin, Groesbeck, Hawk, Hilbert, Himmelberger, Hiner, Jacobson, Jayne, Jore, Kasten, Keane, Koopman, Lake, Lange, Rice, Ripley, Ross, Small-Eastman, Sonju, Stoker, Taylor, Villa, Wells, Windy Boy, Witte, Mr. Speaker.
Total 33

Excused: Clark.
Total 1

Absent or not voting: Boggio, Sinrud.
Total 2

REPORTS OF STANDING COMMITTEES

JUDICIARY (Rice, Chairman):
SB 96, be amended as follows:

4/3/2007

1. Title, line 6.

Following: "ISSUE;"

Insert: "CHANGING THE ENTITY PREPARING BALLOT STATEMENTS FROM THE ATTORNEY GENERAL TO THE LEGISLATIVE SERVICES DIVISION;"

2. Title, line 7.

Strike: "PREPARING BALLOT STATEMENTS AND"

3. Title, line 16 through 17.

Strike: "ALLOWING" on line 16 through "ONLY;" on line 17

Insert: "REQUIRING THAT FACTUAL STATEMENTS CONTAINED IN BALLOT STATEMENTS MUST BE SUPPORTED BY DOCUMENTS FILED WITH THE SECRETARY OF STATE;"

Following: "TERMS;"

Insert: "PROVIDING A PENALTY;"

4. Title, line 19.

Following: "13-27-403,"

Insert: "13-27-409,"

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5. Title, line 20.

Following: "MCA;"

Strike: "AND"

Following: "13-27-313, MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

6. Page 2, line 8.

Strike: "attorney general's"

Insert: "legislative services division's"

Following: "and"

Insert: "the attorney general's"

7. Page 2, line 12.

Strike: "ATTORNEY GENERAL"

Insert: "legislative services division's"

Following: "OR"

Insert: "the attorney general's"

Following: "SUFFICIENCY"

Insert: "determination"

8. Page 2, line 15.

Strike: "AND FOR"

Strike: "LEWIS AND CLARK"

Insert: "residence of the lead petitioner"

9. Page 2.

Following: line 18

Insert: "(c) In an original proceeding pursuant to this subsection (3), the supreme court shall make its decision within 10 days of completion of the briefing schedule and any oral argument and shall report its decision within 5 days of completion of the decision."

10. Page 8, line 6.

Following: "resident"

Insert: ", as provided in 1-1-215,"

11. Page 8, line 7.

Following: "paid"

Insert: "anything of value"

12. Page 8, line 22.

Strike: "and may not contain a preamble or argumentative language"

13. Page 9, line 3.

Strike: "The text may not be submitted"

Insert: "Petitions may not be circulated for the purpose of signature gathering"

14. Page 9, line 24.

Following: "and"

Insert: "to the legislative services division"

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15. Page 10, line 10.

Strike: "attorney general"

Insert: "legislative services division"

16. Page 10, line 14.

Strike: "attorney general"

Insert: "legislative services division"

17. Page 11, line 25.

Following: "signature,"

Insert: "date,"

18. Page 12, line 25.

Following: "signature,"

Insert: "date,"

19. Page 13, line 25.

Following: "signature,"

Insert: "date,"

20. Page 14.

Following: line 13

Insert: "NEW SECTION. Section 13. Harassment of signature gatherers prohibited. A person may not knowingly or purposefully harass or intimidate another individual when that individual is obtaining or attempting to obtain signatures on a petition for a ballot measure and may not otherwise interfere with the collection of signatures on a petition for a ballot measure. A person who violates this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500, by imprisonment for not more than 90 days, or by both a fine and imprisonment."

Renumber: subsequent sections

21. Page 14, line 16.

Strike: "(1)"

Strike: "EXCEPT" through "AN"

Insert: "An"

22. Page 15, line 4 through line 17.

Strike: subsection (2) in its entirety

23. Page 15, line 23.

Strike: "and prepare ballot statements"

24. Page 15, lines 29 and 30.

Strike: "attorney " on line 29 through "general" on line 30

Insert: "legislative services division"

25. Page 16, line 7.

Strike: "return"

Insert: "send"

26. Page 16, line 8.

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Strike: "attorney general"

Insert: "secretary of state"

27. Page 16, line 8.

Strike: "attorney general"

Insert: "legislative services division"

28. Page 17, lines 7 and 8.

Strike: "attorney general shall also"

Insert: "legislative services division shall"

29. Page 17, line 8.

Following: "and"

Insert: "the attorney general shall give the secretary of state"

30. Page 17, line 13.

Strike: "attorney general"

Insert: "legislative services division"

31. Page 17, line 16.

Strike: "**attorney general**"

Insert: "**legislative services division**"

32. Page 17, line 18.

Strike: "attorney general"

Insert: "legislative services division"

33. Page 17, line 20.

Strike: "attorney general"

Insert: "legislative services division"

34. Page 18, line 8.

Following: "**or**"

Insert: "**legislative services division**"

35. Page 18, line 10.

Strike: "attorney general"

Insert: "legislative services division"

36. Page 18, line 17.

Strike: "attorney general"

Insert: "legislative services division"

37. Page 18, line 23.

Following: ". "

Insert: "The attorney general must respond to a complaint within 5 days."

38. Page 18, line 26.

Strike: "attorney general's"

Insert: "legislative services division's"

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39. Page 19, line 5.

Strike: "attorney general"

Insert: "legislative services division"

Strike: "immediately"

Insert: "within 5 days"

40. Page 19, line 6.

Strike: "attorney general"

Insert: "legislative services division"

41. Page 19, line 15.

Strike: "attorney general"

Insert: "legislative services division"

42. Page 19, line 16.

Strike: "as soon as possible"

Insert: "within 5 days of the court's decision"

43. Page 19, line 25.

Strike: "attorney general"

Insert: "legislative services division"

44. Page 19, line 28.

Strike: "attorney general's"

Insert: "legislative services division's"

Following: "or"

Insert: "the attorney general's"

45. Page 20, lines 4 and 5.

Strike: "and for"

46. Page 20, line 5.

Strike: "Lewis and Clark"

Insert: "residence of the qualified elector"

47. Page 20, line 8.

Strike: "probably"

48. Page 22.

Following: line 1

Insert: "**Section 21.** Section 13-27-409, MCA, is amended to read:

"13-27-409. ~~Liability~~ Fact statement to be supported --liability for contents of argument. (1) A factual statement made in an argument advocating approval or rejection of a ballot issue or in a rebuttal argument to either of those arguments must be supported by documents filed by the proponents or opponents with the secretary of state within 2 business days of the date on which the statements are required be filed with the secretary of state.

(2) Nothing in this chapter relieves an author of any argument from civil or criminal responsibility for statements contained in an argument printed in the voter information pamphlet."

Renumber: subsequent sections

49. Page 22, line 4.

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Strike: "-- abbreviated ballot"

50. Page 22, line 13.

Strike: "attorney general's"

Insert: "legislative services division's"

51. Page 26, line 24.

Strike: "[Section 12] is"

Insert: "[Sections 12 and 13] are"

52. Page 26, lines 25 and 26.

Strike: "[section 12]"

Insert: "[sections 12 and 13]"

53. Page 26, line 27.

Strike: "17"

Insert: "18"

54. Page 26, line 28.

Strike: "17"

Insert: "18"

55. Page 26.

Following: line 28

Insert: "NEW SECTION. **Section 29. Effective date.** [This act] is effective on passage and approval."

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

SB 393, be amended as follows:

1. Page 1, line 16.

Following: "chapter"

Insert: "who are parents of a minor child"

2. Page 1, line 17.

Strike: "A"

Strike: "the"

3. Page 1, lines 19 through 21.

Strike: subsections (a) and (b) in its entirety

Renumber: subsequent subsections

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

SB 342, be amended as follows:

1. Page 4, line 16.

Insert: "COORDINATION SECTION. **Section 5. Coordination instruction.** If House Bill No. 668 and [this act] are both passed and approved, then the section in [this act] amending 37-22-301 is void and 37-22-301 is amended to read as follows:

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"37-22-301. License requirements -- exemptions. (1) A license applicant shall satisfactorily complete an examination prescribed by the board.

(2) Before an applicant may take the examination, the applicant shall present three letters of reference from licensed social workers, licensed clinical social workers, psychiatrists, or psychologists who have knowledge of the applicant's professional performance and shall demonstrate to the board that the applicant:

(a) has a doctorate or master's degree in social work from a program accredited by the council on social work education or approved by the board;

(b) has completed at least 24 months of supervised post master's degree work experience in psychotherapy, which included 3,000 hours of social work experience, of which at least 1,500 hours were in direct client contact, within the past 5 years; and

(c) abides by the social work ethical standards adopted under 37-22-201.

(3) An applicant who fails the examination may reapply to take the examination.

(4) An applicant is exempt from the examination requirement if the applicant satisfies the board that the applicant is licensed, certified, or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this chapter and that the applicant has passed an examination similar to that required by the board.

(5) As a prerequisite to the issuance of a license, the board shall require the applicant to submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

(6) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust, and if the board determines that the applicant is not, the license may be denied."

Insert: "COORDINATION SECTION. Section 6. Coordination instruction. If House Bill No. 668 and [this act] are both passed and approved, then the section amending 37-23-202 in [this act] is void and 37-23-202 is amended to read as follows:

"37-23-202. Licensure requirements. (1) An applicant for licensure must have satisfactorily:

(a) completed a planned graduate program of 60 semester hours, primarily counseling in nature, 6 semester hours of which were earned in an advanced counseling practicum that resulted in a graduate degree from an institution accredited to offer a graduate program in counseling;

(b) completed 3,000 hours of counseling practice supervised by a licensed professional counselor or licensed member of an allied mental health profession, at least half of which was postdegree. The applicant must have each supervisor endorse the application for licensure, attesting to the number of hours supervised.

(c) passed an examination prepared and administered by:

(i) the national board of certified counselors; or

(ii) the national academy of certified clinical mental health counselors; and

(d) completed an application.

(2) The board shall provide by rule for licensure of a person who possesses a graduate degree that consists of a minimum of 45 semester hours primarily related to counseling and that is from an institution accredited to offer a graduate program in counseling, by specifying the additional graduate credit hours necessary to fulfill the requirements of subsection (1)(a) in counseling courses in an approved program within a period of 5 years.

(3) As a prerequisite to the issuance of a license, the board shall require the applicant to submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

(4) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust, and if the board determines that the applicant is not, the license may be denied."

Renumber: subsequent section

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

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SB 41, be amended as follows:

1. Title, line 6.

Following: "SELL"

Insert: ", LEASE,"

2. Title, lines 7 and 8.

Strike: "WITHIN" on line 7 through "TOWN" on line 8

3. Title, line 10.

Strike: "PURPOSE"

Insert: "USE"

4. Page 1, lines 17 and 18.

Strike: "and purposes"

5. Page 1, line 22.

Following: "property"

Insert: "with the intent"

Following: "sell"

Insert: ", lease,"

Following: "provide"

Insert: "the property"

6. Page 1, lines 22 and 23.

Strike: "within" on line 22 through "town" on line 23

7. Page 3, line 16.

Strike: "purpose"

Insert: "use"

8. Page 3, lines 16 and 17.

Following: "means"

Insert: ":

(a)

Following: "a"

Insert: "public"

Strike: "for" on line 16 through "FUNDS" on line 17

Insert: "enumerated in 70-30-102; or

(b) a project financed by the method provided for in 7-15-4288"

9. Page 4, line 1.

Strike: "purpose"

Insert: "use"

10. Page 4, line 16.

Strike: "purpose"

Insert: "use"

11. Page 5, line 5.

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Strike: "purpose"

Insert: "use"

12. Page 6, line 16.

Following: "property"

Insert: "with the intent"

Following: "sell"

Insert: ", lease,"

Following: "provide"

Insert: "the property"

13. Page 6, lines 16 and 17.

Strike: "within" on line 16 through "town" on line 17

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

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 10:00 a.m., Wednesday, April 4, 2007. Motion carried.

House adjourned at 6:40 p.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House