

**HOUSE JOURNAL
60TH LEGISLATURE / SPECIAL SESSION SEPTEMBER 2007
FIRST LEGISLATIVE DAY**

Helena, Montana
September 5, 2007

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Wells. Pledge of Allegiance to the Flag.

TO: Members of the Montana Senate
Members of the House of Representatives
Secretary of State Brad Johnson
Members of the Montana Supreme Court c/o Clerk of the Court Ed Smith

STATE OF MONTANA
OFFICE OF THE GOVERNOR
PROCLAMATION

CALL TO THE 60TH LEGISLATURE
FOR A SPECIAL SESSION

WHEREAS, pursuant to Article V, section 6 of the Constitution of the State of Montana and § 5-3-101, MCA, the Governor may convene the legislature in special session; and

WHEREAS, pursuant to Article VI, section 11 of the Constitution of the State of Montana, the Governor may convene the legislature whenever he considers it in the public interest; and

WHEREAS, since June, extremely hazardous wildland fire conditions have existed throughout the State of Montana; and

WHEREAS, since mid-July, the State of Montana has been under declarations of states of emergency and disaster in order that Montana resources could be committed to responding to the fires; and

WHEREAS, in addition, because of the raging wildfires, twenty Montana counties and the Blackfeet Nation have declared states of emergency or disaster; and

WHEREAS, the cost of fire suppression to the state for the 2007 fire season already exceeds the amount of money appropriated by the legislature to suppress fires over the entire biennium; and

WHEREAS, pursuant to Article V, section 11 of the Constitution of the State of Montana, the power to appropriate money for the operation of state government lies exclusively with the legislative branch of government; and

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

WHEREAS, it is in the public interest that the legislature promptly convene in special session so as to appropriate money and provide spending authority to pay for the actual and anticipated costs of fire suppression, disaster response, and recovery activities for the 2007 and 2008 fire seasons.

NOW, THEREFORE, I, BRIAN SCHWEITZER, GOVERNOR OF THE STATE OF MONTANA, pursuant to the authority vested in me by the Constitution and laws of the State of Montana, do hereby convene the 60th Legislature in special session, in Helena, at the Capitol, at the hour of 8:00 a.m., the 5th day of September, 2007, and hereby limit the special session to consideration of the following subjects:

1. Appropriations necessary and anticipated for fire suppression, disaster response, and recovery activities in fiscal years 2008 and 2009;
2. Additional spending authority for emergencies and disasters and elimination of time restrictions applicable to declarations of disaster and emergency during fire season; and
3. Any appropriations necessary for the operation of the special legislative session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Montana to be affixed. DONE at the City of Helena, the Capitol, this 27th day of August, in the year of our Lord, two thousand and seven.

Brian Schweitzer
GOVERNOR

Chief Clerk Marilyn Miller called the roll of the members of the House of Representatives of the 60th Legislature:

District #1.	Ralph Heinert
District #2.	Chas Vincent
District #3.	Douglas E. Cordier
District #4.	Mike Jopek
District #5.	George Everett
District #6.	Bill Beck
District #7.	Jon Sonju
District #8.	Craig Witte
District #9.	Bill Jones
District #10.	Mark W. Blasdel

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

District #11. Janna Taylor
District #12. Rick Jore
District #13. Pat Ingraham
District #14. Gordon R. Hendrick
District #15. Joey Jayne - excused
District #16. Shannon J. Augare
District #17. Rick Ripley
District #18. Jesse O'Hara
District #19. Mike Milburn
District #20. Deborah J. Kottel
District #21. Tim Callahan
District #22. Bill Wilson
District #23. John W. Parker
District #24. Steve Bolstad
District #25. Sue Dickenson
District #26. Bill Thomas
District #27. Llew Jones
District #28. Edith J. Clark
District #29. Edward B. Butcher
District #30. Dave Kasten
District #31. Margaret H. Campbell
District #32. Jonathan Windy Boy
District #33. Bob Bergren
District #34. John L. Musgrove
District #35. Wayne C. Stahl
District #36. Julie E. French
District #37. Walter L. McNutt - excused
District #38. Edward A. Hilbert
District #39. Carol Lambert
District #40. Bill McChesney
District #41. Norma Bixby
District #42. Veronica Small-Eastman
District #43. Duane Ankney
District #44. William E. Glaser
District #45. Alan Olson
District #46. Ken Peterson
District #47. Dennis Himmelberger
District #48. Wanda Grinde
District #49. Kendall Van Dyke
District #50. Tom McGillvray
District #51. Robyn Driscoll

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

District #52. Arlene Becker
District #53. Elsie Arntzen
District #54. Gary Branae
District #55. Michael Lange
District #56. Ernie Dutton
District #57. Penny Morgan
District #58. Krayton D. Kerns
District #59. Scott L. Boggio
District #60. Jack Ross
District #61. Bruce Malcolm
District #62. Bob Ebinger
District #63. Jennifer Pommichowski
District #64. Franke Wilmer
District #65. Brady Wiseman
District #66. Mike Phillips
District #67. John Sinrud
District #68. Scott Sales
District #69. Jack Wells
District #70. Roger Koopman
District #71. Diane Rice
District #72. Debby Barrett
District #73. Art Noonan
District #74. George C. Groesbeck
District #75. Jim Keane
District #76. Jon C. Sesso
District #77. Scott Mendenhall
District #78. Jill Cohenour
District #79. Dave Gallik
District #80. Mary M. Caferro
District #81. Galen Hollenbaugh
District #82. Hal Jacobson
District #83. Harry W. Klock
District #84. John Ward
District #85. Cindy Hiner
District #86. Dan Villa
District #87. Ron Stoker
District #88. Bob Lake
District #89. Gary MacLaren
District #90. Ray Hawk
District #91. Timothy Furey
District #92. Robin Hamilton

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

District #93. Ron Erickson
District #94. Dave McAlpin
District #95. Diane Sands
District #96. Teresa K. Henry
District #97. Michele Reinhart
District #98. Holly Raser
District #99. Betsy Hands
District #100. Bill Nooney

All members present, except Representatives Jayne and McNutt, excused. Quorum present.

COMMUNICATIONS AND PETITIONS

September 4, 2007

The Honorable Scott Sales
Speaker of the House
5200 Bostwick Road
Bozeman MT 59715

Dear Speaker Sales:

This is to inform you that the Appointing Board, comprised of the county commissioners of Cascade County, met and appointed Steve Bolstad to fill the vacancy in House District 24 created by the resignation of Eve Franklin.

I am enclosing a copy of the letter of appointment as submitted by the county commissioners.

If I can provide you with any further information, please do not hesitate to contact me. You may also contact Shannon Stevens of the Elections Bureau at 444-4732.

Sincerely,

BRAD JOHNSON
Secretary of State

September 4, 2007

The Honorable Steve Bolstad
3125 4th Avenue North
Great Falls MT 59401

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

Dear Representative Bolstad:

I would like to extend my congratulations on your appointment to fill the vacancy in House District 24. Serving as a State Representative can be both rewarding and challenging, and I am confident you will do a fine job.

I will have your Oath of Office and Certificate of Appointment delivered to the House on September 5, 2007.

I look forward to working with you and wish you the best. If there is anything that I can do to assist you in any way, please do not hesitate to contact me. Shannon Stevens, in our Elections Bureau, is also available if you have questions at 444-4732.

Sincerely,

BRAD JOHNSON
Secretary of State

Speaker Sales introduced Representative Steve Bolstad. Rep. Bolstad was sworn in at 7:45 a.m.

MOTIONS

Majority Leader Himmelberger moved to adopt the House Rules of the May 2007 Special Session. There being no objections, so ordered.

Majority Leader Himmelberger moved to adopt the Joint Rules of the May 2007 Special Session. There being no objections, so ordered.

FIRST READING AND COMMITMENT OF BILLS

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

HB 1, introduced by Callahan, referred to Appropriations.

HB 2, introduced by Ripley, referred to Appropriations.

HB 3, introduced by Ripley, referred to Appropriations.

HB 4, introduced by Sinrud, referred to Appropriations.

SPECIAL ORDERS OF THE DAY

HB 3, introduced by Ripley, the following sponsor was added:
Rep. Hawk

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

Speaker Sales announced the House would stand in recess until 9:30 a.m. The House recessed at 8:15 a.m.

The House reconvened at 10:55 p.m. Speaker Sales announced the House would recess until 12:30 p.m.

The House reconvened at 12:30 p.m. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Sinrud, Chairman):

9/5/2007

HB 1, introduced bill, be amended as follows:

1. Title, line 5 through line 7.

Following: "ACT" on line 5

Strike: remainder of line 5 through "INCREASING" on line 7

Insert: "PROVIDING RECOVERY FUNDS FOR"

2. Title, line 8.

Following: "DISASTERS;"

Insert: "PROVIDING FOR A STUDY OF STATE FIRE SUPPRESSION METHODS AND COSTS; REQUIRING A REPORT ON IMPLEMENTING AUDIT RECOMMENDATIONS;"

3. Title, lines 9 and 10.

Following: "ACTIVITIES;" on line 9

Strike: remainder of line 9 through "MCA" on line 10

Insert: "PROVIDING AN APPROPRIATION FOR THE FIRE SUPPRESSION STUDY"

4. Page 1, line 14 through page 3, line 6.

Strike: sections 1 through 3 in their entirety

Renumber: subsequent sections

5. Page 3, line 7.

Insert: "NEW SECTION. Section 1. Fire suppression committee -- study. (1) There is a fire suppression committee established to conduct a comprehensive fire suppression study.

(2) The committee consists of six senators appointed by the committee on committees and six representatives appointed by the speaker of the house. Three senators and three representatives must be members of the majority party, and three senators and three representatives must be members of the minority party.

(3) The legislative services division shall provide staff assistance to the committee, and the

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

committee may receive staff assistance from the legislative fiscal division and the legislative audit division. The committee shall conduct meetings in Miles City, Libby, Thompson Falls, Lewistown, and Hamilton.

(4) The study must include:

(a) an investigation of firefighting operations in Montana, including operations on tribal land and private land, by the state and federal governments and the management policies affecting the success of those operations;

(b) an investigation of the efficient use of fire suppression resources, including equipment and firefighters;

(c) an investigation of impacts of operations on private land and on the effective use of private resources to fight fires; and

(d) an investigation of state and federal forest management policies and how those policies may contribute to an increased number of wildfires, greater safety risk to firefighters, or compromised effectiveness of fire suppression efforts.

(5) The fire suppression committee shall complete the study by September 15, 2008, and report to the 61st legislature on its findings and recommendations, including any recommendations for legislation."

Insert: "NEW SECTION. Section 2. Report on implementing audit recommendations. The department of natural resources and conservation shall prepare a report to the governor and the 61st legislature on its progress in implementing the 27 recommendations of the legislative audit division contained in the December 2004 performance audit entitled "Wildland Fire Administration."

Renumber: subsequent sections

6. Page 3, line 8.

Strike: "The following amounts are appropriated"

Insert: "There is appropriated \$39 million"

7. Page 3, line 9.

Following: the second "for"

Insert: "wildfire"

8. Page 3, line 10.

Strike: ":"

9. Page 3, lines 11 and 12.

Strike: lines 11 and 12 in their entirety

Insert: "."

10. Page 3, line 14.

Following: the second "for"

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

Insert: "wildfire"

11. Page 3.

Following: line 17

Insert: "(4) The amounts appropriated in [this act] may not be used to purchase or lease capital assets on a long-term basis."

12. Page 3, line 18.

Insert: "NEW SECTION. **Section 4. Appropriation.** There is appropriated from the state general fund to the legislative services division \$200,000 for the purpose of conducting the study provided for in [section 1]."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 3, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Strike: "THE FEDERAL GOVERNMENT"

Insert: "PRIVATE PARTIES"

2. Title, page 1, line 8.

Strike: "SECTIONS 10-3-203, 10-3-312, AND"

Insert: "SECTION"

3. Title, line 9.

Strike: "AN IMMEDIATE DATE"

Insert: "EFFECTIVE DATES"

4. Page 1, line 14.

Strike: "federal"

Insert: "state"

5. Page 1, lines 15 through 17.

Strike: "Money" line 15 through "million, the" on line 17

Insert: "The"

6. Page 1, line 18.

Strike: "\$25"

Insert: "\$40"

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

7. Page 1.

Following: line 19

Insert: "(3) Funds received for restitution by private parties must be deposited in the account."

Renumber: subsequent subsections

8. Page 1, line 21.

Following: "(4)"

Strike: "The"

Insert: "Beginning July 1, 2008, the"

9. Page 1.

Following: line 22

Insert: "(6) Interest earned on the balance of the account is retained in the account."

10. Page 1, line 24 through page 2, line 21.

Strike: section 2 through section 3 in their entirety

Renumber: subsequent sections

11. Page 3, line 29.

Strike: "\$25"

Insert: "\$40"

12. Page 4, line 5.

Following: "Effective date."

Strike: "[This"

Insert: "(1) Except as provided in subsection (2), [this"

13. Page 4.

Following: line 5

Insert: "(2) [Section 2] is effective July 1, 2008."

And, as amended, do pass. Report adopted.

HB 4, introduced bill, be amended as follows:

1. Page 1, line 12.

Strike: "\$53,132"

Insert: "\$41,570"

2. Page 1, line 13.

Strike: "100,074"

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

Insert: "78,842"

3. Page 1, line 14.

Strike: "14,474"

Insert: "11,907"

And, as amended, do pass. Report adopted.

REPORTS OF STANDING COMMITTEES

BILLS (Jones, Chairman):
Correctly engrossed: **HB 3, HB 4.**

9/5/2007

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

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

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

HB 4 - Representative Sinrud moved **HB 4** do pass. Motion carried as follows:

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

Total 92

Noes: Butcher, Heinert, Jore, Kerns, Koopman, Wiseman, Witte.

Total 7

Voted Absentee: Jayne, Aye.

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

Excused: McNutt.

Total 1

Absent or not voting: None.

Total 0

HB 3 - Representative Hawk moved **HB 3** do pass. Motion carried as follows:

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

Total 97

Noes: Glaser, Jore, Koopman.

Total 3

Voted Absentee: Jayne, McNutt, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

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

Total 93

Noes: Jore, Koopman.

Total 2

Excused: Jayne, McNutt.

Total 2

Absent or not voting: Jacobson, Stahl, Witte.

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:

HB 4 passed as follows:

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

Total 92

Noes: Butcher, Heinert, Jore, Kerns, Koopman, Witte.

Total 6

Excused: None.

Total 0

Absent or not voting: L. Jones, Lange.

Total 2

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

HB 3 passed as follows:

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

Total 97

Noes: Glaser, Jore, Koopman.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

9/5/2007

SB 1, introduced by Wanzenried

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to Judiciary.

SB 1, introduced by Wanzenried

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Speaker Sales announced the House would stand in recess until 1:30 p.m. The House recessed at

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

1:00 p.m.

The House reconvened at 2:00 p.m. Mr. Speaker in the Chair.

REPORTS OF STANDING COMMITTEES

BILLS (Jones, Chairman):
Correctly engrossed: **HB 1**.

9/5/2007

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

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

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

HB 1 - Representative Callahan moved **HB 1** do pass.

HB 1 - Representative Callahan moved **HB 1**, second reading copy, be amended. Motion **failed** as follows:

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

Total 48

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

Total 52

Excused: None.

Total 0

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

Absent or not voting: None.

Total 0

HB 1 - Representative Callahan moved **HB 1** do pass. Motion carried as follows:

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

Total 98

Noes: Everett, Jore.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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

Total 95

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

Noes: Jore.
Total 1

Excused: Jayne, McNutt.
Total 2

Absent or not voting: Mendenhall, Wiseman.
Total 2

THIRD READING OF BILLS

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

HB 1 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Bolstad, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Koopman, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.
Total 98

Noes: Everett, Jore.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Jore moved the House adjourn Sine Die. Speaker Sales ruled the motion out of order.

Majority Leader Himmelberger moved the House stand in recess until 3:30 p.m.

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

The House reconvened at 3:35 p.m. Speaker Sales announced the House would stand in recess awaiting Senate action.

The House reconvened at 5:50 p.m.

MESSAGES FROM THE SENATE

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

9/5/2007

HB 3, introduced by Ripley

House bills concurred in and returned to the House:

9/5/2007

HB 1, introduced by Callahan

HB 4, introduced by Sinrud

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

HB 3 - Representative Hawk moved **HB 3 Senate Amendments** +do **not** pass. Motion **failed** as follows:

Ayes: Beck, Blasdel, Butcher, Everett, Hawk, Hendrick, Hilbert, Jones W, Kerns, Lake, Lange, MacLaren,

Mendenhall, Milburn, Nooney, Olson, Ripley, Ross, Stahl, Stoker, Wells, Windy Boy, Witte

Total 23

Noes: Ankney, Arntzen, Augare, Barrett, Becker, Bergren, Bixby, Boggio, Bolstad, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Heinert, Henry, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, *Jayne, Jones L, Jopek, Jore, Kasten, Keane, Klock, Koopman, Kottel, Lambert, Malcolm, McAlpin, McChesney, McGillvray, *McNutt, Morgan, Musgrove, Noonan, O'Hara, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, *Rice, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Excused: None.

Total 0

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

Absent or not voting: None.
Total 0

Committee of the Whole report adopted on voice vote.

THIRD READING OF BILLS

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

HB 3 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Bolstad, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Kasten, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Sinrud, Small-Eastman, Sonju, Stoker, Taylor, Thomas, Van Dyk, Villa, Vincent, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.
Total 92

Noes: Everett, Jore, Koopman, Stahl, Wells, Witte.
Total 6

Excused: Jayne.
Total 1

Absent or not voting: Parker.
Total 1

REPORTS OF STANDING COMMITTEES

BILLS (Jones, Chairman): 9/5/2007
Correctly enrolled: **HB 1, HB 3, HB 4.**

Representative Olson moved to adjourn Sine Die. House adjourned at 6:15 p.m.

MARILYN MILLER

SCOTT SALES

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - SEPTEMBER 5, 2007

Chief Clerk of the House

Speaker of the House