

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

Helena, Montana
April 25, 2007

House Chambers
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Witte. Pledge of Allegiance to the Flag.

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

REPORTS OF STANDING COMMITTEES

BILLS (L. Jones, Chairman): 4/24/2007
Examined by the sponsor and found to be correct: **HB 257, HB 39, HB 69, HB 687, HB 3, HB 822, HB 330, HB 798.**

Correctly printed: **SB 22, SB 161, SJR 23, SB 115, SB 166, SB 273, SB 417.**

Correctly enrolled: **HB 822.**

Signed by the President at 5:05 p.m., April 24, 2007: **HB 40, HB 390, HB 406, HB 569, HB 665, HJR 25.**

Delivered to the Governor for approval at 11:10 a.m., April 25, 2007: **HB 40, HB 390, HB 406, HB 569, HB 665.**

Delivered to the Secretary of State at 11:18 a.m., April 25, 2007: **HJR 25.**

Examined by the sponsor and found to be correct: **HB 831, HJR 59.** 4/25/2007
Correctly engrossed: **SB 69, SB 155.**

Correctly enrolled: **HB 831, HJR 59.**

Signed by the Chief Clerk at 1:50 p.m., April 24, 2007: **HB 4, HB 6, HB 7, HB 8, HB 24, HB 49, HB 96, HB 131, HB 141, HB 195, HB 240, HB 259, HB 278, HB 480, HB 488, HB 512, HB 536, HB 608, HB 616, HB 668, HB 823, HB 840, HJR 28.**

Signed by the Speaker at 1:35 p.m., April 25, 2007: **HB 4, HB 6, HB 7, HB 8, HB 24, HB 49, HB 96, HB 131, HB 141, HB 195, HB 240, HB 259, HB 278, HB 480, HB 488, HB 512, HB 536, HB 608, HB 616, HB 668, HB 823, HB 840, HJR 28.**

Signed by the Chief Clerk of the House at 12:50 p.m., April 25, 2007: **HB 3, HB 39, HB 69, HB 155, HB 257, HB 330, HB 533, HB 687, HJR 50.**

Signed by the Speaker at 2:00 p.m., April 25, 2007: **HB 3, HB 39, HB 69, HB 155, HB 257, HB 330, HB 533, HB 687, HJR 50.**

Delivered to the Governor for approval at 4:10 a.m., April 25, 2007: **HB 259.**

Signed by the President at 2:00 p.m., April 25, 2007: **HB 259.**

APPROPRIATIONS (Sinrud, Chairman): 4/24/2007
SB 69, be amended as follows:

1. Title, line 6.

Following: "PROGRAM"

Insert: ", "

Strike: "AND"

2. Title, line 7.

Following: "PROGRAM"

Insert: ", AND THE MONTANA ECONOMIC DEVELOPMENT LOAN PROGRAM"

Strike: "SECTION"

Insert: "SECTIONS 17-6-305 AND"

3. Page 1, line 11.

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Following: line 10

Insert: "Section 1. Section 17-6-305, MCA, is amended to read:

"17-6-305. Investment of up to twenty-five percent of coal tax trust fund in Montana economy -- report by board. (1) Subject to the provisions of 17-6-201(1), the board shall endeavor to invest ~~up to~~ 25% of the permanent coal tax trust fund established in 17-6-203(6) in the Montana economy, with special emphasis on investments in new or expanding locally owned enterprises. Investments made pursuant to this section do not include investments made pursuant to 17-6-309(2). For purposes of calculating the 25% of the permanent coal tax trust fund, the board shall include all funds listed in 17-5-703(1). The portion of the permanent coal tax trust fund contained in portfolios formerly administered by the Montana board of science and technology development is included in the 25% of the trust fund allocated to the board for in-state investment under this section. This subsection does not prohibit the board from investing more than 25% of the permanent coal tax trust fund in the Montana economy if it is prudent to do so and the investments will benefit the Montana economy.

(2) In determining the probable income to be derived from investment of this revenue, the long-term benefit to the Montana economy must be considered.

(3) The legislature may provide additional procedures to implement this section.

(4) The board shall include a report on the investments made under this section as a part of the information required by 17-7-111."

Renumber: subsequent sections

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

SB 155, be amended as follows:

1. Title, line 6 through line 8.

Strike: the second "PROVIDING" on line 6 through "MCA;" on line 8

2. Title, line 9.

Strike: "AND A TERMINATION DATE"

3. Page 2, line 5 through page 5, line 9.

Strike: section 2 through section 4 in their entirety

Renumber: subsequent sections

4. Page 5, line 16.

Strike: section 7 in its entirety

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

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE on Senate Amendments to **House Bill 337** Report No. 1, April 24, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 337** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 337** (reference copy -- salmon) be amended as follows:

1. Page 1, line 20 through line 21.

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Strike: "IF THE" on line 20 through "COMPENSATION" on line 21

2. Page 1, line 22 through line 23.

Strike: "WORKERS" on line 22 through "COMPENSATION" on line 23

For the House:

Wells, Chairman
Cohenour
Kerns

For the Senate:

Harrington, Chairman
Gebhardt
Kitzenberg

FREE CONFERENCE COMMITTEE
on **House Bill 462**
Report No. 1, April 24, 2007

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 462** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 462** (reference copy -- salmon) be amended as follows:

1. Page 1, line 24.

Following: "OFFICE"

Insert: "or as a public service commissioner"

2. Page 1, line 25.

Strike: "PERSON" through "ACCOUNT"

Insert: "constituent services account may be established"

3. Page 1, line 27.

Strike: "or for"

Insert: ", "

Strike: "state"

Insert: "statewide elected"

Following: "office"

Insert: ", or the public service commission"

4. Page 2, line 25.

Following: "STATEWIDE"

Insert: "elected"

Strike: "OR"

Insert: ", "

Following: "LEGISLATOR"

Insert: ", or public service commissioner"

5. Page 2, line 26.

Following: "STATEWIDE"

Insert: "elected"

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6. Page 2, line 27.

Strike: "OR"

Insert: ", "

Following: "LEGISLATOR"

Insert: ", or public service commissioner"

7. Page 4, line 26.

Following: "OFFICE"

Insert: "or for public service commissioner"

For the House:

Sands, Chairman
Sinrud
Ward

For the Senate:

Williams, Chairman
Brown
Gallus

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 25**
Report No. 1, April 25, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 25** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 25** (reference copy -- salmon) be amended as follows:

1. Page 4, line 19 through line 23.

Strike: subsection (3) in its entirety

Insert: "(3) If the department is addressing forest health concerns as provided in [section 4], the department may exceed the annual sustained harvest level by up to 5% using contract harvesting, provided that the contract harvest volume in excess of the annual sustained harvest level contains no more than 25% merchantable saw log volume."

For the Senate:

Larson, Chairman
Kaufmann
Lewis

For the House:

Everett, Chairman
Cordier
Vincent

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 103**
Report No. 1, April 24, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 103** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 103** (reference copy -- salmon) be amended as follows:

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1. Title, line 10.

Strike: "REGISTERED VOTERS"

Insert: "OWNERS OF 40 PERCENT OR MORE OF THE REAL PROPERTY WITHIN THE PROPOSED DISTRICT AND OWNERS OF PROPERTY REPRESENTING 40 PERCENT OR MORE OF THE TAXABLE VALUE OF THE PROPERTY WITHIN THE PROPOSED DISTRICT"

2. Page 2, line 8.

Following: "AREA"

Insert: "the owners of"

Strike: "REGISTERED VOTERS RESIDING"

Insert: "real property"

Following: "DISTRICT"

Insert: "and owners of property representing 40% or more of the taxable value of property in the proposed district"

3. Page 2, line 19.

Following: "VOTER"

Insert: "and real property owner"

4. Page 3, line 3.

Strike: "REGISTERED VOTER"

Insert: "real property owner"

5. Page 3, line 4 through line 5.

Strike: "AND WHO OWNS" on line 4 through "DISTRICT" on line 5

6. Page 3, line 5.

Strike: "VOTER'S"

Insert: "property owner's"

7. Page 7, line 2 through line 3.

Strike: "REGISTERED" on line 2 through "RESIDING IN" on line 3

Insert: "Real property owners in"

8. Page 7, line 4.

Following: "50%"

Insert: "the owners of"

9. Page 7, line 5.

Strike: "REGISTERED VOTERS"

Insert: "real property in an existing district and owners of property representing 40% or more of the taxable value of property"

10. Page 7, line 18.

Following: "OWNERS"

Insert: "the owners of"

11. Page 7, line 19.

Strike: "REGISTERED VOTERS of an"

Insert: "real property within the area proposed to be detracted from the original district and owners of property representing 40% or more of the taxable value of property in the"

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12. Page 8, line 13.

Following: "~~OWNERS IN~~"

Insert: "the owners of"

Strike: "REGISTERED VOTERS RESIDING IN"

Insert: "real property in the entire original district and owners of property representing 40% or more of the taxable value of property in"

13. Page 9, line 4.

Following: "OWNERS"

Insert: "the owners of"

14. Page 9, line 5.

Strike: "REGISTERED VOTERS WHO RESIDE"

Insert: "real property within the proposed area to be annexed and owners of property representing 40% or more of the taxable value of property"

15. Page 9, line 17.

Strike: "REGISTERED VOTERS RESIDING IN"

Insert: "owners of real property in the area proposed for annexation and owners of property representing 40% or more of the taxable value of the property in"

16. Page 10, line 4 through line 5.

Strike: "REGISTERED" on line 4 through "RESIDING" on line 5

Insert: "owners of real property within the area proposed to be transferred and owners of 40% or more of the taxable value of the property"

17. Page 10, line 14.

Following: "~~OWNERS OF~~"

Insert: "the owners of"

18. Page 10, line 14 through line 15.

Strike: "REGISTERED" on line 14 through "VOTERS IN" on line 15

Insert: "real property in either district and owners of property representing 40% or more of the taxable value in"

19. Page 11, line 6.

Following: "~~OWNERS OF THE~~"

Insert: "the owners of"

20. Page 11, line 6 through line 7.

Strike: "REGISTERED" on line 6 through "IN THE" on line 7

Insert: "real property in the area and owners of property representing 40% or more of the taxable value of property in the"

For the Senate:

Lind, Chairman
Gebhardt
Hawks

For the House:

McChesney, Chairman
Ripley
Stahl

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FREE CONFERENCE COMMITTEE
on **Senate Bill 547**
Report No. 1, April 24, 2007

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 547** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 547** (reference copy -- salmon) be amended as follows:

1. Title, line 14.

Following: "45-1-205,"

Strike: "45-5-502,"

2. Title, line 15.

Following: "46-18-205,"

Insert: "46-18-222,"

3. Page 2, line 8.

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

Strike: "OR (4)"

4. Page 6, line 13.

Following: "(c)"

Insert: "subject to the provisions of subsection (5),"

5. Page 6, line 14.

Following: "be a"

Strike: "sexual offense or"

6. Page 6, line 15.

Following: "as a"

Strike: "sexual or"

7. Page 6, line 16 through line 20.

Following: "compliance." on line 16

Strike: remainder of line 16 through line 20

Insert: "(d) in the case of a delinquent youth who has been adjudicated for a sexual offense, as defined in 46-23-502, and is required to register as a sexual offender pursuant to Title 46, chapter 23, part 5, exempt the youth from the duty to register if the court finds that:

(i) the youth has not previously been found to have committed or been adjudicated for a sexual offense, as defined in 46-23-502; and

(ii) registration is not necessary for protection of the public and that relief from registration is in the public's best interest;"

Renumber: subsequent subsections

8. Page 6, line 29.

Following: "offense"

Insert: ", as defined in 46-23-502"

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Following: "SHALL"

Insert: ":

- (a) prior to disposition, order a psychosexual evaluation that must comply with the provisions of 46-18-111;
- (b) designate the youth's risk level pursuant to 46-23-509; and
- (c)"

9. Page 7, line 7.

Following: line 6

Insert: "(5) The duration of registration for a youth who is required to register as a sexual or violent offender shall be as provided in 46-23-506, except that the court may, based on specific findings of fact, order a lesser duration of registration."

10. Page 8, line 24 through page 10, line 2.

Strike: section 5 in its entirety

Renumber: subsequent sections

11. Page 11, line 4 through line 5.

Following: "offense" on line 4

Strike: remainder of line 4 through "children" on line 5

12. Page 11, line 16 through line 25.

Strike: subsection (c) in its entirety

13. Page 12, line 19 through line 20.

Following: "offense" on line 19

Strike: remainder of line 19 through "children" on line 20

14. Page 13, line 1 through line 10.

Strike: subsection (c) in its entirety

15. Page 13, line 18.

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

Strike: "or (4)"

16. Page 13, line 22.

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

Strike: "or (4)"

17. Page 18, line 11 through line 12.

Following: "offense" on line 11

Strike: remainder of line 11 through "children" on line 12

18. Page 18, line 23 through page 19, line 2.

Strike: subsection (c) in its entirety

19. Page 20, line 28.

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

20. Page 23, line 19.

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

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21. Page 24, line 15.
Strike: "45-5-502(4),"

22. Page 26, line 6.
Strike: "45-5-502(4),"

23. Page 26, line 8.
Following: line 7

Insert: "**Section 17.** Section 46-18-222, MCA, is amended to read:

"46-18-222. Exceptions to mandatory minimum sentences and restrictions on deferred imposition and suspended execution of sentence, and restrictions on parole eligibility. Mandatory minimum sentences prescribed by the laws of this state, mandatory life sentences prescribed by 46-18-219, ~~and~~ the restrictions on deferred imposition and suspended execution of sentence prescribed by 46-18-201(1)(b), 46-18-205, 46-18-221(3), 46-18-224, and 46-18-502(3), and restrictions on parole eligibility do not apply if:

(1) the offender was less than 18 years of age at the time of the commission of the offense for which the offender is to be sentenced;

(2) the offender's mental capacity, at the time of the commission of the offense for which the offender is to be sentenced, was significantly impaired, although not so impaired as to constitute a defense to the prosecution. However, a voluntarily induced intoxicated or drugged condition may not be considered an impairment for the purposes of this subsection.

(3) the offender, at the time of the commission of the offense for which the offender is to be sentenced, was acting under unusual and substantial duress, although not such duress as would constitute a defense to the prosecution;

(4) the offender was an accomplice, the conduct constituting the offense was principally the conduct of another, and the offender's participation was relatively minor;

(5) in a case in which the threat of bodily injury or actual infliction of bodily injury is an actual element of the crime, no serious bodily injury was inflicted on the victim unless a weapon was used in the commission of the offense; or

(6) the offense was committed under 45-5-502(3), 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(c), or 45-5-625(4) and the judge determines, based on the findings contained in a sexual offender evaluation report prepared by a qualified sexual offender evaluator pursuant to the provisions of 46-23-509, that treatment of the offender while incarcerated, while in a residential treatment facility, or while in a local community affords a better opportunity for rehabilitation of the offender and for the ultimate protection of the victim and society, in which case the judge shall include in its judgment a statement of the reasons for its determination.""

Renumber: subsequent sections

24. Page 26, line 23 through line 26.

Following: "assault" on line 23

Strike: remainder of line 23 through "CHILDREN" on line 26

25. Page 26, line 29 through line 30.

Following: "OFFENSE" on line 29

Strike: remainder of line 29 through "CHILDREN" on line 30

26. Page 27, line 4.

Following: "children"

Strike: "by a sexual predator of children"

27. Page 28, line 18 through line 20.

Following: "VICTIM" on line 18

Strike: remainder of line 18 through "CHILDREN" on line 20

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28. Page 28, line 23 through line 24.

Following: "OFFENSE" on line 23

Strike: remainder of line 23 through "CHILDREN" on line 24

29. Page 28, line 28.

Following: "after"

Insert: "an adjudication or"

30. Page 28, line 29.

Following: "convicted of"

Insert: " or, in youth court, found to have committed or been adjudicated for"

31. Page 29, line 2.

Following: "convicted of"

Insert: " or, in youth court, found to have committed or been adjudicated for"

32. Page 36, line 27.

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

33. Page 37, line 17.

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

34. Page 42, line 3.

Following: line 2

Insert: "NEW SECTION. Section 27. Sexual offender treatment. (1) Upon sentencing a person convicted of a sexual offense, as defined in 46-23-502, the court shall designate the offender as a level 1, 2, or 3 offender pursuant to 46-23-509.

(2) (a) Except as provided in subsection (2)(b), the court shall order an offender convicted of a sexual offense, as defined in 46-23-502, except an offense under 45-5-301 through 45-5-303, and sentenced to imprisonment in a state prison to:

(i) enroll in and successfully complete the educational phase of the prison's sexual offender treatment program;

(ii) if the person has been or will be designated as a level 3 offender pursuant to 46-23-509, enroll in and successfully complete the cognitive and behavioral phase of the prison's sexual offender treatment program; and

(iii) if the person is sentenced pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(c), or 45-5-625(4) and is released on parole, remain in an outpatient sex offender treatment program for the remainder of the person's life.

(b) A person who has been sentenced to life imprisonment without possibility of release may not participate in treatment provided pursuant to this section.

(3) A person who has been ordered to enroll in and successfully complete a phase of a state prison's sexual offender treatment program is not eligible for parole unless that phase of the program has been successfully completed as certified by a sexual offender evaluator to the board of pardons and parole.

(4) (a) Except for an offender sentenced pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(c), or 45-5-625(4), during an offender's term of commitment to the department of corrections or a state prison, the department may place the person in a residential sexual offender treatment program approved by the department under 53-1-203.

(b) If the person successfully completes a residential sexual offender treatment program approved by the department of corrections, the remainder of the term must be served on probation unless the department petitions the sentencing court to amend the original sentencing judgment.

(5) If a person's sentence is suspended pursuant to subsection (4)(b), during the suspended portion of the sentence the person:

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- (a) shall abide by the standard conditions of probation established by the department of corrections;
 - (b) shall pay the costs of imprisonment, probation, and any sexual offender treatment if the person is financially able to pay those costs;
 - (c) may have no contact with the victim or the victim's immediate family unless approved by the victim or the victim's parent or guardian, the person's therapists, and the person's probation officer;
 - (d) shall comply with all requirements and conditions of sexual offender treatment as directed by the person's sex offender therapist;
 - (e) may not enter an establishment where alcoholic beverages are sold for consumption on the premises or where gambling takes place;
 - (f) may not consume alcoholic beverages;
 - (g) shall enter and remain in an aftercare program as directed by the person's probation officer;
 - (h) shall submit to random or routine drug and alcohol testing;
 - (i) may not possess pornographic material or access pornography through the internet; and
 - (j) at the discretion of the probation and parole officer, may be subject to electronic monitoring or continuous satellite monitoring.
- (6) The sentencing of a sexual offender is subject to 46-18-202(2) and 46-18-219.
- (7) The sentencing court may, upon petition by the department of corrections, modify a sentence of a sexual offender to impose any part of a sentence that was previously suspended."

Insert: "NEW SECTION. Section 28. Codification instruction. [Section 27] is intended to be codified as an integral part of Title 46, chapter 18, and the provisions of Title 46, chapter 18, apply to [section 27]."

Renumber: subsequent sections

For the Senate:

Laslovich, Chairman
Moss
Perry

For the House:

Parker, Chairman
Morgan
Sinrud

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 550**
Report No. 1, April 25, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 550** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 550** (reference copy -- salmon) be amended as follows:

1. Page 7, line 26.

Following: "funding"

Insert: ", "

Following: "AMOUNT);"

Insert: "not to exceed (insert dollar or mill amount),"

2. Page 7, line 30.

Following: "funding"

Insert: ", "

Following: "AMOUNT);"

Insert: "not to exceed (insert dollar or mill amount),"

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For the Senate:

Juneau, Chairman
Laible
M. Tropicla

For the House:

Rice, Chairman
Bergren
Sonju

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 4/24/2007
HB 822, introduced by Reinhart

House joint resolution concurred in and returned to the House: 4/24/2007
HJR 59, introduced by Himmelberger

House amendments to Senate bill concurred in: 4/24/2007
SB 127, introduced by Wanzenried

HB 592 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 592**: 4/24/2007

Senator Schmidt, Chair
Senator Steinbeisser
Senator M. Tropicla

House joint resolution concurred in and returned to the House: 4/25/2007
HJR 61, introduced by Cohenour

Governor's amendments to Senate bill concurred in and transmitted to the House: 4/25/2007
SB 27, introduced by Esp

Conference Committee Report No.1 adopted: 4/25/2007
SB 227, introduced by Laslovich

HB 830 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 830**: 4/25/2007

Senator Cooney, Chair
Senator Brueggeman
Senator Schmidt

Conference Committee Report No.1 **not** adopted: 4/25/2007
HB 160, introduced by Stoker

April 24, 2007

The Honorable Brian Schweitzer
Governor of Montana
State Capitol
Helena, MT 59620

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Dear Governor Schweitzer:

On April 20, 2007 the Senate voted to NOT concur in the Governor's proposed amendments to Senate Bill 537, sponsored by Senator Brown, "AN ACT REVISING LAWS RELATING TO PREPAID LEGAL SERVICES; DEFINING "LEGAL SERVICE EXPENSE PLAN"; PROVIDING THAT LEGAL SERVICE EXPENSE PLANS ARE NOT SUBJECT TO THE INSURANCE CODE; AMENDING SECTIONS 33-1-102, 33-1-206, AND 33-17-504, MCA; REPEALING SECTION 33-1-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

The vote was as follows: Yes - 50 No - 0

The House also voted to NOT concur in the Governor's proposed amendments. The vote was as follows: Yes - 52 No - 48

Neither house requested a conference committee. In accordance with the Joint Rules of the Montana Legislature, Rule 40-230(4), Senate Bill 537 is being returned for reconsideration.

Sincerely,

John Mudd
Secretary of the Senate

Cc: Marilyn Miller, Chief Clerk of the House

MESSAGES FROM THE GOVERNOR

April 24, 2007

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

Dear Speaker Sales:

On Tuesday, April 24th, I signed the following bills and delivered them to the Secretary of State:

House Bill 361 sponsored by Representative Kottel
House Bill 369 sponsored by Representative Pomnichowski
House Bill 450 sponsored by Representative Pomnichowski
House Bill 452 sponsored by Representative Kottel

I also returned House Bill 583 (Jopek) and House Bill 768 (Gallik) with Amendatory Vetoes.

Sincerely,

BRIAN SCHWEITZER
Governor

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April 24, 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) 583, "AN ACT GENERALLY REVISING THE OPENCUT MINING ACT; AMENDING DEFINITIONS AND TERMINOLOGY; EXPANDING EXEMPTIONS; PROVIDING FOR SUSPENSION AND REVOCATION ORDERS; ELIMINATING APPLICATION FEES; REVISING APPEAL PROVISIONS; AMENDING SECTIONS 82-4-402, 82-4-403, 82-4-406, 82-4-422, 82-4-424, 82-4-425, 82-4-426, 82-4-427, 82-4-431, 82-4-432, 82-4-433, 82-4-434, 82-4-436, AND 82-4-441, MCA; AND REPEALING SECTIONS 82-4-421 AND 82-4-423, MCA."

HB 583 generally revises and modernizes Montana's Opencut Mining Act and provides for more effective administration and enforcement. My proposed amendment would disallow opencut operations within 1 mile of a national park, national monument, or national battlefield if it is determined that the operation would have an adverse impact on the park, monument, or battlefield. The amendment protects against unconstitutional takings and contains a "grandfather" clause so as not to effect current valid opencut permits.

Our national parks, monuments, and battlefields are an important part of our history, culture, and identity as Montanans and Americans. Furthermore, these resources contribute significantly to Montana's economy, and maintaining high quality visitor experience will assist in these contributions.

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

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

April 24, 2007

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

The Honorable Mike Cooney

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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) 768, "AN ACT REVISING THE LAW RELATED TO OSTENSIBLE AGENCY; AND AMENDING SECTION 28-10-103, MCA." My proposed amendment is intended to clarify the purpose of the bill and not change it.

HB 768 amends current law that addresses the liability of a health care provider in a malpractice claim. Current law grants the health care provider immunity for "ostensible agents" of the health care provider, so long as the health care provider ensures that persons providing independent professional services have adequate insurance coverage. HB 768 requires insurance coverage "for the length of time provided for in 27-2-205." Section 27-2-205, sets forth the statute of limitations for medical malpractice claims, and contains various time limits depending on the facts of the case. My amendment states that the insurance coverage be of the same duration as the time within which a malpractice lawsuit may be brought under 27-2-205, so as to clarify the requirement contained in the bill.

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

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Majority Leader Lange announced the Republicans would caucus. Democratic Caucus Leader Villa announced the Democratic would caucus.

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 353, as amended by the Governor, passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, 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, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Witte, Mr. Speaker.

Total 90

Noes: Beck, Mendenhall, Ripley, Sinrud.

Total 4

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Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: Grinde, Lambert, Milburn, Morgan, Thomas, Wiseman.
Total 6

HB 729, as amended by the Governor, passed as follows:

Ayes: Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Branae, Butcher, 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, Jore, Keane, Lange, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.
Total 67

Noes: Ankney, Beck, Blasdel, Boggio, Clark, Everett, Hawk, Heinert, Hilbert, Himmelberger, Kasten, Kerns, Klock, Koopman, Lake, Malcolm, Mendenhall, Nooney, Peterson, Ripley, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Wells, Mr. Speaker.
Total 28

Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: Kottel, Lambert, Milburn, Morgan, Witte.
Total 5

HJR 56 adopted as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Hendrick, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kottel, McAlpin, McChesney, McGillvray, Musgrove, Noonan, Nooney, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.
Total 60

Noes: Barrett, Beck, Blasdel, Boggio, Butcher, Everett, Glaser, Hawk, Heinert, Hilbert, Himmelberger, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lange, MacLaren, Malcolm, McNutt, Mendenhall, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Wells, Witte, Mr. Speaker.
Total 37

Voted Absentee: Ross, No.

Excused: None.
Total 0

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Absent or not voting: Lambert, Milburn, Morgan.
Total 3

SB 4 concurred in as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.
Total 94

Noes: Kasten, Sinrud, Stahl, Mr. Speaker.
Total 4

Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: Lambert, Morgan.
Total 2

SB 118, Free Conference Committee Report No. 1, adopted as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, 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, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lake, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte.
Total 88

Noes: Bergren, Heinert, Himmelberger, Jore, Kasten, Kerns, Koopman, Mendenhall, Sinrud, Mr. Speaker.
Total 10

Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: Lambert, Morgan.
Total 2

SB 168, as amended by the Governor, concurred in as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, 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, 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, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.
Total 84

Noes: Blasdel, Jayne, Jore, Kasten, Koopman, Lake, Mendenhall, Milburn, Rice, Sinrud, Sonju, Stoker, Taylor, Vincent, Wells, Mr. Speaker.
Total 16

Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 201 concurred in as follows:

Ayes: Ankney, Arntzen, Augare, Becker, Bergren, Bixby, Branae, Butcher, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kottel, Lake, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Musgrove, Noonan, Nooney, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ross, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 64

Noes: Barrett, Beck, Blasdel, Boggio, Clark, Everett, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jore, Kasten, Kerns, Klock, Koopman, Lambert, McGillvray, Mendenhall, Milburn, Morgan, O'Hara, Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 36

Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 206 concurred in as follows:

Ayes: Ankney, Arntzen, Augare, 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, Hendrick, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa,

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

Noes: Barrett, Beck, Everett, Heinert, Hilbert, Himmelberger, Jore, Kasten, Kerns, Koopman, McGillvray, Mendenhall, Nooney, Rice, Ripley, Ross, Sinrud, Sonju, Wells, Witte, Mr. Speaker.
Total 21

Voted Absentee: Ross, No.

Excused: None.
Total 0

Absent or not voting: Kottel.
Total 1

SB 227 concurred in as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman.
Total 93

Noes: Jore, Lange, Mendenhall, Sinrud, Sonju, Witte, Mr. Speaker.
Total 7

Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 31 concurred in as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Boggio, Branae, Callahan, Campbell, Clark, Cordier, Driscoll, Dutton, Ebinger, Erickson, French, Furey, Glaser, Grinde, Groesbeck, Hands, Hendrick, Himmelberger, Hiner, Ingraham, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lake, Lambert, Lange, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Morgan, Noonan, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Ward, Wiseman.
Total 60

Noes: Beck, Blasdel, Butcher, Caferro, Cohenour, Dickenson, Everett, Franklin, Gallik, Hamilton, Hawk, Heinert, Henry, Hilbert, Hollenbaugh, Jacobson, Jayne, Jore, Kasten, Kerns, Koopman, Malcolm, Mendenhall, Milburn, Musgrove, Nooney, Rice, Ripley, Ross, Sinrud, Taylor, Van Dyk, Villa, Vincent, Wells, Wilmer, Wilson, Windy

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Boy, Witte, Mr. Speaker.
Total 40

Voted Absentee: Ross, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

**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 Olson in the chair.

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

SB 166 - Representative Milburn moved **SB 166** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Bergren, Bixby, Caferro, Campbell, Cohenour, Cordier, Dickenson, Ebinger, French, Furey, Glaser, Grinde, Groesbeck, Henry, Hilbert, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, Keane, Kottel, Lange, MacLaren, McAlpin, McChesney, McNutt, Milburn, Noonan, Nooney, Parker, Phillips, Pomnichowski, Reinhart, Ross, Sands, Sesso, Small-Eastman, Taylor, Thomas, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.
Total 51

Noes: Barrett, Beck, Becker, Blasdel, Boggio, Branae, Butcher, Callahan, Clark, Driscoll, Dutton, Erickson, Everett, Franklin, Gallik, Hamilton, Hands, Hawk, Heinert, Hendrick, Himmelberger, Ingraham, Jayne, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Malcolm, McGillvray, Mendenhall, Morgan, Musgrove, O'Hara, Olson, Peterson, Raser, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Van Dyk, Wells, Witte, Mr. Speaker.
Total 49

Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 23 - Representative Lange moved **SJR 23** 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, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser,

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Reinhart, Rice, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Ward, Wells, Wilmer, Wilson, Wiseman, Witte, Mr. Speaker.

Total 92

Noes: Butcher, Jayne, Mendenhall, Ripley, Ross, Taylor, Windy Boy.

Total 7

Voted Absentee: Ross, No.

Excused: None.

Total 0

Absent or not voting: Vincent.

Total 1

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 Olson 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, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Ward, Wells, Wilmer, Wiseman, Witte, Mr. Speaker.

Total 88

Noes: Bixby, Dutton, Ingraham, Mendenhall, Rice, Sinrud, Windy Boy.

Total 7

Excused: Ross.

Total 1

Absent or not voting: Everett, Grinde, Vincent, Wilson.

Total 4

Representative Bergren moved the Chamber go to Motions, Business #9. Motion passed as follows:

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

Total 49

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

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Total 48

Excused: Ross.

Total 1

Absent or not voting: Butcher, Vincent.

Total 2

Due to voting discrepancy, vote was retaken. Motion passed as follows:

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

Total 49

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

Total 48

Excused: Ross.

Total 1

Absent or not voting: Everett, Vincent.

Total 2

Speaker Sales announced the House would recess for ten minutes.

MOTIONS

Representative Sinrud moved to reconsider action taken on the motion to proceed to Motions. Motion carried as follows:

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

Total 50

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

Total 48

Excused: Ross.

Total 1

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Absent or not voting: Malcolm.
Total 1

Representative Bergren moved to appeal the ruling of the Speaker. Representative Parker called for a Rules Committee. House recessed for a Rules Committee.

Representative Bergren moved to appeal the ruling of the Rules Committee upholding the Speaker's ruling. 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, 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 49

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 50

Excused: Ross.
Total 1

Absent or not voting: None.
Total 0

Committee meetings were announced.

Majority Leader Lange moved the House stand at recess until 1:00 p.m.

House reconvened at 1:00. Mr. Speaker in the chair. All members present except for Representative Ross, excused.

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

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

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

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

Ayes: Arntzen, Augare, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Koopman, Kottel, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Musgrove, Noonan, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Stoker, Taylor, Thomas, Van

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Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 81

Noes: Ankney, Barrett, Boggio, Butcher, Everett, Heinert, Himmelberger, Jore, Kasten, Kerns, Lake, Lambert, Mendenhall, Morgan, Nooney, Rice, Sonju, Stahl, Wells.
Total 19

Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 161 - Representative Lake moved **SB 161** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 94

Noes: Blasdel, Boggio, Jore, Koopman, Mendenhall, Sinrud.
Total 6

Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 273 - Representative Hollenbaugh moved **SB 273** be concurred in. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Hawk, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, W. Jones, Jopek, Keane, Klock, Kottel, Lake, Lambert, Lange, MacLaren, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.
Total 84

Noes: Boggio, Everett, Heinert, Jore, Kasten, Kerns, Koopman, Malcolm, McGillvray, Mendenhall, Peterson, Stahl, Wells, Mr. Speaker.

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Total 14

Voted Absentee: Ross, Aye.

Excused: None.

Total 0

Absent or not voting: Glaser, L. Jones.

Total 2

SB 417 - Representative L. Jones moved **SB 417** be concurred in.

SB 417 - Representative Villa moved for cloture. There being no objection, so ordered.

SB 417 - The motion that **SB 417** be concurred in carried as follows:

Ayes: Ankney, Augare, Barrett, Becker, Bixby, Blasdel, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lake, Lambert, MacLaren, McAlpin, McChesney, McNutt, Milburn, 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, Ward, Wilmer, Wilson, Windy Boy, Wiseman.

Total 73

Noes: Arntzen, Beck, Bergren, Boggio, Butcher, Dutton, Everett, Hawk, Heinert, Hendrick, Himmelberger, Jore, Kasten, Kerns, Koopman, Malcolm, McGillvray, Mendenhall, Morgan, Rice, Ripley, Sinrud, Vincent, Wells, Witte, Mr. Speaker.

Total 26

Voted Absentee: Ross, Aye.

Excused: None.

Total 0

Absent or not voting: Lange.

Total 1

HB 160 - Conference Committee Report No. 1 - Representative Stoker moved the Conference Committee report to **HB 160** be adopted. 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, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 97

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Noes: Jore, Koopman, Mendenhall.
Total 3

Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 304 - Conference Committee Report No. 1 - Representative Furey moved the Conference Committee report to **HB 304** be adopted. 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, Heinert, Hendrick, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kerns, Klock, Kottel, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, 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 78

Noes: Beck, Blasdel, Boggio, Dutton, Everett, Hawk, Hilbert, Himmelberger, Jore, Kasten, Koopman, Lake, McGillvray, Mendenhall, Nooney, Ripley, Sinrud, Sonju, Taylor, Wells, Witte, Mr. Speaker.
Total 22

Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 337 - Conference Committee Report No. 1 - Representative Cohenour moved the Conference Committee report to **HB 337** be adopted. Motion carried as follows:

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

Noes: Boggio, Dutton, Everett, Hilbert, Himmelberger, Jore, Kasten, Koopman, McGillvray, Mendenhall, Rice, Sinrud, Vincent, Witte, Mr. Speaker.
Total 15

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Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 462 - Representative Olson moved consideration of **HB 462** be placed at the bottom of the second reading board There being no objection, so ordered.

HB 583 - Representative Sonju moved consideration of **HB 583** be passed for the day.

Representative Jopek objected to the consideration motion of **HB 583** being passed for the day.

The motion to pass consideration of **HB 583** carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Campbell, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 51

Noes: Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Windy Boy, Wiseman.
Total 46

Excused: Ross.
Total 1

Absent or not voting: Sands, Wilson.
Total 2

HB 715 - Representative Olson moved consideration of **HB 715** be placed at the bottom of the second reading board There being no objections, so ordered.

HB 768 - Governor's Amendments - Representative Gallik moved Governor's amendments to **HB 768** be concurred in. Motion carried as follows:

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

Noes: Barrett, Beck, Blasdel, Boggio, Everett, Heinert, Hilbert, Himmelberger, Jore, Kasten, Koopman, Mendenhall,

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Milburn, Ripley, Ross, Sinrud, Sonju, Taylor, Vincent, Wells, Witte, Mr. Speaker.
Total 22

Voted Absentee: Ross, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 829 - Free Conference Committee Report No. 1 - Representative L. Jones moved the Free Conference Committee report to **HB 829** be adopted. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Branae, 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, Keane, Klock, Kottel, Lake, 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, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman.
Total 81

Noes: Beck, Blasdel, Boggio, Butcher, Everett, Jore, Kasten, Kerns, Koopman, Lambert, McGillvray, Mendenhall, Morgan, Ripley, Sinrud, Sonju, Wells, Witte, Mr. Speaker.
Total 19

Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 51 - Free Conference Committee Report No. 1 - Representative Koopman moved the Free Conference Committee report to **SB 51** be adopted. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, 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, 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.
Total 88

Noes: Blasdel, Boggio, Hawk, Ingraham, Jayne, Jore, Kasten, Kerns, Mendenhall, Sinrud, Witte, Mr. Speaker.
Total 12

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Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 96 - Conference Committee Report No. 1 - Representative Everett moved the Conference Committee report to **SB 96** be adopted. 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, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, Kasten, Keane, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 91

Noes: Boggio, Hawk, Ingraham, Jayne, Jore, Kerns, Koopman, McGillvray, Mendenhall.
Total 9

Voted Absentee: Ross, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 276 - Free Conference Committee Report No. 1 - Representative Mendenhall moved the Free Conference Committee report to **SB 276** be adopted. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, 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, 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, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 94

Noes: Augare, Becker, Franklin, Gallik, Jore, Mendenhall.
Total 6

Voted Absentee: Ross, Aye.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 462 - Free Conference Committee Report No. 1 - Representative Sands moved the Free Conference Committee report to **HB 462** be adopted. Motion carried as follows:

Ayes: Arntzen, Augare, Barrett, Beck, Bergren, Bixby, Blasdel, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kottel, Lake, Lange, McAlpin, McChesney, Musgrove, Noonan, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Villa, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 72

Noes: Ankney, Becker, Boggio, Butcher, Clark, Everett, Furey, Hilbert, Himmelberger, Jore, Kasten, Kerns, Klock, Koopman, Lambert, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, Peterson, Rice, Van Dyk, Vincent, Witte.

Total 28

Voted Absentee: Ross, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

At this time Speaker Sales assumed the chair.

HB 715 - Free Conference Committee Report No. 1 - Representative Olson moved the Free Conference Committee report to **HB 715** be adopted. 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, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Hendrick, Henry, Hilbert, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, 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, Mr. Speaker.

Total 93

Noes: Butcher, Gallik, Hawk, Himmelberger, Jayne, Mendenhall, Peterson.

Total 7

Voted Absentee: Ross, Aye.

Excused: None.

Total 0

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

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, 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, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Sands, Sesso, Sinrud, Small-Eastman, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 92

Noes: Becker, Bergren, Jore, Koopman, Mendenhall.
Total 5

Excused: Ross.
Total 1

Absent or not voting: Musgrove, Sonju.
Total 2

MOTIONS

Representative Parker moved to place **HB 833** on second reading on Legislative Day 89 according to section 50-60-1 of the House rules.

Representative Stahl made a substitute motion to table the previous motion on **HB 833**. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 50

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, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy Boy, Wiseman.
Total 49

Excused: Ross.
Total 1

Absent or not voting: None.
Total 0

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Representative Caferro moved to have **SB 22** be placed on 2nd reading on Legislative Day 89. Motion passed as follows.

Ayes: Ankney, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Grinde, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, Jayne, W. Jones, Jopek, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman.
Total 56

Noes: Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Wells, Witte, Mr. Speaker.
Total 43

Excused: Ross.
Total 1

Absent or not voting: None.
Total 0

Representative Erickson moved to take **SB 220** from the Speaker's desk and place the bill on second reading on Legislative Day 89. 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, 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 49

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 50

Excused: Ross.
Total 1

Absent or not voting: None.
Total 0

Representative Noonan moved to take **HB 820** from the Speaker's desk and place the bill on second reading on Legislative Day 89. 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, Keane, Kottel, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Wilmer, Wilson, Windy

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Boy, Wiseman.
Total 49

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 50

Excused: Ross.
Total 1

Absent or not voting: None.
Total 0

Representative Cohenour moved to take **SB 139** from the table in the Committee on Taxation, have it printed and placed on second reading on Legislative Day 89. 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, 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 49

Noes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.
Total 50

Excused: Ross.
Total 1

Absent or not voting: None.
Total 0

Representative Campbell moved that **HB 819** be taken from the Speaker's desk and be placed on second reading on Legislative Day 89. 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, 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 49

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

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Total 50

Excused: Ross.

Total 1

Absent or not voting: None.

Total 0

Representative Bergren moved that **HB 818** be placed on second reading on Legislative Day 89.

Motion passed 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, Hawk, 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, Sands, Sesso, Small-Eastman, Stahl, Stoker, Thomas, Van Dyk, Villa, Ward, Wells, Wilmer, Wilson, Wiseman, Witte, Mr. Speaker.

Total 82

Noes: Beck, Blasdel, Boggio, Dutton, Heinert, Jore, Koopman, Mendenhall, Peterson, Rice, Ripley, Sinrud, Sonju, Taylor, Vincent, Windy Boy.

Total 16

Excused: Ross.

Total 1

Absent or not voting: Everett.

Total 1

Majority Leader Lange moved that the Speaker be authorized to dissolve the Conference Committee on **Senate Amendments to House Bill 830**, by Representative Kasten, and to appoint a new **Free** Conference Committee.

The Speaker appointed the following members:

Representative Kasten
Representative Sinrud
Representative Thomas

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 **Senate Amendments to House Bill 818**, by Representative Taylor.

The Speaker appointed the following members:

Representative Sinrud
Representative Taylor
Representative Jayne

The motion was withdrawn.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 9:00 a.m., Thursday, April 26, 2007. Motion carried.

House adjourned at 3:35 p.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House