

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

Helena, Montana  
April 23, 2007

House Chambers  
State Capitol

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

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

Mr. Speaker introduced the pages for the week:

Pages: Molly Jurenka, Hingham  
Stacy Clark, Moore  
Bethany Cordell, East Helena  
Duran Caferro, Helena  
Kelsey Kasten, Circle  
Rebecca Hitch, Butte

**REPORTS OF STANDING COMMITTEES**

**BILLS** (L. Jones, Chairman):

4/20/2007

Correctly printed: **HJR 56, HJR 62, SB 4, SB 281, SB 514.**

Correctly enrolled: **HB 131, HB 259.**

Correctly engrossed: **SB 524**

Correctly enrolled: **HB 4, HB 6, HB 7, HB 8, HB 24, HB 25, HB 49, HB 96, HB 141, HB 195, HB 240, HB 278, HB 480, HB 488, HB 512, HB 536, HB 608, HB 616, HB 688, HB 823, HB 840.**

Examined by the sponsor and found to be correct: **HB 24, HB 259, HB 608, HJR 28, HB 4, HB 6, HB 7, HB 8, HB 49, HB 96, HB 131, HB 141, HB 195, HB 240, HB 278, HB 480, HB 488, HB 512, HB 536, HB 616, HB 668, HB 840.**

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

on **Senate Bill 118**

Report No. 1, April 23, 2007

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 118** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 118** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

**Following:** "MCA"

**Strike:** "; REPEALING"

**Insert:** ", AND"

2. Title, line 8.

**Following:** "DATE"

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

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

3. Page 2, line 11.

**Following:** "2008;"

**Insert:** "and"

4. Page 2, lines 12 through 14.

**Strike:** "between" on line 12

**Insert:** "beginning"

**Following:** "2009" on line 12

**Strike:** ", and" on line 12 through "day" on line 15

5. Page 3, line 13 through line 17.

**Strike:** sections 4 and 5 in their entirety

**Insert:** "**Section 4.** Section 20, Chapter 390, Laws of 2003, is amended to read:

"Section 20. Termination. [This act] terminates June 30, ~~2005~~ 2009."

**Insert:** "**Section 5.** Section 4, Chapter 606, Laws of 2005, is amended to read:

"Section 4. Section 20, Chapter 390, Laws of 2003, is amended to read:

"Section 20. Termination. [This act] terminates June 30, ~~2005~~ 2007 2009."

**Insert:** "**Section 6.** Section 7, Chapter 606, Laws of 2005, is amended to read:

"Section 7. Termination. [This act] terminates June 30, ~~2007~~ 2009."

**Renumber:** subsequent section

6. Page 3.

**Following:** line 19

**Insert:** "NEW SECTION. Section 8. Termination. [Sections 1 through 3] terminate June 30, 2009."

For the Senate:

Cobb, Chairman  
Laslovich  
Wanzenried

For the House:

Everett, Chairman  
Campbell  
Wells

**MESSAGES FROM THE SENATE**

**House amendments to Senate bills** concurred in:

4/21/2007

**SB 342**, introduced by Squires

**SB 363**, introduced by Kaufmann

**SB 384**, introduced by Wanzenried

**SB 424**, introduced by Moss

**SB 449**, introduced by Gillan

**SB 489**, introduced by Gillan

**SB 505**, introduced by Squires

**SJR 3**, introduced by Weinberg

**SJR 12**, introduced by Brueggeman

**SJR 15**, introduced by Gillan

**SJR 25**, introduced by J. Peterson

**Senate joint resolution** passed and transmitted to the House for concurrence:

4/21/2007

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

**SJR 28**, introduced by Hawks

**House bill** concurred in and returned to the House: 4/21/2007  
**HB 155**, introduced by Noonan

**House bills not** concurred in and returned to the House: 4/21/2007  
**HB 610**, introduced by Keane  
**HB 637**, introduced by Klock

**SB 25** - The Senate failed to concur in House amendments to **SB 25**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **SB 25**: 4/21/2007

Senator Larson, Chair  
Senator Kaufmann  
Senator Lewis

**SB 550** - The Senate failed to concur in House amendments to **SB 550**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **SB 550**: 4/21/2007

Senator Juneau, Chair  
Senator Laible  
Senator M. Tropila

**Governor's amendments to Senate bill** concurred in and transmitted to the House for concurrence in the Governor's amendments: 4/21/2007  
**SB 168**, introduced by Jent

Conference Committee No. 1 Reports adopted: 4/21/2007  
**HB 687**, introduced by W. Jones  
**SB 12**, introduced by Williams  
**SB 121**, introduced by Elliott  
**SB 404**, introduced by Lind

**HB 116** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on **HB 116**: 4/21/2007

Senator Wanzenried, Chair  
Senator Laible  
Senator M. Tropila

**HB 337** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 337**: 4/21/2007

Senator Harrington, Chair  
Senator Gebhardt  
Senator Kitzenberg

**HB 529** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 529**: 4/21/2007

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Senator Elliott, Chair  
Senator Gebhardt  
Senator Kaufmann

**HB 592** - The Senate acceded to the request of the House and authorized the President to appoint the following Conference Committee to meet with a like committee from the House to confer on Senate amendments to **HB 592**:  
4/21/2007

Senator Schmidt, Chair  
Senator Steinbeisser  
Senator M. Tropic

**MESSAGES FROM THE GOVERNOR**

April 23, 2007

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

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

Dear President Cooney and Speaker Sales:

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 (SB) 27, "AN ACT CLARIFYING THE RIGHT OF A GRANDPARENT TO HAVE CONTACT WITH A GRANDCHILD IN LIGHT OF DECISIONS BY THE U.S. SUPREME COURT AND THE MONTANA SUPREME COURT; AMENDING SECTION 40-9-102, MCA; AND PROVIDING AN APPLICABILITY DATE."

SB 27 amends the current statute establishing the standards to be applied by a court when a grandparent petitions for contact with a grandchild. The genesis of the bill was a 2006 decision by the Montana Supreme Court, which set forth the steps a court must take in reviewing a petition for grandparent-grandchild contact. My proposed amendment is intended to establish a standard for use by the courts that puts greater focus on the best interests of the child when faced with these difficult questions.

My proposed amendment incorporates the language used by the Montana Supreme Court in *Polasek v. Omura*, 2006 MT 103, ¶ 15 to determine parental "fitness." In that case, the Court stated that a district court must "first inquire whether the child's parent is fit; that is, the court must determine whether the parent 'adequately cares for his or her children.'" My proposed amendment incorporates this standard for parental fitness in the context of grandparent-grandchild rights being addressed in the bill. If the parent is "fit," i.e., "adequately cares for his or her child," a grandparent must overcome, by clear and convincing evidence, the presumption that the parent's wishes are in the best interests of the child, as required in *Polasek*.

My concern with the bill as delivered to me is that the standard for determining parental fitness was taken from parental termination proceedings, and that standard is inappropriate in these grandparent-grandchild contact cases. Most important, the standard contained in the bill delivered to me may not really be in the child's "best interests." In these difficult cases, involving disputes between family members of multiple generations, our mutual goal should

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

always be the “best interests of the child.”

I have discussed my proposed amendment with the sponsor of the bill, Senator Esp, and he has indicated his support. A copy of the amendment is attached to this letter for your consideration

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

April 20, 2007

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

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

Dear President Cooney and Speaker Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill (SB) 465, “AN ACT EXEMPTING THE STATE COMPENSATION INSURANCE FUND AND ITS BOARD OF DIRECTORS FROM THE MONTANA ELECTRONIC GOVERNMENT SERVICES ACT AND CERTAIN PROVISIONS OF THE MONTANA INFORMATION TECHNOLOGY ACT; AMENDING SECTIONS 2-17-506, 2-17-513, 2-17-516, AND 2-17-532, MCA; AND PROVIDING AN EFFECTIVE DATE.”

In 2001, the Montana Legislature passed the Montana Information Technology Act, because it recognized the importance of information technology (IT) in the 21<sup>st</sup> century. The 2001 Legislature recognized that information technology - hardware, software, and associated services and infrastructure – has become a key component of any large organization’s infrastructure, and the State of Montana is no exception. Montana citizens - taxpayers, licensees, business people, benefit recipients - depend on the state’s IT to be operational and efficient. The 2001 Legislature recognized the importance by declaring the state’s policy “that information technology be used to improve the quality of life of Montana citizens by providing educational opportunities, creating quality jobs and a favorable business climate, improving government, and protecting individual privacy and the privacy of the information contained within information technology systems.” Mont. Code Ann. § 2-17-505(1).

The central purpose of the Montana Information Technology Act (“MITA”) is to establish centralized management and control of information technology for the State of Montana and its agencies. The state policy, MITA continues, is that the “development of information technology resources in the state must be conducted in an organized, deliberative, and cost-effective manner.” Mont. Code Ann. § 2-17-505(2).

The Montana Information Technology Act sets high standards for the delivery of the state’s information technology. MITA declares that the Department of Administration, in providing IT services, “must be accountable to the governor, the legislature, and the citizens of Montana.” Mont. Code Ann. § 2-17-505(3). The Chief Information Officer is an appointed position and is accountable for the delivery of an efficient IT system that Montanans need and demand. As

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Governor, I not only expect that the state's computers will operate effectively and efficiently so that the state can deliver its services to the people of Montana, I accept that as head of the executive branch of government, my Administration will be held accountable if it does not.

The Montana Information Technology Act was crafted by a legislative interim committee, which devoted two years to studying how to improve the delivery of information technology in state government. Prior to passage of MITA in 2001, Montana's information technology system was fragmented and prone to failures. Many of you recall the POINTS debacle, in which the State of Montana wasted a minimum of \$35 million contracting for a computer system for the Department of Revenue that was never delivered. Some estimate the loss to the State closer to \$60 million. This unfortunate experience was a major reason for the planning and procurement controls and oversight established in MITA.

The 2001 Legislature determined that oversight of state government's information technology should be consolidated under one roof. SB 131, sponsored by Sen. Mike Taylor by request of the Legislative Finance Committee, passed the 2001 Legislature with only one dissenting vote. The interim committee recommended that all executive branch agencies except those then excluded from governance by the Department of Administration come within the provisions of MITA.

As recently as November of 2005, the Legislative Auditor completed an audit of the enterprise IT management responsibilities of the Department of Administration. The auditors considered the legislative intent of MITA and discussed the many benefits of having one agency manage and lead the direction of IT. The audit report recommended the Department be more proactive in exerting centralized management and control, as required under the statutes. The Department, the Chief Information Officer, and the Governor's Office of Budget and Program Planning have worked diligently to implement the audit recommendations.

This legislative session, the State Fund came to you asking to be segregated from the planning and procurement controls of MITA. The State Fund is an agency in the executive branch of government subject to laws applicable to all other state agencies. The State Fund has presented its case that it is different than other state agencies, because it competes for business with the private sector and must operate like an insurance company.

The fatal flaw with the State Fund's argument is that *every* agency of government can make its case for being unique. The Department of Public Health and Human Services could argue that the confidentiality requirements of HIPAA (the Health Insurance Portability and Accountability Act) demand its own individualized information technology system. The Department of Revenue could argue that the need for an efficient tax system and the requirements for confidentiality of state taxpayer information under both state and federal law demand it be exempted from centralized management and control. The Department of Justice could demand that its criminal justice information warrants that it be segregated from the unified IT system.

The State Fund is the first state agency to request the legislature exempt it from MITA, based on its argument that its needs are special. SB 465 represents the first challenge to Montana's effort to establish a comprehensive, integrated IT strategy that promotes sound business management practices. Exempting the State Fund from MITA would set a dangerous precedent. If the legislature capitulates to this first effort, other agencies soon will follow. SB 465 will be the first chink in the determination made by the legislature a mere six years ago that what is best for Montana is an enterprise approach to IT management, control, and shared services.

Notable, too, is that, as enacted, MITA anticipated that there will be occasions when exceptions to the unified system may be appropriate, and MITA, itself, provides a mechanism for granting exceptions. The Act provides that "if it is in the best interests of the state," the Department of Administration may grant exceptions to any part of the state's information technology requirements. Mont Code Ann. § 2-17-515. Legislative oversight to the granting of exceptions is provided under statute. See 2-17-515 and 5-12-205. Therefore, statutorily exempting the State Fund from MITA, as proposed in SB 465, is inconsistent with the process established for the granting of exceptions already

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

contained in MITA.

Prior to the 2007 legislative session, the Department of Administration attempted to negotiate with the State Fund pursuant to the provisions of 2-17-515. Rather than continuing to seek to resolve its differences pursuant to the statutory mechanism, the State Fund instead chose to seek an outright exemption from the IT laws by promoting SB 465. I can assure you that if my veto is sustained, the Department of Administration will continue to work with the State Fund within the existing statutory provisions to address and resolve the concerns of the State Fund.

Finally, I do not want to leave you with any false impressions. Computer systems are not foolproof. They can and do crash. You may have heard about two computer outages to the state's system that occurred in the last couple of years as justification for SB 465. The State Fund, too, suffered its own outage in 2006, when the State Fund installed a new switch on equipment under its control and disabled an important part of its agency network services.

Such outages, however, are not a reason for abandoning MITA. The real issue is whether an organization is prepared to respond when an outage occurs. It is my belief that centralized control of infrastructure – with all the necessary maintenance contracts and support structures in place to access vendor expertise – is better equipped to respond to the inevitable outage. MITA, in its current form, embodies this sound policy.

To conclude, the Montana Legislature enacted an enterprise approach for the delivery of information technology to the people of Montana. The public policy behind MITA is to promote operational effectiveness and efficiency. I believe SB 465 is contrary to this policy. SB 465 would create inefficiency and higher costs for IT operations both at the State Fund and the Department of Administration. I am not convinced that exempting the State Fund from MITA will benefit workers' compensation recipients or Montanans, generally. To the contrary, all arguments lead me to the conclusion that the State Fund should remain part of the state's information technology enterprise, for which my Administration is held accountable.

I return SB 465 to you with these reasons for my veto. I ask you to sustain this veto.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

April 23, 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 House Bill (HB) 729, "AN ACT REVISING ADVERTISING AND PUBLICATION

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

REQUIREMENTS FOR BOARDS OF COUNTY COMMISSIONERS; PROVIDING THAT A NEWSLETTER OR OTHER PUBLICATION PRODUCED BY A LOCAL GOVERNMENT IS NOT CONSIDERED A NEWSPAPER FOR COUNTY ADVERTISING PURPOSES; AND AMENDING SECTION 7-5-2411, MCA.”

HB 729 was introduced at the request of the Montana Association of Counties to correct an inconsistency in statute created in 2005, when the legislature, through enactment of HB 474, amended Mont. Code Ann. § 7-1-2121, concerning the publication of notices in newspapers by non-municipal local governments, but inadvertently left unchanged another statute concerning legal advertising in newspapers by counties, Mont. Code Ann. § 7-5-2411, which conflicted with the changes made by HB 474.

As introduced this session, HB 729 corrected the inconsistency. However, amendments were added to HB 729 that perpetuate the problem the counties sought to rectify.

Working with the interested parties, I have prepared the enclosed amendments for your consideration. With these amendments, the two sections of law, Mont. Code Ann. §§ 7-1-2121 and 7-5-2411, will not conflict. That was the goal of HB 729 as introduced. I have discussed my proposed amendment with the sponsor of the bill, Representative Raser, who has expressed her support.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

April 23, 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 House Bill (HB) 353, “AN ACT PROVIDING FOR THE RECORDING AND TRANSCRIPTION BY A PEACE OFFICER OF A TELEPHONIC APPLICATION BY THE PEACE OFFICER FOR A SEARCH WARRANT; AND AMENDING SECTION 46-5-222, MCA.”

HB 353 authorizes peace officer to record a transcribe a telephonic application for a search warrant. My proposed amendment is intended to correct an inconsistency in statute. Under Mont. Code Ann. § 46-5-220, a peace officer, the city or county attorney, or the attorney general may apply for a search warrant. However, as amended, Mont. Code Ann. § 46-5-222 refers to applications for warrants made only by peace officers. My proposed amendment to subsection (3)(c) of 46-5-222 corrects this inconsistency. It also uses the same language found in subsection (3)(b) of current law referring to telephonic applications for search warrants made to judges.



HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

I have discussed my proposed amendment with the sponsor of the bill, Representative McGillvray, who has expressed his support.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

April 23, 2007

Representative Scott Sales, Speaker  
Montana House of Representatives  
Capitol Building  
Helena, Montana 59601

Dear Speaker Sales:

On Monday, April 23rd, I signed the following bills and delivered them to the Secretary of State:

**House Bill 12** sponsored by Representative Callahan  
**House Bill 526** sponsored by Representative Groesbeck  
**House Bill 540** sponsored by Representative Groesbeck

I also returned House Bill 729 (Raser) and House Bill 353 (McGillvray) with Amendatory Vetoes.

Sincerely,

BRIAN SCHWEITZER  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate joint resolution was introduced, read first time, and referred to committee:  
**SJR 28**, introduced by Hawks, referred to Education.

**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:

**HJR 46** adopted as follows:

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

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.  
Total 78

Noes: Ankney, Beck, Blasdel, Boggio, Butcher, Everett, Hawk, Hilbert, Jore, Kasten, Koopman, Lake, Mendenhall, Milburn, Sinrud, Sonju, Taylor, Vincent, Wells, Mr. Speaker.  
Total 20

Voted Absentee: Ross, Aye.

Excused: None.  
Total 0

Absent or not voting: Caferro, Raser.  
Total 2

**SB 411** concurred in as follows:

Ayes: Ankney, Arntzen, Augare, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Reinhart, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 86

Noes: Barrett, Dutton, Everett, Hawk, Jayne, Jore, Kerns, Mendenhall, Rice, Ripley, Wells.  
Total 11

Voted Absentee: Ross, Aye.

Excused: None.  
Total 0

Absent or not voting: Caferro, Kasten, Raser.  
Total 3

**SJR 16** concurred in as follows:

Ayes: Ankney, Augare, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Callahan, Campbell, Cohenour, Cordier, Dickenson, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Keane, Koopman, Kottel, Lambert, MacLaren, McAlpin, McChesney, McNutt, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Reinhart, Rice, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.  
Total 68

Noes: Arntzen, Barrett, Boggio, Clark, Driscoll, Dutton, Everett, Glaser, Hawk, Heinert, Hilbert, Himmelberger, Ingraham, Kasten, Kerns, Klock, Lake, Lange, Malcolm, McGillvray, Mendenhall, Milburn, Peterson, Ripley, Ross, Sinrud, Taylor, Vincent, Wells, Mr. Speaker.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Total 30

Voted Absentee: Ross, No.

Excused: None.

Total 0

Absent or not voting: Caferro, Raser.

Total 2

**HB 3** passed as follows:

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

Total 62

Noes: Ankney, Arntzen, Barrett, Blasdel, Boggio, Butcher, Dutton, Everett, Glaser, Heinert, Hendrick, Himmelberger, Ingraham, Jore, Kasten, Kerns, Koopman, Lake, Lambert, MacLaren, Malcolm, McGillvray, Mendenhall, Morgan, Peterson, Rice, Ripley, Sinrud, Sonju, Stahl, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 36

Voted Absentee: Ross, Aye.

Excused: None.

Total 0

Absent or not voting: Caferro, Raser.

Total 2

**HB 39** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Branae, Butcher, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, 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, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.

Total 82

Noes: Blasdel, Boggio, Dutton, Everett, Hilbert, Himmelberger, Jayne, Jore, Kerns, Koopman, McGillvray, Sinrud, Sonju, Taylor, Wells, Mr. Speaker.

Total 16

Voted Absentee: Ross, Aye.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Excused: None.  
Total 0

Absent or not voting: Caferro, Raser.  
Total 2

**HB 69** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Boggio, Branae, Butcher, 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, Jacobson, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 85

Noes: Beck, Blasdel, Everett, Ingraham, Jayne, Jore, Koopman, Lake, Mendenhall, Sinrud, Taylor, Witte, Mr. Speaker.  
Total 13

Voted Absentee: Ross, Aye.

Excused: None.  
Total 0

Absent or not voting: Caferro, Raser.  
Total 2

**HB 257** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Blasdel, Boggio, Branae, Butcher, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, 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, 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 95

Noes: Bixby, Grinde, Henry.  
Total 3

Voted Absentee: Ross, Aye.

Excused: None.  
Total 0

Absent or not voting: Caferro, Raser.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Total 2

**HB 330** passed as follows:

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

Total 81

Noes: Barrett, Butcher, Everett, Hilbert, Himmelberger, Jore, Kasten, Kerns, Koopman, McGillvray, Morgan, Peterson, Rice, Wells, Witte, Mr. Speaker.

Total 16

Voted Absentee: Ross, Aye.

Excused: None.

Total 0

Absent or not voting: Caferro, Glaser, Raser.

Total 3

**HB 798** passed as follows:

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

Total 93

Noes: Jore, Koopman, Ripley, Wells, Mr. Speaker.

Total 5

Voted Absentee: Ross, Aye.

Excused: None.

Total 0

Absent or not voting: Caferro, Raser.

Total 2

**HB 687, Conference Committee Report No. 1**, adopted as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bixby, Boggio, Branae, Butcher, Callahan, Campbell, Clark, Cohenour,

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Reinhart, Sands, Sesso, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 71

Noes: Barrett, Beck, Bergren, Blasdel, Everett, Hawk, Heinert, Ingraham, Jore, Kasten, Kerns, Koopman, Lake, McGillvray, Mendenhall, Milburn, Morgan, Rice, Ripley, Ross, Sinrud, Sonju, Taylor, Vincent, Wells, Witte, Mr. Speaker.  
Total 27

Voted Absentee: Ross, No.

Excused: None.  
Total 0

Absent or not voting: Caferro, Raser.  
Total 2

**SB 12, Conference Committee Report No. 1**, adopted as follows:

Ayes: Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.  
Total 87

Noes: Ankney, Boggio, Jore, Koopman, McGillvray, Mendenhall, Sinrud, Stahl, Vincent, Wells, Mr. Speaker.  
Total 11

Voted Absentee: Ross, Aye.

Excused: None.  
Total 0

Absent or not voting: Caferro, Raser.  
Total 2

**SB 121, Conference Committee Report No. 1**, adopted as follows:

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

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Pomnichowski, 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: None.  
Total 0

Voted Absentee: Ross, Aye.

Excused: None.  
Total 0

Absent or not voting: Caferro, Raser.  
Total 2

**SB 404, Conference Committee Report No. 1**, requiring a two-thirds vote of each House, adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bergren, Bixby, Boggio, Branae, Butcher, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Klock, Kottel, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Morgan, Musgrove, Noonan, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.  
Total 77

Noes: Becker, Blasdel, Everett, Hawk, Hendrick, Himmelberger, Jayne, Jore, Kasten, Keane, Kerns, Koopman, Lake, Lange, McGillvray, Mendenhall, Milburn, Nooney, Taylor, Wells, Witte.  
Total 21

Voted Absentee: Ross, Aye.

Excused: None.  
Total 0

Absent or not voting: Caferro, Raser.  
Total 2

**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:

**HB 831 - Senate Amendments** - Representative McNutt moved Senate amendments to **HB 831** be concurred in. Motion carried as follows:

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

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Heinert, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Musgrove, Noonan, Nooney, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman.

Total 63

Noes: Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Hawk, Hendrick, Hilbert, Himmelberger, Ingraham, Jore, Kasten, Kerns, Lake, Lambert, McGillvray, Mendenhall, Morgan, O'Hara, Peterson, Rice, Ripley, Stoker, Taylor, Ward, Wells, Witte.

Total 31

Voted Absentee: Ross, Aye.

Excused: None.

Total 0

Absent or not voting: Glaser, Koopman, Lange, Sinrud, Sonju, Mr. Speaker.

Total 6

**HJR 62** - Representative Mendenhall moved **HJR 62** be adopted. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Boggio, Branae, Butcher, Clark, Cordier, Driscoll, Dutton, Ebinger, Erickson, Everett, Furey, Glaser, Groesbeck, Hamilton, Heinert, Hendrick, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, L. Jones, W. Jones, Jopek, Jore, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McGillvray, Mendenhall, Morgan, Musgrove, Nooney, O'Hara, Olson, Peterson, Phillips, Ripley, Ross, Sesso, Small-Eastman, Sonju, Stahl, Thomas, Vincent, Ward, Witte.

Total 56

Noes: Augare, Becker, Bergren, Bixby, Blasdel, Caferro, Callahan, Campbell, Cohenour, Dickenson, Franklin, French, Gallik, Grinde, Hands, Hawk, Henry, Jacobson, Jayne, Kasten, Keane, Kerns, Kottel, McChesney, McNutt, Milburn, Noonan, Parker, Pomnichowski, Raser, Reinhart, Rice, Sands, Sinrud, Stoker, Taylor, Van Dyk, Villa, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 44

Voted Absentee: Ross, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 281** - Representative Hilbert moved **SB 281** be concurred in. Motion carried as follows:

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



HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 96

Noes: Caferro, Callahan, Franklin, Villa.  
Total 4

Voted Absentee: Ross, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 514** - Representative Nooney moved **SB 514** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jayne, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Phillips, Reinhart, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.  
Total 55

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, Jopek, Keane, Kottel, McAlpin, Musgrove, Noonan, Parker, Pomnichowski, Raser, Sands, Sesso, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 44

Voted Absentee: Ross, Aye.

Excused: None.  
Total 0

Absent or not voting: Small-Eastman.  
Total 1

**SB 524** - Representative Klock moved **SB 524** be concurred in. Motion carried as follows:

Ayes: Ankney, Augare, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, L. Jones, Jopek, Keane, Klock, Kottel, Lake, Malcolm, McAlpin, McChesney, McNutt, Milburn, Musgrove, Noonan, Nooney, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Witte.  
Total 65

Noes: Arntzen, Barrett, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jayne, W. Jones, Jore, Kasten, Kerns, Koopman, Lambert, Lange, MacLaren, McGillvray, Mendenhall, Morgan, O'Hara, Peterson, Rice, Ripley, Sinrud, Vincent, Wells, Wiseman, Mr. Speaker.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Total 35

Voted Absentee: Ross, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 49 - Free Conference Committee Report No. 1** - Representative Ward moved the Free Conference Committee report to **SB 49** be adopted. Motion, requiring a two-third's vote of each House, 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, 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, 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 95

Noes: Groesbeck, Jayne, Mendenhall, Peterson, Sinrud.

Total 5

Voted Absentee: Ross, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 147 - Free Conference Committee Report No. 1** - Representative Lambert moved the Free Conference Committee report to **SB 147** be adopted. Motion carried as follows:

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

Total 79

Noes: Bixby, Blasdel, Grinde, Groesbeck, Ingraham, Jayne, Jore, Kasten, Keane, Kerns, Koopman, Mendenhall, Rice, Ripley, Sinrud, Sonju, Taylor, Wells, Witte, Mr. Speaker.

Total 20

Voted Absentee: Ross, Aye.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Excused: None.  
Total 0

Absent or not voting: Dickenson.  
Total 1

**SB 365 - Free Conference Committee Report No. 1** - Representative Barrett moved the Free Conference Committee report to **SB 365** be adopted. Motion carried as follows:

Ayes: Augare, Barrett, Bixby, Boggio, Butcher, Caferro, Clark, Cordier, Dickenson, Dutton, Erickson, Everett, Franklin, French, Furey, Gallik, Grinde, Hamilton, Hawk, Heinert, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, W. Jones, Jopek, Kasten, Keane, Klock, Kottel, Malcolm, McChesney, McNutt, Mendenhall, Milburn, Musgrove, Olson, Parker, Peterson, Raser, Ripley, Ross, Sesso, Stahl, Stoker, Taylor, Thomas, Van Dyk, Ward, Mr. Speaker.  
Total 51

Noes: Ankney, Arntzen, Beck, Becker, Bergren, Blasdel, Branae, Callahan, Campbell, Cohenour, Driscoll, Ebinger, Glaser, Groesbeck, Hands, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, Jore, Kerns, Koopman, Lake, Lambert, Lange, MacLaren, McAlpin, McGillvray, Morgan, Noonan, Nooney, O'Hara, Phillips, Pomnichowski, Reinhart, Rice, Sands, Sinrud, Small-Eastman, Sonju, Villa, Vincent, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.  
Total 49

Voted Absentee: Ross, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Majority Leader Lange moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman 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, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, 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, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Van Dyk, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.  
Total 89

Noes: Groesbeck, Himmelberger, Jore, Koopman, Mendenhall, Rice, Villa, Wells.  
Total 8

Excused: Ross.  
Total 1

Absent or not voting: Sinrud, Thomas.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Total 2

**MOTIONS**

Majority Leader Lange moved that the Speaker be authorized to dissolve the Conference Committee on **Senate Amendments to House Bill 829**, by Representative L. Jones, and to appoint a **Free** Conference Committee.

The Speaker appointed the following members:

Representative L. Jones  
Representative Barrett  
Representative Augare

There being no objections, so ordered.

Majority Leader Lange moved that the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on **House Amendments to Senate Bill 25**, by Senator Larson.

The Speaker appointed the following members:

Representative Everett  
Representative Vincent  
Representative Cordier

There being no objections, so ordered.

Majority Leader Lange moved that the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on **House Amendments to Senate Bill 550**, by Senator Liable.

The Speaker appointed the following members:

Representative Rice  
Representative Sonju  
Representative Bergren

There being no objections, so ordered.

Representative Kasten moved to suspend the rules and allow **HB 519** to be accepted as amended by the Senate, be printed and placed on second reading on Legislative Day 87. Motion, requiring a two-thirds vote, **failed** as follows:

Ayes: Ankney, Arntzen, Beck, Blasdel, Boggio, Butcher, Campbell, Clark, Dutton, French, Glaser, Hawk, Hendrick, Hilbert, L. Jones, W. Jones, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McNutt, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Ripley, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Windy Boy, Witte, Mr. Speaker.

Total 46

Noes: Augare, Barrett, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Everett, Franklin, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Heinert, Henry, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, Jopek, Jore, Keane, Kottel, McAlpin, McGillvray, Mendenhall, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Sands, Sesso, Thomas, Van Dyk, Villa, Wilmer, Wilson, Wiseman.

Total 53

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Excused: Ross.  
Total 1

Absent or not voting: None.  
Total 0

Representative McNutt moved to override the Governor's veto on **HB 469**. Motion, requiring two-thirds vote, **failed** as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, French, Glaser, Groesbeck, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jayne, L. Jones, W. Jones, Jore, Kasten, Keane, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Sonju, Stahl, Taylor, Vincent, Ward, Wells, Windy Boy, Witte, Mr. Speaker.  
Total 54

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, Furey, Gallik, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jopek, Kottel, McAlpin, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Sinrud, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Wiseman.  
Total 44

Excused: Ross.  
Total 1

Absent or not voting: Stoker.  
Total 1

Representative Cohenour moved to have **SB 201** placed on second reading on Legislative Day 87. Motion, requiring a three-fifths vote, **failed** as follows.

Ayes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Hawk, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.  
Total 52

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

Excused: Ross.  
Total 1

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

**REPORTS OF STANDING COMMITTEES**

**TAXATION** (Lake, Chairman):  
**SJR 31**, be concurred in. Report adopted.

4/23/2007

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 227**  
Report No. 1, April 23, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 227** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 227** (reference copy -- salmon) be amended as follows:

1. Title, line 12.

**Following:** "~~CONFERENCE,~~"

**Insert:** "PROVIDING THAT A PARTY AT THE PARTY'S DISCRETION MAY APPEAR IN CERTAIN JUSTICE'S COURT PRETRIAL PROCEEDINGS BY TELEPHONE CONFERENCE;"

2. Title, line 13.

**Following:** "~~25-31-710,~~"

**Insert:** "25-31-710,"

3. Page 5.

**Following:** line 8

**Insert:** "**Section 6.** Section 25-31-710, MCA, is amended to read:

**"25-31-710. Pretrial conferences or hearings -- appearance by telephone conference.** (1) ~~At the discretion of the court, a~~ A party or the party's attorney may make an appearance by telephone conference in a pretrial conference or other hearing under this chapter if:

(a) the party does not need to or intend to offer evidence at the pretrial conference or hearing; ~~and~~

(b) the party does not reside within the county in which the case is filed or the party's or the party's attorney's principal place of business is not located in that county; and

(c) at least 10 days before the pretrial conference or other hearing, the party or the party's attorney intending to appear by telephone conference provides written notice to the court and to all parties or the attorneys for the parties.

(2) The party requesting the telephone conference is responsible for arranging the telephone conference and paying the associated costs."

**Renumber:** subsequent section

For the Senate:

Laslovich, Chairman  
Jent  
Shockley

For the House:

Koopman, Chairman  
Kerns  
Raser

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

HOUSE JOURNAL  
EIGHTY-SIXTH LEGISLATIVE DAY - APRIL 23, 2007

Majority Leader Lange moved that the House adjourn until 1:00 p.m., Tuesday, April 24, 2007. Motion carried.

House adjourned at 6:15 p.m.

MARILYN MILLER  
Chief Clerk of the House

SCOTT SALES  
Speaker of the House