

**HOUSE JOURNAL  
60TH LEGISLATURE  
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 1, 2007

House Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

Democratic Caucus Leader Villa announced that the Democrats would caucus. Majority Leader Lange announced that the Republicans would stand at ease. The House reconvened at 1:30 p.m.

**REPORTS OF STANDING COMMITTEES**

Correctly printed: **HB 316, HB 362, HB 470.**

Correctly engrossed: **HB 149, HB 257, HB 364.**

Delivered to the Governor for approval at 3:45 p.m., January 31, 2007: **HB 10, HB 42.**

**APPROPRIATIONS** (Sinrud, Chairman):

2/1/2007

**HB 44**, do pass. Report adopted.

**HB 90**, introduced bill, be amended as follows:

1. Title, line 10.

**Following:** "SYSTEM;"

**Insert:** "AUTHORIZING THE CREATION OF STATE DEBT;"

2. Page 7, line 1.

**Strike:** "A"

**Insert:** "Until June 30, 2018, a"

3. Page 7, line 4.

**Following:** "the title."

**Insert:** "Beginning July 1, 2018, the fee for a new certificate of title under this subsection is \$5."

4. Page 7, line 7.

**Strike:** "\$10"

**Insert:** "\$5"

5. Page 7, line 20.

**Following:** "2018,"

**Insert:** "the fee imposed in subsection (1)(a)(i) is \$5 and the fee imposed in subsection (1)(a)(ii) is \$7 and"

6. Page 8, line 3.

**Following:** "2018,"

**Insert:** "the fee for a replacement certificate of title is \$5 and"

7. Page 9.

**Following:** line 4

**Insert:** "NEW SECTION. Section 9. Two-thirds vote required. Because [section 2] increases the amount that the department of justice can borrow from the board of investments to finance the cost of the motor vehicle technology

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system, authorizing the creation of state debt, Article VIII, section 8, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HB 136**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "AN"

**Insert:** "A STATUTORY"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "15-30-116"

**Insert:** "AND 17-7-502"

2. Page 1, line 14.

**Strike:** "\$12,000"

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

**Strike:** "designated"

**Following:** "beneficiary"

**Insert:** ", as provided in subsection (3),"

3. Page 1, line 23.

**Following:** "beneficiary"

**Insert:** ", as provided in subsection (3),"

4. Page 1, line 24.

**Strike:** "If" through the fourth "the" on line 24

**Insert:** "The"

5. Page 1, line 25.

**Following:** "member's"

**Insert:** "surviving spouse. If there is no surviving spouse, the department of administration shall pay the death benefit to the member's surviving children in equal shares. If there are no surviving children, the department of administration shall pay the death benefit to the member's"

6. Page 2, line 11.

**Strike:** "the designated"

**Insert:** "a"

7. Page 2, line 21.

**Strike:** "the designated"

**Insert:** "a"

8. Page 2.

**Following:** line 22

**Insert:** "**Section 3.** Section 17-7-502, MCA, is amended to read:

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

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legislative appropriation or budget amendment.

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

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

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

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

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

**Renumber:** subsequent sections

9. Page 2, line 24 through line 25.

**Strike:** section 3 in its entirety

**Insert:** "NEW SECTION. Section 4. Statutory appropriation. The payment to a beneficiary certified pursuant to [section 1] is statutorily appropriated, as provided in 17-7-502, from the general fund to the department of administration."

10. Page 2, line 27.

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1 and 4] are"

11. Page 2, line 28.

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

**Insert:** "[sections 1 and 4]"

And, as amended, do pass. Report adopted.

**HB 139**, introduced bill, be amended as follows:

1. Page 4, line 9.

**Following:** "general fund"

**Insert:** "in fiscal year 2008"

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And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (McNutt, Chairman):  
**HB 94**, introduced bill, be amended as follows:

2/1/2007

1. Title, line 12.

**Following:** "75-11-505"

**Insert:** ", 75-11-512,"

2. Page 2, line 5.

**Insert:** "**Section 2.** Section 75-11-512, MCA, is amended to read:

**"75-11-512. Administrative enforcement.** (1) When the department believes that a violation of this part or a rule adopted under this part has occurred, it may serve written notice of the violation personally or by certified mail on the alleged violator or the violator's agent. The notice must specify the provision of this part or the rule alleged to be violated and the facts alleged to constitute a violation and may include an order to take necessary corrective action within a reasonable period of time stated in the order. The order becomes final unless, within 30 days after the notice is served, the person named requests, in writing, a hearing before the board. On receipt of the request, the board shall schedule a hearing. Service by mail is complete on the date of ~~mailing~~ receipt.

(2) If, after a hearing held under subsection (1), the board finds that a violation has occurred, it shall either affirm or modify the department's order. An order issued by the department or by the board may prescribe the date by which the violation must cease and may prescribe time limits for particular action. If, after hearing, the board finds that a violation has not occurred, it shall rescind the department's order.

(3) In addition to or instead of issuing an order pursuant to subsection (1), the department may:

(a) require the alleged violator to appear before the board or department, by subpoena or subpoena duces tecum, for a hearing at a time and place specified in the notice to answer the charges complained of or to provide information regarding the alleged violation or its actual or potential impact on the public health and welfare or the environment;

(b) initiate action under 75-11-513, 75-11-514, or 75-11-516; or

(c) assess administrative penalties and issue corrective action orders under 75-11-525.

(4) In the case of disobedience of any subpoena issued and served under this section or of the refusal of any witness to testify as to any material matter with regard to which the witness may be interrogated in a hearing or investigation before the board or the department, the board or department may apply to any district court in the state for an order to compel compliance with the subpoena or the giving of testimony. The court shall hear the matter as expeditiously as possible. If the disobedience or refusal is found to be unjustified, the court shall enter an order requiring compliance. Disobedience of the order is punishable by contempt of court in the same manner and by the same procedures as is provided for like conduct committed in the course of civil actions in district court.

(5) If a person fails to comply with an order issued pursuant to subsection (1) or (3) within the time allowed in the order, the department may enter the property on which the underground storage tank that is in violation is located and temporarily close the tank. If the department finds that permanent closure is necessary to prevent substantial environmental harm or because the owner or operator is unlikely to comply with the order, it may permanently close the tank.

(6) This section does not prevent the board or department from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means."

**Renumber:** subsequent sections

3. Page 2, line 19.

**Strike:** "mailing"

**Insert:** "receipt"

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And, as amended, do pass. Report adopted.

**HB 167**, introduced bill, be amended as follows:

1. Page 2, line 26.

**Strike:** "and any other interested person"

**Insert:** ", citizens, solid waste and recycling industries, environmental organizations, and others involved or interested in the management of solid waste"

And, as amended, do pass. Report adopted.

**HB 201**, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

**Strike:** "ALLOWING" on line 4 through "SET" on line 5

**Insert:** "SETTING"

**Following:** "OPERATIONS;" on line 5

**Insert:** "REQUIRING CERTAIN GOVERNMENTS TO PAY FEES;"

2. Title, page 1, line 8.

**Following:** "SECTIONS"

**Insert:** "82-4-405,"

3. Page 1, line 11.

**Insert:** "**Section 1.** Section 82-4-405, MCA, is amended to read:

**"82-4-405. Inapplicability to government.** ~~The~~ (1) Except as provided in subsection (2), the provisions of this part relating to fees or bonds do not apply to the federal government or its agencies, the state of Montana, counties, cities, or towns.

(2) A county that meets the requirements of subsection (3) as a growth county is subject to the provisions of this part relating to fees, but not those provisions relating to bonds.

(3) For the purposes of this section, a county is considered a growth county if:

(a) the county has a population greater than 30,000 at the time of the most recent federal decennial census or, in the interim between censuses, the most recent population estimates published by the bureau of the census, United States department of commerce; or

(b) the county has:

(i) a population greater than 15,000 at the time of the most recent federal decennial census or, in the interim between censuses, the most recent population estimates published by the bureau of the census, United States department of commerce; and

(ii) a population increase greater than 10% from the time of the prior decennial census or from the population estimate 10 years prior to the current estimate."

**Renumber:** subsequent sections

4. Page 1, line 20.

**Strike:** "and"

5. Page 1, line 22.

**Following:** "part"

**Insert:** "; and

(e) assess an annual fee on operators of all opencut-mining operations. The annual fee must be paid on all permitted acreage for which final bond release has not been granted. The annual fee is:

(i) \$75 if the permitted acreage is less than or equal to 25 acres;

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- (ii) \$150 if the permitted acreage is greater than 25 acres and less than or equal to 50 acres;
- (iii) \$300 if the permitted acreage is greater than 50 acres and less than or equal to 100 acres; and
- (iv) \$600 if the permitted acreage is greater than 100 acres"

6. Page 1, line 26.

**Following:** "~~and~~"

**Insert:** "and"

7. Page 1, line 27 through Page 2, line 3.

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

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**HB 259**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "AND"

2. Title, page 1, line 6.

**Following:** "SYSTEMS"

**Insert:** "; AMENDING SECTION 75-5-305, MCA; AND PROVIDING AN APPLICABILITY CLAUSE"

3. Page 1, line 10.

**Strike:** "through"

**Insert:** ", 2, and"

4. Page 1, line 12 through line 13.

**Strike:** line 12 through line 13 in their entirety

**Renumber:** subsequent subsections

5. Page 1, line 14.

**Following:** "wastewater"

**Insert:** "that is"

**Following:** "flow"

**Insert:** "and"

6. Page 1, line 16.

**Following:** "private"

**Insert:** ", single-family"

7. Page 1, line 20.

**Strike:** "floodway"

**Insert:** "flood plain"

8. Page 1, line 22 through line 29.

**Strike:** section 3 in its entirety

**"Section 3.** Section 75-5-305, MCA, is amended to read:

**"75-5-305. Adoption of requirements for treatment of wastes -- variance procedure -- appeals.** (1) The board may establish minimum requirements for the treatment of wastes. For cases in which the federal government

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has adopted technology-based treatment requirements for a particular industry or activity in 40 CFR, chapter I, subchapter N, the board shall adopt those requirements by reference. To the extent that the federal government has not adopted minimum treatment requirements for a particular industry or activity, the board may do so, through rulemaking, for parameters likely to affect beneficial uses, ensuring that the requirements are cost-effective and economically, environmentally, and technologically feasible. Except for the technology-based treatment requirements set forth in 40 CFR, chapter I, subchapter N, minimum treatment may not be required to address the discharge of a parameter when the discharge is considered nonsignificant under rules adopted pursuant to 75-5-301.

(2) (a) The board shall establish minimum requirements for the control and disposal of sewage from private and public buildings, including standards and procedures for variances from the requirements.

(b) For gray water reuse systems in private, single-family residences, the board shall establish rules that:

(i) limit the amount of gray water flow allowed by permit;

(ii) address the uses of gray water, including when and how gray water may be applied to land; and

(iii) include any other provisions that the board considers necessary to ensure that gray water reuse systems comply with laws and regulations and protect public health and the environment.

(3) An applicant for a variance from minimum requirements adopted by a local board of health pursuant to 50-2-116(1)(i) may appeal the local board of health's final decision to the department by submitting a written request for a hearing within 30 days after the decision. The written request must describe the activity for which the variance is requested, include copies of all documents submitted to the local board of health in support of the variance, and specify the reasons for the appeal of the local board of health's final decision.

(4) The department shall conduct a hearing on the request pursuant to Title 2, chapter 4, part 6. Within 30 days after the hearing, the department shall grant, conditionally grant, or deny the variance. The department shall base its decision on the board's standards for a variance.

(5) A decision of the department pursuant to subsection (4) is appealable to district court under the provisions of Title 2, chapter 4, part 7."

9. Page 2, line 1.

**Strike:** "[sections 2 and 3]"

**Insert:** "75-5-305 and [section 2]"

10. Page 2, line 5 through line 6.

**Strike:** section 5 in its entirety

**Insert:** "NEW SECTION. Section 5. Codification instruction. [Sections 1, 2, and 4] are intended to be codified as an integral part of Title 75, chapter 5, part 3, and the provisions of Title 75, chapter 5, part 3, apply to [sections 1, 2, and 4]."

**Insert:** "NEW SECTION. Section 6. Applicability. (1) [This act] applies to gray water systems that are installed after [the effective date of this act].

(2) [This act] and any rules or requirements adopted as a result of [this act] may not be imposed on a gray water system that was installed on or before [the effective date of this act]."

And, as amended, do pass. Report adopted.

**HB 290**, do pass. Report adopted.

**STATE ADMINISTRATION** (Himmelberger, Chairman):

2/1/2007

**HB 369**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

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2. Page 1.

**Following:** line 25

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on July 1, 2007."

And, as amended, do pass. Report adopted.

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

2/1/2007

**HB 158**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "COMPANIES;"

**Insert:** "DEFINING "AUTHORIZED AGENT";"

2. Title, line 9.

**Following:** "SECTIONS"

**Insert:** "32-1-422, 35-1-113,"

**Following:** "35-2-1109,"

**Insert:** "35-8-102,"

3. Page 1, following line 12.

**Insert:** "**Section 1.** Section 32-1-422, MCA, is amended to read:

**"32-1-422. Restriction on investment in corporate stock -- rulemaking authority.** (1) Except as provided in subsections (2) and (3), a commercial or savings bank may not purchase or invest its capital or surplus or money of its depositors, or any part of its capital or surplus or money of its depositors, in the capital stock of any corporation unless the purchase or acquisition of capital stock is necessary to prevent loss to the bank on a debt previously contracted in good faith. Any capital stock purchased or acquired to prevent the loss must be sold by the bank within 6 months after purchase or acquisition if it can be sold for the amount of the claim of the bank against it. All capital stock purchased or acquired must be sold for the best price obtainable by the bank within 1 year after purchase or acquisition, or if the stock is unmarketable, it must be charged off as an investment loss, which is equivalent to the stock's sale. A person or corporation violating any provision of this section shall forfeit to the state twice the nominal amount of the stock.

(2) A bank may acquire and hold for its own account:

(a) up to 20% of its capital and surplus in the capital stock of a bank service corporation organized solely for the purpose of providing services to banks;

(b) shares of stock of a federal reserve bank and a federal home loan bank, without limitation of amount;

(c) shares of stock in a Montana capital company or a Montana small business investment capital company within limits prescribed by the Montana Capital Company Act; and

(d) shares of stock or financial interests in an affiliate or a subsidiary, the business activities of which are limited to those allowed by law for a bank.

(3) A bank may invest any amount up to the limit established by the department of its unimpaired capital and surplus in shares of stock of:

(a) the federal national mortgage association;

(b) the federal home loan mortgage corporation;

(c) the federal agricultural mortgage corporation; and

(d) other corporations created pursuant to acts of congress to meet the agricultural, housing, health, transit, educational, environmental, or similar needs of the nation when the department determines that the investment is in the public interest.

(4) A bank may, upon written application and approval of the department, make an investment in an amount permitted by the department by rule so long as the investment serves primarily to promote the public welfare, including the welfare of low- and moderate-income families and communities in need of jobs, housing, and public services. A bank may also, with the department's approval, purchase interests in an entity, as defined in 35-1-113~~(9)~~,



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that makes investments for similar public welfare purposes.

(5) The department shall adopt rules to implement this section. The rules pertaining to the investments allowed in subsection (4) may be substantially equivalent to or more stringent than the eleventh power provided for in 12 U.S.C. 24 and the policy guidelines on community development issued by the office of the comptroller of the currency."

**Insert: "Section 2.** Section 35-1-113, MCA, is amended to read:

**"35-1-113. Definitions.** As used in this chapter, the following definitions apply:

(1) "Articles of incorporation" include amended and restated articles of incorporation and articles of merger.

(2) "Authorized agent" means any individual granted permission by an entity to execute a document on behalf of the entity. The entity is responsible for maintaining a record of the permission granted to an authorized agent.

~~(2)~~(3) "Authorized shares" means the shares of all classes that a domestic or foreign corporation is authorized to issue.

~~(3)~~(4) "Conspicuous" means written so that a reasonable person against whom the writing is to operate should have noticed it. For example, printing in italics, boldface, or contrasting color or typing in capitals or underlining is conspicuous.

~~(4)~~(5) "Corporation" or "domestic corporation" means a corporation for profit that is not a foreign corporation and that is incorporated under or subject to the provisions of this chapter.

~~(5)~~(6) "Deliver" includes mail.

~~(6)~~(7) "Distribution" means a direct or indirect transfer of money or other property, except its own shares, or an incurrence of indebtedness, by a corporation to or for the benefit of its shareholders in respect of any of its shares. A distribution may be in the form of a declaration or payment of a dividend; a purchase, redemption, or other acquisition of shares; a distribution of indebtedness; or other form.

~~(7)~~(8) "Effective date of notice" means the date determined as provided in 35-1-116.

~~(8)~~(9) "Employee" includes an officer but not a director. A director may accept duties that make that director an employee.

~~(9)~~(10) "Entity" includes:

(a) a corporation and a foreign corporation;

(b) a not-for-profit corporation;

(c) a profit and a not-for-profit unincorporated association;

(d) a business trust, estate, partnership, trust, and two or more persons having a joint or common economic interest; and

(e) a state, the United States, or a foreign government.

~~(10)~~(11) "Foreign corporation" means a corporation for profit incorporated under a law other than the law of this state.

~~(11)~~(12) "Governmental subdivision" includes an authority, county, district, and city or town.

~~(12)~~(13) "Includes" denotes a partial definition.

~~(13)~~(14) "Individual" includes the estate of an incompetent or deceased individual.

~~(14)~~(15) "Means" denotes an exhaustive definition.

~~(15)~~(16) "Notice" means notice as provided in 35-1-116.

~~(16)~~(17) "Person" includes an individual and an entity.

~~(17)~~(18) "Principal office" means the office, whether in-state or out-of-state, that is designated in the annual report as the office where the principal executive offices of a domestic or foreign corporation are located.

~~(18)~~(19) "Proceeding" includes a civil suit and a criminal, administrative, and investigatory action.

~~(19)~~(20) "Record date" means the date established under 35-1-535, 35-1-618 through 35-1-630, and 35-1-712 or under 35-1-516 through 35-1-533 and 35-1-541 through 35-1-548 on which a corporation determines the identity of its shareholders and their shareholdings for purposes of this chapter. The determination must be made as of the close of business on the record date unless another time for determination is specified when the record date is fixed.

~~(20)~~(21) "Secretary" means the corporate officer to whom the board of directors has delegated responsibility under 35-1-441 for custody of the minutes of the meetings of the board of directors, for custody of the minutes of the shareholders' meetings, and for authenticating records of the corporation.

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~~(21)~~(22) "Share" means the unit into which the proprietary interests in a corporation are divided.

~~(22)~~(23) "Shareholder" means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation.

~~(23)~~(24) "State", when referring to a part of the United States, includes a state, commonwealth, territory, or insular possession of the United States and the agencies and governmental subdivisions of the entities listed.

~~(24)~~(25) "Subscriber" means a person who subscribes for shares in a corporation, whether before or after incorporation.

~~(25)~~(26) "United States" includes a district, an authority, a bureau, a commission, a department, and any other agency of the United States.

~~(26)~~(27) "Voting group" means shares of one or more classes or series that under the articles of incorporation of this chapter are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the articles of incorporation or this chapter to vote generally on the matter are for that purpose a single voting group."

**Renumber:** subsequent sections

4. Page 2, line 3.

**Strike:** "registered"

**Insert:** "authorized"

5. Page 4, line 21.

**Following:** "(b)"

**Insert:** "(i)"

6. Page 4, line 22.

**Strike:** "registered"

**Insert:** "authorized"

7. Page 4, following line 22.

**Insert:** "(ii) For the purposes of this subsection (5)(b) "authorized agent" means any individual granted permission by an entity to execute a document on behalf of the entity. The entity is responsible for maintaining a record of the permission granted to an authorized agent."

8. Page 5, following line 25.

**Insert:** "**Section 8.** Section 35-8-102, MCA, is amended to read:

**"35-8-102. Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Articles of organization" means articles filed pursuant to 35-8-201 and those articles as amended or restated. In the case of a foreign limited liability company, the term includes all records serving a similar function required to be filed under the laws of the state or country where it is organized.

(2) "At-will company" means a limited liability company other than a term company.

(3) "Authorized agent" means any individual granted permission by an entity to execute a document on behalf of the entity. The entity is responsible for maintaining a record of the permission granted to an authorized agent.

~~(3)~~(4) "Business" includes every trade, occupation, profession, or other lawful purpose, whether or not carried on for profit.

~~(4)~~(5) "Corporation" means a corporation formed under the laws of this state or a foreign corporation.

~~(5)~~(6) "Court" includes every court having jurisdiction in the case.

~~(6)~~(7) "Debtor in bankruptcy" means a person who is the subject of an order for relief under Title 11 of the United States Code or a comparable order under federal, state, or foreign law governing insolvency.

~~(7)~~(8) "Disqualified person" means any person or entity that for any reason is or becomes ineligible under this chapter to become a member in a professional limited liability company.

~~(8)~~(9) "Distribution" means a transfer of money, property, or other benefit to a member in that member's

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capacity as a member of a limited liability company or to a transferee of a member's distributional interest.

~~(9)~~(10) "Distributional interest" means all of a member's interest in the distributions of a limited liability company.

~~(10)~~(11) "Event of dissociation" means an event that causes a person to cease to be a member.

~~(11)~~(12) "Foreign corporation" means a corporation that is organized under the laws of a state other than Montana or under the laws of any foreign country.

~~(12)~~(13) "Foreign limited liability company" means an entity that is:

(a) an unincorporated entity;

(b) organized under laws of a state other than Montana or under the laws of any foreign country;

(c) organized under a statute pursuant to which an entity may be formed that affords to each of its members limited liability with respect to the liabilities of the entity; and

(d) not required to be registered or organized under any statute of this state other than this chapter.

~~(13)~~(14) "Foreign limited partnership" means a limited partnership formed under the laws of any state other than Montana or under the laws of any foreign country.

~~(14)~~(15) "Foreign professional limited liability company" means a limited liability company organized for the purpose of rendering professional services under the laws of any state other than Montana.

~~(15)~~(16) "Licensing authority" means an officer, board, agency, court, or other authority in this state that has the power to issue a license or other legal authorization to render a professional service.

~~(16)~~(17) "Limited liability company" or "domestic limited liability company" means an organization that is formed under this chapter.

~~(17)~~(18) "Limited partnership" means a limited partnership formed under the laws of this state or a foreign limited partnership.

~~(18)~~(19) "Manager" means a person who, whether or not a member of a manager-managed company, is vested with authority under 35-8-301.

~~(19)~~(20) "Manager-managed company" means a limited liability company that is so designated in its articles of organization.

~~(20)~~(21) "Member" means a person who has been admitted to membership in a limited liability company, as provided in 35-8-703, and who has not dissociated from the limited liability company.

~~(21)~~(22) "Member-managed company" means a limited liability company other than a manager-managed company.

~~(22)~~(23) "Operating agreement" means an agreement, including amendments, as to the conduct of the business and affairs of a limited liability company and the relations among the members, managers, and the company that is binding upon all of the members.

~~(23)~~(24) "Person" means an individual, a general partnership, a limited partnership, a domestic or foreign limited liability company, a trust, an estate, an association, a corporation, or any other legal or commercial entity.

~~(24)~~(25) "Professional limited liability company" means a limited liability company designating itself as a professional limited liability company in its articles of organization.

~~(25)~~(26) "Professional service" means a service that may lawfully be rendered only by persons licensed under a licensing law of this state and that may not be lawfully rendered by a limited liability company that is not a professional limited liability company.

~~(26)~~(27) "Qualified person" means a natural person, limited liability company, general partnership, or professional corporation eligible under this chapter to own shares issued by a professional limited liability company.

~~(27)~~(28) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is recoverable in a perceivable form.

~~(28)~~(29) "Sign" means to identify a record by means of a signature, mark, or other symbol with the intent to authenticate it.

~~(29)~~(30) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

~~(30)~~(31) "Surviving limited liability company" means the constituent entity surviving the merger, as identified in the articles of merger provided for in 35-8-1201.

~~(31)~~(32) "Term company" means a limited liability company designated as a term company in its articles of

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organization."

**Renumber:** subsequent sections

9. Page 6, line 21.

**Strike:** "registered"

**Insert:** "authorized"

**Following:** "agent"

**Strike:** "and" through "report"

10. Page 7, line 7.

**Following:** "for"

**Insert:** "physical"

And, as amended, do pass. Report adopted.

**HB 358**, do pass. Report adopted.

**HB 390**, do pass. Report adopted.

**HB 409**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "DEALERS"

**Insert:** "MANUFACTURERS"

And, as amended, do pass. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Olson, Chairman): 2/1/2007  
**HJR 6**, be adopted. Report adopted.

**EDUCATION** (Jore, Chairman): 2/1/2007  
**HB 347**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** " ; "

**Strike:** "AND"

2. Title, line 7.

**Following:** "MCA"

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

3. Page 2, line 1 through line 2.

**Following:** "exceeds" on line 1

**Strike:** " ; " through "(i)" on line 2

4. Page 2, line 2 through line 4.

**Following:** "\$50,000" on line 2

**Strike:** remainder of line 2 through "district" on line 4

5. Page 3, line 4.

**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

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And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bill** passed and transmitted to the House for concurrence: 1/31/2007  
**SB 25**, introduced by Larson  
**SB 32**, introduced by Schmidt  
**SB 67**, introduced by Wanzenried  
**SB 143**, introduced by Shockley  
**SB 214**, introduced by Lewis  
**SB 227**, introduced by Laslovich  
**SB 282**, introduced by Lind  
**SJR 2**, introduced by Smith

**House bill** concurred in and returned to the House: 1/31/2007  
**HB 41**, introduced by Augare

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 531**, introduced by Lambert, McChesney, Bixby, referred to Transportation.  
**HB 532**, introduced by Jacobson, referred to State Administration.  
**HB 533**, introduced by Ankney, Larson, Olson, McChesney, Lange, referred to Taxation.  
**HB 534**, introduced by Erickson, Hands, Wilson, referred to Judiciary.  
**HB 535**, introduced by Furey, referred to Local Government.  
**HB 536**, introduced by Becker, Lewis, Cocchiarella, Gillan, Stoker, referred to Human Services.  
**HB 537**, introduced by Ripley, L. Jones, Glaser, Musgrove, referred to Agriculture.  
**HB 538**, introduced by Villa, referred to Business and Labor.  
**HB 539**, introduced by Groesbeck, Thomas, Hiner, Sesso, Jopek, Villa, Noonan, Keane, Windy Boy, referred to Appropriations.  
**HB 540**, introduced by Groesbeck, Noonan, Dickenson, Cordier, Small-Eastman, Branae, Lambert, Hiner, Heinert, Villa, Vincent, Ward, MacLaren, Bergren, Jacobson, Jopek, McNutt, Parker, Keane, Henry, Sesso, Hamilton, McChesney, Stahl, L. Jones, Windy Boy, Bixby, referred to Appropriations.  
**HB 541**, introduced by Musgrove, Gillan, Harrington, Van Dyk, W. Jones, Grinde, K. Peterson, Hands, Branae, Becker, Cocchiarella, Keane, Blasdel, Jopek, Sonju, Everett, Ingraham, Caferro, referred to Appropriations.  
**HB 542**, introduced by Gallik, referred to Business and Labor.  
**HB 543**, introduced by Gallik, referred to Judiciary.  
**HB 544**, introduced by Olson, Brueggeman, Hollenbaugh, Jent, referred to State Administration.

**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 Raser in the chair.

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

**HB 120** - Representative Henry moved **HB 120** do pass. Motion carried as follows:

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

Total 98

Noes: Jore, Koopman.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 171** - Representative Hamilton moved **HB 171** do pass. Motion carried as follows:

Ayes: Arntzen, Augare, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Franklin, French, Furey, Gallik, Glaser, Groesbeck, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Jacobson, L. Jones, W. Jones, Jopek, Jore, Keane, Klock, Koopman, Kottel, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Sands, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Witte.

Total 67

Noes: Ankney, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Everett, Grinde, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, Jayne, Kasten, Kerns, Lake, Lambert, McGillvray, Olson, Peterson, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Wells, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 210** - Representative K. Peterson moved **HB 210** do pass. Motion failed follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Clark, Dutton, Everett, Glaser, Grinde, Hawk, Heinert, Hendrick, Hilbert, Himmelberger, Ingraham, L. Jones, Jore, Kasten, Kerns, Klock, Koopman, Lake, Lambert, Lange, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Nooney, O'Hara, Olson, Peterson, Rice, Ripley, Ross, Sands, Sinrud, Sonju, Stahl, Stoker, Taylor, 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, Groesbeck, Hamilton, Hands, Henry, Hiner,

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Hollenbaugh, Jacobson, Jayne, W. Jones, Jopek, Keane, Kottel, Malcolm, McAlpin, McChesney, Musgrove, Noonan, Parker, Phillips, Pomnichowski, Raser, Reinhart, Sesso, Small-Eastman, Thomas, Van Dyk, Villa, Vincent, Wilmer, Wilson, Windy Boy, Wiseman.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 225** - Representative Koopman moved **HB 225** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Barrett, Beck, Blasdel, Boggio, Butcher, Caferro, Clark, Dutton, Everett, Glaser, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Ingraham, 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, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Wilson, Witte, Mr. Speaker.

Total 56

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

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 247** - Representative Windy Boy moved **HB 247** do pass. 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, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 92

Noes: Boggio, Dutton, Hilbert, Jore, Keane, Malcolm, Peterson.

Total 7

Excused: None.

Total 0

Absent or not voting: Himmelberger.

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Total 1

**HB 251** - Representative Stoker moved **HB 251** do pass. Motion carried as follows:

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

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

**HB 260** - Representative Reinhart moved **HB 260** do pass. Motion carried as follows:

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

Total 97

Noes: Boggio, Kasten.

Total 2

Excused: None.

Total 0

Absent or not voting: Malcolm.

Total 1

**HB 281** - Representative McGillvray moved **HB 281** do pass. 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, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr.



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Speaker.  
Total 51

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: 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. Madam Chair Raser moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Ankney, Augare, Barrett, Beck, Boggio, Clark, Dickenson, Dutton, Ebinger, Everett, French, Glaser, Grinde, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Ingraham, L. Jones, W. Jones, Jore, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McGillvray, Mendenhall, Milburn, Morgan, Noonan, Nooney, Olson, Parker, Phillips, Pomnichowski, Reinhart, Rice, Ripley, Ross, Sands, Sinrud, Sonju, Stahl, Stoker, Vincent, Wells, Wilmer, Windy Boy, Witte, Mr. Speaker.  
Total 59

Noes: Becker, Bergren, Bixby, Branae, Caferro, Callahan, Cohenour, Cordier, Driscoll, Erickson, Franklin, Furey, Gallik, Groesbeck, Hamilton, Hiner, Hollenbaugh, Jacobson, Jayne, Jopek, Musgrove, Small-Eastman, Villa, Wiseman.  
Total 24

Excused: None.  
Total 0

Absent or not voting: Arntzen, Blasdel, Butcher, Campbell, Hands, McAlpin, McChesney, McNutt, O'Hara, Peterson, Raser, Sesso, Taylor, Thomas, Van Dyk, Ward, Wilson.  
Total 17

**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 287** passed as follows:

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

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

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 317** passed 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, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 51

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: None.

Total 0

Absent or not voting: None.

Total 0

**HB 384** passed as follows:

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

Total 100

Noes: None.

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Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Bergren moved that **HB 100** be taken from the table in the Committee on Taxation and be placed on 2nd Reading. 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, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Ward, Wells, Witte, Mr. Speaker.

Total 51

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

**HB 512**, introduced by L. Jones, the following sponsors were added:

Reps. Ankney, Arntzen, Blasdel, Boggio, Butcher, Clark, Everett, Glaser, Heinert, Hilbert, W. Jones, Klock, Lambert, Lange, MacLaren, Malcolm, McNutt, Mendenhall, Milburn, Nooney, O'Hara, Olson, Rice, Ripley, Small-Eastman, Stahl, Stoker, Vincent, Witte. Senators Bales, Black, Brueggeman, Cobb, Laible, Murphy, Perry.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 1:00 p.m., Friday, February 2, 2007. Motion carried.

House adjourned at 3:36 p.m.

MARILYN MILLER  
Chief Clerk of the House

SCOTT SALES  
Speaker of the House