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

Roll Call. All members present. Quorum present.

The Speaker introduced the pages for the week:

Pages:
- Cyrus Gilbert, Missoula
- Shawn Adams, Helena
- Mary Lemke, Livingston
- Walker Stole, Livingston
- Bethany Seifert, Glendive
- Brooke McLendon, Bozeman
- Marcia Levitan, Helena
- Lindsey Lashelle, Bozeman
- Ryne Dougherty, Missoula

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:
- SB 78, introduced by Larson
- SB 99, introduced by Harrington

REPORTS OF STANDING COMMITTEES

BILLS (L. Jones, Chairman):
- Correctly printed: HB 414.
- Correctly enrolled: HJR 3.
- Examined by the sponsor and found to be correct: HJR 3.
- Signed by the Speaker at 11:15 a.m., February 12, 2007: HJR 3.
- Signed by the President at 11:30 a.m., February 12, 2007: HJR 3.
- Delivered to the Secretary of State at 11:10 a.m., February 12, 2007: HJR 3.

APPROPRIATIONS (Sinrud, Chairman):
- HB 371, introduced bill, be amended as follows:
  1. Title, line 8.
     Following: "PROPOSAL;"
     Insert: "PROVIDING A LIMIT ON ADMINISTRATIVE COSTS;"
  2. Page 1, line 13.
     Following: "Appropriation."
     Insert: "(1)"
  3. Page 1, line 15.
     Strike: "(1)"
Insert: "(a)"

4. Page 1, line 19.
   Strike: "(2)"
   Insert: "(b)"

5. Page 1, line 20 through line 21.
   Strike: "American" on line 20 through "Law 105-277" on line 21
   Insert: "Immigration and Nationality Act, 8 U.S.C. 1101, et seq."

   Following: line 22
   Insert: "(2) Administrative costs may be no more than 7% of the appropriation in each fiscal year.
   (3) The Montana manufacturing extension center shall provide a report to the legislative finance committee at the end of fiscal year 2008 and fiscal year 2009 on how these funds have been spent and on outcomes achieved through the expenditure of these funds."


HUMAN SERVICES (Stoker, Chairman):
HJR 19, introduced joint resolution, be amended as follows:

1. Title, page 1, line 7 and line 8.
   Following: "INFORMATION"
   Strike: "OR TO BRING" on line 7 through "ATTORNEY GENERAL" on line 8

2. Page 2, line 12 through line 15.
   Strike: line 12 through line 15

And, as amended, be adopted. Report adopted.

JUDICIARY (Rice, Chairman):
HB 340, introduced bill, be amended as follows:

1. Page 1, line 20.
   Strike: "5"
   Insert: "4"

2. Page 2, lines 13 through 17.
   Strike: section 5 in its entirety
   Renumber: subsequent sections

3. Page 2, line 23.
   Following: "custody"
   Strike: ","
   Strike: "2"
   Insert: "72"
   Strike: ", to secure the safety of persons at the scene"

4. Page 2, line 25.
5. Page 2, line 25.
Following: "period"
Insert: "unless a court order is obtained to retain the firearm"

Strike: "immediately"

Following: "sell the firearm"
Insert: "to a licensed dealer"

Strike: ", by contract or otherwise,"

Strike: section 9 in its entirety
Renumber: subsequent sections

Strike: "5"
Insert: "4"

11. Page 6, line 1.
Strike: "5"
Insert: "4"

Strike: "6"
Insert: "5"

13. Page 6, line 3.
Strike: "6"
Insert: "5"

Strike: "7"
Insert: "6"

15. Page 6, line 5.
Strike: "7"
Insert: "6"

Strike: "8"
Insert: "7"

17. Page 6, line 7.
Strike: "8"
Insert: "7"

18. Page 6, lines 8 and 9.
**Strike:** subsection (5) in its entirety


**FIRST READING AND COMMITMENT OF BILLS**

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

- **HB 640.** introduced by Grinde, Cohenour, referred to State Administration.
- **HB 641.** introduced by Musgrove, Laslovich, Van Dyk, Brueggeman, Bergren, Villa, Windy Boy, referred to Judiciary.
- **HB 642.** introduced by Milburn, referred to Fish, Wildlife and Parks.
- **HB 644.** introduced by Sonju, referred to Taxation.
- **HB 645.** introduced by K. Peterson, referred to Judiciary.
- **HB 646.** introduced by Butcher, referred to Business and Labor.
- **HB 647.** introduced by Furey, referred to State Administration.
- **HB 648.** introduced by Ward, Perry, Murphy, Olson, Lewis, referred to Judiciary.
- **HB 649.** introduced by Sinrud, Parker, referred to Local Government.
- **HB 650.** introduced by Koopman, Jore, referred to State Administration.
- **HB 651.** introduced by Cordier, referred to Education.
- **HB 655.** introduced by Branae, Van Dyk, Driscoll, Moss, Grinde, Becker, Small-Eastman, Musgrove, Gillan, referred to Business and Labor.
- **HB 656.** introduced by Hollenbaugh, Kaufmann, referred to Judiciary.
- **HB 657.** introduced by Ebinger, Parker, Malcolm, McAlpin, referred to Judiciary.
- **HB 658.** introduced by Sinrud, Parker, referred to Appropriations.
- **HB 659.** introduced by Everett, referred to Federal Relations, Energy, and Telecommunications.
- **HB 660.** introduced by Cohenour, Augare, referred to Judiciary.
- **HB 661.** introduced by Cohenour, referred to Judiciary.
- **HB 662.** introduced by Villa, referred to Local Government.
- **HB 663.** introduced by Villa, referred to State Administration.

Democratic Caucus Leader Villa announced the Democrats would caucus. Majority Leader Lange announced the Republicans would stand at ease. The House reconvened at 1:25.
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 Mendenhall in the chair.

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

HB 328 - Representative Lange moved consideration of HB 328 be placed at the top of the second reading board. Motion carried.

HB 403 - Representative Lange moved consideration of HB 403 be placed below HB 437 on the second reading board. Motion carried.

HB 328 - Representative Stahl moved HB 328 do pass. Motion carried as follows:

Total 100

Noes: None.
Total 0

Voted Absentee: Milburn, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 364 - Representative Malcolm moved HB 364 do pass.

HB 364 - Representative Barrett moved HB 364, second reading copy, be amended.

Amendment failed as follows:

Total 43
Total 57

Voted Absentee: Milburn, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

**HB 364** - The Motion to pass HB 364 carried as follows:

Total 59

Total 40

Voted Absentee: Milburn, Aye.

Excused: None.
Total 0

Absent or not voting: Sinrud.
Total 1

**HB 437** - Representative Gallik moved HB 437 do pass. Motion carried as follows:

Total 99
HB 403 - Representative Jore moved HB 403 do pass.

HB 403 - Representative Ward moved HB 403, second reading copy, be amended as follows:

1. Title, line 6 through line 7.
   **Strike:** "PROVIDING" on line 6 through "PENALTY, " on line 7

2. Page 1, line 24 through line 25.
   **Strike:** "(5) " on line 24 through "CONDUCT, " on line 25

Amendment adopted as follows:

Total 55

Total 45

Voted Absentee: Milburn, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 403 - Representative McGillvray moved for cloture.

HB 403 - The motion to pass HB 403 failed as follows:

Ayes: 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, Lange,
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 334** passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickinson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert,
HB 347 passed as follows:

HB 402 passed as follows:

Excused: Milburn.
Total  1

Absent or not voting: None.
Total  0

HB 431 passed as follows:

Total  99

Noes: None.
Total  0

Excused: Milburn.
Total  1

Absent or not voting: None.
Total  0

HB 469 passed as follows:

Total  82

Noes: Becker, Bixby, Branae, Caferro, Callahan, Cohonour, Dickenson, Erickson, Gallik, Hamilton, Hands, Henry, McAlpin, Musgrove, Pommichowski, Van Dyk.
Total  16

Excused: Milburn.
Total  1

Absent or not voting: Stahl.
Total  1

HJR 20 adopted as follows:
Total 89

Noes: Blasdel, Hawk, Jore, Koopman, Lake, Mendenhall, Morgan, Ross, Taylor, Vincent.
Total 10

Excused: Milburn.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Rice, Chairman):

MOTIONS

Majority Leader Lange moved HB 364 be rereferred to the Committee on Appropriations. There being no objections, so ordered.

SPECIAL ORDERS OF THE DAY

HB 646, introduced by Butcher, the following sponsors were added:

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved the House be in recess until 5:10 p.m., same day. There being no objections, so ordered.

House reconvened at 5:13 p.m. Mr. Speaker in the Chair.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

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

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:
HB 449 - Representative Pominichowski moved HB 449 do pass. Motion carried as follows:

Total 96

Noes: Himmelberger, Koopman, McGillvray.
Total 3

Voted Absentee: Milburn, Aye.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

HB 329 - Representative Windy Boy moved HB 329 do pass.

HB 329 - Representative Caferro moved HB 329, second reading copy, be amended as follows:

1. Page 1, line 28 through page 2, line 1.
   **Strike:** "AN" on line 28 through "SECTION." on line 1

2. Page 2, line 4 through line 7.
   **Strike:** the first "AN" on line 4 through "SECTION." on line 7

Amendment adopted as follows:

Total 76

Noes: Barrett, Beck, Blasdel, Butcher, Clark, Everett, Hawk, Hilbert, Himmelberger, Jore, Koopman, Lake, Milburn, Nooney, Peterson, Rice, Ripley, Sinrud, Sonju, Taylor, Wells, Witte, Mr. Speaker.
Total 23

Voted Absentee: Milburn, No.
Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

**HB 329** - The motion to pass **HB 329** carried as follows:

Total 94

Noes: Everett, Hawk, Jore, Malcolm, Ripley.
Total 5

Voted Absentee: Milburn, Aye.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

**HB 253** - Representative Ross moved **HB 253** do pass. Motion carried as follows:

Total 99

Noes: None.
Total 0

Voted Absentee: Milburn, Aye.

Excused: None.
Total 0

Absent or not voting: Kasten.
Total 1

HB 345 - Representative Lange moved HB 345 do pass.

HB 345 - Representative Van Dyk moved HB 345, second reading copy, be amended as follows:

1. Title, line 5 through line 6.
Strike: "PROVIDING" on line 5 through "CREDIT;" on line 6

2. Page 1, line 12.
Strike: "(7)"
Insert: "(6)"
Strike: "(8)"
Insert: "(7)"

3. Page 1, line 14.
Strike: "$10" through second "month"
Insert: "3% of the gross rent paid by the taxpayer"

4. Page 1, line 23.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

5. Page 1, line 24.
Following: "(5)"
Insert: "(a)"

Following: line 25
Insert: "(b) If two or more individuals are sharing a dwelling, each individual may claim the credit based on the proportional share that the individual pays of the gross rent."

7. Page 1, line 28.
Strike: "gross household"
Insert: "adjusted gross"

8. Page 1, line 29 through line 30.
Strike: "For" on line 29 through "15-30-171(9)(b)." on line 30

Strike: subsection (9) in its entirety
Renumber: subsequent subsection

Strike: subsection (b) in its entirety
Renumber: subsequent subsections

11. Page 2, line 17.
Strike: subsection (d) in its entirety
Renumber: subsequent subsection
Amendment adopted as follows:

Total 100

Noes: None.
Total 0

Voted Absentee: Kasten, Milburn, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 345 - The motion to pass HB 345 carried as follows:

Total 90

Noes: Campbell, Everett, Hawk, Ingraham, Jore, Kerns, Koopman, Malcolm, Noonan.
Total 9

Voted Absentee: Kasten, Milburn, Ayes.

Excused: None.
Total 0

Absent or not voting: Jayne.
Total 1

HB 426 - Representative Ross moved HB 426 do pass. Motion carried 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,

Total 96

Noes: Koopman, Mendenhall.
Total 2

Voted Absentee: Kasten, Milburn, Ayes.

Excused: None.
Total 0

Absent or not voting: Beck, Ripley.
Total 2

**HB 433** - Representative Wiseman moved **HB 433** do pass. Motion carried as follows:

Total 98

Noes: Kasten.
Total 1

Voted Absentee: Milburn, Aye; Kasten, No.

Excused: None.
Total 0

Absent or not voting: Dutton.
Total 1

**HB 532** - Representative Jacobson moved **HB 532** do pass. Motion carried as follows:

Total 95

Noes: Everett, Jore, Kasten.
Total 3

Voted Absentee: Milburn, Aye.

Excused: None.
Total 0

Absent or not voting: Phillips, Sonju.
Total 2

HJR 13 - Representative Ankney moved HJR 13 be adopted. Motion carried as follows:

Total 66

Total 34

Voted Absentee: Milburn, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 291 - Representative Ross moved HB 291 do pass. Motion carried as follows:

Total 100
Noes: None.
Total 0

Voted Absentee: Milburn, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 461 - Representative Ebinger moved HB 461 do pass. Motion carried as follows:

Total 78

Noes: Beck, Butcher, Everett, Hawk, Hilbert, Himmelberger, Jore, Kasten, Kerns, Koopman, Lake, Malcolm, McGillvray, Milburn, Rice, Ripley, Ross, Sinrud, Stoker, Wells, Witte, Mr. Speaker.
Total 22

Voted Absentee: Milburn, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

Total 92

Noes: Everett, Hawk, Koopman, McGillvray, Sinrud, Sonju.
Total 6
Excused: Milburn.
Total 1

Absent or not voting: Stahl.
Total 1

MOTIONS

Representative French moved that her vote be changed on HJR 13. Representative Sinrud objected. Representative Parker moved that this vote change be allowed but that vote changes not be allowed in the future. There being no objections, so ordered.

Majority Leader Lange moved that HB 605 be taken from the Committee on Judiciary and be rereferred to the Committee on Business and Labor. There being no objection, so ordered.

Majority Leader Lange moved that HB 654 be taken from the Committee on Judiciary and be rereferred to the Committee on Business and Labor. There being no objection, so ordered.

Majority Leader Lange moved that HB 329 be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that HB 345 be rereferred to the Committee on Appropriations. There being no objections, so ordered.

Majority Leader Lange moved that HB 461 be rereferred to the Committee on Appropriations. There being no objections, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 1:00 p.m., Tuesday, February 13, 2007. Motion carried.

House adjourned at 6:25 p.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House