

**HOUSE JOURNAL  
61ST LEGISLATURE  
SIXTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 27, 2009

House Chambers  
State Capitol

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

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

Mr. Speaker introduced and thanked the pages for their work this week.

Mr. Speaker made a quick announcement about 3rd reading absentee procedures `

**MOTIONS**

Rep. Howard moved that due to his absence yesterday and his inability to vote on 3rd reading, he be recorded as a "NO" vote for 3rd reading on **HB 645**. Motion carried.

**SPECIAL ORDERS OF THE DAY**

**A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA**

**March 27, 2009**

Commending Michael W. Haynes, a 28-year-old Trooper with the Montana Highway Patrol, for his service to the State of Montana;

**Whereas**, Trooper Haynes was the beloved son of John and Melody Haynes of Kalispell, the loving husband of Tawney, and devoted father of Taryn and Elias; and

**Whereas**, Trooper Haynes was a hardworking man, dedicated to his job with the Highway Patrol, who lived the example of the core duties of the Patrol: service, integrity, and respect; and

**Whereas**, Trooper Haynes was sworn in to duty on August 10, 2006, and stationed in Baker and assumed his Kalispell duty station on October, 1, 2007; and

**Whereas**, Trooper Haynes injured in the line of duty while on patrol of U.S. Highway 93 in the early morning hours of March 23, 2009, and he succumbed to his injuries on March 27, 2009;

**THEREFORE BE IT RESOLVED BY THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA:**

*That the members of this body recognize the dedication of trooper Haynes to the citizens of the State of Montana and the sacrifice he made. The members of this body further extend condolences to the family of Trooper Haynes and extend best wishes for strength in his difficult time.*

Senator Robert R. Story Jr.  
President of Senate

Representative Bob Bergren  
Speaker of the House

Sen. John Brueggeman, Chairman

Rep. Jon Sonju, Chairman

Highways & Transportation Committee

Transportation Committee

### COMMUNICATIONS AND PETITIONS

Mr. Speaker the Journals for the 36th through the 52nd legislative day have been reviewed and have been found to be accurate and signed. They have been filed with the Secretary of State.

### REPORTS OF STANDING COMMITTEES

**AGRICULTURE** (Jopek, Chairman):

3/27/2009

**SB 68**, be concurred in. Report adopted.

**SB 104**, be amended as follows:

1. Page 1, line 24.

**Following:** "~~held~~"

**Insert:** "in the newspaper doing the county printing of the county in which the estray is found and"

2. Page 1, line 25.

**Following:** "must"

**Insert:** "be published in the newspaper at least one time and must"

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

**SB 126**, be concurred in. Report adopted.

**SB 286**, be amended as follows:

1. Page 12, line 31.

**Insert:** "NEW SECTION. Section 20. Termination. [Sections 1 through 16] terminate June 30, 2011."

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

**HB 575**, be amended as follows:

1. Title, lines 4 and 5.

**Strike:** "PRODUCTION" on line 4 through "WELL" on line 5

**Insert:** "WATER PRODUCED IN ASSOCIATION WITH COAL BED METHANE PRODUCTION"

2. Title, line 6.

**Strike:** "PRODUCTION"

**Strike:** "AN OIL OR GAS WELL;"

**Insert:** "COAL BED METHANE PRODUCTION; INCREASING COMPENSATION FROM THE COAL BED METHANE PROTECTION PROGRAM; ASSESSING A FEE; REQUIRING A STUDY OF ISSUES RELATED TO WATER IN ASSOCIATION WITH OIL AND GAS PRODUCTION;"

3. Title, line 6.

**Following:** SECTIONS

**Insert:** "15-36-331,"

4. Title, line 7.

**Strike:** "82-11-101,"

**Insert:** "76-15-904, 76-15-905, AND"

**Strike:** "85-2-102" through "85-2-510,"

**Following:** "MCA;"

**Insert:** "REPEALING SECTION 10, CHAPTER 531, LAWS OF 2001;"

5. Page 1, line 12 through page 9, line 12.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Temporary permit. (1) As provided in this section and in accordance with this part, the department shall issue a temporary permit for the beneficial use of water produced in association with coal bed methane production.

(2) In addition to the requirements of this part, an application for a temporary permit under this section must:

(a) provide that the source of the appropriation is surface water in the pipeline, pond, pit, or other means of containing or conveying the water approved by the board of oil and gas conservation pursuant to 85-2-510;

(b) provide that the point of diversion is a specified place diverting the water from the pipeline, pond, pit, or other means of containing or conveying the water approved by the board of oil and gas conservation pursuant to 85-2-510; and

(c) limit the use of the water to:

(i) stock water;

(ii) managed irrigation with no return flow to surface water;

(iii) dust suppression and other industrial uses;

(iv) domestic use; or

(v) distribution for the purposes of subsections (2)(c)(i) through (2)(c)(iv).

(3) A temporary permit issued under this section expires when the beneficial use ceases or coal bed methane production ceases.

(4) An applicant for a temporary permit under this section shall pay an \$800 fee to the department.

(5) (a) The holder of the temporary permit shall notify the department when the beneficial use ceases or coal bed methane production ceases.

(b) The owner of the coal bed methane well or the holder of the temporary permit shall give the owner of the land where the well is located reasonable notice that the temporary permit is about to expire.

(6) Water right holders who may be affected by the use of water under a temporary permit issued pursuant to this part are eligible for compensation pursuant to 76-15-905.

(7) Permits may not be issued under this section after June 30, 2011.

(8) Appropriations approved under this section must not exceed a combined total volume of 2,000 acre-feet annually.

(9) (a) The department and the board of oil and gas conservation shall study the:

(i) effect on ground water of water produced in association with oil and gas production by using information gathered prior to [the effective date of this act] and any information collected pursuant to this section; and

(ii) appropriate uses of water produced in association with oil and gas production.

(b) The department and the board of oil and gas conservation shall report findings and any recommended legislation from the study to the appropriate interim committee in accordance with 5-11-210 before September 1, 2010.

(10) Nothing in this section alters or amends in any way a water compact that has been entered into and approved by the state of Montana and a tribe, the United States, or another state under Title 85, chapter 20."

**Insert:** "**Section 2.** Section 15-36-331, MCA, is amended to read:

**"15-36-331. Distribution of taxes.** (1) (a) For each calendar quarter, the department shall determine the amount of tax, late payment interest, and penalties collected under this part.

(b) For the purposes of distribution of oil and natural gas production taxes to county and school district taxing units under 15-36-332 and to the state, the department shall determine the amount of oil and natural gas production taxes paid on production in the taxing unit.

(2) (a) The amount of oil and natural gas production taxes collected for the privilege and license tax pursuant to 82-11-131 must be deposited, in accordance with the provisions of 17-2-124, in the state special revenue fund for the purpose of paying expenses of the board, as provided in 82-11-135.

(b) The amount of the tax for the oil, gas, and coal natural resource account established in 90-6-1001 must be deposited in the account.

(3) (a) For each tax year, the amount of oil and natural gas production taxes determined under subsection

(1)(b) is allocated to each county according to the following schedule:

Big Horn	45.05%
Blaine	58.39%
Carbon	48.27%
Chouteau	58.14%
Custer	69.53%
Daniels	50.81%
Dawson	47.79%
Fallon	41.78%
Fergus	69.18%
Garfield	45.96%
Glacier	58.83%
Golden Valley	58.37%
Hill	64.51%
Liberty	57.94%
McCone	49.92%
Musselshell	48.64%
Petroleum	48.04%
Phillips	54.02%
Pondera	54.26%
Powder River	60.9%
Prairie	40.38%
Richland	47.47%
Roosevelt	45.71%
Rosebud	39.33%
Sheridan	47.99%
Stillwater	53.51%
Sweet Grass	61.24%
Teton	46.1%
Toole	57.61%
Valley	51.43%
Wibaux	49.16%
Yellowstone	46.74%
All other counties	50.15%

(b) The oil and natural gas production taxes allocated to each county must be deposited in the state special revenue fund and transferred to each county for distribution, as provided in 15-36-332.

(4) The department shall, in accordance with the provisions of 17-2-124, distribute the state portion of oil and natural gas production taxes remaining after the distributions pursuant to subsections (2) and (3) as follows:

- (a) for each fiscal year through the fiscal year ending June 30, 2011, to be distributed as follows:
  - (i) 1.23% to the coal bed methane protection account established in 76-15-904;
  - (ii) 1.45% to the natural resources projects state special revenue account established in 15-38-302;
  - (iii) 1.45% to the natural resources operations state special revenue account established in 15-38-301;
  - (iv) 2.99% to the orphan share account established in 75-10-743;
  - (v) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and
  - (vi) all remaining proceeds to the state general fund;
- (b) for fiscal years beginning after June 30, 2011, to be distributed as follows:
  - (i) 2.16% to the natural resources projects state special revenue account established in 15-38-302;
  - (ii) 2.02% to the natural resources operations state special revenue account established in 15-38-301;
  - (iii) 2.95% to the orphan share account established in 75-10-743;
  - (iv) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; ~~and~~
  - (v) 1.23% to the coal bed methane protection account established in 76-15-904; and

~~(v)~~(vi) all remaining proceeds to the state general fund."

**Insert: "Section 3.** Section 76-15-904, MCA, is amended to read:

**"76-15-904. Coal bed methane protection account -- use.** (1) There is a coal bed methane protection account in the state special revenue fund.

(2) There must be deposited in the account the proceeds from the distribution of oil and natural gas production taxes, as provided in 15-36-331.

(3) All money paid into the account must be invested by the board of investments. Earnings from investments must be deposited in the account.

(4) ~~Subject to the conditions of subsection (5), money~~ Money deposited in the account must be used to compensate landowners and water right holders for damages attributable to coal bed methane development as provided in this part.

~~(5) Money deposited in the fund and earnings of the fund may not be expended until after June 30, 2005. For fiscal years beginning after June 30, 2005, principal and earnings may be expended only in the case of an emergency. For fiscal years beginning after June 30, 2011, principal and earnings in the account may be expended for any purpose authorized pursuant to this part.~~

~~(6)~~(5) Money in the account must be appropriated to the department for use by conservation districts that have private landowners or water right holders who qualify for compensation as provided in 76-15-905. ~~(Subsection (2) terminates June 30, 2011--sec. 10, Ch. 531, L. 2001.)"~~

**Insert: "Section 3.** Section 76-15-905, MCA, is amended to read:

**"76-15-905. Coal bed methane protection program -- restrictions.** (1) There is a coal bed methane protection program administered by conservation districts that have coal beds within the exterior boundary of the district or whose water sources may be adversely affected by the extraction of coal bed methane. The purpose of the coal bed methane protection program is to compensate private landowners or water right holders for damage caused by coal bed methane development.

(2) A conservation district shall establish procedures, approved by the department, for evaluating claims for compensation submitted by a landowner or water right holder. The procedures must include:

(a) a method for submitting an application for compensation for damages caused by coal bed methane development;

(b) a process for determining the cost of the damage to land, surface water, or ground water, if any, caused by coal bed methane development;

(c) the development of eligibility requirements for receiving compensation that include an applicant's access to existing sources of state funding, including state-mandated payments, that compensate for damages; and

(d) criteria for ranking applications related to available resources.

(3) An eligible recipient for compensation includes private landowners and water right holders who can demonstrate as the result of damage caused by coal bed methane development:

(a) a loss of agricultural production or a loss in the value of land;

(b) a reduction in the quantity or quality of water available from a surface water or ground water source that affects the beneficial use of water; or

(c) the contamination of surface water or ground water that prevents its beneficial use.

(4) (a) Subject to the conditions of subsections (5) through ~~(8)~~(7), an eligible landowner may be compensated for the damages incurred by the landowner for loss of agricultural production and income, lost land value, and lost value of improvements caused by coal bed methane development. A payment made under this subsection (4)(a) may only cover land directly affected by coal bed methane development.

(b) Subject to the conditions of subsections (5) through ~~(8)~~(7), an eligible water right holder may be compensated for damages caused by the contamination, diminution, or interruption of surface water or ground water.

(5) In order to qualify for a payment of damages under this section, the landowner or water right holder shall demonstrate that it is unlikely that compensation will be made by the coal bed methane developer or operator who is liable for the damage to land or the reduction in or contamination of surface water or ground water as the result of coal bed methane development.

(6) Compensation made to a landowner or a water right holder under this section may not exceed 75% of the cost of the damages. The maximum amount paid to a landowner or water right holder may not exceed ~~\$50,000~~ \$150,000.

(7) Conservation district administrative expenses for services provided under this section are eligible

costs for reimbursement from the coal bed methane protection account.

~~(8) (a) Except as provided in subsection (8)(b), compensation for damages allowed under this section may be made only after June 30, 2011.~~

~~(b) Compensation for an emergency may be made after June 30, 2005."~~

**Insert:** "Section 4. Section 82-11-175, MCA, is amended to read:

**"82-11-175. Coal bed methane wells -- requirements.** (1) Coal bed methane production wells that involve the production of ~~ground~~ water must comply with this section.

(2) ~~Ground water~~ Water produced in association with a coal bed methane ~~well~~ production must be managed in any of the following ways:

(a) used as irrigation or stock water or for other beneficial uses in compliance with Title 85, chapter 2, part 3;

(b) reinjected to an acceptable subsurface strata or aquifer pursuant to applicable law;

(c) discharged to the surface or surface waters subject to the permit requirements of Title 75, chapter 5;

or

(d) managed through other methods allowed by law.

(3) (a) Prior to the development of a coal bed methane well that involves the production of ~~ground~~ water from an aquifer that is a source of supply for appropriation rights or permits to appropriate under Title 85, chapter 2, the developer of the coal bed methane well shall notify and offer a reasonable mitigation agreement to each appropriator of water who holds an appropriation right or a permit to appropriate under Title 85, chapter 2, that is for ground water and for which the point of diversion is within:

(i) 1 mile of the coal bed methane well; or

(ii) one-half mile of a well that is adversely affected by the coal bed methane well.

(b) The mitigation agreement must address the reduction or loss of water resources and must provide for prompt supplementation or replacement of water from any natural spring or water well adversely affected by the coal bed methane well. The mitigation agreement is not required to address a loss of water well productivity that does not result from a reduction in the amount of available water because of production of ground water from the coal bed methane well."

**Insert:** "NEW SECTION. **Section 5. Repealer.** Section 10, Chapter 531, Laws of 2001, is repealed."

**Insert:** "NEW SECTION. **Section 6. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 85, chapter 2, part 3, and the provisions of Title 85, chapter 2, part 3, apply to [section 1]."

NEW SECTION. **Section 7. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**Insert:** "NEW SECTION. **Section 8. Effective date.** [This act] is effective on passage and approval."

**Insert:** "NEW SECTION. **Section 9. Applicability.** [This act] applies to pending beneficial use applications for water produced in association with coal bed methane production submitted before [the effective date of this act] and to beneficial use applications for water produced in association with coal bed methane production submitted on or after [the effective date of this act]."

And, as amended, do pass. Report adopted.

**SJR 11**, be concurred in. Report adopted.

**SJR 17**, be concurred in. Report adopted.

**SJR 20**, be concurred in. Report adopted.

**APPROPRIATIONS** (Sesso, Chairman):

3/27/2009

**HB 631**, do pass. Report adopted.

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

3/27/2009

**SB 398**, be concurred in. Report adopted.

**SB 462**, be concurred in. Report adopted.

**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS** (Noonan, Chairman):

3/27/2009

SB 257, be concurred in. Report adopted.

**FISH, WILDLIFE AND PARKS** (Van Dyk, Chairman):

3/27/2009

SB 228, be concurred in. Report adopted.

SB 164, be amended as follows:

1. Title, line 13.

**Following:** "~~WATER,~~"

**Insert:** "PROVIDING A STATUTORY APPROPRIATION;"

**Following:** "SECTIONS"

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

2. Title, line 14.

**Following:** "DATE"

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

3. Page 1, line 17.

**Insert:** "**Section 1.** 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 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; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 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; 19-20-607; 19-21-203; 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; 76-13-150; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; [section 5]; 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 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. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6, Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)"

**Renumber:** subsequent sections

4. Page 2, line 21.

**Following:** "control"  
**Strike:** "as the first priority"

5. Page 3, line 17.  
**Following:** "control"  
**Strike:** "as the first priority"

6. Page 4, line 5.  
**Following:** "subsection"  
**Insert:** ", except that portion of acquisitions made with funds provided under 87-1-242(1),"

7. Page 4, line 7.  
**Following:** "PRICE"  
**Insert:** "or \$300,000, whichever is less,"

8. Page 4, line 8.  
**Strike:** "4"  
**Insert:** "5"  
**Following:** "used in"  
**Strike:** "subsection (3)(c) and"

9. Page 6, line 8.  
**Following:** "ACCOUNT"  
**Insert:** "-- annual report"  
**Following:** "ACCOUNT."  
**Insert:** "(1)"

10. Page 6, line 9.  
**Following:** "FUND."  
**Strike:** "PURSUANT" through "PRICE"  
**Insert:** "In addition to the funds"

11. Page 6, line 10.  
**Following:** "DEPARTMENT"  
**Strike:** "MUST BE DEPOSITED IN THE ACCOUNT."  
**Insert:** "pursuant to 87-1-209(1), the department shall also deposit into the maintenance account:  
(a) funds dedicated for development and maintenance of real property used for wildlife habitat under 87-1-242(4)(a);  
(b) interest earned on the account; and  
(c) any other money that the department considers appropriate or necessary for maintenance of the department's land or water.  
(2)"

12. Page 6, line 11.  
**Following:** "ACCOUNT"  
**Insert:** "are statutorily appropriated to the department and "

13. Page 6, line 12.  
**Following:** "DEPARTMENT."  
**Strike:** remainder of line 12  
**Insert:** "(3)(a) The department shall provide an annual report regarding deposits into and withdrawals from the account established in subsection (1) to the oversight subcommittee of the environmental quality council for the purpose of demonstrating the use of funds in the account toward the good neighbor policy.



(b) The report must describe the types of maintenance completed by fish, wildlife, and parks region and maintenance plans for the subsequent fiscal year.  
(c) The report is due to the environmental quality council by September 1 following the end of each fiscal year."

14. Page 6, line 14.  
**Following:** "SECTION"  
**Strike:** "4"  
**Insert:** "5"

15. Page 6, line 16.  
**Strike:** "4"  
**Insert:** "5"

16. Page 6, line 19.  
**Insert:** "NEW SECTION. **Section 8. Termination.** [This act] terminates June 30, 2013."

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

**JUDICIARY** (Stoker, Chairman):  
**SB 158**, be amended as follows:

3/27/2009

1. Title, line 6.  
**Strike:** "8TH,"  
**Following:** "11TH,"  
**Insert:** "AND"  
**Strike:** ", AND 18TH"

2. Page 1.  
**Following:** line 16  
**Insert:** "(2) in the 18th district, three judges;"  
**Renumber:** subsequent subsections

3. Page 1, line 17.  
**Following:** "4th,"  
**Insert:** "8th, and"  
**Strike:** ", and 18th"

4. Page 1, line 18.  
**Strike:** subsection (3) in its entirety  
**Renumber:** subsequent subsections

5. Page 1, line 19.  
**Strike:** "seven"  
**Insert:** "six"

6. Page 1, line 26.  
**Strike:** "8th,"  
**Following:** "11th,"  
**Insert:** "and"  
**Strike:** ", and 18th"

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

**LOCAL GOVERNMENT** (Arntzen, Chairman):  
**SB 8**, be amended as follows:

3/27/2009

1. Title, page 1, line 4.

**Following:** "CREATION"

**Insert:** "AND EXPANSION"

2. Page 1, line 13.

**Following:** "create"

**Insert:** "or expand"

3. Page 1, line 14.

**Strike:** "22"

**Insert:** "23"

4. Page 1, line 15.

**Following:** "in the"

**Insert:** "conservation of water resources or in the"

5. Page 1, line 18.

**Following:** "create"

**Insert:** "or expand"

6. Page 1, line 19.

**Following:** "establishment"

**Insert:** "or expansion"

7. Page 1, line 20.

**Following:** "authority"

**Insert:** "or expansion"

8. Page 1, line 21.

**Following:** "authority"

**Insert:** "expansion"

9. Page 1, line 22.

**Following:** "authority"

**Insert:** "or expansion"

10. Page 1, line 25.

**Following:** "authority"

**Insert:** "or expansion"

11. Page 1, line 27.

**Following:** "authority"

**Insert:** "or expansion"

**Strike:** ":",

12. Page 1, line 28.

**Strike:** "(i)"

**Strike:** ":",

13. Page 1, line 30.

**Strike:** "(ii)" through "but"

14. Page 2, line 8.

**Following:** "function"

**Insert:** "or expand"

**Strike:** "AND"

15. Page 2, line 11.

**Following:** "creating"

**Insert:** "or expanding"

**Following:** "~~charter~~"

**Insert:** "; and

(e) the structure of the governing body for the authority as provided in [section 7]"

16. Page 2, line 12.

**Strike:** "8"

**Insert:** "9"

17. Page 2, line 16.

**Following:** "**authority**"

**Insert:** "or expansion"

18. Page 2, line 18.

**Following:** "authority"

**Insert:** "or expansion"

19. Page 2, line 20.

**Following:** "authority"

**Insert:** "or expansion"

20. Page 2, line 26.

**Following:** "**authority**"

**Insert:** "or expansion"

21. Page 2, line 28.

**Following:** "authority"

**Insert:** "or expansion"

22. Page 2, line 29.

**Following:** "authority"

**Insert:** "or expansion"

23. Page 2, line 30.

**Following:** "created"

**Insert:** "or expanded"

24. Page 3, line 3.

**Following:** "authority"

**Insert:** "or expansion"

25. Page 3, line 6.

**Following:** "creating"

**Insert:** "or expanding"

26. Page 3, line 9.

**Following:** "authority"

**Insert:** "or expansion"

27. Page 3, line 10.

**Following:** "authority"

**Insert:** "or expansion"

28. Page 3, line 13.

**Following:** "creating"

**Insert:** "or expanding"

29. Page 3, line 14.

**Following:** "authority"

**Insert:** "or expansion"

30. Page 3, line 15.

**Following:** "creating"

**Insert:** "or expanding"

31. Page 3, line 17.

**Following:** "boundaries"

**Insert:** "or expansion"

32. Page 3, line 18.

**Following:** "creating"

**Insert:** "or expanding"

33. Page 3, line 22.

**Following:** "incorporation"

**Insert:** "or expansion"

34. Page 3, line 24.

**Following:** "established"

**Insert:** "or expanded"

35. Page 4, line 9.

**Insert:** "NEW SECTION. **Section 7. Governing body of regional resource authority.** (1) The initial members of the local governing body must be appointed by the county commissioners in the county where the election is administered pursuant to [section 4(4)], based on the recommendations of the petitioners.

(2) The commissioners shall appoint members of the governing body to staggered 2-year and 4-year terms.

(3) The appointments under subsection (1) must be made within 30 days after the adoption of the resolution for creation provided for in [section 5].

(4) Prior to the expiration of the initial appointments, the governing body shall divide itself into districts from which members are elected to succeeding terms."

**Renumber:** subsequent sections

36. Page 5, line 11.

**Strike:** the second "AND"

**Insert:** "(t) enter into interlocal agreements or other agreements with the federal government or its agencies; and"

37. Page 5, line 12.

**Strike:** "(I)"

**Insert:** "(u)"

**Strike:** "8"

**Insert:** "9"

38. Page 5, line 13.

**Strike:** "22"

**Insert:** "23"

39. Page 6, line 6.

**Strike:** "8"

**Insert:** "9"

**Strike:** "22"

**Insert:** "23"

40. Page 6, line 7.

**Strike:** "8"

**Insert:** "9"

**Strike:** "22"

**Insert:** "23"

41. Page 6, line 12.

**Strike:** "8"

**Insert:** "9"

**Strike:** "22"

**Insert:** "23"

42. Page 6, line 16.

**Strike:** "8"

**Insert:** "9"

**Strike:** "22"

**Insert:** "23"

43. Page 6, line 24.

**Strike:** "8"

**Insert:** "9"

**Strike:** "22"

**Insert:** "23"

44. Page 6, line 30.

**Strike:** "10"

**Insert:** "11"

45. Page 7, line 6.

**Strike:** "8"

**Insert:** "9"

**Strike:** "22"

**Insert:** "23"

46. Page 7, line 9.

**Strike:** "8"

**Insert:** "9"

**Strike:** "22"  
**Insert:** "23"

47. Page 7, line 11.  
**Strike:** "8"  
**Insert:** "9"  
**Strike:** "22"  
**Insert:** "23"

48. Page 7, line 18.  
**Strike:** "8"  
**Insert:** "9"  
**Strike:** "22"  
**Insert:** "23"

49. Page 7, line 30.  
**Strike:** "8"  
**Insert:** "9"  
**Strike:** "22"  
**Insert:** "23"

50. Page 8, line 12.  
**Strike:** "8"  
**Insert:** "9"  
**Strike:** "22"  
**Insert:** "23"

51. Page 8, line 18.  
**Strike:** "7"  
**Insert:** "8"

52. Page 9, line 5.  
**Strike:** "8"  
**Insert:** "9"  
**Strike:** "22"  
**Insert:** "23"

53. Page 9, line 18.  
**Strike:** "8"  
**Insert:** "9"  
**Strike:** "22"  
**Insert:** "23"

54. Page 9, line 28.  
**Strike:** "8"  
**Insert:** "9"  
**Strike:** "22"  
**Insert:** "23"

55. Page 10, line 14.  
**Strike:** "8"  
**Insert:** "9"

56. Page 10, line 15.

**Strike:** "22"

**Insert:** "23"

57. Page 10, line 24.

**Strike:** "20(2)(B)"

**Insert:** "21(2)(b)"

58. Page 11, line 1.

**Strike:** "8"

**Insert:** "9"

**Strike:** "22"

**Insert:** "23"

59. Page 17, line 11.

**Strike:** "22"

**Insert:** "23"

60. Page 17, line 12.

**Strike:** "22"

**Insert:** "23"

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

**SB 9**, be concurred in. Report adopted.

**SB 305**, be amended as follows:

1. Title, line 10.

**Following:** "76-3-604,"

**Insert:** "76-3-608,"

2. Page 3, line 6.

**Following:** "60 working days"

**Insert:** "or 120 working days if the proposed subdivision contains 50 or more lots"

3. Page 3, line 12.

**Following:** "(5)"

**Insert:** "(a)"

**Strike:** "this section"

**Insert:** "subsection (4)"

4. Page 3.

**Following:** line 15

**Insert:** "(b) The provisions of subsection (5)(a) do not apply if the review period is extended or suspended pursuant to subsection (4)."

5. Page 4.

**Following:** line 10

**Insert:** "**Section 3.** Section 76-3-608, MCA, is amended to read:

**"76-3-608. Criteria for local government review.** (1) The basis for the governing body's decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrates that development of the proposed subdivision meets the requirements of this chapter. A

governing body may not deny approval of a proposed subdivision based solely on the subdivision's impacts on educational services.

(2) The governing body shall issue written findings of fact that weigh the criteria in subsection (3), as applicable.

(3) A subdivision proposal must undergo review for the following primary criteria:

(a) except when the governing body has established an exemption pursuant to subsection (6) of this section or except as provided in 76-3-509, 76-3-609(2) or (4), or 76-3-616, the impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety;

(b) compliance with:

(i) the survey requirements provided for in part 4 of this chapter;

(ii) the local subdivision regulations provided for in part 5 of this chapter; and

(iii) the local subdivision review procedure provided for in this part;

(c) the provision of easements for the location and installation of any planned utilities; ~~and~~

(d) the provision of legal and physical access to each parcel within the proposed subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the parcel; and  
(e) an analysis of the agricultural soil type and whether the soil type is suitable to support structures.

(4) The governing body may require the subdivider to design the proposed subdivision to reasonably minimize potentially significant adverse impacts identified through the review required under subsection (3). The governing body shall issue written findings to justify the reasonable mitigation required under this subsection (4).

(5) (a) In reviewing a proposed subdivision under subsection (3) and when requiring mitigation under subsection (4), a governing body may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the subdivision.

(b) When requiring mitigation under subsection (4), a governing body shall consult with the subdivider and shall give due weight and consideration to the expressed preference of the subdivider.

(6) The governing body may exempt proposed subdivisions that are entirely within the boundaries of designated geographic areas from the review criteria in subsection (3)(a) if all of the following requirements have been met:

(a) the governing body has adopted a growth policy pursuant to chapter 1 that:

(i) addresses the criteria in subsection (3)(a);

(ii) evaluates the impact of development on the criteria in subsection (3)(a);

(iii) describes zoning regulations that will be implemented to address the criteria in subsection (3)(a); and

(iv) identifies one or more geographic areas where the governing body intends to authorize an exemption from review of the criteria in subsection (3)(a); and

(b) the governing body has adopted zoning regulations pursuant to chapter 2, part 2 or 3, that:

(i) apply to the entire area subject to the exemption; and

(ii) address the criteria in subsection (3)(a), as described in the growth policy.

(7) A governing body may conditionally approve or deny a proposed subdivision as a result of the water and sanitation information provided pursuant to 76-3-622 or public comment received pursuant to 76-3-604 on the information provided pursuant to 76-3-622 only if the conditional approval or denial is based on existing subdivision, zoning, or other regulations that the governing body has the authority to enforce."

**Renumber:** subsequent section

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

**SB 306**, be amended as follows:

1. Page 1, line 10 through page 2, line 8.

**Strike:** section 1 in its entirety

**Insert:** "**Section 1. Creation of remainder.** (1) (a) Reminders are not authorized in a jurisdictional area unless a governing body passes an ordinance or resolution that allows the use of reminders in the governing body's jurisdictional area.

(b) Only one remainder may be created on a subdivision plat or a certificate of survey depicting an



exemption under 76-3-201 or 76-3-207.

(c) A remainder may be created through the use of an exemption under 76-3-201 or 76-3-207. A parcel created pursuant to 76-3-209 is not a remainder under this section.

(2) A remainder:

(a) may not be created for the purpose of sale, lease, or creating a security interest under 76-3-201(1)(b);

(b) must be retained by the landowner for a minimum of 18 months following the filing of the final plat of the subdivision or certificate of survey depicting the exemption unless the remainder is further divided pursuant to the requirements of this chapter; and

(c) is subject to applicable zoning regulations adopted pursuant to Title 76, chapter 2.

(3) (a) The governing body or its designated agent shall determine whether a proposed remainder meets the requirements of this section during:

(i) the preapplication process established pursuant to 76-3-504(1)(q);

(ii) the review procedure for a minor subdivision pursuant to 76-3-609; or

(iii) the procedure used to determine whether a proposed method of disposition using the exemptions provided in 76-3-201 or 76-3-207 is an attempt to evade the requirements of this chapter pursuant to criteria adopted under 76-3-504(1)(p).

(b) The determination must be based on a demonstration by the applicant that one or more of the following criteria are met:

(i) the remainder is 160 acres or larger in size or can be described as a one-quarter aliquot part of a United States government section;

(ii) the applicant's primary residence is on the remainder;

(iii) the proposed remainder is taxed for agricultural purposes under 15-7-202 or as forest land under Title 15, chapter 44, part 1. A remainder created by a subdivision under this subsection (3)(b)(iii) may not be developed until it has been reviewed and approved as a subdivision under parts 5 and 6 of this chapter. A remainder created by an exemption under this subsection (3)(b)(iii) may be developed with one single-family residence following the filing of a survey under part 4 of this chapter and review under chapter 4.

(iv) the remainder is part of a phased development plan for which an application has been submitted under parts 5 and 6 of this chapter. A remainder under this subsection (3)(b)(iv) does not become effective until a final plat for the phased subdivision has been filed pursuant to the requirements of this chapter. A remainder created under this subsection (3)(b)(iv) may not be developed until it has been reviewed and approved as a subdivision under parts 5 and 6 of this chapter.

(4) If the determination in subsection (3) is made by a designated agent of the governing body, the applicant may appeal the decision to the governing body. If an appeal is submitted, the governing body shall make a final determination using the criteria in subsection (3).

(5) Prior to the transfer or conveyance of an unsurveyed remainder, the parcel must be surveyed and the survey must be filed with the county clerk and recorder unless the remainder can be described as an aliquot part of a United States government section."

2. Page 3, line 18.

**Following:** "created"

**Strike:** "by the segregation of a subdivision from"

**Insert:** "when a subdivision plat is filed for part of"

3. Page 3, line 19.

**Following:** "76-3-207"

**Insert:** "pursuant to [section 1]"

4. Page 9.

**Following:** line 28

**Insert:** "COORDINATION SECTION. **Section 5. Coordination instruction.** If House Bill No. 522 is passed and approved, then any reference in [this act] to 76-3-201(1)(b) must be replaced by a reference to [section 1 of House Bill 522]."

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

**SB 310**, be amended as follows:

1. Page 2, line 30.

**Strike:** "15"

**Insert:** "20"

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

**SB 369**, be amended as follows:

1. Page 1, line 23.

**Following:** "mat"

**Insert:** "or cooperation"

2. Page 2, line 20.

**Following:** "incurred"

**Insert:** "except that a penalty may not be assessed if contact was not made with the landowner or the landowner's representative pursuant to 7-22-2123"

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

**HB 361**, be amended as follows:

1. Title, line 7.

**Strike:** "DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES"

**Insert:** "OFF-GRID RENEWABLE ENERGY SYSTEMS"

2. Title, page 1, line 9.

**Following:** "PROPERTY;"

**Strike:** "CLARIFYING" on line 9 through "MCA;" on line 11

**Insert:** "ALLOWING LOAN PAYMENTS TO BE COLLECTED WITH PROPERTY TAXES;"

3. Page 1, line 17.

**Following:** "is to provide"

**Insert:** "voluntary"

4. Page 1, line 18.

**Strike:** "distributed" through "sources"

**Insert:** "off-grid renewable energy systems"

5. Page 1, line 24 through line 28.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) As used in [sections 1 through 7]:

(a) "energy efficiency improvements" means reducing the waste or dissipation of energy or reducing the amount of energy required to accomplish a given quantity of work. The term includes but is not limited to the installation of gray water reuse system as defined in 75-5-325.

(b) "off-grid renewable energy system" means a system that is not integrated into the electrical grid system. The term may include:

(i) as defined in 15-32-102, a passive solar system, a geothermal system, or a low-emission wood or

biomass combustion device;  
(ii) a solar thermal heating system; or  
(iii) an off-grid electrical generating system that uses recognized nonfossil forms of energy generation."

6. Page 2.

**Following:** line 27

**Insert:** "(b) that assessments will be levied only against property owners who voluntarily agree to a loan financed by the district for off-grid renewable energy systems or energy efficiency improvements;"

**Renumber:** subsequent subsections

7. Page 3.

**Following:** line 11

**Insert:** "(7) Within 60 days after the creation of an energy improvement district or by January 1 of the effective tax year, whichever occurs first, the governing body shall provide to the department of revenue a:

- (a) legal description of the energy improvement district;
- (b) map of its boundaries;
- (c) copy of the certificate of establishment issued pursuant to [section 4]; and
- (d) copy of any adopted method of assessment."

8. Page 4, line 14 through line 17.

**Following:** "issuance of" on line 14

**Strike:** ":" on line 14 through "(ii)" on line 17

9. Page 4, line 22.

**Following:** "Loans"

**Insert:** "-- property assessment to repay loans"

**Following:** "lien."

**Insert:** "(1)"

10. Page 4, line 23 through line 24.

**Strike:** "distributed generation" on line 23 through "sources" on line 24

**Insert:** "off-grid renewable energy systems"

11. Page 4, line 27.

**Following:** "appropriate."

**Insert:**

"(2) Loan payments may be assessed on property as provided in subsections (3) and (4). The legal description and geocode for each real property subject to this subsection must be reported by the entity administering the energy improvement district to the department of revenue annually by February 1.

(3) (a) Except as provided in subsection (4), in each city or town where taxes for general, municipal, and administrative purposes are certified to and collected by the county treasurer immediately after the second Monday of August of each year, it is the duty of the city treasurer or town clerk to certify to the department of revenue, at the same time that the copy of the resolution determining the annual levy for general taxes is certified by the city or town clerk to the county clerk, all assessments levied and assessed in accordance with the provisions of this section.

(b) The department of revenue shall enter the assessments upon the property tax record for the county. The county treasurer shall collect the assessments in the same manner and at the same time as taxes for general, municipal, and administrative purposes are collected.

(4) (a) In a city or town where taxes for general, municipal, and administrative purposes are certified to and collected by the county treasurer in accordance with the provisions of 7-6-4423, the city or town may provide by ordinance for the collection by its city treasurer or town clerk of all assessments levied and assessed in accordance with the provisions of this section in the same manner and at the same time as taxes for general, municipal, and administrative purposes are collected by the county treasurer. All of the provisions of 7-6-4423

apply to the collection of the assessments in the same manner as the provisions apply to the collection of other city or town taxes.

(b) (i) When the payment of any one installment of any assessment becomes delinquent, all payments of subsequent installments, at the option of the city or town council and by appropriate resolution duly adopted, become delinquent. The city or town council may order that all assessments that are delinquent as a result of acceleration be withdrawn.

(ii) Delinquent assessments must be certified to the county clerk of the county in which the city or town is situated. The county treasurer shall collect the delinquent assessments in the same manner and at the same time that taxes for general, municipal, and administrative purposes are collected. If the delinquent assessments and taxes are not paid, the whole property must be sold in the same manner that other property is sold for taxes. The enforcement of the lien of any installment of a assessment by any method authorized by law does not prevent the enforcement of the lien of any subsequent installment when it becomes delinquent.

(5)"

12. Page 4, line 30.

**Following:** "the property"

**Insert:** "; however, the energy improvement district may allow the lien to transfer with the sale of the property"

13. Page 5, line 16.

**Following:** "secretary of state"

**Insert:** "and the department of revenue"

14. Page 5, line 18.

**Following:** "(6)"

**Insert:** "(a)"

15. Page 5.

**Following:** line 19

**Insert:** "(b) If loan payments are still being collected by the governing body pursuant to [section 6] after the dissolution of the energy improvement district, the governing body shall continue to annually report assessments to the department of revenue."

16. Page 5, line 25 through page 7, line 7.

**Strike:** section 8 through section 10 in their entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**TAXATION** (Lake, Chairman):

3/27/2009

**HB 312**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "INCREASING"

**Insert:** "REVISING"

**Following:** "CAP"

**Insert:** "BASED ON THE MOST RECENT FEDERAL CENSUS"

**Following:** "FOR"

**Insert:** "AN AREA OR"

**Following:** "AS A"

**Insert:** "RESORT AREA OR"

2. Page 1, line 30.

**Strike:** "10,000"

**Insert:** "5,500"

3. Page 2.

**Following:** line 5

**Insert:** "NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

And, as amended, do pass. Report adopted.

**HB 657**, do pass. Report adopted.

**HB 670**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "PROPERTY;"

**Insert:** "REQUIRING JOINT APPROVAL OF THE ABATEMENT BY AFFECTED GOVERNING BODIES;"

2. Page 1, line 19.

**Strike:** "body"

**Insert:** "bodies"

**Following:** "county"

**Strike:** ", "

**Insert:** "or"

**Following:** "town,"

**Strike:** "or"

**Insert:** "if the property is located in the city or town, and"

**Following:** "may"

**Insert:** "jointly"

3. Page 1, line 23.

**Following:** "operating"

**Insert:** "the property"

4. Page 1, line 27.

**Following:** "to the"

**Insert:** "affected"

**Strike:** "body"

**Insert:** "bodies"

5. Page 1, line 29.

**Following:** "to the"

**Insert:** "affected"

**Strike:** "body"

**Insert:** "bodies"

6. Page 1, line 30.

**Following:** "purposes of"

**Insert:** "[section 3] and"

7. Page 2, line 2 through line 10.

**Strike:** "(2)(a)(i)" on line 2 through "district." on line 10

**Insert:** "(2) (a) In order for a taxpayer to receive the tax benefits described in subsection (1), the governing bodies of the affected county or consolidated local government unit, incorporated city or town, if the property is

located in the city or town, and school district must have approved by a separate, joint resolution for each commercial or industrial property, following due notice as defined in 76-15-103 and a public hearing, the taxable value reduction provided for in subsection (1) for the respective jurisdictions. The presiding officer of the governing body of the affected county or consolidated local government unit is the presiding officer of the joint meeting of the affected taxing jurisdictions. If the property is located in more than one county, the presiding officer of the governing body of the county in which most of the property is located is the presiding officer of the joint meeting.

(b) For the purpose of this subsection (2), each affected governing body shall provide due notice of the joint meeting."

**Renumber:** subsequent subsections

8. Page 2, line 11.

**Strike:** "body"

**Insert:** "bodies"

9. Page 2, line 12.

**Following:** "benefits"

**Insert:** "in the tax year"

10. Page 2, line 13.

**Following:** "The"

**Insert:** "joint"

**Strike:** "subsections (2)(a)(i) and (2)(a)(ii)"

**Insert:** "subsection (2)(a)"

11. Page 2, line 15.

**Strike:** "jurisdiction"

**Insert:** "jurisdictions"

**Following:** "The"

**Insert:** "joint"

12. Page 2, line 17.

**Following:** "The"

**Insert:** "joint"

13. Page 2, line 19.

**Following:** "body."

**Insert:** "The joint resolution must be approved by a majority vote of the governing body of each affected taxing jurisdiction referred to in subsection (2)(a)."

14. Page 2, line 20.

**Strike:** "body"

**Insert:** "bodies"

**Strike:** "it determines"

**Insert:** "they determine"

15. Page 2, line 22.

**Strike:** "body determines"

**Insert:** "bodies determine"

16. Page 2, line 23.

**Strike:** "government"

**Insert:** "governments"

17. Page 2, line 24.

**Following:** "by the"

**Insert:** "joint"

18. Page 2, line 25.

**Strike:** "body"

**Insert:** "bodies"

19. Page 2, line 26.

**Strike:** "it"

**Insert:** "they"

20. Page 2, line 28.

**Strike:** "A" through the first "the"

**Insert:** "The"

**Following:** "benefits"

**Insert:** "may not be granted"

21. Page 2, line 30.

**Strike:** "county" through "unit"

**Insert:** "majority vote of the governing body of each affected taxing jurisdiction"

22. Page 3, line 1.

**Following:** "in the"

**Insert:** "affected"

**Following:** "unit"

**Insert:** ", the affected incorporated city or town, and the affected school district"

23. Page 3, line 2 through line 5.

**Strike:** subsection (b) through subsection (c) in their entirety

**Renumber:** subsequent subsection

24. Page 3, line 8.

**Following:** "approving the"

**Insert:** "joint"

25. Page 3, line 9.

**Following:** "body"

**Insert:** "of the affected county or consolidated local government unit"

**Following:** "approval"

**Insert:** "by each of the affected governing bodies"

26. Page 3, line 10.

**Strike:** "taxing jurisdiction"

**Insert:** "county or consolidated local government unit"

27. Page 3, line 11.

**Following:** "section"

**Insert:** "for each affected taxing jurisdiction"

28. Page 3, line 18.

**Following:** "recapture by"

**Strike:** "the"

**Insert:** "each"

29. Page 3, line 19.

**Following:** "or the"

**Insert:** "joint"

**Strike:** "2(2)(a)(i) or (2)(a)(ii)"

**Insert:** "2(2)(a)"

30. Page 3, line 26.

**Strike:** "the"

**Insert:** "a"

And, as amended, do pass. Report adopted.

**HB 674**, do pass. Report adopted.

### MESSAGES FROM THE SENATE

**House bill** concurred in as amended and returned to the House for concurrence in Senate amendments:

3/27/2009

**HB 290**, introduced by Grinde

**Senate bills** passed and transmitted to the House for concurrence:

3/27/2009

**SB 37**, introduced by Kaufmann

**SB 217**, introduced by De. Barrett

**SB 291**, introduced by Black

**SB 379**, introduced by Perry

**SB 402**, introduced by J. Peterson

**SB 418**, introduced by Branae

**SB 435**, introduced by Brenden

### FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 32**, introduced by Ebinger, referred to Taxation.

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

**SB 37**, introduced by Kaufmann (by request of the Environmental Quality Council), referred to Taxation.

**SB 217**, introduced by De. Barrett, Zinke, Bales, Ripley, Steinbeisser, Laible, Brenden, Lewis, Murphy, T. Brown, referred to Fish, Wildlife and Parks.

**SB 234**, introduced by Gillan, R. Brown, Moss, Schmidt, Williams, Jent, Larsen, Hawks, Grinde, Becker, Boss Ribs, Driscoll, J. Peterson, Roberts, Reinhart, Sands, Caferro, Van Dyk, MacDonald, Cohenour, referred to Appropriations.

**SB 291**, introduced by Black, referred to Federal Relations, Energy, and Telecommunications.

**SB 303**, introduced by Wanzenried, referred to Natural Resources..

**SB 379**, introduced by Perry, referred to Judiciary.

**SB 402**, introduced by J. Peterson, Ankney, Bales, Barkus, Bergren, Brenden, D. Brown, R. Brown, T. Brown, Campbell, Esp, Furey, Hansen, Hinkle, Hollandsworth, Jones, Keane, Kerns, Lake, McChesney, McGee, McNutt, Milburn, Sales, Shockley, Stoker, Story, Tutvedt, referred to Judiciary.

**SB 418**, introduced by Branae, referred to Taxation.



**SB 435**, introduced by Brenden, Bales, De. Barrett, Black, Curtiss, Gebhardt, Ripley, Stahl, Steinbeisser, Tutvedt, referred to Fish, Wildlife and Parks.

**SB 502**, introduced by Keane, Mendenhall, Gallus, Klock, Gebhardt, Welborn, McClafferty, Gillan, D. Brown, P. Noonan, referred to Federal Relations, Energy, and Telecommunications.

**SB 505**, introduced by Bales, McChesney, referred to Natural Resources.

#### MOTIONS

Rep. Campbell moved to pass consideration on **HB 23** for the day. Motion carried.

Rep. Campbell moved to pass consideration on **HB 291** for the day. Motion carried.

Rep. Campbell moved to place **HB 653** on the bottom of the board. Motion carried.

Rep. Campbell moved to pass consideration on **HB 622** for the day. Motion carried.

Rep. Miller moved that due to his absence yesterday and his inability to vote on 3rd reading, he be recorded as a **"NO"** vote for 3rd reading on **HB 645**. Motion carried.

Rep. McGillvray moved that **HB 261** be moved from Taxation Committee and be placed on second reading on the 69th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 49

Nays: Augare, Barrett, P. Beck, Becker, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 50

Excused: Kasten.

Total 1

Absent or not voting: None.

Total 0

Rep. Brown moved that **HB 654** be moved from Taxation Committee and be placed on second reading on the 69th legislative day. Motion requires 3/5 majority vote. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bean, B. Beck, Becker, Bennett, Berry, Blasdel, Boniek, Brown, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Washburn, Welborn.

Total 50

Nays: Augare, Barrett, P. Beck, Belcourt, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 49

Excused: Kasten.  
Total 1

Absent or not voting: None.  
Total 0

Rep. Sales moved that Rep. Nooney's vote on the motion on **HB 261** be changed from a "YES" to a "NO".  
Motion carried.

Rep. Phillips announced that the House Democrats will caucus for 15 minutes.  
Mr. Speaker announced that the House will recess for 15 minutes.

The House came to order at 1:54 p.m.

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

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

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

**HB 171 - Governor's Amendments** - Representative Augare moved Governor's amendments to **HB 171** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Sonju, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.  
Total 87

Nays: Bennett, Boniek, Kerns, Lake, McGillvray, Sales, Smith, Stoker, Wagner, Wiseman.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Butcher, Mendenhall, Stahl.  
Total 3

**HB 133 - Senate Amendments** - Representative Stoker moved Senate amendments to **HB 133** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney,

O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 100

Nays: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 150 - Senate Amendments** - Representative D. Brown moved Senate amendments to **HB 150** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Washburn, Welborn, Wilson, Wiseman.  
Total 88

Nays: Augare, Blewett, Caferro, A. Noonan, Reinhart, Sesso, Villa, Vincent, Wagner, Warburton, Wilmer, Mr. Speaker.  
Total 12

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 195 - Senate Amendments** - Representative Hamilton moved Senate amendments to **HB 195** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 98

Nays: Kasten.  
Total 1

Excused: None.

Total 0

Absent or not voting: Taylor.

Total 1

**HB 197 - Senate Amendments** - Representative Ebinger moved Senate amendments to **HB 197** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Kasten, Regier.

Total 2

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

**HB 317 - Senate Amendments** - Representative Furey moved Senate amendments to **HB 317** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: Kasten.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 354 - Senate Amendments** - Representative Glaser moved Senate amendments to **HB 354** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 99

Nays: Kasten.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 365 - Senate Amendments** - Representative Roberts moved Senate amendments to **HB 365** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 99

Nays: Kasten.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 397 - Senate Amendments** - Representative Kottel moved Senate amendments to **HB 397** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa,

Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman.  
Total 99

Nays: Mr. Speaker.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 407 - Senate Amendments** - Representative MacDonald moved Senate amendments to **HB 407** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 100

Nays: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 593 - Senate Amendments** - Representative Villa moved Senate amendments to **HB 593** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, More, Morgan, A. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.  
Total 92

Nays: Boss Ribs, Kasten, Mendenhall, Miller, Peterson, Vincent, Wiseman.  
Total 7

Excused: None.  
Total 0

Absent or not voting: P. Noonan.

Total 1

**HB 279** - Representative Reinhart moved **HB 279** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 84

Nays: Bennett, Berry, Kerns, Lake, MacLaren, Miller, More, Peterson, Regier, Smith, Vance, Villa, Vincent, Wagner.

Total 14

Excused: None.

Total 0

Absent or not voting: Butcher, Morgan.

Total 2

**HB 306** - Representative Morgan moved **HB 306** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 95

Nays: Hands, More, Regier, Wagner, Wiseman.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 598** - Representative A. Noonan moved **HB 598** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A.

Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 91

Nays: Caferro, Hands, Himmelberger, Kasten, Mendenhall, Regier, Wagner.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Berry, Glaser.  
Total 2

**HB 615** - Representative MacLaren moved **HB 615** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Villa, Vincent, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.  
Total 88

Nays: Augare, Boniek, Caferro, Jopek, Mendenhall, Miller, More, Van Dyk, Wagner, Warburton, Wiseman.  
Total 11

Excused: None.  
Total 0

Absent or not voting: McChesney.  
Total 1

**HB 655** - Representative Belcourt moved **HB 655** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.  
Total 93

Nays: Kerns, Lake, Mendenhall, Randall, Sales, Stoker, Wiseman.  
Total 7

Excused: None.  
Total 0



Absent or not voting: None.

Total 0

**HJR 30** - Representative Himmelberger moved **HJR 30** be adopted. Motion carried as follows:

Yeas: Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Mr. Speaker.

Total 91

Nays: Ankney, Howard, Kasten, Kerns, Morgan, Peterson, Sales, Wiseman.

Total 8

Excused: None.

Total 0

Absent or not voting: McChesney.

Total 1

Representative Wilmer assumed the chair.

**HB 653** - Representative Pomnichowski moved **HB 653** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jones, Jopek, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Warburton, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 89

Nays: Boniek, Howard, Ingraham, Kasten, Kerns, Mendenhall, Randall, Sales, Wagner, Welborn.

Total 10

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

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

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger,

Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, Morgan, A. Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.  
Total 91

Nays: Boniek, McGillvray, More, Nooney, Vance.  
Total 5

Excused: Kasten.  
Total 1

Absent or not voting: Mendenhall, P. Noonan, Sesso.  
Total 3

#### **SPECIAL ORDERS OF THE DAY**

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to HB 658 Motion carried.

HB 658 (Jopek Chief Sponsor)  
Representatives Cohenour, Hoven

#### **ANNOUNCEMENTS**

Rep. Hands announced committee assignments for interested legislators.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 8:00 a.m., Saturday, March 28, 2009. Motion carried.

House adjourned at 2:55 p.m.

DAVE HUNTER  
Chief Clerk of the House

BOB BERGREN  
Speaker of the House