

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

Helena, Montana
April 9, 2007

House Chambers
State Capitol

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

Roll Call. All members present except for Representative Butcher, Representative Campbell, Representative Hands and Representative Beck. Quorum present.

Speaker Sales introduced the Heritage Christian Signers from Bozeman who performed two songs for the House using sign language.

Speaker Sales introduced the pages for the week:

Pages:	Brian Menahan, Colstrip
	Barbara Sutton, Bloomfield
	Cassandra Sutton, Bloomfield
	Faith Grover, Helena
	Philip Singer, Box Elder
	Sophia Romanic, Cascade
	Dan Miller, Billings
	Ashley Wilbert, Polson

REPORTS OF STANDING COMMITTEES

BILLS (L. Jones, Chairman):	4/4/2007
Correctly printed: SB 158, SB 185, SB 376, SB 446.	
Correctly engrossed: SB 391, SB 96, SB 547.	

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:	4/5/2007
HB 36 , introduced by Musgrove	
HB 154 , introduced by Clark	
HB 328 , introduced by Stahl	
HB 353 , introduced by McGillvray	
HB 414 , introduced by Reinhart	
HB 459 , introduced by Heinert	
HB 520 , introduced by Arntzen	
HB 594 , introduced by Stahl	
HB 634 , introduced by Van Dyk	
HB 688 , introduced by Olson	
HB 729 , introduced by Raser	
HB 743 , introduced by Clark	
HB 744 , introduced by Rice	
HB 785 , introduced by Lange	
HB 283 , introduced by Campbell	
HB 291 , introduced by Ross	
HB 389 , introduced by Barrett	

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HB 690, introduced by Bergren
HB 771, introduced by W. Jones
HB 811, introduced by Wells
HB 319, introduced by Glaser
HB 428, introduced by Gallik
HB 630, introduced by Gallik
HB 636, introduced by Bixby
HB 641, introduced by Musgrove
HB 672, introduced by Glaser
HB 742, introduced by Raser
HB 768, introduced by Gallik

HB 584, introduced by Jopek, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, failed in the Senate and was returned to the House with the following vote:

4/9/2007

Yeas - 25
Nays - 25

HB 217 - The Senate failed to concur in **HB 217**, introduced by Lange, on second reading and the bill is herewith returned to the House.

Yeas - 25
Nays - 25

HB 650 - The Senate failed to concur in **HB 650**, introduced by Koopman, on third reading, and the bill is herewith returned to the House.

Yeas - 24
Nays - 26

The following House Bills/House Joint Resolutions were concurred in as amended and herewith returned to the House for concurrence in **Senate Amendments**:

HJR 39, introduced by Erickson
HJR 41, introduced by Furey
HB 25, introduced by Olson
HB 136, introduced by Milburn
HB 269, introduced by Rice
HB 362, introduced by Olson
HB 417, introduced by Hollenbaugh
HB 425, introduced by Sesso
HB 439, introduced by Koopman
HB 462, introduced by Sands
HB 522, introduced by Sinrud
HB 533, introduced by Ankney
HB 609, introduced by Hamilton
HB 727, introduced by Lange
HB 24, introduced by Klock
HB 272, introduced by L. Jones
HB 287, introduced by Wiseman

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HB 299, introduced by Milburn
HB 435, introduced by Parker
HB 460, introduced by Keane
HB 468, introduced by McGillvray
HB 608, introduced by Olson
HB 681, introduced by Driscoll
HB 687, introduced by W. Jones
HB 715, introduced by Olson
HB 781, introduced by Windy Boy
HB 415, introduced by Reinhart
HB 433, introduced by Wiseman
HB 487, introduced by Hiner
HB 706, introduced by Caferro
HB 765, introduced by Olson
HB 766, introduced by Sonju

House joint resolution concurred in and returned to the House:

4/5/2007

HJR 14, introduced by Heinert
HJR 19, introduced by Morgan
HJR 24, introduced by Hands
HJR 36, introduced by Lambert
HJR 38, introduced by Jore
HJR 40, introduced by Windy Boy
HJR 42, introduced by Wilmer
HJR 44, introduced by Gallik
HJR 5, introduced by Lange
HJR 34, introduced by Van Dyk

MESSAGES FROM THE GOVERNOR

April 9, 2007

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

Dear Speaker Sales:

Please be informed that I signed the following House Bills on the date indicated:

April 4, 2007:

House Bill 260 sponsored by Representative Reinhart

April 5, 2007:

House Bill 22 sponsored by Representative McAlpin
House Bill 64 sponsored by Representative Clark
House Bill 98 sponsored by Representative Franklin
House Bill 105 sponsored by Representative Windy Boy
House Bill 118 sponsored by Representative Henry

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House Bill 120 sponsored by Representative Henry
House Bill 124 sponsored by Representative French
House Bill 129 sponsored by Representative Gallik
House Bill 157 sponsored by Representative Caferro
House Bill 177 sponsored by Representative Boggio
House Bill 207 sponsored by Representative Ingraham
House Bill 284 sponsored by Representative Augare
House Bill 341 sponsored by Representative Gallik
House Bill 397 sponsored by Representative Ward
House Bill 400 sponsored by Representative Villa
House Bill 409 sponsored by Representative Sinrud
House Bill 412 sponsored by Representative Ebinger
House Bill 497 sponsored by Representative Pomnichowski
House Bill 503 sponsored by Representative Gallik
House Bill 510 sponsored by Representative Stahl
House Bill 521 sponsored by Representative Arntzen
House Bill 555 sponsored by Representative Grinde
House Bill 570 sponsored by Representative Cohenour
House Bill 579 sponsored by Representative Olson
House Bill 596 sponsored by Representative Sands
House Bill 703 sponsored by Representative Ripley
House Bill 717 sponsored by Representative Stahl
House Bill 724 sponsored by Representative Furey
House Bill 770 sponsored by Representative Pomnichowski
House Bill 795 sponsored by Representative Hands

Ann Brodsky of my staff also returned **HB 469**, along with a Veto message, to the Chief Clerk of the House, Marilyn Miller, at 3:30 PM on Friday, April 6th, 2007.

Sincerely,

BRIAN SCHWEITZER
Governor

April 6, 2007

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

The Honorable Mike Cooney
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill (HB) 469, "AN ACT CLARIFYING THAT PROPERTY OWNED BY COMMERCIAL

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MOBILE RADIO SERVICE PROVIDERS IS TAXED AS CLASS FOUR COMMERCIAL PROPERTY AND CLASS EIGHT PERSONAL PROPERTY; CLARIFYING THAT PROPERTY OWNED BY COMMERCIAL MOBILE RADIO SERVICE PROVIDERS MAY NOT BE CENTRALLY ASSESSED FOR PROPERTY TAX PURPOSES; AMENDING SECTIONS 15-1-402, 15-6-138, 15-6-156, AND 15-23-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

HB 469 purports to "clarify" existing Montana law regarding, first, the property tax classification of wireless phone company property and, second, the method of assessment of this wireless property. HB 469 does not, as its title suggests, "clarify" existing Montana law. Rather, under the guise of "clarifying" existing law, HB 469 would actually *reverse* existing law and codify the improper practices of past Administrations, which failed to correctly implement Montana's tax codes as enacted by the Legislature.

Specifically, HB 469 claims to "clarify" existing Montana law by exempting wireless phone company property from the current statute defining property that is centrally assessed. See section 4 of the bill, amending Mont. Code Ann. § 15-23-101. Contrary to its title, HB 469 does not "clarify" the valuation method to be used for assessing wireless phone company property. Rather, HB 469 carves out an exception to the current law, specifically and expressly for wireless phone company property (as defined in the bill, "property owned by commercial mobile radio service providers").

Likewise, with regard to the property tax classification of wireless property, rather than "clarifying" current law, HB 469 would amend the current legislative classification of "centrally assessed telecommunications service companies" as class thirteen property to carve out an exception specifically and expressly for wireless phone company property. See section 3 of the bill, amending Mont. Code Ann. § 15-6-156.

The title to HB 469 represents the bill as "clarifying" current law regarding taxation of property owned by commercial mobile radio service providers. However, current law already speaks clearly for itself. Indeed, the Department of Revenue's legal conclusion was confirmed by your own Legislative Auditor, who advised both the Legislature and the department that Montana statutes require the central assessment of wireless phone company property.

Rather than "clarifying" current law, HB 469 ratifies the unlawful practice of prior Administrations, which failed to properly implement the tax laws enacted by the Legislature. As concluded by the Legislative Auditor, it was a mistake for past Administrations to grant millions of dollars of tax breaks to wireless telephone companies, contrary to Montana statutes and at the expense of homeowners, farmers, ranchers, and other businesses. HB 469 ratifies the past unlawful practice and rewards past mistakes. However, let me be clear. HB 469 does not "clarify" current law. HB 469 changes it.

As a final addendum, I unfortunately must also let you know that this past practice has created financial risks for local governments and schools. It is likely no coincidence that on the day after HB 469 was transmitted to my office, Montana's largest telecommunications company filed a constitutional complaint to the tax methods endorsed by this bill. That challenge is based on a claim of discrimination due to the more favorable treatment of wireless phone company property as compared to traditional landline telephone property under the practice adopted by past Administrations. HB 469 thus attempts to engrave into Montana statutes what has been alleged as a constitutional discrimination claim in a formal legal proceeding.

Montana needs to value and tax comparable property equally. HB 469 is bad policy, bad precedent, and both legally and financially risky to Montana taxpayers. The bill title, itself, is at best misleading. For these multiple reasons, I veto HB 469.

Sincerely,

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BRIAN SCHWEITZER
Governor

April 5, 2007

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

The Honorable Mike Cooney
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 168, "AN ACT REVISING THE MANDATORY CASH PAYMENT FOR VACATION LEAVE UPON TERMINATION; CLARIFYING THE USE OF VACATION LEAVE PAYMENTS UPON TERMINATION AS PERMISSIBLE CONTRIBUTIONS FOR A VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION; AMENDING SECTIONS 2-18-601, 2-18-617, AND 2-18-1311, MCA; AND PROVIDING AN EFFECTIVE DATE. My proposed amendment clarifies that for an employee who is a member of a Voluntary Employee's Benefit Association (VEBA) if unused annual leave is a contribution source for their account, upon separation from service the annual leave may only be donated to their account and not paid out in cash.

Senate Bill 168 authorizes the addition of annual leave to a VEBA account. My proposed amendment clarifies that an employee may not receive a cash out of their annual leave and a contribution to their VEBA account upon termination. If an employee is not a member of a VEBA, they will still receive a cash out of their unused leave.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Amendments to Senate Bill No. 168
Reference Copy
Requested by the Governor
For the Senate Committee of the Whole
Prepared by Greg Petesch
May 4, 2007 (9:33am)

1. Page 3, line 25.

Following: "~~2-18-611~~"

Insert: "if the employee is not subject to subsection (2)(b)"

- END -

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FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:
HJR 57, introduced by Jopek, referred to Federal Relations, Energy, and Telecommunications.

**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 Augare in the chair.

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

HB 26 - Senate amendments - Representative McGillvray moved Senate amendments to **HB 26**, be concurred in. Motion carried as follows:

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

Total 72

Noes: Blasdel, Caferro, Everett, Franklin, Hawk, Heinert, Hilbert, Himmelberger, Jayne, Jore, Kasten, Kerns, Koopman, Lambert, Lange, Mendenhall, Morgan, Ripley, Sinrud, Sonju, Stahl, Taylor, Vincent, Ward, Wilson, Witte.

Total 26

Voted Absentee: Beck, Campbell, Hands, Ayes.

Excused: Butcher.

Total 1

Absent or not voting: Mr. Speaker.

Total 1

HB 83 - Senate amendments - Representative Hiner moved Senate amendments to **HB 83**, be concurred in. Motion carried as follows:

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

Total 92

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Noes: Caferro, Erickson, Jayne, Sinrud, Sonju, Wilmer, Mr. Speaker.
Total 7

Voted Absentee: Beck, Campbell, Hands, Ayes.

Excused: Butcher.
Total 1

Absent or not voting: None.
Total 0

HB 117 - Senate amendments - Representative Henry moved Senate amendments to **HB 117**, be concurred in.
Motion carried as follows:

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

Noes: Barrett, Everett, Hawk, Hendrick, Hilbert, Himmelberger, Jore, Kasten, Kerns, Koopman, Lake, Mendenhall, Nooney, Peterson, Ripley, Ross, Stoker, Ward, Wells, Witte, Mr. Speaker.
Total 21

Voted Absentee: Beck, Campbell, Hands, Ayes.

Excused: Butcher.
Total 1

Absent or not voting: None.
Total 0

HB 153 - Senate amendments - Representative Jacobson moved Senate amendments to **HB 153**, be concurred in.
Motion carried as follows:

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

Noes: Ankney, Arntzen, Barrett, Blasdel, Boggio, Clark, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jayne, L. Jones, Jore, Kasten, Keane, 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, Witte, Mr. Speaker.
Total 48

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Voted Absentee: Beck, Campbell, Hands, Ayes.

Excused: Butcher.

Total 1

Absent or not voting: None.

Total 0

HB 235 -Senate amendments - Representative Dutton moved Senate amendments to **HB 235**, be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, Boggio, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, 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, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 79

Noes: Barrett, Blasdel, Everett, Hawk, Heinert, Himmelberger, Ingraham, Jore, Kasten, Kerns, Koopman, Lake, Mendenhall, Ripley, Sinrud, Stoker, Taylor, Wells, Witte, Mr. Speaker.

Total 20

Voted Absentee: Beck, Campbell, Hands, Ayes.

Excused: Butcher.

Total 1

Absent or not voting: None.

Total 0

HB 300 - Senate amendments - Representative Milburn moved Senate amendments to **HB 300**, be concurred in. Motion carried as follows:

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

Total 89

Noes: Franklin, Furey, Gallik, Henry, Himmelberger, Jayne, McGillvray, Sinrud, Sonju.

Total 9

Voted Absentee: Beck, Campbell, Hands, Ayes.

Excused: Butcher.

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Total 1

Absent or not voting: Witte.

Total 1

HB 310 -Senate amendments - Representative Dutton moved Senate amendments to **HB 310**, be concurred in. Motion carried as follows:

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

Total 97

Noes: Becker, Jayne.

Total 2

Voted Absentee: Beck, Campbell, Hands, Ayes.

Excused: Butcher.

Total 1

Absent or not voting: None

Total 0

HB 361 - Senate amendments - Representative Kottel moved Senate amendments to **HB 361**, be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, 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, Jore, 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, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 94

Noes: Boggio, Dutton, Kasten, Wilmer.

Total 4

Voted Absentee: Beck, Campbell, Hands, Ayes.

Excused: Butcher.

Total 1

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Absent or not voting: Sonju.
Total 1

HB 364 - Senate amendments - Representative Malcolm moved Senate amendments to **HB 364**, be concurred in. Motion carried as follows:

Ayes: Ankney, Augare, Beck, Bergren, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hilbert, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, Keane, Kottel, Lange, Malcolm, McAlpin, McChesney, McNutt, Musgrove, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ross, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman, Witte.
Total 57

Noes: Arntzen, Barrett, Becker, Bixby, Blasdel, Boggio, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Ingraham, Jayne, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, MacLaren, McGillvray, Mendenhall, Milburn, Morgan, Noonan, Nooney, O'Hara, Olson, Rice, Ripley, Sands, Sesso, Sinrud, Sonju, Stoker, Taylor, Ward, Wells, Mr. Speaker.
Total 42

Voted Absentee: Beck, Campbell, Hands, Ayes.

Excused: Butcher.
Total 1

Absent or not voting: None.
Total 0

HB 450 - Senate amendments - Representative Pomnichowski moved Senate amendments to **HB 450**, be concurred in. Motion carried as follows:

Ayes: Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, 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, 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 92

Noes: Ankney, Boggio, Jore, Koopman, Mendenhall, Peterson, Mr. Speaker.
Total 7

Voted Absentee: Beck, Campbell, Hands, Ayes.

Excused: Butcher.
Total 1

Absent or not voting: None.
Total 0

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HB 452 - Senate amendments - Representative Kottel moved Senate amendments to **HB 452**, be concurred in. Motion carried as follows:

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

Total 93

Noes: Boggio, Jore, Kasten, Koopman.

Total 4

Voted Absentee: Beck, Campbell, Hands, Ayes.

Excused: Butcher.

Total 1

Absent or not voting: Malcolm, Milburn.

Total 2

HB 456 - Senate amendments - Representative McNutt moved the Senate amendments to **HB 456** be concurred in. Motion carried as follows:

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

Total 98

Noes: None.

Total 0

Voted Absentee: Beck, Campbell, Hands, Ayes.

Excused: Butcher.

Total 1

Absent or not voting: Sinrud.

Total 1

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

HOUSE JOURNAL
SEVENTY-FOURTH LEGISLATIVE DAY - APRIL 9, 2007

Report adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Caferro, Callahan, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, 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, Reinhart, Ripley, Ross, Sands, Sesso, Sinrud, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 89

Noes: Jore, Koopman, Sonju.

Total 3

Excused: Beck, Butcher, Campbell, Hands.

Total 4

Absent or not voting: L. Jones, Raser, Rice, Small-Eastman.

Total 4

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 1:00 p.m., Tuesday, April 10, 2007. Motion carried.

House adjourned at 5:50 p.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House