House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Taylor. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Speaker Sales introduced the new pages for the week:

Pages:
- Nathaniel Wagner, Kalispell
- John Stiles, Bozeman
- Amanda Lashelle, Bozeman
- Brigid Shearer, Billings
- Emma Sales, Bozeman
- Joel Pratt, Miles City
- Sierra Chambers, Clancy
- Patrick Lopach, Helena

Speaker Sales introduced Harry Fritz, who spoke to the chamber as President Abraham Lincoln, the sixteenth President of the United States.

REPORTS OF STANDING COMMITTEES

**BILLS** (Jones, Chairman):
Correctly enrolled: **HB 333**.
Correctly printed: **HB 265, HB 276, HB 401, HB 596, HB 630, HJR 34**.
Correctly printed: **HB 27, HB 205, HB 271, HB 304, HB 455, HB 524, HB 636**.
Correctly enrolled: **HB 121**.
Signed by the Chief Clerk of the House at 1:45 a.m., February 19, 2007: **HB 121, HB 333**.
Signed by the Speaker at 1:50 a.m., February 19, 2007: **HB 121, HB 333**.
Signed by the President at 2:00 a.m., February 19, 2007: **HB 121, HB 333**.
Correctly printed: **HB 531, HB 619, HB 640**.

**TRANSPORTATION** (Sonju, Chairman):
**HB 175**, introduced bill, be amended as follows:

1. Title, line 9.
   **Following:** "DECLARATIONS;"
   **Insert:** "REMOVING CERTAIN PROVISIONS REQUIRING THE USE OF GASOLINE BLENDED WITH ETHANOL;"

2. Title, line 11.
   **Strike:** "82-15-121, 82-15-122,"

3. Title, line 12.
   **Following:** "MCA;"
   **Insert:** "REPEALING SECTIONS 82-15-121 AND 82-15-122, MCA;"
   **Strike:** "AND TERMINATION DATES"
4. Page 4, line 5 through line 8.

Strike: subsection (4) in its entirety

5. Page 13, line 27 through page 15, line 4.

Strike: sections 18 and 19 in their entirety

Renumber: subsequent sections


Following: line 10

Insert: "NEW SECTION. Section 19. Repealer. Sections 82-15-121 and 82-15-122, MCA, are repealed."

7. Page 16, line 14 through line 22.

Strike: section 22 in its entirety


HB 332, introduced bill, be amended as follows:

1. Title, line 4.

Following: "LIMITS FOR" on line 4

Insert: "MOTORCYCLES AND"

2. Title, line 5.

Following: "REQUIRING" on line 5

Insert: "MOTORCYCLES AND"

3. Page 1, line 11.

Following: "--" on line 11

Insert: "motorcycle and"

4. Page 1, line 29.

Following: "from the"

Insert: "motorcycle's or"


HB 556, introduced bill, be amended as follows:

1. Page 1, line 25.

Strike: "50,000"

Insert: "75,000"

2. Page 1, line 27.

Following: "(iii)"

Insert: "dyed"

Strike: "motorized"

Insert: "off-highway vehicles,"
3. Page 1, line 29.
Strike: "verifies"
Insert: "certifies"

4. Page 1, line 30 through page 2, line 1.
Strike: "shall" on page 1, line 30
Insert: "may"
Following: "dyed special fuel" on line 30
Strike: remainder of line 30 through "period" on page 2, line 1
Insert: "in off-highway vehicles and internal combustion engines, including stationary engines, for the duration"

5. Page 2, line 2.
Following: "user"
Insert: "and the extension of the project"

6. Page 2, line 11.
Strike: "and"

7. Page 2, line 12.
Following: "project"
Insert: ": and
(d) all dyed special fuel reported in a return filed in accordance with the requirements of 15-70-325"

Strike: subsection (5) in its entirety
Renumber: subsequent subsections

Following: line 26
Insert: ":(8) A special fuel user that is issued a temporary permit under subsection (1) shall keep the following records:
(a) all dyed special fuel receipts for the project;
(b) the location of the fixed or mobile facility where the dyed special fuel is stored and withdrawn for the project;
(c) the date of any fuel disbursement;
(d) the number of gallons withdrawn;
(e) the beginning and ending meter readings or other means of determining the quantity of dyed special fuel withdrawn;
(f) the identification number, hour meter, or unit number of the off-highway vehicle, equipment, or internal combustion engine that the dyed special fuel was used in; and
(g) the purpose of the withdrawal if the fuel is withdrawn by the special fuel user for any other purpose."
Renumber: subsequent subsection


HB 567, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "REQUIRING"
Insert: "ALLOWING"
2. Title, line 10.
Following: "AND"
Insert: "ALLOWING"

3. Title, line 11 through line 12.
Strike: "CONTRACT" on line 11 through "OF" on line 12
Insert: "REVIEW CRASH DATA IN"
Following: "EACH"
Insert: "HIGHWAY SAFETY"

Strike: "to"
Insert: "may"

5. Page 1, line 27.
Strike: "shall"
Insert: "may"

6. Page 1, line 29 through page 2, line 1.
Strike: subsections (2)(a) and (2)(b) in their entirety

7. Page 2, line 2.
Strike: "(c)"
Insert: "(2)"

8. Page 2, line 3.
Strike: "the annual study"
Insert: "a review"

Strike: "(a)"

10. Page 2, line 9 through line 12.
Strike: "during" on line 9 through "time" on line 12

11. Page 2, line 16.
Strike: "(2)(c)"
Insert: "(2)"

Strike: the first "signs" on line 23 through "day" on line 24
Insert: "appropriate signs indicating the beginning of the highway safety corridor, stating that fines will be doubled, and encouraging use of headlights"

Strike: "signs" through "corridor."
Insert: "appropriate signs designating the end of the highway safety corridor."

14. Page 2, line 26 through line 27.
Strike: "approximately" on line 26 through "enforced."" on line 27
Insert: "appropriate locations."

15. Page 2, line 29.
Strike: "not" through "possible"

Strike: "shall"
Insert: "may"
Strike: "pursuant to [section 3]"
Insert: "by the department"

17. Page 3, line 9.
Strike: "shall"
Insert: "may"

Strike: "Annual review"
Insert: "Review"

19. Page 3, line 15 through line 16.
Strike: "contract" on line 15 through "review of" on line 16
Insert: "review"

Following: "crashes."
Insert: "The department may use department staff or contract with a qualified engineering firm to conduct the reviews."

Strike: subsection (2) in its entirety
Renumber: subsequent subsection

Strike: "publish" on line 20 through "as" on line 21
Insert: "use the reviews required under this section to determine if"

Following: "designation."
Insert: "The reviews must be made available to the public."


STATE ADMINISTRATION (Himmelberger, Chairman): 2/19/2007
SB 15, be concurred in. Report adopted.

TAXATION (Lake, Chairman): 2/19/2007
HB 564, introduced bill, be amended as follows:
1. Title, line 4 through line 5.
**Strike:** "INCREASING" on line 4 through "TAXPAYERS;" on line 5

2. Title, line 6 through line 7.
**Strike:** "INCREASING" on line 6 through "TAXPAYERS;" on line 7

3. Title, line 8.
**Following:** "15-30-103"
**Strike:** ","
**Insert:** "AND"
**Strike:** "AND 15-30-122."

4. Page 2, line 12.
**Following:** "singly;"
**Insert:** ","
**Strike:** "or"
**Strike:** ","
**Insert:** "", or"

**Strike:** "(ii)" through "taxpayer"
**Following:** "married"
**Insert:** " as married"
**Renumber:** subsequent subsection

**Strike:** "$11,000"
**Insert:** "$10,000"

7. Page 5, line 5 through line 24.
**Strike:** section 3 in its entirety
**Renumber:** subsequent sections


MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:
2/17/2007

SB 41. introduced by Elliott
SB 76. introduced by Gillan
SB 93. introduced by Pease
SB 102. introduced by Lind
SB 130. introduced by Story
SB 295. introduced by Tash
SB 299. introduced by Moss
SB 301. introduced by Moss
SB 341. introduced by Lewis
SB 363. introduced by Kaufmann
SB 403. introduced by Lind
SB 430. introduced by Elliott
House joint resolution passed and transmitted to the House for concurrence: 2/17/2007
SJR 5, introduced by Brueggeman

House bill concurred in and returned to the House: 2/17/2007
HB 121, introduced by McChesney

First reading and commitment of bills

The following House bills were introduced, read first time, and referred to committees:
HB 771, introduced by L. Jones, referred to State Administration.
HB 772, introduced by K. Peterson, referred to Taxation.
HB 773, introduced by MacLaren, Lange, Parker, referred to Appropriations.
HB 774, introduced by Glaser, Larson, referred to Business and Labor.
HB 775, introduced by Jore, referred to Judiciary.

Democratic Caucus Leader Villa announced the Democrats would caucus. Majority Leader Lange announced the Republicans would stand at ease. The House reconvened at 1:05 p.m.

Second reading of bills

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

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

HB 514 - Representative Lange moved consideration of HB 514 be passed for the day. Motion carried.

HB 492 - Representative Lange moved consideration of HB 492 be passed for the day. Motion carried.

HB 13 - Representative Sesso moved HB 13 do pass.

HB 13 - Representative McChesney moved HB 13, second reading copy, be amended as follows:

1. Title, page 1, line 8, through page 1, line 9.
   Strike: "PROHIBITING" on line 8 through "INCREASES;" on line 9

2. Title, page 1, line 15.
   Strike: "17-7-102, 17-7-138, 17-7-139,"

3. Page 6, line 18 through line 20.
   Strike: "THE" on line 18 through "APPRAISAL," on line 20

4. Page 8, line 9 through line 10.
   Strike: "EACH" on line 9 through "DESCRIPTION," on line 10

5. Page 9, line 8 through line 12.
   Strike: "SUBJECT" on line 8 through "AGENCIES," on line 12
6. Page 9, line 23.
Strike: "--REPORT"

7. Page 12, line 14 through line 15.
Strike: subsection (7) in its entirety

8. Page 18, line 4 through page 22, line 15.
Strike: section 20 through section 22 in their entirety
Renumber: subsequent sections

Strike: section 25 in its entirety
Renumber: subsequent sections

Strike: "$5,318,049 $8,390,636 $11,907,367 $18,074,387"
Insert: "$6,295,995 $9,732,127 $14,945,346 $22,195,176"

Strike: "$12,841,375 $8,603,925 $29,002,402 $18,542,155"
Insert: "$13,819,321 $9,945,416 $32,040,381 $22,662,944"

12. Page 25, line 26 through page 26, line 3.
Strike: line 26 through line 3 in their entirety

Strike: "27"
Insert: "23"
Strike: "29"
Insert: "25"

Amendment adopted as follows:

Total 72

Noes: Barrett, Blasdel, Boggio, Everett, Hawk, Heinert, Himmelberger, Ingraham, Jore, Kasten, Kerns, Koopman, Lake, Lambert, Mendenhall, Morgan, Nooney, Rice, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Vincent, Wells, Witte, Mr. Speaker.
Total 28


Excused: None.
Total 0
Absent or not voting: None.
Total 0

**HB 13** - The motion to pass **HB 13** as amended carried as follows:

Total 75

Total 25


Excused: None.
Total 0

Absent or not voting: None.
Total 0

**HB 397** - Representative Glaser moved **HB 397** do pass. Motion carried as follows:

Total 84

Total 16


Excused: None.
Total 0

Absent or not voting: None.
Total 0

**HB 77** - Representative Clark moved **HB 77** do pass. Motion carried as follows:
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Total 89

Noes: Everett, Hawk, Jore, Kasten, Koopman, Lambert, Mendenhall, Sonju, Wells, Mr. Speaker.
Total 10


Excused: None.
Total 0

Absent or not voting: Jacobson.
Total 1

HB 157 - Representative Caferro moved HB 157 do pass. Motion carried as follows:

Total 71

Total 29

Voted Absentee: Ward, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 439 - Representative Koopman moved HB 439 do pass. Motion failed as follows:

Total 50
Total 50


Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 450 - Representative Pomnichowski moved HB 450 do pass. Motion carried as follows:

Total 89

Noes: Barrett, Boggio, Hendrick, Jore, Kasten, Koopman, Lake, Milburn, Sinrud, Wells, Mr. Speaker.
Total 11


Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 459 - Representative Heinert moved HB 459 do pass. Motion carried as follows:

Total 94

Noes: Driscoll, Furey, Musgrove, Windy Boy.
HB 464 - Representative Sales moved consideration of HB 464 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 487 - Representative Hiner moved HB 487 do pass. Motion carried as follows:

Total 94

Noes: Jore, Koopman, Mendenhall, Ripley, Sonju, Mr. Speaker.
Total 6

HB 497 - Representative Pomnichowski moved HB 497 do pass. Motion carried as follows:

Total 94

Noes: Boggio, Butcher, Sonju, Witte, Mr. Speaker.
Total 5

Excused: None.
Total 0

Absent or not voting: Lange.
Total 1

HB 565 - Representative K. Peterson moved HB 565 do pass. Motion carried as follows:

Total 51

Total 49

Voted Absentee: Ward, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 585 - Representative Keane moved HB 585 do pass. Motion carried as follows:

Total 69

Total 30


Excused: None.
Total 0
Absent or not voting: Parker.
Total 1

HB 594 - Representative Stahl moved HB 594 do pass. Motion carried as follows:
Total 77

Noes: Barrett, Boggio, Driscoll, Dutton, Erickson, Franklin, Gallik, Jayne, Jopek, Kasten, Kerns, McGillvray, Rice, Ripley, Sands, Sinrud, Taylor, Thomas, Van Dyk, Wells, Wilson, Witte, Mr. Speaker.
Total 23


Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 616 - Representative McChesney moved HB 616 do pass. Motion carried as follows:
Total 61

Total 39


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

Total 92

Noes: Becker, Jore, Koopman, Wells.
Total 4

Excused: Ward.
Total 1

Absent or not voting: Beck, Kasten, Sinrud.
Total 3

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 19 adopted as follows:

Total 91

Total 9


Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 40 passed as follows:


Voted Absentee: Ward, No.

Excused: None. Total 0

Absent or not voting: Bergren, Jopek Total 2

HB 198 passed as follows:


Noes: Everett, Hawk, Jore, Kasten, Kerns, Koopman, Mendenhall, Ripley, Ross, Sinrud, Wells, Mr. Speaker. Total 12


Excused: None. Total 0

Absent or not voting: None. Total 0

HB 214 passed as follows:

Total 95

Noes: Boggio, Everett, Jore, Koopman, McGillvray.
Total 5


Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 256 passed as follows:

Total 85

Noes: Augare, Becker, Bixby, Caferro, Callahan, Campbell, Cohenour, Erickson, Hands, Hilbert, Jopek, McAlpin, Noonan, Peterson, Wiseman.
Total 15


Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 305 passed as follows:

Total 71

Noes: Augare, Becker, Bergren, Bixby, Caferro, Callahan, Cohenour, Driscoll, Erickson, Gallik, Grinde, Hamilton, Hands, Henry, Hollenbaugh, Jayne, McAlpin, Musgrove, Noonan, Parker, Peterson, Raser, Sands, Sesso, Van Dyk,
Villa, Wilson.
Total 27


Excused: None.
Total 0

Absent or not voting: Hendrick, Hilbert.
Total 2

HB 310 passed as follows:

Total 95

Noes: Becker, Dickinson, Hamilton, Jayne, Sonju.
Total 5


Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 389 passed as follows:

Total 95

Noes: Campbell, Driscoll, Grinde, Keane, Noonan.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

**HB 427** passed as follows:

Total 92

Noes: Driscoll, Jore, Koopman, Stahl, Ward, Witte, Mr. Speaker.
Total 7


Excused: None.
Total 0

Absent or not voting: Clark.
Total 1

**HB 467** passed as follows:

Total 67

Total 33


Excused: None.
Total 0

Absent or not voting: None.
Total 0
HB 468 passed as follows:

Total  77

Noes: Augare, Beck, Bergren, Butcher, Caferro, Callahan, Campbell, Driscoll, Everett, Furey, Gallik, Hamilton, Hawk, Jayne, Keane, Musgrove, Parker, Peterson, Raser, Reinhart, Ripley, Wilson, Windy Boy.
Total  23


Excused: None.
Total  0

Absent or not voting: None.
Total  0

HB 496 passed as follows:

Total  100

Noes: None.
Total  0


Excused: None.
Total  0

Absent or not voting: None.
Total  0

HB 521 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Campbell, Clark, Cohenour, Cordier, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik,
Total 96
Noes: Callahan, Dickenson, Hiner, Jayne.
Total 4
Excused: None.
Total 0
Absent or not voting: None.
Total 0

HB 522 passed as follows:
Total 52
Total 48
Excused: None.
Total 0
Absent or not voting: None.
Total 0

HB 523 passed as follows:
Total 52
Total 48


Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 633 passed as follows:

Total 84

Total 16

Voted Absentee: Ward, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Representative Cohenour moved to reconsider action taken on HB 554 and that the bill be placed back on second reading.

Representative Mendenhall moved to table the motion by Representative Cohenour to reconsider HB 554.

The motion failed as follows:

Total 47


Total 52

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

The motion to reconsideration the action on HB 554 passed as follows:


Total 52


Total 47

Excused: Ward.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 12:30 p.m., Tuesday, February 20, 2007. Motion carried.

House adjourned at 3:05 p.m.

Marilyn Miller
Chief Clerk of the House

Scott Sales
Speaker of the House